



Code Compliance Advisory Committee

5100 Bullion Street, 1st Floor
Mariposa, CA 95338

<http://www.mariposacounty.org/>

Regular Meeting

~ FINAL Minutes ~

Sarah Williams
209-966-5151

Wednesday, April 6, 2022

2:00 PM

Board Chambers

1. Call to Order

The meeting was called to order at 2:17 pm by chair, Karen Woblesky. Woblesky announced that David Breemer had resigned his position on the CCAC. After brief discussion, it was decided that a public vacancy notice should be advertised for (3) three weeks.

Members Present: Eileen Collins, Gabe Edwards, Nancy Kemp, Colleen Rhodes, Karen Smith, Danette Toso, Karen Woblesky. Member excused: Lydia Clary

County Staff Present: Corrina Miranda, Sarah Williams, Jose Carlos Mijares and Jil Chiesa

Supervisors present: Miles Menetrey and Tom Sweeney

Members of the public were also present.

2. Approve Minutes of CCAC Meeting #5, 3/2/22, including review of 3/2/2022 Takeaways/Clarifications

By motion of Collins, seconded by Kemp, the minutes of March 2, 2022, were approved as presented.

Motion passed (7-0)

3. Discussion and Possible Action RE: Next Steps/Priorities

Discussion occurred. See whiteboard notes.

4. Discussion/Possible Action re: ARPA Funds

Motion was made by Collins, seconded by Kemp, to request \$1.5M for code compliance assistance to assist with cleaning up blight from ARPA funds.

Motion passed (7-0)

*There needs to be specifics developed for the funding request

5. Discussion RE County Code Violations

Discussion occurred. See whiteboard notes.

6. Discussion/Possible Action RE; Muir Lodge

Discussion occurred. See whiteboard notes.

7. Discussion/Possible Action RE: Board of Supervisors Amnesty Program (Draft Civil Penalty Amnesty Program)

Discussion occurred. See whiteboard notes.

Motion was made by Collins, seconded by Kemp, to make Amnesty Program the first item on agenda for the next meeting; consider other fees that could be addressed, such as building permit renewal fees.

Motion passed (7-0)

8. Discussion/Possible Action Re: Board of Supervisors Withhold Permits Ordinance

Discussion occurred. See whiteboard notes.

Motion was made by Collins, seconded by Kemp, to recommend the Board of Supervisors enact the draft ordinance which allows staff to withhold permits.

Motion passed (7-0)

9. Discussion/Possible Action Re; Future CAC Agenda Items

- Amnesty
- Junkyards
- Health and Safety
- Invite County Counsel – Abatement Discussion

10. Persons Wishing to Speak on Matters not on the agenda, but within the Jurisdiction of the Committee

No public comment was received.

11. Adjourn

There being no further business the meeting was adjourned at 4:47 pm.

Attachments

CCAC MEETING #6, 4/6/2022
WHITEBOARD

-
1. Advertise vacancies – 3 weeks
 2. Minutes / Review takeaways
No discussion
 3. CCAC Next Steps
 - Eileen’s written proposal for moving forward (will include with minutes)
 - Each type of violation may have different response
 - 2 meetings per month at 2.5 hours each meeting vs. ad-hoc meetings
 - BOS discussion about amnesty program – consider this first
 - Education also high priority
 - Can 2 people meet without being on an official ad-hoc committee? Staff will review with County Counsel
 - Need communication program – not trying to make people do things; trying to keep and the county safe
 - Nancy’s written proposal (diagram) for communication program (will include with minutes)
 - People feel that county is not doing anything to address complaints
 - How RFI is filled out will impact how county responds...if RFI doesn’t identify potential code violations, county isn’t going to respond
 - Problems caused when property owner is deceased – no property owner of record to address the violation
 - Blanket enforcement procedures don’t work – 140 sq. ft. woodshed built without a permit isn’t as egregious as building an entire house without a permit
 - Start out with illegal campgrounds, which only have 6 cases – see how discussion goes
 - Start with something that can be successful, so people can trust CCAC...like the most egregious violations that everyone can see (such as junkyards)
 - Properties that are in foreclosure ... owned by bank ... but people are squatting on property and causing violations ... this is a problem
 - Illegal marijuana grows and junkyards are biggest issues
 - We need to take care of our beautiful county
 - Fire season is on us – brings on additional concerns

- Blight is concern ... impacts property values
- Health and safety issues should be top priority
- Seek other available resources, such as mental health resources (HHSA or Health and Human Services Agency)
- Comment to public – if you see violation, report it!
- Sheriff is going to make report to Board next Tuesday on marijuana
- Pursue 2 meetings per month; Amnesty Program is first item that is talked about in depth

4. ARPA Funding

- Must be for service normally provided by government
- Should request \$1.5M for code compliance efforts, such as free landfill days
- Needs to be Public Information Officer for code compliance
- Do not think that COVID money should be used to help someone clean up an individual property – is rewarding them; funding should go toward something that benefits more than one person
- But people who have junkyard wouldn't think that cleaning up is a reward
- Tipping fees in county are among highest in state – why is that the case? How can this be fixed?
- Free landfill days would be good option
- If landfill wasn't an enterprise budget, would there be the same number of junkyards in county?
- State law dictates which local jurisdiction functions must be enterprise budgets
- Current system isn't working at transfer stations – that roll-off dumpsters fill up quickly – that is insane!
- CCAC could have people can fill out an application to identify their needed services
- Elderly people and people on limited income – may have other needs
- Fire Safe Council – PG&E Care Program is the method they use to determine eligibility for services
- 3 issues – a) code compliance is unnecessary evil of county, b) code compliance doesn't do enough, c) county staff are just doing their job and don't care about fixing the real problem
- 2 pick-up trucks in front yard – could put up fence so neighbors can't see them; what's on one's property isn't neighbor's problem
- What about people with junkyards...could we not give them free passes at the landfill?
- CCAC needs to dig into the problems – review the code compliance case log
- Jury nullification – Is this a law we should even be enforcing? Is the code rational? If not, we should change the code. The Board can fix these sections of code.

Maybe problem isn't that code compliance doesn't have enough teeth...

- County has programs for low-income individuals relative to dump fees
- Supports idea to take one issue at a time

5. Code Compliance Violations – internal process

- CCAC: Why can't details be shared with the public on code compliance cases?
- CCAC: CCAC needs to come to real understanding about details of individual cases / code compliance issues – CCAC needs to be able to see files
- Staff: Theoretical case provided to answer question, "How can it take 10 years to resolve a violation?"
- Staff: Legal issue associated with releasing detailed information about active case files – will need to check with County Counsel / County Counsel opinion requested by CCAC
- CCAC: PRA doesn't protect these files
- CCAC: Process is like treading water – not swimming anywhere
- CCAC: Compliance letters are not good at communicating facts...they are misleading to property owners
- CCAC: Courtesy notice – what is its purpose? Doesn't get county anywhere...
- CCAC: The title "Notice of Intent to Find Violations" is not good
- Staff: Wording of code compliance correspondence is intended to get property owners to respond to correspondence
- CCAC: Statement that Court process and receivership is only way to get abatement is not correct
- CCAC: Abatement is process that could be taken without court process, if had process in code
- CCAC: City of Fairfield – 2020 case – abatement process was completed in 4 months
- CCAC: Napa Valley case – abatement completed in 8 months due to need for agricultural expert
- CCAC: Many cases throughout state where court action resulted in abatement, and receivership was not involved; local agency came out whole (property owner paid for costs for abatement); Muir Lodge could've been addressed through this process and not use receiver and in much less time
- CCAC: Current process would be frustrating to staff...under current code, the first thing that should happen with egregious case with non-cooperating property owner should be court action for abatement
- CCAC: Government Code §25845 – this could've solved cases like Muir Lodge through abatement
- CCAC: If County used this process, word would get around that the county means business

- CCAC: Abatement through court process can be done quickly – and all costs can go to property owner; want to avoid receiverships
- CCAC: League of California Cities – training available for code compliance issues, including other resources such as conservatorships
- CCAC: If property has been sitting with deceased owner or deceased trustee, then state may need to act; there is always a legal remedy
- CCAC: Civil penalties program is offsetting to public; only a few need legal actions by county (short of receivership)
- Public: Need to have County Counsel at next meeting to address Colleen's comments
- Public: Procedures of staff – CCAC needs to look at process. Complaints – every RFI should identify specific code violation.
- Public: Specific complaint can be provided to public and specific code can be provided to public. Then CCAC can make determination as to whether staff is responding properly and whether code should even exist.

6. Muir Lodge

- Should there be a limit to amount of time the County will work with a property owner?
- Timeline for remediation of this case? Will be set by end of next week
- Work is underway now – lead and asbestos issues need to be addressed
- Code Compliance staff will attend Midpines PAC Meeting next week

6.5 Other

- CCAC: Code Compliance list – how can someone be on the list, and they don't even know about it?
- Staff: If violation is older, and property has been sold since the violation occurred
- Staff: Past processes – every department conducted their own compliance cases

7. Amnesty Program – will be first on next meeting agenda

- CCAC: Eligibility is too narrow
- CCAC: Effect is too narrow
- CCAC: Implementation is concerning
- CCAC: GC 53069.4(a)2A applies to administrative fine programs (not sure if is applicable to civil penalties) – appears to be, based on appellate cases
- CCAC: Administrative procedures SHALL provide for reasonable period of time for person responsible for continuing violation to correct or otherwise remedy violation prior to imposition of any penalties – as long as violation doesn't create public health and safety issue

- CCAC: Code already provides for period of time – in north county, 6 months may not be enough (for example, no contractors available)
- CCAC: Potentially exclude illegal marijuana for eligibility for amnesty
- CCAC: There is too much power in hands of “county designee” in this program
- Public: Wasn’t amnesty also to apply to other properties, not just open cases? Such as someone acquiring a bank owned property...where amnesty could provide a carrot to encourage owners to investigate if they have a violation and address issues, they are not certain of?

8. Ordinance for Withholding Permits

9. Future Agenda items

Items Presented at Meeting

April 6, 2020

From: Eileen Collins, CCAC Committee Member

Subject: Recommendations on moving forward

Objectives: Focus on one specific code issues at a time including the community in the broadest sense possible.

1. Spend the first half hour of each meeting on regular business, i.e. approval of minutes, etc.
2. Pick one agreed upon topic for full discussion with scribe at white board. Discuss in detail existing code and what changes we would like to take place. Encourage the community to submit their input prior to the meeting, during the meeting as well as after the meeting to encourage the most input possible.
3. Staff to compile the list of suggestions and post them on-line. Committee members and the public are requested to rate each suggestion in the order of importance and add any comments regarding each comment. The results of the suggestions can be discussed at the next meeting.
4. Meetings to last up to 2 ½ hours based upon input.

The following are the existing complaints provided by Code Compliance at the Feb 2, 2022 meeting. I've combined like subjects and listed them based upon the number of complaints with the greatest number of complaints first.

of Compliants

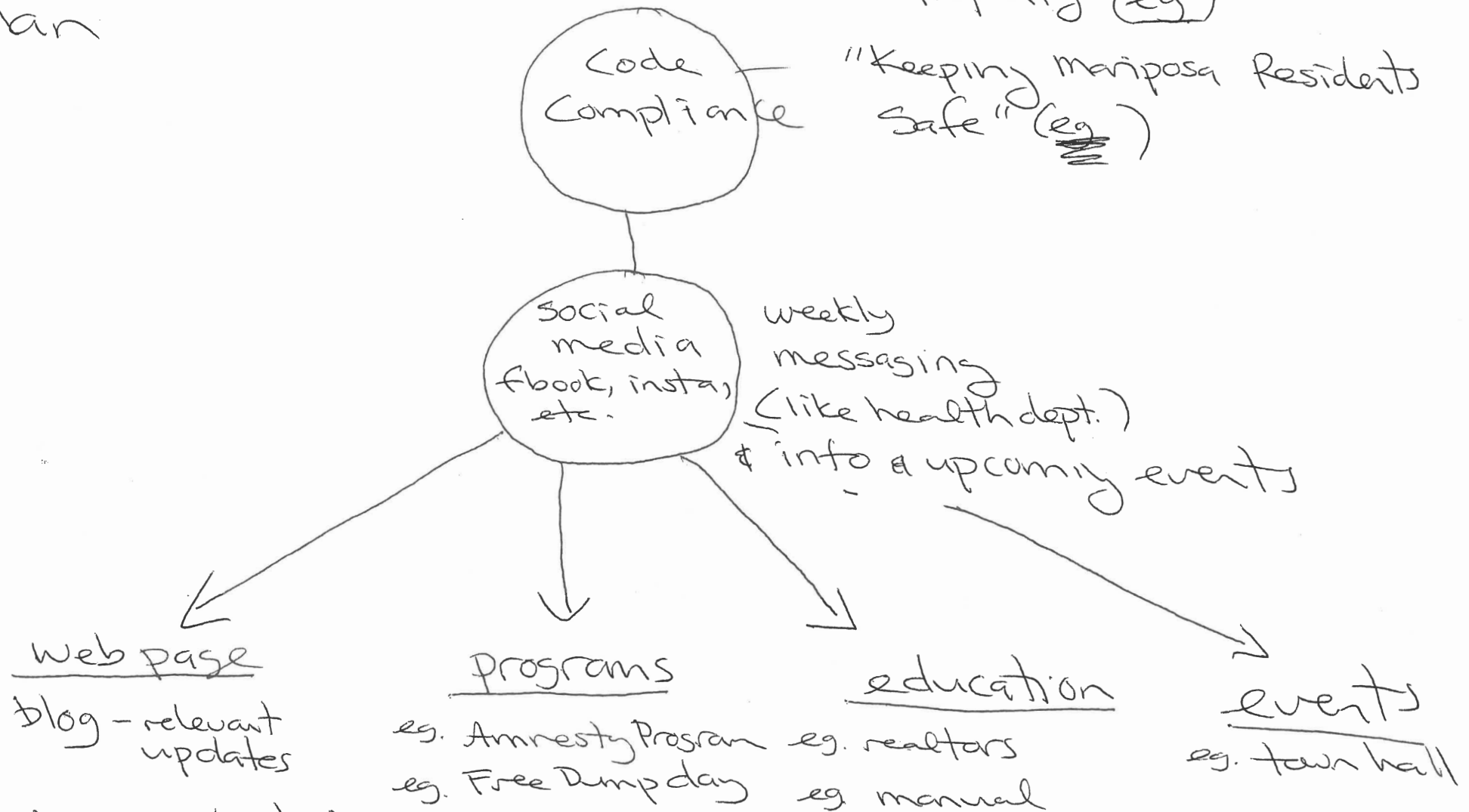
257	BWOP and Grading without a permit
94	Living in RV, Substandard Housing and Unsafe Housing
61	Attractive Nuisance, Junk and Fire debris and/or damage
46	No Certificate of Occupancy or Completion
41	Zoning – Design Review, setbacks, land use and signs
37	Marijuana, Unpermitted greenhouses for marijuana and Power theft
27	TOT without Certificate, TOT Advertising
6	Illegal Campgrounds

There are eight (8) categories. If we meet twice a month we will have discussed all the above in four (4) months by September

CCAC Take-aways from February 2, 2022 – Each of the above topics to address each of the below suggestions in addition to general suggestions as to solutions that can be discussed

1. Special Discretionary Funding 3.3m funding
2. Education and communication
3. Resolve Code Violation at lowest level
4. Due Process
5. Administration fee process
6. Amnesty Program

Sample Communication Plan



Always w/ intention of clarifying overarching goals:

TBD - eg.

- 1) keeping residents safe,
- 2) protecting environment of Mariposa County

- 3) obtaining voluntary compliance
- 4) clarifying & facilitating process of prioritization of CC in Mariposa County

Sarah Williams

From: Charles Lammers <chasnlisa@sti.net>
Sent: Wednesday, April 6, 2022 9:50 AM
To: Sarah Williams
Cc: Rosemarie Smallcombe
Subject: Muir Lodge

You don't often get email from chasnlisa@sti.net. [Learn why this is important](#)

Good Morning Sarah,

It's our understanding Muir Lodge will be on the agenda for today's CCAC meeting. Unfortunately we are not able to attend to provide comment. We've heard the owner has met with the county and is showing signs that he will clean up the property but we have no details of what that means or the timeline for action. Our ask of the county and the CCAC is to come up with an immediate fix to at least secure the property and remove the propane tanks. No trespassing signs should be posted and a surveillance camera mounted as a minimum to provide some deterrence. As of today nothing has been done and we notice people frequently stop to check out Muir Lodge. As the days get warmer and things dry out something needs to be done ASAP. We got lucky that the fire happened after a storm and the ground was still moist. Our property is in close proximity to Muir Lodge and we feel a constant threat as the conditions continue to deteriorate. We hope you will push for immediate action. It's been far too long. Thank you and we look forward to seeing something done!

Charles Lammers
Lisa Edelheit
Midpines property owners

Meeting Takeaways

From: [Colleen Rhodes](#)
To: [Sarah Williams](#); [Karen W](#)
Cc: [REDACTED]
Subject: My TAKEAWAYS from 4/6/22 meeting
Date: Monday, April 11, 2022 3:29:55 PM

1. Communicate & Educate

Nancy's ideas about communicating with and educating the community are central to our mandate from the Board of Supervisors. Eileen's idea about creating interactive online questionnaires could help in several important ways. Interested property owners and residents consistently and energetically tell me that we need to develop a Facebook presence as soon as possible. When the CCAC was created, a "social media coordinator" was requested. Legal input indicated that role would have to be filled by staff. This requirement seems appropriate in view of the Brown Act's limitations regarding members' social media interactions. However, the voice on the FB page needs to be that of the CCAC, not of staff, so coordination of the message will be an important concern.

2. ARPA Funds – Transfer station access & fees

It appears that ARPA funding for landfill and transfer station access could be very helpful. Research shows that Public Works' plans were to accommodate about 3 customers weekly at the Fish Camp Transfer Station, fewer than 5 at Hornitos, 40 at Coulterville, and 77 at Don Pedro, for a total of 124 customers weekly at all four transfer stations. That's about 500 per month or 6,000 annually. Given that these transfer stations need to serve many thousands of residents, the planned capacity appears inadequate. It is also worth noting that per container fees charged at the transfer stations are 167% or more of the fees charged at the landfill. (Source: 1/14/20 Public Works PowerPoint at BOS meeting, 2 pm agenda).

An ARPA-funded program will require consideration as to (1) purpose, (2) eligibility (PGE Care, CalFresh, etc), (3) time frame (within funding limitations and amounts), (4) exceptional cases, and (5) other parameters.

3. Amnesty Program Proposal – Need for Policy Goals & Consistency of Language

The Amnesty Program as proposed provides for a "duration" of six months during which "staff shall waive the civil penalties." The written terms of the Amnesty Program must be identical to the representations made orally by the county's agents.

The terms at issue, "Duration" and "Effect," are defined in Exhibit 1.

"**Duration:** The duration for this amnesty shall commence upon adoption of the resolution and continue for a period of six (6) months."

"**Effect:** During the Civil Penalty Amnesty Program, Mariposa County staff shall waive the civil penalties ..."

There is nothing in the written proposal that allows civil penalties to be waived for more than 6 months or beyond the "duration" of the "Program." Once we come to agreement about the public policy that should underlie an amnesty program, a written proposal for the Board's consideration that is consistent with that policy should be completed. In all cases, it is essential that written and oral representations be consistent.

Public policy considerations need to include the real constraints under which our relatively remote, rural area functions. We have difficulty getting qualified contractors to complete contracts within reasonable periods of time if we can find them at all. Real world examples and experiences need to inform any rules we develop for recommendation to the Board.

4. Abatement Actions

Other counties use a wide variety of civil and criminal court actions to enhance their administrative code enforcement efforts. Four such successful cases were mentioned at the 4/6/22 meeting. Many more can be cited. The time periods required for achieving abatement of the violations ranged from four months to a couple of years,

depending upon the complicating factors and the aggressiveness or cooperativeness of the property owners' responses. In none of the cases was abatement delayed by periods of five years or more, as is often the case in our county. The CCAC needs to come to a clear, fact-based understanding of the use of abatement and other court actions in this county. The CCAC should be able to define criteria for code compliance staff to follow, in consultation with County Counsel, in order to prioritize egregious cases for court action.

5. Identification of Property Owners (deceased, absent, institutional, and others)

Several cases of failure to correct violations, in which identification of the responsible party was difficult or a financial institution was identified as owner, were discussed at the meeting. Kris Casto described a case that has become worse and worse over five+ years. Muir Lodge has been a problem for more than a decade. Several "squatting" cases exist in the Coulterville and Greeley Hill areas. Code compliance clearly has not identified an effective way to respond to these cases. They deserve more of the CCAC's attention. Several county departments need to be involved, including the Development Services units, the Sheriff's Office, and County Counsel.

6. Current Process & Correspondence with Alleged Violators

This 45-page agenda item (#5 on the 4/6/22 CCAC agenda) presented several opportunities to understand why the current processes are not consistently successful. In general, the correspondence, notices, and forms suffer from a lack of specificity and failure to reference Mariposa County Code language and specific timelines for correction. The current process lacks structure and written rules, both of which are needed to guide code compliance staff. Many of the notices appear to have been created with little concern for their impact on recipients; some are surprising in their confrontational tone and others are excessively lenient and non-specific. Certain terms are misspelled and likely to mislead the reader (e.g., forego should be forgo). The CCAC needs to review every form, identify and define the reasons for its use, improve and correct the tone and language used, and set up the timelines and order in which they are to be used.

From: [Karen W](#)
To: [Sarah Williams](#); [Corrina M. Miranda](#)
Subject: K. Woblesky Takeaway from 3/6/2022 CCAC Meeting
Date: Monday, April 11, 2022 3:02:24 PM

Good afternoon Sarah,

I appreciated being able to review the code enforcement correspondence that is currently being sent out to Mariposa County residents. I think that the internal process of how code violations are prioritized, how violations are tracked, and the types of correspondence (and who it should come from) should be reviewed and clarified. This ties into what County Counsel was discussing at his presentation when he sends out code violation letters from his office.

Thanks.
Karen.

From: nrkemp [REDACTED]
To: Sarah Williams
Subject: Re: CCAC Meeting #6 Takeaways
Date: Friday, April 8, 2022 9:27:53 AM

hi there. it has come to my attention that the county is running an ad for a Public Information Officer. here is the link...

<https://www.governmentjobs.com/careers/mariposacounty/jobs/3475322/administrative-analyst-i-ii-public-information-officer?pagetype=jobOpportunitiesJobs>

so i'm wondering...who will this person report to? will a portion of this person's time be available for Code Compliance? if so, how much???

is this something the committee could learn more about? it seems exceedingly relevant to us...or at least it could be.

thank you!

best,
nancy kemp

In a message dated 4/7/2022 5:15:57 PM Pacific Standard Time,
swilliams@mariposacounty.org writes:

Hi all,

If you have takeaways from yesterday's meeting that you would like to share, please sent them to me by the end of the day on Monday, 4/11.

We will work to get your 4/20 meeting agenda and packet out by 4/13.

Thanks,

Sarah