



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/24/2017

Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: David Giudice, Principal Planner - Code Enforcement Supervisor - 299-1347

SUBJECT: Code Compliance Workshop

RECOMMENDATION

Director of Planning, Building and Environmental Services requests the following actions regarding the code compliance program:

1. Accept the presentation provided by staff regarding the code compliance program;
2. Accept the amended Code Compliance Policies and Procedures Manual (Attachments A and B of the staff report); and
3. Authorize the Director to make any future amendments to the Code Compliance Manual.

EXECUTIVE SUMMARY

The purpose of this agenda item is to provide a presentation of the Code Compliance Policies and Procedures Policy Manual.

PROCEDURAL REQUIREMENTS

1. Staff presentation
2. Public comment
3. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Government Code Sections 15307 and 15308 of the CEQA Guidelines categorically exempts actions taken by regulatory agencies to protect natural resources and the environment. Government Code Section 15309 of the CEQA Guidelines categorically exempts activities associated with inspections for performance of an operation; and/or the health, safety, and/or quality of a project. Government Code Section 15321 of the CEQA Guidelines categorically exempts actions taken by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use. Government Code Section 15262 statutorily exempts feasibility or planning studies for possible future actions. Based on the above citations, CEQA is not applicable.

BACKGROUND AND DISCUSSION**Amended Code Compliance Policies and Procedures Manual (Attachments A and B)**

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 is necessary to update the document to provide consistency among the divisions. Staff believes that there is significant value in having 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 other divisions in the future. 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 Manual has been reviewed by County Counsel, whose comments have been incorporated into the draft under consideration.

In addition to the above action, staff has undertaken the following additional efforts to improve code enforcement efforts over the past year:

- | All compliance staff are expected to become certified Code Enforcement Officers by the California Association of Code Enforcement Officers, in accordance with recent State legislation. Two of the compliance staff are now certified.
- | Staff is continuing to improve and standardize code compliance procedures throughout PBES. Historically, each of the four divisions (Building, Conservation/Engineering, Environmental Health, and Planning) have operated using different enforcement methods. While minor compliance issues (i.e., public nuisances, setback violations, building code violations that did not involve life/safety issue, etc.) will continue to be addressed at the division level whenever possible, more complicated enforcement actions will be uniformly handled by the Code Compliance Division and County Counsel; and

Regarding the Policies and Procedures Manual, the code compliance process 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 continues to serve an important 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 staff presentation highlights the accomplishments that have been made possible as a result of the Board of Supervisors' emphasis on code compliance, while the Manual allows for a more structured and consistent Department-wide enforcement program for the future.

SUPPORTING DOCUMENTS

- A . Policies and Procedures
- B . Forms

CEO Recommendation: Approve

Reviewed By: Helene Franchi