

Response to Questions on the FY 2009 Advertised Budget Plan

Request By: Supervisor McKay

Question: How does spending \$1.5 million to move from Gradation 3 to 4 (consolidation) make sense? Shouldn't they be doing their current job well now? Why can't the County skip the Corrective Work Order step and go directly to a Notice of Violation? Commercial blight is missing from Gradation 4. How is blight defined?

Response: While Gradations 1 through 3 continue the Strike Team approach utilizing a matrixed team from loaned enforcement agency staff, moving to Gradation 4 or 5 is a departure from current methods and creates a separate code enforcement operation and an improved approach to code enforcement. While there is always room for improvement of current operations, stove-piped enforcement responsibilities limits communication and collaboration between multiple code authorities. While collaboration typically occurs between these agencies on major issues, the redundancy that occurs by having multiple staff representing each code area is inefficient. Consolidation of staff and functions from several enforcement agencies enables a much more flexible and efficient enforcement system and allows the County to address changing situations in the community much more timely and effectively. With consolidation, staff can be more readily cross-trained and certified in multiple code areas, teams can be assembled to address short term issues or situations that may arise in portions of the County. Moving to Gradation 4 is a dramatic departure from the current enforcement structure and includes the transfer of forty-four existing positions currently not associated with the Strike Team, from the Department of Public Works and Environmental Services, the Department of Planning and Zoning, and the Health Department along with seven new positions and costs associated with the implementation of a centralized information intake and outflow system. Additionally, positions from public safety departments currently deployed to the Strike Team would continue to have the same collaborative working relationship, but would not be captured in the overall staffing and budget of this department; rather they would be included in the budget of their home agencies and deployed by that agency as liaison support to the Strike Team as needed. The overall transfer of full time positions and functions from code enforcement programs in the above agencies to a consolidated organization would result in an increase in positions and costs from Gradation 3 to 4. This will require the development of common policies and practices which will enable staff to better address community needs, improve accountability, centralized information intake and outflow system, and merge multiple functions and disciplines.

Each code area (Zoning, Property Maintenance, Fire, Building, Health, etc) has a defined violation process and required notifications. While most codes allow issuance of a Notice of Violation (NOV) or similar legal notification as a first step to advise the violator of the infraction and means for correction, the Building Code is much more specific and adds a further step in the process. Specifically, the Building Code, Part 1 requires that the building official shall issue a NOV if any violations or directives or orders are not corrected within a reasonable time. To ensure that the violator has been duly notified of the violations and is afforded a reasonable time for correction, a formal notification by Corrective Work Order (CWO) is initially issued and advises about the nature of the violation, corrective measures required, and allowed timeframe for

correction. If, following that CWO notification, the violation has not been properly abated, then the building official (or his technical assistant) can issue a NOV. Because of the mandatory requirement that the building official give the violator a reasonable time to correct the violation before issuance of an NOV, a CWO is utilized to ensure proper enforcement processes.

Gradation 2 includes staff from the blight program working more closely with the Strike Team and other code enforcement agencies and therefore would be included in all future gradations. Gradation 5's inclusion of commercial blight is meant to highlight the need to fully develop our commercial blight program with additional tools and resources.

“Blighted property” means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of “spot blight.”

Costs Associated With Each Gradation

