



El Dorado Hills Community Services District
CC&R Citizens Advisory Committee
Monday, November 30, 2009
7:00 p.m.

Pavilion
1021 Harvard Way, El Dorado Hills, CA 95762

AGENDA

7:00 p.m. Call to Order/Roll Call - Committee: initial by your name on the roster.

1. Approval of the Agenda for November 30, 2009.
2. Approval of the Minutes for September 28, 2009
3. Oral/Written Communication: None
Recommended Action: None.
4. Policy & Process changes
 - A. Process – Bank Owned Properties – see attached report on page 3 of 5
 - B. Comcate Update – see attached report on page 5 of 5
 - C. Imposing additional fines or fees to property owners upon the issuance of a third and final notice. Steve Warden to provide update.
5. Communication (*Opportunity for members of the public to address the Committee on Items not on the agenda.*)
6. Special Agenda Item(S):
 - A. UPDATE: Stacy Rotondo, 3420 Alyssum Circle, El Dorado Hills CA, Bass Lake Village. Stacy Rotondo addressed the committee in September with regards to the commercial truck being allowed to park in the driveway. At the September meeting she agreed to proceed with the CC&R amendment process for her unit to allow commercial vehicles to be parked in driveways. The amendment process was not completed as neighbors did not support the change to the CC&Rs. Stacy is now parking the commercial vehicle behind the fence so it is not visible from the street. Staff considers this case resolved and recommends to the committee closing this issue.

B. UPDATE: CE09-49, Steve Murray, 5038 Klondike Way, Bass Lake Village. Staff continues to work with this resident to amend their CC&Rs with regards to commercial vehicles. The resident indicates the neighbor's are receptive to signing the amendment and is almost done getting signatures.

7. Hearings:

A. Owner: David and Nina Hegeman
Site: 7106 Cinnamon Teal Way
Village: Bass Lake Woodridge, Unit 8, Lot 38, APN 116-780-24
Violation: Boat parked in the driveway.

UPDATE: After the hearing notice was mailed the property owner contacted the District to advise he has moved the boat to storage. Staff is recommending canceling this hearing and closing the case.

8. Review Last Months Hearings: None.

9. Adjourn: CC&R Compliance Officer recommends the CAC Committee adjourn to Monday, January 25, 2010, at 7:00 p.m., in the Pavilion Meeting Room.

ADJOURNMENT TO: Monday, January 25, 2010, at 7:00 p.m. Notes to Public: Support material is available for public inspection at the receptionist counter in the District Office. 1021 Harvard Way, EDH, Bldg. #C.

**El Dorado Hills Community Services District
CC&R Citizens Advisory Committee**

**September 28, 2009
Minutes**

CALL TO ORDER

The meeting was called to order at 7:00pm. The following committee members were in attendance: Matthew Orlosky, Steve Warden, Ken Morgan, Ellison Rumsey, Dave Howald and Rick Sanne. Also present were Assistant General Manager Sandi Kukkola and staff member Janice McGrath.

1. Approval of Agenda for September 28, 2009.

MOTION 1. ELLISON RUMSEY MADE A MOTION AND MATTHEW ORLOUSKY SECONDED THE MOTION TO APPROVE THE AGENDA FOR SEPTEMBER 28, 2009. MOTION CARRIED. 6-0

2. Approval of the Minutes for August 31, 2009.

MOTION 2. DAVE HOWALD MADE A MOTION AND MATTHEW ORLOWSKY SECONDED THE MOTION TO APPROVE THE MINUTES FOR AUGUST 31, 2009. MOTION CARRIED. 6-0

3. Oral and Written Communication. - None
Recommended Action: None

4. Policy and Process Changes

- Policy 7010.30 CC&R Enforcement Process – went forward to the Board and was approved for staff to send the 1st, 2nd and hearing notices.
THE BOARD HAS APPROVED THE ADMENDMENTS TO THE PROCESS AND STAFF IS CURRENTLY SENDING OUT 1ST, 2ND, AND HEARING NOTICES.
- Process - Priority Levels and List – went forward to the Board and was approved.
THE BOARD APPROVED THE PRIORITY LEVELS AND THE NEXT STEP IN IMPLEMENTATION IS CHANGE THE LEVEL SETTING ON EACH ACTIVE CASE IN COMCATE.
- Process – Bank Owned Properties – staff is still researching County options on bank owned properties that pose a health or safety concern.
STAFF HAS NOT HAD A CHANCE TO DO ANY RESEARCH ON THIS ITEM AND WOULD LIKE TO HOLD IT OVER TO THE NEXT MEETING.
- Comcate Update
STAFF PROVIDED 3 SUMMARY REPORTS TO THE COMMITTEE MEMBERS THAT SUMMARIZES OVERALL NUMBER OF CASES, OPEN CASES BY VILLAGE, OPEN CASES BY STATUS
- **STEVE WARDEN PROVIDED AN UPDATE ON THE EXPLORATION OF IMPOSING ADDITIONAL FINES OR FEES TO PROPERTY OWNERS UPON**

THE ISSUANCE OF A THIRD AND FINAL NOTICE. STEVE HAS CONTACTED NOELLE MATTOCK AND WILL BE SETTING UP A TIME TO DISCUSS WITH HER. SHE WAS NOT AVAILABLE TO MEET BEFORE DUE TO A MEDICAL APPOINTMENT FOR SURGERY.

5. Communication (*Opportunity for members of the public to address the Committee on Items not on the agenda.*)

UPDATE: Stacy Rotondo is working towards amending the CC&Rs for her unit with regards to commercial vehicles.

COMMITTEE INQUIRED ON THE STATUS AND STAFF INFORMED THE COMMITTEE STACY HAS STARTED THE PROCESS AND IS WORKING ON GETTING SIGNATURES BUT IS FINDING IT DIFICULT.

6. Special Agenda Item(S):

Staff Report for case CE09-49, Steve Murray, 5038 Klondike Way – UPDATE: Staff is working with this resident to amend their CC&Rs with regards to commercial vehicles.

STAFF REPORTED THIS RESIDENT STARTED THE AMENDMENT PROCESS. STAFF HAD ADDITIONAL CONVERSATION WITH THE IMPORTANCE OF BRINING HOME THE TRUCK. MR. MURRAY IS ON CALL 24/7 TO REpond TO ELECTRICAL OUTAGES OR ISSUES.

7. Hearings:

None scheduled this meeting.

8. Review Last Months Hearings:

Update: Mitzutani has been forwarded to legal council for compliance.

STAFF REPORTED THE MITZUTANI WENT TO THE BOARD AND A THIRD AND FINAL NOTICE WAS APPROVED.

9. Adjourn: Committee adjourn at 7:08 p.m. to Monday, October 26, 2009 at 7:00 p.m. in the Pavilion Meeting Room.

ADJOURNMENT TO: Monday, October 26, 2009 at 7:00 p.m. Notes to Public: Support material is available for public inspection at the receptionist counter in the District Office. 1021 Harvard Way, EDH, Bldg. #C.



**El Dorado Hills
Community Services District**

AGENDA REPORT

To: CC&R Citizens Advisory Committee

From: Sandi Kukkola, Assistant General Manager

By: Janice McGrath, CC&R Compliance Representative

Meeting

Date: November 30, 2009

Report

Date: November 23, 2009

Subject: CC&R Enforcement for Bank Owned Properties & Work with County to enforce Solid Waste Management Ordinance on Privately Owned Property

Recommended Action: Staff recommending approval to suspend CC&R enforcement action on properties that are bank owned. Exception to this rule would be if a public health or safety hazard exists on the property.

Additionally, staff will amend the current CC&R enforcement procedure to incorporate the option of submitting privately owned properties with violations of the Solid Waste Management Ordinance to the County for enforcement in lieu of sending to the District's legal counsel for compliance.

Discussion:

Staff was given direction to research all compliance options available to the District with regard to bank owned properties. The research specifically related to public health or safety issues currently present on a vacant or foreclosed property.

The District's legal counsel has researched bank owned properties and to this end determined that banks are exempt from liability for any repairs/cleanup, fine or forfeiture that is imposed by state or local statute, regulation or ordinance for hazardous material under section 25548.2 of the Health and Safety Code. Bank owned properties are

viewed differently than privately owned properties and therefore have legal immunity. Banks will work with local government, county or state agencies to resolve situations, however they are not required by law to comply. El Dorado County is held to the same ordinance and has no higher power to obtain compliance from a bank owned property. The District's CC&R Compliance Officer has learned that the banks response may be immediate or delayed depending on the severity of the condition.

El Dorado County has a standard compliance process which can take anywhere from 3 months to over a year depending on the circumstances revolving around each situation. Section 8.42.830 and 8.42.840 of the Solid Waste Management Ordinance allows the County to immediately correct a problem where conditions exist to the extent that they constitute a potential fire hazard, or an immediate threat to the health, safety and/or welfare of neighboring residents. The scale or size of the threat would be determined by the County and processed accordingly. Any person violating these ordinance sections would be guilty of a misdemeanor and consequences may carry up to a \$500 fine or up to 6 months of imprisonment.

The County Building Department would be the entity to condemn a structure and usually only condemn structures if a building code violation exists. Properties are not typically condemned to gain compliance.

Attachments: None.



**El Dorado Hills
Community Services District**

AGENDA REPORT

To: CC&R Citizens Advisory Committee
From: Sandi Kukkola, Assistant General Manager
By: Janice McGrath, CC&R Compliance Representative

**Meeting
Date:** November 30, 2009

**Report
Date:** November 23, 2009

Subject: Comcate Program

Recommended Action: No action needed, this is for discussion only.

Discussion:

Staff has been able to extract daily average statistics for the District and compare these statistics to other comparative agencies. Over a 10 day period, working CC&R compliance full time, staff averaged 27 cases per day. Comparatively, other agencies our same size working full time average 7-10 cases per day. Knowing the CC&R compliance position is funded at 20 hours per week, the daily average would adjust to 13.5 cases per day.

The District enforces 29 villages in El Dorado Hills. Staff has determined that if no follow up was done and only inspections were performed, physically the number of villages that could be inspected per week would be 3 to 4. If there are 4 weeks in a month, on the high side, 16 villages could be inspected in a month.

Balancing village inspections with follow up is proving to be a challenge for staff to be able to inspect all villages managed by the District and still maintain a timely enforcement process. The reality of this situation is performing CC&R compliance within 20 hours per week for 29 villages means that not all villages will receive enforcement practices and only higher priority violations will be enforced due to time constraints.

Attachments: None.