



**Office of the City Auditor
Report to the City Council
City of San Jose**

**AN AUDIT OF CODE
ENFORCEMENT'S GENERAL
CODE COMPLAINT HANDLING
PROCESS**

**Code Enforcement Can Improve The
Timeliness Of Its Complaint Handling And
Resolution Process**

**Code Enforcement Needs To Develop
Additional Management Capabilities**

**Report 99-06
November 1999**



CITY OF SAN JOSÉ, CALIFORNIA

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City Auditor

November 4, 1999

Honorable Mayor and Members
of the City Council
801 North First Street, Room 600
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Transmitted herewith is a report *An Audit Of Code Enforcement's General Code Complaint Handling Process*. This report is in accordance with City Charter Section 805.

An Executive Summary is presented on the blue pages in the front of this report. The City Administration's response is shown on the yellow pages before the Appendices.

I will present this report to the Finance Committee at its November 10, 1999, meeting. If you need additional information in the interim, please let me know. The City Auditor's staff members who participated in the preparation of this report are Robin Klenke and Mike Edmonds.

Respectfully submitted,

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Executive Summary

In accordance with the City Auditor's 1999-2000 Audit Workplan, we have audited the General Code Complaint handling process that the Code Enforcement Division of the Department of Planning, Building, and Code Enforcement (Code Enforcement) manages. This is the fifth in a series of audit reports on Code Enforcement. We conducted this audit in accordance with generally accepted government auditing standards and limited our work to those areas specified in the Scope and Methodology section of this report.

Finding I Code Enforcement Can Improve The Timeliness Of Its Complaint Handling And Resolution Process

Code Enforcement has established policies and procedures to document, prioritize, assign, and resolve the General Code complaints it receives. We obtained and reviewed Code Enforcement's procedures for General Code complaints. We selected a random sample of complaint cases and evaluated them for compliance with procedures. Our analysis of the cases in our sample revealed that:

- Although Code Enforcement input most of the cases we sampled into its computer system in a timely manner, it did not indicate the priority of the complaint;
- CEI contact with Complaining Parties (CP) was not in accordance with procedures for 73 percent of the complaints;
- CEI initial contact with the Responsible Party (RP) was not in accordance with procedures for 74 percent of the complaints;
- CEIs used enforcement tools to effect compliance that were not consistent with procedures; and
- CEIs did not always follow up on complaints in a timely manner.

As a result, Code Enforcement cannot provide adequate assurance that it is efficiently and effectively enforcing ordinances that promote the health, safety, and appearance of the City's environment. Code Enforcement can improve the timeliness of its complaint handling and resolution process by

1) indicating the complaint priority on the complaint form and the computer system casefile, 2) providing additional training, 3) documenting the use of a verbal warning as an appropriate enforcement tool, 4) developing clear time requirements for complaint follow-up, 5) revising the Code Enforcement General Code Complaint Procedures Manual, 6) communicating those revisions to its staff, and 7) ensuring adherence to its complaint process procedures.

RECOMMENDATIONS

We recommend that Code Enforcement:

- Recommendation #1** **Develop and implement written procedures to ensure that clerical staff enter complaint priorities on the complaint form and into the new computer system casefile. (Priority 3)**
- Recommendation #2** **Reassess the reasonableness of procedure-required timeframes for contacting Complaining Parties, revise those procedures accordingly, and ensure adherence to its timeliness requirements. (Priority 3)**
- Recommendation #3** **Reassess the reasonableness of procedure-required timeframes for contacting Responsible Parties, revise those procedures accordingly, and ensure adherence to its timeliness requirements. (Priority 3)**
- Recommendation #4** **Provide training to ensure that CEIs are aware of and select the appropriate enforcement tool for the complaint priority. (Priority 3)**
- Recommendation #5** **Provide training to Code Enforcement Inspectors on the proper use of available enforcement tools and increase supervisory review over the use of those tools. (Priority 3)**
- Recommendation #6** **Document 1) the use of a verbal warning as an appropriate enforcement tool in the General Code Complaint Procedures, 2) when it is appropriate to use a verbal warning, and 3) that Code Enforcement Inspectors are to communicate to the Responsible Party the compliance date and record that date in the casefile. (Priority 3)**

Recommendation #7 **Revise its General Code Complaint procedures to provide clear compliance follow-up time requirements and communicate those requirements to Code Enforcement staff. (Priority 3)**

Finding II **Code Enforcement Needs To Develop Additional Management Capabilities**

Our review of Code Enforcement’s General Code complaint handling process revealed the following:

- Code Enforcement has no established goals, objectives or workload standards;
- The number of open cases is increasing and the number of open cases varies significantly among General Code Enforcement Inspectors (CEIs); and
- Code Enforcement’s new Automated Case Management System (System) contains inaccurate and unreliable information such as 1) cases assigned to retired or transferred General CEIs, 2) cases assigned to clerical staff, 3) inconsistent information regarding the number of open cases, and 4) inaccurate case information for some General CEIs.

Code Enforcement needs to develop General Code complaint process goals, objectives, and workload standards. In addition, Code Enforcement should develop criteria and a process to periodically review General CEI open caseloads. Finally, Code Enforcement should purge its new automated case management system of outdated and/or inaccurate data, ensure the integrity of remaining data, and provide staff with training on inputting data into the new system. By so doing, Code Enforcement will improve its ability to manage its General Code Program and fully realize the potential benefit of its new Automated Case Management System.

RECOMMENDATIONS

We recommend that Code Enforcement:

Recommendation #8 **Establish understandable, quantifiable, and attainable General Code complaint process goals, objectives and workload standards. (Priority 3)**

Recommendation #9 **Develop criteria and a process for periodically reviewing General Code Enforcement Inspector open caseloads. (Priority 3)**

Recommendation #10 **Purge its new Automated Case Management System of outdated and/or inaccurate data, ensure the integrity of remaining data, and provide staff with additional training on using training module screens and input screen fields. (Priority 3)**

Introduction

In accordance with the City Auditor's 1999-2000 Audit Workplan, we have audited the General Code Complaint handling process that the Code Enforcement Division of the Department of Planning, Building, and Code Enforcement (Code Enforcement) manages. This is the fifth in a series of audit reports on Code Enforcement. We conducted this audit in accordance with generally accepted government auditing standards and limited our work to those areas specified in the Scope and Methodology section of this report.

The City Auditor's Office thanks the employees in Code Enforcement, who gave their time, information, insight, and cooperation for this audit.

Background

Code Enforcement is a division of the Planning, Building, and Code Enforcement Department. Code Enforcement enforces various ordinances that promote the health, safety, and appearance of the City's environment. Code Enforcement investigates and ensures the abatement of complaints involving signs, fences, land use (zoning), housing conditions, landfill and recycling sites, abandoned vehicle towing on public and private property, and general public nuisances.

Budget And Staffing

Code Enforcement's 1999-2000 Operating Budget is \$7.3 million, which includes \$6.6 million for personal services, about \$780,000 for non-personal expenditures, and 100 full time employees (FTEs). Code Enforcement permits and fees, the General Fund, and Community Development Block Grant appropriations fund Code Enforcement's operational costs.

Code Enforcement is organized into five service area groups and three additional groups - Vehicle Abatement, Solid Waste/Concentrated Code Enforcement Program (CCEP), and Building Code Compliance. Each of the five service area groups covers one or more City Council Districts. Code Enforcement's organization chart is shown on the next page.

As shown on Code Enforcement's organization chart,

- Service Area A has 6 Code Enforcement Inspectors (CEIs) assigned to Council Districts 1 and 9;
- Service Area B has 5 CEIs assigned to Council Districts 2, 8 and 10;
- Service Area C has 11 CEIs assigned to cover Council District 3;
- Service Area D has 7 CEIs assigned to handle Council Districts 4 and 5; and
- Service Area E has 10 CEIs assigned to Council Districts 6 and 7.

In January 1999, Code Enforcement implemented an Automated Case Management System (System). We requested complaint case activity information from Code Enforcement's System for the five months of January 1, 1999 to June 1, 1999. Exhibit 1 summarizes the information that Code Enforcement's System produced.

Exhibit 1 Complaint Case Activity For The Five Month Period Of January 1, 1999 To June 1, 1999

Service Areas And City Council Districts	Open Complaints As Of January 1, 1999	Open Complaints As Of June 1, 1999	Complaints Opened January 1, 1999 Through June 1, 1999	Complaints Closed January 1, 1999 Through June 1, 1999	Average Complaint Cases Per Month Opened	Average Complaint Cases Per Month Closed	Average Open Complaint Cases Per Code Enforcement Inspector As Of January 1, 1999	Average Open Cases Per Code Enforcement Inspector As Of June 1, 1999
Service Area A - Districts 1 and 9	511	604	776	683	155	137	85	101
Service Area B - District 2, 8, and 10	569	899	1,118	788	224	158	114	180
Service Area C - District 3	967	903	842	906	168	181	88	82
Service Area D - District 4 and 5	988	1,019	832	801	166	160	141	146
Service Area E - District 6 and 7	1,013	1,321	1,531	1,223	306	245	101	132
*Unassigned To A Service Area Or To A City Council District	598	709	885	774	177	155	N/A	N/A
Totals	4,646	5,455	5,984	5,175	1,196	1,036	529	641

*Complaint case records imported from the City's VAX SITUS system are not always assigned to a Service Area or a City Council District.

As shown above, Code Enforcement had 4,646 open cases as of January 1, 1999. During the months of January 1999, through

May 1999, Code Enforcement opened an average of 1,196 cases per month and closed an average of 1,036 cases per month. It should be noted that the information in the Exhibit above is based upon information in Code Enforcement's Automated Case Management System. Finding II discusses the accuracy and reliability of the information in Code Enforcement's System.

General Code Complaints

Code Enforcement prioritizes General Code complaints as Priority, Immediate, and Routine. Within each priority are several complaint types. These are (1) Health and Safety - unsecured refrigerators, swimming pool fences; (2) Water Waste - plumbing, irrigation systems; (3) Zoning - business out of zone, fence violation, political signs; (4) Nuisance - graffiti, blight, sexually explicit material; (5) Solid Waste - illegal dumping, garbage house, dangerous accumulation; and (6) Housing - structural hazards, inadequate sanitation, improper occupancy.

Scope And Methodology

The scope of our audit was to assess the adequacy of Code Enforcement's internal controls over their General Code complaint intake, response, and resolution process. To determine General Code complaint handling efficiency and effectiveness, we:

- Obtained and reviewed procedures for General Code complaint handling;
- Interviewed Code Enforcement staff;
- Participated in ride-alongs with Code Enforcement Inspectors (CEIs) and observed inspection activities; and
- Selected a random sample of General Code complaints received from July 1, 1997 to May 31, 1998, and reviewed each complaint casefile to determine whether -
 - ✓ The complaint priority was indicated when the complaint was received,
 - ✓ Contact with the Complaining Party (CP) was in accordance with procedures,
 - ✓ Contact with the Responsible Party (RP) was in accordance with procedures,

- ✓ CEIs' use of enforcement tools to effect compliance was consistent with procedures,
- ✓ CEIs' follow up on complaints was timely.

We performed only limited testing of the various computer reports and databases we used during our audit. We did not review the general and specific controls for the computer systems used in compiling the various computer reports and databases we used.

Major Accomplishments Related To This Program

In Appendix B, the Director of Planning, Building, and Code Enforcement informs us of major program accomplishments. Some of Code Enforcement's major accomplishments include the following:

- Completed reorganization of Code Enforcement into Service Areas to improve services provided to neighborhoods and citizens;
- Increased utilization of the Administrative Remedies Process to obtain compliance;
- Added the Building Code Compliance Section and implemented procedures to improve coordination between General Code and Building Inspectors;
- Implemented a new Code Enforcement System; and
- Implemented Proactive Enforcement Programs such as the Auto Repair Crackdown Program, the Sign Enforcement Program, the Auto-Dismantler Program, and the Redevelopment Enforcement Program.

Finding I

Code Enforcement Can Improve The Timeliness Of Its Complaint Handling And Resolution Process

Code Enforcement has established policies and procedures to document, prioritize, assign, and resolve the General Code complaints it receives. We obtained and reviewed Code Enforcement's procedures for General Code complaints. We selected a random sample of complaint cases and evaluated them for compliance with procedures. Our analysis of the cases in our sample revealed that:

- Although Code Enforcement input most of the cases we sampled into its computer system in a timely manner, it did not indicate the priority of the complaint;
- CEI contact with Complaining Parties (CP) was not in accordance with procedures for 73 percent of the complaints;
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- CEIs used enforcement tools to effect compliance that were not consistent with procedures; and
- CEIs did not always follow up on complaints in a timely manner.

As a result, Code Enforcement cannot provide adequate assurance that it is efficiently and effectively enforcing ordinances that promote the health, safety, and appearance of the City's environment. Code Enforcement can improve the timeliness of its complaint handling and resolution process by 1) indicating the complaint priority on the complaint form and the computer system casefile, 2) providing additional training, 3) documenting the use of a verbal warning as an appropriate enforcement tool, 4) developing clear time requirements for complaint follow-up, 5) revising the Code Enforcement General Code Complaint Procedures Manual, 6) communicating those revisions to its staff, and 7) ensuring adherence to its complaint process procedures.

Code Enforcement Procedures Manual

Code Enforcement's Procedures Manual contains directions and guidelines for documenting, prioritizing, assigning, and resolving complaints. Code Enforcement's General Code

Complaint Intake procedure categorizes types of General Code complaints as “Priority”, “Immediate”, and “Routine”. Exhibit 2 shows the type of situation by complaint category.

Exhibit 2 Complaint Type By General Code Category

Category	Priority	Immediate	Routine
Complaint Type	<ul style="list-style-type: none"> - Sewage - Swimming pool fence - Abandoned refrigerator on residential parcel - Current construction without a Building Permit 	<ul style="list-style-type: none"> - Refuse in house - Dangerous accumulation - Illegal dumping - Sight obstruction - Sexually explicit material - Housing - Construction without a Building Permit (already built) 	<ul style="list-style-type: none"> - Swimming pool sanitation - Business out of zone - Zoning - Blight - Auto repair at a residence - Weeds on improved parcel - News racks - Boat or trailer - Water waste - Signs - Fence violation (no sight obstruction) - Tobacco vending machine - Smoking - Scavenging - Animal Droppings - Garbage - Graffiti - Spray Paint Markers - Misc.

Whether a call is deemed a **Priority, Immediate, or Routine** complaint, staff receiving the call is to fill out the complaint form and give it to intake clerical staff. From that point on, the procedures diverge for each type of complaint until Code Enforcement achieves compliance and deadfiles and closes the case. Exhibits 2, 3, and 4, show Code Enforcement’s required procedures to intake, assign, respond to, and resolve Priority, Immediate, and Routine complaints, respectively.

Exhibit 3 Complaint Response - Priority

Staff	1.	Take the complaint and complete the complaint form. The complaint form is then given to intake clerical.
Intake Clerical	2.	Immediately: Make two copies of complaint intake form. One copy is given to the CEI (or backup CEI) and the second copy is given to the Supervisor.
	3.	Within 24 hours of receiving complaint input the complaint into computer, prepare folder, and give to CEI.
Supervisor	4.	Determine if complaint is of such an urgent nature that the CEI needs to be contacted in the field.
CEI	5.	Immediately upon receiving contact from Supervisor or copy of complaint form contact the Complaining Party (CP) to acknowledge receipt, clarify issues, and advise of priority response.
	6.	Conduct site visit and/or contact Responsible Party (RP).
	7.	Select appropriate enforcement tool: Official Warning Notice (OWN), Compliance Order (CO), Criminal Citation (with Supervisor approval), Administrative Citation, or Proposed/Summary Abatement. Follow procedures for specific enforcement tool selected. Allow maximum of 24 hours to correct violation.
	8.	When compliance is achieved, deadfile the case.

Exhibit 4 Complaint Response - Immediate

Staff	1.	Receive the complaint and complete the complaint form. The complaint form is then given to intake clerical.
Intake Clerical	2.	Within 24 hours of receiving complaint input the complaint into computer, prepare folder, and give to CEI.
CEI	3.	Within 24 hours of receiving complaint contact the Complaining Party (CP) to acknowledge receipt and clarify issues, and to determine if immediate response is required.
	4.	Within 1 to 3 days of receiving complaint conduct site inspection.
	5.	Select appropriate enforcement tool: Official Warning Notice (OWN), Compliance Order (CO), Criminal Citation (with Supervisor approval), Administrative Citation, or Proposed/Summary Abatement. Follow procedures for specific enforcement tool selected.
	6.	When compliance is achieved, deadfile the case.

Exhibit 5 Complaint Response - Routine

Staff	1.	Receive the complaint and complete the complaint form. The complaint form is given to intake clerical.
Intake Clerical	2.	Within 24 hours of receiving complaint input complaint into computer, prepare folder, and give to CEI. If complaint cannot be logged into the computer within 24 hours, notify clerical backup.
CEI	3.	Within 3 working days of receiving complaint contact Complaining Party (CP) to acknowledge receipt and clarify issues, and to determine if immediate response is required.
		[Go to either Step 4 or 5]
	4.	Prepare “Routine Letter Request Form” and give to clerical. Give Responsible Party (RP) 10 days to correct alleged violations. The 10 days may be extended up to a maximum of 15 days if there are unusual circumstances
		[Go to Step 6] - or
	5.	In lieu of sending this letter, if workload permits, conduct a site visit. If alleged violation is documented, select appropriate enforcement tool: Official Warning Notice (OWN), Compliance Order (CO), Criminal Citation (with Supervisor approval), Administrative Citation, or Proposed/Summary Abatement. Follow procedures for specific enforcement tool selected.
		[Go to Step 10]
Clerical	6.	Within 24 hours of receiving “Routine Letter Request Form” type letter to RP advising of complaint and corrective action required. Type letter to CP acknowledging complaint; enclose copy of RP’s letter.
	7.	Give typed letter to CEI for review and signature. After letters are signed and mailed, put copy of letters in file. Return file to CEI.
CEI	8.	Ideally within 10 days, but no later than 30 days of letters contact CP to determine if the violation has been corrected, or conduct a field inspection to determine compliance.
	9.	If compliance has not been achieved, select appropriate enforcement tool: Official Warning Notice (OWN), Compliance Order (CO), Criminal Citation (with Supervisor approval), Administrative Citation, or Proposed/Summary Abatement. Follow procedures for specific enforcement tool selected.
		NOTE: A Compliance Order (CO) must be issued if the CEI has previously issued an OWN and compliance has not been achieved. The compliance date may be adjusted since the RP has not complied with the OWN (i.e., give 20 days to comply rather than the typical 30 days).
	10.	When compliance has been achieved, deadfile the case.

The above-described procedures were in effect during the period of our review. However, at the end of our review Code Enforcement implemented a new Automated Case Management

System (System). The new computer system will modify some of the procedures discussed above.

Complaint Cases We selected a sample of General Code complaints that Code Enforcement received from July 1, 1997 through May 31, 1998. We reviewed these complaints for compliance with Code Enforcement’s General Code Procedures. We reviewed 88 complaint cases encompassing a variety of General Code complaints. We excluded Concentrated Code Enforcement Program and Building Code Complaint cases from our review because Code Enforcement uses different procedures to resolve these complaint types than it uses for General Code complaints. Of the 88 General Code complaint cases, Code Enforcement could not locate the case files for four complaints, leaving 84 files for our review. Of these 84 cases, Complaining Parties (CPs) initiated 69 cases and CEIs generated 15 cases as a result of drive-by observations. The 84 cases we reviewed were open from one to 680 days. Exhibit 6 shows the number of cases and the range of days they were open.

Exhibit 6 Number Of General Code Complaint Cases In The Audit Sample And Range Of Days Open

Range Of Days Open	1 - 5	6 – 15	16 – 30	31 – 60	61 – 120	121 - 365	366 - 680	TOTAL
# Of Cases	6	15	19	16	12	13	3	84

As Exhibit 6 shows, General Code complaint cases can remain open for a long time. Code Enforcement resolved only 40 of the 84 complaints in our sample within one month. There were three complaints in our sample that were open for 645 days, 674 days, and 680 days, respectively.

Although Code Enforcement Input Most Of The Cases We Sampled Into Its Computer System In A Timely Manner, It Did Not Indicate The Priority Of The Complaint Code Enforcement has established a written procedure for receiving, recording, and assigning complaints. Specifically, Code Enforcement clerical staff receive complaints, either over the telephone or occasionally through the mail, and record the information on a half-sheet complaint form. The clerical staff receiving the complaints record the following information on the form: date, name, address, and daytime telephone number of the Complaining Party (CP), violation address, details of the complaint, name of the Responsible Party (RP) and telephone number.

After completing the complaint form clerical staff are required to input it into Code Enforcement’s VAX computer system

within 24 hours. This system creates a coversheet assigning the complaint to a Code Enforcement Inspector (CEI). Clerical staff assembles a complaint file folder, containing the original half-sheet form and the CEI assignment sheet and gives the folder to the CEI for follow-up.

We were unable to assess the timeliness of input for five of 84 complaints. Three file folders lacked the half-sheet complaint form, one file folder lacked the VAX coversheet, and in the fifth case, there was no date on the half-sheet complaint form.

We found that Code Enforcement input most complaints within 24 hours as its procedures require. Specifically, Code Enforcement entered 69 of 79 complaints, or 87 percent of the complaints in our sample, into the computer within 24 hours. Of the ten exceptions, Code Enforcement entered seven within a week of receiving the complaint. However, three exceptions were more significant, taking 16, 29, and 123 days, respectively.

Our review of these three exceptions revealed the following: In the first case, the CEI and Code Enforcement Supervisor spent time to research the nature of the complaint before clerical staff input it into the computer. In the second case, there was no formal complaint form in the file. Instead, a CP sent a letter to a Councilmember and it is unclear when Code Enforcement received the letter. In the third case, since 123 days elapsed between complaint receipt and input, Code Enforcement Supervisors speculate that the half-sheet complaint form was misplaced when it was received.

As the General Code Complaint Intake Procedures show, complaints are prioritized as Priority, Immediate, or Routine. However, our review revealed that neither the complaint form nor the CEI assignment sheet indicate the complaint priority. Specifically, we found that the procedures do not direct clerical staff to prioritize complaints upon receipt. In our opinion, both the complaint form and the CEI assignment sheet should indicate the complaint priority to ensure that complaints are handled in a timely manner and in accordance with Code Enforcement's procedures.

During the period of our review, Code Enforcement implemented an Automated Case Management System (System). Consequently, the VAX system will no longer be used for complaint intake and assignment. Clerical staff must still complete the complaint form, but the information will be

entered directly into Code Enforcement's new System. As a result, Code Enforcement will no longer use the VAX-generated CEI assignment sheet as the case information will now be available to CEIs online. The new system has optional fields already available that will allow clerical staff to indicate the complaint priority upon receipt. However, the clerical staff still must prioritize the complaint as either Priority, Immediate, or Routine. In our opinion, Code Enforcement should develop and implement written procedures instructing clerical staff to prioritize complaints and enter those prioritizations on the complaint form and into the new computer system casefile.

We recommend that Code Enforcement:

Recommendation #1

Develop and implement written procedures to ensure that clerical staff enter complaint priorities on the complaint form and into the new computer system casefile.

Code Enforcement Did Not Contact The Complaining Party In Accordance With Procedures For 73 Percent Of The Complaint Cases Reviewed

Code Enforcement Complaint Intake procedures require the CEI to contact the Complaining Party (CP). Contacting the CP is important in terms of service to the public. By so doing, Code Enforcement acknowledges the CP's concerns, the CEIs can obtain additional information if necessary, and the CP has some assurance that the reported problem will be addressed. Code Enforcement's procedures allow various times to contact CPs, depending upon the complaint type. Specifically,

*Complaint Response - **Priority**. Inspector - **Immediately upon receiving copy of complaint form:** Contact CP to acknowledge receipt, clarify issues, and advise of priority response.*

*Complaint Response - **Immediate**. Inspector - **Within 24 hours of receiving complaint:** Contact CP to acknowledge receipt, clarify issues, determine if immediate response is required.*

*Complaint Response - **Routine**. Inspector - **Within 3 working days of receiving complaint:** Contact CP to acknowledge receipt, clarify issues, determine if immediate response is required.*

We reviewed the complaint cases in our audit sample for timeliness and compliance with Code Enforcement procedures.

We were unable to assess the timeliness of CP contact for five of 84 complaints. Three file folders lacked the half-sheet complaint form, one file folder lacked the VAX coversheet, and in the fifth case, there was no date on the half-sheet complaint form.

We found that Code Enforcement did not contact the CP in accordance with its procedures for 73 percent, or 47 of 64 complaints received. We found two types of non-compliance. Specifically, Code Enforcement

- Did not document any contact with the CP for two of 64 complaints (3 percent); and
- Did not respond timely to 45 of the 64 complaints (70 percent).

The results of our review are described in detail below.

Code Enforcement Did Not Document Any Contact With The Complaining Party As Required For Three Percent Of The Complaints

As we noted earlier, 15 of the cases in our sample were CEI generated as a result of drive-by observations. Therefore, there was no CP for CEIs to contact in these 15 cases. Furthermore, we excluded five cases from this analysis, as described above. For the remaining 64 CP-initiated complaint cases, we found that Code Enforcement did not document any contact with the CP for two of the 64 complaint cases in our sample (3 percent). Of these two complaints, one was “Immediate” – Housing – Illegal Occupancy, requiring contact within 24 hours of receiving the complaint. The other complaint was Routine which requires the CEI to contact the CP within three working days of complaint receipt.

Code Enforcement Inspector Contact With Complaining Parties Was Not In Accordance With Procedures For 70 Percent Of The Complaints Sampled

For 45 of the 64 (70 percent) complaints sampled, when CEIs did document contact with the CP, they did not do so in the timeframes specified in Code Enforcement’s procedures. Specifically, we found non-compliance for:

- 2 of 2 (100 percent) Priority complaint cases;
- 17 of 23 (74 percent) Immediate complaint cases; and
- 26 of 39 (67 percent) Routine complaint cases.

Priority Complaints

Of the five Priority cases in our sample, three were CEI generated - drive-by observations of unsecured refrigerators. The other two complaint cases were CP-initiated, requiring CEI contact with the CP within 24 hours of receiving the complaint.

Of the two Priority complaints, one was for an unsecured refrigerator and the other was for current construction without a building permit. Code Enforcement clerical staff receiving Priority complaints should make two copies of the complaint form and give them to the CEI and the CEI's supervisor for immediate action. Although Code Enforcement procedures require the CEI to contact the CP immediately upon receiving a Priority complaint, we found that Code Enforcement did not contact the CP "immediately" in accordance with procedures in either case. Specifically, Code Enforcement contacted one CP three days later and the other seven days later. For example,

- A complaint regarding an unsecured refrigerator was received on August 21, 1997 and the CEI noted receipt of the file the next day, a Friday. The CEI performed a site inspection the day the file was received and noted that the property was a mobile home complex over which the City has no jurisdiction. The State of California has jurisdiction over mobile home complexes. On August 25, 1997, three days after the CEI received the complaint, the CEI contacted the CP and referred them to the State Department which has responsibility over mobile homes.
- The other priority CP complaint was for current construction without a building permit. Code Enforcement received this priority complaint on April 3, 1998, which was a Friday. The CEI did not receive the complaint until Monday April 6th. On Thursday, April 10th (four days later), the CEI contacted the RP, performed a site inspection, was shown valid permits for the construction, and then contacted the CP to inform them the complaint was not valid. Even though this complaint was not valid, Code Enforcement's Priority complaint procedures require the CEI to perform all of the above procedures within 24 hours of complaint receipt, not within four days.

Immediate Complaints

Our audit sample contained 26 Immediate cases. Of these 26 Immediate cases, three were CEI generated and 23 cases were CP-initiated. Code Enforcement's procedures require CEIs to contact the CP within 24 hours of receiving an Immediate complaint. CEI contact with the CP was in accordance with procedures for five of the Immediate complaints we sampled.

However, we found that for 17 of the 23 Immediate complaint cases (74 percent) requiring contact with the CP, the CEI did not contact the CP within 24 hours of complaint receipt. Specifically, Code Enforcement contacted CPs from 2 to 83 days after CEIs received an Immediate complaint. Specifically, a CEI contacted:

- Ten CPs within one week;
- Three CPs within 8 to 15 days; and
- Three CPs in 27, 76, and 83 days, respectively, after Code Enforcement received the complaint.

Our review of the case files revealed the following:

- Code Enforcement received a Dangerous Accumulation/Property Blight complaint on October 30, 1997. The CP reported a dangerous accumulation of trash, debris, and wood in the front, side, and rear yards of a residence. According to the CEI's log, a CEI first attempted to contact the CP by telephone on January 14, 1998, 76 days after Code Enforcement received the complaint.
- Code Enforcement received an Illegal Dumping complaint on September 16, 1997. The CP noted illegal dumping of furniture and mattresses directly across from a school. According to the CEI's log, "9/30/97 – At site, furniture and mattresses removed. Updated CP...". Code Enforcement first contacted the CP 14 days after receiving the complaint. By this time, someone had already removed the illegal dumping.
- Code Enforcement received a Housing complaint on October 30, 1997. According to the CP, someone was renting an old motel lacking proper sewage, hot water, smoke detectors, or a safe electrical system to 15-20 people. The CEI's log does not record any attempt to contact the CP until January 21, 1998, 83 days after Code Enforcement received this Immediate complaint. Specifically, a CEI attempted to phone the CP, but by that time the CP's phone number was no longer in service.

Routine Complaints

Our audit sample contained 53 Routine cases. Of the 53 Routine cases, nine were CEI generated and required no CP

contact. The other 44 Routine cases were CP-initiated. We were unable to assess CEI compliance with procedures to contact the CP for five Routine Complaints due to incomplete documentation in the files. Code Enforcement procedures require that a CEI contact the CP within three working days of Code Enforcement receiving a Routine complaint. However, we found that Code Enforcement did not contact the CP within three working days for 26 of the 39 (67 percent) Routine CP-initiated complaints in our sample. Specifically, a CEI contacted:

- Seven CPs within one week;
- Four CPs within two weeks;
- Eight CPs within one month;
- Five CPS within two months; and
- Two CPs in 158 and 256 days, respectively, after Code Enforcement received the complaint.

Our review of the files revealed the following:

- Code Enforcement received a Routine complaint on April 7, 1998, that someone was storing wood in a front yard and debris under a tarp in a driveway. On May 11, 1998, the CEI noted in his log an unsuccessful attempt to contact the CP. This was after the RP had corrected the situation and 34 days after Code Enforcement received the complaint.
- On May 27, 1997, Code Enforcement received a Routine complaint about front and back yards with dry grass and weeds up to four feet tall – a potential fire hazard. Code Enforcement sent a letter to the RP on May 28, 1997 requiring compliance within 10 days. The next note in the CEI's log was dated July 16, 1997. This entry documented a telephone call from the CEI to the CP who stated that the dry grass and weeds still remain. This log entry documenting the first contact with the CP was 50 days after Code Enforcement received the complaint.

CEIs were not in compliance with procedures to contact the CP for each complaint category we sampled. Specifically, CEIs were from 2 to 256 days late in contacting the CP as required. According to Code Enforcement Supervisors, procedures to contact the CP “immediately” or within 24 hours of complaint

receipt for Priority and Immediate complaints, respectively, may not be realistic. In addition, Code Enforcement Supervisors stated CEIs' slow response times in some cases may also be due to a heavy workload. In our opinion, Code Enforcement should reassess the reasonableness of the timeframes in their procedures to contact the CP after the complaint has been received and revise the procedures, if necessary, to reflect more achievable timeframes for CEIs to initiate CP contact. Code Enforcement should also ensure adherence to its timeliness requirements.

We recommend that Code Enforcement:

Recommendation #2

Reassess the reasonableness of procedure-required timeframes for contacting Complaining Parties, revise those procedures accordingly, and ensure adherence to its timeliness requirements.

warning” was shown as the enforcement tool. Of these 12 verbal warning cases, the CEI did not document in the complaint file log that a co

Code Enforcement procedures require contact with the RP for all complaints. The type of contact varies according to the complaint priority.

According to Code Enforcement procedures for a Priority complaint, the CEI should:

Immediately upon receiving a copy of complaint form conduct site visit and/or contact RP.

For complaints prioritized Immediate, the CEI should:

Conduct a site inspection within 1 to 3 days of receiving an Immediate complaint.

For Routine complaints, the CEI should:

Within 1 to 3 working days of complaint receipt, the inspector should either send a routine letter or perform a site visit if time permits. At that time an appropriate enforcement tool should be selected.

We found that CEI contact with the RP was not in accordance with Code Enforcement's procedures for Priority, Immediate, and Routine complaints. Specifically, Code Enforcement's initial contact with the RP was not in accordance with procedures for 57 of 77 (74 percent) of the Priority, Immediate, and Routine complaint cases we sampled.

Exhibit 7 summarizes the test results for compliance with procedures regarding RP contact.

Exhibit 7 Summary Of Compliance With RP Contact Procedure Test Results

Complaint Priority	Compliant With RP Contact Procedures	Non-Compliant With RP Contact Procedures	Totals	% Non-Compliant
Priority	1	4	5	80
Immediate	4	19	23	83
Routine	15	34	49	69
Total	20	57	77	74

The results of our review by complaint category are described in detail below.

Code Enforcement Inspector Contact With The Responsible Party For Priority Complaints

Our review found that Code Enforcement’s initial contact with the RP was not timely for four of the five Priority complaints we sampled. Specifically, of the five Priority complaints, three were CEI generated based on drive-by observation of violations. We found that Code Enforcement contact with the RP was not timely for any of these three cases. For instance, a CEI noted a refrigerator in a front yard on April 10, 1998. However, the CEI did not contact the RP to abate the situation until four days after observing the refrigerator in the front yard. Similarly, CEIs noted two other observations of refrigerators on April 2, 1998 and April 8, 1998. Code Enforcement contacted both RPs on April 14, 1998, or 12 and four days late, respectively.

The other two Priority complaints in our sample were CP-initiated. Of these two complaints, Code Enforcement did not make timely contact with the RP for one complaint. Code Enforcement received this complaint on April 3, 1998. The CEI met the RP at the site seven days later than Code Enforcement’s procedures required.

Code Enforcement Inspector Contact With The Responsible Party For Immediate Complaints

Code Enforcement procedures regarding initial contact with the Responsible Party for an Immediate complaint require a site inspection within one to three days of Code Enforcement receiving the complaint.

CEIs did not conduct required site inspections in accordance with procedures for 19 of the 23 Immediate complaints we

sampled. Specifically, a CEI never conducted a site inspection for five of the 23 Immediate complaints (22 percent) we sampled. For example, one Immediate complaint site that a CEI never inspected was both a safety and a fire hazard, involving exposed wires in some of the electrical outlets in a house.

Of the remaining 18 complaints, CEIs did not conduct timely site inspections for 14 complaints (78 percent). Specifically, CEIs conducted these 14 site inspections from four to 561 days after receiving the complaint. For example,

- On June 9, 1997 a CP reported that five families were living in a converted garage. The CEI's log did not note a site inspection until June 25, over two weeks later.
- Code Enforcement received a Housing complaint on May 7, 1997, that a property owner had illegally converted a duplex to four units. The CEI did not visit the site until May 15 - eight days later.
- Code Enforcement received another Housing complaint about overcrowded conditions on May 9, 1997. The CEI's log does not note a site visit until November 21, 1998 – 561 days or about a year and a half after Code Enforcement received the complaint.

*Code Enforcement
Contact With The
Responsible Party
For Routine
Complaints*

There were 53 Routine complaints in our audit sample, of which two were not valid complaints and two files lacked enough documentation to determine if Code Enforcement contacted the RP. Of the remaining 49 Routine complaint cases, CEIs did not send a routine letter to the RP or conduct a site inspection within 3 working days for 34 complaints (69 percent). CEI contact with the RP ranged from 4 to 137 days after Code Enforcement received the complaint. In one case Code Enforcement never contacted the RP. In that instance,

- On February 19, 1998, a CP stated that a neighbor's dead tree had fallen across the CP's driveway. An entry dated July 6, 1998 – 137 days after complaint receipt – states the CEI was at the site on another complaint and noted that the tree was gone.

In summary, we found that CEIs did not comply with procedures to contact the RP for all three complaint priorities. Specifically, in 57 of the 77 cases we sampled, CEIs did not contact the RP within Code Enforcement required timeframes. Code Enforcement Supervisors stated that, as with CP contact,

timeframes in their procedures to contact the RP may not be realistic. Therefore, in our opinion, Code Enforcement should reassess the reasonableness of the timeframes in their procedures to contact the RP and revise the procedures if necessary to reflect more achievable timeframes. Code Enforcement should also ensure adherence to its timeliness requirements.

We recommend that Code Enforcement:

Recommendation #3

Reassess the reasonableness of procedure–required timeframes for contacting Responsible Parties, revise those procedures accordingly, and ensure adherence to its timeliness requirements.

Code Enforcement Used Enforcement Tools To Effect Compliance That Were Not Consistent With Its Procedures

We found that Code Enforcement used enforcement tools to effect compliance that were not consistent with its procedures. Specifically,

- CEIs did not always comply with Code Enforcement procedures when selecting enforcement tools;
- CEIs did not escalate their use of available enforcement tools to achieve compliance; and
- CEIs used an undocumented enforcement tool to effect compliance.

Code Enforcement Inspectors Did Not Always Comply With Code Enforcement Procedures When Selecting Enforcement Tools

Code Enforcement’s procedures stipulate certain enforcement tools to effect compliance depending on the complaint priority. Specifically, in the case of Priority complaints the CEI should:

Conduct site visit and/or contact Responsible Party (RP).

And then,

*Select appropriate enforcement tool: Official Warning Notice (OWN), Compliance Order (CO), Criminal Citation (with Supervisor approval), Administrative Citation, or Proposed/Summary Abatement. Follow procedures for specific enforcement tool selected. Allow maximum of **24 hours** to correct violation.*

For complaints of Immediate priority, the CEI should:

Within 1 to 3 days of receiving complaint conduct site inspection.

And then,

Select appropriate enforcement tool: Official Warning Notice (OWN), Compliance Order (CO), Criminal Citation (with Supervisor approval), Administrative Citation, or Proposed/Summary Abatement. Follow procedures for specific enforcement tool selected.

For complaints prioritized Routine, the CEI should either:

Send "Routine Letter." Give Responsible Party (RP) 10 days to correct alleged violations. The 10 days may be extended up to a maximum of 15 days if there are unusual circumstances.

Or

In lieu of sending this letter, if workload permits, conduct a site visit. If alleged violation is documented, select appropriate enforcement tool: Official Warning Notice (OWN), Compliance Order (CO), Criminal Citation (with Supervisor approval), Administrative Citation, or Proposed/Summary Abatement. Follow procedures for specific enforcement tool selected.

Then

Ideally within 10 days, but no later than 30 days of letters contact CP to determine if the violation has been corrected, or conduct a field inspection to determine compliance. If compliance has not been achieved, select appropriate enforcement tool: Official Warning Notice (OWN), Compliance Order (CO), Criminal Citation (with Supervisor approval), Administrative Citation, or Proposed/Summary Abatement. Follow procedures for specific enforcement tool selected.

NOTE: A Compliance Order (CO) must be issued if the Inspector has previously issued an OWN and compliance has not been achieved. The compliance date may be adjusted since the RP has not complied with the OWN (i.e., give 20 days to comply rather than the typical 30 days.)

We found that CEIs did not comply with Code Enforcement procedures when selecting enforcement tools for 9 of 84 (11 percent) complaint cases we sampled. Specifically,

- Code Enforcement sent a Routine Letter instead of an Official Warning Notice for a Priority complaint about an unsecured refrigerator. Furthermore, Code Enforcement sent the Routine Letter several days after the 24 hours maximum to abate a Priority complaint condition had passed;
- Instead of conducting the site inspections required, CEIs responded to four Immediate priority complaints by issuing Routine Letters for three of the complaints and making a telephone call to the RP for the fourth;
- For one Immediate complaint and one Routine complaint, Code Enforcement did not send a Compliance Order after issuing an Official Warning Notice; and
- After issuing a Compliance Order and a follow-up inspection revealed non-compliance, Code Enforcement did not prepare an Amended Compliance Order as procedures require for one Immediate and one Routine complaint.

CEIs did not comply with Code Enforcement procedures when selecting enforcement tools for some of the cases we sampled. In our opinion, Code Enforcement should provide training to ensure that CEIs are aware of the enforcement tools available and the appropriateness of their use.

We recommend that Code Enforcement:

Recommendation #4

Provide training to ensure that CEIs are aware of and select the appropriate enforcement tool for the complaint priority.

Code Enforcement Inspectors Did Not Escalate Their Use Of Available Enforcement Tools To Achieve Compliance

Although CEIs have several strong enforcement tools they may use to effect compliance, they did not escalate their use of these tools as readily as they should. In addition, when Code Enforcement attempted stronger actions, it did not follow through. As a result, some complaint cases in our sample had violations continuing for a year or more. After Code Enforcement sent Routine Letters and/or conducted site inspections, CEIs continued to visit the site or telephone the CP rather than use stronger enforcement actions.

In the example below, CPs repeatedly reported auto repair activities at a residence, and the CEI made numerous site visits. Between January 1998 and April 1999 three different CPs contacted Code Enforcement.

On January 27, 1998, Code Enforcement received a complaint stating that someone was operating an auto repair shop in the garage of a residence.

On January 30, 1998, a CEI sent a Routine Letter.

On February 9, 1998, a CEI performed a drive-by, but did not observe any activity and left a voicemail for the CP.

On February 23, 1998, the CP left a voicemail with Code Enforcement that someone was still repairing autos in the garage.

On February 28, 1998, the CEI conducted a site visit, observed auto repair activities and told the RP to cease repairing vehicles at the residence.

On March 3, 1998, the CEI did a drive-by, but observed no activity.

From March 5, 1998 through March 31, 1998, the CEI did three more drive-bys, but observed no activity.

On March 16, 1998, Code Enforcement sent a Compliance Order to the RP to discontinue vehicle repairs, complete all repairs in progress within 72 hours, and comply by March 29, 1998.

On March 31, 1998, the CP left a voicemail with Code Enforcement that repair activities continue on weekends.

On April 4, 1998, a CEI met with the tenant at the property and observed no vehicles stored or repairs in progress. The tenant stated that since the Property Owner received the letter from Code Enforcement, he has not worked on cars. The CEI asked the tenant to remove an engine block from the side yard.

On April 20, 1998, the CEI did a drive-by, but observed no activity. The tenant had removed the engine block.

On May 2, 1998, the CEI made a site inspection and observed auto repair tools and two transmission housings.

On May 7, 1998, the CEI did a drive-by, but observed no activity.

On May 8, 1998, the CEI called the CP and left a voicemail message asking if the CP had noted any activity. If not, Code Enforcement would close the case.

On May 20, 1998, Code Enforcement closed the case.

On June 23, 1998, Code Enforcement received a subsequent complaint of auto repair activities at this same residence. On July 7, 1998, Code Enforcement sent a letter to the RP instructing him to discontinue auto repair activities. Although the letter warned the RP of potential fines, Code Enforcement did not levy any fines. In addition, Code Enforcement performed eight drive-by inspections between June 25, 1998 and August 10, 1998. Code Enforcement closed this case again on August 12, 1998. Another CP called Code Enforcement on March 1, 1999 complaining about auto repair activities at the same residence. A CEI sent another letter and did a series of drive-by inspections. Code Enforcement closed the case for the third time on April 14, 1999.

Although CEIs have several strong enforcement tools they may use to effect compliance, they did not escalate their use of these tools as readily as they should for the cases we sampled. In addition, when CEIs did attempt stronger actions, they did not always follow through. As a result, some cases in our sample had violations continuing for a year or more. In our opinion, Code Enforcement should provide training so CEIs know what actions they may take and increase supervisory review to ensure complaints are handled and resolved appropriately and timely.

We recommend that Code Enforcement:

Recommendation #5

Provide training to Code Enforcement Inspectors on the proper use of available enforcement tools and increase supervisory review over the use of those tools.

*Code Enforcement
Used An
Undocumented
Enforcement Tool To
Effect Compliance*

Our review revealed that some CEIs used an enforcement tool not documented in the General Code Complaint Procedures manual. Specifically, CEIs gave a verbal warning to effect compliance. CEIs' logs either stated, "gave a verbal warning", or the log reflected wording about "talking" to the RP.

Specifically, there were 12 complaint case files in our sample where the CEI used a verbal warning to effect compliance. Although the verbal warnings apparently achieved compliance, there are two issues regarding verbal warnings. First, Code Enforcement's procedures manual does not include verbal warnings as an enforcement tool option. Second, when a CEI gives a verbal warning, it does not always include a compliance date. There were 12 complaints in our audit sample where "verbal warning" was shown as the enforcement tool. Of these 12 verbal warning cases, the CEI did not document in the complaint file log that a compliance date was given to the RP for five cases (42 percent).

It should be noted that according to Code Enforcement Supervisors, current CEI training on enforcement tools or actions includes the use of a verbal warning as an option. However, Code Enforcement has not documented the use of verbal warnings in its procedures manual. Further, it is unclear whether CEIs understand that they should also give a compliance date to the RP and record that date in the casefile log. Without a compliance date, the RP does not know when they should correct the violation and when the CEI will follow-up to verify compliance. Code Enforcement staff stated that a verbal warning can be very effective in achieving compliance because the CEI directly advises the RP of what should be done to comply. However, when the CEI fails to give the RP a compliance date, compliance may not be timely or may not be achieved at all. In our opinion, Code Enforcement should document 1) the use of a verbal warning as an appropriate enforcement tool in their General Code Complaint Procedures, 2) that CEIs should clearly communicate a compliance date, and 3) that CEIs should record the compliance date in the complaint casefile.

We recommend that Code Enforcement:

Recommendation #6

Document 1) the use of a verbal warning as an appropriate enforcement tool in the General Code Complaint Procedures, 2) when it is appropriate to use a verbal warning, and 3) that Code Enforcement Inspectors are to communicate to the Responsible Party the compliance date and record that date in the casefile.

Code Enforcement Inspectors Did Not Always Follow Up On Complaints In A Timely Manner

Code Enforcement procedures require CEIs, upon using an enforcement action, to specify a date for compliance. To ensure that the RP complies with the enforcement action, Code Enforcement's procedures require the CEI to conduct a follow-up inspection as soon after the compliance date as possible. Our review revealed that CEIs did not always follow up on enforcement actions in a timely manner. Exhibit 8 shows how long it took CEIs to conduct follow-up inspections.

Exhibit 8 Summary Of The Number of Days After The Compliance Date For Code Enforcement Inspectors To Conduct Follow-up Inspections

Number Of Days After Compliance Date A CEI Conducted A Follow-up Inspection								
Follow-Up Inspection Prior to Compliance Date	0-5 Days	6-15 Days	16-30 Days	31-60 Days	61-90 Days	Over 90 Days	Follow-Up Inspection Not Performed	Total Cases
10	24	11	3	3	4	1	2	58

Of the 84 General Code complaint cases in our sample, RPs resolved 21 cases before CEIs used additional enforcement tools and follow-up inspections were necessary. For five cases, the CEI did not give the RP a compliance date. Of the remaining 58 cases, the CEI did a follow-up inspection prior to the compliance date given to the RP in 10 cases. For another 24 complaint cases the CEI did a follow-up inspection within five days of the compliance date given to the RP. However, for 24 of the 58 cases requiring follow-up inspections, the CEI did a follow-up inspection more than 6 days after the compliance date given to the RP and did not conduct any follow-up inspections for two cases. For instance,

- A CEI issued a CO on March 26, 1998 requiring the RP to install smoke detectors by April 1, 1998. The CEI revisited the site on April 1, 1998, but found no one home. The CEI should have attempted another follow-up inspection on the next day, but did not return to the site for 28 days.
- A CEI drive-by noted an unsecured refrigerator on April 8, 1998. The CEI contacted the RP with a Routine Letter (an inappropriate enforcement tool for a Priority complaint) on April 14, 1998, which indicated that the RP had until April 23, 1998 to abate the

situation. The CEI did not do a follow-up inspection until April 29, 1998, six days after the compliance date, even though procedures require that priority complaints should be resolved within 24 hours.

- Code Enforcement received an Immediate Dangerous Accumulation complaint on October 30, 1997. The CEI did not contact the RP until January 14, 1998, 75 days later, when she issued an Administrative Citation warning letter. The compliance date in the warning letter was January 23, 1998. The CEI did not do a follow-up inspection until April 21, 1998 – 88 days after the compliance date.

Code Enforcement procedures do not always clearly specify the timeframe for CEIs to follow up on an enforcement action. The follow-up procedure is most specific for a Routine complaint when the Responsible Party has received a “Routine Letter”. In this case Code Enforcement’s procedures give CEIs the following guidelines:

Ideally within 10 days, but no later than 30 days after letters: Contact CP to determine if violation has been corrected; or conduct field inspection to determine compliance.

On the other hand, for Compliance Orders, which are issued for more serious and ongoing violations, CEIs should:

As soon as possible after the Compliance Date, reinspect the property.

It should be noted that we found when Code Enforcement revised its Deadfiling procedure, it achieved significant improvement in deadfiling and the time required to close cases. Specifically, Code Enforcement has procedures for closing complaint case files when compliance is achieved. “Deadfiling” (DF) is the last activity CEIs perform in preparation for supervisory case file review and closure.

We found that CEIs were not always timely when indicating DF after compliance was achieved, did not always indicate DF as the last entry in the casefile, and were not always timely when closing cases after DF was indicated.

In April 1998, Code Enforcement revised its Deadfiling Procedure. Specifically, Code Enforcement added an additional step to require that CEIs:

4. Within **5 days** of your last activity on the case, give to your Supervisor to approve the closure...**[Emphasis added]**

We noted significant improvement in the timeliness for Code Enforcement to DF and close General Code complaint cases after Code Enforcement made the revision to its written procedures.

In our opinion, this demonstrates the value of clearly specified timeliness expectations. Accordingly, Code Enforcement should also develop clear time requirements for compliance follow-up and communicate those requirements to Code Enforcement staff.

We recommend that Code Enforcement:

Recommendation #7

Revise its General Code Complaint procedures to provide clear compliance follow-up time requirements and communicate those requirements to Code Enforcement staff.

CONCLUSION

Code Enforcement has established policies and procedures to document, prioritize, assign, and resolve the General Code complaints it receives. Code Enforcement's program objective is *to enforce various ordinances that promote the health, safety, and appearance of the City's environment*. We found that Code Enforcement can improve its complaint handling and resolution process.

We obtained and reviewed Code Enforcement's procedures for General Code Complaints. We selected a random sample of complaint cases and evaluated them for compliance with those procedures. Our analysis of the complaint cases in the sample revealed that:

- Although Code Enforcement input most complaints into its computer system in a timely manner, Code Enforcement did not indicate the priority of the complaint;

- CEI contact with the Complaining Party (CP) was not in accordance with procedures for 47 of 64 (73 percent) of the complaint cases we reviewed;
- CEI contact with the Responsible Party (RP) was not in accordance with procedures for 57 of 77 (74 percent) of the complaint cases we reviewed;
- CEIs used enforcement tools to effect compliance that were not consistent with its procedures; and
- CEIs did not always follow up on complaints in a timely manner.

As a result, Code Enforcement cannot provide adequate assurance that it is efficiently and effectively enforcing ordinances that promote the health, safety, and appearance of the City's environment. By indicating the complaint priority on the complaint form and the computer system casefile, providing additional training, documenting the use of a verbal warning as an appropriate enforcement tool, developing clear time requirements for complaint follow-up, and revising the Code Enforcement General Code Complaint Procedures Manual and communicating those requirements to its staff, Code Enforcement can improve the timeliness of its complaint handling and resolution process.

RECOMMENDATIONS

We recommend that Code Enforcement:

- Recommendation #1** **Develop and implement written procedures to ensure that clerical staff enter complaint priorities on the complaint form and into the new computer system casefile. (Priority 3)**
- Recommendation #2** **Reassess the reasonableness of procedure-required timeframes for contacting Complaining Parties, revise those procedures accordingly, and ensure adherence to its timeliness requirements. (Priority 3)**
- Recommendation #3** **Reassess the reasonableness of procedure-required timeframes for contacting Responsible Parties, revise those procedures accordingly, and ensure adherence to its timeliness requirements. (Priority 3)**

- Recommendation #4** Provide training to ensure that CEIs are aware of and select the appropriate enforcement tool for the complaint priority. (Priority 3)
- Recommendation #5** Provide training to Code Enforcement Inspectors on the proper use of available enforcement tools and increase supervisory review over the use of those tools. (Priority 3)
- Recommendation #6** Document 1) the use of a verbal warning as an appropriate enforcement tool in the General Code Complaint Procedures, 2) when it is appropriate to use a verbal warning, and 3) that Code Enforcement Inspectors are to communicate to the Responsible Party the compliance date and record that date in the casefile. (Priority 3)
- Recommendation #7** Revise its General Code Complaint procedures to provide clear compliance follow-up time requirements and communicate those requirements to Code Enforcement staff. (Priority 3)

Finding II

Code Enforcement Needs To Develop Additional Management Capabilities

Our review of Code Enforcement's General Code complaint handling process revealed the following:

- Code Enforcement has no established goals, objectives or workload standards;
- The number of open cases is increasing and the number of open cases varies significantly among General Code Enforcement Inspectors (CEIs); and
- Code Enforcement's new Automated Case Management System (System) contains inaccurate and unreliable information such as 1) cases assigned to retired or transferred General CEIs, 2) cases assigned to clerical staff, 3) inconsistent information regarding the number of open cases, and 4) inaccurate case information for some General CEIs.

Code Enforcement needs to develop General Code complaint process goals, objectives, and workload standards. In addition, Code Enforcement should develop criteria and a process to periodically review General CEI open caseloads. Finally, Code Enforcement should purge its new automated case management system of outdated and/or inaccurate data, ensure the integrity of remaining data, and provide staff with training on inputting data into the new system. By so doing, Code Enforcement will improve its ability to manage its General Code Program and fully realize the potential benefit of its new Automated Case Management System.

No Established Goals Or Workload Standards

Goals and objectives guide an organization while performing its basic function or task. Goals and objectives should be understandable, quantifiable, attainable, and capable of being implemented. An organization should also establish workload standards against which actual outcomes are measured. Workload standards are a management tool for measuring the quantity of work completed. Moreover, such standards provide a basis for assessing the staffing required to handle a given quantity of work.

Code Enforcement needs to establish General Code complaint process goals and objectives. In addition, Code Enforcement needs to develop formal workload standards for measuring

Code Enforcement Inspector (CEI) output. Without workload standards, Code Enforcement management cannot be assured that all General CEIs are productive or determine the number of General CEIs needed to handle the General Code case workload.

We recommend that Code Enforcement:

Recommendation #8

Establish understandable, quantifiable, and attainable General Code complaint process goals, objectives and workload standards.

The Number Of Open Cases Is Increasing And The Number of Open Cases Varies Significantly Among General CEIs

We also noted an increase in Code Enforcement’s General Code complaints and that the caseloads varied significantly from one General CEI to another. Exhibit 9 shows Code Enforcement’s General Code complaint cases by City Council District from January 1, 1999 to June 1, 1999.

Exhibit 9 Summary Of General Code Complaint Cases By City Council District From January 1, 1999 To June 1, 1999

GENERAL CODE COMPLAINT CASES	Open as of 1/1/99	Opened in 1/99	Closed in 1/99	Open as of 2/1/99	Opened in 2/99	Closed in 2/99	Open as of 3/1/99	Opened in 3/99	Closed in 3/99	Open as of 4/1/99	Opened in 4/99	Closed in 4/99	Open as of 5/1/99	Opened in 5/99	Closed in 5/99	Open as of 6/1/99
District 1	99	19	31	87	16	17	86	35	9	112	50	8	154	57	63	148
District 2	79	39	15	103	36	32	107	76	32	151	66	38	179	49	76	152
District 3	708	102	103	707	77	94	690	109	136	663	124	148	639	122	165	596
District 4	106	22	5	123	34	14	143	29	59	113	20	25	108	33	33	108
District 5	585	49	38	596	49	90	555	57	132	480	42	49	473	61	57	477
District 6	418	71	53	436	78	94	420	122	75	467	107	89	485	138	127	496
District 7	286	40	9	317	56	40	333	98	61	370	107	183	294	85	76	303
District 8	227	130	16	341	41	49	333	61	68	326	67	65	328	48	84	292
District 9	243	38	27	254	44	120	178	69	66	181	53	50	184	53	49	188
District 10	73	23	11	85	24	19	90	52	35	107	40	35	112	50	48	114
*Not Assigned	463	104	72	495	101	93	503	121	115	509	160	153	516	125	161	480
TOTAL	3,287	637	380	3,544	556	662	3,438	829	788	3,479	836	843	3,472	821	939	3,354

* Complaint case records imported from the City’s VAX SITUS system are not always assigned to a City Council District.

In addition, the same system-generated information showed some General CEIs had far more open cases assigned to them than other General CEIs. Exhibit 10 summarizes the number of open General Code complaints by General CEIs as of January 1, 1999 and June 1, 1999.

Exhibit 10 Summary Of Open General Code Complaint Cases By General Code Enforcement Inspector As Of January 1, 1999 And June 1, 1999

Inspector #	Open Cases As Of January 1, 1999	Open Cases As Of June 1, 1999
#26	150	171
#28	76	75
#54	109	170
#22	113	124
#63	91	83
#6 ¹	37	20
#19	84	167
#7	114	96
#59	80	103
#45 ²	58	76
#61 ³	13	41

It should be noted that General Code cases can vary significantly in complexity and the amount of time required to resolve them. Further, Code Enforcement has a means available to assign weights to General Code cases based upon the type of violations involved.

In our opinion, Code Enforcement should develop criteria and a process for periodically reviewing General CEI's open caseloads.

We recommend that Code Enforcement:

Recommendation #9

Develop criteria and a process for periodically reviewing General Code Enforcement Inspector open caseloads.

¹ This inspector no longer handles General Code complaints.

² This inspector no longer handles General Code complaints.

³ This inspector is a new hire who started with a small number of open cases.

Code Enforcement's New Automated Case Management System Contains Inaccurate And Unreliable Information

In January 1999, Code Enforcement implemented its new Automated Case Management System (System). The System can produce reports that will enable performance measurement of both quantitative and qualitative controls on a routine basis. In addition, it can be used to perform periodic spot checks of work in progress to assess compliance with procedures. Staff has been through two training phases so far. Code Enforcement developed a training manual for each phase. According to computer systems staff, nearly 90 percent of Code Enforcement staff is using the new System extensively.

We found problems with the information in the new System's database that must be rectified before the new System can become an effective part of Code Enforcement's control system. Specifically, we found:

- Cases assigned to retired or transferred General CEIs;
- Cases assigned to clerical staff;
- Inconsistent information regarding the number of open cases; and
- Inaccurate case information for some General CEIs.

According to the Department's Information Technology Manager, Code Enforcement outsourced to Oracle the initial conversion process to its new System. Oracle set up the relational database program to receive Code Enforcement's existing complaint case information which was in two systems - Code Enforcement's Access database and on the City's VAX system. The Access database held the Building Code complaint cases and all the information on Administrative Citations. The VAX system held the rest of the cases and all the information regarding them. Code Enforcement did not review, correct, and/or purge the records before converting them to the new System. Rather, Code Enforcement did a "data dump" of existing Access and VAX records and entered all the case information into the new database. It is axiomatic that doing a "data dump" almost always creates data integrity problems in a database. This was the case for Code Enforcement's database.

Cases Assigned To Retired Or Transferred Inspectors

The System-generated information we reviewed showed a number of cases that were incorrectly assigned to General CEIs who had either retired from City service or had transferred to another Department division or City department. Specifically, we identified 269 complaint cases that were incorrectly

assigned to five General CEIs who were either retired or no longer with Code Enforcement.

Cases Assigned To Clerical Staff

We also identified seven complaint cases that were assigned to a clerical person. According to the Department’s Information Technology Manager this probably occurred when the clerical staff person inadvertently bypassed the training module screens and created “real” rather than “test” cases during a training session on the new System.

Inconsistent Information Regarding The Number Of Open Cases

We requested that Code Enforcement sort database information on complaints received between January 1, 1999 and June 1, 1999, in several different ways. When we analyzed these different database sorts, we found variations in the reported number of complaints received, closed, and opened during the same time period. For example, two of the sorts we requested were by (1) number of complaints assigned to each General CEI and (2) number of complaints occurring in each City Council District. Exhibit 11 compares the results of the two database sorts.

Exhibit 11 Comparison Of Complaints Received, Closed, And Opened By Database Sort

Type Of Database Sort Requested	Open Complaints As Of January 1999	Complaints Received Between January 1, 1999 And June 1, 1999	Complaints Closed Between January 1, 1999 And June 1, 1999	Open Complaints As Of June 1, 1999
By Inspector	4,744	6,346	5,527	5,563
By City Council District	4,647	5,984	5,175	5,455
Difference	97	362	352	108

As Exhibit 11 demonstrates, these two database sorts produced different numbers of complaint cases received, closed, and open for the five months since the System came on-line.

According to the Department’s Information Technology Manager, part of the difference may be due to duplicate case records. Code Enforcement was aware that Building Code compliance cases were in two systems - in the Department’s Access database and on the City’s VAX system. When Code Enforcement made the initial conversion and consolidated all the records into the new System, there were about 800 duplicate

records in the system. Code Enforcement has purged over 700 of the duplicate records from the system but some duplicate records still remain.

*Inaccurate Case
Information For
General CEIs*

The report Code Enforcement generated showed cases open as of the first day of each month from January 1, 1999 to June 1, 1999 and all cases opened and closed during each of the five months. We reviewed the report and found:

- Caseload information for some General CEIs is not in the database and
- Old cases that General CEIs are no longer working are still in the database.

The System-generated information we requested showed one General CEI with the same number of open and closed cases from January 1, 1999 to June 1, 1999, essentially indicating no activity. The General CEI told us that she had been working her cases and that it was odd that the number was unchanged. Apparently, this General CEI's caseload information was not captured in the data sort we requested. When this occurs the System is programmed to print a default number when it produces a report.

The System-generated information also showed several General CEIs with from one to nine cases open as of January 1, 1999 and no activity for the next five months. The cases belonged to Code Enforcement Supervisors who told us these were extremely old cases that Code Enforcement had undoubtedly resolved by now. Code Enforcement should have closed out these cases before the January 1, 1999 conversion.

According to System-generated reports there are over 500 open complaints that Code Enforcement received before January 1, 1998. The oldest complaint still in the system was one Code Enforcement received on February 8, 1985. In addition, two General CEIs told us that they knew they had resolved all their pre-1998 complaints and all of those cases should be closed. However, due to their workloads they did not have time to close the complaints.

Without reliable complaint information in its new System, Code Enforcement will not be able to produce reliable management information reports. Specifically, outdated and/or inaccurate information compromises the integrity of the database and Code Enforcement has no assurance that

requested reports will be correct. As a result, Code Enforcement will not realize the potential benefits of its new System and its ability to manage its staff and provide the Administration and City Council with accurate Program information will be impaired. Accordingly, in our opinion, Code Enforcement should purge its new System database of outdated and/or inaccurate complaint information, ensure the integrity of remaining data, and provide staff with additional training on using training module screens and System input screen fields.

We recommend that Code Enforcement:

Recommendation #10

Purge its new Automated Case Management System of outdated and/or inaccurate data, ensure the integrity of remaining data, and provide staff with additional training on using training module screens and input screen fields.

CONCLUSION

Our review of Code Enforcement's General Code complaint handling process revealed that:

- Code Enforcement has no established goals, objectives or workload standards;
- The number of open cases is increasing and the number of open cases varies significantly among General Code Enforcement Inspectors (CEIs); and
- Code Enforcement's new Automated Case Management System contains inaccurate and unreliable information.

In our opinion, Code Enforcement needs to develop General Code complaint process goals, objectives, and workload standards. In addition, Code Enforcement should develop criteria and a process for periodically reviewing General CEI open caseloads. Finally, Code Enforcement should purge its new Automated Case Management System of outdated and/or inaccurate data, ensure the integrity of remaining data, and provide staff with training on inputting data into the new System. By so doing, Code Enforcement will improve its ability to manage its General Code Program and fully realize the potential benefit of its new Automated Case Management System.

RECOMMENDATIONS

We recommend that Code Enforcement:

- Recommendation #8** Establish understandable, quantifiable, and attainable General Code complaint process goals, objectives and workload standards. (Priority 3)
- Recommendation #9** Develop criteria and a process for periodically reviewing General Code Enforcement Inspector open caseloads. (Priority 3)
- Recommendation #10** Purge its new Automated Case Management System of outdated and/or inaccurate data, ensure the integrity of remaining data, and provide staff with additional training on using training module screens and input screen fields. (Priority 3)

CITY OF SAN JOSE-MEMORANDUM

TO: Gerald A. Silva

FROM: James R. Derryberry

SUBJECT: See Below

DATE: November 3, 1999

APPROVED: *Ray Winer*

DATE: *11/4/99*

SUBJECT: THE ADMINISTRATION'S RESPONSE TO AN AUDIT OF CODE ENFORCEMENT'S GENERAL CODE COMPLAINT HANDLING PROCESS

RECEIVED

NOV 04 1999

CITY AUDITOR

BACKGROUND

The Department of Planning, Building and Code Enforcement has reviewed the audit report. In general, the Department agrees with the findings of the audit. Specific responses to the recommendations are listed.

RECOMMENDATION #1 *Develop and implement written procedures to ensure that clerical staff enter complaint priorities on the complaint form and into the new computer system casefile.*

The Department concurs with this recommendation. The new Code Enforcement System (CES) was recently revised to allow the clerical staff receiving the complaints to designate the type of complaint as Priority, Immediate and Routine. The Division will implement procedures and training for complaint intake staff to ensure consistency in defining the complaint type as it is entered into CES. This should be completed within six months.

RECOMMENDATION #2 *Reassess the reasonableness of procedure-required timeframes for contacting Complaining Parties, revise those procedures accordingly, and ensure adherence to its timeliness requirements.*

The Department concurs with this recommendation. The original response time goals were established without a detailed analysis of the workload capacity of the inspection staff. Under the prior code enforcement system, there was no means of tracking response times for many of the response time categories. Code Enforcement will revise the workload targets based on its experience with the targets and an analysis of the current workload. This will take six months to complete.

Implementation of CES Phase II was recently completed. The new Code Enforcement System was developed to facilitate case processing and workload management. Prior to implementation of the new system, the only way a Supervisor could determine if a case was being processed according to procedures was to ask the inspector for the working file or review the file at the end of the process when the case was submitted for closure. Neither method provided a practical means of oversight. All cases are now on-line. The Supervisors can view case files via CES as they are being processed. This will allow the Supervisors to correct problems before the case is closed.

In accordance with the CES project plan, the next step in the system implementation process is to develop the mobile computing module. This will allow inspectors to enter notes into CES from the field. After the mobile component is complete, the Department will incorporate the Vehicle Abatement street complaints into CES. Once these efforts are complete, the Code Enforcement Information Technology staff will be able to focus on developing management reports. Reports will be generated that show success rates for meeting performance targets at each step of the case. These types of reports could not have been generated with the prior system. It will take approximately nine months to complete these tasks.

RECOMMENDATION #3 *Reassess the reasonableness of procedure-required timeframes for contacting Responsible Parties, revise those procedures accordingly, and ensure adherence to its timeliness requirements.*

The Department concurs with this recommendation. The complaint response process as defined in the Code Enforcement Procedures Manual defines the response times for varying types of complaints. The process is described below.

Priority Complaints - These complaints pose the most imminent danger due to hazardous conditions. They include raw sewage spills, abandoned refrigerators/freezers and unsecured swimming pool fences. Code Enforcement procedures require the Inspector to “immediately conduct a site visit and/or contact the Responsible Party” upon receipt of the complaint. The purpose for contacting the Responsible Party, prior to conducting a site inspection, is an attempt to resolve imminently hazardous violations in a more expeditious manner. This contact does not relieve the Inspectors from conducting a site visit at a future date.

Immediate Complaints - These complaints typically include construction without a valid building permit, substandard housing, and site obstructions. Code Enforcement Procedures require the Inspector to conduct an inspection within 1-3 days of receiving the complaint. This complaint does not require an Inspector to contact the Responsible Party within this timeframe. The Responsible Party is often notified via warning letter or compliance order after the initial inspection has been completed.

Routine Complaints - These complaints pertain to situations that do not pose an imminent or immediate safety concern. Examples include excessive signs, boats in front setback area and smoking violations. Code Enforcement Procedures allow the Code Inspector to mail a letter to the Responsible Party or conduct a site inspection as workloads allow. As is the case with Immediate Complaints, a Code Inspector is not required to contact the Responsible Party within three days if a site inspection has been conducted.

The Code Enforcement procedure-required timeframes will be reviewed to ensure they are attainable. As mentioned in the response to Recommendation #2, the original response time goals were established without a detailed analysis of the workload capacity of the inspection staff. In

addition, reports will be generated that show compliance to performance targets at each step of the case. Creation of the new reports will take approximately nine months.

RECOMMENDATION # 4 *Provide training to ensure that CEIs are aware of and select the appropriate enforcement tool for the complaint priority.*

The Department concurs with this recommendation. Although Code Enforcement Inspectors typically use the appropriate enforcement tool, additional training will be developed to ensure that Code Enforcement Inspectors are utilizing the appropriate enforcement tool in all situations. A report will be developed in CES to monitor that the appropriate tool is being used for each complaint category. The Supervisors will review these reports and provide instruction as necessary. It is estimated that this recommendation will require nine months to implement.

RECOMMENDATION #5 *Provide training to Code Enforcement Inspectors on the proper use of available enforcement tools and increase supervisory review over the use of those tools.*

The Department concurs with this recommendation. Code Enforcement Procedures are explicit in the use of compliance orders and the escalation of a case to the Appeals Hearing Board process if a property owner fails to comply with the order within the time period proscribed. As a result of the City Auditor's earlier audit on the Multiple Housing Inspection Program, the Department will be developing procedures that state when it is appropriate for an inspector to issue an amended compliance order. Supervisors will be required to formally approve compliance date extensions if they exceed a specified time limit. Factors the Supervisor will consider include the nature of the violation, the impact of the violation to the neighborhood, the "good-faith" effort of the Responsible Party to correct the violation, and the economic impact on the Responsible Party. Once the new procedures are developed, training will be provided on the new procedures and the use of other enforcement tools. The new Code Enforcement System will assist supervisors in monitoring the proper use of enforcement tools. It is estimated that this recommendation will require six months to implement.

RECOMMENDATION #6 *Document 1) the use of a verbal warning as an appropriate enforcement tool in the General Code Complaint Procedures, 2) when it is appropriate to use a verbal warning and 3) that Code Enforcement Inspectors are to communicate to the Responsible Party the compliance date and record that date in the casefile.*

The Department concurs with this recommendation. The verbal warning is an effective enforcement tool in certain situations. One such example is when inspectors initiate a blight case proactively without any complaint from a citizen. Code Enforcement procedures will be developed and implemented which will define when a verbal warning can be issued. The procedures will require documenting the use of a verbal warning in CES and the case file. The procedures will also

document the compliance date provided in the verbal warning. It is estimated that this recommendation will require six months to implement.

RECOMMENDATION #7 *Revise its General Code Complaint procedures to provide clear compliance follow-up time requirements and communicate those requirements to Code Enforcement staff.*

The Department concurs with this recommendation. Procedures will be developed and implemented to clarify standards for follow-up inspections. In addition, guidelines will be established to determine how much time should be allowed to correct a violation. Aging reports are being developed from the CES to assist Supervisors in identifying, tracking, and managing cases that remain active longer than established guidelines. This type of information was not available from the old system. This recommendation will require six months to implement.

RECOMMENDATION #8 *Establish understandable, quantifiable, and attainable General Code complaint process goals, objectives, and workload standards.*

Code Enforcement agrees with this recommendation. This effort was recently completed for the Multiple Housing Inspection Program in terms of proactive inspections. One difficulty in the General Code Program is that the workload is generated by citizen complaints. The Division must respond to fluctuations in the volume of complaints--often without a corresponding change in staff resources. Ideally, response times would be adjusted for increases in the number of cases submitted. Workload targets would increase with additional complaints while response time goals would be reduced. The targets currently established are not based on a calculation of what capacity staff has to address the increase, but simply on what our customers perceive as acceptable. Notwithstanding this challenge, Code Enforcement will develop attainable workload targets and processing goals for General Code staff. It is estimated that this recommendation will require six months to implement.

* **RECOMMENDATION #9** *Periodically review General Code Enforcement Inspector open caseloads and ensure equitable distribution of open cases among General Code Enforcement Inspectors.*

Code Enforcement agrees with this recommendation. Inspector workloads need to be periodically reviewed to ensure equitable work assignments. A recent review of the workload resulted in a General Code Inspector being temporarily reassigned from District 3 to District 6. It should be noted that equal case workload does not equate to an equal number of cases per inspector. Inspection case volumes will vary widely due to the types of cases that are more typical to an inspector's assigned area. For example, inspectors in Council District 3 may have fewer cases than inspectors in District 10. This reflects the fact that District 3 inspectors have a high proportion of difficult Building Code compliance cases, whereas District 10 inspectors typically have a high volume of transient blight and yardwaste cases. The Building Code cases are more complex and

* It should be noted that the Administration has responded to a recommendation in a draft report. The recommendation in our final report reads as follows:

Recommendation #9:

Develop criteria and a process for periodically reviewing General Code enforcement Inspector open caseloads. (Priority 3)

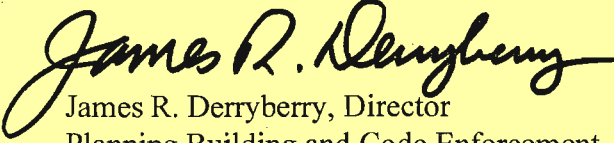
The Administration concurs with Recommendation #9 as stated in the final audit report.

will take much longer to resolve than the blight issues. Code Enforcement will formalize a process for periodically reviewing Inspector caseloads. This process should be established within six months.

Recommendation # 10 *Purge its new Automated Case Management System of outdated and/or inaccurate data, and provide staff with additional training on using training module screens and input fields.*

Code Enforcement agrees with this recommendation. Code Enforcement went on-line with Phase I of CES as of January 1, 1999. Phase II is currently being implemented. Phase II entails bringing the sole remaining stand-alone system (Vehicle Abatement Street complaints) into the system. It also entails completion of a mobile-computing component so inspectors can enter data into CES from the inspection site. It should be noted that the Auditor reviewed the first reports generated from CES Phase I prior to staff's initial data cleanup effort. CES Phase I involved combining four separate standalone databases. The anticipated result was the need to purge and correct bad data that was imported from the legacy systems. The Division has completed most of the required data cleanup. All of the cases assigned to inspectors that are no longer in Code Enforcement have been reassigned to the Division's active inspectors. Approximately 300 Building Code compliance cases with open General Code cases at the same address have been merged or closed. The Code Enforcement Division will complete a final review of case data within the next six months. This review will ensure that all inaccurate data from the old systems is purged. The Division will provide additional training to all staff as enhancements to CES are implemented. The final data cleanup effort will be completed within six months.

The administration appreciates the work performed by the City Auditor's Office.


James R. Derryberry, Director
Planning Building and Code Enforcement

JD:DB

APPENDIX A

DEFINITIONS OF PRIORITY 1, 2, AND 3 AUDIT RECOMMENDATIONS

The City of San Jose's City Administration Manual (CAM) defines the classification scheme applicable to audit recommendations and the appropriate corrective actions as follows:

Priority Class ¹	Description	Implementation Category	Implementation Action ³
1	Fraud or serious violations are being committed, significant fiscal or equivalent non-fiscal losses are occurring. ²	Priority	Immediate
2	A potential for incurring significant fiscal or equivalent fiscal or equivalent non-fiscal losses exists. ²	Priority	Within 60 days
3	Operation or administrative process will be improved.	General	60 days to one year

¹ The City Auditor is responsible for assigning audit recommendation priority class numbers. A recommendation which clearly fits the description for more than one priority class shall be assigned the higher number. (CAM 196.4)

² For an audit recommendation to be considered related to a significant fiscal loss, it will usually be necessary for an actual loss of \$25,000 or more to be involved or for a potential loss (including unrealized revenue increases) of \$50,000 to be involved. Equivalent non-fiscal losses would include, but not be limited to, omission or commission of acts by or on behalf of the City which would be likely to expose the City to adverse criticism in the eyes of its citizens. (CAM 196.4)

³ The implementation time frame indicated for each priority class is intended as a guideline for establishing implementation target dates. While prioritizing recommendations is the responsibility of the City Auditor, determining implementation dates is the responsibility of the City Administration. (CAM 196.4)

OCT 13 1999

CITY OF SAN JOSE-MEMORANDUM

CITY AUDITOR

TO: Gerald Silva, City Auditor

FROM: David Bopf

SUBJECT: **GENERAL CODE
PROGRAM ACCOMPLISHMENTS**

DATE: October 13, 1999

APPROVED:

DATE:

This memorandum summarizes the Code Enforcement Division's accomplishments in the General Code Enforcement Program. These accomplishments reflect the extensive efforts made by the Department to improve the service provided by this program.

Completed reorganization of Code Enforcement into Service Areas to improve services provided to neighborhoods and citizens.

The General Code Enforcement Program has been realigned into five geographic districts with each area managed by a Code Enforcement Supervisor. These "Service Areas" cover from one to three Council Districts each. Previously two Code Enforcement Supervisors managed the General Code Enforcement Program and were each responsible for operations in half of the city. A major advantage in shifting to the Service Area concept is that it allows Supervisors to tailor enforcement services to the specific needs of the neighborhoods. It also improves customer service and accountability.

Increased utilization of the Administrative Remedies Process to obtain compliance.

The General Code Enforcement Program has implemented procedures that specify the appropriate enforcement tool to resolve a violation. The most effective tool utilized by Inspectors is the administrative remedies process. In the past year, there has been a noticeable increase in the number of cases which proceed to the Appeals Hearing Board (Board) for resolution. The number of cases heard by the Board has increased from 37 in 1997-1998 to 81 in 1998-1999. Penalties collected increased \$57,000 to \$142,000 during the same time period. Penalties assessed increased from \$298,000 to \$649,000. The increased penalties have enabled Code Enforcement to fund an Inspector whose sole function is to prepare cases for the Board. This position has greatly improved the quality of the reports presented to the Board and improved the coordination of these reports between Code Enforcement and the City Attorney.

Added Building Code Compliance Section and implemented procedures to improve coordination between General Code and Building Inspectors.

The assignment of Building Inspectors to the Code Enforcement Division has improved the coordination and processing of permits, and the timely resolution of building code violations.

GENERAL CODE ENFORCEMENT PROGRAM ACCOMPLISHMENTS

October 13, 1999

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Procedures were completed to assist with the assimilation of this function to the Division. As part of the procedures, the General Code Inspector now coordinates and schedules the inspections with the Building Inspector and the responsible party and provides "project oversight" during the compliance process. This helps to insure that timelines are met and compliance is achieved. In FY 1998-99, two new Building Inspectors were added. This has allowed a Building Inspector to be assigned to each one of five service areas.

Implemented a new Code Enforcement System.

Code Enforcement implemented its new Code Enforcement System (CES) in January 1999. Extensive system design and programming was required to meet the needs of the General Code Enforcement Program. This system will improve record keeping, inspector accountability and management oversight. Prior to CES, Supervisors did not have the ability to adequately track cases. Only start and end dates were recorded in the old system. Now, enforcement activities are tracked at each stage of the compliance process. CES enables the Service Area Supervisor to run reports that measure the number of days to resolve complaints, the number of days between enforcement actions and the distribution of cases among the General Code Inspectors. In addition, Supervisors now have the ability to view all case notes instantaneously. The ability to review these cases improves service to the complainant and assists in ensuring that response times are within the parameters outlined in the Code Enforcement Procedures Manual.

Implemented Proactive Enforcement Programs

The General Code Enforcement Program has recently developed outreach material and utilized innovative methods to resolve certain violations that have created "nuisances".

Auto Repair Crackdown - Council Districts 4 and 5 were experiencing an increase in the number of illegal auto repair businesses operating in residential neighborhoods. General Code staff prepared an informational brochure in multiple languages that outlined what kind of auto repair work was allowed in residential neighborhoods. General Code Enforcement Inspectors conducted sweeps in these Council Districts on several evenings and weekends, distributing brochures and issuing citations for the recalcitrant violators.

Sign Enforcement - Illegal signs pose a significant source of blight and safety hazards. A proactive weekend Saturday sign sweep campaign has been implemented. On one Saturday, General Code Enforcement Inspectors removed 1800 "de minimus" signs from the public right-of-way.

Auto-Dismantler Program - A proactive enforcement program was established to provide inspections for auto-related businesses that are performing illegal auto-dismantling that disadvantages legitimate auto-dismantling businesses to the detriment of the community and the environment.

Gerald Silva, City Auditor

GENERAL CODE ENFORCEMENT PROGRAM ACCOMPLISHMENTS

October 13, 1999

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Redevelopment Enforcement Activities - The Code Enforcement Division has added two Inspectors to respond to provide proactive enforcement in the Downtown Redevelopment Area and the Neighborhood Business Districts. This has improved the overall appearance of those commercial districts and has created an excellent working relationship between the Department and the Agency.

Please contact Mike Hannon at extension 4507 if you have any questions regarding this memorandum.



David Bopf, Acting Deputy Director
Code Enforcement Division

DB/MH

c: Kay Winer
James R. Derryberry