



CITY OF PALO ALTO OFFICE OF THE CITY AUDITOR

June 10, 2019

The Honorable City Council
Palo Alto, California

Policy and Services Recommends the City Council Accept the Code Enforcement Audit

The Office of the City Auditor recommends acceptance of the Code Enforcement Audit. At its meeting on November 13, 2018, the Policy and Services Committee approved and unanimously recommended that the City Council accept the report.

The attached report includes revisions to correct three minor errors in the report:

- The first line on page 13 – We corrected the average number of days Planning took to conduct a first inspection after opening a case for the 331 cases opened between January and June 2017, from 15 days to 14 days.
- The third line from the bottom on page 15 – We corrected the total number of complaints logged by Refuse staff in FY 2017 from 255 to 225.
- Exhibit 7 on page 31 – We corrected the Grand Total under the “Violation” and “Open” column from 14 to 10.

[The City Auditor’s report to the Policy and Services Committee](#) and the [transcript minutes](#) are available on the City’s [Policy and Services Committee website](#).

Respectfully submitted,

Don Rhoads, CPA
Special Advisor to the Office of the City Auditor
Management Partners

ATTACHMENTS:

- Attachment A: Code Enforcement Audit (PDF)

Department Head: Don Rhoads, Special Advisor to the Office of the City Auditor



CITY OF
**PALO
ALTO**

Code Enforcement Audit

November 6, 2018



Notice of Sign Placement Violation

Date: September 18, 2018

A sign(s) was observed placed within the public right-of-way adjacent to your property. The Palo Alto Municipal Code, Section 16.20.100, prohibits signs to be placed within the public right-of-way. The acceptable location for these signs is behind the public sidewalk.

Office of the City Auditor

Harriet Richardson, City Auditor

Yuki Matsuura, Performance Auditor I

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OFFICE OF THE CITY AUDITOR

EXECUTIVE SUMMARY

Code Enforcement Audit

November 6, 2018

PURPOSE OF THE AUDIT

The purpose of this audit was to answer the following questions:

- 1) Does the City investigate code enforcement cases in a timely manner and effectively resolve identified violations?
- 2) Does the City receive, classify, and record code enforcement complaints and cases efficiently and consistently to provide useful information for management decisions?
- 3) Does the City communicate effectively with the public to encourage voluntary compliance and inform them about the status of investigations?

CONCLUSION

The City does not always resolve code enforcement cases effectively and in a timely manner due to factors such as unclear roles and responsibilities and fragmented Municipal Code requirements. The City's records on code enforcement complaints and cases are inconsistent and incomplete, and do not provide reliable and useful information for management decisions. The City's communication with the public has opportunities for further improvement, particularly in regard to the City's various code enforcement processes. It is essential for the City to guide and support its code enforcement functions to ensure that any barriers to timely and effective enforcement are identified and addressed, useful data is collected and reported, and the public is informed on code requirements and enforcement processes.

REPORT HIGHLIGHTS

Finding 1: The City resolves many code enforcement cases effectively; but unclear roles and responsibilities, fragmented Municipal Code requirements, and staffing limitations have hampered timely response and resolution
(Page 9)

The City went through numerous organizational changes that have affected code enforcement staffing and priorities, causing roles and responsibilities to become unclear in some areas. Timeliness and effectiveness have also been hampered by factors such as fragmented Municipal Code requirements that do not align with current practices, difficult cases that consume a significant amount of staff time, and regulations without a defined enforcement program or resource. The City can improve its code enforcement efforts by addressing those factors and realigning its code enforcement priorities based on available staffing and funding.

Key Recommendations:

- Clarify and confirm the City's code enforcement strategy and priorities with the City Council. Develop an updated enforcement procedure that is aligned with the confirmed strategy for each area of the City's code enforcement priorities.

Finding 2: The City does not have complete and reliable code enforcement data to provide useful information for management decisions
(Page 28)

- Update the Municipal Code sections governing code enforcement.

The City's code enforcement functions receive, classify, and record code enforcement complaints and cases using different systems. This decentralized recordkeeping system produces incomplete or inconsistent data that is difficult to aggregate into a citywide view. The City can capture complete and reliable data by identifying information needs of various stakeholders and designing standardized code enforcement data tracking and reporting processes to meet the identified needs.

Key Recommendations:

- Identify what complaint and case data to capture, track, and share internally and externally. Determine which system(s) to use for each code enforcement function, standardize code enforcement terminology citywide, and design reporting processes capable of aggregating the data into a citywide view.
- Reconfigure Accela Code Enforcement to enhance data collection and reporting, if it is determined that Planning will continue to use Accela.

Finding 3: The City actively engages with individuals responsible for code violations to gain compliance but should improve its public communication on code requirements and enforcement efforts
(Page 38)

The City uses a variety of methods to inform the public regarding Municipal Code requirements and provide educational materials to encourage compliance. However, the information is scattered across separate systems and websites and not accessible from a central location. Some nearby jurisdictions provide citywide information on code enforcement in a central location on their website, such as code enforcement strategy, process, and neighborhood resources to actively encourage voluntary compliance. The City can adopt some of these practices to strengthen its communication with the public.

Key Recommendations:

- Provide general, citywide information on code enforcement in a central location on the City's website and assign responsibility for ensuring that the information is kept up to date.
- Assign staff to be responsible for citywide administration of PaloAlto311 to provide ongoing maintenance and support in coordination with code enforcement functions across the City.

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ABBREVIATIONS

C&D	Construction and Demolition
CAD	Computer Aided Dispatch
FTE	Full-time Equivalent
PAMC	Palo Alto Municipal Code
TDM	Transportation Demand Management

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INTRODUCTION

Objective

The purpose of this audit was to answer the following questions:

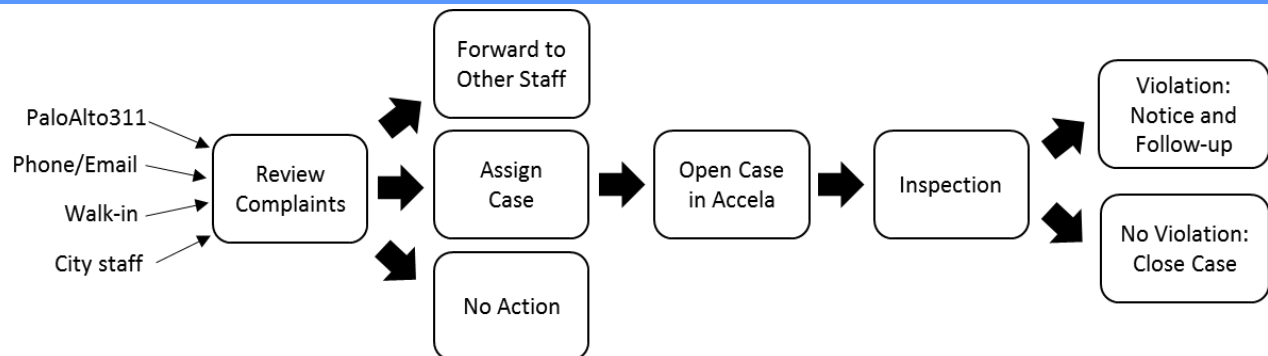
- 1) Does the City investigate code enforcement cases in a timely manner and effectively resolve identified violations?
- 2) Does the City receive, classify, and record code enforcement complaints and cases efficiently and consistently to provide useful information for management decisions?
- 3) Does the City communicate effectively with the public to encourage voluntary compliance and inform them about the status of investigations?

Background

Goal is to achieve compliance rather than to sanction violators

The City's code enforcement processes encompass efforts by several departments, each responsible for certain sections of the Palo Alto Municipal Code (PAMC). PAMC Title 1 provides broad guidance regarding code enforcement authority, and other Municipal Code chapters provide guidance regarding enforcement of specific types of violations. Appendices 1 and 2 show the code enforcement functions across the City and their primary enforcement responsibilities. The City's goal is to work with the responsible parties to achieve compliance rather than to impose sanctions through formal enforcement and penalties. City staff respond to citizen complaints received through PaloAlto311, email, or phone calls, giving priority to situations that pose a serious risk to health and safety. Staff may also initiate a code enforcement process based on observations made while completing other duties or referrals from other City staff. The Code Enforcement Division (Code Enforcement) of the Planning and Community Environment Department (Planning) receives complaints submitted through PaloAlto311 for "Code Enforcement Issue," and is viewed by the public as the function generally responsible for enforcing code requirements in the City. Exhibit 1 shows Planning's complaint resolution process at a high level.

EXHIBIT 1
Planning's Code Enforcement High-Level Process



SOURCE: Auditor's analysis of Accela Code Enforcement data

Code Enforcement Officers

The Municipal Code defines “code enforcement officer” as “any city employee or agent of the city with the authority to enforce any provision” of the Municipal Code titles shown in Exhibit 2. The City has four fulltime positions with the title of code enforcement officer:

- Three, including one lead officer position, are in Planning’s Code Enforcement and report directly to the chief planning official.
- One is in the Police Department (Police) and reports to the Technical Services Division’s deputy director.

Other City positions are designated in specific Municipal Code chapters to enforce the provisions within those chapters. Appendix 3 shows a history of the City’s staffing changes that affected the code enforcement officer positions.

EXHIBIT 2
Municipal Code Titles That Code Enforcement Officers Are Authorized to Administratively Enforce

<u>Municipal Code Title</u>	<u>Title Description</u>
Title 4	Business Licenses and Regulations
Title 5	Health and Sanitation
Title 6	Animals
Title 8	Trees and Vegetation
Title 9	Public Peace, Morals and Safety
Title 12	Public Works and Utilities
Title 15	Fire Prevention
Title 16	Building Regulations
Title 17	Hazardous Materials Storage
Title 18	Zoning
Title 22	Parks

SOURCE: PAMC Sections 1.12.010 and 1.16.010

Enforcement Responsibilities

Code enforcement is a cooperative effort among several departments, depending on the nature of the case. In addition, the City Attorney's Office provides assistance, as needed, to the City's code enforcement efforts.

- Planning's code enforcement officers are responsible for enforcement of property maintenance, zoning, and building codes, and support other Planning divisions and the Development Services Department's Building Services Division (Building). Planning and Building staff work together to abate building violations, such as unpermitted construction, substandard building conditions, illegal accessory buildings, and construction with an expired building permit. Development Services funds 20 percent of each of Planning's three code enforcement officer positions to cover these services. Planning also supports and coordinates with the Police, Fire, and Public Works Departments because many code enforcement cases involve multiple issues with responsibilities that overlap departments. The City hired the lead code enforcement officer in January 2016 to take over some of the leaf blower enforcement from Police, strengthen enforcement of public benefit requirements of Planned Community districts, and to train, coordinate, and provide daily direction to the other two officers. The lead code

enforcement officer left the City in August 2018, and the position is vacant as of the date this report was issued.

- The Police Department enforces the City's noise ordinance, including construction outside allowed hours; animal control regulations; parking regulations; false intrusion alarms; and certain business regulations, such as taxicabs and solicitors.
- The Fire Department's Fire Prevention Bureau enforces code requirements related to fire safety and hazardous materials, and contracts with Santa Clara County to identify and abate weeds that present a fire hazard.
- All three divisions in the Public Works Department have code enforcement responsibilities:
 - Public Services addresses violations regarding public properties and streets.
 - Engineering Services addresses violations for items placed or work performed in the City's right-of-way without an encroachment or street work permit.
 - Environmental Services addresses violations for discharges in the sanitary sewer and storm drainage systems and for solid waste removal and disposal issues, including container maintenance and placement.
- The Community Services Department's Open Space, Parks and Golf Division enforces regulations in parks and open spaces, such as feeding wildlife and illegal driving and parking.

Enforcement Options

The Municipal Code provides staff with several remedies to achieve compliance, including administrative procedures, established in 1999, as cost-effective alternatives to initiating formal legal actions:

- Verbal or written notices to inform the alleged violator that a complaint has been filed and an inspection will be conducted, or that a violation has been confirmed and needs to be corrected.
- Citations to encourage compliance through assessment of penalties:
 - Administrative citations (PAMC Chapter 1.12) issued by authorized City staff in accordance with the administrative penalty schedule. The administrative penalty schedule

allows staff to assess 150 percent of the listed penalty for a second violation within a 36-month period, and 200 percent of the listed penalty for a third and subsequent violations within a 36-month period. Administrative citations are usually issued after a violator has been given an opportunity to abate the violation but may be given immediately when the violation involves health and safety issues. The responsible party can appeal to the City's hearing officer who can impose enforceable penalties and compliance requirements.

- Criminal citations, issued by police officers, who can choose between an administrative or criminal citation based on factors such as the severity, recidivism, and ability or willingness of the violator to pay the penalty. Criminal citations can be issued without providing an opportunity to correct the violation.
- Compliance orders (PAMC Chapter 1.16) for cases that have ongoing issues that require some supervised remediation and have specific penalties, such as unauthorized use and occupancy, unpermitted construction, and substandard housing. Individuals who fail to comply will be ordered to attend a hearing before the City's hearing officer who may adjust penalties, establish additional timeframes, and require administrative costs to be paid to cover the staff time needed to resolve the issue.
- The City Attorney's Office supports the code enforcement functions through the administrative process, including taking cases to hearing. It can also file civil or criminal actions.

Scope

We reviewed the City's code enforcement processes and related complaint and case records for FY 2017 for six departments: Planning, Development Services, Police, Fire, Public Works, and Community Services Departments. We further focused on Planning's code enforcement cases opened between January 1, 2017, and June 30, 2017.

Methodology

To accomplish our objectives, we:

- Interviewed staff from the Planning, Development Services, Police, Fire, Public Works, Community Services, and

Information Technology Departments to understand the City's code enforcement functions and processes and identify enhancement opportunities.

- Reviewed applicable Municipal Code sections, City Council resolutions and ordinances, and City policies and procedures to understand code enforcement compliance requirements.
- Consulted with the City Attorney's Office regarding relevant legal and regulatory issues and procedural rules.
- Reviewed the City's Operating Budget to understand the organizational structure of the City's code enforcement functions.
- Reviewed other jurisdictions' code enforcement websites and budgets to identify their practices.
- Mapped relevant processes in coordination with City staff.
- Conducted a risk assessment to identify and prioritize areas on which to focus.
- Reviewed code enforcement data and department records to understand the data available and systems used:
 - Citywide PaloAlto311 data from FYs 2013 through 2017.¹
 - Planning's FY 2017 code enforcement case data in Accela.² We further reviewed in detail all Accela code enforcement cases opened between January 1, 2017, and June 30, 2017.
 - A judgmental sample, described below, of 17 code enforcement issues in detail to assess accuracy and completeness of the data.
 - Building's FY 2017 inspection data in Accela that was related to code enforcement.
 - Police's FY 2017 nonemergency call data in the Computer Aided Dispatch (CAD) system for Municipal Code and noise violations.
 - Fire's weed abatement reports for FYs 2015 through 2017.
 - Public Works Watershed Protection's FY 2017 enforcement data.

¹ PaloAlto311 is an online tool for the public to submit a service request or a complaint to the City using either a smartphone application or an online form available on the City's website.

² Accela is the City's permitting system for planning and development activities. Development Services and Planning use Accela to track development applications, projects, and code enforcement cases.

- Public Works Refuse's FY 2017 customer service data.
- Community Services Department's Open Space, Parks and Golf Division's (Open Space) incident reports for all nine citations issued in FY 2017.
- Evaluated timeliness and effectiveness of the code enforcement functions in resolving identified violations. Because timeliness and effectiveness highly depend on the nature and complexity of each case, we based our evaluation on that context rather than a specific timeframe or outcome.

Sampling methodology

We judgmentally selected a sample of 17 properties with code enforcement issues based on public interest that we identified through newspaper articles, comments and discussions at public meetings, or on social media.³ The sample included a variety of case types, but not all case types because we focused on cases that received public attention. We chose this sample design to address public concerns and reviewed the sampled cases in detail to identify the cause of any deficiencies to inform our conclusions. Because these were judgmental samples, our conclusions cannot be projected to the total population of code enforcement cases.

Data reliability

To assess the reliability of the data needed to answer the audit objectives, we reviewed the Accela code enforcement data and cross-referenced it against supporting documents recorded in Accela, PaloAlto311 data, and other staff records. We also interviewed City staff who were knowledgeable about the data to assess the accuracy and completeness of the code enforcement case data. We were unable to quantify citywide performance on code enforcement, such as total number of code enforcement cases and timeliness of resolution, due to various methods that different departments use to track complaints and enforcement actions taken. We identified data reliability concerns that became a focus in our audit. These concerns are addressed in the audit findings.

³ Judgmental sampling is a nonprobability sampling method where the samples selected are based on the auditor's judgment to focus on certain items of specific interest. Because of the subjective nature of judgmental sampling, the results cannot be projected to the population, and instead, are generally used to determine if specific conditions exist. We chose some of these cases based on residents' discussions with the Auditor's Office.

Code Enforcement Community Survey

To assess resident opinions on the quality of code enforcement and identify opportunities for improvement, we contracted with the National Research Center, Inc., to conduct a statistically reliable community survey of Palo Alto residents that included an assessment of the quality of code enforcement. The survey results are published on the City Auditor's Office website at <https://www.cityofpaloalto.org/civicax/filebank/documents/63205>, starting on pg. 141, and were considered as we developed our audit recommendations.

Compliance with government auditing standards

We conducted this audit of code enforcement in accordance with our FY 2017 Annual Audit Work Plan and generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We would like to thank management and staff in the Planning, Development Services, Police, Fire, Public Works, Community Services, and Information Technology Departments for their time, cooperation, and assistance during the audit process.

Finding 1

The City resolves many code enforcement cases effectively; but unclear roles and responsibilities, fragmented Municipal Code requirements, and staffing limitations have hampered timely response and resolution

Summary

The City has many code enforcement functions. Each function has its own enforcement process and responsibilities, some of which overlap departments. These functions identify and resolve many violations effectively when the enforcement program is administered based on clear roles and responsibilities. However, the City went through numerous organizational changes that have affected staffing and priorities, causing roles and responsibilities to become unclear for some functions. The City focuses its limited resources on situations that pose a serious risk to health or safety.

Timeliness and effectiveness have also been hampered by factors such as fragmented Municipal Code requirements that do not align with current practices, difficult cases that consume a significant amount of staff time, and regulations without a defined enforcement program or resource. The City can improve its code enforcement efforts by addressing those factors and realigning its code enforcement priorities based on available staffing and funding.

Timeliness or effectiveness of code enforcement varies by function, nature of violation, and workload factors

Code enforcement is driven primarily by complaints from residents, which allows the City to focus its limited resources on issues that trouble residents. City staff prioritize complaints based on the violation's impact on the community, giving priority to situations that pose a serious risk to health and safety. This is consistent with what residents expressed as important in the community survey, where 502 (90 percent) of 560 respondents rated prioritizing enforcement based on health and safety risks as essential (58 percent) or very important (32 percent).

Timeliness and effectiveness of enforcement varies by enforcement function and the nature of the violation but are also affected by other workload factors, depending on the department. Some factors are citywide and some are unique to each department that has code enforcement responsibilities:

- Planning's Code Enforcement resolved 81 percent of their cases within 60 days in the second half of FY 2017.
- Building Division works closely with Code Enforcement, but building violations confirmed in the last half of FY 2017 took an average of 103 days to resolve after a case was opened, primarily due to the time required to obtain a permit.
- Police enforces the City's noise ordinance, but response times are affected by other public safety priorities.
- Fire contracts with Santa Clara County to identify and abate fire hazards from weeds annually before the fire season.
- Public Works forwards some code violations to Planning for enforcement but also has its own enforcement programs.
- Park rangers enforce park and open space regulations and issue citations on the spot.

Planning's Code Enforcement resolved 81 percent of their cases within 60 days

Hiring the lead code enforcement officer allowed Planning to improve its timeliness in closing cases. Exhibit 3 shows that Planning opened 766 code enforcement cases in FY 2017, issued 17 citations for those cases, and closed 752 cases (98 percent) as of December 31, 2017. Exhibit 4 shows that Planning closed 56 percent of the cases opened during the first half of FY 2017 within 60 days but improved their case closure to 81 percent within 60 days for cases opened in the second half of FY 2017. This improvement is partially due to better and more timely recordkeeping and may not necessarily reflect the timeliness of resolution. Of the 15 cases that took 121 days or more to close, 7 were building cases, 3 were zoning cases, and 2 were property maintenance cases, which all typically take longer to resolve due to their complexity.

EXHIBIT 3
Planning's Code Enforcement Cases Opened During FY 2017 and Status as of 12/31/17

Case Type	Number of Cases Opened				Status as of 12/31/17		
	Jul-Dec 2016	Jan-Jun 2017	Total	%	Closed	Open	# Citations³
Leaf Blower-Gas Powered ¹	159 ²	120	279	36%	279	-	7 ⁴
Encroachment	64	59	123	16%	122	1	-
Property Maintenance	52	60	112	15%	110	2	5
Signs (Public Property)	91 ²	10	101	13%	101	-	-
Zoning ¹	24	30	54	7%	209	5	1
Building	12	28	40	5%	36	4	2
Fences	10	8	18	2%	18	-	-
Short-Term Rental ¹	7	8	15	2%	8	1	2
Long Term CM	4	5	9	1%	8	1	-
Signs (ARB)	5	2	7	1%	7	-	-
Home Occupation ¹	5	-	5	-	1	-	-
Vehicles	2	1	3	-	3	-	-
Grand Total	435	331	766	100%	752	14	17

¹ The home occupation case type was created in March 2016 and the leaf blower and short-term rental case types in December 2016 to track cases previously included in zoning. Of 184 zoning cases opened between July and December 2016, 150 were leaf blower, 6 were short-term rental, and 4 were home occupation cases. We recategorized them to more accurately present the workload distribution.

² The larger number of sign violations in the first half of FY 2017 resulted from political signs due to the 2016 election, and the larger number of leaf blower cases in the first half of FY 2017 are likely due to the higher volume of leaves on the street in the fall. Both should be considered seasonal.

³ The number of citations is based only on what is recorded in Accela.

⁴ Police issued four additional administrative citations and two criminal citations for leaf blower violations in FY 2017.

SOURCE: Planning Department - Accela Code Enforcement data

EXHIBIT 4
Planning's Code Enforcement Cases - Number of Calendar Days from Case Opened to Closed

Cases closed within:	Number of Cases Opened During			
	1st half of FY 2017 (Jul - Dec 2016)		2nd half of FY 2017 (Jan-Jun 2017)	
	# Cases	%	# Cases	%
Same day to 30 days	204	46%	179	54%
31 days to 60 days	44	10%	90	27%
61 days to 90 days	27	6%	28	8%
91 days to 120 days	36	8%	8	2%
121 days or more	98	23%	15	5%
N/A (Open as of 12/31/17)	4	1%	10	3%
Could not determine ¹	22	5%	1	0%
Total	435	100%	331	100%

¹ The date opened was after the date closed.

SOURCE: Planning Department – Accela Code Enforcement data

Exhibit 4 shows how quickly a case is closed after being opened, but we could not determine how long it takes for code enforcement officers to open a case after receiving a complaint because of data reliability issues, which are discussed in Finding 2. However, based on the case records, it is likely that their timeliness has been affected by a large increase in the number of complaints submitted through PaloAlto311 for “Code Enforcement Issue,” from 188 in FY 2016 to 575 in FY 2017, as shown in Exhibit 5.⁴ For example, the number of leaf blower complaints increased from 38 in FY 2016 to 169 in FY 2017. Most of the increase in leaf blower cases came from two residents who submitted 115 (68 percent) of the 169 cases.

EXHIBIT 5

Number of PaloAlto311 Service Requests for “Code Enforcement Issue”

<u>Code Enforcement Issue Type</u>	<u>Number of Service Requests</u>	
	<u>FY 2016</u>	<u>FY 2017</u>
Leaf Blower (Gas-Powered)	38 ¹	169 ²
Property Maintenance ³	-	84
Zoning Compliance ³	-	49
Vegetation Obstructing Sidewalk	21	25
Fences	7	25
Building Construction (Unpermitted) ³	-	13
Signs ³	-	4
Weeds ⁴	14	4
Other	108	202
Total	188	575

¹ All leaf blower complaints were categorized under “Other.”

² Includes 128 leaf blower complaints categorized under “Other.”

³ These issue types were newly created in FY 2017.

⁴ The issue type was removed in FY 2017 and became part of “Property Maintenance.”

SOURCE: Planning Department – PaloAlto311 data

Planning has an internal guideline for priorities and response times, and the code enforcement officers strive to respond to complaints within one to seven days, depending on the seriousness of health or safety risk to the public. It took Planning

⁴ The number of PaloAlto311 complaints does not directly correlate to the number of code enforcement cases because some complaints are received by phone, email, or in person, and a case is not opened for all complaints.

an average of 14 days to conduct a first inspection after opening a case for the 331 cases opened between January and June 2017. Many minor encroachment or property maintenance cases are simple and relatively easy to resolve (e.g., the need to cut down weeds or shrubs, remove items from the front yard), but it could take longer for a code enforcement officer to get to these cases due to other higher priority cases that pose a risk to health or safety. It may also take longer for Planning to respond if a complaint is received after hours or on a weekend because Planning staff generally do not respond to calls during those periods to avoid incurring overtime expenses. In FY 2017, 183 (32 percent) of the 575 PaloAlto311 calls received for “Code Enforcement Issue” came in on a weekend, holiday, and/or after hours.

After being hired in January 2016, the lead code enforcement officer led various improvements to Planning’s code enforcement function, including:

- Ensuring that all three officers are certified by the California Association of Code Enforcement Officers.
- Enhancing coordination with Building, Police, and the City Attorney’s Office (e.g., weekly meetings).
- Improving administration of PaloAlto311 service requests and case assignment.
- Revamping enforcement of gas-powered leaf blowers through revised procedures.

However, additional improvements need to be made, particularly for tracking complaints received and code enforcement actions taken (see related discussion in Finding 2).

Building Division works closely with Code Enforcement, but cases involving a building permit take a long time to resolve

Building violations often involve health and safety concerns, so staff typically conduct an inspection within one to three days after receiving a complaint, depending on severity of the issue. If Building staff confirm a violation during a routine inspection or in response to a complaint, they notify Planning to open a case. However, building violations usually require more staff time to resolve than simpler cases and often involve requiring the violator to obtain a permit, which in turn requires a plan check. It

Police response times to nonemergency complaints are affected by other public safety priorities

took an average of 103 days after opening a case to resolve the 13 confirmed building violations in the last half of FY 2017.

Police officers respond to nonemergency calls for service and enforce the City's noise ordinance, but response times vary depending on the severity of the issue and impact on public safety. Police also enforce certain business regulations such as taxicabs, parking, and animal control regulations. Exhibit 6 shows the Police Department's nonemergency calls for service in FY 2017. Although there are hundreds of leaf blower and construction complaints a year, other higher priorities often take precedent, which prevents police officers from getting to the site in time to observe the violation in progress and correct the violation. If there is a repeat violation, it is less likely that the same police officer will be dispatched to the same site and identify it as such. Also, the leaf blower operators may only be on site for a short period of time, so educating them on the code requirement may only be effective temporarily.

EXHIBIT 6

FY 2017 Police Nonemergency Calls for Service - Selected Event Type and Event Subtypes

<u>Event Type</u>	<u>Event Subtype</u>	<u>Number of Calls</u>
Municipal Code Violation	Leaf Blower	324
	Construction ¹	255
	Noise ²	50
	Solicitors	134
	Other	232
Disturbance	Noise ³	552

¹ Primarily associated with construction outside allowed hours.

² Noise complaints associated with specific Municipal Code requirements such as noise level from fixed mechanical sources (e.g., generator).

³ Includes various complaints associated with the City's noise ordinance and may involve a construction site.

SOURCE: Police Computer-Aided Dispatch System Data

Fire contracts with Santa Clara County to identify and abate fire hazards from weeds

The Fire Department contracts with Santa Clara County to provide weed abatement services, with a focus on weeds as a fire hazard (as opposed to weeds as public nuisance, which Planning addresses). The County has the expertise and a well-established weed abatement program to identify potential fire hazards from weeds or other combustible debris. The City Council adopts a resolution each fall to declare those properties a public nuisance and holds a public hearing each spring to hear any objections to

abatement. To ensure continued compliance, the properties must meet the Minimum Fire Safety Standards for three consecutive years to be removed from the program. An administrative fee (\$583 for 2018) is assessed if the property fails the inspection. If the property chooses to have the County abate the weeds, 100 percent of the contractor invoice plus an administrative fee for invoice processing (\$576 for 2018) are levied against the property as a special assessment.

Public Works forwards some code violations to Planning for enforcement but also has its own enforcement programs

Public Works' Public Services Division uses PaloAlto311 extensively to receive and assign service requests from the public. Many of the requests are for maintenance, such as a broken sidewalk, but other requests, such as graffiti removal and illegal dumping, are for code enforcement. It is difficult to identify individuals responsible for graffiti or illegal dumping, so Public Services staff typically remove graffiti or dumped items to abate the condition. Graffiti on private property and certain illegal dumping complaints are forwarded to Planning for enforcement. In FY 2017, Public Services staff abated 215 graffiti incidents in an average of 3.5 days and 67 illegal dumping incidents in an average of 4.3 days after requested. They forwarded 7 graffiti and 12 illegal dumping cases to Planning.

The Engineering Services Division addresses code violations involving streets and sidewalks through the permitting and plan check processes. It also responds to and works with property owners to resolve complaints but does not keep a record of them because they are not considered a code enforcement case until an actual enforcement action is required. Therefore, we could not evaluate the division's timelines or effectiveness.

The Environmental Services Division has a formal written enforcement program for each of its functions. Watershed Protection staff perform regular, proactive inspections to identify and abate violations in a timely manner. Refuse staff logged 225 complaints in FY 2017, resolved 151 (67%) within one month, and determined that 60 (27%) required ongoing monitoring.

Park rangers enforce park and open space regulations and issue citations on the spot

Community Services Department's Open Space, Parks and Golf Division has written policy and procedures that provide for public safety, public education, and prevention of accidents, while protecting the natural resources of the City's parks and open space preserves. Park rangers issue citations when they observe a violation. They issued nine on-the-spot citations in FY 2017, which ranged from driving and parking violations to prohibited wildlife feeding.

An effective resolution should be cost-effective, which may sometimes be more important than timeliness

The City's code enforcement strategy is to achieve compliance, rather than to impose sanctions, such as administrative citations. For example, both the Police and Fire Departments focus on gaining compliance by guiding the responsible party to obtain a required permit rather than immediately issuing a citation. Similarly, Planning's code enforcement officers assess each case and its circumstances and provide the responsible party with an opportunity to voluntarily correct the problem without a penalty when the violation does not create an immediate danger to health or safety. They grant extensions as needed to allow individuals to continue their good-faith effort to abate the violation. This strategy is consistent with that confirmed by the City Council in 2005 that "Formal enforcement is discouraged, unless absolutely necessary. Criminal and civil enforcement are available but will only be used as last resort options."⁵ This strategy may frustrate complainants who may urge the City to issue a citation when they are directly affected by a violation. However, the Municipal Code generally does not allow City staff to immediately issue a citation unless certain criteria are met, as explained below. Issuing a citation could also result in costly and time-consuming administrative hearings or legal proceedings.

A repeat offense may not be sanctioned depending on the severity and circumstances

The City's strategy also influences City staff's approach to recidivism. For example, Planning issues a citation immediately if a violation creates an immediate danger to health or safety (e.g., illegal construction), whether it is for the first or a repeat offense. Although PAMC 1.12.040(b) states that the schedule of administrative penalties shall specify any increased penalties for

⁵ See Joint Report from City Attorney and City Manager to Confirm City Code Enforcement and City Attorney's Office Code Enforcement Strategy, dated August 7, 2005, available at <https://www.cityofpaloalto.org/civicax/filebank/documents/5847>.

repeat violations of the same code provision by the same person within 36 months from the date of an administrative citation and accordingly, the City's administrative penalty schedule allows staff to assess a higher penalty for a repeat violation within a 36-month period. Planning staff typically treat repeat violations that do not pose an immediate danger as new, separate cases if the first violation was abated and closed. They generally apply the administrative penalty provision for repeat violations only to continuing violations.

Timeliness and effectiveness of code enforcement have been hampered by unclear roles and responsibilities and fragmented Municipal Code requirements

The City went through numerous organizational changes and staff turnover (see Appendix 3), and some code enforcement roles and responsibilities for certain functions became unclear over time. This affected certain code enforcement positions, priorities, and the ability for staff to respond to and resolve cases effectively and in a timely manner. In addition, code enforcement requirements are fragmented throughout the Municipal Code, do not always align with current practices, or are interpreted and applied differently by different departments that have code enforcement responsibilities. This puts an additional burden on City staff who are required to enforce the Municipal Code and sometimes results in inconsistencies in how the Municipal Code is enforced.

A series of organizational and staffing changes resulted in higher expectations for Planning

As shown in Appendix 3, the City attempted to consolidate its code enforcement efforts under the Police Department in FY 2005 to ensure compatibility and consistency in code enforcement policies, procedures, and actions through cross-training and coordination among Police, Planning, and Public Works staff. The consolidation did not materialize due to budget constraints in FY 2006 when the City eliminated the equivalent of three full-time equivalent (FTE) positions for code enforcement in Police and Public Works but retained the two code enforcement officer positions in Planning. In FY 2011, the City further reduced the Police code enforcement officer position from 1.5 FTE to 1.0 FTE and eliminated the 0.46 FTE temporary position that supported leaf blower enforcement. These staffing reductions affected response times and left some areas without effective enforcement in subsequent years.

With establishment of the Development Services Department in FY 2014, the City reorganized some Planning, Public Works, and Fire functions, including Planning's Building Division, under Development Services. The Building Division's two code enforcement officers remained within Planning under the advanced planning manager but continued to support Building for building code violations. Planning reorganized its code enforcement function under the chief planning official in FY 2016. The City's code enforcement structure remains decentralized today.

The City Council approved the lead code enforcement officer position in FY 2016 specifically to be more proactive in enforcing Municipal Code requirements, including taking over some of the leaf blower enforcement from Police and giving more attention to enforcing requirements for planned community districts and conditions of approval. Although Planning proactively enforced leaf blowers in the beginning, it no longer does, and staff cited increased case workload as the reason.⁶

Municipal Code sections not always aligned with current practices

The City established administrative enforcement procedures in 1999 that allow for administrative citations, compliance orders, and administrative penalties (PAMC Chapters 1.12 and 1.16). The City's code enforcement functions have gone through numerous organizational and regulatory changes since then and departments have adopted enforcement practices that best suit their purposes. The City has not amended the procedures since 2002, and some Municipal Code requirements that might have served well in the past do not reflect the organizational and regulatory changes that have occurred since then and thus do not align with current practices.

For example, the Municipal Code requires code enforcement officers to provide five or more business days for the responsible party to correct a violation before issuing a citation if the violation "pertains to building, plumbing, electrical, or similar structural or zoning matters that do not create an immediate danger to health or safety." When a violation fits both criteria,

⁶ We were unable to verify the extent to which caseload has increased due to changes in how Planning tracked cases prior to the lead code enforcement officer being hired. See related discussion in Finding 3.

the City is restricted from issuing an administrative citation without providing a prior notice even when a violation is confirmed. On the other hand, Police can issue a criminal citation for the same code violation, which is not subject to the administrative citation's five-day waiting rule.

Some Municipal Code chapters define their own enforcement procedures or designate specific positions to enforce a chapter's provisions. While it makes sense to maintain separate procedures for specialized regulations such as PAMC Chapter 16.09, Sewer Use Ordinance, some chapters have not been aligned with Chapters 1.12 and 1.16 or current practices. Having unique requirements for each specific type of violation makes it difficult for City staff to navigate through the code to understand the enforcement requirements they need to follow. For example:

- PAMC Section 18.01.060 (Noncompliance a Public Nuisance) and Section 18.01.085 (Enforcement – Citation Authority) were established in 1978 and 1980, respectively, to address zoning violations. Because the City had not established administrative procedures at the time, these sections focus on the City Attorney's legal proceedings and the designated employees' authority to issue citations, in accordance with the California Penal Code, to abate violations.⁷ Today, Planning's code enforcement officers address most zoning violations using the administrative procedures, and the City Attorney's Office and the designated employees mainly play a supporting role in zoning code enforcement.
- PAMC Chapter 9.56 (Abatement of Nuisances) includes notice, hearing, and lien procedures dating back to the 1960s that are difficult to understand, and redundant or inconsistent with Chapters 1.12 and 1.16. For example, Section 9.56.060 states, "In the event any person given notice of hearing as shown by the evidence of mailing fails to appear at said hearing, then as to him such evidence of mailing shall, without the taking of further testimony, be sufficient evidence of the existence of facts in support of said conclusion, and no notice of said

⁷ California Penal Code Section 836.5 (a) states, "A public officer or employee, when authorized by ordinance, may arrest a person without a warrant whenever the officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the officer or employee that is a violation of a statute or ordinance that the officer or employee has the duty to enforce."

conclusion of the enforcement officer need be given to any such person failing to appear.” Some sections, such as 9.56.040 (Notice to abate), which requires the violator to either abate or appear in front of the enforcement officer at a stated time and place for a hearing, are no longer followed because of the more courteous, detailed steps provided in Chapters 1.12. PAMC Chapter 12.12.010 (Building on public easement – Encroachment permit), last revised in 1979, references the procedures in Chapter 9.56.

Streamlining and updating these enforcement requirements would clarify the requirements for City staff who must follow them. These chapters also designate nonexistent positions for enforcement, such as plan check engineer and ordinance compliance inspector. A better practice, to prevent the need to update the position titles in the Municipal Code if they change or the responsibilities are reassigned to another position, may be to designate the department responsible for enforcement but not the specific position.

Advanced coordination clarifies roles and responsibility and prevents redundancy

Planning has arrangements with certain code enforcement functions in other departments that allow staff to follow a clear process based on preestablished enforcement roles and responsibilities. For example, Planning’s Construction and Demolition (C&D) Debris Diversion Program coordinator (C&D coordinator) monitors compliance with the City’s C&D debris diversion requirements and works with applicants to gain compliance. Upon confirming noncompliance, the C&D coordinator forwards information to the lead code enforcement officer who issues an administrative citation. Without such an arrangement, a simple violation could turn into a complex case with redundant efforts.

Various other efforts are underway to enhance coordination among City staff. For example, Public Works and Planning’s code enforcement staff recently developed an internal contact list to clarify their roles for resolving specific issues in the Downtown and California Avenue areas. Public Works staff have extended their maintenance responsibilities in these areas to regularly monitor and proactively identify issues for timely resolution. In another example, Police and Fire worked together to expand the

existing alarm ordinance (PAMC Chapter 4.39), which focused on false intrusion alarms, to cover false fire alarms. The revision included removing inconsistencies and modernizing the ordinance to prepare for an automated tracking and penalty collection program.

City staff must prove a violation by a preponderance of the evidence before issuing a citation

Some complainants have expressed their frustration that City staff do not always issue citations when they have confirmed code violations. In addition to the five-day waiting rule explained above, the Municipal Code allows any recipient of an administrative citation to request a hearing. Because the City has the burden of proof and must prove its case on a preponderance of the evidence, City staff cannot rely solely on a photo submitted through PaloAlto311 or email and generally do not issue a citation unless they observe a violation in person.

Some regulations are difficult to enforce and consume a disproportionate share of staff time

Difficult cases require a technical understanding of multiple Municipal Code sections, specific evidence, or coordination with other City staff, which can consume a significant amount of staff time. The City may be able to better handle some of these cases by adopting practices that work well in other jurisdictions.

- Leaf blower cases - The City received 493 leaf blower complaints in FY 2017 (324 calls through the Police's nonemergency line and 169 service requests through PaloAlto311), but most complaints were not substantiated (Police issued six citations and Planning issued seven), primarily because Police officers often cannot respond immediately to confirm the violation due to other priorities. Police forwards unconfirmed cases to Planning for follow up. Planning also responds to PaloAlto311 complaints by opening a code enforcement case in Accela, sending a courtesy letter to notify the property owner or occupant of the complaint, and conducting one inspection on a later date before closing the case. However, the inspections are not effective because it is difficult to catch a leaf blower violation in progress due to how often gardeners, who are typically the leaf blower operators, move between various locations and change their schedules.

The City's leaf blower ordinance regulates leaf blower operators, which often is a hired gardener. Based on that ordinance, Police issue a citation only to operators and upon

observation of the violation. However, Planning issues courtesy notices and citations to homeowners or occupants based on another Municipal Code section that applies to aiding and abetting a code violation.

Some cities strengthened leaf blower compliance by holding both operators and property owners accountable for leaf blower violations and imposing higher fines. For example, the City of Santa Monica amended its ordinance to assign responsibility to property owners, landscaping companies, and property management companies, in addition to leaf blower operators. When they issue citations to leaf blower operators, they also attach informational door hangers to the front door of the property to alert the resident of the violation. Santa Monica also stopped issuing courtesy warning letters prior to issuing a citation. These changes, combined with its current fine of \$500, proved effective at reducing the number of complaints, from 796 in the three-month period of November 2010 through January 2011 to 454 from November 2011 through January 2012. The number of citations also increased from 53 (5 percent) of 1,002 cases in 2014 to 206 (18 percent) of 1,118 cases in 2016.

The City's administrative penalty is \$100 for the first leaf blower violation, \$150 for the second violation, and \$300 each for the third and subsequent violations. Placing responsibility on both the homeowner or occupant and the violator may be a more effective way to deter violation, achieve ongoing compliance, and achieve consistency in how departments enforce the code. In addition, the current penalty may be insufficient to deter professional gardeners from committing multiple violations.

- Construction noise – Both Police and Building receive a large number of construction noise complaints. Like leaf blower complaints, Police officers often cannot get to the construction site immediately and thus issued only two citations in FY 2017. Building staff respond to calls received during business hours and make the violator stop the noise, but they do not issue citations. Building monitors construction sites that have a building permit and can reach out to the contractor to prevent future occurrences. However, Building does not record the

complaints or obtain Police call data to track and identify repeat offenders. In FY 2017, Police received three or more complaints for each of 12 construction sites. Some jurisdictions require each construction site to post the building permit, contractor's contact information, and responsible City departments. In San Francisco, a notice of construction is sent to the owners of adjacent properties upon issuance of an alteration or demolition permit. In contrast, the City only requires the Police nonemergency number to be posted; listing other responsible parties' contact information would allow the City to address the problem sooner and more effectively.

- Complex property maintenance cases – Complex property maintenance issues, such as those involving absentee owner properties or hoarding behaviors, often involve multiple departments and/or interpretation of multiple Municipal Code sections. Such cases can take months or years to resolve. If there are any health or safety hazards, the City may have to abate the conditions to protect the public. Such action requires assistance from the City Attorney's Office to ensure compliance with all relevant Municipal Code sections and other legal and regulatory requirements. To streamline enforcement procedures, the cities of San Jose and San Francisco adopted anti-bligh ordinances, under a single Municipal Code provision, to address properties under significant deterioration or disrepair.
- Zoning cases – There is a wide variety of zoning cases and many require a technical interpretation of multiple Municipal Code sections, adopted conditions of approval, or permitted use. Similar to building cases, zoning cases that require the violator to obtain a permit, such as a conditional use permit, could take a long time to resolve. The Municipal Code provides the Planning director with the authority to interpret the planning and land use provisions, and Planning's code enforcement officers rely on the planners' expertise to interpret the requirements. However, complainants sometimes disagree with the interpretation, and some complainants have questioned whether Planning staff can reach an unbiased conclusion due to Planning's role in the zoning approval process. Some jurisdictions, such as cities of

Santa Clara and Beverly Hills, have an ombudsman function to provide community members with a staff representative who can facilitate resolution. While the City and many other jurisdictions provide an appeal process for alleged violators who disagree with the enforcement action, we were not able to identify any jurisdictions that offer an appeal process to a complainant who disagrees with the outcome.

Some regulations lack an enforcement process or resources

The City has some regulations that have not been enforced, which staff indicated is because they do not have a defined process or adequate resources. In some instances, the City Council made a conscientious decision to implement regulations based on their community value rather than an intent for active enforcement. Not enforcing all regulations contributes to frustrations among residents regarding the City's code enforcement efforts:

- Public benefits – The City has adopted about 100 Planned Community (PC) districts since 1951. The Municipal Code provisions for PC districts were amended in 1978 to allow more flexibility in exchange for “public benefits,” even though the term “public benefits” was not specifically defined. Although Planning staff stated that many PC districts lack anything significant that would require enforcement, the Municipal Code requires inspections of each PC district at least once every three years for compliance with the PC district regulations and the conditions of the ordinance under which the district was created. In its October 6, 2014, staff report, Planning identified 47 PC districts that the City approved between 1990 and 2014 and stated that the City has not dedicated sufficient resources for inspections and will need to reassess how to monitor and enforce site-specific PC regulations. The City Council approved the lead code enforcement officer position in FY 2016, in part, so Planning could give more attention to enforcing approved requirements for PC districts. Planning monitors certain projects closely but has not established a process to meet the three-year inspection cycle and takes enforcement action primarily on a complaint basis. Planning staff attribute this to the need to address the large increase in leaf blower cases (see Exhibit 5).

- Multi-family smoking ban – The 2017 ordinance granted the City Manager with authority to enforce the ordinance, but the City did not budget resources to perform outreach or to respond to complaints. Residents currently direct their complaints to Planning’s Code Enforcement by default, but the City does not take any enforcement actions. Although the City Council has made a conscientious decision to not provide resources to enforce certain regulations, having a good system of tracking incoming complaints would help the City determine if resources should be allocated. See Finding 2 for discussion of data tracking.
- Conditions of approval – The City routinely attaches numerous conditions to planning approvals. Although conditions are typically enforced at various stages of development, some require ongoing monitoring to ensure compliance. Improving enforcement of conditions of approval was one of the reasons the City Council approved the addition of the lead code enforcement officer position. To efficiently use the limited staff time needed for enforcement, the City started requiring projects to self-monitor certain conditions and report annually on its compliance. However, the City still needs to establish criteria and procedures for verifying the adequacy of self-reported information.

Improving the enforceability of regulations can free up resources for other enforcement priorities

City staff are aware of the need to update some regulations and establish new ones to improve the effectiveness of their code enforcement efforts. However, code revisions require a significant time commitment, both within the departments and from the City Attorney’s Office. The City can support staff charged with code enforcement responsibility by setting code enforcement priorities and making resource and policy decisions to ensure that the needed improvements are made.

Resources could also be freed up for proactive enforcement and other enforcement priorities if code enforcement officers stopped performing follow-up inspections on leaf blower cases, which seldom result in identifying subsequent violations. Given that there were 279 leaf blower cases in FY 2017, these resources could be used to proactively inspect areas where alleged violations are frequently reported or follow up for continued

compliance on more serious violations that impact health and safety.

Recommendations

We recommend that the City Manager coordinate with the City Attorney's Office and other departments with code enforcement functions to:

- 1.1. Clarify and confirm the City's code enforcement strategy and priorities with the City Council. Develop an updated enforcement procedure that is aligned with the confirmed strategy for each area of the City's code enforcement priorities, including case intake, tracking, and reporting. This includes assessment of the regulations that lack an enforcement process or sufficient resources, such as PC district regulations, leaf blower regulations, and conditions of approval requiring the applicant to self-report. Post the updated strategy on the City's code enforcement web page.
- 1.2. Update the Municipal Code sections governing code enforcement, including:
 - a. Combining into a single chapter, clarifying, and streamlining the administrative procedures in PAMC Chapters 1.12 and 1.16 to ensure they support current practices and Council's intent for code enforcement activities.
 - b. Aligning administrative procedures in other PAMC chapters with the revised administrative procedures developed in 1.2.a above as needed and streamlining enforcement activities for consistency across City departments, to the extent possible.
 - c. Clarifying code enforcement roles and responsibilities to ensure they are aligned with the current organizational structure.
 - d. Requiring that permit information and contact information for contractors and responsible City departments be posted at each construction site.
 - e. Removing ambiguities or inconsistencies as part of the annual Municipal Code clean up, including specific position titles, which can change over time.

- 1.3. Hold regular meetings (e.g., quarterly) with staff citywide who have code enforcement responsibilities to share information, discuss resource allocation, and develop collective and consistent enforcement action plans, particularly for where there is overlapping or unclear responsibility.

Finding 2

The City does not have complete and reliable code enforcement data to provide useful information for management decisions

Summary

The City's code enforcement functions receive, classify, and record code enforcement complaints and cases using different systems. For example, Public Works uses PaloAlto311, Police uses its Computer-Aided Dispatch (CAD) system, and Planning uses PaloAlto311 and Accela. Some functions do not record all complaints received or create a case when responding to or investigating a complaint. This decentralized recordkeeping system produces incomplete or inconsistent data that is difficult to aggregate into a citywide view.

Many jurisdictions track their code enforcement workload and performance measures and use the information for their annual budgeting process. The City can capture complete and reliable data by identifying information needs of various stakeholders and designing code enforcement data tracking and reporting processes to meet the identified needs.

The City does not have a centralized tracking system for complaints and code enforcement cases

City departments receive complaints through multiple channels and each code enforcement function may classify and record the complaints and cases using different systems and methods. This decentralized recordkeeping makes it difficult to aggregate data in a manner that provides a complete and accurate view of the City's code enforcement activity. In addition, some functions do not record all complaints they receive. Instead, City staff informally address some issues without considering the issue as a code enforcement case. For example, graffiti on public property may be treated as a maintenance task rather than a code enforcement case. The City has not clearly defined what data should be tracked to assess the workload and performance of its code enforcement functions on a citywide basis. Inconsistent and incomplete data limit the City's ability to identify trends for strategic policy discussion and resource allocation.

- Planning receives complaints through PaloAlto311, phone, email, or in person, and creates a case in Accela if the complaint is determined to require an enforcement action such as notification or inspection.

- Building notifies Code Enforcement of building code violations to create and track cases in Accela. Building staff do not enter any information in the code enforcement cases and instead track inspections they conduct in support of code enforcement in the Building module of Accela. Building frequently receives complaints related to construction sites in the City but does not record them as code enforcement issues.
- Planning's Planning/Development Services Division monitors compliance with the City's construction and debris diversion requirements using the Green Halo Systems' debris tracking website. The Division confirmed 64 cases of noncompliance in FY 2017. The C&D coordinator reports noncompliance to the lead code enforcement officer for citation but no code enforcement case is opened. Instead, Planning's administrative staff attach each citation to the corresponding building permit record in Accela's Building module. We could not verify the actual number of citations issued because there is not a field in Accela dedicated to tracking citations.
- Police receives complaints through its nonemergency number. All calls are recorded in the CAD system, and the dispatchers classify the complaints based on the type of issue. A police officer is assigned and initiates a "DR" police report number in the system if taking enforcement action or writing a police report. Police posts a log of its reports for each of the last 10 days on its website. Police forwards unconfirmed leaf blower complaints to Code Enforcement for follow up.
- Fire addresses code violations through the permitting and inspection processes. Fire does not record complaints or track code enforcement cases separately, except for weed abatement cases that it reports to Santa Clara County to address.
- Public Works uses PaloAlto311 to receive and track complaints. Public Services staff also use PaloAlto311 to record complaints received from the public or City staff by phone or email and assign staff to address them. Watershed Protection staff use Microsoft Access to record their proactive inspections and track identified violations. Zero Waste/Refuse staff log complaints they receive by phone or email in an Excel spreadsheet, including issues forwarded by GreenWaste, the

City's refuse contractor. They monitor the log to identify issues or repeat violations requiring attention for resolution.

The City reports only a limited number of performance measures, which does not reflect the timeliness and effectiveness of citywide code enforcement efforts

Planning reports the number of new code enforcement cases and percent of cases resolved within 120 days in the annual Performance Report, and the percent of residents who responded to the National Citizen Survey and rated the quality of code enforcement as good or excellent in the annual Operating Budget. Other City departments do not regularly report performance measures for code enforcement, so it is difficult to understand the extent, timeliness, and outcome of citywide code enforcement efforts.

The International City/County Management Association's Center for Performance Measurement provides a list of core measures for code enforcement, including:

- Average number of calendar days from first complaint to investigation
- Average number of calendar days from case inspection to voluntary or forced compliance
- Percentage of cases resolved through voluntary or forced compliance

Accela code enforcement case data is not reliable for analysis

Performance measures require tracking of the underlying data. To determine if the City's code enforcement data is complete and reliable, we focused on Planning's code enforcement case data in Accela because it was the only available dataset specific to code enforcement cases. There were a variety of data reliability issues, so we reviewed only the 331 cases opened during the second half of FY 2017 (dataset) in detail to identify improvement opportunities (see Exhibit 7). Although the code enforcement officers documented detailed information in most cases, data entry was inconsistent, and the system was not configured to capture and produce reliable and useful data for management decisions.

EXHIBIT 7
Code Enforcement Cases Opened Between 1/1/17 and 6/30/17 and Status as of 12/31/17

Case Type	Total	Void¹	Forwarded to	No	Violation		# Citations
			Other City Dept²	Violation	Abated	Open	
Leaf Blower-Gas Powered	120	13	-	106	1	-	1
Property Maintenance	60	2	-	13	44	1	5
Encroachment	59	1	-	13	44	1	-
Zoning	30	-	1	10	16	3	-
Building	28	1	1	9	13	4	2
Signs (Public Property)	10	-	-	3	7	-	-
Fences	8	-	-	3	5	-	-
Short-Term Rental	8	1	-	2	4	1	1
Long Term CM	5	-	-	1	4	-	-
Signs (ARB)	2	-	-	-	2	-	-
Vehicles	1	-	-	-	1	-	-
Grand Total	331	18	2	160	140	10	9

¹ Includes duplicate cases that were subsequently closed.

² The numbers are understated because more cases are forwarded to other departments via 311, phone, or email before a code enforcement case is created in Accela.

Source: Auditor's analysis of the code enforcement cases in Accela

Useful information cannot be extracted in a reliable manner

In Accela, some key information is entered in the Description or Comments fields and cannot be extracted to produce accurate and complete data. For example, Accela does not have a data field to record the actual violation, so the code enforcement officers enter a violation such as "substandard building conditions" or "illegal occupancy" in the Description field. Cases cannot be accurately queried for a specific type of violation because the options are not standardized and data is entered inconsistently, such as "illegal construction," "unpermitted construction," or "work without permits" for the same type of violation. In some cases, the description and case type are the same and just say, "Building" or "Zoning," without describing the actual building or zoning violation.

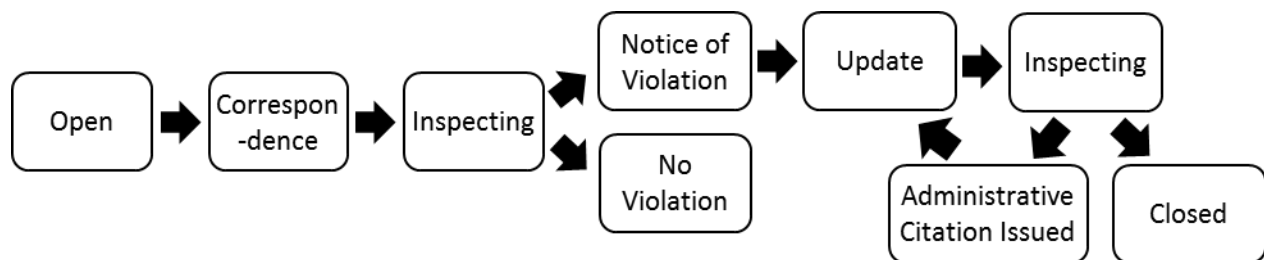
The case types are broad and may not always reflect the actual violation. For example, when a case involves multiple violations, code enforcement officers create one case and choose a case type based on the main violation. The initial case type cannot be changed once entered, even when an inspection finds that it is incorrect or that there is a more serious violation. Similarly, there are no data fields specifically for the source or date of the

complaint or its resolution, such as voluntary compliance. Code enforcement officers describe these in the Comment field but not in a standardized manner.

Workflow status is not entered consistently and completely

Code enforcement officers update case status by choosing a “workflow status” and entering the date and comments for the status. Exhibit 8 shows an example of the changes in workflow status.

EXHIBIT 8
Example of Changes in Code Enforcement Case Workflow Status



SOURCE: Auditor’s analysis of Accela Code Enforcement data

We could not rely on the workflow status data to assess the code enforcement officers’ workload or performance because the data was not entered consistently and completely. For example:

- Each inspection should be recorded by choosing the “Inspecting” status, but this was not always done. We counted at least 523 inspections in our dataset based on information in the Comments field, but only 428 records had an “Inspecting” status.
- Our dataset had 27 leaf blower cases with duplicate entries for “Notice of Violation” status due to staff inadvertently triggering the automatic generation of a notice and workflow entry in Accela.
- Code Enforcement distinguishes a courtesy notice from a notice of violation. However, both notices are recorded in Accela using the “Notice of Violation” status, so they cannot be distinguished for reporting purposes.

Some of these issues may have been caused by staff not fully understanding the iPad configurations. The code enforcement officers use an iPad to document their cases in the field, but the

Case description and status are sometimes incomplete or not detailed enough for the public to understand the issue or resolution in BuildingEye

configurations have not been fully explained to staff to ensure consistent and complete data entries in Accela through an iPad.

As explained in Finding 3, the case description and workflow status are visible to the public on "[BuildingEye](#)," which displays selected Accela code enforcement case data through an interactive map. Because the visible fields are not always complete or detailed enough, it limits the public's ability to understand the issue, status, or actions taken to resolve code enforcement cases and may contribute to residents reporting additional complaints for an issue that has already been or is being addressed. Accela case data also tend to be incomplete or not updated timely when:

- The case requires enforcement actions by a code enforcement function other than Planning
- The case involves complex or high-profile zoning issues that are primarily handled by a planner
- The case involves complex property maintenance issues that require an administrative hearing or the City to perform the abatement work

Exhibit 9 shows that the City of San Diego provides more detailed descriptions of each code enforcement case. Exhibit 10 shows how the City of Pittsburgh uses BuildingEye to provide detailed information regarding the status of a code enforcement complaint. Improving the quality of the data tracked in Accela and displayed on BuildingEye could reduce the number of duplicate cases, follow-up inquiries regarding the status of cases. It would also enhance transparency to the public regarding the level of effort that City staff put into resolving code enforcement cases.

EXHIBIT 9 Extract of City of San Diego Code Enforcement Records

Date	Record Number	Record Type	Application Name	Status	Description
01/22/2018	CE-0500125	Complaint	Zoning-Lighting	Closed - No Violation	Phone - DP "There's a bright light shinning onto the neighboring house."
01/22/2018	CE-0500126	Complaint	Zoning-Unpermitted Business (Residential Zone)	Active Investigation	Phone - MD "People living at this house (3509 36th St.) in the front are running a hotel without permits" "The house in the back is 3515 36th St. which does not have anything to do with the house in the front".
01/22/2018	CE-0500127	Complaint	Noise-Barking Dogs	Closed - Voluntary Compliance	Email-CA- "Barking Dog: barking ranges from 5 minutes to hours, sometimes off and on all day. Last week has been especially bad. 1/17 - 3:15 - 3:45 pm 1/18 - 5:58 - 9:30 pm 1/19 - 3:08 - 9:25 pm 1/20 - 10:20 am through out the day stopping around 8:00 pm 1/21 - 3:16 - 6:37 pm on 1/18 and 1/21 there were two dogs for several hours"

SOURCE: City of San Diego Citizen Portal at <https://aca.accela.com/SANDIEGO>

EXHIBIT 10 Example – City of Pittsburgh BuildingEye/Enforcement

CITY OF PITTSBURGH

Menu
Login
Sign Up

Case Number:
O-1296854

Status:
Open

Next Action:
Sep 11, 2018 - RE-INSPECTION

Violation:
2003 IPMC 108.1.1 Unsafe Structure

Inspection Date - Result:
Aug 23, 2018 - Violations Found

Violation Location:
"108.1.1 An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure."

Corrective Action:
"This Structure is condemned and must be made safe. Must obtain building permit to remove violations. Repairs must be sigend off on by inspector on building permit to abate condemnation."

SOURCE: City of Pittsburgh BuildingEye at <https://pittsburghpa.buildingeye.com/enforcement>

Code enforcement documents are not labeled consistently and can be difficult to identify

Code enforcement officers upload related case documents in Accela, such as pictures, email correspondence, notices of violation, and administrative citations. It is not always easy to find a specific attachment because they are all under the same tab, not labeled clearly and consistently, or are missing. For example, there is no easy way to extract all notices of violation to obtain a count of how often these were issued.

Planning has a project in place to integrate Accela and PaloAlto311 but has not been able to move forward

The City Council approved Planning's three-year, \$150,000-per-year contract to implement Accela enhancements in June 2017. The contract includes integrating Accela and PaloAlto311 for code enforcement, along with other tasks, such as changes to Housing Impact fee programming and Transportation Demand Management plan tracking. However, the project has not moved forward because:

- It will require a time commitment by City staff who have competing priorities.
- Planning has only one business analyst to support its technology improvements, including Accela, PaloAlto311, Geographic Information System, and websites.
- Accela data fields are not aligned with the PaloAlto311 data fields, which will require a thoughtful design process to define data points.

The lead code enforcement officer made various improvements, but more is needed

Planning has improved the way its staff classify and record code enforcement cases since the lead code enforcement officer joined the City. Prior to his arrival, code enforcement officers did not consistently use Accela to record their cases. They are now required to record in Accela all cases that have an enforcement action, and the number of cases in Accela increased from 201 in 2015 to 730 in 2016. It is difficult to determine how much of this increase was due to improved recordkeeping and how much was due to an actual increase in the number of complaints received. As shown in Exhibit 3, the increase was partly due to enhanced leaf blower enforcement and an increase in political sign violations during an election. Other improvements include:

- Created new case types for leaf blower and short-term rental cases to separately track the number of cases previously included in Zoning.

- Revised the notice of violation templates and formalized and standardized the process for notifying the party responsible for an alleged violation.
- Automated and standardized the recording and notification processes for leaf blower violations.
- Standardized when to close a case (e.g., the date of final inspection, the date the permit has been finalized).

The lead code enforcement officer stated that Code Enforcement did not have the capacity to make further improvements due to caseload.

Recommendations

We recommend:

- 2.1. Upon confirming the City's code enforcement strategy and priorities with the City Council in Recommendation 1.1, that the City Manager coordinate with the City's code enforcement functions to:
 - a. Identify what complaint data to capture, track, and share internally and externally.
 - b. Define what constitutes a code enforcement case and identify what case data to capture, track, and share internally and externally.
 - c. Determine which system(s) to use and how to track code enforcement data for each function, including standardizing code enforcement terminology citywide where possible, and design reporting processes capable of aggregating the data into a citywide view.
 - d. Develop performance measures for code enforcement as part of the citywide initiative to improve measures for the annual Performance Report.
- 2.2. If it is determined under Recommendation 2.1 that Planning will continue to use Accela, Planning should reconfigure Accela Code Enforcement to enhance data collection and reporting, to pave the way for other functions that may adopt Accela, by:⁸

⁸ This recommendation will not apply if the City adopts a different code enforcement software under the new Enterprise Resource Planning (ERP) system. However, some of the concepts would need to be considered if different code enforcement software is adopted.

- a. Defining each type of code enforcement workflow status and identifying additional status or other data points to be captured.
- b. Working with the Accela consultant to ensure needed data and documents are captured accurately, consistently, and in a manner that can be extracted for reporting. This may include:
 - Adding new workflow status and creating additional data fields to capture new data points.
 - Adding or modifying drop-down lists.
 - Allowing certain data fields to be modified after initial data entry.
- c. Developing report templates in Accela for periodic reporting of code enforcement performance measures developed in Recommendation 2.1.d.
- d. Establishing data entry procedures to prevent errors and improve consistency. This may include:
 - Establishing naming conventions for attachments.
 - Ensuring that information displayed on BuildingEye provides sufficient detail for the public to understand the issue, status, and resolution of each case.

Finding 3

The City actively engages with individuals responsible for code violations to gain compliance but should improve its public communication on code requirements and enforcement efforts

Summary

The City uses a variety of methods to inform the public regarding Municipal Code requirements and provide educational materials to encourage compliance. However, the information is scattered across separate systems and websites and not accessible from a central location. Although City staff typically work closely with individuals responsible for bringing code violations into compliance, complainants may find it difficult to get information on the status or outcome of their complaint. Some departments use PaloAlto311 to communicate with the complainants, but other departments do not. Planning recently implemented BuildingEye for code enforcement. However, this tool is not linked to [Planning's Code Enforcement website](#), and individuals looking for code enforcement case information may not easily find it.

Some nearby jurisdictions provide citywide information on code enforcement in a central location on their website and provide additional information to actively encourage voluntary compliance, such as their code enforcement strategy and process, as well as neighborhood resources that can provide assistance in achieving compliance. The City can adopt some of these practices to strengthen its communication with the public.

Citywide information on code enforcement is not easily accessible from a central location

Most of the City's code enforcement functions have their own website with information on specific code requirements and other educational materials to encourage compliance. However, this information is not accessible from a central location, which makes it difficult for residents or City staff to find the responsible City staff or the resources available for achieving compliance. For example:

- [Planning's Code Enforcement website](#) provides a contact list for common code concerns or issues and a link to PaloAlto311.
- [Development Services' Planning Review website](#) provides many planning and zoning handouts such as guidelines and checklists. Its [Fire Prevention Bureau website](#) provides similar handouts related to fire and hazardous materials. Both

websites say what is required but not how to file a complaint for noncompliance.

- [Police Online Reporting webpage](#) provides online complaint forms for issues such as an abandoned vehicle and traffic. Its [FAQs webpage](#) explains how to report certain types of violations.
- [Public Works Watershed Protection Group's website cleanbay.org](#) provides detailed information on City regulations, its community outreach program, and how to report issues such as illegal discharges.
- [Public Works Zero Waste website](#) provides various resources to educate and assist the public in achieving compliance. Its [FAQs webpage](#) explains how to report certain types of violations. [GreenWaste of Palo Alto](#) also provides education and outreach materials and services to assist its customers.

PaloAlto311 capabilities not fully leveraged

The City implemented PaloAlto311 in 2013, with a focus on Public Works-related issues, such as reporting graffiti and potholes. As shown in Exhibit 11, the City expanded the use of the platform to other public-facing departments in 2015. For example, Planning uses PaloAlto311 for code enforcement and transportation service requests.

EXHIBIT 11
Number of PaloAlto311 Service Requests by Department

<u>Department</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
Public Works ¹	129	1,205	1,178	991	1,098
Community Services ²	-	1	9	62	28
Planning ³	-	-	28	459	858
Utilities ⁴	-	-	218	324	201
Other	22	31	22	140	149
Total	151	1,237	1,455	1,976	2,334

¹ Maintenance issues such as broken sidewalk, illegal dumping, pothole, tree care request, etc.

² Issues associated with open space and parks, such as drinking fountains, irrigation, and tennis courts.

³ Issues related to code enforcement, traffic signals, school bicycle or walking routes, etc.

⁴ Issues related to drought/water waste and nonworking street lights.

SOURCE: Planning Department – PaloAlto311 data

Despite the expanded use of PaloAlto311, the City has not coordinated interdepartmental efforts or monitored citywide

data to identify and address improvement opportunities. For example:

- Some PaloAlto311 issue types are not clearly defined or aligned with the City's code enforcement functions, which causes certain complaints to be routed to the wrong City staff, who then have to spend time finding the right person to forward the complaint to.
- Some departments or divisions do not use PaloAlto311 and their staff may not know what to do when a PaloAlto311 service request is forwarded to them. Even when the issue has been addressed, staff may not know to mark it as completed, so it may remain in an open status.
- User access is not being managed and former employees have not been removed. Some users stated that they did not know who administered PaloAlto311 for another department, making communication difficult among departments.
- The City provides PaloAlto311 data on its [Open Data Portal](#), but the data is incomplete, and the dashboard does not provide useful information. For example, the requests received, submitted, and in progress do not include the requests for code enforcement issues. The two pie charts representing "all requests by status" and "top five request categories" are based on the cumulative data since 2013. Because Public Works implemented PaloAlto311 in 2013 and other departments did not start using it until 2015, charts using the cumulative data are not useful for identifying current trends.

These citywide issues have not been addressed because each department configures and operates its own section of PaloAlto311.

PaloAlto311 application is not as user friendly as it could be


The City's code enforcement activities are driven primarily by complaints from residents. If residents do not have a good understanding of what constitutes a violation or how to report it, the violation could go unnoticed, unreported, or the reported violation could turn out to be invalid. The PaloAlto311 application lists 17 primary issue types with subcategories and brief descriptions that may not be sufficient for residents to know which issue type to choose when reporting a code

enforcement issue. For example, the description for the “Code Enforcement Issue” option says, “Report different types of Code Enforcement Issues (Fences, Overgrown Vegetation/Weeds, etc.),” and does not list other types of code enforcement issues until the option and a location is selected. The “Sidewalk” option provides three subcategories, including one for “Overgrown Vegetation/Weed” that includes a description of “Report Overgrown Vegetation/Weeds obstructing sidewalks or visibility on Public Right of Way.” Having two options for overgrown vegetation and weeds and no clear description of the difference can confuse users of PaloAlto311 as to which option to choose. The “Sidewalk” category also includes subcategories for “Broken Sidewalk” and “Improvements to school bicycle or walking route,” but no other options for reporting other types of obstructions on a sidewalk, such restaurant tables and chairs or store displays, without an encroachment permit. PaloAlto311 does not allow the complainant to ask questions or direct their complaint to a specific department. Having more extensive and clearer descriptions of what each option represents could prevent misdirecting a complaint to the wrong department.

San Francisco provides an extensive list of online services through SF311 to assist the public in understanding code requirements and how to submit a complaint or request for a specific service. As shown in Exhibit 12, residents can enter a key word to search for their issue of interest and find information and links to a relevant website or an online complaint form. A similar tool is available on the SF311 mobile app.

EXHIBIT 12

Extract of SF311 List of Online Services



Welcome to SF311, how may I help you? 

Departments and Services (A-Z List)

Many city services are also available on mobile! [Check out the SF311 App](#)

Showing 1 to 6 of 6 entries (filtered from 128 total entries)

Previous 1 Next

Online Services 	Description 
Flooding and Sewer Issues <ul style="list-style-type: none"> • Service Request 	Report any flooding on property and streets; clogged catch basin; odors originating from catch basins, 4 inch vents, and sewers. You may also report sewage backups, illegal dumping in the sewers, and missing manhole covers.
Illegal Construction <ul style="list-style-type: none"> • Service Request 	New building construction done illegally or building renovation or addition without a permit/license or exceeding the scope of the permit. Construction activity violates municipal codes
Illegal Dumping <ul style="list-style-type: none"> • Report Illegal Dumping (Contact Information Required) • Cleaning Request 	Report illegal dumping and other items. Contact information is required for a statement. Reports without customer contact information cannot be enforced. A cleaning request may be made without providing a statement to Public Works.

SOURCE: City and County of San Francisco website at <https://sf311.org/search>

Communicating the City's Code enforcement strategy and priorities can improve expectations

It also may be helpful to communicate clearly the City's code enforcement strategy and priorities. This would improve expectations of residents regarding how City staff handle various types of complaints and address violations. As shown in Exhibit 13, some jurisdictions clearly communicate their code enforcement principles and priorities on their website.

EXHIBIT 13 Redwood City Code Enforcement Principles

In order to assure that these values are upheld, the City Municipal Code, Zoning Ordinance and Property Maintenance Code will be enforced according to the following principles:

- The City will enforce its ordinances based on the violation, not the violator. The focus of our code enforcement is on the nuisance activity or structure, without regard to the source of the complaint or the nature or character of the violator.
- The City seeks compliance first and foremost. Enforcement efforts are directed at providing opportunities for solving problems and eliminating violations, not punishing people.
- The City will maintain the confidentiality of the source of any complaint along with accepting anonymous reports of violations. The City will enforce confirmed violations based on the idea that they are violations against the City, not against a neighbor or other individual parties.
- Health & safety violations are given the highest priority so that human life and property are protected without delay. Violations of 'general welfare' rules such as zoning will be addressed at a second level of attention, allowing reasonable solutions to be implemented in reasonable time. [Brochures](#)

SOURCE: Redwood website at <http://www.redwoodcity.org/departments/community-development-department/building-inspection-code-enforcement/code-enforcement>

The City can leverage its community partners and provide online resources for achieving compliance

Some jurisdictions provide online resources on their code enforcement website to inform the public of other organizations that can help address code enforcement issues or neighborhood disputes. For example, San Francisco provides online guidance on noise issues that states, "On-going and persistent disputes between neighbors (including businesses) about noise that do not violate the Police Noise Ordinance, can be referred to an independent neighborhood mediation agency, called the Community Boards."

Palo Alto has a number of community partners and City programs that residents can reach out to for assistance to resolve neighborhood issues. Although code enforcement officers often provide referrals to the responsible party or complainant, these resources are not linked to the code enforcement information on the City's website for leverage and to encourage voluntary compliance. Examples of available resources include:

- Palo Alto Mediation Program provides free dispute resolution services.
- The City's Safe Routes to School staff can assist in clearing a bike path.

- Avenidas may be able to assist seniors in getting yard services done at below-market rates to abate property maintenance issues.

City staff actively engage with individuals responsible for code violations to gain compliance

City staff typically work closely with responsible parties to gain compliance, although the method or degree of engagement may differ depending on the code enforcement function and nature of the violation. For example:

- Police officers or park rangers who catch a violation in progress can order the violator to correct it on the spot and issue a citation if not corrected.
- Planning's code enforcement officers issue a courtesy notice or notice of violation and follow up until the violation is corrected. However, they may not engage with the responsible party immediately for certain cases that require research or investigation prior to the initial contact.
- Public Works Environmental Services Division staff issue a verbal or written warning or notice of noncompliance and follow up until the violation is corrected.
- Building or Planning staff work closely with individuals responsible for a building or zoning violation through the permitting or planning application processes.

Multiple methods used to communicate complaint and case status, but information available to the public is not always complete or easily accessible

Planning uses three methods to collect and communicate complaint and case information for code enforcement:

- PaloAlto311 – Residents can report code enforcement complaints through PaloAlto311. Code enforcement officers report back to the complainant through PaloAlto311 but provide limited information. Planning uses this primarily as a mechanism for residents to report complaints, not as a case tracking system.
- Accela - Requests marked as "Code Enforcement Issue" in PaloAlto311, as well as complaints that come through email or phone calls, are routed to Planning's lead code enforcement officer for review. The lead officer assigns a case to a code enforcement officer only if the complaint is determined to require an enforcement action (e.g., inspection). The assigned officer then opens a new case in Accela. Planning does not create a case if a complaint is unenforceable (e.g., no

regulation exists) or is forwarded to another City department for resolution. Several complaints on a single issue submitted around the same time would typically result in creating only one case. Accela allows Planning to track all activity for cases in a single location, including inspections, communications with the responsible party, and corrective actions taken, regardless of whether the complaint was received via PaloAlto311 or in another way.

- BuildingEye – Development Services started using “BuildingEye” in 2014 to provide residents with access to Accela building permit data through an interactive map. Planning adopted BuildingEye for planning applications soon after and began using it for code enforcement in July 2017. Once in BuildingEye, users can choose one of the three views, Planning, Building, or Enforcement, to access the City’s Accela data.

Other departments use methods other than Accela and BuildingEye to record and track cases but may not always record their cases.

Planning’s Code Enforcement uses PaloAlto311 as a reporting tool and Accela to manage cases

When a complainant uses PaloAlto311, they receive a notification when the complaint has been “Submitted” and “Received.” They receive an additional notification through PaloAlto311 when the complaint moves to “In Progress.” When Planning opens a case in Accela, it simultaneously notifies the complainant that it has opened a case file, will continue to follow up for compliance, and that the complaint is “Completed” in PaloAlto311. Planning includes a link to BuildingEye so the complainant can continue monitoring the progress of the case. Using the term “Completed” can cause complainants to think that an active case has been closed without correction. Planning kept the PaloAlto311 requests open for a four-month trial period in 2017 to maintain communication with the complainants. However, it discontinued the practice because PaloAlto311 and Accela are not interfaced and it created more administrative work for Planning when an issue involved multiple complainants or when one complainant filed multiple complaints on the same issue. The PaloAlto311 request number is not always recorded in the Accela case record, nor is the Accela case number recorded in the PaloAlto311 record, which can make it difficult for residents

to track the ongoing status of cases that they reported through PaloAlto311.

BuildingEye data not always complete or detailed enough to understand the issue or resolution

Complainants must either know that BuildingEye's Enforcement view exists and how to access it to search for the status of a case or keep their case notification that tells them how to access it because there is not a direct link from Planning's Code Enforcement website to BuildingEye/Enforcement. A search for BuildingEye on the City of Palo Alto's website does not result in a direct link to BuildingEye. Instead, a user would have to click on one of two documents that announced the launch of BuildingEye and access BuildingEye through links in those documents.

Although using BuildingEye was intended to increase transparency, case information shown in BuildingEye's Enforcement view is not always complete or detailed enough for residents to understand the issue, progress, or resolution, as described in Finding 2. The City also provides Accela planning application data through BuildingEye's Planning view and building permit data through the Building view. These two views provide a link from the application or permit shown in BuildingEye to the more detailed information accessible through City of Palo Alto Citizen Portal.⁹ However, it is not apparent in BuildingEye's Enforcement view when other related information, such as an active permit application to abate the violation, is available. The code enforcement officers typically note the permit or application number in the Comments field of Accela, which cannot be extracted easily. Creating a dedicated data field for a related permit or application number would allow the City to configure and display the number in BuildingEye/Enforcement. The City could also enhance dissemination of data that are already available to the public by posting information on the citywide code enforcement website regarding available tools and how to view code enforcement related data.

⁹ The City of Palo Alto Citizen Portal provides the public with online access to the City's permit and land management information in Accela. The information available from the Citizen Portal provides detail in addition to what is available through BuildingEye.

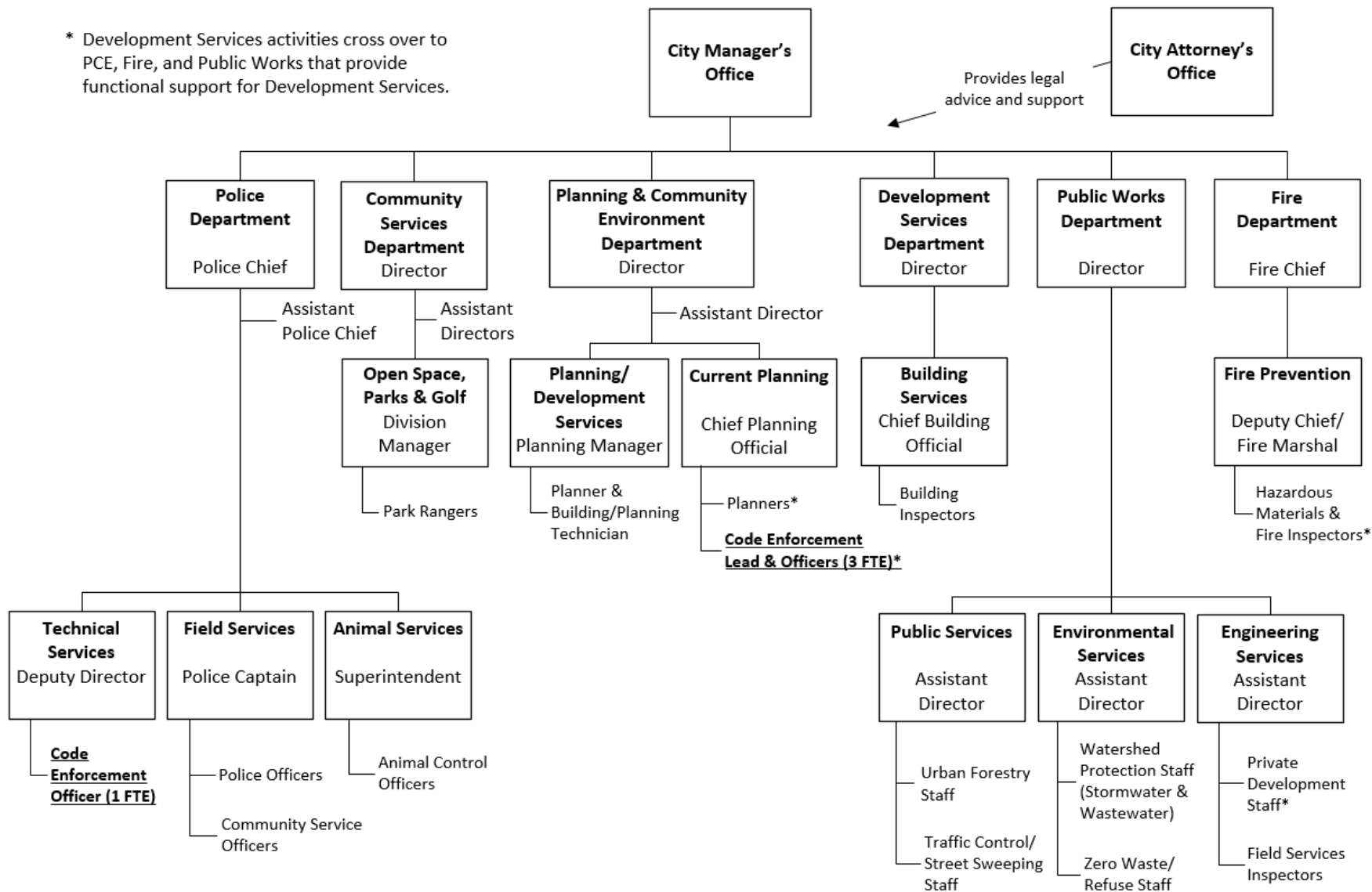
Recommendations

We recommend that the City Manager:

- 3.1. Provide general, citywide information on code enforcement in a central location on the City's website and assign responsibility for ensuring that the information is kept up to date. Examples of information that the website should include are:
 - a. The City's code enforcement strategy and priorities (see Recommendation 1.1).
 - b. Enforcement process, administrative procedures, and penalties (see Recommendations 1.2.a and 1.2.b).
 - c. A list of common code enforcement issue types with a brief description of code requirements, how to report a violation, and contact information for the responsible City function and/or link to additional information on the function's website (see Recommendation 1.2.c).
 - d. How to track code enforcement case status and resolution, including links to BuildingEye, the City of Palo Alto Citizen Portal, or PaloAlto311.
 - e. General information on how a complaint is managed, including what level of communications and information the complainant can expect and examples of information that the complainant is not entitled to receive, if any.
 - f. City programs, community partners, and other neighborhood resources available to provide assistance.
- 3.2. Assign staff to be responsible for citywide administration of PaloAlto311 to provide ongoing maintenance and support in coordination with code enforcement functions across the City, including:
 - Redefining PaloAlto311 issue types and reconfiguring workflows to provide clearer options for complainants who are reporting issues and to minimize incorrect routing of service requests.
 - Managing user access and making training materials available for new users.
 - Updating and maintaining the PaloAlto311 data and dashboard on the City's Open Data Portal.

APPENDIX 1 – Code Enforcement Functions Across the City

* Development Services activities cross over to PCE, Fire, and Public Works that provide functional support for Development Services.



APPENDIX 2 – Code Enforcement Functions and Primary Enforcement Responsibility

<u>Primary Enforcement Functions</u>		<u>Primary Enforcement Responsibilities</u>	
<u>Department</u>	<u>Function</u>	<u>Palo Alto Municipal Code</u>	<u>Primary Focus</u>
City Attorney	Legal Support	All	Legal advice and support on code enforcement matters referred to the City Attorney's Office.
Community Services	Open Space, Parks & Golf	6.16.100, 6.20.010, 6.20.045	Unleashed dogs, animals at large, dog defecation to be removed by owner.
		Title 22 Parks	Unleashed dogs, unauthorized activities, alcohol in City parks.
Development Services	Building Services	Title 16 Building Regulations ¹	See Code Enforcement.
		9.10.060(b)(c)(d)	Construction noise related to activities permitted by Building Services.
Fire	Fire Prevention	8.08 Weed Abatement	Abatement of weeds posing a fire hazard (outsourced to the Santa Clara County).
		9.56 Abatement of Nuisances	Public nuisance involving a fire or life safety hazard (including impairment of access by emergency personnel).
		Title 15 Fire Prevention	Fire hazard.
		Title 17 Hazardous Materials and Storage	Hazardous materials, toxic gases, underground storage tanks.
Planning	Code Enforcement	8.08 Weed Abatement	Abatement of weeds as a nuisance.
		9.56 Abatement of Nuisances	Public nuisance involving property maintenance (including weed, junk, debris, or solid waste) or encroachment. Parking of a Recreational Vehicle or inoperable vehicle on private property.
		16.14 California Green Building Standards Code	Diversion of construction and demolition (C&D) debris, conditions of approval for private development projects. Takes enforcement actions on behalf of Planning/Development Services.
		16.20 Signs	Permanent or temporary signs.
		16.24 Fences	Fence height.

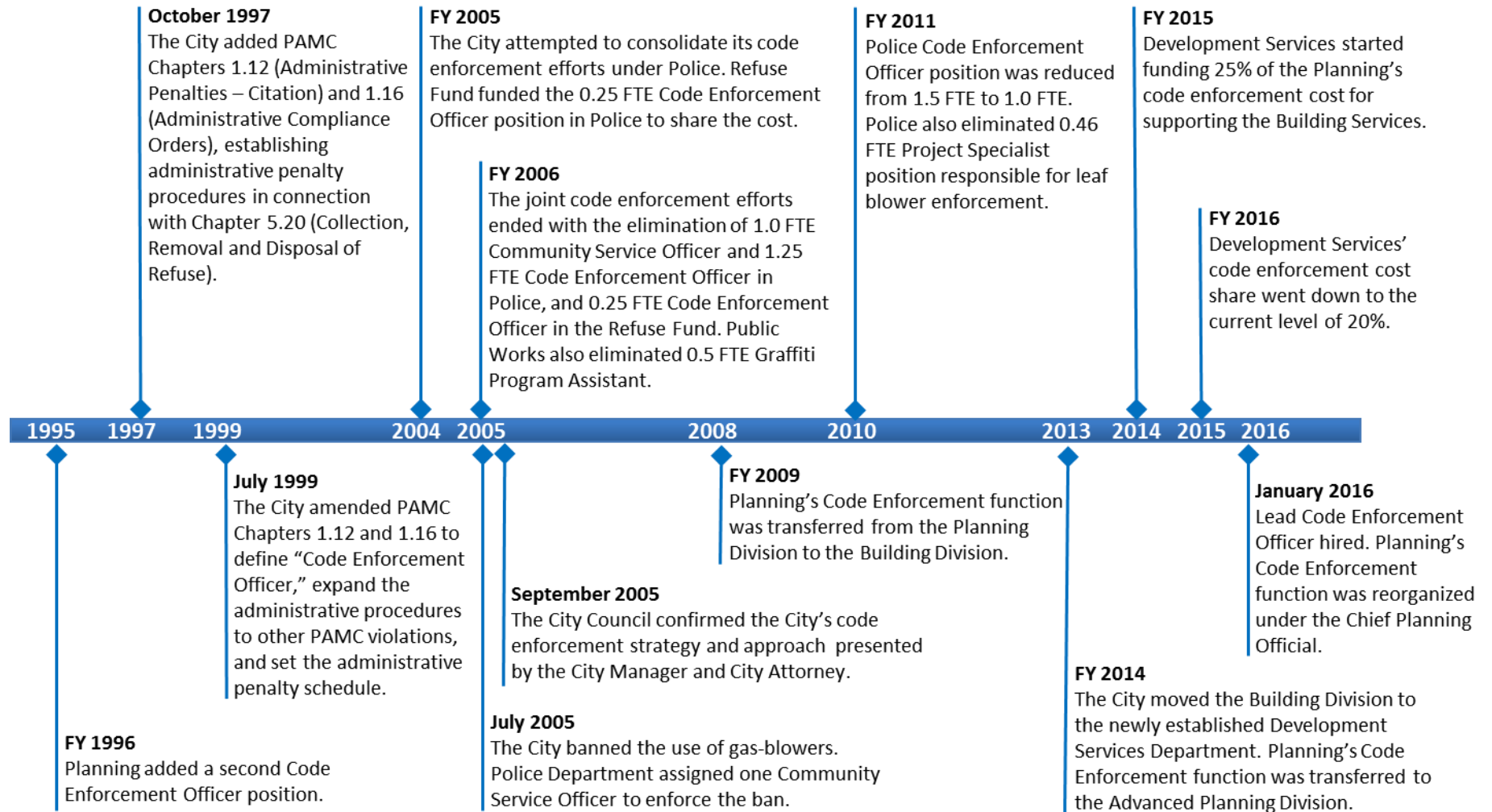
<u>Primary Enforcement Functions</u>		<u>Primary Enforcement Responsibilities</u>	
<u>Department</u>	<u>Function</u>	<u>Palo Alto Municipal Code</u>	<u>Primary Focus</u>
		Title 16 Building Regulations ¹	Illegal construction and demolition, substandard building condition, expired building permit and temporary certificate of occupancy. Takes enforcement actions on behalf of Development Services Department's Building Services.
		Title 18 Zoning	Zoning regulations, land uses, long-term monitoring of conditions, short-term rental. Takes enforcement actions on behalf of Current Planning.
	Current Planning	Title 18 Zoning	See Code Enforcement.
	Planning/Development Services	16.14 California Green Building Standards Code	See Code Enforcement.
Police	Technical Services – Code Enforcement	Title 4 Business Licenses and Regulations	Solicitations, intrusion alarms, taxicabs, bingo games, massage establishments and therapists, push cart vendors, helicopter landing.
	Field Services –Police Officers & Community Services Officers	Title 9 Public Peace, Morals, and Safety	Public nuisance impacting peace and safety, noise (including gas-powered leaf blowers), alcoholic beverages, guns and explosives.
	Animal Services	Title 10 Vehicles and Traffic	On street parking, abandoned vehicles.
		Title 6 Animals	Care and keeping of animals, dangerous and wild animals, diseased and crippled animals.
Public Works	Public Services – Urban Forestry	8.04 Street Trees, Shrubs and Plants	Unpermitted tree work.
		8.10 Tree Preservation and Management Regulations	Protected trees.
	Public Services – Traffic Control/Street Sweeping	9.48 Obstructing Streets and Sidewalks	Illegal dumping (furniture or other items obstructing roadway), dirt, debris, or litter on sidewalks, public parking lots or garages.
		9.50 Graffiti	Graffiti on public buildings.
	Public Services – Storm Drain/Street Maintenance	16.36.050	Curb painting without a permit.

<u>Primary Enforcement Functions</u>		<u>Primary Enforcement Responsibilities</u>	
<u>Department</u>	<u>Function</u>	<u>Palo Alto Municipal Code</u>	<u>Primary Focus</u>
Engineering Services		9.10.060(b)(c)(d)	Construction noise related to activities permitted by Engineering Services.
		9.79 Newsracks	Newsracks on public property.
		12.08 Maintenance and Construction of Streets, Sidewalks, Driveways, and Driveway Approaches	Unpermitted work in the public right-of-way.
		12.12 Encroachments	Accessory structure in public utility easement, tables and chairs on sidewalk, fences without setback.
		16.28 Grading and Erosion and Sediment Control	Unpermitted excavation or grading, dewatering.
		16.52 Flood Hazard Regulations	Construction flood hazards.
Environment Services – Watershed Protection		16.09 Sewer Use Ordinance	Discharge of pollutant or industrial, commercial, or domestic waste into the sanitary sewer system, storm drain system, local creeks, or the San Francisco Bay.
		16.10 Private Sewage Disposal Systems	Discharge from private sewage systems.
Environment Services – Zero Waste/Refuse		5.20 Collection, removal, and disposal of refuse	Refuse carts, bins, or debris boxes, excess refuse materials, garbage area not being maintained or smells.

¹ Except for the sections that belong to other code enforcement functions (16.09, 16.10, 16.14, 16.20, 16.24, 16.28, 16.36.050, 16.45, 16.46, 16.47, 16.49, 16.52, 16.59, 16.60).

SOURCE: Auditor’s compilation based on the Palo Alto Municipal Code, FY 2018 Adopted Operating Budget, and interviews of City staff.

APPENDIX 3 – Code Enforcement Staffing Timeline



APPENDIX 4 – City Manager’s Response

The City Manager has agreed to take the following actions in response to the audit recommendations in this report. The City Manager will report progress on implementation six months after the Council accepts the audit report, and every six months thereafter until all recommendations have been implemented.

Recommendation	Responsible Department(s)	Agree, Partially Agree, or Do Not Agree and Target Date and Corrective Action Plan	To be completed 6 months after Council acceptance and every 6 months thereafter until all recommendations are implemented	
			Current Status	Implementation Update and Expected Completion Date
Finding 1: The City resolves many code enforcement cases effectively; but unclear roles and responsibilities, fragmented Municipal Code requirements, and staffing limitations have hampered timely response and resolution				
We recommend that the City Manager coordinate with the City Attorney’s Office and other departments with code enforcement functions to:				
1.1. Clarify and confirm the City’s code enforcement strategy and priorities with the City Council. Develop an updated enforcement procedure that is aligned with the confirmed strategy for each area of the City’s code enforcement priorities, including case intake, tracking, and reporting. This includes assessment of the regulations that lack an enforcement process or sufficient resources, such as PC district regulations, leaf blower regulations, and conditions of approval requiring the applicant to self-report. Post the updated strategy on the City’s code enforcement web page.	CMO	<p>Agree</p> <p>Corrective Action Plan: The CMO will work through Planning and other responsible departments to update and align enforcement strategies as described.</p> <p>Target Date: 12 months from Council acceptance of audit report.</p>		
1.2 Update the Municipal Code sections governing code enforcement, including:	CMO	<p>Agree</p> <p>Corrective Action Plan: The CMO will first coordinate the work of</p>		

Recommendation	Responsible Department(s)	Agree, Partially Agree, or Do Not Agree and Target Date and Corrective Action Plan	To be completed 6 months after Council acceptance and every 6 months thereafter until all recommendations are implemented	
			Current Status	Implementation Update and Expected Completion Date
<p>a. Combining into a single chapter, clarifying, and streamlining the administrative procedures in PAMC Chapters 1.12 and 1.16 to ensure they support current practices and Council's intent for code enforcement activities.</p> <p>b. Aligning administrative procedures in other PAMC chapters with the revised administrative procedures developed in 1.2.a above as needed and streamlining enforcement activities for consistency across City departments, to the extent possible.</p> <p>c. Clarifying code enforcement roles and responsibilities to ensure they are aligned with the current organizational structure.</p> <p>d. Requiring that permit information and contact information for contractors and responsible City departments be posted at each construction site.</p> <p>e. Removing ambiguities or inconsistencies as part of the annual Municipal Code clean up,</p>		<p>responsible departments on item 1.1 above, and on item 1.2.c to clarify roles and responsibilities in alignment with a revised structure. Once improved practices are clarified, the CMO will work through the CAO and other responsible departments on items 1.2.a, 1.2.b, 1.2.d, and 1.2.e to amend the municipal code as appropriate to improve the administration of code enforcement activities and to align enforcement strategies with organizational responsibilities.</p> <p>Target Date: 12 months after item 1.1 and related process redesign is completed.</p>		

Recommendation	Responsible Department(s)	Agree, Partially Agree, or Do Not Agree and Target Date and Corrective Action Plan	To be completed 6 months after Council acceptance and every 6 months thereafter until all recommendations are implemented	
			Current Status	Implementation Update and Expected Completion Date
including specific position titles, which can change over time.				
1.3. Hold regular meetings (e.g., quarterly) with staff citywide who have code enforcement responsibilities to share information, discuss resource allocation, and develop collective and consistent enforcement action plans, particularly for where there is overlapping or unclear responsibility.	CMO	<p>Agree</p> <p>Corrective Action Plan: The CMO will convene regular meetings of responsible departments throughout the duration of this corrective action and thereafter routinely convene an interdepartmental working group to monitor and manage the success of the ongoing program.</p> <p>Target Date: Starting 3 months following Council acceptance of audit report.</p>		
Finding 2: The City does not have complete and reliable code enforcement data to provide useful information for management decisions				
We recommend:				
2.1. Upon confirming the City's code enforcement strategy and priorities with the City Council in Recommendation 1.1, that the City Manager coordinate with the City's code enforcement functions to: <ul style="list-style-type: none"> a. Identify what complaint data to capture, track, and share internally and externally. b. Define what constitutes a code enforcement case and identify 	CMO	<p>Agree</p> <p>Corrective Action Plan: The CMO will coordinate the work of responsible departments to strengthen citywide data management, including the protection of private and confidential information, related to code enforcement. While performance measures related to code enforcement already exist, considerably improved metrics will be developed (per item 2.1.d) concurrent</p>		

Recommendation	Responsible Department(s)	Agree, Partially Agree, or Do Not Agree and Target Date and Corrective Action Plan	To be completed 6 months after Council acceptance and every 6 months thereafter until all recommendations are implemented	
			Current Status	Implementation Update and Expected Completion Date
<p>what case data to capture, track, and share internally and externally.</p> <p>c. Determine which system(s) to use and how to track code enforcement data for each function, including standardizing code enforcement terminology citywide, and design reporting processes capable of aggregating the data into a citywide view.</p> <p>d. Develop performance measures for code enforcement as part of the citywide initiative to improve measures for the annual Performance Report.</p>		<p>with the improvement of code enforcement practices throughout this corrective action. Items 2.1.b and 2.1.a are consistent with the priorities of the city's IT Strategic Plan and may be refined iteratively in coordination with item 2.1.c. Estimates may be required for anticipated resource commitments to support new tasks and/or software investments.</p> <p>Target Date: 12-24 months following Council's acceptance of Recommendation 1.1</p>		
<p>2.2 If it is determined under Recommendation 2.1 that Planning will continue to use Accela, Planning should reconfigure Accela Code Enforcement to enhance data collection and reporting, to pave the way for other functions that may adopt Accela, by:¹⁰</p> <p>a. Defining each type of code enforcement workflow status and identifying additional status</p>	CMO	<p>Agree</p> <p>Corrective Action Plan: The CMO will coordinate the work of Planning and other responsible departments to integrate data collection and reporting functions into the appropriate data management system.</p> <p>Target Date:</p>		

¹⁰ This recommendation will not apply if the City adopts a different code enforcement software under the new Enterprise Resource Planning (ERP) system. However, some of the concepts would need to be considered if different code enforcement software is adopted.

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<p>or other data points to be captured.</p> <p>b. Working with the Accela consultant to ensure needed data and documents are captured accurately, consistently, and in a manner that can be extracted for reporting. This may include:</p> <ul style="list-style-type: none"> • Adding new workflow status and creating additional data fields to capture new data points. • Adding or modifying drop-down lists. • Allowing certain data fields to be modified after initial data entry. <p>c. Developing report templates in Accela for periodic reporting of code enforcement performance measures developed in Recommendation 2.1.d.</p> <p>d. Establishing data entry procedures to prevent errors and improve consistency. This may include:</p> <ul style="list-style-type: none"> • Establishing naming conventions for attachments. 		Concurrent with item 2.1; 12-24 months following Council's acceptance of Recommendation 1.1		

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<ul style="list-style-type: none"> Ensuring that information displayed on BuildingEye provides sufficient detail for the public to understand the issue, status, and resolution of each case. 				
<p>Finding 3: The City actively engages with individuals responsible for code violations to gain compliance but should improve its public communication on code requirements and enforcement efforts</p>				
<p>We recommend that the City Manager:</p>				
<p>3.1 Provide general, citywide information on code enforcement in a central location on the City’s website and assign responsibility for ensuring that the information is kept up to date. Examples of information that the website should include are:</p> <ul style="list-style-type: none"> a. The City’s code enforcement strategy and priorities (see Recommendation 1.1). b. Enforcement process, administrative procedures, and penalties (see Recommendations 1.2.a and 1.2.b). c. A list of common code enforcement issue types with a brief description of code requirements, how to report a violation, and contact information 	CMO	<p>Agree</p> <p>Corrective Action Plan: The CMO will coordinate the work of responsible departments to implement code enforcement strategies and priorities.</p> <p>Target Date: 3 months following implementation of Recommendation 2.2</p>		

Recommendation	Responsible Department(s)	Agree, Partially Agree, or Do Not Agree and Target Date and Corrective Action Plan	To be completed 6 months after Council acceptance and every 6 months thereafter until all recommendations are implemented	
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<p>for the responsible City function and/or link to additional information on the function’s website (see Recommendation 1.2.c).</p> <p>d. How to track code enforcement case status and resolution, including links to BuildingEye, the City of Palo Alto Citizen Portal, or PaloAlto311.</p> <p>e. General information on how a complaint is managed, including what level of communications and information the complainant can expect and examples of information that the complainant is not entitled to receive, if any.</p> <p>f. City programs, community partners, and other neighborhood resources available to provide assistance.</p>				
<p>3.2. Assign staff to be responsible for citywide administration of PaloAlto311 to provide ongoing maintenance and support in coordination with code enforcement functions across the City, including:</p> <ul style="list-style-type: none"> • Redefining PaloAlto311 issue types and reconfiguring 	CMO	<p>Agree</p> <p>Corrective Action Plan: The CMO will coordinate the work of responsible departments on administration of citywide code enforcement efforts.</p> <p>Target Date:</p>		

Recommendation	Responsible Department(s)	Agree, Partially Agree, or Do Not Agree and Target Date and Corrective Action Plan	To be completed 6 months after Council acceptance and every 6 months thereafter until all recommendations are implemented	
			Current Status	Implementation Update and Expected Completion Date
<p>workflows to provide clearer options for complainants who are reporting issues and to minimize incorrect routing of service requests.</p> <ul style="list-style-type: none"> • Managing user access and making training materials available for new users. • Updating and maintaining the PaloAlto311 data and dashboard on the City's Open Data Portal. 		Concurrent with recommendation 2.2 (12-24 months following Council's acceptance of Recommendation 1.1)		