

MARIPOSA COUNTY

Code Compliance Advisory Committee (CCAC)

MEETING #29 FINAL MINUTES - AMENDED (approved 6/21/23)

ACTION SUMMARY MINUTES

Audio recording is available at <https://www.mariposacounty.org/2792/Agendas-Minutes>

DATE: June 7, 2023

TIME: 2:00 - 4:00 PM

LOCATION: Board of Supervisors Chambers, 2nd Floor
5100 Bullion Street, Mariposa CA

1. Call to Order: 2:01 PM. Welcome by Chair
Chair called for introductions.

*Present: Karen Wobelesky, Ken Melton, Robert Fox, Beth Scaffidi, Lydia Clary, Kris Casto
Colleen Rhodes, Gabe Edwards absent
Staff Present: Corinna Miranda, Kerri Gibbins, Steve Engfer and Debra Willis
Guest: Rick Reid*

2. (5) Approve Minutes of CCAC Meeting #28, 5/17/2023
Minutes were approved unanimously with edits suggested by Rob Fox.

Minutes for this meeting were requested to be taken by staff.

3. (15) Informational Presentation by Steve Engfer, Planning Director re: General Update/Review of the Mariposa County Committee Policy; and Changes to the Clerk of the Board Agenda System

Chair introduced the item and requested an update on the Board Dates for AVA and report. Steve Engfer responded that update would be provided later on the agenda as a part of the agenda items that involve that topic.

Engfer provided an informational update regarding the Board Clerk new agenda system CivicClerk. And the rules of procedure for conducting business including the purpose of the CCAC, the Rosenberg Rules, Brown Act primer. Overview of the need to be sure CCAC and all committees have the documents and training in order that procedural requirements are met for recommendations to the Board.

Danielle Bondshu, Clerk of the Board described the posting of the agenda on the new system CivivClerk and also the old MinuteTraQ portal (old agenda system).

4. (45) Informational Presentation by Rick Reid, Hearing Officer for the City of Modesto re: Due Process; How the Administrative Hearing Process Works; Real Life Examples; and...
Chair introduced Rick Reid who gave a presentation regarding his role as the Hearing Officer, for the City of Modesto.

Rick Reid gave a background on himself and provided a verbal overview of the process for the hearing officer for municipal code violation appeals. He described the hearing officer role as an adjudicator. As compared to the Building Administrative hearings which is a 5-person board that focuses on building code violation appeals only.

He described the appeal process. He described his approach on handling the cases. He described evidence and facts on the City side and appellant side. He described a few cases as examples of process.

Committee members participated throughout the discussion. Kris, Rob, Ken, Lydia, Colleen, Beth and Karen all asked questions of the presenter. Various topics related to the Hearing Officer position, processes and fees were included in the discussion. The following is a summary of high points. and discussion occurred regarding various rights of individuals, due process, and burden of proof. Mr. Reid described it is not a court. It is based on cases and records in the files and the appellant's case. He described as a volunteer that the City chose to conduct that role. Discussion occurred regarding training required. Mr. Reid mentioned that reading people is a skill that is useful in the role. Discussion also occurred regarding the process and if there is an opportunity to discuss it and resolve the matter prior to appeal. Is there something in Modesto between the citation and the appeal? Mr. Reid said yes. Discussion also occurred about the cost of appeal. Mr. Reid stated there is a cost of appeal, however it is collected at time of decision. Not up front. Mr. Reid mentioned to him the strength of a governmental organization is to resolve misunderstandings and the ability to communicate with violators in an open way. Mr. Reid mentioned that most things that he adjudicates, could be resolved before it gets to him if the appellant would communicate with the City staff. A fear of government was described and language issues as a part of situations that occur. Further discussion occurred regarding the process and appeal rights to the council (Board in Mariposa). Mr. Reid described his role is to mitigate issues.

Discussion occurred regarding how the hearing officer is a step in a process. And the City requires a very clear process so the rules are clearly laid out so there are no surprises.

Discussion occurred regarding clarifying the 2019-218 appeal processes are governed by different laws. And there are requirements for abatement actions in Section 1.42 does require a lawyer. . Whereas the hearing officer in Section 1.40, Administrative fines process does not require a lawyer in the position. The two require different backgrounds.

Question was asked to Debra Willis if Building Official executes notice and orders are issued. And that would be a type of administrative citation. No was the response. It was suggested that would have to be put in place.

Further discussion occurred regarding fines application. Mr. Reid described a couple scenarios where there were very little fines imposed on some, due to circumstances of the case and a lot on others dependent on the situation. One scenario was a case where the appellant provided a lot of background information clearly documenting many efforts to maintain the site. And it was determined that the City and the appellant would be better served to sit down and work it out. Further discussion occurred regarding fines that are proportionate.

Discussion occurred regarding if the process includes a court reporter. Mr. Reid mentioned that it is not a court. It is recorded and part of the public record. Mentioned was made that it is potentially

useable on future actions. Comment was made that the process described sounds like the 1.40 section from 2019-218. And not sure where that may fit in Mariposa Code.

The appeal fee collection time was discussed. In Modesto it is not collected up front at time of application.

Additional discussion occurred of a similar nature.

Committee thanked him.

5. (10) Informational Presentation- ARPA Community Clean Up Abatement Pilot Program- Staff Presentation - Corrina Miranda, Code Compliance Technician

Staff presented a pilot abatement program project that would implement CCAC and staff recommendations to create an abatement program where cases in each Supervisorial District would be cleaned up. Future program information will be presented to CCAC this summer.

6. (35) Discussion and Possible Action for Recommendation to the Board of Supervisors re: Draft Memorandum re: CCAC Initial Findings and Recommendations for an Effective and Innovative Mariposa County Code Compliance Program

Draft Memorandum, CCAC Initial Findings and Recommendations for an Effective and Innovative Mariposa County Code Compliance Program

Discussion occurred regarding the draft CCAC Initial Findings and Recommendations for an Effective and Innovative Mariposa County Code Compliance Program presented by Chair Woblesky. Committee discussion resulted in need for comments submittal to the Chair for inclusion in the draft for consideration at the next CCAC meeting for action and recommendations the BOS. Rearranging findings and goals and other edits would be made for the next meeting draft consideration. Discussion occurred regarding the calendar dates for the Board recommendations from CCAC including the AVA. Staff mentioned the convening the Staff Code Compliance Review Team that took place where multiple departments are participating for review of cases and of various Compliance program topic. Also, the Marijuana roundtable Staff team, from Board direction, with at least 32 members, are moving forward to address the illegal Marijuana compliance strategy. Staff would confirm date availability with the Clerk of the Board and report back the dates at the June 21 CCAC meeting.

7. (10) Discussion/Possible Action re: Future CCAC Agenda Items. Next CCAC Meeting is scheduled for June 21, 2023. (Meeting #30)
Items- Board Report, ARPA- Abatement, Community Meetings and Events. Cleanup From winter storms relationship to compliance clean ups. Identification of codes to be reviewed at future dates, Health and Safety Codes and similar for the future agenda.
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 4:00 P.M. *Meeting adjourned.*