



Brian E. Washington
COUNTY COUNSEL

Renee Giacomini Brewer
ASSISTANT COUNTY COUNSEL

Jenna J. Brady
CHIEF DEPUTY COUNTY COUNSEL

Patrick M. K. Richardson
Stephen R. Raab
Steven M. Perl
Brian C. Case
Kerry L. Gerchow
Tarisha K. Bal
Deidre K. Smith
Brandon W. Halter
Sarah B. Anker
Jacy C. Dardine
Kate K. Stanford

DEPUTIES

Colleen McGrath
ADMINISTRATIVE SERVICES
OFFICER

Marin County Civic Center
3501 Civic Center Drive
Suite 275
San Rafael, CA 94903
415 473 6117 T
415 473 3796 F
415 473 2226 TTY
www.marincounty.org/cl

March 1, 2022

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Consider adoption of ordinance adding Chapter 1.07 to the Marin County Code to provide authority and procedures for the imposition of administrative fines for violations of the County Code.

Dear Board Members:

RECOMMENDATION: Request to authorize President to adopt ordinance to impose administrative fines for violations of the County Code.

SUMMARY:

This ordinance was presented to the board on February 15, 2022. The Ordinance sets forth administrative procedures that govern the imposition, enforcement, collection, and review of administrative fines for violations of the Marin County Code. Currently, enforcement options are limited. Current options for most violations are to either institute criminal prosecution or nuisance abatement proceedings, both of which can be time consuming, expensive and unnecessarily punitive in certain circumstances.

The procedures set forth in this Ordinance include the issuance of Administrative Citations, Notices of Violation, and Notices of Accruing Fines. The Ordinance also provides for a reasonable period of time for a person responsible for a continuing violation related to a condition on real property to correct the violation prior to the imposition of fines unless the violation creates an immediate danger to health or safety. Standard fine amounts are set by the Ordinance and apply uniformly to all violations unless the Board by resolution adopts a more specific schedule of fines for particular violations. Any person fined under this Ordinance has a right to appeal to a hearing officer to contest the imposition or amount of any fine.

This Ordinance is exempt from review under the California Environmental Quality Act because it pertains to organizational and administrative activities that will not result in direct or indirect physical changes to the environment. (CEQA Guidelines sections 15061 (b) (3), 15378.)

EQUITY IMPACT: The proposed ordinance provides an enforcement option that is potentially less severe than that which is currently designated in the County Code. Currently, violations of most provisions in the Code are either subject to criminal prosecution as misdemeanors or subject to large fines, up to \$2,500 a day, as public nuisances. This Ordinance creates an additional option for any Code violation, imposing potentially lower fines and avoiding criminal penalties.

FISCAL IMPACT: This ordinance is anticipated to have a minimal fiscal impact. Some departments may decide to contract with a third-party dispute resolution service to handle contested citations. The cost of such service will vary depending on case volume. The Community Development Department, for example, anticipates a yearly cost of approximately \$16,000. This will however be offset by fines collected under the new procedure, possibly resulting in a positive fiscal return.

REVIEWED BY:

- | | | | |
|-------------------------------------|-----------------------|--------------------------|-----|
| <input type="checkbox"/> | County Administrator | <input type="checkbox"/> | N/A |
| <input type="checkbox"/> | Department of Finance | <input type="checkbox"/> | N/A |
| <input checked="" type="checkbox"/> | County Counsel | <input type="checkbox"/> | N/A |
| <input type="checkbox"/> | Human Resources | <input type="checkbox"/> | N/A |

Respectfully submitted,

Jenna J. Brady
Chief Deputy County Counsel