RECOMMENDATION AND JUSTIFICATION:

Approve Increasing the Allocation of an 80% Permanent Part-Time (PPT) Code Compliance Technician Position in the Planning Budget to a Full-Time Position Effective April 1, 2014; Approve Amendments to the Code Compliance Technician Job Description; and Approve Budget Action Transferring Funds from the Community Corrections Budget to the Planning Budget to Accommodate the Increase in the Allocation ($3,491). There are civil enforcement procedures contained in the recent marijuana cultivation ordinance. The Sheriff's Department would benefit from assistance on conduction and documentation of inspections, and preparation of correspondence and notices to enforce the regulations through the civil procedures. If the requested action is approved, the Code Compliance Technician would be available to provide assistance to the Sheriff's Department for up to 8 hours per week. No criminal law enforcement duties are added to the amended position description, and it is anticipated that the Code Compliance Technician would accompany a Sheriff's Deputy in a patrol vehicle on the conduction of site inspections.

As this is intended to be a cooperative and "shared" use of this position with the Sheriff's Department, the Community Corrections Partnership (CCP) Executive Committee recently took action to approve two (2) years of funding to support this change, using AB 109 funds. The CCP Executive Committee found that the costs associated with the Code Compliance Technician's assistance to the Sheriff's Department in the performance of the civil enforcement tasks associated with the medical marijuana cultivation ordinance are eligible for AB 109 funding, as there is a nexus or connection to reducing criminal behavior. The CCP Executive Committee includes the Sheriff, the District Attorney, the Public Defender, the Chief Probation Officer, and the Human Services Director.

The requested action will increase funding costs for this position by $3,491 for the 3 months remaining in Fiscal Year 13-14 ($2,355 for increased salary costs and $1,136 for increased benefits costs). This includes the recent 2% salary increase and a step increase due in May. No
additional county vehicle or fuel expenses are anticipated. A budget action form is included for the requested transfer of funds.

The requested action will increase annual costs for this position by approximately $14,000. This increase will be funded by AB 109 funds for two (2) fiscal years.

The increase in the allocation is requested to be effective April 1, 2014, based on the commencement of the growing season for marijuana.

The attached amended job description was prepared by Human Resources/Risk Management (HR). While HR would normally be the responsible department for bringing such an amendment to the Board for consideration, it is appropriate for the Board to consider all requested actions at one time. Should the Board deny the requested allocation change, there would be no need to amend the job description. The amended job description was sent to Service Employees International Union (SEIU) for review and comment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors adopted Resolution No. 02-347 on September 10, 2002, approving a new Extra-Help job description entitled "Code Compliance Technician" at Range 209, Step 1 (the first step of the Deputy Sheriff Range). This position was approved to provide investigative services for the Planning Department relative to written complaints alleging violations of planning, zoning and building codes.

During the 2012-2013 Final Budget hearings, the Board of Supervisors approved setting aside funding of $60,000 in the Planning Budget to allow for more permanent assistance with code compliance needs.

The Board of Supervisors adopted Resolution No. 2013-21 on January 22, 2013, approving an amendments to the Code Compliance Technician job description, setting the full-time salary for the position at $3,377.44 - $4,105.15 (aligning with the County's Fraud Investigator classification), assigning the position to the SEIU bargaining unit, allocating one 80% permanent part-time position to the Planning Department, and authorizing the recruitment and filling of the position effective January 22, 2013. This position was filled May 1, 2013.

Although the Code Compliance Technician is currently funded solely through the Planning Department budget (salary, benefits and vehicle costs), the workload is shared with the Building Department.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve request. The Code Compliance Technician would remain an 80% PPT allocation to the Planning Department. Sheriff Deputies would have to conduct inspections, and prepare correspondence and notices for medical marijuana cultivation ordinance enforcement.
Make employee allocation change effective July 1, 2014. The Sheriff’s Department would not be able to use this employee until mid-summer, when the growing season for marijuana is well underway.

FINANCIAL IMPACT:
The requested action will increase costs for this position by $3,491 for the 3 remaining months in FY 13-14. The requested action will increase costs for this position by approximately $14,000 annually. Increased costs are funded by AB 109 funds for two (2) years.

ATTACHMENTS:
2014 Amendments to Code Compliance Technician (PDF)
budget action form for increase (XLS)

CAO RECOMMENDATION
Requested Action Recommended

[Signature]
Rick Benson, County Administrator’s Office

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier
## BUDGET ACTION FORM

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### TRANSFER BETWEEN FUNDS

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**ACTION REQUESTED:** (Check all that apply)

- [x] Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or transferring appropriation from Contingencies;

- [ ] Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories with a budget unit;

**JUSTIFICATION:**

Trans Funds from Probation to Planning for off set of code compliance tech position 80% to 100% to cover for the increase of salary and benefits for April, May and June. Future funding will be included in the FY budget for 2014-2015.

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**DEPT HEAD SIGNATURE**

Date: 3/13/14

**DEPT HEAD SIGNATURE**

Date: 3/14/14

**APPROVED BY RES NO.**

14-120  CLERK

Date: 3-18-14

AUDITOR’S USE ONLY

BA#
CODE COMPLIANCE TECHNICIAN

DEFINITION
Responds to written complaints of alleged planning, zoning, or building violations under direction of the Mariposa County Planning Director; may assist the Sheriff’s Office in medical marijuana cultivation compliance (non-law enforcement tasks); reviews Williamson Act compliance questionnaires for compliance with applicable policies and laws; interviews the complaining party and relevant witnesses; investigates allegations of violations and conducts field investigations of properties, and submits findings of investigations to the Planning Director for the Director’s determination as to whether or not a violation exists. May conduct follow-up investigations upon direction of the Director. Duties include full case management, investigation, testimony, and case preparation during enforcement proceedings and follow-up inspections.

SUPERVISION RECEIVED AND EXERCISED
Planning Director or his or her designee.

EXAMPLES OF ESSENTIAL FUNCTIONS
Conducts investigations of written complaints alleging planning, zoning, or building code violations.

Reviews Williamson Act compliance questionnaires for compliance with applicable policies and laws.

Makes drive-by or on-site inspections of residential and/or commercial and/or agricultural properties; notes possible violations at all other property sites observed during the course of field investigations.

May coordinate responses to medical marijuana cultivation ordinance violations with the County Sheriff by assisting with the inspection of a property that is in potential violation; may assist with the subsequent civil process of violators by researching ownership of the property and preparing appropriate documentation.

Interviews complaining party, witnesses, and other appropriate parties.

Gathers, assembles, preserves, and reports facts, statements, or affidavits and other evidence for use in administrative proceedings.

Prepares narratives, analysis of investigative findings, investigative reports and correspondence; submits factual findings of investigation to Planning Director to assist Director in determining whether or not a code or policy violation exists.

Case preparation and testifying during code enforcement administrative proceedings.
Obtains objective proof of suspected code or policy violations.

Coordinates activities with the Building Department Director.

Attends training, meetings and workshops as necessary to enhance job knowledge and skills.

Performs routine administrative and clerical work as required, including but not limited to typing or word processing reports and correspondence, compiling data for reports, entering and retrieving computer data, copying and filing documents, sending and receiving faxes and e-mail correspondence, downloading and organizing photographs documenting investigations, etc.

Performs other related duties similar to the above in scope and function as required.

**EMPLOYMENT STANDARDS**

**Knowledge of:**

- Investigative techniques and procedures.
- Legal rights of citizens.
- Techniques for dealing effectively with the public, in person and over the telephone, including working with highly agitated, confrontational, and difficult people and situations.
- Techniques for providing a high level of customer service to the public, in person, and over the telephone.
- Relevant state and local laws, codes and regulations relating to planning, zoning, Williamson Act, and building.
- Proper English usage, spelling, grammar, and punctuation.
- Modern office practices and technology, including the use of computers for word processing and records management, use of equipment for copying and scanning documents, use of digital cameras for documenting field investigations, etc.
- Safe driving rules and practices.

**Ability to:**

Read, understand, learn, interpret and apply provisions of laws, policies, regulations, and ordinances relating to planning, zoning, Williamson Act and building codes.

Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities, meet time deadlines, and schedule inspections and necessary meetings.
Obtain information and evidence by observation, obtain information and evidence by research of permit files and other county records, record interviews, and secure physical evidence.

Analyze and evaluate the statements of witnesses.

Maintain accurate, organized and complete records and files, including both hard copy and digital files; prepare clear and concise reports; prepare accurate and complete correspondence to property owners regarding violation matters, which contain appropriate legal citations and references.

Use Microsoft Word and Microsoft Excel programs effectively and efficiently.

Communicate effectively in both oral and written forms.

Establish and maintain cooperative working relationships with citizens, co-workers, and public officials under conditions requiring tact and good judgment.

Solve problems effectively and objectively.

Maintain confidentiality of all information and materials.

Physically conduct field work.

Document field investigations by use of digital photography and written documentation.

**TYPICAL WORKING CONDITIONS**
Work is performed in an office and field environment. Incumbent drives on surface streets and may be exposed to traffic and equipment hazards, adverse weather conditions, temperature and noise extremes, heights, explosives, fumes, dusts, odors, toxic or caustic chemicals, pathogenic substances, vibration.

**TYPICAL PHYSICAL REQUIREMENTS**
Requires the mobility to work in an office and field environment. Requires the ability to sit at desk and intermittently walk, stand, run, climb, balance, bend, squat, twist and reach while performing office duties and/or investigative work; lift and/or move up to 50 pounds of weight; perform simple grasping and fine manipulation. Must be able to maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading and writing, and operating office equipment. Must be able to use a telephone to communicate verbally and a keyboard to communicate through written means, to review information and enter/retrieve data, to see and read characters on a computer screen. Requires the strength and stamina to perform investigative duties including driving a motor vehicle.
MINIMUM QUALIFICATIONS

EXPERIENCE
At least three years of experience in conducting investigations and gathering information which required interpretation of laws, rules and regulations or one year of experience in a public agency performing field or office work in the enforcement of codes, regulations or ordinances relating to building codes or building plans, zoning laws, abandoned vehicle abatement, and/or other health and safety nuisance. Ability to read and interpret development, construction and grading plans is desirable.

EDUCATION
High school graduation or G.E.D.

Possession of an International Code Council (ICC) certification as a Building Inspector and/or Zoning Inspector is desirable.

ADDITIONAL REQUIREMENTS
Possession of a valid California driver’s license; under certain circumstances, the Personnel Director may accept a valid driver’s license from another State if applicant acknowledges his/her intent to acquire a California driver’s license within three months by signing an acknowledgement form.

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbents may be expected to perform job-related duties other than those contained in this document.

Created: 09/02 (B/S 02-347)
Revision Date: 02/06 (B/S Res. 06-73); 01/13 (B/S Res. 13-21); 03/14 (B/S Res. 14-120)