

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Staff Presentation Worksheet

Presentation Date: May 17, 2011 Time: 10:30 am Length: 1 hour
Presentation Title: Code -Compliance Policy Follow-up: Information Sharing and Findings Report
Presenters: Cam Gilmour and Scott Caufield

POLICY QUESTION

Should Clackamas County provide more or different Code Compliance services than are presently offered?

ISSUE & BACKGROUND

In November 2010, the Building Codes Division was directed by the BCC to examine its 10-year old Code Compliance Violation Priority Policy and to explore new options for code enforcement. The BCC also asked the Division to examine the current Code Compliance Philosophy which requires County staff to first seek voluntary compliance and to exhaust all possible options before an enforcement action is taken. Additionally, the BCC asked the Division to seek public input in the development of a new Code Compliance program to ensure that the needs and opinions of our citizens could be considered as we move forward with revision to the program.

History

The Clackamas County Code Compliance Program was created in the 1970's to enforce the County's ordinances, rules and other laws. Throughout much of its history, the Code Compliance Section opened case files for all complaints received without consideration as to the type, size or degree of the alleged violation. This practice led to very large, often unmanageable case loads for County staff and created the need for a correspondingly large staff to handle the work.

At its peak, the Code Compliance section employed 7 full-time Code Compliance Specialists, 1 Manager and 2 support personnel. At that time, the average case load for each specialist was between 400-500 open, active cases per year. The large number of open cases was a direct result of the County's practice to open a case file for all complaints without an effective prioritization system. Such case loads greatly exceeded what each employee could effectively handle; thus, large numbers of cases sat idle without resolution. Only the most egregious cases could be handled by staff. As resources declined over time, the County employed fewer Code Compliance Specialists which made the problem worse.

Since February 2000, the Code Compliance Section has been working under a policy known as the Code Compliance Violation Priority Policy. This policy reflects the vision and direction of

the Board of Commissioners at that time and was developed in an effort to provide effective code compliance while managing declining resources.

The policy establishes a protocol and procedure for the handling of all violations. The program is complaint-driven, meaning that the County does not actively seek violations. Instead, the Code Compliance Section takes citizen complaints regarding alleged violations and evaluates those complaints against an established set of criteria. These criteria are known as the Violation Priority Matrix, which assigns a priority level for each type of violation. This policy has been very effective at reducing the number of case files handled by County staff.

Current staffing levels include 3 full-time Code Compliance Specialists, 1 Manager and 1 full-time Code Compliance Coordinator and 1 Permits Specialist for support. Current case loads typically number around 200 open, active case files per employee per year. This drastically reduced case load is directly related to the County's current prioritization policy which effectively screens violations and ensures that only the most severe violations are pursued by staff.

Funding

The Code Compliance Section is funded primarily through billings for the enforcement services it renders to other departments and divisions within the county. The current funding model is not adequate to fully cover the cost of operations at present staff levels. The Code Compliance Section has budgeted expenditures of \$776,330 for the 2010-2011 fiscal year. Approximately \$529,000 of the revenue for operations will come from billings to the Clackamas County Building Codes, Land Use and Zoning and Solid Waste Divisions. The remaining shortfall will be absorbed by the Solid Waste Fund. This shortfall averages between \$200,000 and \$250,000 per year.

Land Use and Zoning (LUZ) is the single biggest user of Code Compliance's services and related violations comprise the majority of the work performed by Code Compliance. LUZ violations are often complex and many of them are not easily resolved. LUZ has historically received a General Fund contribution of \$189,354 annually; however, LUZ's actual use of Code Compliance's services averages much higher, between \$250,000 and \$270,000 annually. Again, the shortfall has historically been absorbed by the Solid Waste Fund.

Solid waste violations run a close second to LUZ. The County's Solid Waste (SW) program is managed through the Office of Sustainability. SW's actual use of code enforcement services averages between \$230,000 and \$250,000 annually; however, in some years, costs have been higher. SW violations run the full spectrum of complexity and scale.

Building code violations comprise the smallest number of violations handled by Code Compliance; thus, the Building Codes Division is the smallest user of its services. The costs of building code related violations have steadily decreased over the last several years, largely due to better awareness of building codes and permitting requirements due to outreach and community education efforts. Building Codes enforcement costs will be between \$80,000 and \$100,000 in the current year.

Challenges

The County faces a number of challenges that make code enforcement different and, consequently, more difficult than that performed by cities.

The first and most significant challenge is related to the large geographic area encompassed by the County's borders (1868 square miles). Clackamas County's lots and land parcels are often much larger and spaced further apart than that of cities. In many cases, the majority of a property is not visible from a County road, making it difficult to see violations from the right of way.

In contrast, cities are much smaller and more densely packed. Using the City of Canby as an example, one code enforcement officer can easily drive the length and width of the city several times per day and can canvas a neighborhood seeking code violations in a relatively short amount of time. Most violations are easily seen from the road or street.

County ordinances and regulations also differ from that of cities. Where many cities have housing and property maintenance codes which provide the necessary authority to compel a property owner to repair and maintain a property, the County has none. The County's rules and regulations tend to be more broad, with a special emphasis on safety and land use with less emphasis on the specific condition of the property.

Current Practices

Because of the voluntary nature of the current compliance program, resolution of some cases can be very slow. Beginning in June 2009, Code Compliance staff implemented an expedited process for the handling of code compliance cases in an effort to more efficiently manage its case load and to streamline the process for resolution. Working with the property owner, the streamlined process lays out a timeline for compliance with both expectations and consequences clearly established. If no compliance is achieved within the agreed upon timeframe, a citation is issued and new deadline is established. If compliance is again not achieved as agreed, a second citation is issued and the matter is referred to the Code Compliance Hearings Officer. In this way, the compliance action is both fair and predictable, with consequences clearly understood.

Additionally, the Code Compliance Section works closely with the Clackamas County Community Dispute Resolution Center (CDRC) to assist in the resolution of code compliance matters. Where cases have been deemed low priority and thus unenforceable, the complainant is referred to the CDRC for possible resolution. Where a complainant chooses to pursue CDRC's services, the CDRC contacts the property owner and extends an invitation to attend a mediation. Where both parties agree to participate in the mediation, the CDRC has an excellent success rate in bringing the compliance case to resolution.

Recent Activities

Per the directive received in November 2010, County staff met with numerous individuals, agencies and interest groups seeking their input on the topic of Code Compliance. On January 31, 2010, a public meeting was held with the CPO Leaders to gain an understanding of their needs and to capture their thoughts and ideas on the subject. In February 2010 the County developed and implemented a comprehensive survey regarding its current code enforcement

program which received more than 160 responses and provided considerable insight into the opinions and feelings of citizens and other interested persons.

Additionally, partner agencies with whom we closely work such as the Clackamas County Sherriff's Office and the Office of County Counsel were interviewed to capture thoughts, ideas and suggestions for improvement. Finally, our largest internal customers - Building Codes, Land Use & Zoning and Solid Waste - were interviewed to ensure that their needs and preferences were fully understood prior to moving forward with recommendations for revisions to the program.

Copies of the CPO Leader's meeting minutes, the Summary of the Code Compliance Survey Findings and the compiled survey data are attached to the staff report for your review.

QUESTION(S) PRESENTED FOR CONSIDERATION

1. Is the BCC interested in providing more services related to code enforcement than are presently provided (enforcing more or all of the violation priorities, for example)?
2. Is the BCC interested in providing different services related to code enforcement than are presently provided?
3. If the BCC is interested in providing more or different services, what do we give up in order to accomplish these?

OPTIONS AVAILABLE

1. Provide additional code compliance services in response to citizen request (enforce more or all priorities, for example)
2. Offer compliance services that differ from those presently offered

RECOMMENDATIONS

none; discussion only

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval *Sam Peterson*
County Administrator Approval _____

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