



## Legislation Details (With Text)

**File #:** 17-281      **Version:** 1      **Name:** SR Code Compliance Muni Code Updates  
**Type:** Staff Report      **Status:** Filed  
**In control:** City Council  
**On agenda:** 6/5/2017      **Final action:** 6/5/2017  
**Enactment date:**      **Enactment #:**  
**Title:** Staff Report for an Ordinance to Amend Title 1, Chapter 12 of the San Leandro Municipal Code Relating to "Citation - Violations" and Title 3, Chapter 2 of the San Leandro Municipal Code Relating to Weed Abatement  
**Sponsors:** Cynthia Battenberg  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Attachment A- Current & Proposed Procedures

Date	Ver.	Action By	Action	Result
6/5/2017	1	City Council	Received and Filed	Pass

Staff Report for an Ordinance to Amend Title 1, Chapter 12 of the San Leandro Municipal Code Relating to "Citation - Violations" and Title 3, Chapter 2 of the San Leandro Municipal Code Relating to Weed Abatement

### SUMMARY AND RECOMMENDATIONS

The City is commencing a Community Care initiative to uphold community standards related to the appearance and maintenance of land, real property, and real property improvements, to beautify and maintain the City's aesthetics, and address blight and illegal construction. To these ends, staff recommends that the City Council waive first reading and introduce an Ordinance to amend certain sections of Chapter 1-12 related to enforcement of the Municipal Code, and Chapter 3-2, the Weed Abatement Ordinance.

### BACKGROUND AND ANALYSIS

On March 20, 2017, the City Council provided direction to staff to transfer code enforcement responsibilities related to the City's Community Preservation Ordinance (SLMC Chapter 1-12), Weed Abatement Ordinance (SLMC Chapter 3-2) and the Zoning Code from the San Leandro Police Department Community Compliance Section to the Community Development Department. \$1,000,000 was allocated for start-up costs and funding of a two-year enhanced Community Care program. The goal of the initiative is to rebuild the City's resources to beautify the City by addressing aesthetic issues and maintaining land and real property to the community's standards as established by the Municipal Code, throughout the City.

Operations for this component of the Community Care initiative are scheduled to start in Summer 2017 with the hiring of a Code Enforcement Supervisor and two Code Enforcement Officers. A timeline of the roll-out of services follows:

April 20th	Code Enforcement Supervisor & Code Enforcement Officer job description updates to Personnel Relations Board
April 24th	Administrative Enforcement Revisions to Muni Code to City Council Rules Committee
June 5th	Introduction of amendments to the Municipal Code to City Council
Apr- June	Revise process, develop procedures and create forms Activate Accela Code Enforcement software Revisions to staff processes for MySQL submissions Establish Reporting Systems
July	Code Enforcement Supervisor starts
July - Aug	Comprehensive Public Outreach Campaign
August	Code Enforcement Officers start

Prior to starting operations, staff completed a comprehensive review of the Administrative Enforcement section of the City’s Municipal Code and current practices of the Police Services Technicians and Building Inspectors, all of whom engage in code enforcement. The City retained the services of the consulting firm TRB + Associates to assist in this review. The review of past practices and current field operations revealed that while current staff follow the Municipal Code throughout the Code enforcement process, process improvements could result in better voluntary compliance and abatement, when necessary, in a more expeditious manner. This report provides an overview of current practices and proposed practices. It also includes recommended edits to the Municipal Code that increase ways and means to achieve voluntary compliance and if necessary, City actions to remedy violations.

**Analysis**

In January 2017, the City launched MySQL, a “see-click-fix” application that enables the community to use mobile phones to report issues such as potholes, abandoned vehicles and blight. MySQL is a robust mobile application that forwards issues to the appropriate department and tracks progress. MySQL provides individuals the ability to research the status of their complaint and allows the City to evaluate the number and types of complaints and response times. The City is notified of the majority of potential code violations via MySQL.

The table below shows an outline of the existing and proposed enforcement processes from the time at which staff determines that a violation exists. Attachment 1 provides additional detail regarding the current and proposed administrative enforcement process. The proposed process should reduce administrative inefficiencies and improve the quality and type of notifications for greater understanding and increased likelihood of voluntary compliance. For the most complex cases, the proposed process could result in abatement of a violation in roughly half the time as the existing process.

**Current Process**

Day 1	Step 1: Courtesy Notice of Violation, letter mailed to property owner
Day 30	Step 2: Notice of Violation letter with \$150 fine posted on site and mailed to the property owner
Day 60	Step 3: Notice of Violation letter with \$300 fine posted on site & mailed to property owner
Day 90	Step 4: Notice of Administrative Hearing and \$600 fine posted on site &

mailed to property owner  
Day 120 Step 5: Administrative Hearing  
Day 150 Step 6: Administrative Order Issued  
Day 175 Step 7: Judicial Order to Abate

Proposed Process

Day 1 Step 1: Courtesy Notice door hanger  
Day 14 Step 2: Notice of Violation letter posted at property & mailed to the property owner  
Day 28 Step 3: Administrative Citation with \$150 fine posted a property & mailed to property owner  
Day 42 Step 4: Administration Citation with \$300 fine posted a property & mailed to property owner  
Day 56 Step 5: Administration Citation with \$600 fine posted at property & mailed to property owner  
Day 70 Step 6: Judicial Order to Abate

Appeals of fines or determinations of a violation can be made to the City Clerk's Office. The person or entity requesting an appeal hearing would pay an appeals processing fee, which is currently \$75. Staff does not recommend a change to the appeal fee in FY 2017-18. Appeals would be heard by an Administrative Hearing Board (the "Board") appointed by the City Manager. The timing in which the City would have to set a date for a hearing before the Board would be reduced from 15-60 days to 15-45 days. This was recommended by the City Council Rules Committee during its review of the draft ordinance amendments.

The Board would be administered by the City Clerk's Office. Recommended changes to the Board's processes are outlined below.

- Current Hearing Board - Currently, appeals are heard by members of the City's management team. Three members serve on each hearing. The current process is that this administrative hearing body conducts hearings on cases that have not been corrected and issues Administrative Orders regarding the violations including collection of penalties, abatement of violations and recovery of the City's costs of abatement.
- Proposed Hearing Board - The proposed and re-constituted Board would consist of seven individuals from the community (five members and two alternates). Three members would serve on each hearing. The Board would conduct hearings on cases that have been appealed and issue Administrative Orders regarding violations including the collection of penalties, abatement of violations and recovery of the City's costs of abatement.

No change is recommended to the process to appeal an Administrative Order of the Board. Appeals would still be made to the City Manager, and would have to be submitted within fifteen days of the date of issuance of the Board's decision. The City Manager, or his designee, will review and consider the case and issue a final written decision within thirty days.

Unpaid fines and the actual costs of abatement may incur a lien on the property tax roll as part of the City's annual lien process.

Staff recommends minor modifications to the Code Enforcement Ordinance, Title 1, Chapter 12 “Citation- Violations” of the San Leandro Municipal Code to address the following. Both a clean version and a redline/strike-out version are attached to the Ordinance for City Council review. The following summarizes the changes:

- Revisions to the Notice of Violation process to remove penalties from this step of the process because penalties are proposed for the three-step Administrative Citation process.
- Revisions to the abatement process to provide a responsible party with an opportunity to seek an appeal hearing before the Board prior to the City initiating abatement proceedings through a judicial warrant. Failure to exercise the right to an appeal hearing could result in an enforcement officer seeking a judicial warrant for abatement.
- Addition of an Administrative Citation process to replace the multiple Notices of Violation. Citations should result in swifter action because a citation clearly fines the property owner for non-compliance. The three-step Administrative Citation process would include the fines removed from the Notice of Violation process. 1st violation: \$150; 2nd violation \$300; 3rd violation \$600.
- Modification of the Appeal and Administrative Hearings sections to more clearly detail the process for consideration of appeals.

Staff also recommends amendments to the Weed Abatement Ordinance, Title 3, Chapter 2 of the San Leandro Municipal Code to reference the Code Enforcement Ordinance for abatement of violations.

### **Public Outreach**

A robust community outreach campaign will be deployed in advance of the initiative and throughout its implementation. The goal of the education and outreach campaign is to maintain a high quality of life for residents and San Leandro community members through education and voluntary compliance.

City staff plans to employ a variety of tactics such as social media posts and paid advertisements in various languages to ensure contact with San Leandro’s diverse community. Below is the proposed outreach and information campaign for Community Care.

- Multilingual Informational Webpage, including information on pertinent Municipal Code sections and how to report an issue and create a MySL account
- Multilingual Printed Materials, including posters and flyers, will be made available in all City facilities and during public events.
- Social Media Campaign, including targeted outreach
- Media Outreach including dissemination of press releases to diverse print, radio and television outlets and paid advertisements in the San Leandro Times and other local publications including non-English speaking media outlets
- Leverage Existing Events, including but not limited to, the Cherry Festival, Downtown Farmers’ Market, Family Bike Party and National Night Out

### **Committee Review and Actions**

The Rules Committee discussed this item on April 24, 2017 and recommended one modification to shorten the time the City has to set a date for a hearing on an appeal from 15-60 days to 15-45 days.

This change was incorporated into the proposed revisions to the Municipal Code.

### **Legal Analysis**

This report and the amendments to the Municipal Code were reviewed by the City Attorney and approved as to form.

**Fiscal Impacts** - None. The cost of the Community Care initiative was addressed through a previous City Council action to appropriate funds.

### **ATTACHMENTS**

#### **Attachment to Staff Report**

- Current and Proposed Procedures

#### **Attachment to Related Ordinance**

- Exhibit A - Ordinance 5-9-17
- Exhibit B - Red-line Strikeout Ordinance 5-9-17

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