

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING ACTION FINAL MINUTES

(Approved 2/2/22)

DATE: January 5, 2022
TIME: 2:00 – 4:00 PM
LOCATION: Board of Supervisors Chambers, 2nd Floor
5100 Bullion Street, Mariposa CA

1. Call to Order: 2:02 pm by Chair Karen Woblesky.

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

Public present: Ken Melton, Al Golub, and un-identified persons. Public on the Phone Line: Lorraine Freeman and un-identified persons.

County Staff present: Sarah Williams, Corrina Miranda, Carol Suggs and Jil Chiesa, Planning Department. Jeremy Briese, County Sheriff; Steve Dahlem, County Counsel and Walter Wall, District Attorney arrived later in the meeting for their presentations.

2. Approve Minutes of 12/1/2021 Meeting.

Williams offered up edits to the minutes (see document provided). Eileen Collins suggested that on item 8 paragraph 2 that the wording "...an items" change to "...items"

By motion of Smith, seconded by Clary, the CCAC approved the draft minutes of 12/1/21 as amended. Motion Moved.

RESULTS: ADOPTED [7 to 0]

AYES: (7) Clary, Collins, Kemp, Rhodes, Smith, Toso, Woblesky

Woblesky asked that, after each presentation, committee members jot down a phrase or two about what they learned; she referred to these as "takeaways". The "takeaways" can be attached to the minutes for the next meeting. She encouraged the public to do the same.

3. Discuss and Provide Direction or Recommendation Regarding Draft Advisory Committee Guidelines.

Williams provided presentation.

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Rhodes thought that having uniform guidelines was a good idea.

There were no other comments.

4. Review Code Compliance Open Case Log Updated as of 12/23/21, discussion and possible direction to staff.

Williams made a brief presentation about the updated case log. She noted that Planning has hired an Extra help staff person who is starting on Monday to assist Code Compliance with conducting a comprehensive review of the log, including old cases.

Discussion was held and requests were made regarding releasing the excel spreadsheet to the committee so that it could be sorted. Miranda explained that this was not possible as there was confidential information within the master document. It was requested that the document be sorted by area and type of violation and Miranda stated that she would make that available.

Discussion occurred about the age of items on the list, with some going back to 1993. There was a question about why the older items are on the list. Planning will be updating the list regularly and the extra help staff has been hired to facilitate this.

Discussion followed about case priority. Miranda stated that health and safety violations go to the top of the list.

5. Correspondence, including a) Presentation on Rosenberg's Rules of Order, b) Resolution No. 2021-682 CCAC Approved By-Laws, and c) *Sacramento Bee* Article; items provided for information only.

No discussion was held on these items.

6. Presentation from Steve Dahlem Regarding the County Counsel Office's involvement in Mariposa County's Code Compliance Process.

Dahlem made a presentation, which was followed by a question-and-answer session.

7. Presentation from Walter Wall Regarding the District Attorney's Involvement in Mariposa County's Code Compliance Process

Wall made a presentation, which was followed by a question-and-answer session.

8. Presentation from Jeremy Briese Regarding the Sheriff Office's Involvement in Mariposa County's Code Compliance Process.

Briese made a presentation, which was followed by a question-and-answer session.

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9. 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. The public will also be given the opportunity to comment before or during the CCAC's consideration of the items that are on the agenda.

Collins discussed her ideas for an incentive program, including a 90-day period during which Building would provide an inspection free of charge. She suggested that Building provide ability for a payment plan for people who are having financial trouble. She requested this be placed on the next agenda.

Caller on the phone commented about the poor audio.

10. Adjourn.

There being no further business the meeting was adjourned at 4:07 p.m.

Attachment to Minutes:

Meeting "Takeaways" from CCAC Members Collins, Clary, Smith, Kemp, Toso and Woblesky

Sarah Williams

To: CCAC Minutes
Subject: FW: CCAC - Takeaways from January meeting

From: Burt Collins <bccg@sti.net>
Sent: Friday, January 21, 2022 1:14 PM
To: CCAC
Cc: Staff
Subject: Re: CCAC - Takeaways from January meeting

My one shocking take away was a response from DA Wall when I asked about the number of Cartels working in our area and whether or not we are getting any help from the Feds. I actually emailed DA Wall to clarify what I had heard. He told me that the Federal Attorney General stated that the Federal Government investigators, taking direction from the US Attorney's office told him that "drug enforcement is not a priority" and returned our case to us locally." I would have thought that dealing with the Cartels would be a Federal issue in addition to local jurisdictions.

Eileen

Sarah Williams

To: CCAC Minutes
Subject: FW: Take away

From: Lydia Clary <lydiacrary@yahoo.com>
Sent: Saturday, January 22, 2022 8:41 AM
To: Sarah Williams <swilliams@mariposacounty.org>
Subject: Take away

Good Morning Sarah,

The following is my opinion and take away. It seems people are really stuck on marijuana issues, which is an enormous undertaking based on my past experience with grows and dispensaries. As far as grows, an ordinance can be updated and adopted and that should be it.

Meeting on January 5th take away,
Overview and insight from three Department Heads which included District Attorney, County Counsel and Sheriffs.
Synopsis of how their respective Departments relate to Code Compliance.

My take away is that a collaborative effort by these Departments along with Health, Planning and Building is possible, to develop a cohesive and fluent process to assist Code Compliance and Citizens to utilize.

Unfortunately, these Departments are short staffed and cannot devote the time to effectively contribute to typical code issues regularly.

Therefore, participation by said Departments for a short term, to assist staff design and approve a process that will assist Departments resolve issues. Not all code issues need to elevate to Code Compliance and may be resolved by respective Departments.

In my opinion, based on the code violation list, every violation is automatically sent to Code, which overwhelms the system causing this enormous backup of unresolved cases. Respective Departments need to be more proactive to resolve issues before elevating to Code.

I personally have experienced a permit/inspection process that can be easily rectified (very little cost and immediate cost savings) to relieve the possibility of some violations on the current code list.

Respectfully,

Lydia Clary

Sarah Williams

To: CCAC Minutes
Subject: FW: CCAC - Takeaways from January meeting

From: KarenSmith
Sent: Saturday, January 22, 2022 9:09 AM
To: Sarah Williams <swilliams@mariposacounty.org>
Subject: Re: CCAC - Takeaways from January meeting

1. The biggest surprise was that the Federal Attorney General saying that the Federal Government investigators, taking direction from the US Attorney's office told the DA that "drug enforcement is not a priority".
2. Each department stated multiple times they are understaffed.
3. Letter from County Counsel has a much bigger impact than getting a letter from Planning.
4. Code enforcement must have due process built in

Karen Smith

Sarah Williams

To: CCAC Minutes
Subject: FW: CCAC - Takeaways from January meeting

From: nrkempmail@aol.com <nrkempmail@aol.com>
Sent: Monday, January 24, 2022 3:58 PM
To: Sarah Williams <swilliams@mariposacounty.org>
Subject: Re: CCAC - Takeaways from January meeting

here's a couple...

Mr. Dahlem answered questions about an Administrative Fine Structure that would include a per plant/per day fine. He indicated that something like this could be possible, as long as it was properly constructed. This seems like something CCAC could look into, perhaps research if this has been successful in other counties and how we might construct something like this.

Mr. Dahlem was asked what has made for successful Code Compliance successful in Mariposa County in the past. He replied that the fear response of receiving a letter from the county has an impact. He also mentioned that cooperation and education of the public by the county has also been helpful. He said it works best when the county doesn't go in heavy handed and looks for ways to get to YES. This could be something CCAC could look into, that is, what sort of education programs and cooperative measures have been set up and successful in other counties.

thank you!

best,
nancy kemp

Sarah Williams

To: CCAC Minutes
Subject: FW: CCAC - Takeaways from January meeting

From: dwtccr@aol.com <dwtccr@aol.com>
Sent: Monday, January 24, 2022 4:25 PM
To: Sarah Williams <swilliams@mariposacounty.org>
Subject: Re: CCAC - Takeaways from January meeting

Good Afternoon,

I would like to discuss an effective, efficient, expedient way to bring violators into compliance, (I know that's a tall order.) With 509 open cases as of 12/13/21, dating back to the early 1990's, I'd like to discuss the possibility of only collecting permit fees on these cases.

Thank you!

Danette

“Takeaways” from 1/5/22 CCAC Meeting Presentations

Planning: There are multiple violation cases that are well over ten years old. The Planning Department will be undergoing a review process with an extra help employee to determine the current status of cases that are currently on *The Code Violation List*.

Perhaps a program similar to Santa Cruz County’s “Safe Structures Program” can be used as a model to target and help resolve those older violation cases that are deemed to not have imminent health and safety hazard issues.

<https://www.santacruzsentinel.com/2018/07/17/santa-cruz-county-offers-amnesty-to-unpermitted-homes/>

County Counsel: Most civil code violation cases are resolved cooperatively between County Counsel and County residents. The County Counsel stated that there was a better response when someone received a letter from his office rather than from the Planning Department.

Perhaps future County code compliance processes should incorporate the County Counsel’s office in order to resolve civil code violations at the lowest possible level before fines and other punishments are incurred.

District Attorney: Primarily consults with the Sheriff’s Office and handles referred criminal code violation cases. For large illegal marijuana grows, prosecution can at times be impeded by conflicting laws between the state and the federal government, or by local codes that are not up to date. The DA’s Office uses other laws to help put together an illegal marijuana grow case, such as laws pertaining to environmental impacts and criminal conspiracy.

Perhaps future County codes related to illegal marijuana grows and their consequences should also include a full spectrum of companion violations that a County resident can be charged with, such as environmental impacts, criminal conspiracy, trespassing, etc.

Sheriff’s Office: Suggested a self-identification process with regards to developing a Mariposa County Cannabis Classification System. The County would clearly spell out the requirements of how County residents can legally grow marijuana. County residents would voluntarily self-identify and declare that they were legally growing marijuana within the allowable County guidelines.