



## Item No. 21 Town of Atherton

### **CITY COUNCIL STAFF REPORT – REGULAR AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: MICHAEL KASHIWAGI, COMMUNITY SERVICES  
DIRECTOR**

**DATE: AUGUST 21, 2013**

**SUBJECT: ADOPT RESOLUTION NO. 13-\_\_ AUTHORIZING A  
BUDGET AMENDMENT TO INCREASE CODE  
ENFORCEMENT HOURS**

#### **RECOMMENDATION**

- 1) Review the Staff Report and, if appropriate, authorize the City Manager to amend the contract with CSG Consultants to increase the hours of contracted code enforcement from the current 12 hours per week to 20 hours per week; and
- 2) Adopt Resolution No. 13-\_\_ authorizing a budget amendment of \$36,000 to increase the hours of code enforcement.

#### **BACKGROUND**

At the City Council goal setting and leadership workshop held in June 2013, the City Council decided to enhance the effectiveness of the Town's code enforcement program by increasing the number of hours of the Code Enforcement Officer. After discussion, it was recommended that staff return with a Staff Report for Council consideration that identifies areas of priority that could be addressed with additional hours of dedicated enforcement.

Staff was directed by the City Manager to determine what priorities could be addressed with an increase in the hours of directed code enforcement.

#### **FINDINGS**

##### **Current Program and Process**

The Town uses education and enforcement tools to obtain compliance with Municipal Codes designed to maintain a healthy, safe and clean environment, carry out land use

policy, and preserve the quality of life standards that residents enjoy in Atherton. Enforcement tools range from obtaining voluntary compliance to legal action (civil, criminal, and administrative).

The current Town policy is based on the philosophy of the City Council that code enforcement is not to be heavy-handed but instead should be handled on a “complaint” basis only. In this manner, the Code Enforcement Officer responds only upon receipt of a request by Town staff (City Manager, Public Works, Police Department, Fire Department, public utility, etc.) or on the basis of a complaint from a resident. Examples of these would be existing law regarding the placement of trash receptacles and plants/structures (rocks) in the right-of-way. The Code Enforcement Officer initiates an investigation only when requested to do so at a particular location.

CSG consultants currently provide 12 hours per week of code enforcement. With the current caseload, the Code Enforcement Officer responds to an average of 10 to 18 cases per workday (12-hour work week). In addition, documentation (letters, correspondence, email, and file documentation) on older cases as well as opening up new cases occupies time spent in Atherton or off site where phone contact and email serve to provide necessary service.

At these limited hours, the daily caseload for the Code Enforcement Officer is significant and does not allow sufficient time for pro-active enforcement nor does it allow time for thorough follow-up. The Town’s Code Enforcement Officer responds to complaints received from residents, issues brought forward by public works and building department staff, as well as issues arising through the Police Department. With the advent of the new Town website, new cases also originate via direct complaint through Request Tracker. Since the site’s *Go Live* less than 30 days ago, the Town has received 6 complaints via Request Tracker on issues such as right-of-way use, trees, drainage, and construction.

All case information is maintained within an electronic database and active case file. The Code Enforcement Officer contacts complainants (if requested) and the responsible parties by phone, formal written correspondence, email and/or personal appointments. Detailed investigations and follow-up needs to occur and be tracked with every case so the appropriate penalty (if necessary) can be levied for non-compliance. When an issue is resolved, case files are closed. Investigation, follow-up and ultimate compliance varies with each case and resolution depends on the property owner’s compliance efforts. Resolution can be immediate or can take six-months or longer – sometimes culminating in a nuisance abatement effort. Code Enforcement strives to achieve voluntary compliance.

#### Additional Enforcement Hours

Because the current process is reactionary only, it does promote a perception that the Town is “selectively” enforcing the law. However, complaint-based code enforcement is not a new philosophy. Code enforcement is typically based on available resources and the

Town does *proactively* enforce the law anytime there is an immediate threat to the health, safety, and welfare of the community.

Adding an additional 8 hours per week of code enforcement time to the CSG contract will help meet the Council's goal of improving the code enforcement program to enhance the quality of life in Atherton. Areas where the effectiveness and efficiency of the code enforcement program will be enhanced include:

- enforcement of rights-of-way issues such as debris clearance, visibility, and illegal construction;
- gaining compliance with construction work hours, construction site parking, and identifying work without a permit; and
- addressing illegal business activity in the community.

Staff closely monitors the code enforcement program and the program works cooperatively across all departments. With the increased hours, a 6-month review will be provided to the City Manager to assess the impact and continued need for enhanced enforcement hours.

### **FISCAL IMPACT**

The current contract with CSG for code enforcement services is \$76,000 for FY 2013-14. The cost to add the additional 8 hours per week for the full year is \$42,800. The amount necessary would be pro-rated for the remainder of the fiscal year leaving a budget adjustment need of \$35,667.

There are sufficient funds within the Town's unallocated general fund reserve to fund the additional time. It is anticipated that the additional hours will be used across all departments.

Prepared By:

Approved:

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Michael Kashiwagi, P.E.  
Community Services Director

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George Rodericks  
City Manager

### **ATTACHMENT(S)**

Resolution No. 13-\_\_, Authorizing a Budget Amendment

**RESOLUTION NO. 13-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF  
ATHERTON APPROVING BUDGET AMENDMENT  
FOR FY 2013/14 (CODE ENFORCEMENT)**

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**WHEREAS**, it is in the best interest of the citizens of the Town of Atherton that the Fiscal Year 2013-2014 Operating Budget be amended as set forth in Exhibit A, attached hereto and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the Town of Atherton does hereby approve an amendment to the FY 2013-14 Town Budget to enact the changes identified on Exhibit A attached hereto.

**PASSED AND ADOPTED**, at a meeting of the City Council of the Town of Atherton held on the 21<sup>st</sup> day of August, 2013 by the following vote:

AYES: Council members:  
NOES: Council members:  
ABSENT: Council members:

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Elizabeth Lewis, MAYOR  
Town of Atherton

ATTEST:

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Theresa N. DellaSanta, City Clerk

APPROVED AS TO FORM:

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William B. Conners, City Attorney

**EXHIBIT A**

**Town of Atherton  
Budget Amendment Request**

**Transfer \$36,000 From:  
2013/2014  
General Fund Unallocated Reserve**

**To:  
2013/2014  
Account 101-25-52018-025  
Building Dept. - Code Enforcement**