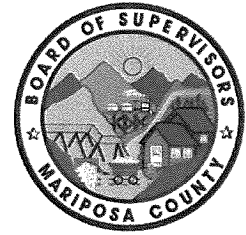


# MARIPOSA COUNTY

Planning · 209-966-5151



## RESOLUTION - ACTION REQUESTED 2021-331

MEETING: June 8, 2021  
TO: The Board of Supervisors  
FROM: Sarah Williams, Planning Director  
RE: Proposed Code Compliance Advisory Committee

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### **RECOMMENDATION AND JUSTIFICATION:**

Adopt a Resolution Establishing the Mariposa County Code Compliance Advisory Committee (CCAC) and Approving a Supplemental Questionnaire for CCAC Membership Applications.

Action is based on direction given to staff by the Board of Supervisors at their meetings on November 10, 2020 (following denial of County Code Amendment No. 2019-218 and discussion of procedural options) and March 16, 2021 (following discussion and direction regarding "increasing non-compliance with existing county codes").

### **RESULT:**

The resolution establishes a 9-member citizens' advisory committee to the Board of Supervisors. The resolution establishes purposes and tasks, responsibilities, membership considerations for appointment, and other procedural requirements for the committee. The purpose of the committee is to make recommendations to the Board of Supervisors for potential amendments to code compliance procedures. The resolution also approves a supplemental questionnaire for committee membership application.

### **CONSIDERATIONS:**

The draft documents presented for Board consideration were based on:

1. Other resolutions establishing advisory committees to the Board of Supervisors,
2. Discussion by the Board of Supervisors at their meetings on November 10, 2020 and March 16, 2021, and
3. Input from citizens who are interested in a collaborative process with the County to develop recommendations regarding code compliance procedures and alternatives.

### **PROPOSED NOTICING FOR CCAC MEETINGS:**

The draft resolution (Exhibit A, Section 8a - 8f) contains requirements for noticing a CCAC meeting that exceed state law and local policy.

State law (The Brown Act) currently requires that an agenda be posted at the meeting location and on-line. Planning also routinely publishes advisory committee meeting notices in the *Mariposa Gazette* and has recently started posted notices in the

*Yosemite Express* as well.

**NOTICING THIS ACTION BY BOARD:**

This action by the Board was noticed in local newspapers, including the *Mariposa Gazette* and the *Yosemite Express*. This action was also noticed on-line. Finally, hard copy notices of this action were posted in sixteen (16) locations throughout the county.

**NEXT STEPS:**

If the Board establishes the CCAC, next steps will include the following:

1. Staff will notice vacancies on the committee.
2. Staff will receive applications from persons interested in serving on the committee.
3. Staff will schedule an item at a future Board meeting, for the Board to appoint members to serve on the committee. All applications will be presented to the Board for consideration.
4. Once appointments have been made, an initial meeting of the CCAC will be scheduled.

**NOTE:**

The original version of the resolution which was posted for public information included provisions for a social media coordinator (to be an officer of the committee). These provisions were removed from the resolution during legal review of the item, based upon the County's Website Video and Social Media Policy, adopted January 22, 2019. On page 4 of the policy, under "Policy Responsibilities", it states, "Department Heads will appoint a social media moderator within their department to manage the social media account and to ensure that appropriateness of content. The designated moderator should: Be a Mariposa County employee or contractor [emphasis added]; be familiar with Mariposa County policies; understand the scope of responsibility, and be appropriately trained regarding county regulations and policies to interact on behalf of a department." [Emphasis added.]

A citizen member of the CCAC would not qualify under the policy that requires that the moderator be either an employee or a contractor. In addition, it would be difficult to monitor "other Facebook pages" used by Mariposa residents to ensure that they are set up with no comments.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

November 10, 2020: The Board of Supervisors denied County Code Amendment No. 2019-218 and discussed procedural options.

March 16, 2021: The Board of Supervisors discussed and gave direction to staff regarding "increasing non-compliance with existing County Codes".

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Alternatives: Amend text within the resolution, including makeup of advisory committee, membership requirements, noticing requirements and/or tasks and responsibilities.

Negative action: Do not adopt resolution. No advisory committee for code compliance would be established.

**FINANCIAL IMPACT:**

**No direct costs, although there is a staff time commitment to prepare educational and action items for the CCAC, and to staff the CCAC meetings.**

**ATTACHMENTS:**

**210608 Draft BOS Resolution Establishing Code Compliance Advisory Committee amended (PDF)**

**210517 Notice of Proposal to Establish Code Compliance Advisory Committee (PDF)**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Miles Menetrey, District V Supervisor

**SECONDER:** Tom Sweeney, District II Supervisors

**AYES:** Smallcombe, Sweeney, Long, Forsythe, Menetrey

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS**

Resolution  
No 2021-331

**A Resolution establishing the Mariposa County Code  
Compliance Advisory Committee (CCAC) and Approving a  
Supplemental Questionnaire for Membership Applications**

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**WHEREAS**, state law requires counties to prepare and adopt a General Plan to guide the future development of the county; and

**WHEREAS**, Mariposa County has an adopted General Plan; and

**WHEREAS**, Mariposa County implements the General Plan through local land use, development and permitting regulations in the Mariposa County Code, including zoning, building and environmental health regulations and marijuana regulations; and

**WHEREAS**, development codes are also established for the protection of public health and safety and for the protection of environmental quality; and

**WHEREAS**, Mariposa County is responsible for enforcement of these local regulations as well as state law; and

**WHEREAS**, Mariposa County Code establishes code enforcement procedures and requirements; and

**WHEREAS**, Mariposa County's procedures and requirements are not always effective in resolving code compliance matters; and

**WHEREAS**, there is an interest in pursuing amendments to the County's code compliance procedures and process to make the code compliance program more effective; and

**WHEREAS**, there is an interest in devising innovative public policy and programs that addresses residents' needs while also mitigating alleged violations; and

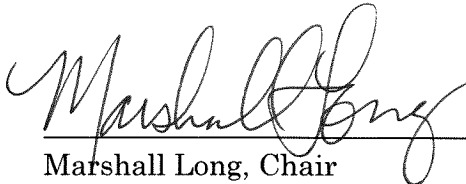
**WHEREAS**, the Board of Supervisors has considered the important role of collaboration between county staff, property owners, business owners and residents to research and develop recommendations for amended procedures and new policies and programs.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors does hereby establish the Code Compliance Advisory Committee (CCAC) as an advisory body to the Board of Supervisors with purpose, tasks, responsibilities, and procedures as described in Exhibit A attached hereto and incorporated herein.

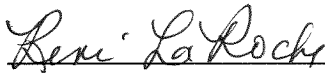
**NOW THEREFORE BE IT FINALLY RESOLVED**, that the Board of Supervisors does hereby approve a Supplemental Questionnaire for Membership Applications as shown in Exhibit B attached hereto and incorporated herein.

**ON MOTION BY** Supervisor Menetrey, seconded by Supervisor Sweeney, this resolution is duly passed and adopted this 8<sup>th</sup> day of June, 2021 by the following vote:


AYES:	SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY
NOES:	NONE
EXCUSED:	NONE
ABSTAIN:	NONE

  
\_\_\_\_\_  
Marshall Long, Chair  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
René LaRoche  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Steven W. Dahlem  
County Counsel

## **EXHIBIT A**

### **BOARD OF SUPERVISORS Resolution No. 2021-331 Establishing the Mariposa County Code Compliance Advisory Committee**

#### **1. Purpose and Tasks**

The purpose and tasks of the Mariposa County Code Compliance Advisory Committee (CCAC) shall be as follows:

- a. Develop recommendations to the Board of Supervisors for an effective code compliance process and program.
- b. Develop recommendations for innovative public policy and programs that address residents' needs while also mitigating alleged violations.
- c. Support the work of staff in the conduct of fact finding and data gathering necessary to the CCAC to develop informed recommendations.
- d. Provide periodic assessment and evaluation of, and feedback to the Board of Supervisors regarding the success of an amended code compliance process and programs.

#### **2. Responsibilities**

The responsibilities of the Mariposa County Code Compliance Advisory Committee shall be as follows:

- a. Review and understand local government structure (including but not limited to the roles and the authority of, and the relationships between the public, a citizens' advisory committee, County staff, the Planning Commission, and the Board of Supervisors).
- b. Review and understand existing Mariposa County Code provisions, including provisions for the Mariposa Planning Agency and code compliance, as well as adopted County policies related to code compliance.
- c. Review, understand and comply with the state's Ralph M. Brown Act (Brown Act) requirements.
- d. Review and understand state law requirements for code compliance activities at a local level.
- e. Review and understand due process requirements.

- f. Review and understand current county code compliance cases, including the status of current cases, why certain cases aren't being resolved, typical compliance issues, etc.
- g. Review and learn about what other similar or neighboring jurisdictions do for code compliance.
- h. Determine if there are other ways to make the current processes and programs more effective, which, in addition to code amendments could include innovative ways to assist residents using resources such as, but not limited to volunteer efforts, community organizations, grants or other funding sources.

### **3. Membership**

The Code Compliance Advisory Committee (CCAC) shall be established with nine (9) voting members. Membership requirements or considerations include the following:

- a. Members shall reside in Mariposa County.
- b. Members shall take an interest in issues associated with code compliance procedures, code compliance processing and public education.
- c. Members may have special knowledge, expertise, or skills related to code compliance matters, including governmental procedures, county codes, development and construction permitting requirements, code compliance procedures and options, and/or legal matters. Such special knowledge, skills, or expertise is not mandatory to be appointed to the committee.
- d. The committee may call upon representatives of other organizations or departments, and the general public as resources on certain topics related to the purpose, tasks and responsibilities of the committee.

### **4. Term and Manner of Appointment**

Appointments to the CCAC shall be made by the Board of Supervisors based on review of applications submitted on the county's standard application form and a supplemental questionnaire.

Initial appointment of committee members shall be as follows:

- Four (4) members: one (1) year terms
- Three (3) members: two (2) year terms
- Two (2) members: three (3) year terms

If the initial appointments are made mid-term, the appointments shall minimally be for the terms listed above [e.g. the “one (1) year terms” may actually be one (1) year and five (5) months terms or one (1) year and two (2) month terms].

After the initial appointments, all terms will be for two (2) year periods.

All terms shall expire upon the last day of February of the appropriate year.

The Board of Supervisors may remove at any time and without cause any member of the CCAC.

#### **5. Participation By Member Required, Vacancy**

If any member of the CCAC is absent (unexcused) for two (2) consecutively scheduled meetings, then that member may be removed from the CCAC by the Board of Supervisors, and the Board of Supervisors shall fill the vacancy for the unexpired term.

#### **6. Selection of Officers**

At its first meeting, the CCAC shall elect a Chair, Vice Chair and Secretary to serve a term of one (1) year or until the successor of each is appointed and qualified.

Following the initial appointment of officers, elections shall occur at the first meeting of each calendar year.

#### **7. Duties of Officers**

The Chair shall preside at all meetings of the CCAC and shall perform all the duties necessary or incidental to the office, including approval of the agenda topics for the meeting.

The Vice Chair is chair in the absence or inability of the chair to act.

The Secretary shall maintain notes and prepare meeting minutes for the approval of the CCAC.

#### **8. Meetings and Quorum**

The CCAC shall hold its first meeting at the call of the Planning Director or designee. The CCAC shall establish a meeting schedule deemed necessary by the CCAC to accomplish its purpose. The approved meeting schedule shall be posted for



informational purposes on the CCAC's webpage within Mariposa Planning's web page, as well as on the Mariposa Planning Facebook page.

A quorum shall be a majority of those appointed as voting members. A quorum is required to transact any CCAC business at a regular meeting or special meeting.

Notice of CCAC meetings shall be posted and published by County staff not less than seven (7) days prior to the date of the meeting at the following locations:

- a. Mariposa Planning Website page,
- b. Mariposa Planning Facebook page,
- c. The Mariposa County Government Center,
- d. Publication in the *Mariposa Gazette*,
- e. Other posted locations as determined by the CCAC, and
- f. The meeting location.

The Planning Director or designee may supplement (increase) required notification in any manner deemed appropriate for the content of the proposed agenda.

Meetings of the CCAC shall be subject to the provisions of the California Open Meeting Law (Brown Act).

## **9. Administration and Support**

- a. County staff shall provide support to the CCAC. The Planning Director or designee shall be the lead member of County staff responsible for supporting the CCAC. The Planning Director or designee shall be empowered to call upon appropriate departments to provide information required to assist the CCAC in carrying out its designated purpose and tasks, and responsibilities.
- b. The Planning Director or designee shall be responsible for meeting notices, preparation and distribution of meeting support materials, and coordinating the meeting arrangements.
- c. If the CCAC does not appoint a secretary, the Planning Director or designee shall be responsible for preparation and publication of minutes for CCAC approval.
- d. The Planning Director or designee shall be responsible for digitally recording the meetings and for the archival storage of electronic recordings.

**EXHIBIT B**

**BOARD OF SUPERVISORS Resolution No. 2021-331  
Establishing the Supplemental Questionnaire for CCAC Membership  
Applications**

*NOTE: This form will be made into a "fillable" pdf document for ease of use.*

Name:

Mailing address:

Email address:

Street (physical) address:

Telephone:

Supplemental Questions – please respond to the following questions to help us evaluate your qualifications for this committee.

1. Why are you interested in being appointed to the CCAC?
  
2. Do you agree with the purpose and tasks of the CCAC, which are to:
  - a. Develop recommendations to the Board of Supervisors for an effective code compliance process and program.
  - b. Develop recommendations for innovative public policy and programs that address residents' needs while also mitigating alleged violations.
  - c. Support the work of staff in the conduct of fact finding and data gathering necessary to the CCAC to develop informed recommendations.
  - d. Provide periodic assessment and evaluation of, and feedback to the Board of Supervisors regarding the success of an amended code compliance process and programs.

If you answered "no" to any of the above, please explain why:

3. If you are appointed as a member of the CCAC, do you accept the following established responsibilities:
  - a. Review and understand local government structure (including but not limited to the roles and the authority of, and the relationships between the public, a citizens' advisory committee, County staff, the Planning Commission, and the Board of Supervisors).

- b. Review and understand existing Mariposa County Code provisions, including provisions for the Mariposa Planning Agency and code compliance, as well as adopted County policies related to code compliance.
- c. Review, understand and comply with the state's Ralph M. Brown Act (Brown Act) requirements.
- d. Review and understand state law requirements for code compliance activities at a local level.
- e. Review and understand due process requirements.
- f. Review and understand current county code compliance cases, including the status of current cases, why certain cases aren't being resolved, typical compliance issues, etc.
- g. Review and learn about what other similar or neighboring jurisdictions do for code compliance.
- h. Determine if there are other ways to make the current processes and programs more effective, which, in addition to code amendments could include innovative ways to assist residents using resources such as, but not limited to volunteer efforts, community organizations, grants or other funding sources.

If you answered "no" to any of the above, please explain why:

- 4. Do you have any skills or special knowledge or expertise you could contribute to the CCAC efforts? What are those?
- 5. Are you able to devote time to attend meetings? CCAC Meetings may be conducted remotely or in person.
- 6. Are you able to devote time to review meeting packets ahead of meetings?
- 7. Is there any other information you'd like to share regarding your interest in being on this advisory committee?

Signature

Date