RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)  
SEE ATTACHED MEMO

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board asked Staff to propose methods of better responding to citizen zoning complaints.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
See attached memo

<table>
<thead>
<tr>
<th>COSTS:</th>
<th>SPECIAL INSTRUCTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Budgeted current FY ( ) Not Applicable</td>
<td>List the attachments and number the pages consecutively:</td>
</tr>
<tr>
<td>B. Total anticipated costs $20,000</td>
<td></td>
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<tr>
<td>C. Required additional funding $_______</td>
<td></td>
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<tr>
<td>D. Internal transfers $_______</td>
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<table>
<thead>
<tr>
<th>SOURCE:</th>
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<tbody>
<tr>
<td>A. Unanticipated revenues ( ) 4/5(^{th}) Vote Required</td>
<td></td>
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<tr>
<td>B. Reserve for contingencies $_______</td>
<td></td>
</tr>
<tr>
<td>C. Source description:</td>
<td></td>
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<tr>
<td>Balance in Reserve for Contingencies, if approved: $_______</td>
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</tbody>
</table>

CLERK'S USE ONLY:
Res. No.: 02-393 Ord. No:
Vote - Ayes: 3  Noes: 0  Abstained: 0
Approved ( ) Denied ( ) Not Recommended
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date:

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _________________________________
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
______ Recommended
______ For Policy Determination
______ Submitted with Comment
______ Returned for Further Action

Comment: ________________________________
MEMORANDUM

Date: July 23, 2002
To: Board of Supervisors
From: Eric Jay Toll, Director

Topic: Use of extra hire funds for assistance in responding to citizen initiated zoning complaints.

The Board of Supervisors asked Staff to investigate options achieving better response to complaints about alleged zoning violations. This report provides our recommendations.

About a third of the rural counties have formal code enforcement through either a dedicated code enforcement department or the Sheriff’s Department. Another third use the same system as Mariposa, with Staff handling complaint response. The other counties have a staff member within the Planning Department dedicated to enforcement.

The Board of Supervisors policy is clear, even with the improved enforcement procedures enacted in 2001, there is no appetite for “the zoning police.” Staff supports policy, and sought to propose a program within the bounds established by the Board.

Our need is to (1) respond to citizen complaints quickly; (2) conduct an appropriate investigation to determine if there is a violation; and (3) ensure timely follow-through when a violation is determined. This proposal will accomplish those objectives and meet Board policy.

Staff proposes supplementing its budget with on-call extra-hire personnel to assist with violation investigation. These hourly personnel would work on-call and handle the field investigation when citizens file complaints. We would advertise for people with experience or knowledge capable of conducting a field investigation.

Staff estimates we would need this service for not more than 1,000 hours per year. We would propose a pay scale of $15 per hour, which is the entry level hourly wage for deputy sheriffs. The County would provide a pool vehicle. The personnel would have identification, but would not wear uniforms.

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.
The total annual budget, including vehicle usage and supplies, would come to $20,000. This is broken down as $15,000 for the Coordinators and $4,500 for vehicle, and $500 for supplies. This does not include workers compensation costs. The arrangement would allow for immediate Board termination of the program if the results are unsatisfactory.

The process will use the personnel for field investigations. Citizen-initiated complaints will be routed to planners for initial determination of a violation. If a field investigation is warranted and staff does not have the time, the extra hire person will go onsite, take photographs, ask questions of the complainant, if needed, and gather appropriate information (usually observation of the violation or photos). The extra hire personnel will prepare a report and discuss findings with the assigned planner. A final determination will be made by Mariposa Planning personnel about the nature of the violation, if any, and the remedy, if needed. The Planners will contact the property owner with the Notice of Intent.

Answers to questions we've heard:

- The personnel will go on private property without a warrant to investigate.

  California Government Code §65105 expressly allows planning agency representatives to enter onto private property to conduct investigations without need for a warrant. This is how the Department has always functioned on planning and zoning matters.

- The personnel will issue citations.

  Mariposa Planning is not empowered to issue citations; the personnel work for the Department and only inherit Department power.

- The personnel will order junk cars towed from private property.

  This is not even on the table. I don’t know where this issue was raised.

- The personnel can go into buildings without a warrant to investigate.

  Departmental policy prohibits entry into occupied single family dwellings without occupant permission, even though State law allows entry without obtaining a warrant under §65105.

- The personnel will be looking for violations in order to generate work.

  Departmental policy, unless otherwise directed by the Board, is that all complaints have to be generated from the public. The lone exception is a imminent threat the health and safety. These personnel will only be used when the Department does not have personnel available on staff to respond to citizen complaints in a timely manner.

Mariposa Planning already has money in its Extra Hire budget for 2002-2003 which can be used for this purpose. Board approval is required to use the funds ahead of the budget approval process.