

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: ENVIRONMENTAL RESOURCES

BOARD AGENDA # B-10

Urgent _____ Routine x

AGENDA DATE February 6, 2001

CEO Concur with Recommendation YES x NO _____
(Information Attached)

4/5 Vote Required YES _____ NO _____

SUBJECT:

**APPROVAL OF CODE ENFORCEMENT TASK FORCE (TF) STATUS REPORT
AND REORGANIZATION PROPOSAL**

STAFF
RECOMMEN-
DATIONS:

1. **ACCEPT THE CODE ENFORCEMENT TASK FORCE STATUS REPORT;**
2. **APPROVE A REORGANIZATION OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES (DER) TO FORM A CODE ENFORCEMENT UNIT THAT INCLUDES:**
 - **THE ADDITION OF THE POSITIONS OF A MANAGER IV, AN ADMINISTRATIVE SECRETARY, AN ADMINISTRATIVE CLERK III, AND A DEPUTY ZONING ENFORCEMENT OFFICER LEVEL POSITION WITHIN DER;**

(Continued on next page)

FISCAL
IMPACT:

If approved, the total cost to implement this proposal for this fiscal year is \$264,020. Included in this amount is \$117,460 for one time set up cost for furniture and equipment, funded from DER departmental fund balance. The funding for this proposal will be provided by a transfer from the general fund allocation in the Planning and Community Development Department of \$52,655 and the balance of \$211,365 recommended to be funded from the DER departmental fund balance for this fiscal year. Annually, during the budget process, ongoing funding will be considered from the General Fund.

BOARD ACTION

No. 2001-91

On motion of Supervisor Caruso, Seconded by Supervisor Simon,
and approved by the following vote,

Ayes: Supervisors: Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

Christina Ferraro

File No.

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STAFF

RECOMMENDATIONS:

(continued)

- THE TRANSFER OF EXISTING ZONING OFFICER AND DEPUTY ZONING ENFORCEMENT OFFICER POSITIONS (ONE EACH), AND BUDGET FUNDING FOR THOSE POSITIONS, FROM THE GENERAL FUND ALLOCATION IN THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT TO DER;
- 3. AUTHORIZE ONE-TIME PURCHASE OF NEW VEHICLES AND EQUIPMENT, AND FUND THE NEWLY CREATED POSITIONS, AS DETAILED IN THE PROPOSAL TEXT;
- 4. AUTHORIZE A TRANSFER FROM DER DEPARTMENTAL FUND BALANCE OF \$211,365;
- 5. DIRECT THE AUDITOR TO MAKE THE NECESSARY FINANCIAL ADJUSTMENTS LISTED ON THE ATTACHED BUDGET JOURNAL VOUCHER; AND
- 6. AMEND THE SALARY AND POSITION ALLOCATION TO REFLECT THE NEW AND TRANSFERRED POSITIONS.

DISCUSSION:

The 1996 and 1997 Grand Jury reports included recommendations which addressed nuisance abatement issues in the county. To address these issues, the Board adopted County Code Chapter 2.92, Public Nuisances, on January 27, 1998. Subsequently, the Chief Executive Officer formed a multi-department, Code Enforcement Task Force (TF) in November 1998. The departments represented on the TF include: Chief Executive Office, Board of Supervisors, Consolidated Fire, Planning and Community Development, Public Works, Sheriff's Department, County Counsel, District Attorney, Animal Services and Environmental Resources (DER).

The TF established several initial goals and met routinely (usually monthly) to discuss procedures, resources, successes and shortcomings in the program, resulting in the abatement of several long-standing nuisances through the collaborative efforts of the members. However, it became apparent that a lack of information exchanged by the agencies on a daily basis caused duplication in investigative and enforcement efforts on cases reported to multiple agencies at the same time.

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To address this communication issue, the Board approved funding and implementation for the central database tracking system (Tidemark), then in use by the Public Works Department, to be made available to several TF agencies in March 1999. The system now provides immediate access to users to determine what complaints have been received regarding a particular address, what the current status of that complaint is and which county departments are involved. The system proved to be extremely effective and worthwhile in avoiding duplication of effort and resources by departments. However, the intent that this system would also serve as a "central intake" mechanism has not been realized.

Also, as part of that March agenda, the Board approved several changes in the ordinance code relating to code enforcement. These changes came about through the efforts of County Counsel and a sub-committee of TF members to evaluate inconsistencies and to standardize language and legal provisions of various existing codes. These recommendations were then evaluated by the TF for group consensus before submission to the Board. The resulting changes have served well in providing a reasonable, uniform, and broadly applicable set of enforcement codes.

This ordinance prescribes procedures by which nuisances may be abated with or without the cooperation of the property owner. Under the latter circumstance, the County may remove the nuisance when authorized by the Nuisance Abatement Hearing Board and the Board of Supervisors. The Planning Commission convenes as the Nuisance Abatement Hearing Board when requested by staff. It is projected that at least one case will be presented to the Hearing Board for abatement recommendation at each of their future meetings. Recommendations made by staff and approved by the Hearing Board are presented to the Board of Supervisors for final authorization to abate.

Through this process ten cases (several longstanding), have been submitted for abatement, have been approved, and abatement completed or in progress. Twelve additional cases are nearing a Board hearing date. Costs incurred by the County to remove nuisances are billed to the property owner. If payment is not made, a lien is attached to the property. This process has been standardized and refined to an acceptable level of efficiency.

In those instances in which the owner or responsible party has not cleaned up the property as so ordered by the Board, the Department usually contracts with the County Parks and Recreation Department to do the work. From June 1999 through December 2000, a total of 381 hours of

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Parks and Recreation Department's staff time has been spent cleaning properties to abate public nuisances.

The creation of a Code Enforcement unit will allow this successful process to be expanded for application to current Zoning Enforcement cases that have not been successfully resolved in the past. In another scenario, pending actions by member agencies of the TF could be combined for dual approvals under one action of the Hearing Board. For instance, simultaneous approval for the demolition of a building by one contractor, and removal of a refuse accumulation by another contractor on a property, would be possible and increase efficiency. Even with all of these refinements, the amount of time it takes to legally abate a nuisance (up to 14 weeks) can be a source of frustration for the public and members of the Board. The TF discussed this problem at length, formulated recommendations and have proposed several alternate enforcement actions.

County Counsel is currently working on revision and/or augmentation of ordinances that will be brought before the Board in the near future. These newest changes will address such issues as: expeditious boarding and securing of abandoned and/or unsecured buildings, summary/emergency abatement of any hazardous condition that is deemed an imminent threat or risk to health and safety (and can be abated for less than \$2,000), "assisted abatement", where the County will arrange for (or conduct) the prompt cleanup of a property, with the owner agreeing to assume and pay all associated costs, and finally, expansion of the ordinance code's definition of nuisances to include abandoned or unserviceable vessels (boats). DER would administer this action at the request of other member agencies.

There currently exists a well-defined specialization of duties among the member agencies of the Code Enforcement TF. Each performs a function unique to that department while contributing to the overall success and effectiveness of the TF. For example, Animal Services provides comprehensive licensing, control, information services, collection and containment, housing, legal resources and many other programs relating to animals. Public Works provides a comprehensive program relating to buildings and other structures, permitting, construction, inspection, safety, security, abatement of dangerous buildings, etc.

The Development Services Division of the Public Works Department has actively pursued abatement of abandoned, fire-damaged or substandard buildings determined to be a public nuisance and a danger to the public since 1995. Of those structures requiring demolition, almost all were

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abandoned, fire-damaged, single family dwellings. When all attempts to obtain voluntary compliance were exhausted, abatement was accomplished as directed by the Uniform Code for the Abatement of Dangerous Buildings.

Over 100 cases of abandoned, fire-damaged, or substandard buildings have been processed since that time, including 17 active cases which are in various stages of abatement ranging from a first notification letter, to voluntary demolition monitoring, to obtaining bids for demolition. A review of Public Works files reveals that since 1998, there has been a high rate of voluntary compliance. This included 13 structures being repaired, ten structures provided with temporary boarding and 21 structures demolished. Eight structures were demolished through forced abatement by Public Works.

Public Works also provides an efficient, well operating abandoned vehicle abatement and vehicle removal program, which dates back to 1972. Under new guidelines established in 1992, Stanislaus County had one of the first approved programs in the State of California. During a period between 1992 and 1996, approximately 3,900 abandoned vehicles were abated with the majority through voluntary compliance after contact with the Abatement Officers. Currently, the program averages over 800 vehicle abatements per year.

Consolidated Fire provides direction and inspection services in the area of fire safety and fire related issues to the community. County Counsel and the District Attorney provide legal and administrative services in support of all of the members of the TF. The Sheriff's Department provides periodic security for the other department's enforcement activities, and the patrol deputy often acts as the "eyes of the community" to report unsafe or unhealthful conditions that require abatement.

The Sheriff's Illegal Dumping Task Force is another component of the Code Enforcement TF. Along with maintaining surveillance of suspect properties, the Deputies for the Illegal Dumping Task Force investigate complaints of roadside dumps of refuse, tires, refrigerators, etc. Once verified, the Deputies refer the complaint to the Landfill Division of Public Works. The Landfill Division is responsible for cleaning up the illegal dumping of refuse, refrigerators, tires, etc. on the roadways of Stanislaus County. The Landfill Division also responds to complaints from citizens as well as referrals from the Public Works Roads Division. The Landfill Division reports that through November 2000 over 347 tons of refuse, 3,823 tires, and nearly eight tons of refrigerators have been collected from Stanislaus County roadsides.

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It is important to note that this proposal does not suggest or promote making any changes to the basic organization of any of the aforementioned member agencies of the TF. To summarize, each agency is efficiently performing its well defined, distinct duties in a completely satisfactory manner and for a common benefit to the community.

For two other members of the TF the specialization of duties is less well-defined. Much more closely related are the functions of the Zoning Enforcement branch of Planning and Community Development Department and the programs of the DER. Historically, both agencies have responded to complaints, and performed enforcement activities related to the improper or illegal use of property. The complaints include:

- Accumulations of refuse, trash, rubbish and junk on public and private parcels.
- Improper or illegal use of travel trailers and campers for permanent occupancy.
- Homeless or vagrant use of areas not equipped or approved for camping.
- Residential housing properties where unlawful businesses are operating.
- Mobile home parks operating without valid, state required permits.
- Nuisance conditions occurring as the result of a business operating in violation of the conditions of their Use Permit.

At one time or another, in all of these instances, both agencies have responded to the same complaint, at the same address, and started investigations leading to enforcement action to abate unlawful conditions. With the standardization and revision of the County Nuisance Abatement Ordinance as the common enforcement authority for each agency, it no longer seems appropriate to have both agencies performing, in essence, similar functions from two separate locations and administrations. In that light, the following proposal is put forth.

The proposal is to combine the programs of housing, refuse abatement and code enforcement, currently operating within DER, with Planning and Community Development's Zoning Enforcement, creating a Code Enforcement unit within DER. To achieve this end, DER is requesting a Manager IV position, a Deputy Zoning Enforcement Officer level position, an Administrative Secretary, and an Administrative Clerk III position. A component of this proposal is to transfer the existing positions of Zoning Enforcement Officer and Deputy Zoning Enforcement Officer from Planning and Community Development to DER, together with the \$126,571 currently allocated annually from the General Fund for these

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positions. A single Code Enforcement unit, which would handle all code, nuisance and zoning issues, would reduce confusion to the external customer, eliminate any duplication in enforcement activity and thus, increase efficiency.

Organizational models are proposed that would assign workload to the field staff according to designated district boundaries, shadowing the established supervisor districts. This would promote case familiarity, current first hand information and establish lines of communication between code enforcement field officers and other agencies making status inquiries. This would be especially important to the Board Field Representatives requesting information for dissemination to constituents.

Just as important as the staffing and reorganization issue, is the intake communication process. The complex nature of some complaint referrals makes it difficult for the public to know which agency to call. One of the challenges, reported by the Board of Supervisor's field representatives, has been determining how to refer an initial complaint. To this end, it is proposed that the new Code Enforcement unit within DER assume the responsibility of serving as the clearinghouse for initial code enforcement/nuisance/zoning related calls that may previously have been received by either, Planning and Community Development or DER. This intake point would eliminate confusion as to whether a call should go to DER or Zoning. Additionally a new, distinctive, widely advertised phone number is proposed, staffed with live operators during business hours, and a recording mechanism for complaints filed after hours and weekends. In a related action the CEO's office has completed initial planning and proposal of this system and has obtained access to a distinctive phone number. Though all details are yet to be resolved, the number should provide the "one stop shopping" access number that has been widely desired in the past.

A dedicated fax line and machine would also be available for those wishing to submit complaint forms (available by download from the County web-site) in that manner. Any wayward complaints, intended for other departments, but received by this intake line, would be forwarded to the appropriate place rather than requiring the complainant to make another call.

The request for the Board to approve the use of DER fund balance for vehicles is based on the fact that Planning and Community Development does not buy its own vehicles. Rather, they utilize Fleet Services cars, generally former Sheriff's vehicles traded out for new models, for a fee. In contrast, DER does purchase their own vehicles and plans to use pick-

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ups as distinctive Code Enforcement vehicles, allowing better access to extreme terrain areas, increased ground clearance for alley surveys, capabilities for transporting small volumes of material for disposal, and to project a community service image, rather than that of a law enforcement branch. Many other benefits of this type of vehicle have been identified.

Vehicles would need to be purchased for the two positions that would be transferred from Planning and Community Development, for the new deputy zoning enforcement level position, the previously approved position transferred from Planning and Community Development, and an environmental health specialist assigned to the unit. A small appropriation, intended for vehicle costs to the end of this fiscal year, would be transferred from Planning and Community Development.

The computers would be purchased for the first four aforementioned positions, and the two new clerical positions. Upgrades for processing and memory are required to produce and store the large number of digital photos used in Planning Commission/Nuisance Abatement Hearing Board presentations. Some one-time wiring costs for communications and computer terminal connections are included. Two sets of office furniture are included in the request, with DER providing existing accommodations for the other new positions.

The departments and staff of the TF are committed to the success of this program and they are committed to the Board's priority of a safe and healthy community. The TF is committed to continuous process improvement and is striving to make the abatement process as timely and as effective as possible.

If the Board approves this proposal, customer service in the area of code enforcement and nuisance abatement would be improved significantly. The confusion as to which agency to call to request action, or to check on progress of a case, would be eliminated. Board members, field representatives, staff of other agencies, and the public would know which Department to contact, and which would be responsible for following-up each case. Response and follow-up times would improve, as performance standards (and accountability for meeting these) would be implemented by the Department.

POLICY
ISSUES:

The recommendations of this report are consistent with the Board's priorities of ensuring a safe and healthy community, delivering excellent community services, and efficient government operations.

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STAFFING
IMPACT:

The table below shows the budget request from the DER fund balance and the transfer of funds from Planning and Community Development Department for the following positions and equipment:

Staffing:

- Request one (1) new Manager IV position.
- Request one (1) new Administrative Secretary position.
- Request one (1) new Administrative Clerk III position.
- Request one (1) new Deputy Zoning Enforcement Officer level position.
- One (1) Deputy Zoning Enforcement Officer, Position #7094 and funds, to be transferred from the Planning and Community Development Department to DER.
- One (1) Zoning Enforcement Officer, Position #1251 and funds, to be transferred from the Planning and Community Development Department to DER.

Equipment:

DESCRIPTION OF ITEMS NEEDED	ONE TIME COST	ANNUAL COST
<p>PHONES Phone Costs include the following: Cellular phone, pager, landline, installations of lines where needed; purchase of phones where needed.</p>	\$ 2,860.00	\$ 4,400.00
<p>EQUIPMENT Equipment includes a fax machine, 5 vehicles, 6 computers, 4 digital cameras, and licenses for software.</p>	\$107,100.00	\$21,600.00
<p>FURNITURE Furniture includes partitions and desks for the clerical area, and the cost of a small amount of remodeling in the plan check area in order to accommodate two additional clerical positions. All other positions were accommodated by DER existing space.</p>	\$ 7,500.00	NA

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- Request \$ 117,460 for one-time set up costs.
- Request \$ 10,835 for 5 months of annual costs.
- Annual costs will be requested annually during the budget process.
- These costs do not reflect many of the indirect costs that are based on number of employees. DER will be billed annually for additional charges from MIS, General County Overhead, Peoplesoft, and Oracle.

**AUDITOR-CONTROLLER
BUDGET JOURNAL**



BUDGET JOURNAL SCREEN

Budget Organization: **Environmental Resources**
 Budget: **1001 0034110**
 Accounting Period From: **Jul-00**
 To: **Jun-01**

BATCH SCREEN

Journal Batch: **BO --**
 Category: **Budget**

Line	Coding Structure						Period	Description		
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6	AMOUNT			
1	1001	34110	50000				.0	83,070.00	Salaries - DER	
2	1001	34110	62990				.0	27,460.00	Equipment to \$5,000 - DER	
3	1001	34110	84070				.0	90,000.00	Fixed Assets-Cars - DER	
4	1001	34110	74180				.0	7,500.00	Co. Garage-Gas - DER	
5	1001	34110	74010				.0	3,335.00	Local Calls - DER	
6	1001	34110	50000				.0	48,990.00	Salaries - DER	
7	0100	25101	50000				.0	(48,990.00)	Salaries - Planning	
8	1001	34110	74180				.0	3,665.00	Co. Vehicle Usage - DER	
9	0100	25101	74180				.0	(3,665.00)	Co. Vehicle Usage - Planning	
10	0100	25101	85850				.0	52,655.00	Operating Transfer out	
11	1001	34110	46600				.0	✓	✓ In.	
12							.0			
13							.0			
14							.0			
15							.0			
16							.0			
17							.0			
18							.0			
19							.0			
20							.0			
21							.0			
22							.0			
23							.0			
24							.0			
25							.0			
Totals									316,695.00 =	
									211,365.00	

Explanation: Code Enforcement.

Requesting Department <i>Kerwin Williams</i> Signature 1/24/01 Date		GEO <i>Allyson White</i> Signature 1/31/01 Date		Auditors Office Only Prepared By <i>Mackson</i> Admin Approval (\$75K+) 1-24-01 Date	
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