



Legislation Text

File #: 23-1489, **Version:** 2

Planning and Building Department, Code Enforcement Division, recommending the Board:

- 1) Receive a presentation on the Code Enforcement Strategic Plan for 2023 - 2025; and
 - 2) Adopt and authorize the Chair to sign Resolution **126-2023** to approve the addition of 2.0 FTE Code Enforcement Officer I/II allocations and 1.0 FTE Code Enforcement Supervisor allocation.
- (Cont. 8/15/2023, Item 40)

FUNDING: Discretionary Transient Occupancy Tax (General Fund).

DISCUSSION / BACKGROUND

The Code Enforcement Division (CE) consists of nine (9) FTEs, six (6) of whom are Code Enforcement Officers (Officers) representing each Supervisorial District and special assignment areas. Officers are assigned to six areas defined by zip codes with some moderate crossover with the cannabis and VHR special assignment areas. As established in Title 9 of the County Ordinances, the Code Enforcement Division is responsible for enforcing building and zoning regulations related to health, life, and safety across all El Dorado County unincorporated communities.

In addition to recent statutory directives, the Board has requested increased enforcement on chronic health, life, and safety cases and additional attention has been requested to address issues related to VHRs, and Ranch Marketing/Winery special events across the County. As the CE Division has grown over the past three years the capacity to tackle the large caseload and historical backlog of cases, while concurrently addressing more recent special issue areas such as VHRs, has grown. In May 2023 the Board continued discussions about how to best move forward with VHRs and the VHR ordinance. The Board also expressed a strong desire for weekend and evening code enforcement to address VHR and Ranch Marketing activities that typically are most active at nights and weekends. There is no current capacity to perform this work as all Officers work weekday hours only and have full caseloads. The Board has requested staff study this issue and prepare a proposal for the integration of two additional officers to work these weekend and evening hours. A tactical plan is described below on how those officers would be deployed, as well as considerations for additional safety equipment and training.

Additionally, in spring 2023, CE staff completed a strategic plan (Plan) that was emailed to the Board of Supervisors. After review of that document, the Board requested that it also be considered as a department matter before the full Board. A brief summary of the Plan can be found below, and the Plan is also attached as Exhibit A.

CE 2023 - 2025 Strategic Plan

The Plan is necessary to guide the strategic direction of the Division while outlining ongoing projects and tasks to achieve these strategic ends. The Plan includes a discussion on the operational and strategic contexts in which the Division operates, in addition to shedding light on the philosophic and procedural approach staff take in completing their work. Specifically, CE currently utilizes a “reactive”

approach to enforcement. No “proactive” code enforcement occurs on properties throughout the County. A “reactive” approach means that Officers will respond to complaints from a reporting party but will not canvas neighborhoods searching for violations. Complaints must be received to trigger enforcement activities. The exception to this is the utilization of Host Compliance to assist in identifying and enforcing on unpermitted VHRs, as the County contracts with them for their services, which includes reports of unpermitted VHRs.

The foundational strategic objectives enumerated in the Plan are:

- 1) Fully carry out the vision and mission of the Board of Supervisors on Code Enforcement activities;
- 2) Maximize compliance while minimizing intervention; concurrently build additional tools to address the most egregious health, life, and safety cases;
- 3) Continual improvement of customer service to the residents of El Dorado County; and
- 4) Build a sustained staff development program.

To carry out these objectives staff identified numerous activities and projects. Each task is given a period within which staff is expected to complete that work. Some tasks are ongoing while others, such as the addition of two new CE Officers and a CE Supervisor, have a mid-term timeframe to completion.

This portion of this item is a “receive and file,” as staff are not seeking any particular direction from the Board.

Request for Additional CE Officers for VHR and Ranch Marketing Activities

The Board has given clear direction to hire two (2) new Officers who will specifically be tasked with enforcement of VHR and Ranch Marketing complaints during weekend and evening hours. One Officer would be stationed in the Tahoe Basin and would focus on VHR complaints while the other officer would be stationed on the West Slope, focusing on both VHRs and complaints related to Ranch Marketing. According to County Human Resources staff, the working hours of the new Officers necessitate the hire of an additional CE Supervisor to work the same off-hours shifts. Additionally, with the type of work proposed for the new Officers, CE staff discussed potential safety challenges and training opportunities with EDSO.

A fully burdened cost breakdown for two (2) new CE Officers and one (1) new CE Supervisor is listed under the financial impact portion of this item. Also included, are costs of certifications, computers, radios, vehicles, and fuel for the new employees.

Challenges/Potential Solutions

- Per CE Officer job specs, an Officer I must have a Supervisor on call during the course of their duties. It will not be feasible for the current CE Supervisor to be on-call every weekend and nights while also working standard Monday through Friday weekday duties. Consequently, staff will be requesting an additional CE Supervisor allocation.
- Given that most violations to the VHR and Ranch Marketing ordinances are related to

noise/nuisances, it follows that CE Officers could potentially be put in uncomfortable or dangerous situations where they are approaching a private property by themselves to interact with individuals who may have been consuming drugs and/or alcohol. Officers will need to train for situational awareness when approaching/assessing a property that presents with these types of challenges.

- Given the non-typical work schedules intended for these allocations, staff will need to be thoughtful about hours worked, flex-time, and alternative work schedules. This would include offering telework in the evening hours to better provide for the safety of the Officer, so they are not entering and exiting the office building alone late at night. Consideration will also have to be given to allowing Officers to bring their County vehicles home with them. Additionally, to maintain unity within the Division there will need to be some crossover with weekday hours of existing staff.
- Staff is seeking additional clarification on whether the Board intends these new Officers to be on “patrol,” or if they are office-based until a complaint is received. Staff recommends the office/home-based approach, as a patrol model would significantly change the “reactive vs. proactive” approach to all CE cases. In the office-based model, staff would complete administrative work until receiving a call from a reporting party or a tip through the Host Compliance Hotline. Once received, the Officer would then head to that location to conduct a preliminary investigation from the right of way before approaching any individuals. The Officer would then attempt to speak with the Local Contact listed on the VHR permit or the Ranch Marketing/Winery designated Local Contact and work through them to address the complaint. With the exception of activities associated with a particular event, such as loud noise, parking issues, or raucous behavior, other work can be performed during daylight hours, such as checking signage, checking permits for hot tubs, checking for unpermitted VHRs, etc.

ALTERNATIVES

- 1) The Board could choose to amend the Strategic Plan.
- 2) The Board could choose not to allocate one or both Officers or the CE Supervisor.
- 3) The Board could choose not to allocate additional safety items or modify the list of safety items.

PRIOR BOARD ACTION

March 21 2023, File No. 23-0306, Item No. 28. Final passage/ second reading of Ordinance 5174.
June 20, 2023, File No. 23-1143, Item No 39. Ordinance 5177 to amend Title 130 Zoning Ordinance Sections 130.40.260 Ranch Marketing and 130.40.400 - Wineries.
May 2, 2023, File No 23-0436, Item No 45. Vacation Home Rental Program Update and Board direction to staff regarding potential program adjustments and/or amendments to the Vacation Home Rental Ordinance.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

HHSA, Library, California Department of Consumer Affairs, Human Resources

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

The total annual cost to add the 2.0 FTE Code Enforcement Officer I/II allocations and 1.0 FTE Code

Enforcement Supervisor allocation is approximately \$450,000. Each CE Officer's fully burdened cost annually is \$132,418 and the CE Supervisor is \$175,049. Auxiliary costs for each new CE Officer would be around \$62,000, to include: computers and accompanying equipment; a new vehicle; fuel budget; a radio; cell phones plus service; memberships, training, and certifications. The larger items (i.e. a new vehicle) are one-time purchases. An estimated cost per officer exhibit is attached as Exhibit B. These additional costs would be funded by Discretionary Transient Occupancy Tax revenues (TOT). For Fiscal Year 2023-24, it will be determined at Adopted Budget whether there is excess TOT available for the year, or whether the TOT Designation must be used. In subsequent fiscal years, the costs will be included in the budget and funded with TOT.

CLERK OF THE BOARD FOLLOW-UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Public Safety, Healthy Communities, Good Governance

CONTACT

Chris Perry, Assistant Director - Planning and Building Department