



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/19/2017

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: David Giudice, CODE COMPLC/PRCS IMPRVMNT MGR - 299-1347
SUBJECT: Code Enforcement Program Presentation

RECOMMENDATION

CODE COMPLIANCE PROGRAM PRESENTATION

CEQA Status: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

Request: Presentation and discussion on the County's Code Compliance Policies and Procedures Manual recently adopted by the Board of Supervisors on February 7, 2017.

Staff Recommendation: Informational Item. No action necessary.

Staff Contact: David Giudice, Code Compliance Process Improvement Manager; (707) 299-1347 david.guidice@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

This is an informational item; no action is proposed.

Discussion:

At the Board of Supervisors Meeting held on February 7, 2017, the Board adopted the Code Compliance Policies and Procedures Manual for the County. The purpose of this Manual is to provide a comprehensive reference document for responding to public complaints, identifying violations, encouraging voluntary compliance, and

pursuing legal enforcement when needed. Given questions recently raised at prior Commission meetings regarding the County's Code Compliance Program, Planning Staff has requested the Code Compliance staff to give an update on their program, and recent policy direction from the Board. A copy of the Manual has been attached to this report for Commission review and discussion.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

In 1986, the Board of Supervisors adopted a "Policies and Procedures Manual for the Zoning Enforcement Function." This manual established many of the practices that are still carried out today. However, with the creation of the Planning Building and Environmental Services Department (PBES) it was necessary to update the document to provide consistency among the divisions. The Manual provides a set of policies and procedures that define the set of expectations for staff, as well as assurances and protections for the public, in how violations will be addressed.

The Manual is comprehensive and represents a standard that PBES will be following for all divisions. The major topic areas covered under the Manual include: Policy Overview, Case Management, Warrants, Summary Abatements, Additional Enforcement, Litigation, Building Permits, Payments, Personnel, Contractors, and Specific Circumstances. Individual topic areas include several specific issues, each of which provides greater detail as to what steps should be taken by staff and how those steps should be accomplished. Overall, the Manual provides a thorough and professional basis for responding to public complaints, identifying violations, encouraging voluntary compliance, and pursuing legal enforcement when needed.

The Policies and Procedures Manual set out a code compliance process, which can be summarized as follows:

1. Staff receives a complaint from a member of the public, or staff witnesses a potential violation;
2. A Code Compliance Officer, coordinating with other divisions/agencies where appropriate, conducts an investigation to determine whether or not there appears to be a violation and to identify possible resolutions if a violation has occurred;
3. If it appears that there is a violation, the owner is sent a Notice of Correction, where they are asked to provide evidence as to why there is not a violation, or alternatively remedy the violation within a specified time;
4. If the owner voluntarily complies and remedies the violation in a timely manner, the case is closed and no further action is taken. If the owner has not taken any action to correct the problem, or is not making a good faith effort, then staff confers with the Manager on the next steps, which could include issuing a citation, referral to County Counsel or the District Attorney, for further action;
5. Continual noncompliance may lead to abatement of the nuisance and/or County Counsel or the District Attorney filing a court case;

6. The County and the owner enter into a court-enforced stipulated agreement that provides clear milestones and timelines to ensure compliance, including cost-recovery for County costs as well as civil penalties. If the owner does not comply with the stipulated agreement, then the court takes the appropriate enforcement action.

Code compliance serves a critical role within PBES. Ensuring that residents and businesses comply with the volumes of regulations enacted at the local, State, and Federal levels is a time-consuming and challenging task. But it is an essential one to protect life, health, and safety; preserve the environment; maintain quality of life within the community; and promote a competitive and predictable business climate. Over the past two years, the Board of Supervisors has given significant attention to enhancing the effectiveness of code compliance in Napa County. The Manual allows for a more structured and consistent Department-wide enforcement program for the future.

SUPPORTING DOCUMENTS

- A . Code Compliance Policies & Procedures Manual
- B . Code Compliance Forms

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina