



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: SEPTEMBER 13, 2016

TO: BOARD OF SUPERVISORS

FROM: PLANNING & BUILDING SERVICES STAFF

RE: RECENT ACTIVITIES IN CODE ENFORCEMENT AND BOS PRIORITIES

Background

On February 9, 2016, an update presentation was given to the Board on code enforcement activities in the county. The presentation focused on progress with the prior consensus direction of the board that provided priorities for code enforcement activities which included, in addition to regularly balanced workload: (1) ponds, land clearance, environmental crimes; (2) red-tagging active unpermitted job sites; (3) highly visible cases; (4) working with the Contractors State License Board to strengthen the "culture of compliance" in Mendocino County.

Staffing

Since the last presentation the Department was able to fill the fourth code enforcement officer position bringing the unit to full staff. The Department continues to contract with Code Enforcement Consultant Trent Taylor to develop procedure and implementation processes for best practices related to the consensus priorities.

Recent Activities

In addition to activities consistent with the consensus direction of the Board, the Department is continuing to maintain its regular workload. In the last eight months, the Department has continued management of the Abandoned Vehicle Abatement Program, working with the other participating agencies and has removed 64 vehicles. A number of significant and long term nuisance properties were cleaned up, several as result of change of ownership and our continued leverage on the title of the property and one administrative abatement was completed where tons of refuse and a dilapidated dangerous structure was removed. This cleanup took over a week to complete and we now have a recorded special assessment on the title of property for the cost of the abatement which will be repaid with property taxes. Each code enforcement officer carries a significant case load and new cases are coming in daily. The unit has developed new methodology for recording Notice of Violations on the title of nuisance properties, particularly those with building code or unpermitted work violations, and we are seeing corrective measures being taken more frequently as the robust real estate market has created an environment where foreclosed and distressed properties are transferring more often and compliance by obtaining necessary permits or otherwise resolving the code violations are necessary before clear title can be obtained.

Consistent with Board priorities, twenty-three active, unpermitted construction sites have been red-tagged since our last report. As a result of these stop-work orders, the Department has received approximately fifteen permit applications, and is pursuing further action on other unpermitted construction sites. Violation fees will be assessed against these permits, consistent with MCC Section 18.08.10. For property owners that do not cooperate in a timely fashion, additional fees are assessed through code enforcement action per MCC Section 8.75.

Staff continues to work to strengthen the local “culture of compliance” by working with the Contractors State License Board (CSLB). In addition to the measures implemented in our last report, CSLB Investigators have accompanied staff in the field to several cases where stop work orders were issued and it was suspected that contractors were involved in unpermitted construction. Four formal referrals were made to the CSLB that resulted in an investigative response. Twelve informal referrals were made to CSLB that did not meet the agencies criteria and the Department continues to report detail information to the CSLB for all building permits issued in our County. Department procedure has been implemented that requires a formal referral to the CSLB anytime a stop work order is issued for unpermitted construction where it is known that a licensed or unlicensed contractor is performing the work.

Staff and our consultant continue to create and implement policy and to date a new Notice of Violation, Illegal Sign Abatement and Stop Work Order procedures have been adopted and utilized with immediately noticeable results.

Planned Activities

Staff and our Consultant are currently working with County Counsel on revisions to the County's Abatement Ordinance to streamline the timeline and appeal procedure to conduct administrative abatements when property owners are non-responsive in order expedite compliance. Staff will bring these revisions to the Board on November 1, 2016, along with a new Administrative Citation Ordinance that could be a valuable added tool in gaining compliance. That ordinance is in the draft phase and we are working closely with County Counsel to finalize and prepare it for presentation. Planning & Building Services intends to continue balancing regular code enforcement workload with the expressed priorities of the Board. In particular, the Department plans to continue creating “best practices” for the function of code enforcement, and formalize those best practices through the continued building of a policy & procedure manual. We are currently improving our case management practices for code enforcement cases, which are consistent with Board priorities to the maximum extent practicable, which we believe, will help provide continued focus for the Department. It is important to note that a number of ongoing and legally complicated cases will most likely be difficult and time-consuming to address and we are continuing to explore creative and alternative legal methods to address them.