



Mariposa County

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Mariposa County MINUTES of the Code Compliance Advisory Committee



ROB FOX
GABRIEL EDWARDS
FLOYD DAVIS
CL RHODES
KRIS CASTO
KEN MELTON

CHAIR
VICE-CHAIR
MEMBER
MEMBER
MEMBER
MEMBER

FINAL MINUTES OF THE CODE COMPLIANCE ADVISORY COMMITTEE

February 14, 2025

(Approved 5/9/25)

A. Call to Order and Roll Call

Rob Fox, Chair, opened the meeting at 2:00 p.m. and announced there was a quorum.

Members Present: Robert Fox, Ken Melton, Gabe Edwards, Colleen Rhodes, and Kris Casto

Members Excused: Floyd Davis

County Staff Present: Steve Engfer (Planning), Sophea Craighead (Planning), Bart Conner (Code Compliance), Corrina Miranda (Building), District 5 Supervisor Miles Menetrey, Danielle Bondshu (Clerk of the Board)

B. Public Comment on Non-Agenda Items

For items within the jurisdiction of the Code Compliance Advisory Committee and not on today's agenda. No action will be taken on non-agenda items.

Public comment was received by Shelley Cummings (Lake Don Pedro Residence), regarding a lack of communication from County Staff pertaining to code enforcement complaints received, and asked for effort and collaboration from County Staff.

C. Approval of Minutes

1. Review and Approve Minutes from September 13, 2024 meeting (Tabled from November 8, 2024 Meeting)

By motion of Rhodes, seconded by Edwards, the Code Compliance Advisory Committee approved the draft minutes of September 13, 2024 as presented. 5 ayes, 0 nays, 1 excused (Floyd Davis), 0 abstained. Motion passed as presented.

2. Review and Approve Minutes from November 8, 2024 meeting (Tabled from December 20, 2024 Meeting)

By motion of Edwards, seconded by Casto, the Code Compliance Advisory

Committee approved the draft minutes of November 8, 2024, as presented. 5 ayes, 0 nays, 1 excused (Floyd Davis), 1 abstained (Colleen Rhodes). Motion passed as presented.

3. Review and Approve Minutes from December 20, 2024 Meeting

Item D.2., 4th paragraph: Rhodes suggested replacing “Rhodes recommended that the CCAC consider the basic mechanism under state law” with “Rhodes recommended that the CCAC consider the Government Section 245845”.

By motion of Rhodes, seconded by Edwards, the Code Compliance Advisory Committee approved the draft minutes of December 20, 2024 as amended. 5 ayes (Kris Casto was excused from this meeting but had listened to the audio in its entirety), 0 nays, 1 excused (Floyd Davis), 0 abstained. Motion passed as amended.

Review and Approve Minutes from Joint Planning Commission January 10, 2025 meeting.

The following amendments were suggested by the CCAC:

- Item A, Call to Order and Roll Call, add Kris Casto to Members Present, as she was present at the joint Planning Commission meeting.
- Item C.1., Joint Study Session with the Planning Commission, page 2, paragraph 8, Rhodes suggested amending “Rhodes highlighted that those in violation under Title 17 would be remedied by the abatement itself without the county seeking other routes for repayment” to “Rhodes highlighted that violation under Title 17 would be remedied by the abatement itself”.
- Item C.1. Joint Study Session with the Planning Commission, page 2, paragraph 9, Rhodes suggested amending The Board of Supervisors would be adopting section 25845” to “The Board of Supervisors would need to adopt section 25845”.
- Item C.1., Joint Study Session with the Planning Commission, page 3, last paragraph, Edwards noted a typo to the word “tiered” (correct spelling).

By motion of Edwards, seconded by Casto, the Code Compliance Advisory Committee approved the draft minutes of January 10, 2025 as amended. 5 ayes, 0 nays, 1 excused (Floyd Davis), 0 abstained. Motion passed as amended.

D. Election of officers for 2025 in accordance with CCAC bylaws: Chairperson, Vice Chair, and Secretary

By motion of Fox, seconded by Rhodes, the Code Compliance Advisory Committee elected Edwards as the chair for 2025. 5 ayes, 0 nays, 1 excused (Floyd Davis). 0 abstained. Motion passed.

By motion of Rhodes, seconded by Edwards, the Code Compliance Advisory Committee elected Fox as the Vice chair for 2025. 5 ayes, 0 nays, 1 excused (Floyd Davis). 0 abstained. Motion passed.

A discussion occurred regarding the secretary's position and the CCAC concluded that Planning Staff, Sophea Craighead, should continue acting as secretary. The Planning Director, Steve Engfer, noted that staff will continue to provide the service.

E. Information Item

1. Receive information regarding Planning Advisory Committees possible dissolution from Clerk of the Board, Danielle Bondshu

Bondshu apologized to the committee regarding a published item that listed the CCAC for dissolution. She clarified that this was due to a miscommunication, and explained that the CCAC would be discussed amongst the Board of Supervisors regarding the possible dissolution after the committee completes their assigned duties.

Bondshu informed that the Board directed her to meet with each Planning Advisory Committee (PAC) as the PAC will be under the Clerk of the Board's (COB) purview (the agenda, agenda posting, and clerking the meeting), and for her to discuss with each committee regarding their purpose, progress, and to receive an estimated dissolution date to bring forth to the Board. She then asked the committee for their inputs, recommendations, or concerns.

There was no public comment received.

A brief discussion occurred regarding the committee's sunset date, the process of the committee's recommendations to the Board, and briefly touched on the overall scope and timeframe of the committee's tasks.

The following CCAC members provided their feedbacks and recommendations:

Fox agreed with having a sunset date and recommended that the committee review the tasks that have been completed instead of looking at a calendar.

Rhodes suggested referring back to the Board's resolution from when the committee was created in 2021, as the tasks listed are broader. She then expressed appreciation to Bondshu, and noted that the CCAC would be well served by the COB overseeing the committee and welcomed the structure.

Edwards expressed that he was unsure if a reasonable timeframe could be provided, shared that he has a personal interest in seeing each task through, and questioned how long will it take for staff to complete and implement the Abatement and Amnesty Program.

Casto noted she had intentions in seeing through that the codes are set in place, and expressed an interest to come back to the Board periodically to provide updates or recommendations.

Bondshu noted that she can provide the Board's resolution, so the committee can

determine where they stand at the next CCAC's meeting. Then reassured the CCAC

that they had plenty of time to review and discuss.

F. Discussion and Possible Action

1. Discussion and possible action regarding the Board of Supervisors Direction on the Code Compliance Program: Steps 1-4.

- a. **Confirm that Step I (Amnesty Program) has been addressed and closed**
- b. **Confirm that Step II (Revision to Code Compliance Policy, Procedures & Correspondence) has been addressed and closed. Per direction from Joint Meeting with Planning Commission January 10, 2025.**
- c. **Discuss Step III: Apply Code 15.10.260 for cases with immediate Life, Health, Safety and/or Unfair Business Practices implications. Review and Provide Comments**
- d. **Discuss Step IV: Changes and Additions to Existing County Code- Revise and Provide Comments**

(For c. and d. See Attachments F & 1/10/25 PC/CCAC Joint Meeting Draft Minutes)

Edwards expressed that the Amnesty Program - Step I needed to be revisited; especially pertaining to whether the amnesty program should be utilized on a long- or short-term basis.

Rhodes agreed with Edwards regarding the longevity of the Amnesty Program. She then noted that Step 1 should be reviewed in terms of integrating it with Step II, and that the CCAC needed to spend more time reviewing the Abatement Program, as the Abatement Program for Zoning, Title 17 isn't adequate to meet the needs of the county for the different code sections, and that the CCAC needed to review the case log provided by Compliance Technician, Bart Conner before both steps can be moved forward.

Fox suggested using the May 14th memorandum as a starting point for the four steps during the committee's review.

Engfer reiterated that the CCAC wanted to delimit the Amnesty Program Step I and noted that staff will include this into Step 1, pending the final review of the entire steps, as that change could potentially affect Step II, Step III, and Step IV.

Engfer spoke about Step II, stating that any changes would need to be provided to staff for memorialization, and he provided a recap of the directions given by the CCAC at the joint Planning Commission January 10, 2025, meeting pertaining to Title 17 on Enforcement. He then summarized that the CCAC is now wanting to provide recommendations to Title 1 that could affect the previous directions and recommendations that have been memorialized; and offered to bring back to the committee the changes requested to compare with the original memorandum.

Edwards concurred with Engfer to bring back to the committee the requested changes to compare with the original memorandum (differential document).

A brief discussion occurred that resulted in the CCAC providing a policy

recommendation regarding Title 17, section 25845 (previously recommended to the Planning Commission that's been memorialized) to be explicit to Title 1 and made available to Title 8, 13, and 15.

Rhodes provided a summary of code 15.10.260 and explained that in this code the term "civil penalty" is for a violation and explained that it is a fines program. She expressed that code 15.10.260 does not have adequate due process protection. She reiterated that the fines program cannot be written in a way that does not provide a due process protection that is state required.

Rhodes stated that the discussion should start with an understanding that code 15.10.260 does not work. Stating that this is a Title 15 program that is limited to Title 15, with language pertaining to immediate life, health, safety violation that shouldn't be remedy by a fines program, but instead the summary abatement program.

Edwards concurred with Rhodes regarding the fines program and shared that in previous conversations with county staff, no one was in favor of the fines program, and noted that if the intent and intention is compliance with code then the abatement should be the solution. He stated that with code 25845 the CCAC has created 3 versions of the abatement (voluntary, clean up, summary abatement).

Rhodes stated that it has not been clear as to when the county used the summary abatement but stated that it can be a dangerous process; particularly if the property owner sues the county. The property owner can bring forth evidence to the judge that the summary abatement was not required. She then highlighted that documentation is essential and must be a true life, health, safety issue, and noted title code 731 that allowed the county to bring action initially before the court that every act of abatement could be approved by the courts before the county proceeded with the abatement process; and stressed that this is not a risk-free process.

Rhodes shared that there were statements made by the Board of Supervisors indicating an interest in fines as a way of motivating property owners to address their violation; and then spoke about other counties using the fines programs. She shared that Government Code 53069.4a(2)(A) provided for a fines system that has a due process built into it that the CCAC could consider; however, the CCAC has never been an advocate for fines to be appropriate.

Engfer asked for clarification regarding an amendment to a policy recommendation Government Code Section 25845 and 27720 to Title 17 at the joint Planning Commission meeting, now to include this policy to Title 1, and that the CCAC does not want to use it as it is currently written, and that Title 1 would have a set of alternative due process opportunities in relationship to Title 8, 13, 15 and 17 would be drawn from that process.

Rhodes reiterated that the CCAC never liked a fines program and if the committee should consider a fines program, then the CCAC would need a direct recommendation from the Board of Supervisors indicating that the Board specifically wants a fines program along with the purpose, so the CCAC can properly design the program. She

then stated it was up to the Board to determine if they want the fines program, or the

Administrative Abatement with Due Process Government Section Code 25845 and 27720 through 27728.

Edwards noted that there are a few holes in the process and that the CCAC needed to have this discussion. The CCAC's recommendation has been an abatement process with the adoption of the Administrative Abatement with Due Process Government Section Code 25845 and 27720 through 27728, if processed correctly than the code 15.10.260 could be replaced with something that refers to Title 1.42.

The consensus from the CCAC was to give section 15.10.260 with a reference to a future Title 1.42; especially pointing to 25845 and with references to 27720 through 27728.

Engfer acknowledged the recommendations he heard for Step 3 and will memorialize to bring back to the committee.

The committee moved the discussion on to Step 4. Edwards asked for an update regarding the Vehicle Abatement Program (AVA). Engfer stated that the AVA is part of the process and included in the packet to move forward that has been memorialized.

Rhodes asked for the status update of the Building Appeals Board and requested to include in the agenda items for the next meeting. Also, staff was to provide the committee with the current types of case violations and status, and for Conner to present and discuss his experiences, provide feedback regarding the Administrative Abatement with Due Process that would aid and/or safeguard him in his tasks.

Engfer asked to table #2, the responsibility area assignments to a future date as the Development Services Department is under consolidation. The CCAC concurred.

Kris suggested inviting the other Departments to the CCAC meetings.

Engfer noted that Item #3 would be taken care of. Edwards agreed with Engfer and asked for an update regarding over-the-counter fees.

Interim Building Director, Corrina Miranda shared that all permit fees are currently being reviewed, and that staff are looking at different programs to deal with permits without requiring an inspection and currently working with Sonora County to achieve this. She then provided an update regarding the Tyler Permitting Software that can provide analytical information to aid in accessing over-the-counter fees.

Casto asked if the committee can be provided with educational materials for the Tyler Permitting Software. Mirandas stated that staff can provide the committee with a tutorial of the Tyler Permitting Software from staff and the public's view.

G. Future Agenda Items

- Board of Supervisor's Resolutions – Clerk of the Board, Danielle Bondshu.
- Discussion and Possible Recommendation to synthesize from the Planning

Commission and bring in correlation to the previous memorandum and any

changes that needed to be made as part of the recommendation set that has come from the CCAC back to the Board in response to the original Board directive.

- Staff to provide the differential document.
- Staff provide an update on the Building Appeals Board
- Staff provide a presentation – Tyler Permitting Software

H. Adjournment

By Motion of Melton, seconded by Fox, the Code Compliance Advisory Committee meeting adjourned at 4:03 p.m.

5 ayes, 0 nays, 1 excused (Floyd Davis), 0 abstained. Motion passed.

Minutes prepared and submitted by Sophea Craighead, Acting Committee Secretary.