

**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.