

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 6, 2010 AGENDA

Subject:	Type:	Submitted By:
CODE ENFORCEMENT	RESOLUTION ORDINANCE RECEIVE/FILE	RITA RAMIREZ ASST. CITY ADMINISTRATOR ROBERT S. LAUSTEN, POLICE CHIEF ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

Discussion regarding a proposal to place the code enforcement position under the direction of the Police Department.

FISCAL IMPACT

N/A

RECOMMENDATION

Discussion only

BACKGROUND

The position of Code Enforcement Officer is currently vacant due to the recent resignation of Valerie Houloose. As we do with all vacancies, staff conducted a review of the position description and associated duties.

The Code Enforcement position has evolved from a part time position to a full time position within the Community Development Department over the past ten years. During this time the City experienced unprecedented population growth and significant development. While the Code Enforcement position became an important and necessary component of the city services La Vista provides, a comprehensive analysis of the best method to deliver these services has never been completed. The recent vacancy gave us an opportunity to take a close look at our service delivery method and determine whether improvements could be made. We have concluded the City would be able to increase our ability to conduct more comprehensive code enforcement services by placing supervision of the position under the direction of the Police Department.

During our discussion the Community Development Director indicated she has become increasingly concerned about the types of situations the Code Enforcement Officer must deal with and the potential for confrontation. Code enforcement is actually a specialized form of enforcement, subject to all of the legal standards and constitutional limitations that law enforcement entails. In this sense, the Code Enforcement Officer is the "police officer" of the land use process, which further supports the notion that the position would fit well under the supervision of the Police Department. Additionally, this concept has been successfully embraced by other cities. Some of the advantages/challenges we discussed include:

- Code enforcement is the means by which the building, property maintenance, land use and zoning codes adopted by the City Council are carried out. It is a unique position that requires an in-depth knowledge of the codes, an understanding of the reasons for the regulations, and the legal limits placed on the enforcement process.

- Code enforcement in La Vista has typically been a Monday through Friday, 8 a.m. to 5 p.m. endeavor due in large part to the limitations of working out of City Hall. Moving the position to the Police Department would allow the Code Enforcement Officer to work varying shifts (some weekend and evening hours if necessary) to better facilitate contact with residents. Additionally, supervision and assistance would always be available during the varying shift hours. Many times code violators are not home during the day and receive notice via a “yellow tag” left at the property or by mail, never speaking directly to the Code Enforcement Officer. Face-to-face contact is a much better method of resolving problems and this would give us the opportunity to handle or follow up on many complaints in person.
- While the Police Department has expertise in the areas of investigation, mediation, resolution, and the filing of charges when appropriate (all of which are valuable to the code enforcement process), they do not have the background and knowledge regarding land use standards, zoning regulations and building codes. The Code Enforcement Officer will bring this knowledge to the position creating what we feel will be a mutually beneficial partnership. Opportunities for cross department training on both sides will result in a more effective and efficient process.
- Police officers currently handle some code violations such as vehicles parked in violation of the snow ordinance, vehicles parked on the grass, and off-street vehicle violations. A civilian Code Enforcement Officer working under Police Department supervision would be responsible for handling all types of code violations, freeing up officers for other duties while having Police Department support and backup when necessary. We are proposing that the Code Enforcement Officer be supervised by the Sergeant in charge of the Special Enforcement Bureau (SEB). SEB currently has the enforcement of traffic related violations on public and private property as part of their responsibilities.
- The Police Department has access to data and records database systems which will enable the Code Enforcement Officer to have valuable information prior to visiting a property. Knowing whether there has been previous law enforcement contact associated with a property and the nature of those contacts will make code enforcement safer for everyone. Additionally, the code enforcement data can then be entered into the record system(s) creating a more complete history on all types of contacts with an address.

If Council agrees with this recommendation the next steps in this transition would include:

- The Community Development Director and the Police Chief will prepare an implementation/transition plan that would outline, among other things, the necessary training and logistics necessary to transfer this position to the Police Department as well as associated timelines.
- The Community Development Director and the Police Chief will prepare a revised job description for approval and facilitate the subsequent hiring of the position.
- Ongoing refinement and revision of the process for the two departments to continue to work together on code enforcement issues.

We understand that this transition will take cooperation and coordination on the part of the Community Development staff as well as the Police Department staff. Both departments are committed to that effort and agree that the end result will be a better process and better code enforcement service for the citizens of La Vista.