

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #10 FINAL MINUTES

Approved 7/6/2022

DATE: June 15, 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 2:06 PM. by Chair Woblesky. Woblesky introduced the newest CCAC member Robert Fox, who was recently appointed to the CCAC by the Board of Supervisors.

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

CCAC Member Excused: Karen Smith

Staff Present: Deb Willis, Corrina Miranda, Jose Mijares and Sarah Williams

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

2. Action: A resolution of the Code Compliance Advisory Committee proclaiming a local emergency, ratifying the proclamation of a state of emergency by the Governor of the State of California on March 4, 2020 regarding an outbreak of respiratory illness due to a novel coronavirus (a disease now known as Covid-19), and authorizing remote teleconference meetings of the legislative bodies of the Code Compliance Advisory Committee for a 30-day period as specified pursuant to Brown Act provisions. (Previous resolution ends on May 20, 2022)

Motion by Edwards to adopt the resolution as presented.

Second by Rhodes.

Motion passed. 8 ayes.

3. Approve Amended Minutes of CCAC Meeting #8 5/4/2022

Motion by Collins to approve the amended draft minutes as presented.

Second by Rhodes.

Motion passed. 7 ayes. 1 abstained (Fox).

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4. Approve Minutes of CCAC Meeting #9 5/18/2022

Motion by Edwards to adopt the draft minutes as presented.

Second by Collins.

Motion passed. 7 ayes. 1 abstained (Fox).

5. Discussion/Possible Action re: Various Updates and Status Reports by County Staff

- a. What date is the ARPA funds allocation discussion being scheduled for the Board of Supervisors review? When is public input being scheduled re: the CCAC Memo, "Support of Mariposa County Staff's Recommendation to Request from the Board of Supervisors an Allocation of ARPA (The American Rescue Plan Act of 2021) Funds Towards Code Compliance Activities and Related Incentive Programs?"

Williams advised the item is scheduled for Board review as part of the budget discussion at 2 p.m. on June 21, 2022.

- b. Vehicle Abatement Program

Miranda said this is a state program, which needs the Sheriff's involvement and support to pursue.

- c. Status of the two egregious code violations that were sent to the District Attorney's Office

Miranda stated one case is closed. The other case is scheduled for trial next week.

- d. Muir Lodge Update

Miranda stated that the contractor finished the first phase of the lead and asbestos abatement. Follow up soil samples showed additional lead and asbestos abatement work is needed. She stated they will be starting demolition of the pool soon.

- e. Quiet Title Actions

Miranda said staff met with County Counsel's Office and the issue is in process.

- f. Update on Reviewing Code Compliance Cases

Miranda advised that 134 cases have been closed in the last 12 months. Marijuana cases have been closed fairly quickly with the new protocol. She said that the number of closed cases also reflects property owners who want vacation rental permits and have incentive to comply. The County doesn't issue vacation rental permits to a property on which there is a code violation.

- g. Partnering with Mariposa County Real Estate Agencies

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Miranda said she is scheduling a presentation to the Board, which will contain a sample of her proposed full day education for the real estate community and contractors on how to work with the County and obtain information about parcels, including violation status. She will ask for the Board's endorsement. The endorsement will enable the course participants to receive 8 hours of continuing education credit from the Department of Real Estate (DRE) (for real estate community participants). Other departments involved in development services have agreed to participate in the program.

h. Upcoming Public Round Table re: Marijuana

Williams provided summary information about the staff workshop that was conducted. When a public meeting is scheduled, she will provide information to the CCAC.

i. Clarification re: Private Speech and CCAC Speech as discussed at CCAC #9 Meeting on May 18, 2022

Williams summarized information from the memorandum included in the meeting packet. Rhodes provided input.

j. Status of General Mariposa County Advisory Boards/Committees Revised/Updated Guidelines

Williams stated the item is scheduled for the Board of Supervisor's meeting on Tuesday, July 28, 2022.

k. Process for CCAC members updating the County of Mariposa CCAC web page and/or process for CCAC members creating/updating a CCAC website developed for information and public outreach - ties into Agenda Item #10

This item wasn't discussed.

6. Presentation/Discussion/Possible Action re: Research Conducted on City of Rialto's Amnesty Program by CCAC Member Eileen Collins

Collins provided information from her research. She reviewed the written information she provided in the agenda packet. She also reviewed a June 15, 2022 memorandum she'd provided to CCAC members at the beginning of the meeting (memorandum is attached to these minutes).

7. Presentation/Discussion/Possible Action re: Background on County Notices by Corrina Miranda

Miranda provided the presentation she'd included in the meeting packet and answered questions.

8. Presentation/Discussion/Possible Action re: County Notices, Impacts, and Recommended Structural Changes by CCAC Member Lydia Clary

Item was rescheduled until after agenda item 9.

9. Correspondence: Discussion/Possible Action: Rick Lobaugh: Email re: Different Types of Notice, Lien Priorities, and Lien Enforcement; Barbara Cone: Email thread, excluding Attachment (6/5/22 to 6/9/22) re: Clarification of County Notices of Existence of Non-Complying Structures vs. Notice of Non-Compliance

Edwards talked about his experience buying property. He asked about how a buyer gets information about title and county records.

Miranda described the “Request for Property Characteristics” form from the Assessor’s Office. This service is free. Any development which occurred prior to 1977 is grandfathered in as there was no Building Department prior to this year. The Building Department has a process for “Requests for Permit Research”. This service is \$6.

The County wants to provide an educational program to provide this information. This will be scheduled for Board review and support in near future. Intent is to video the presentation and make it available for reviewing later.

Information provided from Rhodes about a property on which there was construction in 1978 without permits. According to Rhodes, the property owner was threatened by staff member that his case would be turned over to code compliance and he would be fined.

Information provided by Cone about the timeline for filing notices. 11 months was an unusual amount of time for not filing. This occurred when the county was processing the prior code amendments, which included the ability to fine. Williams provided inaccurate information to the Board.

8. Presentation/Discussion/Possible Action re: County Notices, Impacts, and Recommended Structural Changes by CCAC Member Lydia Clary

Clary stated Collins’ research shows the process that most other jurisdictions follow. She would add an additional step – a notice and order, to let people know what the county is requiring, as item number 3. Notices need to include the ability to appeal. The process for appeals of Planning and Building determinations are different. County requires payment of fee to file an appeal; the building appeal fee seems excessive. She recommends reviewing appeal fees. Appellants should at least have ability to get some of the appeal fees back. Clary said there isn’t much work on Building Official’s perspective to process appeal – the work has already been done by preparing the Notice of Violation. She said a Notice of Pendency is tough. She is glad staff try to work with property owners prior to filing.

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Clary read from current code, Title 15; filing a Notice of Non-Compliance is mandatory. She has problems with that mandate.

Clary said that, relative to the abatement warrant, Mariposa County isn't Riverside County. We likely don't have a lot of money in an abatement fund. And Building has to survive on its own fees, because it is an enterprise fund. Enterprise funds can't be used for any other purpose than Building services. Contractors pay for services...those funds shouldn't be used for abatement. So where is abatement money going to come from?

Clary stated that, relative to the list of notices, it would help to be able to see the violation details (what is the violation).

Clary continued stating that many of the older cases simply don't have finals. She recommended that all other agency sign-offs should be completed prior to the inspector conducting the building final inspection. That would solve this issue.

Clary said the county could consider departmental discussions to be scheduled on a regular basis to review requests for inspection...once per week. That way, all the pressure would not be on Corrina. Could have the group assist with a determination of level of importance of violation...to assist in determining need for / timing of response. The group structure works; can have property owners attend these meetings as well.

Collins said her takeaways from her conversations include the following:

- a. They are big on due process
- b. There should be an abatement fund established

Cone discussed current legislation underway now about Building fees. She also emphasized the importance of a multi-member appeals body.

Melton provided history lesson on appeals. Shouldn't have fees which discourage appeals, except maybe for appeal by third party. Citizens have right to appeal to elected officials.

Chair suggested we start putting together Clary's ideas and Collin's ideas for recommendation to Board; will be to make process more effective.

9. White Board Discussion/Possible Action re: Community Education and Communication Program/Strategies (Continuation of discussion from CCAC Meeting #9)

Chair would like to discuss how to use CCAC's webpage to provide information.

One member could volunteer to work on the structure of webpage. Kemp said that the website should be part of the overall solution. She would look at the current CCAC webpage. She will come back to the next meeting with her thoughts.

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10. Discussion/Possible Action re: Future CCAC Agenda Items. Scheduled for July 6, 2022 (Meeting #11):

- CCAC elections for remainder of Calendar Year 2022, positions available: Vice-Chair and Secretary
- Continue Discussion of Proposed Amnesty Program, including submitted assignments
- Discussion/Possible Action: re: Junkyards, Health and Safety (carried over from #9 CCAC Agenda) (include definition to discuss at next meeting)
- Internal County Code Compliance Process - Review Individual Cases on Code Compliance Log and Internal Process of Tracking Violations
- White Board Discussion on CCAC Next Steps and Possible Directions
- Other

11. 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

12. Adjourn

Motion by Rhodes to adjourn the meeting at 3:57 p.m.

Second by Collins.

Motion passed. 8 ayes.

June 15, 2022

FROM: Eileen Collins, CCAC Member

SUBJECT: City of Rialto and County of Riverside Amnesty Programs

CITY OF RIALTO

I spoke directly with Timothy Sun, CCEO Community Compliance Manager, City of Rialto, Enforcement for Building and Planning. Cell # 909 644-6088, Land Line 909 820-8092

The City of Rialto's amnesty program is geared toward unpermitted construction only. You still need Engineering or Architecture and plans. Both permit and building fees are waived.

There were 20 unpermitted structures that qualified...only one (1) has applied according to Tim Sun; however, Jesse Sanchez, Chief Building Official stated that he had received seventeen (17) applications. The program will go through September 2022. Tim does not feel like it's been a successful program. Neither does Jessie Sanchez; however, the rebated fees are coming directly out of the Building and Safety budget which might influence how Jessie evaluates the program.

According to Tim a good P.R. program for the community has been to offer free permits to change out Hot Water Heaters and other minor permits. They offer these during the summer.

Tim voiced concern for Code Enforcers safety. There has been a rash of enforcers that have been harmed and killed. He suggests specifically for mountain communities that they have radios in their vehicles due to the spotty phone reception as well as carry pepper spray and wear protective body armor. One Code Enforcer was shot standing next to a Deputy.

He states that the only way to insure compliance is with Administrative Abatement fees but that takes the will of the people and the Board of Directors.

Tim has worked for both cities and counties and states that they have very different issues. In cities residents want their neighborhoods to be well kept. Property owners in the mountain communities have very different thoughts.

Tim encouraged me to reach out to Justin Gardiner, Senior Code Compliance Officer, County of Riverside 951 955-9142 as a good contact for County Code Enforcement, which I did.

COUNTY OF RIVERSIDE

Justin Gardiner called back within two days and spoke at length with me. He also sent an email address for any additional information we might need.

County of Riverside is the 4th largest county in California and 10th largest county in the United States. It covers more than 7300 square miles and has 2.4 million residents.

Justin explained that their properties cover everything from desert to wooded communities and everything in between.

Due to the desert properties they have what they refer to as the Open Field Doctrine. If a property is not fenced then you have reasonable right of accessibility. There is no violation for entering the property.

Should a property owner not give permission to enter their premises the following is the process:

Inspection Warrant: If a property owner does not consent to an inspection of their property Code Compliance officer appears in front of a judge to show cause as to why they need to enter the property. This is done by showing pictures taken from outside of the property as well as any other investigation and documentation they have to offer. If the judge agrees that there are grounds an **Inspection Warrant** is issued. Code Enforcement would then go with a Sheriff and present the **Inspection Warrant** and enter the property. This insures that due process is followed.

The following is the four (4) step process used to cure abatement issues:

1. **Advisory Notice** is sent to the owner which includes pictures taken from the road. "Please fix the problem." If the issue is resolved within 30 days, no fee.
2. **Notice of Violation** is sent to the owner after 30 days if the violation is not resolved and a flat fee of \$400 is charged
3. **Notice of Pendency** is recorded against the property, which clouds the title if there is still no resolution to the code violation. Flat fee of \$630 is charged.
4. **Abatement Warrant** – County goes in and takes care of the violation and charges the owner cost of abatement.

Appeal Process: There is an Appeals Officer, which is a 3rd independent party (an attorney), not an employee of the County. The County pays for this person no matter how the matter is decided. Both the Code Enforcer and the property owner present their side of the issue. The decision of the Appeal Officer is final and binding.

If either party disagrees with the Appeal Officer then it goes to County Counsel.

He suggested reaching out to a Code Enforcement Attorney. His suggestion was as follows:

Silver and Wright Code Enforcement Specialty located in Southern California. They do have offices all over California.

Abatement Fund

This is used on a case by case basis and not generally advertised. The county would receive a letter identifying the financial hardship and if it's approved the County will spend up to \$5,000 for the abatement. As long as the property is kept in good condition that money is free and clear. Should the property go back to the way it was then the \$5,000 becomes due and payable. The fund is through the General Fund.

Timothy Sun, City of Rialto and Justin Gardiner, County of Riverside has stated that they are available for any additional questions we may have.

Sarah Williams

From: Danielle Bondshu
Sent: Wednesday, June 15, 2022 10:19 AM
To: Sarah Williams; Tracy Gauthier; Steve Dahlem; Kevin Briggs
Subject: RE: Update to BOS policies for Advisory Committees

Good Morning Sarah,

We are almost done with the Board item. There is an item scheduled to come before the Board on June 28th for the requested amendments from your Department as well as HHSA.

Sincerely,

Danielle Bondshu
Deputy Clerk of the Board II
209-966-3222

5100 Bullion Street
P.O. Box 784
Mariposa, CA 95338

From: Sarah Williams <swilliams@mariposacounty.org>
Sent: Wednesday, June 15, 2022 9:55 AM
To: Danielle Bondshu <dbondshu@mariposacounty.org>; Tracy Gauthier <tgauthier@mariposacounty.org>; Steve Dahlem <sdahlem@mariposacounty.org>; Kevin Briggs <kbriggs@mariposacounty.org>
Subject: Update to BOS policies for Advisory Committees

Good morning,

The Board adopted policies for citizens' committees on February 15, 2022 (Resolution No. 2022-115).

It is my understanding that, based on input, amendments to these policies will be brought forward.

Is there a schedule for the policy amendments to come back to the Board?

We have a CCAC meeting this afternoon at 2 and they've specifically requested this information.

Thanks,

Sarah

