

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #9 FINAL MINUTES

DATE: May 18, 2022 (approved 6/15/22)
TIME: 2:00 - 4:15 PM
LOCATION: Board of Supervisors Chambers, 2nd Floor
5100 Bullion Street, Mariposa CA

1. Call to Order: 2:07 PM. Welcome.

CCAC Members Present: Lydia Clary, Eileen Collins, Nancy Kemp, Colleen Rhodes, Karen Smith, Danette Toso and Karen Woblesky.

CCAC Members Absent: Gabe Edwards

County Present: Steve Engfer, Corrina Miranda, Tom Sweeney, Debra Willis.

Public Present: Ken Melton, Andre Wright, Karie Williams, Al Golub, Jeannine Marsh, Madison Kirkpatrick (*Mariposa Gazette*), and Barbara Cone.

2. Approve Minutes of CCAC Meeting #8 5/4/22

Discussion was held concerning prior meeting minutes. Due to time considerations, it was suggested that approval of minutes be put over to next meeting.

Motion by Toso to table consideration of minutes until next meeting.

Seconded by Collins.

Motion passed unanimously.

3. Discussion/Possible Action: Draft May 18, 2022 CCAC Memorandum to Board of Supervisors RE: Request for ARPA (The American Rescue Plan Act of 2021) Funds for Code Compliance Activities and Related Incentive Programs

Woblesky described the changes made to the draft memorandum and the reasons for them, plus the more specific details about the timeline, meetings with Williams and CAO Kimble, the need to submit our request by 5/24, the possibility of creating positive incentives for compliance programs, and that the draft today reflects the changes.

Discussion included the following issues:

- The purposes and potential uses of ARPA funds, including free landfill days, vouchers, low-cost loans.

5/18/22

- Timelines for expending funds allocated.
- The importance of finding ways to help our community and to work in a positive way. If you work with us, we can work with you.
- More specifics may be needed to get Board approval.
- Need to create a fund and define it in simple terms. Simplify and keep to a minimum.
- The question of who will administer is important.
- Highly likely that Planning will oversee the funds. Other departments may be involved.
- Focus on incentivizing. Emphasize the positives.
- Staff: The language in the last two paragraphs of the draft may need change. Give enough broad language to support the goals as the Chair has stated them.
- Public: abandoned vehicles and the problem if there is no Certificate of Non-Operation. What can the CCAC do to help?
- Chair Woblesky will modify the draft to give examples and indicate that CCAC recommends that Planning should administer with understanding that decisions will be made by Board of Supervisors.

Motion by Smith to accept the draft as amended, submit it to Steve, and provide in Board of Supervisors packet.

Seconded by Collins.

Motion passed unanimously.

4. Correspondence: Discussion/Possible Action: Barbara Cone: Tipping Fees for North County; Barbara Cone: Short-Term Landfill Voucher Program – Draft; Rick Lobaugh: Required County Notices; Victoria Trujillo: Mariposa County Internal Code Compliance Process

Woblesky noted correspondence that was received and thanked those who submitted items. Asked if anyone wanted to talk about any of the issues mentioned in the correspondence.

Discussion included the following points:

- Public – Cone: Expressed concern that staff had not answered her direct question at the previous meeting when she asked about the period of time during which county staff did not file Notices against title. Asked five questions about the failures to file. (1) Why were they not filed? (2) Was there a legal obligation to file timely? (3) Who authorized staff not to file? (4) Who knew there was no filing during these months? (5) Who should have known?
- Staff – Miranda and Willis: Notices historically were filed by Building Department staff, but not filed for every violation. They can only be filed in association with building violations. A Planning violation would never have a Notice of Noncompliance. Planning staff took over filing them a year and a half ago. We actually upped the numbers that are filed because any property in violation can be filed. Incorrect notices were filed. Staffing was inadequate. Building Department had other priorities.
- Staff – Miranda: Code compliance has faced problems, especially with vacation rentals.

5/18/22

- Woblesky: What is the impact to property owners of failure to file notices?
- Staff – Miranda: There is no clear answer. Increased filing of notices to inform the public. There will be presentations on due diligence for the Board and for realtors.
- Woblesky: How many property owners were surprised to find they were on the list because no notices were properly filed?
- Staff – Miranda: One in every four is completely surprised. One in three thought it was already taken care of because of the length of time.
- Discussion as to whether code compliance staff has a plan and a time estimate for finishing the existing list.
- Staff – Miranda: Each case must be completely reviewed. Staff is working on 2007 or 2008 cases.
- Collins: We need to come up with a brochure that talks about what buyers and sellers need to be aware of. Provide more education. Make a presentation to the Board of Realtors.
- Clary: What is staff's scale, criteria for filing notices? How many recordings does staff believe need to be done?
- Staff – Miranda: Before October of 2020, we weren't big on filing these.
- Clary: Filing against someone's house should be a last resort.
- Smith: There are situations in real estate in which the existence of violations will not come to light.
- Rhodes: Regarding the amnesty program, many cases are exempt under the terms of MCC 15.10.260.E. The third prong cannot be met due to failure to properly file the correct Notices. Drop the idea of a stick and work more proactively with the community. Follow policy and rules instead of handling on a "case by case" basis.
- Sweeney: If there's no recourse, how do you get compliance?
- Woblesky: The amnesty program should be an incentive program. MCC 15.10.260 hasn't been used in 12 years; it defines unreasonable fines that aren't helpful. The amnesty program's tone needs to match what the County is trying to do, to incentivize and clear these cases.
- Public – Melton: The discussion today is an eye opener. Procedures aren't being properly followed. The committee needs to get on to procedure.
- Woblesky: We need to review codes to be sure they're consistent. Need to look at internal procedures. Anything else to wrap up?
- Woblesky: Comments from the caller? None.

5. Visual Presentation re: Junkyards, Health and Safety. Corrina Miranda

Miranda presented a PowerPoint of photographs of junk and junkyard violations on Mariposa County properties.

Discussion included the following points:

- Photographs showed properties in varying states of disarray with moderate to significant accumulations of items.

5/18/22

- Public – Wright: Asked if there is anything the County can do to solve situations in which abandoned vehicles that do not have Certificates of Nonoperation have been left on properties.
- Sweeney: Vehicle abatement program is potentially available.
- Woblesky: Do committee members or public have further input? None.

6. Discussion/Possible Action re: Junkyards, Health and Safety

Woblesky noted that we were behind time and should perhaps consider tabling agenda item #6. Asked staff to provide: (1) additional information about vehicle abatement program as operated in Tuolumne County, (2) list of property owners to whom notices have been sent, and (3) as much information about junk as possible.

Motion by Collins to skip item 6 and postpone it until next meeting.

Seconded by Smith.

Motion passed unanimously.

7. Discussion/Possible Action re: Community Education and Communication Program/Strategies

Woblesky noted that we have been working on communication ideas from the beginning with input gathered through takeaways and more. How can we get accurate information out to the community? Should we consider using Facebook?

Discussion included the following points:

- Smith: Facebook can be difficult, even a nightmare. We aren't at a point where we can effectively use it yet. A Public Information Officer could help.
- Rhodes: If we use Facebook, best to limit it to referrals to our own website, which does not exist yet.
- Staff – Engfer: If have engagement potential on a future decision, if there's something before this committee that you'd like to decide on and there's been specific opinions rendered, then it could preclude future participation on things that are important to the committee's business. You might have something you want to recommend up to the Board. There's a right to free speech, but there's also a responsibility as a committee member.
- Rhodes: Right to participate in future decisions might be constrained? Your authority is what for that? Found nothing like that in FPPC opinions and the Brown Act. Unable to find anything that says a committee member cannot express their own opinion – unless there is another element you're thinking about but not saying?
- Staff – Engfer: If you voice an opinion in opposition to something specifically and then you're asked to weigh in on it as a committee member, there's the possibility you could have a legal ramification.
- Rhodes: Basis of your opinion? Where does it come from? Authority?
- Staff – Engfer: We could have a legal read from counsel. I'm just saying if there's going to be ongoing dialogue. But I don't know if there's a specific basis. I would like to make sure it's within those bounds that you're describing actually. Don't want

5/18/22

future participation to be precluded. We'll look and see if there is a legal basis. Does that work?

- Rhodes: Absolutely.
- Woblesky: What might we include if we develop our own website?
- Clary: A website is very good. Facts, pictures, pamphlets. Not a fan of Facebook. Questions and people that will respond.
- Collins: Believe there's already a Planning Department web page. We could add something there. Maybe we need to advertise it better. It already exists and we could make it more complete.
- Kemp: It would be a mistake for us to ignore social media. That's what everybody's doing. It provides an opportunity for us to educate. Need to work with the PIO. What is happening with the County's plan to hire a Public Information Officer? Need to educate, not get into dialogues and arguments. More along the terms of what Mental Health or Public Health do. Could include easy-to-understand manuals. Need to meet people where they are. Communicate and educate.
- Clary: Ability to download forms, definitions of terms and codes, contact names and other information, funding information. I'm really for the webpage.
- Staff – Miranda: No one hired yet. Maybe mid-June. Interviewing. Twelve PIO candidates. PIO will have broad duties. City of Bakersfield has good online information. Visually rich. Possibility of public education grants. May be able to get information for the committee.
- Kemp: Possibility that PIO could help with that?
- Staff – Miranda: Not sure PIO will have much time for this. Maybe grants for this.
- Woblesky: Could you look into that for us regarding grants?
- Woblesky: Input from public?
- Public – Cone: Reinforce what Collins said about a pamphlet to educate the public.
- Woblesky: Any caller wish to comment? None.
- Woblesky: We should talk about this subject next time. Give further thought to what would be on such a website and how we are going to do it; graphics; brochures. Maybe a homework assignment regarding what the website would contain, look like.

8. Discussion/Possible Action re: Future CCAC Meeting and Agenda Items. Scheduled for June 1, 2022 (Meeting #10). Meeting Location Will Need to be Changed OR Meeting Will Need to be Canceled.

Woblesky reviewed information about possibility of canceling June 1st meeting and returning on June 15th for next meeting due to construction in and unavailability of Board Chambers. No audio would be available at the alternate site.

Discussion included the following points:

- Collins: Extremely important to have audio and for public to know where we meet.
- Smith: Alternate location is small.
- Woblesky: Public comments? None.

Motion by Collins to cancel June 1st meeting and resume on June 15th.

Seconded by Smith.

Motion passed unanimously.

5/18/22

9. Persons wishing to speak on a matter not on the agenda, but within the jurisdiction of the committee.

No comments from public.

Collins: Question about recruitment for CCAC vacancy.

Woblesky: Two applications were received and will be reviewed by Sweeney, Menetrey, Williams, and Woblesky.

Miranda updated information on Muir Lodge. Asbestos and lead abatement are done. Abatement will be done through 25th. Demo. Site to be secured. Turned over to Economic Development and the owner. Unable to work with Calfire for demo due to timing. Will also abate the pool.

Kemp: Can someone help me make contact with MCSO regarding grants ?

Miranda: Maybe we can get the information about grants.

Woblesky: Any comments from the public? None.

10. Adjourn

Motion by Collins to adjourn meeting at 4:02 p.m.

Seconded by Smith.

Motion passed unanimously.