

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #18 APPROVED MINUTES

Approved on November 16, 2022

DATE: November 2, 2022
TIME: 2:00 - 4:00 PM
LOCATION: Board of Supervisors Chambers, 2nd Floor
5100 Bullion Street, Mariposa CA

1. Call to Order and Welcome at 2:03 p.m. by Chair Woblesky.

CCAC Members Present: Lydia Clary, Eileen Collins, Gabe Edwards, Robert Fox, Colleen Rhodes and Karen Woblesky.

CCAC Members Excused: Nancy Kemp and Karen Smith

County Staff Present: Sarah Williams (Planning)

Public Members Present: Al Golub, Madison Kirkpatrick (*Mariposa Gazette*) and Ken Melton

2. Approve Minutes of CCAC Meeting #16, 10/5/2022

Item continued to next meeting. No quorum of attending members to approve.

3. Approve Minutes of CCAC Meeting #17, 10/19/2022

Item continued to next meeting. No quorum of attending members to approve.

4. Discussion/Possible Recommendation to the Board of Supervisors re: Draft Memo to the Board of Supervisors, CCAC Status Update; Request for Input

Woblesky introduced item.

Williams mentioned that there will be only three Board members present at the November 22nd meeting, so the item should be scheduled for December 6th. That way all three of the Board members who will be sitting on the dais as of January 2023 will be able to weigh in on the memorandum.

Rhodes stated this is essentially an early annual report, as was required by the Board's Committee guidelines.

Edwards said he believes the Board is paying attention to the work of the committee.

Fox recommended that the memorandum be shortened; consider using bullet points and an executive summary.

Collins agreed that memo should be shortened.

Clary felt that the memo looks good – it tells the story.

Edwards agreed that an executive summary should be provided. He said he needs more time to digest the draft.

Woblesky said the story also needs to be told to the community

Collins felt that we should be asking for the Board input on the CCAC's priorities.

Rhodes talked about Board action in 2020. She feels that they really want public input. She thinks we need to have good reasons for recommendations, and present those to the Board. The prior District II Supervisor was frustrated that resolving violations couldn't get done...but it is more complicated than that.

Edwards said we don't need to get feedback from the Board of Supervisors. Rather, we need to get input from the community. He talked about County Counsel's letter on tiny homes. Maybe the CCAC should've presented this item in different way to get a different response. He talked about jury nullification...communities have nullified certain codes in their communities. This is a tool in our toolbox that we can use. But need partnership of County Counsel. Need to find portions of code that don't work. Need to come back to constituents who we represent. Board doesn't need to agree with our recommendations.

Woblesky said they've told us what they want us to do. Doesn't hurt to ask them for their input.

Rhodes discussed marijuana provisions – she didn't believe the Board expressly said this wasn't part of the CCAC's responsibilities.

Williams stated her understanding – the Board was concerned about the seriousness of impacts related to marijuana and wanted to address right away.

Rhodes stated that removing marijuana from CCAC's purview makes the job more difficult.

Edwards said that legal grows are within their purview, but illegal grows shouldn't be. Some issues they work on may be outside of their mandate, but that is okay.

Woblesky said she feels the public wants the CCAC to have their eyeballs on any issues related to code compliance. If marijuana items goes forward and CCAC doesn't have opportunity to review it, then there is potential for misinformation and discontent on the part of the public.

Melton said he's attended all meetings but one. Biggest problem he sees is lack of focus. There are great ideas discussed by the CCAC, but no focus. Staff put together a list of problems / violations. The CCAC has talked about marijuana and RVs and junk and building permits...pick one and study it. One building permit violation is a woodshed that is more than 120 square feet and the other building permit violation is a bedroom addition...there's a big difference between the types and seriousness of these violations.

Woblesky talked about the amnesty program. She said someone had mentioned the need for another name for this...could be fast track to compliance or county certified program or county verified program.

Clary said amnesty is commonly used word.

Rhodes talked about the difference between fines and fees. Fines are penalties. Fees are payment for services rendered. Administrative fines are not necessarily bad, just need good communication with the public.

Williams, when asked, described the Board's direction at the marijuana roundtable. The idea is to establish separate code chapter to address just marijuana and that could include administrative citations.

Edwards is opposed to any fines being applied universally to violations. Optics to try to pass administrative fines by code compliance must be addressed. Is there really an issue that needs to be addressed by fines? List has dropped quickly once the CCAC convened. Started in 500s and then dropped to 400s and now is in the 300s. Communication is number one problem. Code compliance has done a failure of a job communicating with the public. Not a C or a D but failure. Yes this is strong language. All it boils down to meeting people where they're at. We need to figure out a way to communicate with people. Figure out what is broken here and try to fix it. Appointment of a PIO is one step toward messaging. He talks with lots of people and in every single case, universally, no one knows what the code is. There is no greater cause for CCAC than improving communications. Code Compliance said they needed teeth and couldn't get violations resolved...but lots of cases have been resolved by communications which have occurred since committee was established.

Woblesky said all comments were about lack of communication and lack of written process that isn't personal. Process is inconsistent.

Melton talked about reference to tiny homes. Should be removed from the list. Will be addressed based on Board's direction.

Woblesky asked about the CCAC's preference for moving forward with the memo to make the December 6th meeting or wait until January. Consensus was to wait until January so more information can be provided about amnesty program. Very important to make sure this document provides good communication. Can still move forward with other recommendations before this goes to Board.

Edwards wants to see the training manual for code compliance. What are new staff provided? How many categories are there in code compliance? Environmental issue or building code issue or abandoned junk issue? There should be uniform complaint process. Maybe CCAC can de-identify some of the cases. Like not getting a final on permit – how many of the cleared cases were just that? Just a broken process. That is what he does - evaluate business processes. Need better understanding of how the cases are coming in and how they are getting chopped up. And why are some of the cases still on the list? Why are these cases stuck?

5. Action to Elect CCAC Vice-Chair and Secretary

Motion by Rhodes to approve Rhodes as CCAC Secretary.

Second by Edward.

Motion passed. 6 ayes.

Motion by Clary to approve Edwards as CCAC Vice-Chair.

Second by Rhodes.

Motion passed. 6 ayes.

6. Discussion/Possible Action re: CCAC Updates, including:

Williams provided some update including the following:

Muir Lodge - Status is described in an email in the meeting packet. Discussion followed about how long it's taken to get progress and why progress is now being made.

Recruitment Strategies, Current and Future Vacancies - A memorandum to the CCAC is included in the meeting packet, which provides alternatives to addressing current and future vacancies. There is currently one vacancy, and it has been advertised as being open until three applications are received. She reviewed the options in the memorandum.

Woblesky identified another option to contact those who applied over a year ago, to see if there is any interest on their part. She felt it was important to try to get a wide net of applicants.

Woblesky asked if staff could send out an email to those who previously applied.

Melton commented that the process was changed from last vacancy. Last time it was a two-week application period and then done. Go forward from this date.

Marijuana Roundtable - The agenda for the Marijuana Roundtable is included in the meeting packet. The Board expressed a strong interest in enhancing the process and efforts to eliminate

illegal grows in Mariposa County. The Board wants to pursue code amendments to give staff more enforcement “teeth” (enhance the civil process). The Board would like staff to bring back a plan prior to the end of the calendar year, for how the County can move forward quickly (steps to pursue, timeline and resources needed).

Rhodes asked if there had been any evaluation done to determine why more public didn’t attend the round table. County spent a lot on the consultant...spent a lot of time on effort.

Edwards has full time staff at Chamber. They make big effort for all events...repeat-repeat-repeat...post banners downtown...post on FB daily...Instagram and other social media messaging. Still people don’t know about events!

Code Compliance Log - Code Compliance Log status will be provided at the next meeting.

Status of Mariposa County Uniform Guidelines (Establishing a New Policy Specifying Guidelines, Procedures, and Standing Rules for County Advisory Boards, Commissions, and Committees) – Item is tentatively scheduled for next Tuesday’s Board of Supervisors’ meeting, 11/8.

Other - County appointed a PIO and announced at Tuesday’s Board meeting. New PIO is Lizz Darcy.

Board’s Fee Waiver Resolution for Oak Fire Victims.

Amendments to 18.05 will be on Board’s agenda Tuesday, 11/8. She described two additional amendments.

7. Discussion/Possible Action re: Future CCAC Agenda Items. Next CCAC Meeting is scheduled for November 16, 2022. (Meeting #19)

Memo on CCAC Priorities

Education

Internal Processes for Compliance

Chapter 17 and 15 for Compliance processes

Training manual or procedures for Compliance

Updated log for Compliance

List of categories for Compliance Log

Invite PIO Lizz Darcy to meeting

Amend December meeting schedule – consider one meeting instead of two

Set meeting schedule for 2023

8. Persons wishing to speak on a matter not on the agenda, but within the jurisdiction of the committee. No action will be taken by the CCAC.

None

9. Adjourn at 4:04 P.M.

CCAC Meeting #18 APPROVED Minutes; 11/2/22

Motion by Edward to adjourn.

Second by Collins.

Motion passed. 6 ayes

Sarah Williams

To: CCAC File
Subject: FW: ARPA Money for Code Compliance

From: Dallin Kimble <dkimble@mariposacounty.org>
Sent: Tuesday, September 27, 2022 2:32 PM
To: Sarah Williams <swilliams@mariposacounty.org>; Leigh Westerlund <lwesterlund@mariposacounty.org>
Subject: RE: ARPA Money for Code Compliance

The ARPA funds are in their own fund and budget. We can charge directly to the fund as we incur expenses.

While allocations approved in the budget don't typically require further board approval, in this case the funds are for a program that does not yet exist (pilot code enforcement incentives program) and that program requires board approval before we can roll it out. CCAC may recommend that we have such a program; the Board would look to planning staff to create and manage it. Any allocations are for the planning department and not for CCAC.

It is the same for solid waste. The CCAC can suggest certain programs that would be beneficial from a code enforcement perspective, but the Board would look to public works to create and manage any desired programs and the associated funds. This allocation is in the ARPA fund for public works use.

Hope that helps,
Dallin



Dallin Kimble
County Administrative Officer
Phone: (209) 966-3222
www.mariposacounty.org

From: Sarah Williams <swilliams@mariposacounty.org>
Sent: Tuesday, September 27, 2022 11:21 AM
To: Dallin Kimble <dkimble@mariposacounty.org>; Leigh Westerlund <lwesterlund@mariposacounty.org>
Subject: RE: ARPA Money for Code Compliance

Thanks Dallin,

Just need to clarify....

For the \$300K for pilot code compliance incentives and programs, is that \$ in Admin's budget? Would the CCAC need to make recommendations to BOS for using those dollars...and if approved, work through your budget?

For the additional \$300K for solid waste, is that is DPW budget? Assuming the CCAC would need to make recommendations to BOS for using those dollars...and if approved, work through Shannon's budget?

Or other?

Sarah

SARAH WILLIAMS

Director | Executive Officer

MARIPOSA PLANNING
MARIPOSA LAFCo

swilliams@mariposacounty.org | 209 966 5151 | 209 742 1215
5100 Bullion Street, Mariposa, CA 95338
P.O. Box 2039, Mariposa, CA 95338

From: Dallin Kimble <dkimble@mariposacounty.org>

Sent: Tuesday, September 27, 2022 9:22 AM

To: Leigh Westerlund <lwesterlund@mariposacounty.org>; Sarah Williams <swilliams@mariposacounty.org>

Subject: RE: ARPA Money for Code Compliance

Good morning, Sarah:

Technically, there is no money for the CCAC specifically. All ARPA funds are allocated to county departments for use on specific projects.

As we discussed previously, there was \$300,000 allocated for pilot code compliance incentives and programs. An additional \$300,000 was allocated to solid waste for their use and projects, including things like bulk pickup assistance or free landfill days.

Thanks,
Dallin



Dallin Kimble

County Administrative Officer

Phone: (209) 966-3222

www.mariposacounty.org

From: Sarah Williams <swilliams@mariposacounty.org>

Sent: Wednesday, September 21, 2022 3:30 PM

To: Dallin Kimble <dkimble@mariposacounty.org>; Leigh Westerlund <lwesterlund@mariposacounty.org>

Subject: ARPA Money for Code Compliance

Could you please confirm:

1. How much money was allocated to the CCAC for their compliance program?
2. When is this money available?

Thanks,

Sarah

SARAH WILLIAMS

Director | Executive Officer

MARIPOSA PLANNING
MARIPOSA LAFCo

swilliams@mariposacounty.org | 209 966 5151 | 209 742 1215
5100 Bullion Street, Mariposa, CA 95338
P.O. Box 2039, Mariposa, CA 95338

From: [Dallin Kimble](#)
To: [Department Heads](#)
Cc: [Elizabeth Darcy](#)
Subject: Introducing Public Information Officer Lizz Darcy
Date: Tuesday, November 1, 2022 9:25:31 AM

Good morning, Everyone:

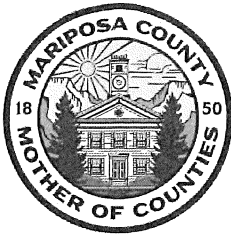
It is my pleasure to share with you this morning that Lizz Darcy will be joining the administration team as the County's public information officer. As you know, Lizz has done a fantastic job with public information at HHSA, gracefully navigated disaster communications through the pandemic and recent Oak Fire, and recently developed a countywide communication strategy in collaboration with your teams. Pursuant to that strategy, which we hope to finalize soon, Lizz will be available to serve all County departments in our collective effort to engage the community, be as transparent as possible, and share with the public all of the great things we are doing.

Today is Lizz's first day in administration. Please feel free to reach out with your welcome and congratulations as she gets settled.

My best,
Dallin

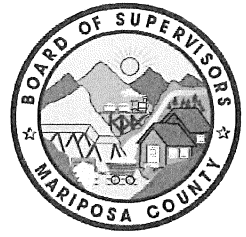


Dallin Kimble
County Administrative Officer
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MARIPOSA COUNTY

Planning • 209-966-5151



RESOLUTION - ACTION REQUESTED 2022-594

MEETING: October 11, 2022

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

MINUTE ORDER ATTACHED

RE: Waiver of Owner Payment for Certain Permits

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Waiving Owner Payment for Certain Permits Needed to Rebuild and Reoccupy Properties Impacted by the Oak Fire.

The Board of Supervisors gave direction to staff to prepare this resolution at their meeting on September 27, 2022. The waivers will be available to property owners whose homeowners' insurance does not cover permit fees and to property owners who had no insurance. The waiver will be available for a period of eighteen (18) months from the date of the resolution.

On July 22, 2022, the Oak Fire started in Midpines. The Oak Fire destroyed over 200 structures, 127 of which were residential dwelling units. The Board is interested in helping Oak Fire victims to get back to their properties. Waiving owner payment for certain permits needed to rebuild and reoccupy their properties provides fiscal assistance to victims and encourages rebuilding and reoccupation of properties in the burn scar.

This resolution addresses the following permit types:

Blue tag (electrical) - Permit fee \$410

New well or well repair - Permit fee \$364

Septic system repair - Permit fee \$269 to \$690

Temporary housing (RV) (pursuant to County Code Chapter 18.05) - Permit fee \$410

Because the Building Department is an enterprise fund, the Mariposa County Building Department-portion of the costs for these permits will be paid for by the Mariposa County Health and Human Services Agency.

The resolution is written to provide the Board with two options, only one of which may be included in the adopted resolution:

Option one: Owner payment waiver only eligible for properties on which residential development was permitted or legally established

Option two: Owner payment waiver eligible for all properties in burn scar area, regardless of whether or not the residential development was permitted or legally

established (evidence of the existence of residential development would need to be provided)

BACKGROUND AND HISTORY:

The Board has taken many actions regarding the Oak Fire, including but not limited to ratifying the Local Emergency proclaimed by the Director of Emergency Services and ratifying the Local Health Emergency declared by the County Health Officer. Relative to Debris Removal, the Board adopted Interim Urgency Ordinances 1178 and 1179 for the State Consolidated Program and the Private Option.

On September 27, 2022, the Board directed staff to prepare a resolution for Oak Fire fee waivers.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives -

1. Determine if Option One or Option Two is preferable (relative to property owner eligibility for fee waiver)
2. Amend text in proposed resolution

Negative Action -

Do not adopt resolution waiving property owner payment of certain fees. All permit fees necessary for rebuilding would need to be paid for by the property owner or applicant.

FINANCIAL IMPACT:

Precise impact cannot be determined; costs will vary based on number of properties covered by insurance, number of properties whose power and sewer and water infrastructure was impacted, number of owners who plan to occupy temporary replacement housing, whether or not unpermitted improvements will be eligible for a waiver, and number of owners who plan to rebuild.

ATTACHMENTS:

**221011 Draft BOS Resolution Waiving Owner Payment of Certain Fees
(DOCX)**

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Wayne Forsythe, District IV Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Rosemarie Smallcombe, Marshall Long, Wayne Forsythe, Miles Menetrey



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

ROSEMARIE SMALLCOMBE, CHAIR
MILES MENETREY, VICE-CHAIR
VACANT
MARSHALL LONG
WAYNE FORSYTHE

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

TO: SARAH WILLIAMS/Planning Department
FROM: DANIELLE BONDSHU/ Clerk of the Board
SUBJECT: Waiver of Owner Payment for Certain Permits
RESOLUTION: 2022-594

The following action was taken by the Mariposa County Board of Supervisors on **October 11th, 2022:**

I.3 Planning RES-2022-594

Adopt a Resolution Waiving Owner Payment for Certain Permits Needed to Rebuild and Reoccupy Properties Impacted by the Oak Fire.

Sarah Williams/Planning Director gave the staff report noting this was directed to be brought. Ms. Williams also noted this resolution only applies to the Oak Fire, this would be effective immediately. She also noted there are two options the Board needs to choose from.

Public comment was received by Karen Smith, Adam McClain, and Tammi Richards whom all encouraged the Board to vote to waive fees for all properties regardless of legality.

Board discussion ensued.

ACTION: Chose "Option Two: owner payment waiver eligible for properties in the burn scar area, regardless of whether or not the residential development was permitted or legally established (evidence of the existence of residential development would need to be provided)" and made retroactive to August 1st, 2022 and extended the waiver period for 24 months.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Wayne Forsythe, District IV Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Long, Forsythe, Menetrey

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution

No 2022-594

**A Resolution Waiving Owner Payment for Certain Permits Needed to
Rebuild and Reoccupy Properties Impacted by the Oak Fire**

WHEREAS, on the 22nd day of July 2022, at approximately 2:00 p.m., a fire broke out at 4966 Carstens Road in Midpines, approximately five (5) miles east of the town of Mariposa; and

WHEREAS, the Oak Fire rapidly expanded toward the south/southeast, toward Triangle Road, Darrah Road, Silva Road, Lushmeadows, Jerseydale, Bootjack and Ponderosa Basin; and

WHEREAS, over 200 structures were ultimately destroyed by the Oak Fire, with 127 of those being residential dwelling units; and

WHEREAS, on the 23rd day of July 2022, the Director of Emergency Services of the County of Mariposa, State of California proclaimed the existence of a Local Emergency due to the Oak Fire; and

WHEREAS, on the 26th day of July 2022, the Board of Supervisors ratified the Director of Emergency Services' proclamation of the existence of a Local Emergency due to the Oak Fire; and

WHEREAS, on the 22nd day of July 2022, the County Health Officer declared a Local Health Emergency due to the Oak Fire; and

WHEREAS, on the 26th day of July 2022, the Board of Supervisors ratified the County Health Officer's declaration of a Local Health Emergency due to the Oak Fire; and

WHEREAS, on the 23rd day of July 2022, pursuant to Government Code section 8625, California Governor Newsom declared a State of Emergency in the County of Mariposa, due to the Oak Fire; and

WHEREAS, the Board of Supervisors desires to provide fiscal assistance to Oak Fire victims to encourage rebuilding and reoccupation of properties in the burn scar area; and

WHEREAS, the Board of Supervisors has the authority to waiver owner payment of permit fees for property owners in the Oak Fire burn scar area.

NOW BE IT THEREFORE RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California as follows:

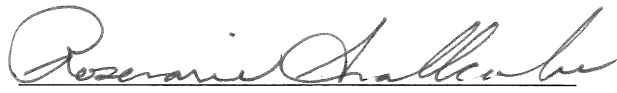
1. The Board does hereby approve the establishment of a list of property owners in the Oak Fire burn scar area whose residences, outbuildings, power poles, wells and/or septic disposal systems were destroyed or damaged by the Oak Fire.

2. The Board does hereby waive property owner payment of permit fees for the following types of permits for the property owners on the list established pursuant to item 1 above:
 - a. Blue tag (electrical) – permit fee \$410
 - b. New well or well repair – permit fee \$364
 - c. Septic system repair – permit fee \$269 to \$690
 - d. Temporary housing (RV) pursuant to County Code Chapter 18.05 – permit fee \$410
3. The Building Department portion of the costs of the permits identified in item 2 above will be paid for by the Mariposa County Health and Human Services Agency.
4. The property owner fee waiver will be available to property owners whose homeowners' insurance does not cover permit fees, as well as to property owners who had no insurance. The property owner will be responsible for providing objective documentation to the Building Department regarding this requirement.
5. The property owner fee waiver will be available to all properties in the Oak Fire burn scar area, regardless of whether or not the residential development was permitted or legally established. The property owner will be responsible for providing objective documentation to the Building Department regarding the existence of residential development on a property, in order to be eligible for the fee waivers. The Building Director or designee will be the authority for determining the adequacy of the documentation provided by a property owner.

BE IT FURTHER RESOLVED THAT, this resolution shall be effective for a period of twenty-four (24) months starting on the 1st day of August 2022. Once the resolution is no longer effective, property owners will need to pay all permit fees.

ON MOTION BY Supervisor Forsythe, seconded by Supervisor Long, this resolution is duly passed and adopted this 11th day of October 2022 by the following vote:

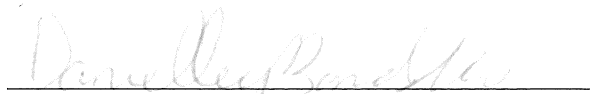
AYES: SMALLCOMBE, LONG, FORSYTHE, MENETREY
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

Attest:

Approved as to Form:



Danielle Bondshu
Clerk of the Board of Supervisors



Steven W. Dahlem
County Counsel