

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #25 DRAFT MINUTES

DATE: April 5, 2023
TIME: 1:00 - 4:00 PM
LOCATION: Board of Supervisors Chambers, 2nd Floor
5100 Bullion Street, Mariposa CA

1. Call to Order and Welcome at 1:09 p.m. by Chair Woblesky.

CCAC Members Present: Kris Casto, Lydia Clary, Gabe Edwards (arrived 1:20), Robert Fox, Ken Melton, Colleen Rhodes, Cassandra Beth Scaffidi (arrived 1:17), and Karen Woblesky.

CCAC Member Absent: None.

County Staff Present: Steve Engfer (Planning), Corrina Miranda, Debbie Willis (Building, partial meeting).

Public Present: Al Golub, Madison Kirkpatrick (Mariposa Gazette).

Chair Woblesky welcomed members, guests, and staff and announced the presence of a quorum. Also described reason for meeting for an extra hour today. Briefly described the ARPA fund allocation.

2. Information: Steve Engfer: Re: Telephone access that was recently changed by the BOS- Public Call-in only. Committee Membership hybrid option no longer allowed.

Engfer briefly discussed the changes made to telephone access and the changes made to teleconference rules that allowed hybrid meetings in the past. The telephone call-in option has been reinstated by the Board of Supervisors. The number and access code are available on the agenda. Teleconferencing hybrid meetings are no longer allowed. There are no callers on the phone today.

3. Approve Minutes of CCAC Meeting #24, 3/15/2023.

Members reviewed the minutes and made no requests for changes.

Motion by Casto to approve the minutes as submitted.

Second by Fox.

Motion passed. 6 ayes, unanimous (two members arrived soon after this vote).

4. Discussion/Review re: Check in with CCAC New Member/s Onboarding Process.

Chair Woblesky introduced this item. New members are encouraged to review past minutes, Rosenberg's Rules of Order, CCAC Bylaws, the Memorandum going to the Board of Supervisors this

month, the memorandum written by then-Planning Director Sarah Williams, the changes made to MCC 18.05 based upon CCAC recommendations, and other documents. Woblesky invited questions.

Casto stated she has been reviewing minutes from past meetings, suggested that new members meet with the chair to review past items. Woblesky agreed to make herself available.

Discussion ensued regarding information being made available to all members and the public, and Engfer made clear that no items or documents are withheld unless they are protected by a California Public Records Act exemption.

Clary suggested that all could benefit from reading the *Mariposa Planning Enforcement Procedures*, adopted in 2001, provided to the ad hoc committee members via Sharepoint. She asked that it be made available to everyone and included in the next agenda. Engfer agreed to do so.

Woblesky asked how the CCAC web page could be updated with all the most important documents. Engfer stated that staff could work with the chair to make the requested changes.

Casto asked for additional information when certain code sections are referenced. Miranda agreed to add hyperlinks.

5. Discussion/Update by Planning Director Steve Engfer, Corinna Miranda, Code Compliance Technician re: CCAC current vacancy status; new timeline for CCAC Status Memo going to the BOS (4/18/23 at 2:00 p.m.); new process for submitting CCAC minutes to the Board of Supervisors; and current status of Code Violation List.

Engfer reported that there are no applications for the one existing CCAC vacancy.

Engfer announced that the status Memorandum will be on the Board of Supervisors agenda on April 18, 2023, at 2 p.m. The agenda will be published on the Thursday or Friday preceding the meeting date and is accessible on the county's official agenda page.

Engfer announced that past minutes will be submitted for inclusion in the Board of Supervisors agenda in a bulk submission. He also stated that these minutes are included in the Board agendas to make access easier, but that they are also already available elsewhere.

Miranda announced that a new Planning staff member, Kim Bullock, has been hired. The latest list was included in today's agenda packet documents. Woblesky asked that the Violations List be made available as a digital file in Excel format. Miranda agreed that would be taken care of.

Woblesky asked about the numbers of cases coming off the list as compared to those coming in anew. Miranda stated that quite a few cases are being closed. Some are being referred to other departments to be closed and are coming off the list for that reason.

Scaffidi asked where complaints come from. Miranda replied that a majority come from public requests for investigation and a few come when there is an assessment change for one reason or another. Miranda stated that voluntary reporting and compliance is not counted on the list.

6. Discussion/Possible Action re: Review of CCAC Member Assignment re: Public Input Related to 2019-218. Agenda packet includes: CCAC Chart of Compiled Issues Related to 2019-218.

Chair Woblesky introduced this item by asking all to refer to the chart (see description above) in the agenda packet. Discussed the homework assignment and thanked everyone for input. Stressed the importance of understanding the public's concerns, both positive and negative, about 2019-218. Part of our responsibility is to understand what when wrong. Emphasized the county's assistance to the CCAC. Reported that she listened again to the audio of the October and November 2020 meetings to refresh her recollection. Reiterated the county's process and objectives in creating 2019-218 – it was a four-year process, an attempt to create alternative to having to go to court. The CCAC has spent a little over a year in assessing these processes. There is a need for public involvement, public process. There needs to be greater public involvement in the CCAC's processes. We're all on the same team, but need to take a different approach from what was done in 2020. We need to engage the public.

Rhodes offered that the approach taken by Engfer's staff in researching, developing, and presenting the Vision Plan for the Merced River Trail project is an example we can learn from. The Vision Plan itself documents much of the process, the engagement of the public, as well as the outcomes. Perhaps the CCAC could incorporate some of these approaches as we engage the public. Recording public input and incorporating it into a code compliance vision plan of sorts could give new participants in the process a historical view of the efforts that have been made. No matter when they come into the process, interested persons can benefit from knowing what has been done to that point.

Engfer stated that there were surveys and feedback in the vision planning process that Planning undertook along with the Community Working Group. As regards code compliance, if you include a draft, something tangible, and present it to the public through surveys and outreach, and ask for engagement and input, you may be able to use it regarding this subject matter as well. It is essential to have a draft so that people have something tangible to respond to. The request for input is important. Feedback gets folded in. The Board is directing the CCAC. Maybe we look for support for that outreach. Sometimes that kind of effort is funded through grant funds. Could benefit from some sort of outreach of this type. Critical for the Board to know that the CCAC is moving forward.

Scaffidi stated that she really appreciates that approach. Thinks that surveys could be helpful, lets community know that they are being seen and heard; they're a teaching instrument as well. The challenges to this community from storms, fires, power outages, school closures, and more are significant, and harder than in many places. At the same time, this is a divided community. Surveys, workshops would be good. Maybe have some public events where we invite a water expert to speak or some such thing.

Engfer stated that when water quality is impacted by a compliance problem, that's a real issue. The code needs to be advanced because that authority drives much that is done. Deliverables and directives are important. Although the public can attend any of these meetings at any time, a workshop focused on feedback from the public regarding a proposal can help synthesize an approach and moving forward.

Woblesky suggested that an ad hoc committee be created to work on how to best engage the community so that there is genuine involvement in the process. Edwards agreed. Melton disagreed. Discussion ensued regarding surveying community opinions.

Scaffidi noted that concerns stated in 2020 regarding 2019-218 went beyond concerns about the code itself and included concerns about county staff. Engfer answered about code compliance staff, Planning, Building involvement.

Edwards believes that there was good and bad in 2019-218. The bad included what appear to be a revenue grab and mechanisms to create fear and get compliance. Doesn't believe it adequately addressed a real solution. Doesn't think there was an adequate definition of the problem it intended to solve. If the intent is to solve the problem, begin by identifying the problem and then come up with the solutions. Communicating individual changes is needed. A real issue has been identified that there is not now a sufficient tool for a dilapidated dwelling. We need to solve that. Every time additional sections of code are added that aren't needed, there is a problem.

Miranda mentioned surveys and their deployment. Yes or no questions are better. Would give some feedback.

Scaffidi stated it's important to know why people are not fixing things. There is quite a lot of drama regarding insurance. Pondered whether noncompliance is due to lack of money, physical ability, accessible contractors, or something else.

Fox agreed that the first step in solving the problem is to define it correctly. The root cause goes to a social and cultural level. Some people want to live that way. The problem is not the dilapidated house but something else that underlies it. The median income is less than \$50,000. Playing the devil's advocate, need to understand that some people want to live that way.

Clary stated that as a building official, she had to look at creative ways to get the public to join the team and work with the county's staff. Need to understand who people are and where they're coming from. Some of our codes require an engineer when one clearly is not needed. County staff needs to understand how to resolve some of these issues without requiring the cost of an engineer. There has to be more involvement from the county with staff's expertise to resolve these issues. Get rid of the attitude and people will understand that staff is there to help. Reduce the fee for an appeal. Change the culture of the county on how they work with people. The public is not stupid. Talk to people. The culture needs to allow people to come to the table to discuss things. Need to be able to put people at ease. Be sure written and adopted code is consistent with practice.

Engfer would like the CCAC to rewrite code as needed. Rewriting line by line so that changes are reflected in the code itself. Literally make the word changes. Determine what exactly is wrong in 2019-218, make the changes, and move on.

Fox is in the process of building an ADU and has had a very positive experience with the building staff.

Rhodes said she is ready to work on codes right now, but that the overarching idea that Clary discussed is important. People have said they don't trust the county. It's a widespread suspicion that needs to be considered even as the rewrites are being done.

Clary requested that other CCAC members send in the codes they believe should be changed. Fox asked for clarification as to which codes and it was agreed that the updates need to be made to existing codes. Melton suggested workshops. Further discussion led to a motion, which passed, that requires CCAC members to identify existing code language that needs to be changed.

Motion by Clary that CCAC members email to Engfer and Woblesky the specific, existing codes that they believe need to be changed, updated, or rewritten.

Second by Scaffidi.

Motion passed. 7 ayes (Clary, Edwards, Fox, Melton, Rhodes, Scaffidi, Woblesky) - 0 nays-1 abstention (Casto).

7. Presentation/Discussion/Possible Action re: BWOP Case and Code Review Report and Initial Recommendations by the Case Review and Code Review ad hoc committee: Edwards, Clary, Fox, and Rhodes.

Rhodes reported that Planning staff provided a document to the ad hoc committee members that would have been helpful to the CCAC if it had been provided a year ago. The document is titled *Mariposa Planning Enforcement Procedures*. It was adopted in 2001 and appears to be the source of many issues. She also stated that the procedures, practices, and terminology in the document are extremely flawed and need to be changed.

Clary reported that the ad hoc committee reviewed BWOPs, discussed abatement of specific violations, and has discussed the 1997 Uniform Code for the Abatement of Dangerous Buildings and believes it should be adopted, either as is or with some changes. If adopted, it can be made more restrictive but cannot be made less restrictive.

Edwards stated that some dilapidated buildings aren't addressable by current code. Agreed that the 1997 Uniform Code for the Abatement of Dangerous Buildings be adopted. Also, there are problems with abandoned vehicles that there's currently no mechanism for dealing with.

Clary added that there are cases in which property owners would like to cooperate and that the county should consider an amnesty program to assist them to deal with the problems. As to BWOPs, there are such a wide range of violations, from a reroof to construction of an entire building, there needs to be a county code compliance committee of potentially involved departments to look at the problem, come up with a resolution, and get it solved. Also recommended that there be a maintenance code, which would deal with junk as well.

Edwards agreed with all but this last recommendation, which he sees as problematic. He is particularly opposed to regulations regarding grass lengths.

Fox found objectionable the term "moral" standard and would like to be sure it is not included in any final product. He also objected to terms that are unnecessarily specific, as one of the references to fences was.

Edwards believes it is important to distinguish between visible problems and those that are behind fences. Melton stated that the county's jurisdiction is "public-public-public," not private, and that civil matters should be kept out of public agencies' concerns.

Edwards said he wants the ad hoc committee to prepare a vehicle abatement code based upon the CHP's program and provide that for full CCAC review for eventual recommendation to the Board of Supervisors. He will send the documents previously seen by then-members of the CCAC to the new members to bring them up to speed.

8. Discussion/White Board/Possible Action re: Use and Designation of ARPA Funds to be allocated for Code Compliance Activities.
Agenda packet includes: Dallin Kimble's ARPA Funds Power Point Presentation given to the CCAC on February 2, 2022.

Chair Woblesky introduced this discussion by referring everyone to the memorandum by County Administrative Officer Kimble which gives background on ARPA funds, their source, and their potential uses. She stated that the CCAC needs to make some decisions as to how, where, and for what the \$300,000 should be allocated. Recommendations will then be made to the Board of Supervisors so that the funding can be secured and used most effectively for the benefit of the community.

Casto asked what is meant by the term "amnesty." Woblesky discussed components of the amnesty proposals that have been considered by the CCAC in the past and the need now to be more specific and precise. Today's discussion needs to move us forward with these issues.

Woblesky described some potential uses for the funds: paying for dumpsters and transportation for community days for junk remediation, transfer station subsidies or vouchers especially for outlying areas, funding an abatement program, assisting with fees.

Fox asked if income levels and limits will be part of the program and how we might be able to incorporate some commitments to future prevention into any assistance provided. Clary suggested that services provided should be reimbursed and that liens will likely need to be part of the program. Funds can be refreshed through reimbursement. Loans were mentioned.

Rhodes asked whether the members are interested in a cooperative abatement process, stated that now there is no way to motivate participation. Might consider using funds in a summary abatement process not dissimilar to the abatement portion of 2019-218. Described various types of abatement processes, including cooperative, summary, and judicial and suggested that the CCAC invite County Counsel to speak to us again on the subject of abatement and ask Miranda to identify properties with violations that might benefit most from such a process.

Discussion ensued about the various ideas presented including solid waste and junk programs, abatement efforts, BWOPs and permit fees. The question arose as to how to motivate residents and property owners to make needed improvements. Agreement was generally reached that a survey could be done to elicit responses from the public. Staff agreed to work on survey ideas.

9. Discussion/Possible Action re: Future CCAC Agenda Items. Next CCAC Meeting is scheduled for April 19, 2023. (Meeting #26)

This item was not discussed.

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

No public comment was offered.

11. Adjourned at 4:03 p.m.

Motion by Edwards to adjourn.

Second by Scaffidi

Motion passed. 8 ayes, unanimous.

Minutes submitted by,

Colleen Rhodes
CCAC Secretary