



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 6/2/2015
Agenda Placement: 11C

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Lawrance Florin - Director
Housing and Intergovernmental Affairs

REPORT BY: Michael Karath, STAFF ASSISTANT - BOS - 299-1477

SUBJECT: Support for AB 514 (Williams) - Local Authority to Set Fines for Code Enforcement Violations

RECOMMENDATION

Director of Housing and Intergovernmental Affairs requests approval of and authorization for the Chair to communicate to the Legislature and pertinent parties support for AB 514 (Williams), a bill that would give local governments the authority to impose appropriate and proportional fines for those who violate county land use ordinances. (Unanimous vote required)

EXECUTIVE SUMMARY

Director of Housing and Intergovernmental Affairs requests approval of and authorization for the Chair to communicate to the Legislature and pertinent parties support for AB 514 (Williams), a bill that would give local governments the authority to impose appropriate and proportional fines for those who violate county land use ordinances. Currently, these fines are set by state law.

AB 514 would give local governments the authority to raise local fines for land use code violators who did not obtain a permit where one is required. Many of these land use codes focus on large events or the building of structures which would alter the local landscape. The current maximum allowable state fine amount is insufficient to deter violators of the land use enforcement codes.

CSAC supports AB 514. RCRC has not taken a position.

PROCEDURAL REQUIREMENTS

1. Staff reports.

2. Public comments.
3. Motion, second, discussion and vote on the item.

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

AB 514 is being proposed because many California counties and cities have sought authority to set their own fines involving violations of their local land use ordinances. State fines have shown to be a weak deterrent for aberrant behavior and violators routinely flout the law because the prescribed state fines are often not in proportion to the violations.

One recent example is a case in Santa Barbara County where there was a large commercial wedding for out-of-town residents who had the means to go through the permit process, but chose to ignore it. The event included over 300 guests and entertainment celebrities on a residential property that did not have the required permits for such an event. The permit review process would have addressed public safety and traffic concerns for an event of this magnitude. In this case, Santa Barbara County was only allowed to fine this owner \$100 for the purposeful violation. County officials deemed this amount to be grossly insufficient to deter such illegal activity.

AB 514 is sponsored by the County of Santa Barbara. Its officials believe that increased penalties for one-time violations would be a greater disincentive and promote greater compliance with County ordinances. AB 514 ensures that a county's land use codes are enforced thereby ensuring that the county's policies regarding land use and development continue to be met.

Item 2 attached to this Board Letter includes the current state fines for county land use violations.

CSAC supports AB 514. RCRC has not taken a position.

SUPPORTING DOCUMENTS

- A . Item 1 - AB 514 - bill text
- B . Item 2 - Municode State Law Fines for Land Use Violations

CEO Recommendation: Approve

Reviewed By: Molly Rattigan