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Title: Report and Preliminary Assessment of Community Development Department Code Enforcement Functions, Responsibilities, and Resources (Community Development Director Tai).

a) RECEIVE REPORT

b) DISCUSS AND PROVIDE DIRECTION

Sponsors:

Indexes:

Code sections:

Attachments: 1. List of Municipal Code Violations, 2. Budget Description, 3. Administrative Citation Form, 4. Resolution No. 16-0057, 5. PowerPoint Presentation

Date	Ver.	Action By	Action	Result
2/16/2021	1	City Council Regular Meeting		

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Carrie Tai, AICP, Community Development Director

SUBJECT:

Report and Preliminary Assessment of Community Development Department Code Enforcement Functions, Responsibilities, and Resources (Community Development Director Tai).

- a) **RECEIVE REPORT**
- b) **DISCUSS AND PROVIDE DIRECTION**

RECOMMENDATION:

Staff recommends that the City Council receive the report, discuss, and provide direction on the staff recommendation of updating the Work Plan to improve the City's Code Enforcement function and request to add one full-time Code Enforcement Officer position to assist with evening and weekend enforcement.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with this report. However, there may be fiscal implications resulting from City Council direction, particularly with regard to increasing staff resources or procuring contract services. The fully-burdened cost for a Code Enforcement Officer (*estimated at AA Step*) is approximately \$101,700. Additionally, one-time costs for a new vehicle and necessary equipment is estimated at \$41,200.

EXECUTIVE SUMMARY:

The City Council requested an assessment of the City's code enforcement operations. The Community Development Department reviewed the existing functions and concludes that internal operational improvements are needed. This includes ensuring that violations are assigned to appropriate departments for response, adequate staffing, and that a supervisory and reporting structure is in place to provide efficient management of code enforcement cases. The Department is recommending an internal review of roles and responsibilities, and requesting additional staff resources, in order to align resources with community expectations.

BACKGROUND:

At the annual City Council Work Plan meeting on April 23, 2019, the City Council conducted a discussion about the City's Code Enforcement operation and requested that staff provide a report on this matter. The report was to cover, at a minimum, responsibility for code enforcement activities, improving the Reach Manhattan Beach app, and review of fines for code enforcement actions. The Community Development Department added a new item, Code Enforcement Review, to the Work Plan, to address this request.

DISCUSSION:

This report provides an overview of the City's code enforcement program, focusing on the Code Enforcement functions within the Community Development Department. These include daily functions, code enforcement areas of responsibility, ways to report violations, organizational structure and effectiveness, procedural requirements, staffing resources, and fine structure. This is a broader scope than what the City Council requested in April 2019, but a comprehensive review is necessary to fully understand the responsibilities of this city function.

Municipal Code Violations

The City's Municipal Code includes many different types of violations, generally grouped into the following categories:

- General regulations (mechanical blower ban, smoking, tobacco ban, non-construction noise, environmental regulations, general nuisances, etc.)
- Street and parking regulations
- Public right-of-way conditions (obstructions by objects, abandoned items, illegal discharges, trees, placement of trash bins, etc.)
- Park, beach, and public space regulations (smoking, skateboarding, alcohol, etc.)
- Private property conditions
 - Property or building conditions (dilapidated or substandard buildings, illegal storage/junk, overgrown vegetation, nuisances, etc.)
 - Business district regulations (signs, merchandise display, etc.)
 - Land use and zoning code violations (unpermitted uses, short-term rentals, illegal units, sign violations, over-height fences, protected trees, etc.)
 - Vacant/abandoned properties
 - Trash bin storage
- Construction issues
 - Construction regulations (safety, hours, noise, runoff/discharge, etc.)
 - Construction without permits

From the above-mentioned list, the Community Development Department is responsible and budgeted to respond to private property issues conditions and construction issues. The Police Department is responsible for general municipal code violations and staffs a park ranger to patrol the parks. The service descriptions for the enforcement functions for both departments are attached. In addition to the categories mentioned above, the City also responds to animal control, fire code violations, and State-level regulations such as the California Vehicle Code and California Health and Safety Code. County-level and regional agencies enforce regulations such as rental property conditions, restaurant sanitation, vector control, and air quality. A general list of these violations is attached.

Code Enforcement Staff Responsibilities

The City's Code Enforcement Officers perform a combination of field investigative work, as well as case management to guide each case to a conclusion of compliance or referral to the City prosecutor. The City job specification lists essential job functions that include: inspecting properties and developing programs to ensure compliance with construction requirements and guidelines with respect to building, zoning, noise, notifications, site protection, parking codes, ordinances, standards and procedures. Generally, these activities relate to signing, building occupancy, nuisances, housing conditions, construction, land use, dumping, zoning violations, sanitation, refuse storage, property maintenance, parking, property damage and other conditions. Code Enforcement Officers are also responsible for preparing documents, photographs, and other records for the City Prosecutor, and maintaining files and preparing reports on activities. Officers will also perform inspections, send warnings (letters to the property owner and occupant), and issue administrative citations to incentivize compliance.

Code Enforcement staff are required to attend ongoing continuing education training to maintain certification from the California Association of Code Enforcement Officers (CACEO) and also to keep up to date with new legislation, case law, and best practices in de-escalation, mediation, and enforcement techniques. In addition, Officers must hold and maintain a Penal Code Section 832 certificate that allows for issuance of administrative citations.

On average, Code Enforcement Officers spend about 60% of their time in the field and 40% on desk duties. Field work consists of responding to complaints, performing inspections, and the proactive field meetings and patrol of the Residential Construction Officer program. Desk duties consist of returning phone calls and emails, internal meetings, training, property research, completing inspection logs, updating case notes/photos, and preparing warning letters and administrative citations.

Code Enforcement Officers respond on a complaint-basis for non-construction complaints. Officers endeavor to exercise proactive enforcement when time permits. For example, officers responding to a complaint will note similar violations nearby and address those at the same time. An example is enforcement of trash bins - if an officer receives one complaint about a trash bin not rolled back onto private property in the required time frame after trash collection, but observes multiple occurrences of the same violation on the block, the officer will proactively enforce those.

History of Community Development Department Code Enforcement

The following provides a history of the evolution of the Community Development Department's Code Enforcement responsibilities.

Pre-2006

The Community Development Department created a position in 1977 to enforce violations relating to land use and zoning regulations. Then, in 1990, the City converted that position into a formal Code Enforcement Officer position to address a broader set of complaints pertaining to land use, building conditions, signs, trash bins, and property maintenance. For most years between 1990 to 2004, there was one Code Enforcement Officer handling all cases (ranging from 300 to 800 annually), submitted on a complaint basis. For a brief time in 1997-1999, staffing was increased to two Officers in order to provide business-focused enforcement including: 1) a bi-annual sweep of business districts for sign and trash violations; and 2) educational efforts. The second position was eliminated 1999, but the responsibility for providing business-focused proactive enforcement remained.

From 1997 to 2006, the number of annual cases ranged from 291 to 826, with an average of over 400 cases annually.

Residential Construction Officer (RCO) Program

In 2006, to address challenges resulting from a high volume of construction activity in residential neighborhoods, the City created the RCO Program to act as a liaison between residents and builders to manage construction impacts on neighborhoods. This Program, funded by a 10% surcharge on building permits, created a second Code Enforcement Officer, with a working title of Residential Construction Officer (RCO). The RCO proactively conducts a pre-construction meeting with contractors prior to the start of construction projects to discuss construction rules, violation protocols, and general good-neighbor policies. Additionally, for major construction projects such as new construction or substantial remodels, the RCO conducts a meeting at the job site to provide an opportunity for neighbors, the construction team, and the City to establish an open line of communications to resolve issues once construction commences. The RCO conducts an estimated 200 pre-construction meetings annually. The RCO also responds to construction violation complaints, such as hours, parking, noise, dust, fencing, etc.

From 2006 to 2015, the number of annual cases remained similar, ranging from 261 to 500, with an average of over 400 cases annually. These cases do not include the RCO's proactive pre-construction meetings.

Post 2016

By 2016, the was experiencing an even higher volume of construction activity, an increase in complaint-based violations, and introduction of new regulations such as the prohibitions on short-term rentals, and environmental regulations like the prohibitions on plastic bags, plastic straws, polystyrene trays, and balloons. A third Code Enforcement Officer position was added to supplement the workload of both the RCO Program and the other violations. Additionally, the Department assigned an Administrative Clerk to serve as internal dispatch for Code Enforcement complaints, serve as a communications liaison between the officers and the public, educational material translation services, and general management support.

The Code Enforcement operation implemented Comcate, a case tracking system, in late 2016. The City upgraded to a new land management system, Energov, which replaced Comcate in January 2020 as it allowed for more effective recordkeeping by integrating all property records within one database. This is notable because there may be slight differences in the reporting of cases. The annual cases for 2017 through 2020 are as follows:

2017: 763 new cases
2018: 622 new cases
2019: 688 new cases
2020: 1,211 new cases (includes 843 COVID-19 cases)

From pre-2016 to the present, the annual average caseload has risen from 425 to nearly 700 cases annually. Case counts from 2020 are not representative, due to the COVID-19 pandemic, and therefore, not included in this average. Approximately 25-30% of cases are construction-related. It is estimated that there are around 600 construction sites in the City.

In addition to the increase in annual caseloads, several major shifts in Code Enforcement initiatives occurred without adjustments for staffing:

- 1) In 1999, a Code Enforcement Officer position was eliminated, but the responsibility for proactive business district enforcement remained.
- 2) In 2011, an initiative was added to resolve complaints within 24 hours or less, without any adjustments to staffing.
- 3) In 2012, the responsibility to conduct bi-annual proactive sweeps of business districts was broadened to “ongoing” sweeps; furthermore, the responsibility for enforcing the provisions of the Clean Water Act (resulting in new stormwater runoff regulations) was added, without any adjustments to staffing.
- 4) In 2013, the responsibility of conducting ongoing sweeps broadened to conducting ongoing inspections of residential as well as commercial districts, without adjustments to staffing.
- 5) In 2016, the City Council enacted an Administrative Citation Ordinance to enable addressing Municipal Code violations through an administrative process instead of a traditional, criminal process. Code enforcement officers, rather than police officers, typically provide enforcement, including issuing citations. (The Administrative Citation Process is discussed in more detail later in this report.)
- 6) On December 7, 2020, the new Los Angeles County District Attorney, George Gascón, announced a series of special directives to “reform” criminal prosecutions in L.A. County. One of the directives provides that pre-plea diversion shall be presumptively granted for almost all misdemeanors (including those referred to as “quality of life” violations). The Police Chief and City Attorney are analyzing the implications of the directive, and exploring options. Some of the options may entail more need for code enforcement through the administrative process.

Description of Community Development Code Enforcement Operations

Violations to private property, construction, and businesses are often complex and take time to resolve. These violations are unlike parking violations, for example, where an officer issues a citation for a violation, but compliance only happens when the vehicle is moved. Code Enforcement Officers must work with responsible parties to advance cases towards compliance, often providing guidance on regulations and processes.

The Code Enforcement process consists generally of the following steps:

- 1) How complaints are reported
- 2) Prioritization of cases
- 3) Site investigation

- 4) Creating a Code Enforcement case
- 5) Pursuing compliance
- 6) Notice(s) of Violation
- 7) Administrative citations and penalty fines
- 8) Compliance or prosecution

How Complaints Are Reported

There are multiple ways to report Code Enforcement complaints, including the Community Development Department dedicated Code Enforcement email and phone lines, the Reach Manhattan Beach app, and the non-emergency Police Department number (and received through the Regional Communications Center (RCC)). Because the Code Enforcement email and phone lines are staffed during City business hours only, the public is directed to use the app or call the non-emergency Police number after hours. This can result in confusion as to where to direct complaints.

Occasionally, complaints are referred internally, such as through staff member observation or referral from another department. All code enforcement requests must be logged manually into Energov. Once logged in, the complaint is assigned to a Code Enforcement Officer for investigation. If the complaint relates to another department with jurisdiction over the matter, staff will refer it accordingly. Since Code Enforcement staff also perform proactive enforcement for construction activities, the Officers will enter violations observed during inspections into the Energov.

Prioritization of Cases

Community Development prioritizes complaints and has set performance measures for initial response times based on potential threat:

- 1) Same day / immediate response - **imminent danger to health and safety** (construction mishaps or incidents, non-secured construction sites, dangerous equipment or conditions, etc)
- 2) Within 2 days - **potentially dangerous** code violations (work without permits, substandard buildings, over-height fences, etc)
- 3) Within 4 days - **quality of life impacts** (construction noise, overgrown vegetation, land use violations, inoperable vehicles, etc)
- 4) Within 6 days - **other** complaints

These performance measures ensure that staff assesses and prioritizes the reported violation in accordance of urgency, but also uses resources in an efficient way.

Site Investigation

Based on existing priorities and workload, the assigned Officer arranges a site inspection to verify the existence of the complaint. The City may spend a considerable amount of time on simply obtaining access, be it legal issues or scheduling limitations. Construction sites, for example, are easily accessible as personnel are on-site during most construction hours; however, alleged violations in backyards or inside structures may require the Officer to locate a property owner or occupant to obtain permission to gain access to the property. This is generally the case when the reporting party of a complaint did not observe the alleged violation from a legal vantage point, such as a public street or sidewalk, or if there is a reported violation that isn't readily visible (such as noise or unpermitted construction). On occasion, an uncooperative occupant will not grant access, requiring escalation or a warrant.

Once the Officer performs a site inspection, they determine whether there is a violation. Around 15-20% of complaints are unfounded, where the Officer performs an inspection and does not observe

any violations. This tends to occur more frequently when the violation is mobile, such as a construction vehicle or leafblower, rather than stationary, like an unpermitted fence.

Code Enforcement Case Created

Once the Officer confirms that there is a violation, they will open a Code Enforcement case. The Officer researches the details of the property by: 1) determining or confirming the responsible party; 2) identifying what Municipal Code violations are present, if any; 3) discovering the cause of the violation(s); and 4) determining the path to rectifying the violation to the responsible party.

During case investigation, the Officer may uncover information that indicates that the reported condition does not constitute a violation after all, or that the condition is a civil matter between two private property owners. The Officer may also determine that there are nuances in the situation (existing or threatened litigation, previous permission granted by the City, need to provide for reasonable accommodations, etc.) that prevents the City from taking immediate enforcement.

Pursuing Compliance

The Code Enforcement Officer will contact the responsible party informally at first, then via writing, to establish a working relationship. The Officer will indicate the presence of a violation and then, explain the required steps. In many cases, the responsible party is not aware of a violation and is willing to rectify the situation. The responsible party may inquire as to why the condition constitutes a violation, when the City adopted the regulation, and how similar conditions exist on other properties. The Code Enforcement Officer is the main point of contact with the responsible party and may seek advice from City personnel with subject matter expertise, such as a Planner or the Building Official. The Officer also addresses inquiries and questions to assist both parties.

Notice(s) of Violation

Section 1.06.030(C) of the Municipal Code requires that the City provide a reasonable time to correct or remedy violations that pertain to building, plumbing, electrical, structural, or zoning (land use or Coastal Zone) issues and do not create an immediate danger to health or safety. "Reasonable time" is defined as 10 days, but if violations require the responsible party to prepare plans or obtain permits, the Officer may permit additional time. While not all violations fall into this category, the City nonetheless reinforces the goal of compliance by providing warnings before pursuing citations.

The Officer prepares a Notice of Violation that provides the responsible party with details, such as the observed violation, section(s) of the Municipal Code that are violated, actions that must be taken, and a deadline for a re-inspection for compliance. If the property continues to be in non-compliance, the Officer will ascertain whether the responsible party is making progress in good faith to pursue compliance in order to determine next steps.

Administrative Citations, and Penalty Fines

Section 1.04 of the Municipal Code details the methods to address violations. Violations of the Municipal Code are infractions or misdemeanors, depending on the severity of the violation. The penalty for infractions is via penalty fines, whereas misdemeanors can be criminally prosecuted and could result in jail time. The City's Administrative Citation Ordinance allows the City to issue administrative penalties in lieu of criminally charging a responsible party with an infraction or misdemeanor. Any enforcement officer of the City, including Community Services Officers, Services Officers, and Code Enforcement Officers, may issue administrative Citations. Due to the ever-expanding use of the Administrative Citation Process, (and the other factors listed above in this report) most Municipal Code violations are now treated as civil violations.

To issue an Administrative Citation, the officer must complete an Administrative Citation form (attached) and include supporting materials such as inspection records, photographs, and prior correspondence. The citation must be served to the responsible party - this previously was performed in person but currently is performed via certified mail due to the COVID-19 pandemic operating protocol. The responsible party has 20 days to pay the citation. Along with paying the citation, the responsible party may also appeal the citation. Note that payment of the citation does not alleviate the responsible party from correcting the violation.

The fine structure for administrative citations, as adopted in Resolution No. 16-0037 (attached), is as follows:

Administrative Citations in Lieu of Misdemeanors: Up to \$1,000

Administrative Citations in Lieu of Infractions:

First violation: \$100

Second violation, within a year: \$200

Third and subsequent violations, within a year: \$500

Violation of Building and Safety Codes:

First violation: \$100

Second violation, within a year: \$500

Third and subsequent violations, within a year: \$1,000

Compliance or Prosecution

Usually, the issuance of citations and the accompanying/recurring penalty fines is sufficient to incentivize compliance. However, where the responsible party continues the violation, the City may refer the case to collections or the City Prosecutor to exercise legal remedies to pursue compliance.

Current Challenges Facing the Code Enforcement Operation

Over the past year, the Department has received feedback in numerous ways from members of the community, City staff, management, and the City Council on areas of improvement to consider for the Code Enforcement operation.

Coverage During Non-Business Hours

During the last 3-4 years, the Community Development and Police Departments have collaborated on responding to violations. Community Development Code Enforcement staff are on duty during normal City business hours, whereas the Police Department's Community Service Officers (CSOs) schedules coverage during all hours, including evenings and weekends. The Police Department provides initial response to complaints during evenings and weekends and refers complaints associated with land use or construction to Community Development for follow-up.

To reciprocate for CSOs assisting during evenings and weekends, Community Development has assumed some responsibility for responding to general Municipal Code violations during City business hours by responding to Police Department radio dispatch calls for violations such as smoking, mechanical blower usage, and skateboarding. This has broadened the scope of responsibility for Code Enforcement Officers during City business hours and has affected the ability to actively manage existing cases and perform follow-up re-inspections. Both departments continue to improve roles and responsibilities while retaining a collaborative working relationship.

Community Expectations

The Community Development Department has received comments from complainants expressing concern and dissatisfaction with the time it takes to resolve their complaint. The general expectation is that the problem should be resolved within a few days of report. However, the existing staff resources, workload and case management requires complaints to be prioritized accordingly and addressed as time permits. For example, a complaint about a construction hazard might receive priority over a dilapidated fence, due to potential for imminent hazards. The staff also encounters complaints that reveal longstanding neighbor disputes, which adds complexity to the issues. The Department has updated its Code Enforcement website to specify response times, in an effort to manage expectations. However, there can still be improvements to inform the community about what to expect from the City's Code Enforcement response.

Ongoing Communications with Complainants

The Community Development Department has received complaints about the lack of ongoing status updates on cases. While there is a Department performance measure to provide positive confirmation of receipt to a complainant with 48 hours, it is not practical for Officers to provide regular updates on cases. Once the City confirms the presence of a violation, the process of pursuing compliance is between the City and the responsible party. The City must also protect the identities of all parties involved. Therefore, providing regular updates on cases is very difficult without compromising the privacy of the parties and property details. Furthermore, Officers act in a neutral manner to pursue compliance with the Municipal Code, which may not be the same as the complainant's desired result. The staff advises complainants that they can check in regularly with the assigned Officer to determine whether the case is still active and that they may obtain the case details once it has come to a resolution. However, this can be many weeks after the filing of the complaint.

Need for Transparency

While Code Enforcement investigations are required to remain confidential to protect the integrity of investigations, there is a general lack of reporting and visibility into accomplishments of the Code Enforcement operation. The prior software, Comcate, was not able to produce user-friendly reports; and staff is still configuring the reporting function of Energov. Reports would enable the public, management, and the City Council to understand the volume of code enforcement activity, and the rate of new and closed cases. Another way to increase transparency is to provide status updates on the progression of a case, such as indicating progress at a certain step. This would reassure concerned parties, such as complainants, that the case is still active.

Staffing Resources

Currently, the City has three full-time Code Enforcement Officers, providing for 120 hours per week, equating to an effective 100 hours per week when factoring in holidays, paid time off, and training. They are supervised by the Building Official and assisted by an Administrative Clerk. Since 1.5 Officers are funded by building permits, 50 hours are dedicated to construction issues and 50 hours are available for non-construction land use and building code violations, on a weekly basis.

In reviewing progress of Code Enforcement cases, it seems that the majority of cases are resolved in under a week. About 20% of cases may take several weeks or months, and about 5% of cases persist for longer durations. There are cases on which the City staff spends dozens of hours. Thus, while it is somewhat difficult to standardize a formula to relate case counts to work loads, staff developed a tool to estimate the approximate number of hours needed to support a certain caseload.

Based on current case workloads (~875 total requests resulting in ~700 cases per year) resulting

from complaint-driven cases only, approximately 100 Code Enforcement Officer hours are needed per week. Additionally, time spent on proactive construction patrols, pre-construction meetings, and communications unrelated to actual cases consists of approximately 30 hours per week. Meetings for internal coordination or operational improvement, or special assignments account for another 5-7 hours per week. **Given the need for at least 135 hours per week, the Department needs at least one additional full-time Code Enforcement Officer or equivalent.**

Proactive Enforcement and New Initiatives

During the past several years, the Community Development Department has recognized that certain initiatives are not attainable until staffing resources are commensurate with the scope of responsibilities. For example, proactive patrols and educational efforts on issues such as walk street encroachments and ongoing business district sweeps are not currently possible given current workload. To achieve progress on proactive enforcement of regulations, a second additional full-time Code Enforcement Officer or equivalent would likely be required.

Furthermore, Code Enforcement has been asked to implement new regulations post-adoption, yet lacks the staff resources to do that while managing active caseloads. To prevent this from occurring with future initiatives, the City must first identify the staff responsible for implementation, identify the enforcement department, and specify the fine penalties, during adoption of new initiatives. This will allow for the consideration of additional resources to occur during discussions for the new initiatives.

Pending Internal Improvement - Supervision

To ensure consistency and efficiency in day-to-day operations, the Code Enforcement operation requires a dedicated supervisor. Currently, the Building Official oversees this operation, but also has responsibility for oversight of the building permit, plan review, permit issuance, and records management functions of the Building and Safety Division. This does not allow for adequate supervision and guidance for nuanced situations that arise. During the adoption of the Fiscal Year 2020-2021 budget, the Department requested, and City Council approved, upgrading one of the existing Code Enforcement positions to a Supervising Code Enforcement Officer to fill the supervisory need. During the discussion of the position, the City Council stated that the Code Enforcement operation should be reassessed after six months in order to assess the effectiveness of the Supervising Code Enforcement Officer. Given the long-standing systemic improvements needed to provide an environment during which the Code Enforcement operation could successfully function, the Department intends to fulfill this assignment once it can demonstrate that staff resources are adequate to deliver the expected responsibilities.

RECOMMENDATION:

Currently, the Community Development Code Enforcement operation is not staffed adequately to respond to the current levels of complaint-based code enforcement cases, and is unable to provide proactive enforcement for non-construction matters. The Department recommends the following steps and requests City Council concurrence on the approach. Because one challenge is having the resources to implement these improvements, the recommendation is presented as phased effort. The Department's Work Plan would be updated to include the full recommendation, with regular progress reports.

- 1) Resolve internal operation deficiencies (In Progress/Immediate: Ongoing - 3 months)
 - a. Assess and assign all Municipal Code violations to appropriate department responsible for enforcement activities.
 - b. Centralize incoming Code Enforcement complaints to the non-emergency Police

- Department number and working with the RCC to refer these calls to Code Enforcement for internal prioritization and entry into the Energov system
- c. Complete an internal recruitment to assign the Supervising Code Enforcement Officer.
 - d. Immediately request one additional Code Enforcement Officer (or equivalent) to respond to requests on evenings and weekends.
- 2) Improve transparency and accountability (Short-term: Ongoing-6 months)
- a. Provide the public with expected Code Enforcement response times.
 - b. Adopt internal policy on customer responsiveness.
 - c. Beginning mid-2021, provide quarterly reports of the number of new cases, resolved cases, case types, and performance measures.
- 3) Align resources with expectations (Medium term: 6-12 months)
- a. Should the City Council desire proactive enforcement of widespread issues like walk streets or overgrown vegetation, the department would need a second additional Code Enforcement Officer (or equivalent), which would be included as part of the Fiscal Year 2021-2022 Budget.
 - b. Establish communication at regular intervals with complainants, ideally through automated means.
 - c. Create a protocol to require new City initiatives to include the department(s) responsible for implementation, enforcement, and a specific penalty fine.
 - d. Investigate the capability of Energov to:
 - i. Accept Code Enforcement complaints via a mobile app or website, eliminating the need for manual entry and ensuring that the complainant submits the necessary information;
 - ii. Have an outward facing Code Enforcement portal to provide status updates without disclosing confidential details.

POLICY ALTERNATIVES:

ALTERNATIVE 1:

The City Council could decide that a more accelerated timeline is needed, in which case staff would secure temporarily staff in the form of contract Code Enforcement Officer(s), possibly including a contract Code Enforcement supervisor.

PROS:

This approach would allow the Department to pursue internal improvements while continuing to work on addressing existing cases.

CONS:

The City staff must dedicate time and resources to train, orient and manage contract staff, detracting from existing responsibilities and case demands. Contract staff are an added budgetary expense.

ALTERNATIVE 2:

The City Council could decide that rather than increase staffing to proactively patrol the City (recommendation 3a), the City should focus more on a communications strategy, to outreach and engage the community on Code Enforcement functions.

PROS:

This approach does not result in additional staff for the time being, but may lower frustration by establishing expectations of what Code Enforcement staff can deliver. This approach also is a more fiscally conservative option.

CONS:

There are no disadvantages to this alternative, as there is always the ability to revisit staffing

concerns.

ALTERNATIVE 3:

The City Council could decide that staffing should be increased by two additional Code Enforcement Officers.

PROS:

This approach would enable the Department to: (1) pursue internal improvements; (2) continue to work on addressing existing cases; and (3) be more proactive.

CONS:

The cons are the same as Alternative 1's cons, plus additional budgetary concerns.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue at this time.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. List of Municipal Code Violations
2. Budget Description
3. Administrative Citation Form
4. Resolution No. 16-0037
5. PowerPoint Presentation