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CITY OF SACRAMENTO
CALIFORNIA

OFFICE OF THE
CITY MANAGER

CITY HALL
915 I STREET - 95814
(916) 449-5704

January 26, 1983

City Council
Sacramento, California

APPROVED
BY THE CITY COUNCIL

FEB 1 1983

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

SUBJECT: Code Enforcement Reorganization

SUMMARY

The attached report designated as Exhibit A was reviewed at a joint meeting of the Budget & Finance and Planning & Community Development Committees on January 25, 1983. The joint Committees approved the report on a 7-0 vote with Councilmember Serna absent.

FINANCIAL DATA

The estimated cost to support the reorganized activity for the last four months of FY 82-83 is $23,414.

SPECIFIC ACTIONS OF THE COMMITTEE/RECOMMENDATIONS

The joint Committees approved the staff recommendations contained in the Code Enforcement Reorganization Report and additionally directed staff to comply with the following conditions:

1. Prepare a report for the City Council within 90 days that identifies desirable time standards for complaint handling and the development of guidelines for complaint administration.

2. Develop an effective public information program aimed at alerting the public concerning the City's reorganized code enforcement program.

It is recommended that the City Council, by resolution, approve the staff recommendations on code enforcement reorganization and appropriate the necessary funds required for the new program.

Respectfully submitted,

Solon Wisham Jr.

SOLON WISHAM, JR.
Assistant City Manager

Recommendation Approved:

Walter J. Slipe

WALTER J. SLIPE
City Manager

February 1, 1983

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RESOLUTION NO. 83-087

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

RESOLUTION AMENDING THE 1982-1983 BUDGET FOR THE BUILDING INSPECTIONS DIVISION OF THE ENGINEERING DEPARTMENT, ADOPTING POLICY ISSUES AND DIRECTING STAFF TO IMPLEMENT RECOMMENDATIONS CONTAINED WITHIN THE CODE ENFORCEMENT REORGANIZATION REPORT

WHEREAS, the City Council has reviewed and approved the "Code Enforcement Reorganization Report" and is implementing the recommendations contained therein:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. Code Enforcement functions for the City of Sacramento are hereby consolidated within the Building Inspection Division of the Engineering Department. Staff within this division will henceforth be cross-trained in each of the code enforcement sections.

2. The City Manager is hereby directed to conduct a classification study to establish an exempt position of "Code Enforcement Supervisor". The City Budget for Fiscal Year 1982-83 is hereby amended by adding $12,110 to Building Inspection Division's Employee Services line item (101-3300-000-XXXX) from the General Fund Administrative Contingency (101-5070-000-4399) for the purpose of providing funding for this position within that Division.

3. The workload data requested in the Code Enforcement Reorganization Report including the number and type of complaints received, the length of time it takes to close various types of cases, the close date of cases, the location of the complaints, the increase in the number of complaints received in areas with proactive enforcement, the status of the backlog in each of the enforcement areas, and the length of time it takes to respond to a complaint will hereby be reviewed in conjunction with the FY 1983-84 Budget to better determine staffing provided by the City and by SHRA.

4. The City Budget for Fiscal Year 1982-83 is hereby amended by adding .64 FTE Deputy City Attorney II (limited term) and $8,704 to the City Attorney's Office Budget (101-0900-000-XXXX) from the General Fund Administrative Contingency (101-5070-000-4399).

5. The City Budget for Fiscal Year 1982-83 is hereby amended by adding $2,600 to the Building Inspection Division's Other Professional Services (101-3300-000-4258) from the General Fund Administrative Contingency (101-5070-000-4399) for the purposes of funding a contractual Hearing Officer.

APPROVED BY THE CITY COUNCIL

FEB 1 1983

OFFICE OF THE CITY CLERK

6. The City Manager is hereby directed to coordinate a review of the relevant codes and ordinances in an effort to identify sections which need modifications to facilitate more efficient enforcement and to eliminate any section which no longer serves a viable purpose.

7. The City Manager is hereby directed to prepare a policy statement for City Council review which would establish a prioritation for code violation enforcement.

_____
MAYOR

ATTEST:

_____
CITY CLERK

EXHIBIT (A) 22

CITY OF SACRAMENTO
CALIFORNIA

OFFICE OF THE
CITY MANAGER

CITY HALL
915 I STREET - 95814
(916) 449-5704

January 18, 1983

Budget and Finance Committee
Planning and Community Development Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Code Enforcement Reorganization

SUMMARY

The attached report reviews the current organization and operation of the code enforcement program for nuisances, zoning and sign violations. A series of recommendations are made to consolidate the enforcement staff, add a supervisory position and change certain procedures to improve the effectiveness of the program.

FINDINGS

At the request of this office, management analyst staff conducted a review of the current code enforcement program. A number of findings were made, including the major ones as summarized herein:

1. Need to Consolidate and Cross-Train Code Enforcement Staff

   Enforcement of the nuisance, zoning and sign codes are currently assigned to two different departments. Zoning code enforcement is assigned to the Planning Department, while nuisance and sign code enforcement are assigned to two separate staffs within the Building Inspections Division. This structure results in duplication of effort and little or no back up coverage when one of the Code Enforcement Officers is absent.

   Recommendation

   That the code enforcement function relating to the sign, nuisance and zoning codes be consolidated into one unit reporting through the Building Inspections Division. It is further recommended that the Code Enforcement Officers be cross-trained in the three different codes.

2. No Direct Supervision of Code Enforcement Staff

In each of the code enforcement areas no direct daily supervision is provided and no formal coordination between the various enforcement staffs occur. The need for direct supervision of the code enforcement staff will become even more important once the staffs are consolidated and cross trained.

Recommendation

That the Personnel Department conduct a classification study to establish an exempt class of "Code Enforcement Supervisor" and that the position and related funding be added to the Building Inspection Division's 1982-83 Budget.

3. Need for Pre-Litigation Conferences for Non-Abateable Violations

Under current procedures, enforcement of non-abateable violations is frustrated due to the need to rely on the District Attorney's office to prosecute such cases.

Recommendation

Implement the use of pre-litigation conferences between the alleged violator and the City Attorney's office. The purpose of these conferences is to provide the City an opportunity to fully inform the alleged violator of its intention to enforce compliance. And also, to eliminate cases requiring additional evidence and preparation prior to any formal court action.

Additionally, with approval from the District Attorney, a City deputy attorney could be deputized as a Deputy District Attorney. This would allow the City to prosecute its own cases in court rather than depending on the District Attorney's office.

4. Need for Outside Hearing Officer

Under current procedures, a Deputy City Attorney spends about .01 of his time acting as the Hearing Officer for abateable violation cases. With the addition of the three CDBG funded Code Enforcement Officers (as approved in the 1983 SHRA Budget) and the increased productivity from consolidating and cross training all the Enforcement Officers it can be expected that the Hearing Officer workload will increase.

Because the City Attorney and his staff act as legal counsel to the City, including departments which deal with code enforcement cases, there may be possible conflicts in interest in having a Deputy City Attorney act as the Hearing Officer.

Recommendation

Contract for an outside Hearing Officer for all nuisance hearing cases.

5. Staffing Needs in the City Attorney's Office

The addition of the CDBG-funded Code Enforcement Officers and the anticipation of additional litigation will result in a net workload increase of .64 FTE in the City Attorney's office.

Recommendation

Add .64 FTE Deputy City Attorney II position and the necessary funding to the City Attorney's 1982-83 Budget.

FINANCIAL

The estimated new costs to the City are as follows: The proposed funding source is the General Fund.

Estimated Cost Impact

	1982-83 (4 months)	1983-84 (Full Year)
Code Enforcement Supervisor	$10,167	$30,500
Equipment/Vehicle for Supervisor	1,943*	3,000
.64 Deputy City Attorney	8,704	26,114
Hearing Officer Contract	2,600	7,800
	$23,414	$67,414

*Includes one-time equipment cost of $943.

RECOMMENDATION

It is recommended that the Budget and Finance Committee and Planning and Community Development Committees, meeting jointly, approve the staff recommendations on code enforcement.

Respectfully submitted,

Solon Wisham, Jr.

SOLON WISHAM, JR.
Assistant City Manager

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CITY OF SACRAMENTO

DEPARTMENT OF FINANCE
915 I STREET
ROOM 112
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5738

JACK R. CRIST
DIRECTOR OF FINANCE

ROBERT C. LELAND
ASSISTANT DIRECTOR

January 11, 1983

TO: SOLON WISHAM, JR., Assistant City Manager SW

FROM: BETTY MASUOKA, Senior Management Analyst

RE: CODE ENFORCEMENT REORGANIZATION

SUMMARY

Management staff has completed a review of the current procedures for enforcing the Nuisance, Zoning, and Sign Codes. Generally, violations of these codes fall under one of two categories: abateable and non-abateable. Abateable violations are those that can be physically removed. Examples of abateable violations are abandoned vehicles, junk piles, and fences which exceed maximum height requirements. In cases of abateable violations, the City can remedy the situation by actually going out and removing the problem and then placing a lien on the property owner to recover the costs of the abatement.

Non-abateable violations are of a non-physical nature. Included are such use violations as operating an auto repair business in a residential zone.

The review of the procedures for enforcing the three codes was conducted at the request of the City Manager's Office. The report focuses on three major questions:

(1) Staffing Levels - are they adequate given expected workload levels?

(2) Organization Structure - is the current organizational structure, which has each code handled by different staff, effective given the similarities in the three procedures? and

MANIFUS

(3) Enforcement Procedures - can they be streamlined to speed up the enforcement process?

This report has been divided into two sections. The first summarizes the current code enforcement procedures; the second identifies problem areas and recommends possible solutions.

I. OVERVIEW OF CURRENT CODE ENFORCEMENT PROCEDURES

Enforcement of the Nuisance, Zoning, and Sign Codes are assigned to four individuals in two departments. Since 1980, Zoning Code enforcement has been designated a .25 FTE workload assignment in the Planning Department. Prior to 1977, zoning enforcement was assigned to one supervisor and two field inspectors. Between 1977 and 1980, it was assigned to one person who also had other responsibilities. The amount of time he actually spent on enforcement is unknown.

In the Building Inspections Division there are 2.0 FTE's budgeted for the enforcement of the Nuisance Code. One of these positions, which was just approved in the 1982-83 Budget, is funded with CDBG monies and was filled at the end of November. The other Nuisance Code Enforcement Officer has been in this assignment since 1973.

There is 1.0 FTE assigned to enforcement of the Sign Code. This position is also responsible for checking applications for sign permits. Because of this workload the Sign Code Enforcement Officer spends only about 50% of his time on actual enforcement.

For the most part, these positions do not coordinate their daily activities and therefore the procedure for dealing with different code violations varies somewhat. Each of the current procedures is described below.

ZONING CODE ENFORCEMENT

Types of Zoning Complaints. Zoning Code complaints are received from the City Manager's Office, Councilmembers and concerned citizens. These complaints generally fall under four major categories: (1) Land Use Violations, (2) Violations of Development Standards, (3) Permit Violations, and (4) Complaints Without a Remedy.

Land Use Violations. Land use violations comprised about 42% of all complaints received in 1981. The specific complaints in this category were broken out as follows:

	No. of Complaints
-Commercial Business in Residential Zones	58

(2) Enforcement Procedures - Can they be streamlined to speed up the enforcement process?

This report has been divided into two sections. The first summarizes the current code enforcement procedures; the second identifies problem areas and recommends possible solutions.

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Land Use Violations. Land use violations comprised about 42% of all complaints received in 1991. The specific complaints in this category were broken out as follows:

Nos. of Complaints	
Commercial Business in Residential Zones	39

-Home Auto Repair in Residential Zones	58
-Junkyard in Residential Zones (Includes Auto Dismantling)	18
-Commercial Storage of Vehicles in Residential Zones	7
-Other Commercial Storage in Residential Zones	5
-Auto Repair Work Conducted Outside of Structure in General Commercial Zones	3
	149

Violations of Development Standards. Complaints in this area made up 40% of the total in 1981. These are violations where the use is permitted, but a standard is violated such as height, landscaping or paving requirements. The number and types of complaints in this category are as follows:

	No. of Complaints
-Fences Exceeding Maximuim Height	77
-Trailers Within Building Setbacks	27
-Parking Lot Violations	12
-Mobile Home Ordinance Violations	11
-More Than 2 Renters In A Single Family Dwelling	6
-Violations Of Maximum Height Requirements (other than fences)	3
-Landscaping Violations	2
	138

Permit Violations. These complaints deal with use of property for specific purposes without approval of the Planning Commission or which is in violation of a condition of approval. These complaints, which comprise 13% of all complaints received in 1981, are as follows:

	No. of Complaints
-Violations of Group Or Family Care Requirements	2
-Vehicle Dismantling Business With No Special Permit	1

-Home Auto Repair in Residential Zones	38
-Junkyard in Residential Zones (Includes Auto Dismantling)	16
-Commercial Storage of Vehicles in Residential Zones	7
-Other Commercial Storage in Residential Zones	5
-Auto Repair Work Conducted Outside of Structure in General Commercial Zones	3
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No. of Complaints	
-Violations of Group Or Family Care Requirements	2
-Vehicle Dismantling Business With No Special Permit	1

-Other (includes operating without a use permit, violations of setback requirements, illegal conversions and violations of special permits or variances)	41
	44

Complaints Without a Remedy. These are complaints which cannot be resolved due to inadequate language in the Zoning Ordinance or complaints over which the Zoning Ordinance has no jurisdiction. About 5% of the complaints received in 1981 were in this category.

	No. of Complaints
-Commercial Vehicles Parked In Residential Zones	8
-Outdoor Storage of Second Hand Materials	7
-Yard Sales (more than 2 per year)	4
	19

Enforcement Procedure. When a complaint is received, the Zoning Investigator logs it. It is dealt with in the order in which it was received. Exceptions to this procedure are subject to Planning Director approval.

The next step in the process is to conduct an initial site check to assess the problem and/or gather evidence. The Investigator determines if a violation exists. If it is apparent that there is an abateable violation, a verbal warning is given to the occupant. If there is a potential non-abateable violation then witnesses must be contacted and additional follow-up site checks must be conducted to determine if an illegal activity is, in fact, in operation.

In the case of an abateable violation a second site visit is made to determine if any improvement has occured. Often times several subsequent visits are also made if the Zoning Investigator believes that progress is being made. After the site checks the City has four basic methods to enforce compliance.

First, the Zoning Investigator, who is also a Special Police Officer with citation powers, can issue a misdemeanor citation and then submit a report to the District Attorney (DA). The DA then determines whether or not to file the case with the Municipal Court.

The second method is to write a warrant request and submit it to the DA. The DA's office decides whether to accept the case. If he does, then a voluntary arraignment letter is sent to the alleged violator and the case becomes the responsibility of the DA.

-Other (includes operating without a use permit, violations of setback requirements, illegal conversions and violations of special permits or variances)	41
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Complaints Without a Remedy. These are complaints which cannot be resolved due to inadequate language in the Zoning Ordinance or complaints over which the Zoning Ordinance has no jurisdiction. About 5% of the complaints received in 1981 were in this category.

Use of Complaints

-Noncommercial Vehicles Parked in Residential Zones	8
-Outdoor Storage of Second Hand Materials	7
-Yard Sales (more than 2 per year)	4
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The next step in the process is to conduct an initial site check to assess the problem and/or gather evidence. The Investigator determines if a violation exists. If it is apparent that there is an abatable violation, a verbal warning is given to the occupant. If there is a potential non-abatable violation then witnesses must be contacted and additional follow-up site checks must be conducted to determine if an illegal activity is, in fact, in operation.

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The second method is to write a warrant request and submit it to the DA. The DA's office decides whether to accept the case. If he does, then a voluntary arraignment letter is sent to the alleged violator and the case becomes the responsibility of the DA.

The Zoning Investigator believes that the second method is preferable to the first, mainly because the City has no guarantee that a citation will be followed up, which may detract from the City having a reputation for being serious about correcting such violations. (If the District Attorney rejects a case where a citation has been issued, the citation becomes void.)

There is, however, general dissatisfaction with having to rely on the DA's office at all because the DA's office does not adequately prosecute zoning violation cases in a timely fashion. This occurs because the DA has a minimal amount of time to expend on minor, non-violent crimes and to a lesser degree because the DA is not familiar with City codes and requirements.

The third enforcement method, which is applicable only to abateable violations, is to take the case through the Nusiance Hearing procedure. This process can be effective for appropriate cases, but many zoning violations are not abateable. Furthermore, the Nuisance Hearing procedure is not practical for some of the abateable violations because the City runs a high legal and cost risk by stepping in to remove some types of problem. For instance, the City is not likely to run into significant opposition if it abates an abandoned vehicle or a pile of rubbish. On the other hand, a property owner is more likely to put up legal opposition if the City tears down a non-complying fence or house addition.

The fourth alternative, which has been used only once in the past year, is to seek civil injunctive relief. The major drawback of this alternative is that litigation is often lengthy, very costly, and unpredictable in its outcome.

Zoning Code Workload. A detailed breakout of types of complaints was collected from February 15, 1981 to February 14, 1982 only. The data available for fiscal year 1981-82 was not as detailed; however, it was considered in order to have comparable data from each of the Enforcement Officers.

In 1981-82, an estimated 321 zoning complaints were received. During this same period the Zoning Investigator was able to close out 115 cases with a backlog of 91 cases at the end of the year. The remaining 115 cases were either unresolveable or in progress. From July, 1982 through November, 1982, 64 complaints were received. This compares to 161 complaints received in the same period last year. The reason for the reduction is not clear. However, it could be a result of two changes instituted in the summer of 1982. First, when a complaintant calls into the Planning Department, he/she is now told that it will take about 8 to 9 months for any action to be taken. (This is due to the backlog in complaints.) Second, if the caller still wants to register a complaint, a form is mailed to them which they must fill out and return. Previously information regarding complaints was taken over the phone. (The

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reason for using the complaint form was to free up some of the Zoning Investigator's time otherwise spent on the phone.)

NUISANCE CODE ENFORCEMENT

Types of Complaints. Nuisance Code violations generally deal with the accumulation of junk, abandoned vehicles or any dangerous, unsightly or blighted condition which is detrimental to the health, safety and welfare of the public. Complaints are mostly from citizens with the remainder from Councilmembers and other City departments.

Enforcement Procedure. Generally, complaints are dealt with on a first come first serve basis. The major exception is cases where the condition is imminently dangerous to the public health, safety or welfare of the public. These cases, which go through a summary abatement process 1/ take precedence over all other cases.

After a complaint has been lodged, the Code Enforcement Officer makes a site visit to verify the problem. If the complaint is in regards to an abandoned vehicle on private property, the Enforcement Officer contacts the Department of Motor Vehicles to ascertain the owner. (Abandoned vehicles which are in a public right-of-way are the responsibility of the Police Department.) Notice is then given by registered mail, to the owners of the vehicle and the private real property stating that if the vehicle is not removed within 10 days, the City will have it abated. If the vehicle is not removed within the stated period of time the Code Enforcement Officer contracts with a towing company to have it removed, generally to an auto wrecker.

The cost of the abatement procedure is born by the City. In previous years the state reimbursed the City $60 for each abandoned vehicle which was removed. On the average, this amount did cover the actual cost of the service. However, on June 30, 1981, this reimbursement was eliminated due to state budget constraints. If the registered vehicle owner is a property owner within the City, his/her property can be liened to recoup the costs associated with the abatement such as the Code Enforcement Officer's time. In practice, however, such liens are not placed because the cost of placing the lien generally exceeds the lien amount.

If the complaint deals with other nuisances such as accumulations of junk, the property owner and/or tenant are given a warning and a five-day period in which to rectify the problem. During this time the owner/tenant may request an extension. The

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1. If a condition exists which is of such a nature as to be imminently dangerous to public health, safety or welfare the condition can be abated immeadiately without compliance with the various noticing requirements in the City Codes. Such action must first be approved by the City Attorney.

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After a complaint has been logged the Code Enforcement Officer makes a site visit to verify the problem. If the complaint is in regards to an abandoned vehicle or nuisance property, the Enforcement Officer contacts the Department of Motor Vehicles to ascertain the owner. (Abandoned vehicles which are in a public right-of-way are the responsibility of the Police Department.) Notice is then given by registered mail, to the owners of the vehicle and the private real property stating that if the vehicle is not removed within 10 days, the City will have it abated. If the vehicle is not removed within the stated period of time the Code Enforcement Officer contracts with a towing company to have it removed, generally to an auto wrecker.

The cost of the abatement procedure is borne by the City. In previous years the state reimbursed the City $40 for each abandoned vehicle which was removed. On the average, this amount did cover the actual cost of the service. However, on July 31, 1981, this reimbursement was eliminated due to state budget constraints. If the registered vehicle owner is a property owner within the City, his/her property can be liened to recoup the costs associated with the abatement such as the Code Enforcement Officer's time. In practice, however, such liens are not placed because the cost of placing the lien generally exceeds the lien amount.

If the complaint deals with other nuisances such as accumulations of junk, the property owner and/or tenant are given a warning and a 4-week period in which to rectify the problem. During this time the owner/tenant may request an extension. The

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2. If a condition exists which is of such a nature as to be imminently dangerous to public health, safety or welfare, the condition can be abated immediately without compliance with the various notice requirements in the City Codes. Such action must first be approved by the City Attorney.

Code Enforcement Officer decides if the extension shall be granted.

After the five-day warning period (plus whatever extension period was granted), the Code Enforcement Officer makes another site visit. If the nuisance has not been abated, photographs are taken as evidence. This is necessary in the event that the case results in a Nuisance Hearing. Simultaneously a notice is given by registered mail, to all involved parties stating the location and description of the violation and the action necessary to rectify the situation. The violator is given 15 days to comply with the letter. Again, during this time period, the violator may request an extension for good cause as determined by the Code Enforcement Officer.

The property is reinspected after the 15-day period. If the nuisance still has not been abated, then the Code Enforcement Officer informs the violator that a Nuisance Hearing will be set. All interested parties are notified once the Hearing has been scheduled.

Nuisance Hearings are held about three or four times a year. Hearings are generally scheduled when there are seven or so cases pending. This can result in a two or three month delay between the time it is determined that voluntary compliance is unlikely and when the case finally reaches the Hearing level.

The hearings are usually conducted before a Deputy City Attorney. If a case is controversial or if it has been extensively discussed within the City Attorney's Office, then an outside hearing officer is used. In 1981-82, an outside hearing officer was used in five of the 26 cases heard.

Nuisance Code Workload. Tabulated data regarding the number of Nuisance Code complaints was not maintained prior to March 1982. The Code Enforcement Officer, however, estimates that about 320 complaints were received in 1981-82. Furthermore, Management staff was able to review the files of all cases closed in the first ten months of 1981-82 (July through April). Based on information gathered, it was determined that one Code Enforcement Officer was able to close out 109 cases during this time. Based on what backlog information was kept it would appear that this rate of case closure is not adequate to keep up with the growing backlog of complaints received. The backlog in nuisance/abandoned vehicle complaints is shown below:

Date	Backlog
October 1, 1981	51
March 19, 1982	62
June 9, 1982	129
August 12, 1982	161
September 30, 1982	210
November 18, 1982	240
December 27, 1982	180

Code Enforcement Officer decides if the extension shall be granted.

After the five-day warning period (plus whatever extension period was granted), the Code Enforcement Officer makes another site visit. If the nuisance has not been abated, prosecutorial are taken as evidence. This is necessary in the event that the case results in a Nuisance Hearing. Simultaneously a notice is given by registered mail, to all involved parties stating the location and description of the violation and the action necessary to rectify the situation. The violation is given 15 days to comply with the letter. Again, during this time period, the violator may request an extension for good cause as determined by the Code Enforcement Officer.

The property is reinspected after the 15-day period. If the nuisance still has not been abated, then the Code Enforcement Officer informs the violator that a Nuisance Hearing will be set. All interested parties are notified once the hearing has been scheduled.

Nuisance hearings are held about three or four times a year. Hearings are generally scheduled when there are seven or so cases pending. This can result in a two or three month delay between the time it is determined that voluntary compliance is unlikely and when the case finally reaches the Hearing level.

The hearings are usually conducted before a Deputy City Attorney. If a case is controversial or if it has been extensively discussed within the City Attorney's Office, then an outside hearing officer is used. In 1981-82, an outside hearing officer was used in five of the 26 cases heard.

Nuisance Code Workload. Tabulated data regarding the number of nuisance Code complaints was not maintained prior to March 1982. The Code Enforcement Officer, however, estimates that about 800 complaints were received in 1981-82. Furthermore, Management staff was able to review the files of all cases closed in the first ten months of 1981-82 (July through April). Based on information gathered, it was determined that one Code Enforcement Officer was able to close out 300 cases during this time. Based on what backlog information was kept it would appear that this rate of case closure is not adequate to keep up with the growing backlog of complaints received. The backlog in nuisance/abandoned vehicle complaints is shown below:

Date	Backlog
October 1, 1981	51
March 19, 1982	62
June 9, 1982	129
August 12, 1982	161
December 30, 1982	210
November 18, 1982	240
December 27, 1982	180

The backlog began to grow substantially after March, 1982, which is when an extensive article in the Sacramento Union appeared highlighting the Nuisance Code enforcement work performed by the City. The increase in complaints has been generated from both concerned citizens directly to the Building Inspections Division and from Councilmembers.

The decrease in the backlog from November to December is due to the additional Code Enforcement Officer position which was filled at the end of November. The high closure rate was probably due to the fact that many of the complaints were quite old and had remedied themselves during the interim.

SIGN CODE ENFORCEMENT

Types of Sign Code Violations. Sign Code violations can be divided into two broad categories: (1) signs that fullfill the standards set forth in the Sign Code but which have no permit, and (2) signs which do not meet the standards in the Sign Codes.

Enforcement Procedure. Once a complaint has been received or the Code Enforcement Officer becomes aware of a potential violation, he makes a site check. At that time, he gives the business owner and/or property owner a verbal warning regarding the illegal sign. The violator is told to remove the sign (if it does not comply with Code standards) or to get a permit for it (if it otherwise complies with the Sign Code). The violator is given one week to rectify the problem.

The Enforcement Officer rechecks the sign at the end of the week. If the violation still exists, pictures are taken and a case file is opened. Also, at this point, a first warning letter is sent by registered mail to all interested parties --- usually the property owner and the sign/business owner. The warning letter summarizes the violation and states that if it is not corrected within ten days the sign will be removed by the City and at that time will become City property. It also states that an appeal can be made within ten days to the Planning Commission.

A site check is again made at the end of the ten day period. If the violation still exists a final warning letter is sent by registered mail which states that the City will abate the sign if the violator does not remove the sign within five days from the date of the final notice. The violator is also advised that the cost of removing and disposing of the sign will be assessed as a lien against the property on which the sign is located. In addition, the violator can be cited as a misdemeanant for violating a City code.

If, after the final notice, abatement of the illegal sign is required, then representatives from General Services, the Police Department and the Code Enforcement Officer remove the sign if it is on public property. If the sign is on private property removal of the sign is contracted out.

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It should be noted that at any time during this process the Code Enforcement Officer may grant extensions to any of the above deadlines. Generally, extensions are granted when there is evidence of good faith effort to rectify the problem.

In cases where a sign company has been involved in putting up an illegal sign, the Code Enforcement Officer treats them as one of the responsible parties because they are supposed to know the City Sign Codes. If a sign company puts up a sign without a permit, the company may be required to pay a double fee when the application for that sign is finally made.

Sign Plan Check. The Code Enforcement Officer spends approximately 50% of his time checking sign permit applications. This entails reviewing the application form and sign blueprint and then making a field visit after the sign has been installed to verify that everything is up to standard.

Formal records are not kept which identify how many applications are received and processed each week. The Building Inspections Division, however, estimates that since the beginning of 1982, 315 permits have been issued. Generally, the Enforcement Officer is able to maintain the workflow with no backlog.

It is estimated by the Building Inspections Division that up to three-quarters of the applications that come in are precipitated by the code enforcement process. In other words, these are applications for signs which have been cited by the Code Enforcement Officer.

Because of this interaction, the more that is done on the code enforcement side, the more application requests are generated on the sign plan check side. On the other hand, the work performed on the code enforcement side does help to cut down on the work required to process a sign application because the field review is usually not necessary. Also, because the Code Enforcement Officer is familiar with the sign it is easier to review the application itself.

Sign Code Workload. The Code Enforcement Officer does not keep data on the number of complaints received relating to sign violations. It is known, however, that in 1981-82, 58 case files were opened. Case files are initiated only when a violation cannot be resolved with the first site visit and a verbal warning. At the end of 1981-82, 29 cases were still open and 29 had been closed. As of November, 1982, there was a backlog of 50 cases which still had to be investigated and about 80 open cases which were currently being worked on.

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II. PROBLEM AREAS

In reviewing the above enforcement procedures several problem areas have been identified. These can generally be categorized as either "procedural" or "organizational" problems.

Procedural Problems. The procedural problems and possible solutions identified below center around ways in which current enforcement procedures can be changed so as to make the process more effective.

1. Unenforceable Violations. In some instances, particularly in the zoning enforcement area, certain complaints are effectively unenforceable. This occurs for basically two reasons.

First, some areas of the codes are so widely violated that the Enforcement Officer is often accused of selective enforcement when specific individuals are cited. Although this is a questionable defense to the violation, it does make enforcement more difficult; people take on the attitude that "if others can do it why can't I?"

One example of this type of violation has to do with recreational vehicles (RV's). The City Code (Sec. 44.2(b)) states that an RV cannot be parked in any of the setback areas of a dwelling or on residential property within five feet of the adjoining real property line. (Generally, the minimum setback requirements are 25 feet in the front, 15 feet in the rear and 5 feet on each side.) For most practical purposes these restrictions preclude the legal parking of RV's in residential areas. Approximately eight percent of the zoning complaints received in 1981 dealt with RV's parked within setback areas.

In a situation like this, it would be worthwhile to review the ordinance in question to determine if the parking restrictions are serving any purpose. If they are not, they should be repealed or amended to be more useful. If they are deemed appropriate as is, then a more effective enforcement mechanism should be authorized.

Another frequent example can be found in the Fence Ordinance which states that a fence in the street-side yard or front yard set-back areas can be no higher than three feet. A problem arises with houses on cornor lots where people often erect six-foot tall fences along the street-side of their side property, or where people want taller fences in their front yard. About 22% of the zoning complaints received in 1981 dealt with maximum fence height violations. (The Planning Department is aware of the enforcement problems resulting from the maximum fence height requirements and at the request of the City Council is in the process of revising the ordinance in an effort to alleviate some of these problems. The revisions should be ready by the end of the fiscal year.)

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These are just two examples of codes/ordinances which need review and revision. The Code Enforcement staff should review all relevant codes/ordinances in order to identify other problem areas which warrant either amendment or deletion as a result of being unproductive or unenforceable.

The second type of unenforceable violation is use violations where witnesses request that they remain anonymous. For example, if a complaint is received on a home auto repair business it is necessary to gather evidence that money is changing hands for services rendered in order to confirm the violation. Without the assistance of witnesses an extensive stake-out of the alleged violation is required, which, given available staffing is often not possible. A City policy stating that these types of complaints will receive a low priority would have two beneficial effects. First, the complaintant would know where he/she stands in terms of the City following up on the case. Second, staff would be able to first allocate their time to the most potentially productive cases.

2. Prioritization of Code Violation Enforcement. The above discussion raises the issue of the need to prioritize the enforcement of code violations. Because of the growing backlog of code violation complaints and the limited staff resources, it is necessary that staff be given direction as to whether certain types of violations should receive higher priority than others. Currently, complaints are generally dealt with on a first come first serve basis. The major exception to this rule is complaints dealing with health and safety violations. These are, of course given first priority.

The use of staff time could be more efficiently allocated if other generic types of complaints were identified and prioritized. For instance, "unenforceable" violations, such as those discussed in the previous section could be identified as low priority. The enforcement staff should be directed to identify other broad "types" of violations and recommend a prioritization. Such prioritization should then be presented to the City Council to be adopted as a policy statement. In this way, staff will be given a clear direction as to which types of violations should receive highest priority and complaintants would have a clearer understanding of how violations are dealt with and why some complaints take longer to resolve.

3. Pre-Litigation Conferences for Non-Abateable Violations. As discussed under the Zoning Code enforcement procedures, the process for dealing with non-abateable violations is time consuming and far from effective. In October of 1981, staff from the Planning Department visited and analyzed the City of Fresno's enforcement program. It was found that the use of pre-litigation conferences and civil injunction is very effective in resolving non-abateable zoning violations. The following is the Planning Department's description of the Fresno procedure:

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Preliminary research and investigative site checks are conducted. If it is determined that a violation exists, the tenant/owner is given a verbal warning and is given an opportunity to comply voluntarily.

If the alleged violator is unwilling to comply, then a "20-day notice" is mailed. The number of days granted to correct the violation and the number of notices issued is up to Departmental discretion. If there is still no compliance after the first notice is sent, a final or five-day notice is mailed.

If this fails, the enforcement officer then sends a "Request for Enforcement Action" to the City Attorney's office. Attached to this request is a copy of the complete case file that the enforcement officer has compiled to date.

The City Attorney who reviews the case file then sends a hearing notice to the violator and informs the enforcement officer of the date and time of the hearing. This is a pre-litigation conference at which both sides are presented. This also gives the City a chance to impress upon the alleged violator of its seriousness to enforce compliance and allows the city to weed out any ill-prepared cases, or cases without adequate evidence prior to any formal court action. If the alleged violator does not attend the conference, then the City of Fresno typically files a civil action if the seriousness of the violation and weight of the evidence merits the cost and trouble of seeking injunctive relief.

If the alleged violator attends the pre-litigation conference, the City Attorney makes the decision at the conclusion of this meeting (or soon thereafter) as to whether to file an action or grant an extension of time to the violator. The attorney works closely with the enforcement officer in making the final determination. The decision is followed with a confirmation letter to the violator. The enforcement officer is advised by copy of the date when the property must be rechecked for compliance. If the attorney decides to take legal action, he/she usually seeks injunctive relief. In the event that the injunction is granted and thereafter violated, a contempt of court is requested.

During the first year that Fresno began actively enforcing its zoning and sign requirements (1971) the Fresno City Attorney spent about 50 percent of his time taking cases to Superior Court in order to establish a City reputation for enforcement. Since then, less time has been required for formal court action. Currently, one Deputy City Attorney spends about 10 percent of his time in this area.

Approximately three out of sixty complaints received per month are referred to the City Attorney for an office hearing. On the average, the City Attorney files legal action on one or two cases per month. Hence, most violations are corrected by means of voluntary compliance. During 1980, only 5% of the total

Preliminary research and investigative site checks are conducted. If it is determined that a violation exists, the tenant/owner is given a verbal warning and is given an opportunity to comply voluntarily.

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number of complaints received involved the Attorney's Office. Ninety-five percent of the complaints were resolved by voluntary compliance using techniques short of formal court action.

If Sacramento is to adopt an aggressive enforcement program, a similar first year level of effort will probably be required. Our City Attorney's office estimates that the workload would require staffing of .5 FTE Deputy City Attorney II. As in the Fresno case the need for this staffing level would probably decrease after about three years, once the City has developed a reputation for having a strong enforcement program.

An additional method of dealing with non-abateable violations would be to have a Deputy **City** Attorney deputized as a Deputy **District Attorney.** This would require approval from the District Attorney. This is advantageous because the City would be able to prosecute its own cases in court rather than having to turn them over to the District Attorney's office as is currently done. This would help alleviate the problem of not being able to get non-abateable violations treated as a high priority.

Organizational Problems. The basic organizational problem has to do with the division of labor between and within Planning and Building Inspections. Specific problems are outlined below:

1. Inadequate Planning Staff Resources. In the Planning Department, one person is assigned to Zoning Code enforcement for ten hours per week and building plan checking for 30 hours per week. The two functions are not inter-related and there is no logical reason why one person should have both functions. In the past, this workload was assigned to three different people. The assignment also appears to be overburdensome for one FTE. This is evidenced by the backlog of zoning complaints and plan checks.

These backlogs are placing competing demands on the Zoning Investigator's time. Therefore, the needs in these two areas should be prioritized. The recommendation made in the **Building Permit/Plan Checking Reform** report called for the Zoning Investigator to spend full-time on plan checking. This would exacerbate the backlog in the zoning enforcement area. This problem could be addressed by transferring Zoning Code enforcement to the Building Inspections Division where Nuisance and Sign Code violations are handled. Furthermore, by cross-training all Code Enforcement Officers across the three codes it should be possible to maintain the current effort even without the .25 FTE from the Planning Department.

A similar situation exists in the Sign Code area -- one person is doing both sign code enforcement and sign plan checking. The difference between this case and the one in the Planning Department, however, is that there is a justification for assigning sign enforcement and plan checking to one person. (This was discussed in the procedure section.)

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2. Duplication in Enforcement Efforts. Under the current organization, Zoning Code and Nuisance Code enforcement are handled by two departments (Planning and Engineering/Inspections). Although the two codes are distinct, there are some overlapping areas. For instance, a complaint may be received by the Nuisance Code Enforcement Officer regarding abandoned vehicles. However, upon inspection it may be determined that an illegal auto repair business is being conducted, which is a zoning violation. The case would then have to be transferred from the Building Inspections Division to the Planning Department. The initial work involved with the opening of a case would then be duplicated.

Such duplication could be eliminated by having both enforcement responsibilities in the same unit. This argument can also be made for including the Sign Code Enforcement Officer in the consolidated unit. In this way, if one officer is not available the others could pick up some of the workload. This would also help to minimize the problem of having to crash train someone as was the case when the Sign Code Enforcement Officer took a five month leave of absense.

Based on discussions with the present Code Enforcement Officers, cross-training could probably be accomplished in a relatively short period of time. For instance, it took a temporary Sign Code Enforcement Officer about four weeks to become productive on sign application checks and Sign Code enforcement and the Nuisance Code Enforcement Officer estimates that it will take 4 to 6 weeks to train the new staff in Nuisance Code enforcement. Training in Zoning Code enforcement will probably take a similar amount of time. It is assumed that even with cross-training that certain Officers would develop an expertise in specific areas and could be consulted in difficult cases.

3. CDBG Funding For Nuisance Abatement. The 1982-83 Approved Budget includes two Nuisance Code Enforcement Officer positions in the Inspections Division budget. The funding for one of these positions is provided with CDBG funds. For calander year 1983, SHRA is proposing to extend the existing Code Enforcement Officer position for 6 months to the end of December, 1983. Furthermore, they are proposing to fund two additional Code Enforcement positions and one Typist Clerk II position from January through December, 1983.

The two new Code Enforcement positions funded with CDBG monies would generally be required to concentrate their efforts in five specific CDBG target areas (see attached maps): (1) Del Paso Heights, (2) East Del Paso Heights, (3) Gardenland, (4) Strawberry Manor and (5) Meadowview. The existing CDBG-funded Enforcement Officer would be free to work in any CDBG target area. This leaves one Officer to cover the remainder of the City.

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The two new Code Enforcement positions funded with CDBG monies would generally be required to concentrate their efforts in five specific CDBG target areas (see attached map): (1) Del Paso Heights, (2) East Del Paso Heights, (3) Garfield, (4) Strawberry Manor and (5) Meadowview. The existing CDBG-funded Enforcement Officer would be free to work in any CDBG target area. This leaves one Officer to cover the remainder of the City.

The City Council has approved the SHRA proposal that the Nuisance Abatement program in the target areas be "proactive" in nature. That is, the Officers would be expected to survey the areas in an effort to spot problems rather than wait for complaints to be received as is currently the case. Because of this procedure it can be expected that the number of cases generated in these target areas will increase substantially from prior years. (Current workload data is not kept by area so it is unknown what percentage of total cases are in the target areas. Therefore, it is impossible to estimate what future workload levels will be.)

As of now, the CDBG-funded Code Enforcement Officers are to focus in on nuisance problems. It is recognized, however, that zoning ordinance violations are also a significant problem in these areas. In addition, there are probably numerous sign code violations in these areas. Therefore, it would be more productive for the Enforcement Officers to be cross-trained in each of the three codes.

After discussing this situation with SHRA, it was recommended in the CDBG budget that the program be re-evaluated in six months to determine whether or not a support Zoning Enforcement Officer is needed. However, in light of this report it would be more effective to immeadiately begin cross-training of the Enforcement Officers.

4. Geographic vs. Code-Related Assignments. The geographic limitations placed on the CDBG-funded positions could result in unequal enforcement coverage between different areas in the City. This can be offset to some extent by consolidating all enforcement into one unit and cross-training the officers in each of the three code areas. (Other advantages of this type of consolidation were discussed above.)

Staff productivity would be enhanced by assigning the officers to cover **all** complaints in specific geographic areas. This would save on the amount of travel time in the field and would allow the officers to gain a familiarity with their area.

5. No Direct Supervision of Code Enforcement Staff. In each of the enforcement procedures discussed above, the individual enforcement officers are responsible for both administering and carrying out their respective enforcement programs. None of them receive direct daily supervision in the code enforcement area and there is no formal coordination between the different officers. In the Building Inspections Division, the Dangerous Building Inspector III position is supposed to provide supervision to the code enforcement function, however, the position has been vacant for about one year.

The need for direct supervision and management of the overall code enforcement program will become even more evident if all of the officers are consolidated into one unit. A supervisor could be responsible for such things as overseeing and

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coordinating assignments, working with the legal staff to arrange hearings, and keeping track of cases which require court action. The supervisor should also be responsible for reviewing the codes as well as the enforcement procedures in an effort to make the process as workable and efficient as possible.

At this time a "Code Enforcement Supervisor" classification does not exist. Therefore, it is recommended that the Personnel Department conduct a job classification study in order to establish such position. It is further recommended that this position be appointed by the City Manager.

6. Job Class/Pay Scale Inequities. The job class/pay scale inequity which should be resolved has to do with the Code Enforcement Officer class which is used in the Building Inspections Division and the Zoning Investigator class which is used in the Planning Department. Both classes are responsible for enforcing specific codes, however, the pay scales are slightly different. The monthly salary range for a Code Enforcement Officer is $1,397.59 to $1,698.67, while the range for the Zoning Investigator is $1,389.96 to $1,689.48. Although the discrepancy is minimal (.5%), it should be eliminated, particularly if the two classes are performing similar functions.

The Zoning Code enforcement **responsibility** is recommended to be transferred from the Planning Department to the Code Enforcement Unit in the Building Inspections Division but the **position** is not. However, a job classification study is still in order due to the change in responsibilities of the Zoning Investigator position, i.e. the position would be doing plan checking 100% of the time and would no longer be responsible for Zoning Code enforcement. It is further recommended that this position be reclassified to a Building Technician and transferred to the Building Permit Section in the Building Inspections Division.

7. Hearing Officer/Legal Service Needs. Under current procedures, a Deputy City Attorney acts as the hearing officer for the majority of all cases which go to a Nuisance hearing. In 1981-82, the Deputy City Attorney heard 21 of the 26 cases that went to hearing. The other five cases were heard by an outside hearing officer. Generally, these cases were contracted out because they were controversial or because the City Attorney's office had been extensively involved in preparing the case.

According to the Deputy City Attorney, an average hearing (with about seven cases) takes about six hours of hearing officer time. This includes preparation time, the actual hearing and time necessary to finalize rulings and update case files. Assuming that four hearings are held each year, this amounts to 24 hours or .01 FTE of hearing officer time each year under current procedures. This does not include time spent by various others in the City Attorney's office who provide consultation or assist in the preparation of any enforcement cases.

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The Zoning Code enforcement responsibility is recommended to be transferred from the Planning Department to the Code Enforcement Unit in the Building Inspections Division but the position is not. However, a job classification study is still in order due to the change in responsibilities of the Zoning Investigator position, i.e. the position would be doing only checking 100% of the time and would no longer be responsible for Zoning Code enforcement. It is further recommended that this position be reclassified to a Building Technician and transferred to the Building Permit Section in the Building Inspections Division.

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Once the new Code Enforcement Officers are fully trained it can be expected that the hearing officer workload will increase substantially.

At a minimum it can be assumed that the Nuisance Hearing workload will increase in the same proportion as the increase in the number of officers with access to the hearing process. This means that on an annual basis at least 120 hours (24 hours x 5 officers) of hearing officer time would be necessary.

The expected workload increase raises the question of whether or not this workload can be absorbed by the City Attorney's office with existing staff. The situation was discussed with the City Attorney and he felt that at this time it would be more effective to contract out for a hearing officer to preside at the Nuisance Hearings. The current rate for an outside hearing examiner is $60 to $70 per hour.

One advantage to using an outside hearing officer is that the workload comes sporadically which may conflict with a staff attorney's on-going workload. An outside hearing officer can be hired when necessary rather than waiting until it fits into a staff attorney's schedule. Also, since the amount of workload involved with hearings is unknown and likely to fluctuate it is difficult to know what the staffing requirement in the Attorney's office would be.

Another advantage of using an outside hearing officer is that it removes any possible conflict of interest. Under the current process an outside hearing officer is used only in controversial cases or when the Attorney's office has had extensive involvement in the case. In routine cases, however, there could be grounds for citing conflict of interest because the City Attorney and his staff are the legal counsel to the City including the department which filed the case. It should be noted that such a complaint has never been raised, but it should be a consideration.

Because of the advantages of using outside hearing officers and because of the sporadic and unknown level of workload involved it would probably be more cost effective to contract out for legal staff time rather than requiring the Attorney's office to absorb the workload or to hire an additional staff attorney.

In addition to the Hearing Officer, it will also be necessary to increase legal resources if the use of pre-litigation conferences are to be implemented and if more aggressive court action is to be pursued. The City Attorney estimates that the pre-litigation conferences and court litigation would require .5 FTE Deputy City Attorney II. Currently, about .1 FTE Deputy City Attorney is allocated for litigation of such code violations. Furthermore, the amount of time spent giving day-to-day advise on enforcement, code interpretation, case preparation, etc. would probably increase from .15 FTE to about .4 FTE. Therefore, the net increase in

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Another advantage to using an outside hearing officer is that it removes any possible conflict of interest. Under the current process an outside hearing officer is used only in controversial cases or when the Attorney's office has enforcing involvement in the case. In routine cases, however, there could be grounds for citing conflict of interest because the City Attorney and his staff are the legal counsel to the City including the department which filed the case. It should be noted that such a complaint has never been raised, but it should be a consideration.

Because of the advantages of using outside hearing officers and because of the accuracy and uniform level of workload involved it would be likely be more cost effective to contract out for legal staff time rather than requiring the Attorney's office to absorb the workload or to hire an additional staff attorney.

In addition to the Hearing Officer, it will also be necessary to increase legal resources if the use of prosecution conferences are to be implemented and if more aggressive court action is to be pursued. The City Attorney indicates that the pre-litigation conferences and court litigation would require .5 FTE Deputy City Attorney II, currently about .1 FTE Deputy City Attorney is allocated for litigation of code violations. Furthermore, the amount of time spent giving day-to-day advice on enforcement, code interpretation, case preparation, etc. would probably increase from .1 FTE to about .4 FTE. Therefore, the net increase in

workload to the City Attorney's office would be equivalent to an estimated .64 FTE Deputy City Attorney II.

8. Staffing Levels. The determination of appropriate staffing levels for code enforcement is still unanswered. Assuming the final approval of the CDBG funded positions and the continuation of the City-funded positions, the following summarizes the staffing currently available for code enforcement:

Current Enforcement Staffing

Position	Department	FTE
Zoning Investigator (Zoning)	Planning	.25
Code Enforcement Officer (Signs)	Eng/Inspect	.50
Code Enforcement Officer (Nuisance)	Eng/Inspect	1.00
Code Enforcement Officer*(Nuisance)	Eng/Inspect	1.00
Code Enforcement Officer*(Nuisance)	Eng/Inspect	1.00
Code Enforcement Officer*(Nuisance)	Eng/Inspect	1.00
Typist Clerk II*	Eng/Inspect	1.00
Dep City Attny (Hearing Officer)	City Attorney	.01
Dep City Attny (Advising)	City Attorney	.15
Dep City Attny (Litigation)	City Attorney	.10
		6.01

*Positions added in 1982-83.

As noted before, the **Building Permit/Plan Checking Reform** report discusses the use of the Zoning Investigator's position for plan checking 100 percent of the time. Therefore, it is assumed that in the future this .25 FTE effort will not be available for code enforcement. The loss of this position should be able to be absorbed within a consolidated code enforcement unit with cross-trained personnel.

Based on the workload/backlog information available, it appears that there is currently a 5.1 "person-year" backlog in cases. The backlog in each of the enforcement areas can be broken out as follows:

Code	Backlog (person-years)
Zoning	1.00
Nuisance	1.40
Sign	2.70
	5.10

In order to clear out the current backlog in one year's time and to maintain the current level of workload, it would be necessary to have 6.85 FTE of cross-trained Code Enforcement Officers (the 1.75 FTE required for current workload and the 5.1 FTE needed to clear the backlog). Therefore, if the 3 CDBG-

workload to the city Attorney's office would be equivalent to an estimated .44 FTE Deputy City Attorney II.

8. **Staffing Levels.** The determination of appropriate staffing levels for code enforcement is still unanswered. Assuming the final approval of the 0780 funded positions and the continuation of the City-funded positions, the following summarizes the staffing currently available for code enforcement:

Current Enforcement Staffing

Position	Department	FTE
Zoning Investigator (Zoning)	Planning	.50
Code Enforcement Officer (Fire)	Eng/Inspect	.50
Code Enforcement Officer (Fire)	Eng/Inspect	1.00
Code Enforcement Officer (Fire)	Eng/Inspect	1.00
Code Enforcement Officer (Building)	Eng/Inspect	1.00
Code Enforcement Officer (Building)	Eng/Inspect	1.00
Code Enforcement Officer (Building)	Eng/Inspect	1.00
Typist Clerk II*	Eng/Inspect	1.00
Lead City Attorney (Hearing Officer)	City Attorney	.10
Sen City Atty (Advising)	City Attorney	.10
Sen City Atty (Litigation)	City Attorney	.10
		6.80

*Positions added in 1982-83.

As noted below, the Building Permit/Plan Checking Reform report discusses the use of the Zoning Investigator's position for plan checking 50 percent of the time. Therefore, it is assumed that in the future this .50 FTE effort will not be available for code enforcement. The loss of this position should be able to be absorbed within a consolidated code enforcement unit with cross trained personnel.

Based on the workload/backlog information available, it appears that there is currently a 5.1 "person-year" backlog in cases. The backlog in each of the enforcement areas can be broken out as follows:

Code	Backlog Person-years
Zoning	1.00
Nuisance	1.40
Sign	2.70
	5.10

In order to clear out the current backlog in one year's time and to maintain the current level of workload, it would be necessary to have 6.80 FTE of cross-trained Code Enforcement Officers (the 1.70 FTE required for current workload and the 5.1 FTE needed to clear the backlog). Therefore, if the 3 0780-

funded positions can be used to work on this backlog and are cross-trained in the other code enforcement areas, an **additional** 2.1 positions would be needed just to clear out the existing backlog within one year. This does not take into account the potential increase in the number of complaints which would be generated with a proactive enforcement effort. With the geographic restrictions that have been placed on the CDBG-funded officers it is unknown to what extent they can be used to reduce the backlog.

On an on-going basis it is difficult to estimate what staffing level is necessary. This is because the total workload universe is unknown. It is unknown how many code violations actually exist at any particular time. In addition, if a proactive effort is instituted throughout the City there will probably be an increased number of complaints which will **increase** both the on-going workload and the backlog. Therefore, at this time it is not necessarily expected that the recommended staffing configuration will be able to eliminate all current violations or even current complaints.

However, because of unknown future workload levels it is recommended that no additional Code Enforcement Officer be added at this time. As discussed above, it is recommended that one Code Enforcement Supervisor position be added.

It is further recommended that the enforcement staff be required to keep certain workload data including: (1) the number and types of complaints received, (2) the length time of it takes to close various types of cases, (3) the close date of the cases, (4) the location of the complaints, (5) the increase in the number of complaints received in the areas with proactive enforcement, (6) status of the backlog in each of the enforcement areas, and (7) how long it takes to respond to a complaint. With this information it will be possible to review the performance of the unit as affected by the new Supervisor position, the consolidation of the unit, the cross-training and the proactive enforcement effort. The earliest such an evaluation could take place would be in one year's time (December,1983). This would also coincide with the expiration of the CDBG funding and review of the SHRA budget including whether or not the number of Code Enforcement positions should be changed.

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FINANCIAL

The following summarizes the proposed staffing for the consolidated enforcement unit.

Proposed Enforcement Staffing

Position	Department	FTE
Code Enforcement Supervisor*	Eng/Inspect	1.00
Code Enforcement Officer**	Eng/Inspect	.50
Code Enforcement Officer	Eng/Inspect	1.00
Code Enforcement Officer	Eng/Inspect	1.00
Code Enforcement Officer	Eng/Inspect	1.00
Code Enforcement Officer	Eng/Inspect	1.00
Typist Clerk II	Eng/Inspect	1.00
Deputy City Attorney II***	City Attorney	.90
Hearing Officer (contract)	Eng/Inspect	.06
		7.46

* New position.
** The other 50% of the position would still be doing sign plan checking.
*** Net increase of .64 FTE over current budget.

The additional cost of this staffing configuration over what is currently budgeted is identified below:

Estimated Cost Impact

	1982-83 (4 months)	1983-84 (full year)
Code Enforcement Supervisor	$10,167	$30,500
Equipment/Vehicle For Supervisor	1,943*	3,000
.64 Deputy City Attorney	8,704	26,114
Hearing Officer Contract	2,600	7,800
	$23,414	$67,414

* Includes one-time equipment cost of $943.

RECOMMENDATION

Staff recommends that the following actions be taken with respect to this report:

(1) That the code enforcement function be consolidated in the Building Inspections Division of the Engineering Department and that the staff be cross-trained in each of the three code areas. (Implement consolidation in January when the two new CDBG-funded Officers come on board and complete cross-training by May, 1983.)

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Typist Clerk II	Eng/Inspect	1.00
Deputy City Attorney II***	City Attorney	.50
Hearing Officer (contract)	Eng/Inspect	.05
		7.45

* New position.
** The other 50% of the position would still be doing sign plan checking.
*** Net increase of .45 FTE over current budget.

The additional cost of this staffing configuration over what is currently budgeted is identified below:

Estimated Cost Impact

	1982-83 (4 months)	1983-84 (full year)
Code Enforcement Supervisor	$10,167	$30,500
Equipment/Vehicle For Supervisor	1,993*	3,000
.45 Deputy City Attorney	3,704	26,114
Hearing Officer Contract	2,600	7,800
	$23,464	$67,414

* Includes one-time equipment cost of $2,000.

RECOMMENDATION

Staff recommends that the following actions be taken with respect to this report:

(1) That the code enforcement function be consolidated in the Building Inspections Division of the Engineering Department and that the staff be cross-trained in each of the three code areas. (Implement consolidation in January when the two new CDBG-funded Officers come on board and complete cross-training by May, 1983.)

(2) That the Personnel Department conduct a classification study in order to establish an exempt "Code Enforcement Supervisor," and that this position, as well as $12,110 in funding for the position be added to the Building Inspections Division 1982-83 Budget. (Complete February, 1983)

(3) That the workload data requested in this report be reviewed in conjuction with the 1984 SHRA budget to better determine staffing needs.

(4) That a .64 FTE Deputy City Attorney II limited term position be added to the City Attorney's office and that the City Attorney's 1982-83 Budget be augmented by $8,704 to fund the position.

(5) That the consolidated code enforcement unit be provided with funding of $2,600 for about 40 hours of hearing officer time during 1982-83.

(6) That the Code Enforcement Supervisor be required to coordinate a review of the relevant codes and ordinances in an effort to identify sections which need modification to facilitate more efficient enforcement and to eliminate any section which no longer serves a viable purpose.

(7) That the Code Enforcement Supervisor be responsible for recommending a policy statement to the City Council which would establish a prioritization for code violation enforcement.

(8) That the Zoning Investigator position in the Planning Department be reclassified as Building Technician and transferred to the Building Permit Section in the Building Inspections Division.

(9) That the Planning Department review the fence height and recreational vehicle ordinances to determine whether they need modifications to make them more effective and present any recommendations to the Planning and Community Development Committee. (Complete by the end of June, 1983.)

Betty Masuoka

Betty Masuoka
Senior Management Analyst

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(3) That the workload data requested in this report be reviewed in conjunction with the 1984 SMRA budget to better determine staffing needs.

(4) That a .44 FTE Deputy City Attorney II limited term position be added to the City Attorney's office and that the City Attorney's 1982-83 Budget be augmented by $8,704 to fund the position

(5) That the consolidated code enforcement unit be provided with funding of $2,400 for about 40 hours of hearing officer time during 1982-83.

(6) That the Code Enforcement Supervisor be required to coordinate a review of the relevant codes and ordinances in an effort to identify sections which need modification to facilitate more efficient enforcement and to eliminate any section which no longer serves a viable purpose.

(7) That the Code Enforcement Supervisor be responsible for recommending a policy statement to the City Council which would establish a prioritization for code violation enforcement.

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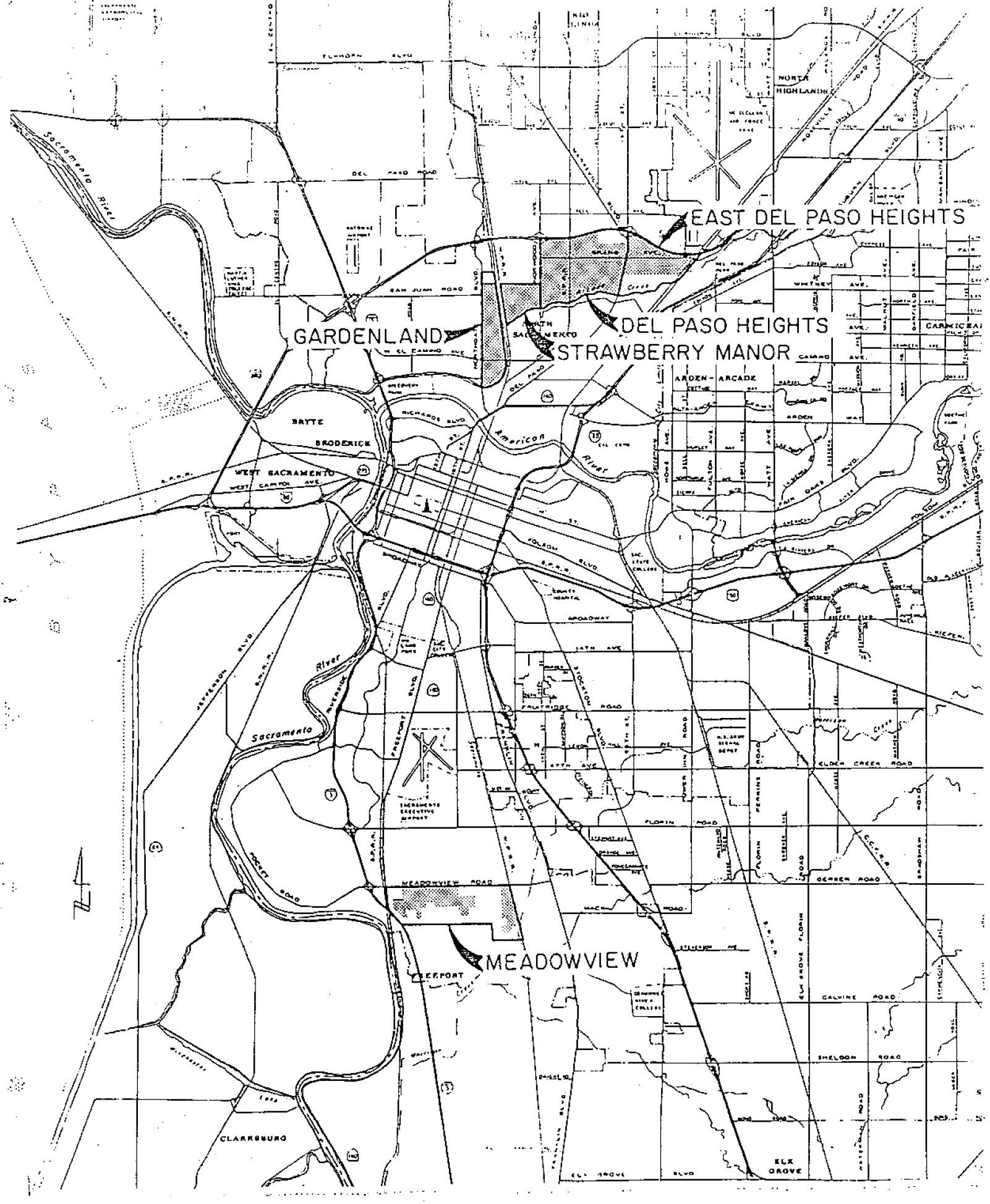
Betty Masuoka
Senior Management Analyst

AREAS RECOMMENDED FOR HEALTH NUISANCE ABATEMENT

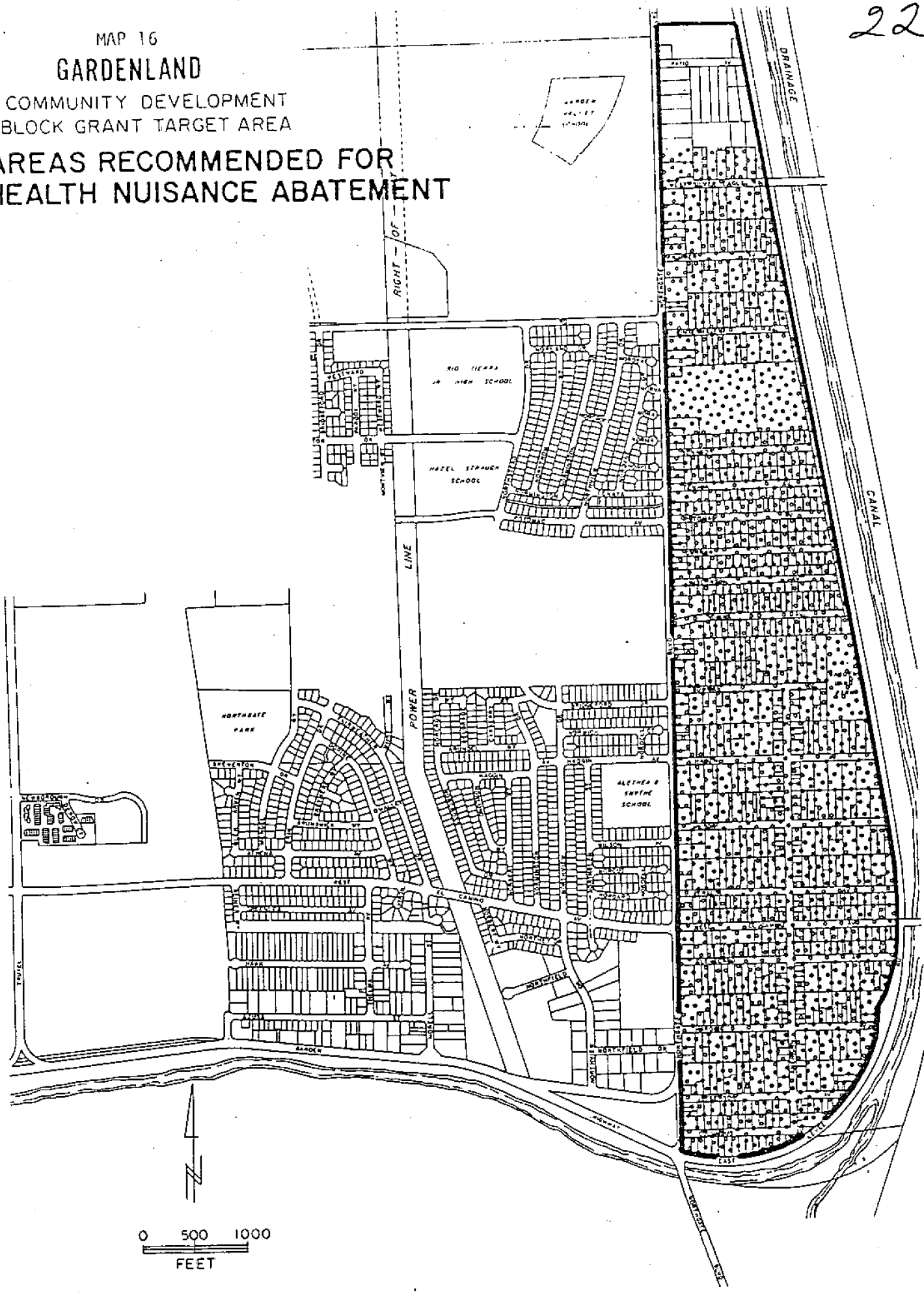


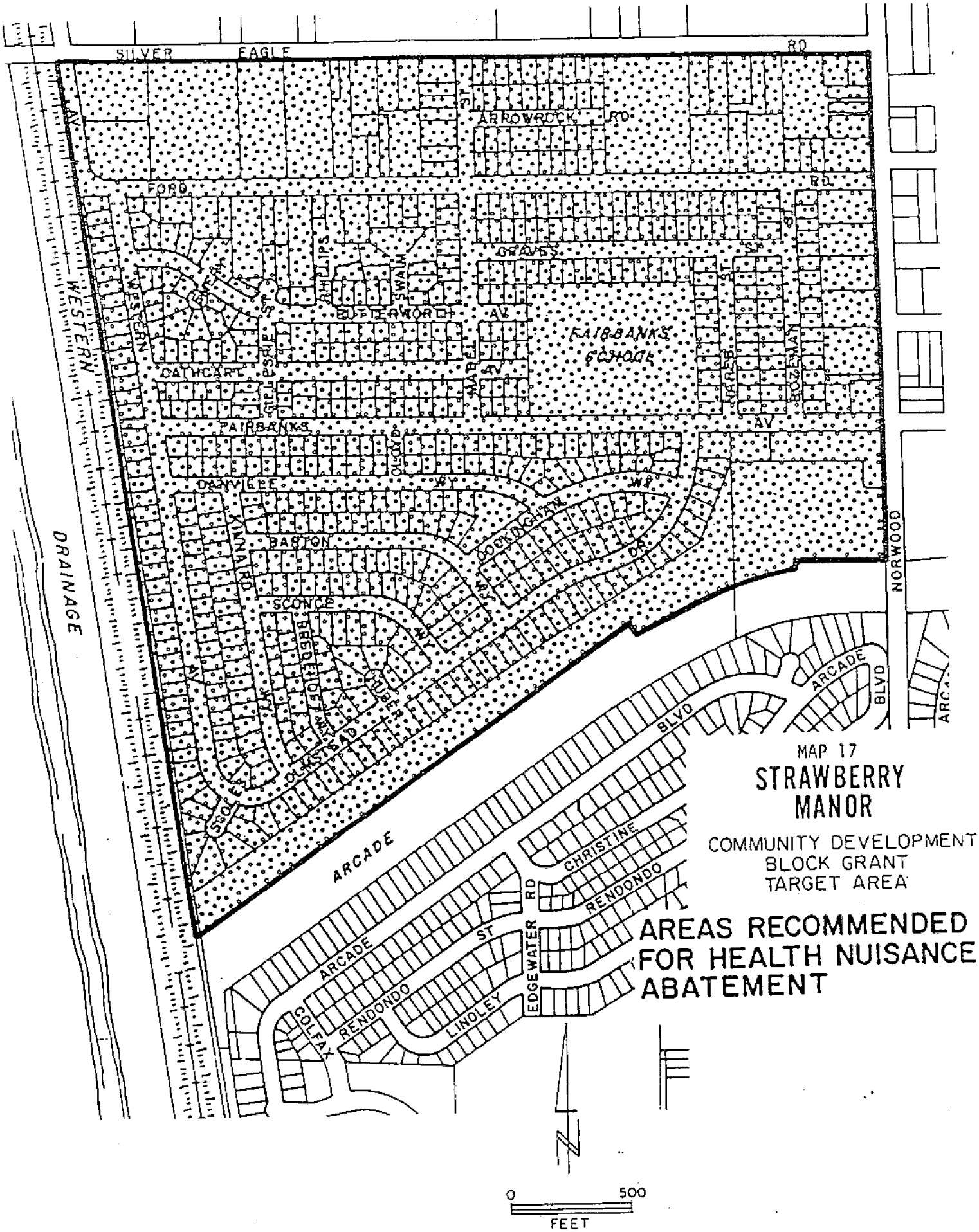
MAP 16

GARDENLAND

COMMUNITY DEVELOPMENT
BLOCK GRANT TARGET AREA

AREAS RECOMMENDED FOR HEALTH NUISANCE ABATEMENT



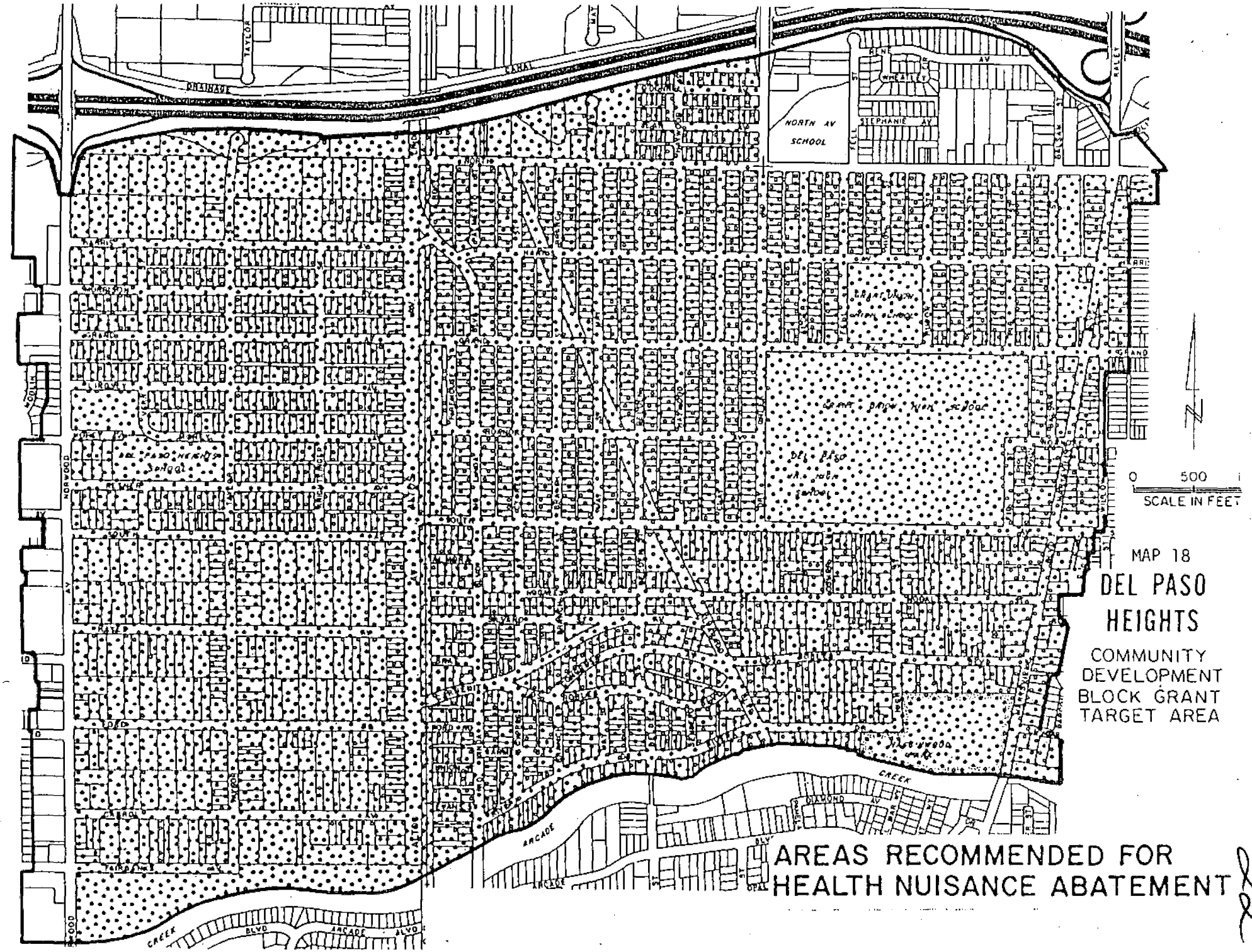


MAP 17

STRAWBERRY MANOR

COMMUNITY DEVELOPMENT BLOCK GRANT TARGET AREA

AREAS RECOMMENDED FOR HEALTH NUISANCE ABATEMENT

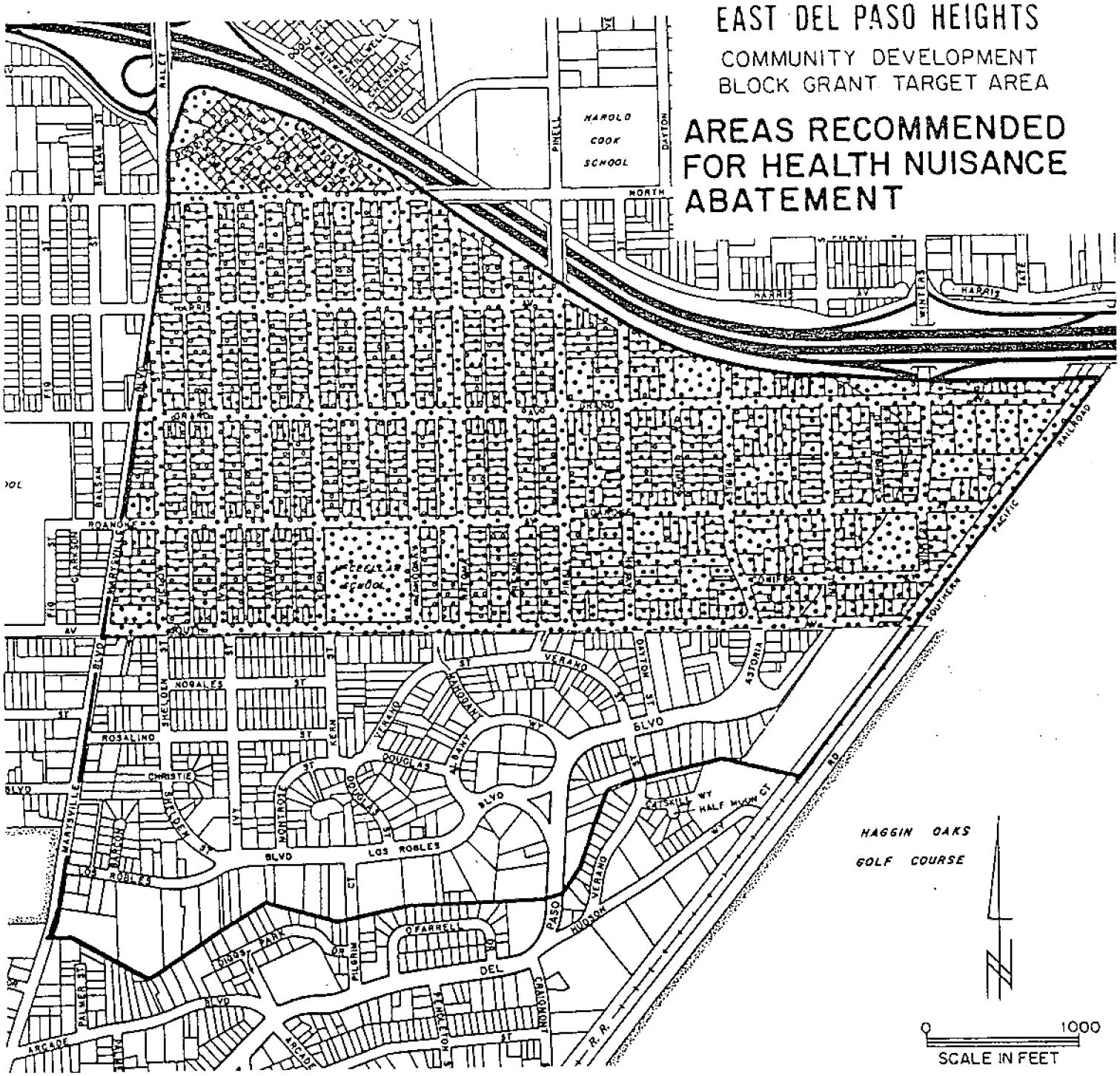

MAP 18
DEL PASO HEIGHTS
COMMUNITY DEVELOPMENT BLOCK GRANT TARGET AREA
AREAS RECOMMENDED FOR HEALTH NUISANCE ABATEMENT
0 500 1
SCALE IN FEET
N
NORTH AV SCHOOL
STEPHANIE AV
CANAL
DRAINAGE
TAYLOR
NORWOOD
ARCADE
CREEK
BLVD
DIAMOND
HARRIS
GRAND
IRONWOOD
DEL PASO

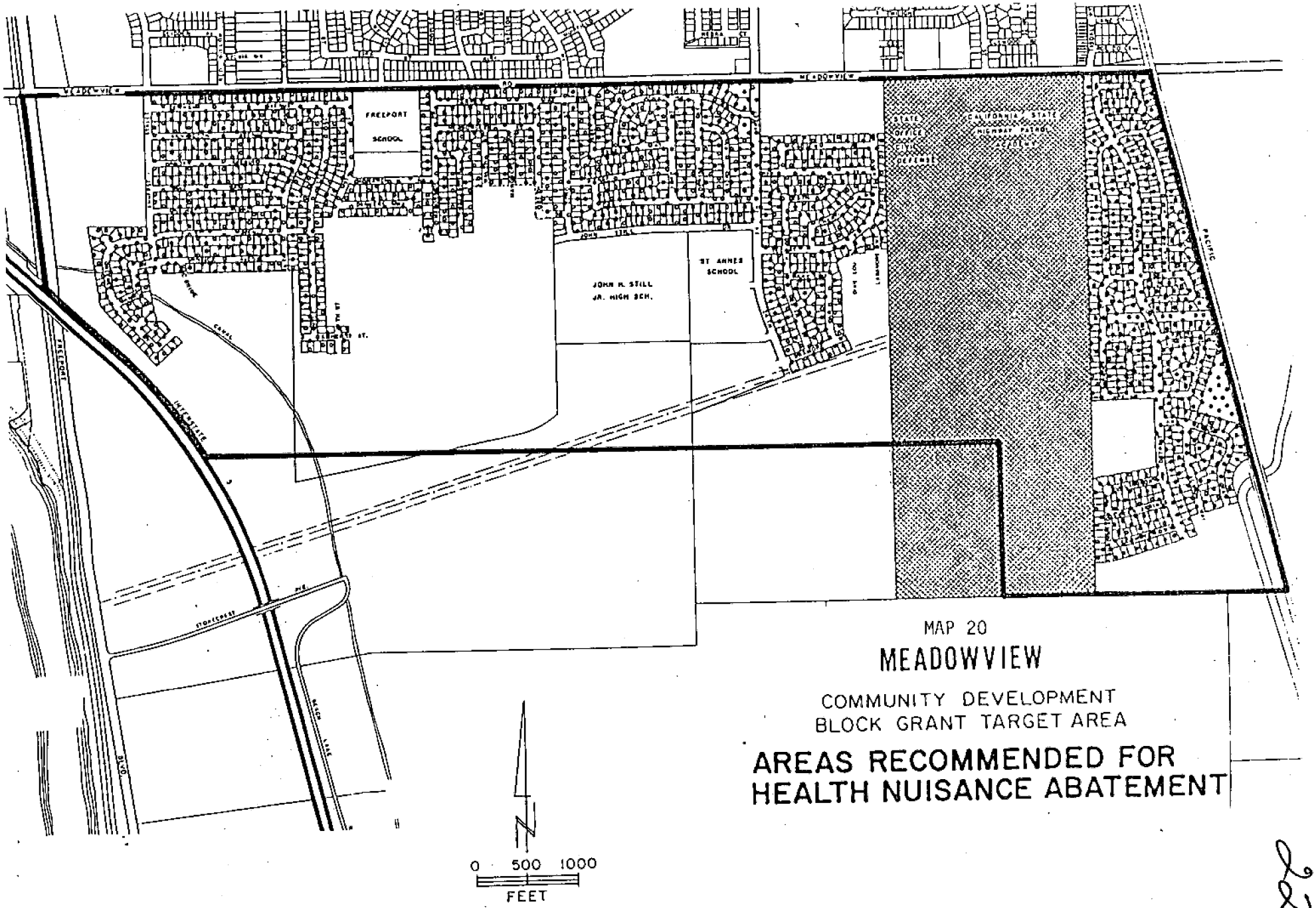
22

EAST DEL PASO HEIGHTS

COMMUNITY DEVELOPMENT
BLOCK GRANT TARGET AREA

AREAS RECOMMENDED FOR HEALTH NUISANCE ABATEMENT





MAP 20

MEADOWVIEW

COMMUNITY DEVELOPMENT
BLOCK GRANT TARGET AREA

AREAS RECOMMENDED FOR HEALTH NUISANCE ABATEMENT

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