

**Minutes**  
**Castle Valley Town Council**  
**and Planning & Land Use Commission**  
**4:00 PM, Tuesday, August 1, 2006**  
**at the Community Building, #2 Castle Valley Drive, Castle Valley, UT.**

**Workshop on Proposed Resolution re: Complaint Resolution & Ordinance Enforcement**

Council Members Present: Damian Bollermann, Valli Smouse, Ranna Bieschke, Jim Lindheim, Alice Drogin.

Commissioners Present: Michael Peck, Vicky Kress.

Absent: Marie Hawkins, Gil Gonzales.

Others Present: John Taggart, La Retta Rhoads, David Rhoads, Ella Sabodski, Pam Hackley.

Temporary Clerk: Lou Taggart

Call to Order: 4:15 p.m.

Each person present received a copy of the draft:

A TEMPORARY ORDINANCE ESTABLISHING A COMPLAINT RESOLUTION  
PROCESS AND BOARD, AND A UNIFORM PROCEDURE FOR ORDINANCE  
ENFORCEMENT.

See attachment.

Discussion began with the agreement that complaints should be resolved amicably whenever possible in order to preserve the quality of life that residents of Castle Valley value. If a personable, neighborly approach by members of the Complaint Resolution Board (CRB) doesn't work, then more stringent, legal means of complaint resolution would become necessary. Specifically, the following topics were discussed (details follow):

- \* Composition of the Complaint Resolution Board (CRB);
- \* Role and Responsibilities of the CRB;
- \* Frequency and nature of complaints - present and future;
- \* Accountability of the complaine (use of fees, fines, etc.);
- \* Form for filing a complaint
- \* Is a Code Enforcement Officer needed/appropriate?
- \* Revised process of complaint resolution.

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### **Composition of the CRB**

In the draft under discussion (see attached) step #1 of the complaint resolution procedure states that the CRB is "to consist of 5 members...appointed by the Town Council, and shall consist of one member of the Town Council, one member of the Planning

Commission, the Building Permit Agent and 2 citizen representatives." Discussion ensued regarding changing this step:

- Regarding the number of people on the CRB, suggestions ranged from less than 5 members to 10 members.
- Would CRB members consist of Town Council Members and Planning & Zoning Commissioners or could other citizens (not on other Boards/Committees) be on the Board? If citizens could be on the CRB, how would they be chosen? It was agreed that because the CRB members represent the town of Castle Valley they must be chosen with discretion. Therefore, it might not be advisable for citizens (those not serving as council members or commissioners) to be on the Board.
- It was agreed that no matter what the size of the CRB, only 2 people would initially deal with the complaint (mediate w/ the complaine and complainant, etc.).
- Discussion ensued re: Should these 2 people be chosen or be drawn randomly from the pool of CRB members? Could the 2 people volunteer? If chosen or appointed, would the Mayor or the Town Council do it?
- Many present stated that they would **not** want to be one of the 2 members chosen to confront complainants, while others present stated that they are skilled negotiators and would like to be mediators in the process. It was suggested that if the same 2 people always mediate then they'll probably be perceived as unmarked policemen.

It was decided that the CRB should consist of 10 members who would be chosen each year by the Town Council. From this pool of 10 the Mayor would assign different people to address different complaints as he feels appropriate.

### **Role and responsibilities of the CRB**

It was agreed that role of the CRB is to respond to every legitimate complaint in a consistent manner so that citizens are assured that their complaints are addressed. Further, the CRB should employ friendly negotiation to resolve issues in an amiable, non-threatening way so that more official legal action may be avoided. The Board would be on "standby" and would meet only when needed. The CRB should be perceived as "nice guys." Discussion ensued regarding whether the CRB should initially send the complainant a certified letter re: the complaint. Damian said that in his experience people tend to comply when approached personally, whereas if they receive a letter they tend to respond differently. It was agreed that when a **valid** complaint is received, the CRB will take the following actions:

1. Only 2 CRB members need to be involved initially. These two negotiators first contact the complainant to try to resolve the issue amicably by phone.
2. If this isn't effective, the 2 negotiators set up a meeting with the complainant to investigate, explore further mediation options and set a deadline for the complainant to comply.
3. All contact is documented, and an official report is filed by the CRB recording the

deadline, resolution, etc.

4. Findings are reported to the original complainee.

5. If complaint is not resolved, then the Mayor/Town Council initiate legal proceedings by sending the complainant a registered letter.

The goal is always amicable resolution between the parties with as little involvement as possible by those perceived as "officials." Several present stressed that Castle Valley is not a typical city and people living here tend to value their privacy and not welcome interference by any type of official. All agreed, however, that there are certain rules and regulations (ordinances) that all residents must adhere to.

### **Frequency and nature of complaints - present and future**

Discussion ensued re: complaints. Will this complaint resolution process actually generate more complaints? If so, the CRB will have much responsibility. Vicky said that initially there may be a lot of activity. Valli said that even in a bad year, she feels that there won't be that many complaints in Castle Valley. When asked about complaints Damian said that in his experience they are about equally frivolous / legitimate.

All agreed that only legitimate complaints will be addressed, that is, those regarding an ordinance that is already "on the books." This should do away with having to address many general or frivolous complaints.

It was agreed that the Ordinances should be posted on the town website so that all citizens will have access to them.

### **Accountability of the complainee**

Everyone agreed that complainees must be accountable. Suggestions included:

- Mike suggested a \$50 fine if the complaint isn't valid. Jim and others said this would be hard to implement.
- John Taggart suggested attaching a certain fee - a sort of "filing fee" - to a complaint. Pam agreed that this could cut down on frivolous complaints.
- Jim and Vicki said they didn't think people should have to pay a fee to file a complaint if they're the ones being wronged.
- It was suggested that the complainee should pay a fee which would be refunded if the complaint is valid. Fifty dollars and \$20 were discussed.
- Loretta Rhoads suggested beginning w/ a \$20 fee and raising it to \$50 if there are lots of complaints.
- Damian suggested trying the process w/out a fee and if there are lots of frivolous complaints, introduce it.
- Mike suggested starting w/ the fee and dropping it if not needed.

The amount of the fee for filing a complaint was discussed, that it would be called a "deposit," and that it would be refundable if the complaint is valid.

## **Form for filing a complaint**

La Retta Rhoads suggested that there should be a complaint form that is always used. Damian agreed that such a form would insure that a complaint is legitimate, i.e. that non-compliance with a specific Ordinance is involved. Not all members present agreed; Jim pointed out that the whole point of the CRB process was to be informal. Alice suggested that when the 2 mediators speak with the complaineo the form could be filled out then (along w/ the \$20 deposit).

## **The Code Enforcement Officer (CEO)**

There was discussion regarding having someone "official" - a Code Enforcement Officer - deal with complaints.

Suggestions discussed were:

- Ranna, Jim and Mike agreed that no one present is thrilled with the idea of confronting complainants.
- Mike suggested that when a written complaint arrives the CEO would go out and investigate so the complainant isn't faced with a large contingent of people. The CEO would document what transpired and if he/she wasn't able to resolve the problem it would be turned over to the Town officials.
- The CEO would not be a Castle Valley resident, but would be employed by the Town, similar to a part-time policeman.
- Damian said that in his experience most people in Castle Valley would not like the idea of someone policing them - that they came to Castle Valley to escape that sort of atmosphere.
- Ranna said that the draft the Committee is working on today (re: the CRB, the 2 mediators, etc.) addresses steps that would be taken **before** using an officer. Jim agreed that there must be documentation by the 2 mediators and the CRB that the Board tried to resolve the complaint amicably. If no resolution, then a CEO could be involved.

Those present did agree that Castle Valley residents would much rather deal with town designated community members than a law officer.

## **Revised process of complaint resolution**

Following are the revisions the group made re: the steps for complaint resolution. These notes were taken by Alice Drogin.

1. Complaineo files written complaint - pays refundable deposit.
2. Team of 2 CRB members interviews complaineo to determine validity of complaint - is an existing Ordinance not being complied with?

3. Team of 2 phones complainant to try to resolve. If problem is resolved, it's documented. If not resolved:
4. CRB investigates - explores mediation options - sets deadline for complainant to comply.
5. Document findings. Official report filed by CRB recording resolution deadline. Report findings to original complainee.
6. If compliance DOES NOT follow, **then** begin registered letter process.

Add to draft:

WHEREAS

Pool of 10 (CRB) determined every year by Town Council. Different people to go out on different complaints - assigned by Mayor.

After 1 year, revisit this process.

**Meeting adjourned at 5:45 p.m.**

**ATTEST:**

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**Lou Taggart, Temporary Clerk**