



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

Date: April 17, 2017

To: The Honorable Board of Supervisors

From: Trent Taylor, Code Consultant, Planning and Building Services

Subject: Necessary County Counsel Attorney Support for Code Enforcement

For more than a year, the Board of Supervisors, Executive Office, and Planning & Building Department have all prioritized code enforcement as a critical function of the County. The new function of cannabis compliance within Planning & Building further elevates the necessity of effective code enforcement, and demands dedicated support from County Counsel in the equivalent of at least one attorney.

The nature of compliance and enforcement as an operation is such that lag time in decision making and action only educates that public that the County is not intent on follow-through. Processes and culture within the Code Enforcement function have been revamped to increase the speed with which compliance can be achieved. However, code enforcement is already at the point where many cases are waiting to be taken to the “next step”, which requires a dedicated attorney as a partner to provide input, guidance, support and resources. Effective enforcement of cannabis regulations will dramatically increase the need for support from County Counsel. Attorney support and engagement is critical, must be increased, and must be ongoing or code enforcement as an operation will fall back into methodology that creates lots of paperwork and investigative work with little or no results on the most complex cases.

Under the current level of legal support, code enforcement seems to be one of many competing assignments for attorneys assigned to the function. Regardless of the good intentions of individuals assigned to code enforcement, these competing assignments have resulted in code enforcement regularly experiencing significant delays in case management, increasing the number of unresolved cases. Increased and attentive attorney support is necessary in the following areas and in an ongoing and consistent manner:

1. We must complete Hearing Officer contracts for the appeal of Administrative Citations, Abatement Notices and Orders to Show Cause. Additionally work will have to be done to create standardized, forms, notices and citations that can be used across County Departments in place. Once the Hearing Officers are in place the County Counsel will be the primary point of contact as required by our ordinance in setting appeal hearings.
2. The Code Enforcement team, that now includes the Cannabis Compliance Unit, must have an accessible attorney to give interpretations of law while advising and seeing complex code enforcement cases through to resolution.

- 3. Legal support in preparation and filing of lawsuits to seek compliance in cases that are not fit for administrative abatement (zoning violations, CDP violations, uninhabitable dwellings, unpermitted development).**
- 4. With the creation of the Cannabis Compliance Unit, expedited abatement processes may become necessary. Legal reviews will have to be engaged expediently in order to follow-through with these processes.**
- 5. Further ordinance development will be necessary to continue to create tools necessary to leverage compliance. Examples include substandard housing regulations and health and safety tenancy issues, court action processes related to this and the exploration of receivership processes.**

As our level of responsibility increases and given the priorities that have been mandated, the Code Enforcement Unit desperately needs continued, ongoing and engaged attorney support in order to legally and properly achieve results.