



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Regular Meeting of February 11, 2020

**TO:** Members of the City Council

**SUBMITTED BY:** David Biggs, City Manager

**SUBJECT:** Update on Code Compliance Efforts

**RECOMMENDED ACTION:** Receive report, discuss, and provide direction, if any.

**FISCAL IMPACT OF RECOMMENDATION:** The City's current approach to code compliance is based primarily upon the efforts of volunteers with the goal of achieving a high rate of voluntary compliance, which is a cost effective model for a city without the personnel to staff a dedicated code enforcement program. As has been previously reported, the voluntary compliance efforts have resulted in a high level of compliance. However, obtaining the additional level of compliance when voluntary compliance efforts are not successful will result in considerable additional expense and staff time, which may be only partially offset by fines and cost recovery efforts. A prior year Decision Package 17-5, approved as part of the 2016/17 Budget also allocated up to \$50,000 for consultant support for more difficult cases. As of December 31, 2019, \$43,345 of this contract remains available.

**DISCUSSION:** The City Council directed staff to provide an update on Code Compliance in response to a request by Council Member Romero on January 14, 2020 to agendize the matter for future discussion. In making his request Council Member Romero mentioned the possibility of establishing a Council Subcommittee to address code enforcement. This report is being provided in response to the request.

The City of Hercules had a dedicated code enforcement program prior to the major staff reductions which occurred in 2011/12, at which time any staffing dedicated to code enforcement was eliminated. On April 14, 2015, the City Council had an initial discussion about options to reinstate some level of code enforcement beyond the limited complaint driven, health and safety focused efforts then in place. The staff report from April 2015 is attached which provides additional background and the range of options identified at that time.

Subsequently, in October, 2017, staff embarked on the implementation of a three tier program designed to reintroduce a level of code compliance, focused initially on the use of volunteers to gain voluntary compliance. The staff report and attachments from October 10, 2017, are also attached.

Provided below is an update on each component of the three tier program:

## **Voluntary Compliance**

The City has up to five (5) volunteers who have been recruited through the Citizen's Police Academy and are hosted by the Police Department, dedicated to the Voluntary Code Compliance efforts. These volunteers are generally each providing one day a week of dedicated service to respond to code compliance complaints and also to proactively work to identify issues. A standard form of compliance request letter has been developed. Once an issue is identified, either by way of a citizen's complaint or at the initiative of a volunteer, the issue is documented and a compliance request is sent. Sometime thereafter volunteers do a follow-up visit to verify compliance.

Volunteers focus on the most common code compliance issues that are found in the City's residential neighborhoods which are considered Nuisance Conditions:

- Overgrown vegetation;
- Broken or discarded furniture and household equipment;
- Packing boxes, lumber, trash, dirt and other debris;
- Storage of any vehicle, as defined in Section 670 of the California Vehicle Code, or parts thereof, when such vehicle or parts are not currently registered as operational with the Department of Motor Vehicles unless completely enclosed within a building, or by a wall or fence;
- Parking or storage of any commercial vehicle or recreational vehicle.

While the program has been in operation for a longer period, we recently began to produce quarterly reports on the efforts of the volunteers and the results, as part of an effort to take the program to the next level. This reporting is being done by the Management Analyst in the City Manager's Office. The first quarter of results, which was actually a four month period from June 2019 to September 2019, is attached (Attachment 3). This shows a high level of voluntary compliance, as was expected. This report had previously been shared with the City Council via e-mail.

The results for the second quarter is attached to this staff report (Attachment 4). We have seen a slight decrease in overall compliance levels, but it is still high. Now that we have quarterly data, a quarterly case review meeting is being conducted that will look at which cases require follow-up and may be referred to the second tier.

## **Administrative Citation Program**

A contract is in place with a third party processor of Administrative Citations. The necessary forms have been developed and a number of Administrative Citations have been issued, mostly for cases which have not arisen out of the voluntary compliance efforts.

It is important to note that if the City wishes to utilize the Administrative Citation process, which is the second tier of the program, this must be done by staff and not volunteers. While an Administrative Citation can be sent at the point a site inspection takes place, the practice now is to send a request for abatement first, the site is then re-inspected, and if still in non-

compliance, an Administrative Citation is prepared and sent to the property owner, which is then sent to Data Ticket for processing and follow-up. In certain circumstances, such as for immediate health and safety issues, we may issue the Administrative Citation without first issuing a request for voluntary abatement.

This avenue has not been as utilized to date as there is a lack of staff resources to do so, and with the high voluntary compliance rate there has been less of a need to resort to citations.

### **Contract Code Compliance Services**

As the result of a request for proposal process (RFP), a contract was entered into with the firm CSG Consultants to provide contract code compliance services. The services of this firm were intended to supplement staff on more difficult code compliance cases and to support both staff and volunteer efforts. Examples of cases where this firm has been engaged thus far include a case of a hoarder and a fire damaged house. The firm would also be used to secure inspection warrants as needed and to conduct inspections.

The existing program is generating results, and while limited in capacity, is a cost effective and customer friendly means to address code compliance. There are other means by which the program could be taken to the next level, and the intent of this agenda item is to allow the Council to explore those. In order to facilitate the Council's discussion, a number of ideas are enumerated below, some of which have been explored previously:

- Establishment of a Council Code Compliance Committee – It was suggested by Council Member Romero that a Council Committee be established to work with the volunteers. Both the City Manager and City Attorney recommend against having a Committee of Council Members to work directly with volunteers, as volunteers are considered employees under a number of provisions of State Law, Council involvement in directing code compliance activities would be inconsistent with the Council Manager form of government, and could possibly compromise the Council's role as an appeal body and create due process issues. However, the formation of a Committee to work with the City Manager on Code Compliance is possible.
- Hire a full-time Code Compliance Manager or Officer – A staff position such as this could provide more guidance to volunteers and would be able to initiate the formal nuisance abatement process including Administrative Citations. The estimated cost on an annual basis would range between \$130,000 and \$160,000 including benefits.
- Hire a part-time Code Compliance Manager or Officer – A part-time position, which would likely be more difficult to fill, could be utilized in the same manner as a full-time position, and the benefits would be proportionately less than with a full-time position; however, it could certainly amplify the efforts of the volunteers.
- Expand the role of the Contract Code Compliance Firm – CSG provides "contract staff" to a number of jurisdictions, and could be retained on the same basis in Hercules if they have the appropriate staff available.

With the exception of the first option discussed above, the remaining three would best be considered as a Budget Referral or Decision Package as part of the FY 2020/21 annual budget process.

**ATTACHMENTS:**

1. Staff Report and attachments – April 14, 2015
2. Staff Report and attachments – October 10, 2017
3. Third Quarter 2019 Voluntary Compliance Report
4. Fourth Quarter 2019 Voluntary Compliance Report

<i>Financial Impact</i>			
<b>Description:</b>			
<b>Funding Source:</b>			
<b>Budget Recap:</b>			
Total Estimated cost:	\$	New Revenue:	\$
Amount Budgeted:	\$	Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change: Yes <input type="checkbox"/> No <input type="checkbox"/>			