

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Staff Presentation Worksheet

Presentation Date: November 30, 2010 Time: 10:00 am Length: 1 hour

Presentation Title: Code -Compliance Philosophy, Protocol and Violation Priorities
Department: Transportation and Development

Presenters: Cam Gilmour and Scott Caufield

POLICY QUESTION

Should Clackamas County retain the current, 10 year old policy on Code Enforcement Violation Priorities, or should new options be explored for code enforcement?

ISSUE & BACKGROUND

The Clackamas County Code Compliance Section is now a part of the Building Codes Division. It was formerly a part of the Community Environment Division which was dissolved when the Department of Transportation and Development reorganized beginning in June 2009.

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 was developed based on the philosophy that staff should first seek voluntary compliance before using enforcement action such as citations and penalties imposed by the code compliance hearings officer or circuit court.. Under the policy, enforcement actions are the last resort, after all other options have been exhausted. Further, it was believed that community outreach and education over time would lead to reduced complaints as code violations would be less frequent.

The policy established 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.

Violations are placed into one of seven categories, and each County function has its own set of violation priorities (Building Codes, Land Use and Zoning, Solid Waste etc.). The County currently enforces Violation Priorities 1-4. Violations that fall in categories 5-7 are considered low priority and are not enforced. Parties involved with low priority violations are referred to dispute resolution services. Attached are the violation priorities for each division, and the protocols for enforcement.

The Code Compliance section has been using this policy for more than nine years, and has made a number of observations since the program was first implemented. As one would expect, there have been both successes and failures from the implementation of this policy as outlined below:

Advantages and Effective Outcomes:

1. The current prioritization system has been effective in reducing workload. Average annual case load per Code Compliance Specialist has been reduced from a high of more 500 cases per year to 200 per year.
2. Because case numbers are reduced and workload is more manageable, more cases are brought to resolution than occurred previously.
3. Applying the priority system has been an effective workload management tool, in that it provides guidance to the Code Compliance staff and the Building Codes Administrator in determining when to pursue a violation.

Disadvantages and Complications:

1. A few citizens are frustrated with the lack of enforcement (especially on low priority violations), and have been persistent in contacting staff and demanding enforcement. The complaints do not go away, and staff ends up spending considerable time managing the ebb and flow of communications.
2. This policy can create the perception that the County is lax or does not care.
3. The current system is slower and more cumbersome than it could be. Some violations drag out for months and sometimes for years.
4. Many low priority violations never really go away, even though there has been some success in mediation when both parties are motivated. Complaints often re-emerge as citizen frustration grows and end up taking additional staff time and resources.
5. We have received feedback from some citizens that the current system favors the violator instead of the community and/or complainant, especially with low priority violations.

Given these circumstances, the Building Codes Division is seeking feedback from the Board of Commissioners on the current code enforcement philosophy, policies and priorities. As was the case ten years ago, the County continues to face an uncertain budgetary future. An efficient process is necessary, as well as one that does not compromise effectiveness in gaining closure on violations.

QUESTION(S) PRESENTED FOR CONSIDERATION

1. Should Clackamas County retain the current code compliance philosophy which encourages voluntary compliance before citations and legal proceedings are used?

2. Should Clackamas County update its compliance philosophy and program?
3. Shall the Building Codes Division also seek input from interested parties in the community and other stakeholders while reevaluating the code compliance program?

OPTIONS AVAILABLE

1. Retain the existing Code Compliance Philosophy, Priority System and Protocols.
2. Retain the current program, but update it and revise/improve those areas which are problematic.
3. Develop a new direction and change the program based on feedback from the BCC, other internal County departments for whom we currently provide services, and our citizens.

RECOMMENDATIONS

1. Revise the code compliance philosophy.
2. Retain a prioritization system to manage workload and resources, but base it on "guiding principles" established through input from the BCC and the community to afford maximum flexibility in the administration of the code enforcement program and subsequent enforcement actions.
3. Evaluate revisions to the current violation priority list as necessary to assist staff in managing their workload.
4. Seek the input of other Clackamas County Departments and Divisions served by Code Compliance, as well as citizen input and input from other interested parties in the development of a new direction?

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval _____
County Administrator Approval _____

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