



Agenda Date: 12/13/2005

Agenda Placement: 6G

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Hillary Gitelman - Director of Conservation, Development, & Planning  
Building Inspection

**REPORT BY:** Hillary Gitelman, Director, 253-4805

**SUBJECT:** Action rescinding "County of Nap Conservation, Development and Planning Department Code Compliance Policies and Procedures Manual (3/10/98)"

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### RECOMMENDATION

Director of Conservation, Development and Planning requests adoption of a resolution rescinding the "County of Napa Conservation, Development and Planning Department Code Compliance Policies and Procedures Manual (3/10/98)", which is in conflict with current County policy to impose inspection fees on all construction work completed without necessary building permits as provided for in the County Policy Manual, Section 70.020.

### EXECUTIVE SUMMARY

On August 23, 2005, the Board of Supervisors directed County staff to take three actions intended to enhance code enforcement capabilities. One of those actions was preparation of a resolution for Board consideration rescinding the "County of Napa Conservation, Development and Planning Department Code Compliance Policies and Procedures Manual (3/10/98)". That manual is in conflict with policies contained within the County Policy Manual. The current action would complete this task, effectively eliminating the outdated concept of a "grace" period for code violators, and clarifying that an "inspection fee" equivalent to twice the otherwise applicable permit fee is imposed for all construction work completed without benefit of building permits.

### FISCAL IMPACT

Is there a Fiscal Impact? No

### ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

The County Policy Manual establishes an "inspection fee" or penalty equivalent to two times the regular permit fee for violations involving work done without a permit (i.e. requiring an applicant to pay a total of three times the permit fee). Despite this policy, the Conservation, Development and Planning Department has in place a procedure manual dated March 1998 that suggests this penalty only be applied if the property owner submits plans more than 30-60 days after the notice of violation. The procedure manual's incorporation of a 30-60 day "grace period" that is not consistent with County policy hinders effective code enforcement and on August 23, 2005, the Board directed staff to prepare a resolution rescinding the procedure manual. At the same time, the Board was presented with a flowchart summary of the Department's code enforcement process, which effectively summarizes current procedures, obviating the need for the 1998 manual.

**SUPPORTING DOCUMENTS**

A . Resolution Rescinding 1998 Procedures Manual

CEO Recommendation: Approve

Reviewed By: Andrew Carey

**RESOLUTION NO. 05-229**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF NAPA, STATE OF CALIFORNIA, RESCINDING  
APPROVAL OF THE CONSERVATION, DEVELOPMENT AND  
PLANNING DEPARTMENT'S CODE COMPLIANCE POLICIES  
AND PROCEDURES MANUAL**

**WHEREAS**, on March 10, 1998, the Board approved the Conservation, Development and Planning Department's code enforcement program as embodied in that certain document entitled "County of Napa Conservation, Development and Planning Department Code Compliance Policies and Procedures Manual (3/10/98)"; and

**WHEREAS**, the Board finds that certain provisions contained in the Manual, among them being a fee forgiveness program, are in fact a hindrance and obstacle to effective code compliance efforts, and may not further the objectives of taking appropriate enforcement actions on a case by case basis; and

**WHEREAS**, the Board finds that existing County Ordinances and state law provide an effective array of options that the County can utilize to achieve code compliance, including civil and criminal penalties and nuisance abatement, and the appropriateness of such remedies depends on the specifics of each situation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Napa as follows:

1. The Board's prior approval of the "County of Napa Conservation, Development and Planning Department Code Compliance Policies and Procedures Manual (3/10/98)" is hereby rescinded.
2. In carrying out its code enforcement duties, the Conservation, Development and Planning Department is authorized to utilize such enforcement procedures as are set forth in the County Code and state law as the Director of the Conservation, Development and Planning Department deems appropriate in the given circumstances.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY  
ADOPTED** by the Board of Supervisors of the County of Napa, State of California, at a

regular meeting of the Board held on the 13th day of December, 2005, by the following vote:

AYES: SUPERVISORS DODD, WAGENKNECHT, MOSKOWITE,  
and DILLON

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS LUCE

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DIANE DILLON, Chair of the Board  
of Supervisors

ATTEST: PAMELA A. MILLER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

**APPROVED AS TO FORM**  
Office of County Counsel

By: Rob Paul (by e-signature)

Date: October 3, 2005

**APPROVED BY THE NAPA COUNTY  
BOARD OF SUPERVISORS**

Date: December 13, 2005

Processed by:

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Deputy Clerk of the Board