

# City of Palo Alto

Office of the City Auditor

March 11, 2003

The Honorable City Council  
Attn: Policy and Services Committee  
Palo Alto, California

In accordance with our 2002-03 Annual Audit Plan, we have audited the Planning Division's code enforcement program to assess the program's timeliness, responsiveness, and consistency of enforcement.

In spite of heavy caseloads, we found that the two code enforcement officers in the Planning Division had improved the City's code enforcement operations since the last audit in 1997. The code enforcement officers resolved 76 percent of their cases within 90 days, beating their budget impact goal of 75 percent within 4 months. However, some cases took much longer.

**Expand use of the standard administrative citation and warning process to expedite compliance and reduce the number of required inspections.** The code enforcement caseload consists of violations of zoning, building, property maintenance, vehicle, fence, sign, news rack, encroachments, and condition monitoring requirements. Code Enforcement uses several options for enforcing code requirements, including administrative citations, compliance orders, criminal misdemeanor procedures, and administrative letters. Code Enforcement favors the use of administrative letters and compliance orders that involve multiple inspections and the preparation of detailed documents. To streamline the process and reduce the workload, we recommend increased use of official warnings (i.e. checking a box on the administrative citation form).

**Increase emphasis on resolving and closing long-standing problem cases.** While 76 percent of property owners complied within 90 days of notification of a problem, others were not so cooperative and some cases were more complicated to resolve. Some cases were undecided for extended periods of time, leaving code violations unresolved, and impacting the Code Enforcement officers' workload.

**Collect penalties and costs.** The City has mechanisms for penalizing non-compliant property owners. We recommend that the City review its reimbursement rates for assessing administrative costs. Moreover, as of February 2003, more than \$132,000 in penalties had been billed but not collected. We recommend that the City initiate lien or other procedures to collect these amounts.

**Cross-train and coordinate code enforcement efforts among City departments to improve customer service.** Code enforcement poses significant challenges for the eight divisions and five City departments responsible for enforcing over 173 code requirements in 13 titles of the Palo Alto Municipal Code. Except for personal relationships and personal knowledge, City departments do not formally coordinate their code enforcement policies, procedures, and actions to ensure their efforts are compatible. Each department has developed different philosophies, practices, and procedures for identifying and citing violations, and for resolving violations. As a result, areas of responsibility and roles are not clear, responsibilities

overlapped, and the departments have different approaches for monitoring corrective actions. We recommend that the City Manager establish a coordinating council for code enforcement efforts. We recommend that the City Manager consider cross-training staff and consolidating code enforcement functions under one roof wherever possible.

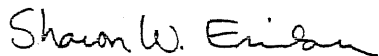
**Improve public communications.** Nearby cities, such as San Jose, Redwood City, and San Mateo, distribute pamphlets and fliers on code requirements for noise, weeds, signs, and many other subjects. Their websites include detailed code enforcement processes, code requirements, local ordinances, and staff contact information. We recommend Palo Alto continue to develop proactive public outreach materials to facilitate voluntary compliance.

**Automate code enforcement operations.** Code Enforcement relies on manual processes and memory. In November 2002, the City activated a new building and permit processing computer system. Pursuant to our inquiries, the Code Enforcement staff and the project manager initiated efforts to activate the code enforcement module. Once operational, the database should enhance the current operations by providing ready access to quantifiable data related to complaints, violations, and case results.

Our report includes a total of 17 recommendations. Staff has reviewed the information in this report and concurs with our recommendations. The City Manager's response is attached, as is a response from the City Attorney.

I will present this report to the Policies and Services Committee on March 11<sup>th</sup>. If you need additional information in the interim, please let me know. We thank the staff in the Planning and Community Environment Department, the Administrative Services Department, the City Manager's and City Attorney's Offices, other participating departments, and especially the Code Enforcement officers in the Planning Division for their cooperation and assistance during our review.

Respectfully submitted,



Sharon W. Erickson  
City Auditor

Audit staff: Edwin Young, Senior Auditor

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## Introduction

In accordance with the 2002-03 Annual Audit Plan, the City Auditor's Office has completed an assessment of the Planning Division's code enforcement program ("Code Enforcement"). The purpose of our review was to determine if Code Enforcement (1) actions are timely & effective, (2) processes are economical and efficient, (3) actions are consistent, (4) actions are responsive to complaints, (5) roles, responsibilities, and authorities are clear, and (6) program efforts are coordinated with other departments.

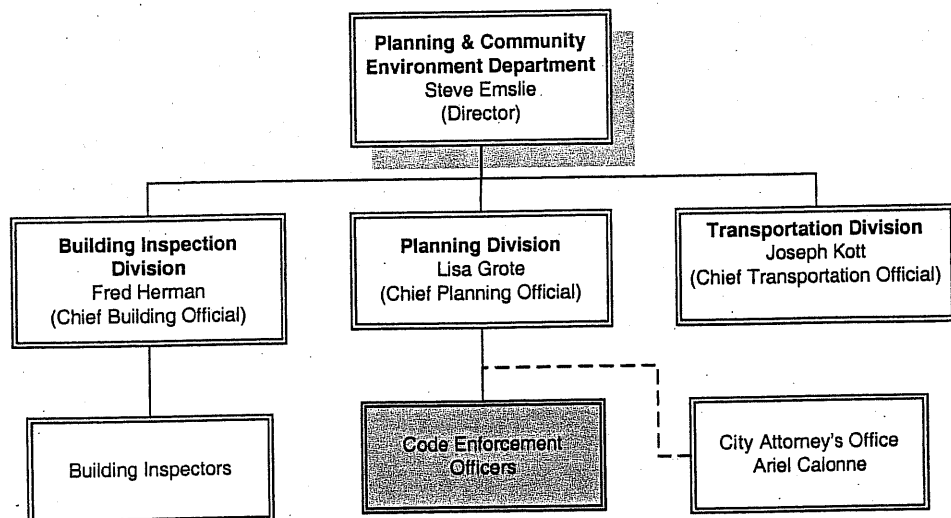
Our audit was conducted between August 2002 and February 2003 in accordance with generally accepted governmental auditing standards. The City Auditor's Office would like to thank the Code Enforcement staff, the Planning and Community Environment Department, the Administrative Services Department, the City Manager's and City Attorney's Offices, and other participating departments for their cooperation and assistance during our review.

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## Background

Code Enforcement is a program within the Planning and Community Environment ("Planning") Department. As of January 2003, the program consisted of two full-time code enforcement officers who reported directly to the Chief Planning Official in the Planning Division of the Planning Department. Prior to 1997, the program reported to the Building Division of the Planning Department.

### Exhibit 1: Organization Chart



In FY 2001-2002, the operating costs totaled \$252,372. Exhibit 2 shows the costs of operating the Planning Division's code enforcement program for the last five years.

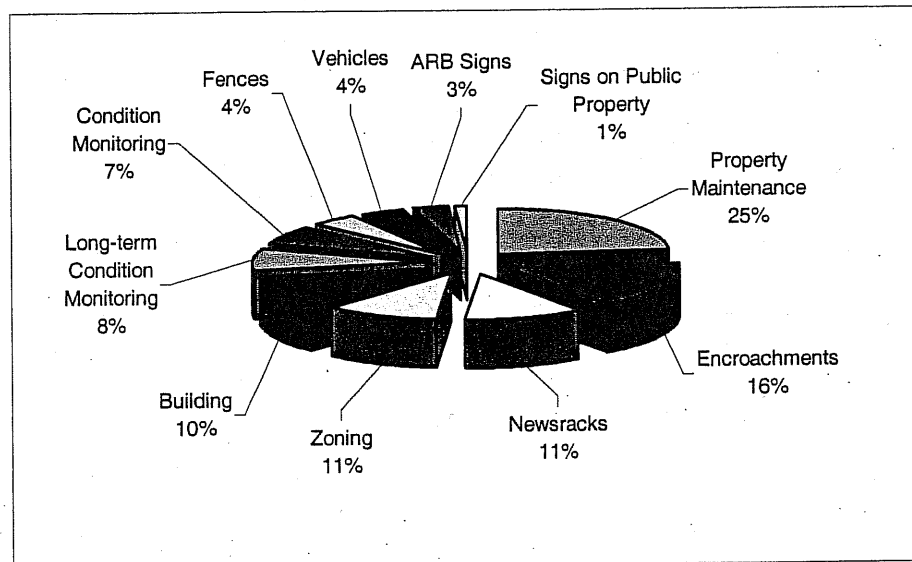
## Exhibit 2: Planning Division Code Enforcement Costs<sup>1</sup>

Fiscal Year	Costs
1997-98	\$184,514
1998-99	\$148,998
1999-00	\$207,943
2000-01	\$124,405
2001-02	\$252,372

The City Attorney's Office provides legal advice, support and guidance on implementing Code Enforcement actions and resolving referred cases. The City Attorney's Office also prosecutes criminal code violations in the local courts. In FY 2002-03, a part-time attorney position was converted to a full-time position spending half time on City of Palo Alto ("City") code enforcement issues.

Code Enforcement is responsible for investigating complaints of violations of the City of Palo Alto Municipal Code ("PAMC").<sup>2</sup> In FY 2000-01 and FY 2001-02, its caseload consisted of violations of zoning, building, property maintenance, vehicle, fence, sign, news rack, encroachments, and condition monitoring requirements. A breakdown of the caseload for FY 2001-02 is shown below.

## Exhibit 3: Open Code Enforcement Cases FY 2001-02



The FY 2001-02 operating budget included the following budget impact measures for Code Enforcement:

- Respond to 90 percent of complaints regarding violations of conditions of approval for existing projects within two working days, and

<sup>1</sup> Includes actual personnel costs, allocated charges, and any other costs charged to the Planning Department's account codes 02614220 (Condition Monitoring), 02617340 (Property Maintenance), and 02620230 (Code Enforcement).

<sup>2</sup> The PAMC is on-line at [www.cityofpaloalto.org/government/municipalcode.html](http://www.cityofpaloalto.org/government/municipalcode.html).

- Obtain resolution for 75 percent of code compliance complaints within the Department's authority and responsibilities within four months.

The code enforcement officers have several options for enforcing code requirements.

- The PAMC details two of these tools, *administrative citations* and *compliance orders*.
- The *administrative citation warning* is an option included on the administrative citation form.
- The *criminal misdemeanor procedure* is a legal process, and
- *Administrative letters* with follow-up inspections is an alternative process detailed in the code enforcement internal procedures.

### **Administrative citation and compliance order processes**

The PAMC, Chapter 1, provides administrative tools and processes for ensuring compliance with PAMC requirements and due process procedures. These include administrative citations, administrative compliance orders, administrative penalties, hearings, judicial reviews, lien procedures, and public hearings and protests. Penalties are assessed in accordance with the schedule of administrative penalties adopted by the City Council. When individuals fail to pay penalties assessed under an administrative citation or administrative compliance order, the City may enforce the personal obligations of the violator by filing a lien against real property or filing criminal misdemeanor charges.

Administrative citations (PAMC Chapter 1.12) are standard forms, like traffic citations, that include blanks for entering the date, address, code section violated, and penalty amount. A sample of an administrative citation is attached in Appendix 1. The code enforcement officer has the option of checking off the "citation" box or the "warning" box. The Planning Division's code enforcement officers have broad authority for issuing citations in the field.

Administrative compliance orders (PAMC Chapter 1.16) are in the form of a letter detailing specific violations. Compliance orders require supervisory approval and review by the City Attorney's Office. A sample of a compliance order is attached in Appendix 2. If the resident or business fails to comply with the Compliance Order, extensions may be granted until corrective action is completed, or the case is referred to the City Attorney for legal review and follow-up action. Follow-up legal action may include further correspondence, litigation, or referral to a hearing officer.

The PAMC allows the City to:

- Assess administrative penalties and costs (direct and indirect hearing costs) incurred by the hearing officer and the code enforcement staff; and
- File a lien against the property and to charge interest on the judgment principal.

The PAMC prescribes specific due process procedures for violators. These include, in sequence:

- Allowing the violator to contest the violation and to request a hearing within 30 days of the citation.
- Detailing hearing procedures and time limits (i.e. hearings must be held 15 to 60 days from the date of the request; the hearing officer's decision must be issued within 30 days after the hearing; and the written decision must be served within 10 days of the decision).
- Allowing for judicial review.
- Allowing the property owner to file a written protest to a lien.
- Allowing the property owner to orally protest at a city council hearing, after which the city council is required to adopt a resolution to confirm, discharge, or modify the lien.

### **Results of previous audit**

In January 1997, an audit of the code enforcement operations made seven recommendations for improving code enforcement procedures and management. All the recommendations have been completed or resolved. Subsequent to the audit, the code enforcement program was transferred from the Building Division to the Planning Division, a new code enforcement officer was hired in January 1999, and a second code enforcement officer added in July 2000.

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### **Audit Scope and Methodology**

To address the audit objectives, we flowcharted and examined the Code Enforcement program and City code enforcement policies, procedures, and practices; we reviewed the Municipal Code, and City ordinances and regulations. We examined Code Enforcement program records, files, reports, and logs. We used code enforcement data to create databases and spreadsheets to quantify time delays. We compared City code enforcement operations and practices with other cities, including San Jose, San Mateo, and Redwood City.

We performed detailed examinations of over 100 code enforcement cases selected at random and through the use of judgmental factors such as case types, length of delays, and locations. Most of the records and cases were from fiscal years 2000-01 through 2002-03. For each case, we checked for timely and effective actions; economical and effective processes; consistent and responsive actions to complaints; clear roles, responsibilities and authorities; and coordinated program efforts with other departments. We also reviewed City Attorney reports on cases referred to their office, hearing files, and examined efforts to automate the code enforcement operations by City staff.

We interviewed City staff and managers who are involved in code enforcement activities, including staff in the Planning and Community Environment Department, the Fire Department, Public Works, the Police Department, Community Services, Administrative Services Department, and the City Attorney's Office. We talked to several City residents who originated complaints and interviewed the City's hearing officer.



The audit results are based on current Code Enforcement operations. We audited the complaint and resolution processes, but did not audit code enforcement's determinations. Neither did we audit the code enforcement operations in other City departments or other cities we visited.

# Audit Results

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## Summary

In spite of heavy caseloads, the Planning Division's code enforcement officers resolved 76 percent of cases within 90 days, but some cases took much longer. In our opinion,

- Expanded use of the administrative citation and warning process would expedite compliance;
- Increased emphasis should be placed on resolving and closing long-standing problem cases;
- Additional attention should be given to assessing and collecting administrative penalties and costs;
- Code enforcement policies, procedures, and actions should be coordinated among City departments;
- Improved public communications are needed; and
- Automation would increase productivity.

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## **In spite of the heavy caseloads, Code Enforcement resolved 76 percent of the complaints within 90 days, but some cases took much longer**

Most Code Enforcement cases originate from a complaint. The Planning Department has established goals for processing code enforcement complaints as follows:

- *Dangerous and sub-standard conditions*: investigate within 2 working days;
- *Property maintenance complaints*: investigate within 2 working days; initiate enforcement action within 5 days; and resolve the complaint within 90 days;
- *Condition monitoring complaints*: investigate within 2 working days and resolve within 120 days.

Our analysis of 1,055 cases from FY 2000-01 and FY 2001-02 showed that 72 percent of the complaints were valid cases (764 cases). Of those valid complaints:

- 93 percent of the valid complaints were investigated within 2 days (709 cases),
- First actions were initiated within 5 days for 85 percent of the valid complaints (651 cases);
- 76 percent of the valid complaints were resolved within 90 days (582 cases), and
- 24 percent of the cases took more than 90 days to close or were still open (182 cases).<sup>3</sup>

By resolving 76 percent of cases within 90 days, Code Enforcement exceeded their budget impact measure of resolving 75 percent of code compliance complaints within 4 months.

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<sup>3</sup> More detail is shown in Appendix 4.

The Planning Division's annual code enforcement caseload is shown below.

**Exhibit 4: Annual caseload**

<b>Fiscal Year</b>	<b>Number of New Cases</b>	<b>Number of Carryover Cases Closed During the Year</b>	<b>Total Cases</b>
1999-00	528	589	1,117
2000-01	630	606	1,236
2001-02	721	623	1,344

In FY 2001-02, this amounted to 360 new cases and at least 312 carryover cases per code enforcement officer. This is higher than for other nearby cities. For example, San Mateo has 5 officers and San Jose has 58 code enforcement officers to handle the same types of cases that Palo Alto handles. San Mateo officials estimate that their workload is 40 to 90 cases per officer. San Jose officials estimate that their workload is from 125 -140 cases per officer. According to Code Enforcement, during an average month they have about 168 open cases in their files.

As of January 2003, the two full-time officers in the Code Enforcement program were improving the performance of the code enforcement operations. Although their caseload increased from 630 new cases in FY 2000-01 to 721 new cases in FY 2001-02, Code Enforcement records show that the two officers were able to investigate 100 percent of the complaints related to dangerous and sub-standard conditions within 2 working days, and resolved most of these complaints in 90 days.<sup>4</sup> For complaints related to property maintenance, fences, and other non-urgent conditions, the officers were able to investigate most of the complaints within 2 working days, initiate enforcement action in five days, and resolve the complaints within 90 days.

Unlike some jurisdictions, Palo Alto investigates all complaints with either a drive-by or site visit. However, not all complaints are determined to be valid. For example, upon investigating a weed, vehicle, or fence complaint, the code enforcement officer may determine that the weeds are not a hazard, the vehicles were actually registered, or that the fence was of proper height.

**Some cases took longer to resolve**

Although the department met most of its targets during the period of our review, there were exceptions. For example, 55 of the 764 valid complaints took more than 2 working days to investigate; 113 first actions were not initiated within 5 days; and, although 582 cases were closed in 90 days or less, 182 cases (24 percent) took more than 90 days to resolve.

There are a number of reasons why some cases are not resolved within the specified time frames. First, as described above, the City's workload of over 300 cases per code enforcement officer is higher than for other

<sup>4</sup> Furthermore, according to staff, they investigated 96 percent of urgent complaints within 24 hours.

nearby cities. The two code enforcement officers have divided the city geographically, and cases may stack up during busy times or when they are off work. Second, some cases are of a complicated nature and may have a number of interrelated issues that need to be resolved. Third, the policy of using personal letters and repeated site visits prior to issuing a compliance order or administrative citation adds time to the process. Specifically, the department generally uses the Municipal Code administrative citation and compliance order tools only after other administrative, more resident-friendly methods do not work. Fourth, follow-up and coordination of problem cases that are submitted to the City Attorney's Office and the hearing officer could be improved.

### **Complainant survey results**

As part of the audit, we contacted several residents who filed complaints.<sup>5</sup> All the respondents stated that the Code Enforcement officers were courteous and helpful. In addition,

- 5 of the 6 responded that the Code Enforcement Division was responsive and the regulations were understandable.

However,

- 5 of the 6 did not know or strongly disagreed that their complaints were resolved in a *timely* manner;
- 4 of the 6 respondents did not know or strongly disagreed that their complaints were resolved; and
- 3 of the 6 respondents reported they did not receive feedback on their complaints,

Although some code enforcement procedures require the officers to provide responses to the complainants, this has not been part of Code Enforcement's standard practices. In our opinion, providing feedback would improve customer satisfaction.

### **Recommendation**

1. In accordance with Planning Division guidelines, the code enforcement officers should provide feedback to complainants regarding the status or results of their complaints through phone calls or other communications.

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### **Expanded use of the administrative citation process would expedite compliance.**

The Municipal Code provides two basic tools for enforcing code requirements: administrative citations, and administrative compliance orders. However, in most cases, Code Enforcement uses alternative administrative procedures to notify property owners of violations. These internal alternative procedures are intended to be more customer-friendly. The alternative procedures include issuing administrative letters that

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<sup>5</sup> We attempted to contact a judgmental sample of 12 complainants by phone. A total of 6 complainants responded. These results are representative of their opinions, and do not represent residents as a whole.

itemize the code violations, warning violators to comply by a specific date, and providing the officer's name and phone number for more information. The alternative procedures require multiple follow-up inspections. Exhibit 5 shows the number of administrative citations, compliance orders, and alternative procedures utilized over the last two years.

#### **Exhibit 5: Number of Administrative Citations and Compliance Orders Issued**

<b>Fiscal year</b>	<b>Total valid complaints</b>	<b>Administrative citations issued</b>	<b>Compliance orders issued</b>	<b>Alternative procedures utilized</b>
2000-01	297	5	24	268
2001-02	467	0	25	442
<b>TOTAL</b>	<b>764</b>	<b>5</b>	<b>49</b>	<b>710</b>

It appears that the alternative procedures add to the time delays for resolving code violations by requiring code enforcement officers to issue follow-up correspondence; conduct follow-up visits and re-inspections; hold follow-up conversations with property owners; and to guide the violators until they comply with the Municipal Code. As a consequence, many cases took longer to resolve.

#### **Use of Compliance Orders**

We also found that when formal administrative action was needed, the code enforcement officers and the City Attorney generally preferred using compliance orders rather than administrative citations because they (1) allow daily fines, (2) provide due process, (3) give residents several opportunities to voluntarily comply, and (4) involve a more amiable process although the process consumes a lot of time and is labor intensive.

Although Compliance Orders allowed the imposition of daily fines, they also required frequent re-inspections and monitoring and added to the time needed to resolve the reported violations. For example:

**CASE #0102-ZON-9:** In this case, the Code Enforcement Division received a complaint on February 27, 2001 that a single-family dwelling (R-1 zone) had been converted into multiple units. The property owner failed to respond to two letters, three phone calls, and a personal visit. The inspection was held after an inspection warrant was issued on August 30, 2001 and the code enforcement officer confirmed that an illegal second dwelling had been built without permits. The code enforcement officer detected substandard conditions including improper electrical wiring, natural gas leaks, improper plumbing, and improper installation of appliances. The Compliance Order issued on September 21, 2001 required the property owner to correct the problems in 180 days, assuming the dwelling was allowed to remain. The property owner requested and received a total of 3 extensions before the case was closed on December 31, 2002. As a result, the non-conforming conditions existed for 22 months after the original complaint.

### Re-inspections add to workload

During the period we reviewed, re-inspections after the initial site visit composed about 70 percent of the total workload for the two code enforcement officers. For example,

- In FY 2001-2002, the monthly code enforcement reports indicated the total workload of 2,242 inspections included 1,552 re-inspections, or 69 percent of the total workload.
- Between July and September 2002, re-inspections constituted 71 percent of the code enforcement officers' workload.

If the re-inspections workload could be reduced, the code enforcement officers would have had more time to work on other complaints and more time to perform pro-active, community outreach and educational activities.

### Direct use of administrative citation warnings

Palo Alto's code enforcement officers have broad citation authority. During the course of our audit, we suggested that the code enforcement officers increase the use of administrative citations *warnings*. One code enforcement officer implemented our suggestion and reported that the warning citations expedited compliance and decreased his paperwork. The following example shows the difference in the two approaches:

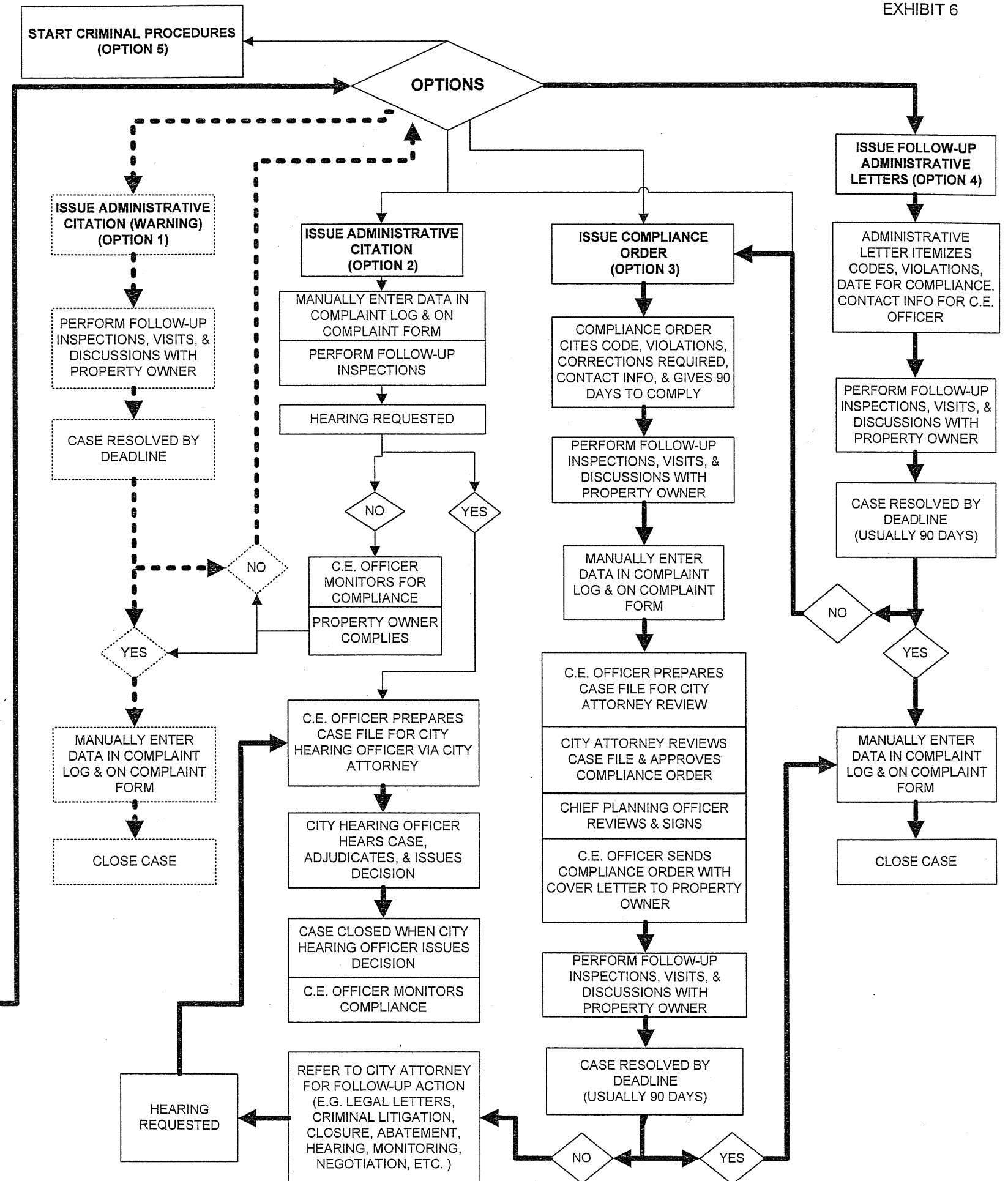
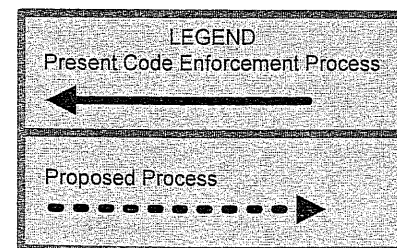
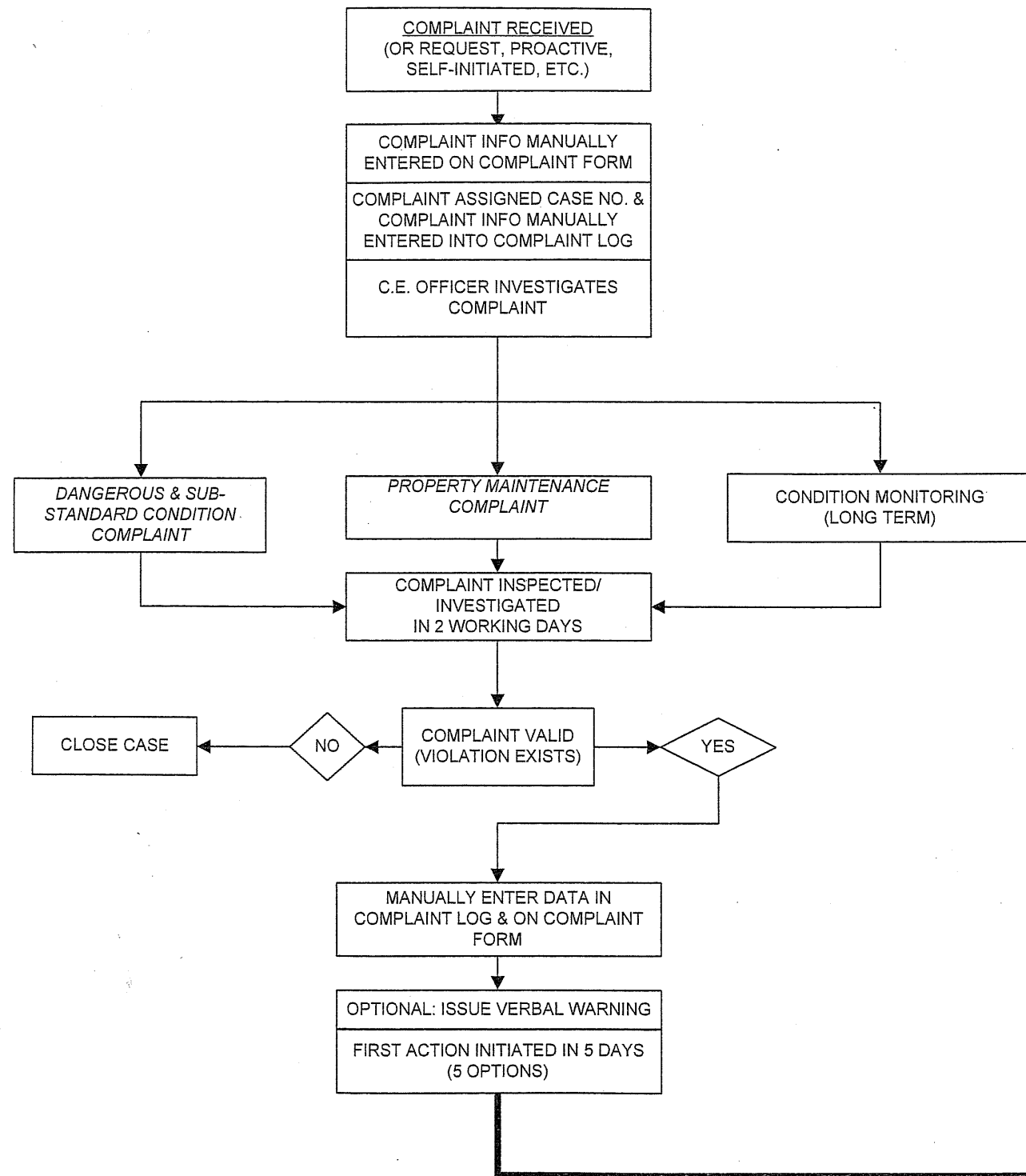
CASE #0206-PM-24: In June 2002, the overgrown weeds and piles of wood on a property constituted a fire hazard. A code enforcement officer inspected the property, sent an administrative letter to the property owner, and, after two months of phone calls and re-inspections, the violations still had not been corrected. In August 2002, an administrative citation warning was issued and 14 days later 90 percent of the hazard was removed.

In our opinion, direct use of the administrative citation options ("warning" or "citation") would reduce administrative paperwork and the number of re-inspections. Exhibit 6 compares the options.

### Recommendations

2. The Code Enforcement Division, with the support of the City Attorney's Office, should streamline its code enforcement process by increasing use of Administrative Citation Warnings and reduce use of its alternative procedures for issuing administrative letters.
3. Code Enforcement should clarify its written guidelines and procedures regarding the prioritization of complaints (e.g. level of risk to the health and safety of occupants and/or the public), timeliness requirements for compliance, circumstances under which alternative procedures and personal letters are appropriate, and guidelines for escalating from warning to citation and/or to compliance order.

# **FLOWCHART OF CODE ENFORCEMENT OFFICER (CE) OPERATIONS**



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## Increased emphasis should be placed on resolving and closing long-standing problem cases

While 76 percent of property owners comply within 90 days of notification of a problem, others are not so cooperative. Furthermore, some cases are by their nature more complicated to resolve. These cases consume much of the Code Enforcement team's efforts.

In some cases, earlier citations and compliance orders with administrative penalties may expedite compliance. In other cases, the property owner may be, for various reasons, unable to comply with city codes. In some cases, financial or other assistance from community non-profit groups might be of help.

**CASE #0009-BLD-5:** In another case, the Police Department reported a substandard building on September 28, 2000. The house had severe dry rot, roof leakage, inadequate weatherproofing, unsafe and exposed wiring, and other code violations. After a series of letters, record checks, and inspections, the case was referred to the City Attorney's Office on December 18, 2000. After a re-inspection and letter in July 2001, a Compliance Order was issued in October 2001 and the case was submitted to the City's hearing officer on April 2002. After 5 hearings over 6 months (between June and December 2002), the hearing officer finally issued his decision – 8 months after it was submitted and over 26 months after the initial complaint. According to the City Attorney's Office, the delays resulted from compassionate concerns for the resident.

### Multiple inspections add to workload

Some cases involved repeated contacts with the property owner and numerous inspections. For example:

**CASE #0111-BLD-3:** The code enforcement officer inspected and validated a complaint of November 15, 2001 that hazardous and unsafe conditions existed at a commercial property. The violations included improper gas line installations, faulty and unsafe electrical wiring, and illegal living facilities. The property owner, per the Code Enforcement office letter, applied for permits and scheduled, rescheduled, and cancelled approximately **50 inspections** between December 17, 2001 and November 5, 2002. As a result, the case was still open over 14 months after the complaint.

### Multiple complaints add to workload

Some properties cause repeated complaints and multiple cases. For example, our sample of 56 cases related to only 37 addresses; 19 of those addresses had prior complaints.



Cases #0612-PM-3, 976-PM-12, 978-VEH-12, 987-VEH-2, 0107-VEH-3, 0108-ZON-4, 0110-BLD-2, and UNK: A house generated 8 complaints related to trash and inoperable vehicles (6 complaints), an improperly parked camper (1 complaint), and substandard housing with rat infestation, exposed wiring and severe water damage (1 complaint) between May 8, 1995 and October 23, 2001.

### **Timeliness of follow-up**

Violators who fail to comply with code requirements are referred to the City Attorney's Office at the discretion of the code enforcement officers. The City Attorney responsible for code enforcement actions will advise, determine and initiate the follow-up legal actions. Cases involving recalcitrant violators may be submitted to the City's hearing officer for administrative hearings and decisions. Effective code enforcement requires that attorney and hearing officer actions should be timely.

### **Referrals to the City Attorney**

In the code enforcement process, cases that cannot be resolved by the code enforcement officers are referred to the City Attorney's Office for resolution or prosecution. Between February 1996 and January 2002, the Code Enforcement Division referred 72 cases to the City Attorney's Office. The City Attorney records indicated that it took an average of 10.8 months to close 53 of those cases (individual cases took between 0 to 48 months to close), while 16 cases were still open 7 to 76 months after they were referred to the City Attorney (for an average of 28.9 months).<sup>6</sup>

All parties agree these are complicated cases, and that more timely closure and timely feedback to the code enforcement officers is needed. Code Enforcement officers were not aware that some of these cases had been closed or that other cases were still open up to 76 months after the cases were referred to the City Attorney's Office.

### **Recommendations**

4. Where appropriate, Code Enforcement should increase its efforts to enlist the support of other departments, agencies, or non-profit service groups, to assist property owners with cleaning up their property.
5. The City Attorney's Office should, to the extent possible, expedite processing of cases referred by Code Enforcement so that code enforcement officers can properly handle repeat complaints and monitor the status of these cases during their re-inspections.
6. The City Attorney's Office should provide copies of its case status reports to Code Enforcement so that they can stay informed as to the current status of cases referred to the City Attorney's Office.

<sup>6</sup> An additional 17 cases were closed, but the reports did not indicate when the cases were closed.

## Hearing Officer Actions

The Municipal Code allows violators to contest violations and to request a hearing within 30 days of the citation. The Municipal Code requires hearings to be held 15 to 60 days from the date of the request. The hearing officer's decision must be issued within 30 days after the hearing. The written decision must be served within 10 days of the decision.

Between April 2001 and October 2002, the City hearing officer conducted 23 hearings for 9 parties cited for code violations. Some of these cases dragged on for months. For example:

CASE #0011-PM-01 (also 0106-PM-10, 0207-PM-17): One case involved a vacant, substandard house with a severe roof leak, unsealed openings in the structure, evidence of rodent harborage within the structure, unprotected wiring, inadequate weatherproofing, and possible health hazards due to damp, wet, mold conditions inside the structure. Complaints on the property had been received since January 1996. The Police Department filed a complaint in November 2000, an inspection of the property was performed on January 16, 2001, and a series of letters and conversations occurred between January and April 2001. The case was referred to the City Attorney in April 2001 and a Compliance Order issued in August 2001. The case was submitted to the City's hearing officer on October 30, 2001. After 6 hearings over 8 months (between December 2001 and August 2002), a hearing decision still had not been issued because the hearing officer received a letter from the realtor in November 2002 that the property would be put up for sale. As of February 2003, the case had not been closed.

The hearing officer's logs show that hearings are frequently continued and cases remain undecided for extended periods of time. These hearing delays add to the elapsed time for resolving code violations, impact the Code Enforcement officers' workload, and increase the administrative costs of resolving the cases.

## Recommendations

7. The City's hearing officer should submit regular hearing reports to the City Attorney's Office and Code Enforcement that show the status and final outcome of cases that require hearings.
8. The City's hearing officer should expedite the hearing process by reducing the number of hearings per case where possible.

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**Additional attention should be given to assessing and collecting administrative penalties and costs**

Most property owners resolve complaints promptly once a violation is brought to their attention. Our recommendation to increase the use of administrative citation warnings is not intended to penalize conscientious property owners.

However, some cases go on for years, and consume extraordinary amounts of staff time without yielding results. In spite of the fact that the City has mechanisms for penalizing non-compliant property owners, we found that out of 49 compliance orders issued over a two-year period, only 6 were assessed penalties. These were all long-outstanding cases that required significant amounts of staff time. In our opinion, the owners of these properties, rather than the ordinary taxpayer, should bear the cost of these enforcement actions.

It should be noted that in some cases, even penalties are not effective. For example:

**CASE #9501-BLD-1:** In this case, a building inspector and code enforcement officers found extensive dry-rot damage to a structural roof decking in January 1995. After two letters, a permit was issued for the repair work in April 1996. The resident, however, did not perform any repairs to the substandard roof. After a series of at least 3 letters, 3 inspections and 2 meetings between January 1997 and February 1998, a second permit was issued in May 1998. After the property owner failed to comply with a Compliance Order served on December 13, 2000, another inspection was performed and the case was submitted to the City's hearing officer on March 6, 2001. The hearing officer decision, issued on April 24, 2001, required the property owner to pay a \$500 fine, plus \$50 per day from the hearing date until the roof was repaired, plus administrative costs of \$1,312 – instead of the \$38,500 (\$500 per day times 77 days) that could have been assessed. The administrative costs were supposed to cover the 27 hours the code enforcement officers spent on site visits, telephone calls, correspondence, and monitoring of the case, plus the 6 hours the City attorney spent on the case. The case was open for 6.25 years after the violations were first discovered. As of February 18, 2003, the roof had not been repaired and the administrative penalties and administrative costs had not been collected. Although the property owner owes over \$130,000 in fines and other costs for this property and another property, no action has been taken to assess interest on the unpaid amounts or to place a lien on his properties as authorized in PAMC Chapter 1.12.150.

The hearing officer, who operates independently and evaluates the facts of each case on its merits, reduced the administrative penalties, administrative costs, and staff costs to 10 percent or less of staff's recommendation in other cases. For example:

**CASE #0101-BLD-3:** An administrative penalty of \$500 per day, beginning July 20, 2001, was assessed against a property owner for illegally converting a workshop into a living unit. When the hearing officer decision was issued on September 28, 2001, the accumulated fines totaled \$46,000. The hearing officer fined the property owner an administrative penalty of \$500 plus administrative costs of \$454.

### **Using liens to collect amounts due**

Although bills had been issued, action to lien the properties, as prescribed in PAMC chapter 1.12.150, had not been initiated. Appendix 3 shows the status of all Code Enforcement penalties and administrative costs assessed between December 1999 and December 2002. As of February 18, 2003, \$275 from a FY 1999-00 citation and \$132,108 from compliance orders dating back to FY 2000-01 had not been collected.

### **Appropriate hourly rate**

The City is entitled to reimbursement for its direct and indirect costs related to issuance of compliance orders. Staff has been using an hourly rate of \$32.59 for code enforcement officers and \$72 per hour for attorney costs. In our opinion, these rates should be adjusted to include all administrative costs including appropriate benefits, allocated charges, and overhead. Rates should also include applicable hearing officer costs.

### **Recommendation**

9. Using the information provided here, the City Manager should review departmental policies regarding assessment and collection of penalties to ensure appropriate penalties are being assessed and collected.
10. Code Enforcement and the City Attorney should consider additional strategies to encourage the assessment of all appropriate penalties and administrative costs.
11. The Administrative Services Department should notify the City Attorney of amounts past due, and the City Attorney should file liens against real properties for amounts that are outstanding over six months.
12. Code Enforcement should work with the Budget Office to determine an appropriate hourly rate for all administrative costs that are to be reimbursed.

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**Code enforcement policies, procedures, and actions should be coordinated among City departments**

Some cases involve several city departments and government agencies. For example:

Case #0109-BLD-2: Complaints regarding inoperable vehicles, a house full of garbage, debris, animals, foul smells, flies and rodents were made as far back as November 15, 1995 and continued through September 21, 2001. Inspectors found dilapidated conditions such as inadequate window area and ventilation, defective plumbing, improper heating and electrical wiring, fire hazards, garbage, and serious insect and rodent infestations. Complaints in 1995 through 1997 were closed when minimal compliance was obtained although the problems were not fully resolved and the residents continued to live outside in a car. The house was finally sold on March 9, 2002 and demolished on June 20, 2002, more than 6 years after the original complaints were made, and after multiple complaints were filed with Santa Clara County Vector Control, the Code Enforcement office, and the Police, Fire, and Building Departments.

The PAMC details at least 173 code enforcement issues in 13 titles that cover many areas, including licensing for some types of businesses and regulations, health and sanitation, fire prevention, building regulations, zoning, public works, and utilities. Sometimes, the responsibility for following-up on a complaint is unclear to staff. For example, is illegal dumping a Public Works or a Code Enforcement responsibility?

As shown in more detail in Exhibit 7, we estimate that sixty-eight staff members in 8 offices in 5 different departments (Community Services, Planning and Community Environment, Fire, Police, and Public Works) have responsibility for enforcing the different Municipal Code requirements. These staff members spend from 15 to 100 percent of their time on code enforcement issues. In the 8 offices, resources assigned to code enforcement varied from 2 to 16 persons and the per person workload varied from 33.6 cases per Fire Inspector to 1,771 cases per Building Inspector.

Except for personal relationships and personal knowledge, City departments do not formally coordinate their code enforcement policies, procedures, and actions to ensure their efforts are compatible. As a result, areas of responsibility may not be clear and roles may not be clearly defined, and efforts may be fragmented.

ITEM	PLANNING DIVISION CODE ENFORCEMENT PROGRAM (Planning & Community Environment Dept)	BUILDING INSPECTION DIVISION (Planning & Community Environment Department)	PARK RANGERS (Community Services Department)	FIRE AND HAZARDOUS MATERIALS INSPECTION PROGRAMS (Fire Department)	ANIMAL CONTROL (Police Department)	POLICE COMMUNITY SERVICES AND CODE ENFORCEMENT (Police Department)	SOLID WASTE ENFORCEMENT (Public Works Department)	WASTEWATER AND ENVIRONMENTAL COMPLIANCE (Public Works Department)
<b>ENFORCEMENT RESPONSIBILITIES (including references to the Palo Alto Municipal Code)</b>	This program enforces all code requirements and responds to all complaints received from other City employees and Palo Alto residents.	This division enforces:  - Title 16 building regulations related to building and plumbing codes, sewer use and private sewage disposal systems, electrical code, house numbering, moving and relocating buildings, historic preservation, handicap access, signs, fences, excavations and grading, and unsafe buildings.	This program enforces laws and regulations in open space areas, emergency rescue, and property protection. More specifically,  - Title 6 requirements for animals (dogs on leash in parks and open spaces.)  - Title 22 requirements for parks and open spaces including dogs in city parks, commercial activities, amplified sound, golf & other games, models & kites, vehicle operation and parking, ramp or dock launches, bicycles and animals, litter, weapons, flora and fauna, preservations of parks and open spaces, fires, alcoholic beverages, reckless driving, and unlawful riding and towing.	The Fire Department enforces provisions of the California Fire Code, PAMC chapters 15 and 17, and related state laws including CA Health and Safety Code Chapters 6.7 and 6.95. More specifically, PAMC:  - Title 15 requirements related to fire prevention, including the California Fire Code, inspections, hazard abatement, permits, gas detection systems, gurney access to elevators, water supplies and fire hydrants, fire extinguishers, life safety systems, sprinklers, weed removal, immersion heaters, false alarms, gas containers and tanks, underground and above ground tanks, spills and containments, leaking tanks, hazardous materials planning, disposals, and notifications, etc.  - Title 17 hazardous materials storage provisions for underground storage tanks, containment standards, hazardous materials management plans and inventory, inspections and records, applications and permits, remedial actions, hearings, enforcement, and compliance schedules.	This program enforces:  - Title 6 requirements for dogs, cats, dangerous and wild animals, diseased and crippled animals, cats, and impounded animals.	This program enforces:  - Title 4 requirements for business enterprises such as taxicabs, bingo games, billiard rooms, bowling alleys, massage entities, firearms dealers, pet shops, and adult entertainment.  - Title 9 restrictions related to public peace, morals, and safety. The requirements apply to activities such as alcoholic beverages, wood burning fireplaces and appliances, guns and explosives, noise and loudspeakers, smoking and tobacco regulations, private patrol services, hotels and rooming houses, aircraft, solicitations, graffiti, nuisance abatements, newsracks, and street and sidewalk obstructions.  - Title 10 requirements for vehicles and traffic, including abandoned or wrecked vehicles, parking restrictions and violations, and parking permits.	This program uses administrative penalties to correct violations of Chapter 5.20 of the Palo Alto Municipal Code pertaining to the collection, removal, and disposal of solid waste. It issues Administrative Citations, Compliance Orders, Notice of violations, and Penalties for violation to enforce:  - Title 5 requirements related to the collection, removal and disposal of solid waste and recyclable materials.	The Environmental Compliance Division monitors, investigates, and enforces federal and state requirements for water quality, including sewer and storm wastewater quality and other wastewater enterprise fund mandates.
<b>NUMBER OF STAFF WHO ENFORCE CODES (full-time equivalents on code enforcement, where available)</b>	2 positions  (2.0 FTE on code enforcement)  2 Code Enforcement Officers	16 positions  (16.0 FTE on code enforcement)  1 Chief Building Official 4 staff 1 Building Inspector Supervisor 7 Building Inspectors 3 Building Technicians	9 positions  (Department estimates 15% time or 1.2 FTE on code enforcement)  1 Open Space & Sciences Superintendent 1 Supervising Park Ranger 1 Senior Park Rangers 6 Park Rangers	9 positions  (9.0 FTE on code enforcement)  1 Deputy Chief/Fire Marshal 1 Environmental Protection Coordinator 4 Fire Inspectors (reduced to 2 positions in 2003-04) 2 Hazardous Materials Inspectors 1 Hazardous Materials Specialist	12 positions  (4.5 FTE on animal control)  1 Superintendent 1 Animal Services Supervisor 4.5 Animal Control Officers 2 Animal Services Specialists 1 Veterinarian 2 Veterinary Technicians 0.5 Volunteer Coordinator	5 positions  (Department estimates 5 FTE on code enforcement)  1 Lieutenant 1 Traffic Sergeant 1 Code Enforcement Officer 2 Community Service Officers 7 Parking Enforcement Officers	2 positions  (Department estimates 0.15 FTE on code enforcement)  1 Manager Solid Waste 1 Executive Assistant	13 positions  1 Supervisor 2 Manager, Environmental Control Programs 3 Industrial Waste Investigators 1 Industrial Waste Inspector 2 Technicians 3 Engineers 1 Program Assistant
<b>WORKLOAD (FY 2001-02)</b>	2,242 (690 new cases + 1,552 re-inspections)	FY 2000-01 = 14,104 FY 2001-02 = 14,164		202 cases	3,615 animals (Total for 4 cities = 6,184)			321 locations
<b>WORKLOAD PER STAFF/OFFICER (FY 2001-02)</b>	1,121 inspections	1,771 inspections		33.6 cases	904 animals			Approx. 80 locations

### **Departments have different policies, use alternative processes, and monitor corrections differently**

Each of these departments has developed different philosophies, practices, and procedures for identifying and citing violations, and for resolving violations. For example, the Fire Department avoids citations and penalties, while the Police department immediately issues citations and assesses penalties. The Building Department inspects, but does not cite or fine. Public Works Wastewater issues administrative letters of non-compliance, followed-up with compliance directives before citing and fining commercial entities, but does not cite residential violators.

Departments also have different approaches to monitoring corrective actions. The Planning Division inspects, re-inspects, and monitors a property until the violations are corrected or resolved. However, the Fire Department and Public Works Wastewater division allow violators to self-police, self-monitor, self-report, and self-correct violations until deficiencies are corrected; they perform follow-up inspections after the property owner reports that all deficiencies have been corrected. Only the Planning Division's code enforcement program has established time limits for enforcement actions. The other departments do not have time limits for implementing corrective actions.

### **Overlapping responsibilities**

During our review, we also found that staff was sometimes uncertain which department handled which complaint. In those cases, the Planning Division's code enforcement office frequently became the office of default, even though the cases might not be in the code enforcement office's mandate or area of expertise, and Code Enforcement staff accepted that responsibility because they, in turn, were uncertain whether another department had primary responsibility for that type of complaint.

With more than 68 field personnel in 8 departments involved with enforcing Municipal codes, there is certain to be overlap. First, there are overlapping responsibilities between departments. For example, the Planning and Fire departments were both involved in weed abatement until we made the code enforcement officers aware of the overlap.

Second, there are overlapping cases on the same property. For example, a property owner of a liquor store that had burned was visited by a fire department inspector, a code enforcement officer, and, when the store is restored, will probably be visited by a building inspector, a fire department inspector, a utilities inspector, and inspectors from other City departments. Were these City personnel to give the property owner conflicting advice, this would be confusing to the property owner.

### **Opportunities for consolidation and cross training**

Some local cities have consolidated their code enforcement functions to minimize overlaps. For example, Redwood City consolidated its code enforcement operations so that it has 6 building inspectors, community service police officers, and a sign specialist who are multi-disciplined in

their code enforcement functions. The City of San Jose has a centralized staff of 58 code enforcement officers who are multi-disciplined and familiar with building inspection and building requirements. These cities use automated systems, call centers, and administrative staffs to increase productivity and reduce demands on their limited resources. The centralized operations and multi-disciplined teams allow increased efficiencies. Volunteers, augmenting city efforts, extend the reach of the code enforcement officers in San Mateo and Redwood City. This approach may benefit the City of Palo Alto.

In the meantime, we recommend the City Manager establish a formal council for coordinating code enforcement efforts; for exchanging information on code enforcement practices and procedures; for discussing problems; and for ensuring City code enforcement practices, philosophies, and procedures are consistent, evenly applied, and compatible with existing programs. Regular, perhaps monthly, discussion of particular sites would facilitate coordination of City efforts on those sites. In addition, coordination of efforts would enable staff that work only on weekdays to utilize staff that work nights and/or weekends for follow-up on certain types of violations.

#### **Recommendations**

13. The City Manager should establish a code enforcement council for coordinating code enforcement policies, practices, plans, and procedures, and mandate that all departments with code enforcement responsibilities attend the code enforcement coordinating council meetings and share information on cases.
14. Using the information provided in this report, the City Manager should consider consolidating as many code enforcement responsibilities under one department as is feasible.

#### **Strategy and mission**

The Planning Division's code enforcement program uses a complaint-driven process to identify potential violations of the Municipal Code. Complaints are received from many sources such as by telephone, voice mail, mail, e-mail, public counter visits, referrals from other City employees or departments, and from referrals from City Council members or City Commissioners. A small percentage of cases are proactively initiated.

The FY 1995-96 operating budget added a second code enforcement officer position to provide adequate staff to handle complaints and also to implement a new inspection program that would periodically survey existing completed projects and verify continued compliance with project conditions of approval. In accordance with this policy, the Code Enforcement's 1996 work program incorporated an expanded condition monitoring program, while continuing to direct the majority of code enforcement resources to property maintenance and nuisance abatement, since those were the services most demanded by the public.



With limited resources to respond to complaints, Code Enforcement's workload is dramatically impacted by pro-active code enforcement efforts on the part of others. For example, in response to citizen complaints, the City Attorney's Office, with the approval of the City Council, prompted Code Enforcement to embark on a project to improve street visibility and pedestrian safety. While resulting in improved visibility at many sites, the project significantly impacted Code Enforcement's workload – requiring at least 100 Code Enforcement inspections.

In our opinion, because of Code Enforcement's already heavy caseloads, and the improbability of new resources being available in the near future, serious consideration needs to be given to prioritizing and controlling workloads. This should include extensive cross-departmental communications before any new code enforcement initiatives are undertaken.

#### **Recommendation**

15. Code Enforcement should clarify and formalize its strategy, mission, priorities, and policies for ensuring the effectiveness of the City's code enforcement function.

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#### **Improved public communications are needed**

Nearby cities have proactive information programs. As part of our review, audit staff and code enforcement staff visited several nearby cities. During our visits to San Jose, Redwood City, and San Mateo, our hosts provided copies of pamphlets, fliers, booklets, and other literature on code requirements for noise, weeds, signs, garage sales, garbage, building requirements, and many other subjects. During our research of other cities, we examined proactive initiatives for encouraging compliance with code requirements and looked at city websites that detailed code enforcement processes, code requirements, local ordinances, and staff contacts.

These visits indicated many opportunities exist for improving the City's public outreach materials for code enforcement. In addition to printed literature, nearby cities provide websites, on-line systems, and on-line data to help the public meet code requirements and avoid code violations.

Upon seeing these examples from other cities, the code enforcement staff drafted new leaflets related to hoarding, vehicle abatements, and code enforcement operations. They are also working on developing a website.

### **Recommendation**

16. The Planning Division's code enforcement program, in conjunction with other offices and departments, should continue to develop proactive products such as web pages, leaflets, and brochures that will help residents to comply with Municipal Code requirements.

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### **Automation would increase productivity.**

In November 2001, the City signed a service agreement for ACCELA software, which automates building and other permits and allows permits to be applied for and issued via the Internet. In November 2002, the ACCELA system was activated for the Planning and Community Environment Department operations. The \$300,000 contract included two renewable one-year options for an annual fee of \$67,000. The contract also included a code enforcement module that gave the City the option to expand permit activities to include Public Works, the Police Department, the Fire Department, and other departments responsible for enforcing code requirements. Under the contract, the City would pay \$300 per month for the use of the code enforcement module.

However, during the audit, we found the code enforcement office staff did not have access to the ACCELA system. Furthermore, the project manager had not activated or obtained funding for the ACCELA code enforcement module. It also appeared that, even if future access was allowed, only the Planning Division's Code Enforcement staff would be able to access the ACCELA data even though many of the functions listed in the code enforcement module involved data and actions related to code requirements enforced by other departments, and could be used to support other code enforcement operations. Pursuant to our inquiries, Code Enforcement and the project manager initiated efforts to activate the code enforcement module so that it would support existing operations.

Based on our visits to nearby jurisdictions like Redwood City, we believe the code enforcement module will improve productivity and the effectiveness of current operations. If properly activated, the ACCELA databases would allow the code enforcement staff to access important data that could be used to quickly identify repeat offenders and addresses with prior complaints, monitor the status of cases, quantify cases with deferred actions or lengthy time delays, and generate useful management statistics and reports. It would enhance the current operations that now rely on memory and manual methods by providing ready access to quantifiable data related to complaints, violations, and case results.

**Recommendation**

17. The ACCELA project manager should involve all code enforcement staff from various departments, particularly in the Planning Division, and the City Attorney's Office in the activation of the ACCELA code enforcement module.

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**Conclusion**

The Planning Division's two code enforcement officers resolve 76 percent of cases within 90 days. Despite their dedicated efforts, some cases take a very long time to resolve. In some cases administrative processes add to the time delays. We recommend that the City expedite its administrative processes; pay additional attention to assessing and collecting penalties; coordinate its code enforcement policies, procedures, and actions among City departments; improve public communications; and automate its Code Enforcement operations.



## MEMORANDUM

TO: Sharon Erickson, City Auditor

FROM: Frank Benest, City Manager 

SUBJECT: AUDIT OF CODE ENFORCEMENT

DATE: March 5, 2003

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Thank you for the very thorough work that you have done assessing the Planning Division's code enforcement program, and the recommendations for improving code enforcement activities not only in Planning, but throughout the various City departments. Planning staff has reviewed the report and recommendations and plans to implement all of them.

As a part of our overall efforts to look at short-term and longer-term opportunities for restructuring the General Fund departments to improve service and reduce costs, I have asked the Assistant City Manager to work with you and with the departments involved in exploring reorganization where it may make sense; and creating a way to coordinate code enforcement activities between departments in those instances where consolidation is not feasible.

Specific responses to certain recommendations are attached.

Recommendation #2: The increased use of Administrative Citation warnings will streamline the code enforcement process and reduce the need for repeated warning letters. Planning staff will be implementing that recommendation immediately.

Recommendation #3: Planning staff has begun to clarify written guidelines and procedures and will be continuing that effort over the next several months.

Recommendation #7 - Staff agrees that the City's Hearing Officer should submit regular reports to the City Attorney's Office and Code Enforcement Division that show the status and final outcome of cases requiring hearings.

Recommendation #8: Staff agrees that when possible, the hearing process should be carried out in the most expeditious manner by reducing the number of hearings per case. The Code allows one continuance for either party. The Hearing Officer's policy is that he will grant additional continuances only after a party shows just cause. The cases where there have been a number of continuances have involved senior or disabled citizens that have limited resources or coping abilities. Staff believes the Hearing Officer's decisions to continue in these cases probably have been the right ones given the circumstances. However, staff will be preparing written guidelines that define the general grounds and durations of continuances.

Recommendation #9: While staff agrees with the recommendation, in order to maintain the objectivity of the Administrative Hearing process, it is important to allow the Hearing Officer discretion in the imposition of the penalties as they pertain to each specific case.

# REPORT



FROM CITY ATTORNEY

March 3, 2003

THE HONORABLE CITY COUNCIL  
Palo Alto, California

RE: Response to City Auditor's "Review of Code  
Enforcement Division Operations"

Dear Members of the Council:

The following is a response to the City Auditor's "Review of Code Enforcement Division Operations" recommendations involving the City Attorney's Office:

Recommendation #5. The City Attorney's Office should, to the extent possible, expedite processing of cases referred by Code Enforcement so that code enforcement officers can properly handle repeat complaints and monitor the status of these cases during their re-inspections.

Agree. The City Attorney's Office has consistently requested, and recently received, additional funding to increase the FTE's devoted to code prosecution. Most recent cases have been handled much more quickly due to these additional resources.

Recommendation #6. The City Attorney's Office should provide copies of its case status reports to Code Enforcement so that they can stay informed as to the current status of cases referred to the City Attorney's Office.

Agree. The City Attorney's Office will make its case status reports available to Code Enforcement on a regular basis.

Recommendation #10. Code Enforcement and the City Attorney should consider additional strategies to encourage the assessment of all appropriate penalties and administrative costs.

RE: Response to City Auditor's "Review of Code Enforcement Division Operations"

Agree. The City Attorney's Office will work with Code Enforcement to document and to provide to the hearing officer additional justification for its recommendations regarding the assessment of administrative penalties and costs.

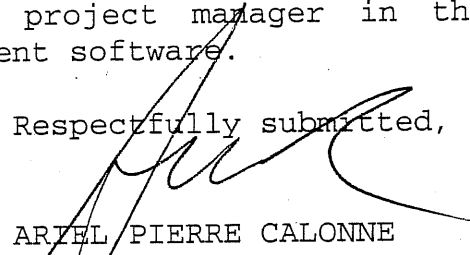
Recommendation #11. The Administrative Services Department should notify the City Attorney of amounts past due, and the City Attorney should file liens against real properties for amounts that are outstanding over six months.

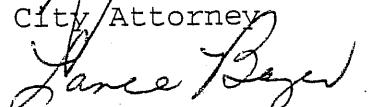
Agree and disagree. While liens are appropriate in many situations, there are additional collection alternatives which may be more cost-effective in particular cases. In matters involving relatively small amounts owed, the use of small claims court may be appropriate. The Municipal Code also provides for criminal complaint to be used for willful failure to pay penalties. This may be more effective in some situations. The disadvantages of using the lien procedure (including the delay in collection until the property eventually is sold and the legal costs of the lien procedure) should be considered.

Recommendation #17. The ACCELA project manager should involve all code enforcement officers, particularly in the Code Enforcement Division, and the City Attorney's Office in the development of the ACCELA code enforcement modules.

Agree. The City Attorney's Office encourages any opportunity to work with the ACCELA project manager in the successful development of code enforcement software.

Respectfully submitted,

  
ARZEL PIERRE CALONNE  
City Attorney

  
LANCE BAYER  
Sr. Assistant City Attorney

LB:APC:sm

cc: Frank Benest, City Manager  
Emily Harrison, Assistant City Manager  
Sharon Erickson, City Auditor  
Edwin Young, Senior Auditor -30-



# APPENDIX 1: SAMPLE ADMINISTRATIVE CITATION

CITY OF PALO ALTO ADMINISTRATIVE CITATION		No. <b>03093</b> CASE NUMBER:
DEPARTMENT <input type="checkbox"/> POLICE <input type="checkbox"/> PLANNING <input type="checkbox"/> FIRE <input type="checkbox"/> COMM. SVCS. <input type="checkbox"/> OTHER _____		
ISSUED	DATE: _____ MONTH/DAY/YEAR      TIME _____	
	NAME: (FIRST, MIDDLE, LAST) _____	
	RESIDENCE ADDRESS _____	CITY _____ ZIP _____
	BUSINESS ADDRESS _____	CITY _____ ZIP _____
	LICENSE/ID# _____	DATE OF BIRTH _____
VIOLATION	DATE: _____ MONTH/DAY/YEAR      TIME _____	
	LOCATION/ADDRESS _____ CITY _____	
AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATION(S):		
PAMC SECTION NO.	DESCRIPTION	PENALTY
	TOTAL	
<input type="checkbox"/> THIS IS AN ADMINISTRATIVE CITATION. The total penalty is now due and payment is required by: _____ or additional fees may be assessed.		
<input type="checkbox"/> THIS IS A WARNING: If the above violations are not corrected by _____, an Administrative Citation will be issued. The Penalty will be as shown.		
PAYMENT IS PAYABLE TO THE CITY OF PALO ALTO. Mail check/money order in the envelope provided, or you may pay in person, at Revenue Collections, City Hall, 250 Hamilton Avenue, Palo Alto.		
Appeal of this citation may be made by filling out a Request for Hearing. Contact the citing authority for an application.		
A reinspection will be conducted on _____ to verify compliance. Additional citations may be issued for each day the violation exists.		
Issuing Officer: _____ I.D. #: _____		
Signature: _____ Phone: _____		
Envelope -- Violator                      White -- Dept.                      Yellow -- Rev. Collection		

## APPENDIX 2: SAMPLE COMPLIANCE ORDER

### City of Palo Alto COMPLIANCE ORDER

File No. \_\_\_\_\_ Owner: \_\_\_\_\_  
Permit No. \_\_\_\_\_ Mailing Address: \_\_\_\_\_  
Inspection Date: \_\_\_\_\_ Occupant (if different) \_\_\_\_\_  
Violation Address: \_\_\_\_\_

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATION(S) OF THE PALO ALTO MUNICIPAL CODE:

CODE SECTION	VIOLATION AND CORRECTIONS REQUIRED	COMPLIANCE DATE
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NOTE: PERMITS FROM THE INSPECTION SERVICES DIVISION MAY BE REQUIRED FOR STRUCTURAL, PLUMBING, MECHANICAL AND ELECTRICAL WORK. WORK PERFORMED WITHOUT REQUIRED PERMIT(S) IS A VIOLATION OF THE PALO ALTO MUNICIPAL CODE AND WILL NOT QUALIFY AS COMPLIANCE.

_____ DATE OF NOTICE	_____ ENFORCEMENT OFFICIAL	_____ PHONE NUMBER	_____ SIGNATURE
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#### WARNING

FAILURE TO CORRECT ALL VIOLATIONS LISTED IN THIS ORDER, BEFORE THE COMPLIANCE DATE ABOVE, MAY RESULT IN ADMINISTRATIVE PENALTIES UP TO \$ \_\_\_\_\_ PER DAY FOR EACH VIOLATION UNTIL COMPLIANCE IS ACHIEVED. THIS ACTION IS IN ADDITION TO ALL OTHER LEGAL REMEDIES, CRIMINAL OR CIVIL, WHICH MAY BE PURSUED BY THE CITY IN RESPONSE TO ANY VIOLATION. IN ADDITION, A HEARING WILL BE SCHEDULED AND YOU MAY BE RESPONSIBLE FOR ALL ADMINISTRATIVE COSTS ASSOCIATED WITH THIS ENFORCEMENT ACTION.

### APPENDIX 3: PAYMENT STATUS OF PENALTIES AND ADMINISTRATIVE COSTS

ADMINISTRATIVE CITATIONS						
Fiscal Year	Citation/ Order Date	Code Enforcement Case #	Administrative Citation #	Penalties assessed	Penalties collected	Outstanding balance
FY 99/00	12/22/99	994-VEH-17	9912-AC-3	\$ 375.00	\$ 375.00	\$0.00
FY 99/00	12/22/99	999-VEH-1	9912-AC-2	\$ 275.00	\$ -	\$275.00
FY 99/00	12/22/99	9910-VEH-1	9912-AC-1	\$ 250.00	\$ 250.00	\$0.00
FY 00/01	9/13/00	0001-PM-2	0009-AC-1	\$ 550.00	\$ 550.00	\$0.00
FY 00/01	9/21/00	983-ZON-5	0009-AC-2	\$ 550.00	\$ 550.00	\$0.00
FY 00/01	2/12/01	0010-PM-13	0102-AC-1	\$ 550.00	\$ 550.00	\$0.00
FY 00/01	5/25/01	0105-BLD-1		\$ 500.00	\$ 500.00	\$0.00
FY 02/03	8/14/02	0205-PM-2&3	3079	\$ 500.00	\$ 500.00	\$0.00
				<b>\$ 3,550.00</b>	<b>\$ 3,275.00</b>	<b>\$ 275.00</b>
HEARING OFFICER DECISIONS AND COMPLIANCE ORDERS (HCO)						
Fiscal Year	Citation/ Order Date	Code Enforcement Case #	Administrative Citation #	Penalties assessed	Penalties collected	Outstanding balance
FY 99/00	5/15/00	9910-ZON-3		\$ 3,545.20	\$ 3,545.20	\$ 0.00
		977-PM-16/				
FY 00/01	9/14/00	978-BLD-1		\$ 95,939.47	\$ -	\$ 95,939.47
FY 00/01	12/19/00	0001-ZON-1		\$ 617.69	\$ 617.69	\$ 0.00
FY 00/01	5/1/01	01-PLN-1		\$ 34,061.93	\$ -	\$ 34,061.93
FY 01/02	6/26/01	01-PLN-02		\$ 750.00	\$ 750.00	\$ 0.00
FY 01/02	8/21/01	01-PLN-3		\$ 5,612.00	\$ 5,612.00	\$ 0.00
FY 01/02	10/3/01	01-PLN-4		\$ 953.96	\$ 953.96	\$ 0.00
FY 02/03	11/6/02	02-PLN-5	0202-PM-5	\$ 1,008.22	\$ -	\$ 1,008.22
FY 02/03	12/4/02	02-PLN2	0009-BLD-5	\$ 1,241.90	\$ 1,129.00	\$ 112.90
FY 02/03	12/4/02	02-PLN-3		\$ 985.00	\$ -	\$ 985.00
				<b>\$ 144,715.37</b>	<b>\$ 12,607.85</b>	<b>\$ 132,107.52</b>
<b>Total Administrative Citations, Hearing Decisions/Compliance Orders</b>				<b>\$ 148,265.37</b>	<b>\$ 15,882.85</b>	<b>\$ 132,382.52</b>

## APPENDIX 4: TIMELINESS DATA

Summary of Code Enforcement Timeliness (valid cases of all types)			
Item	FY 2000-01	FY 2001-02	Total
<b><i>Number of valid complaints</i></b>	297	467	764
<b><i>Complaint to investigation</i></b>			
Less than 2 days (Met target)	272 cases	437 cases	709 cases
More than 2 days	25 cases	30 cases	55 cases
Percent meeting target	92 %	94%	93%
Range	0 to 36 days	0 to 14 days	0 to 36 days
<b><i>Investigation to first action</i></b>			
Less than 5 days (Met target)	231 cases	420 cases	651 cases
More than 5 days	66 cases	47 cases	113 cases
Percent meeting target	78%	90%	85%
Range	0 to 64 days	0 to 52 days	0 to 64 days
<b><i>First action to completion</i></b>			
Closed in 90 days or less	212 cases	370 cases	582 cases
More than 90 days	85 cases	97 cases	182 cases
Percent closed in 90 days	71%	79%	76%
Range	0 to 588 days	0 to 272 days	0 to 588 days