

April 25, 1991
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Introduced by: BRIAN DERDOWSKI

Proposed No.: 91 - 388

MOTION NO. 8282

A MOTION related to Council adoption and Executive implementation of the Management Audit of the Code Enforcement Program.

WHEREAS, the King County Code, Section 2.20.035, states that the auditor's office shall perform program results audits to determine whether the desired results or benefits of a county program are being achieved, whether the objectives established by the council are being met, and whether the agency has considered alternatives which might yield desired results at a lower cost, and

WHEREAS, the management audit of the Code Enforcement Program was presented to and accepted by the Council Committee-of-the-Whole on April 26, 1991, and

WHEREAS, the Code Enforcement Program Audit contained recommendations to improve the effectiveness of the program, described in full in Exhibit A and summarized below:

Preparation of a procedures manual, and implementation of time-keeping logs;

Development and monitoring of staff performance indicators;

Re-evaluation of the division of enforcement responsibilities among BALD sections and the Code Enforcement Program;

Comprehensive review of the enforcement title of the code, Ordinance 2909 (Title 23), including civil penalty provisions;

Development of a caseload management plan to ensure consistent and timely enforcement actions, including invoking sanctions triggered by notice and order;

Development of a backlog reduction plan to close out older, inactive non-priority cases;

1 Delineation of the scope of legal services provided by
2 the 'code enforcement deputy' funded in the office of the
3 prosecuting attorney, and the prototype enforcement process for
4 cases referred for legal action, and

5 WHEREAS, the King County Code, Section 2.20.050, states
6 that agency actions will be taken to correct deficiencies cited
7 by the auditor and audited agencies will establish completion
8 dates by which such actions and changes will be implemented,
9 and

10 WHEREAS, the executive's response (attached as Exhibit B)
11 to the audit generally concurs with the findings and
12 recommendations, and describes steps planned or taken to
13 implement audit recommendations;

14 NOW, THEREFORE, BE IT MOVED by the Council of King County:

15 A. The department of parks planning and resources and the
16 Code Enforcement Program shall provide a report to the council,
17 no later than September 15, 1991, outlining actions taken and
18 establishing completion dates for any remaining activities
19 which are necessary to implement the audit's recommendations.

20 B. The department of parks, planning and resources and the
21 Code Enforcement Program shall provide monthly reports to the
22 auditor for council review regarding the following caseload
23 management data: numbers of cases opened, closed and carried
24 forward, notice and orders issued, cases with notice and orders
25 appealed, cases with civil penalties (and amounts), cases
26 liened (and amounts), cases abated, and cases referred to the
27 office of the prosecuting attorney.

1 BE IT FURTHER MOVED,

2 In the event the Arthur Andersen study does not fully
3 evaluate BALD abatements receivable accounts (approximately
4 \$1.1 million) described in the Code Enforcement Audit and the
5 1988 and 1989 County Annual Financial Reports, the county
6 auditor shall conduct a special study to identify and evaluate
7 past collection practices and determine the likelihood of
8 future collection of outstanding amounts, with specific
9 attention to the outstanding liens for code enforcement civil
10 penalties.

11 PASSED this 6th day of May, 1991.

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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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Lois North
Chair

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ATTEST:

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18

Gerald A. Peterson
Clerk of the Council

SUMMARY OF FINDINGS AND RECOMMENDATIONS

FINDING II-1 Code enforcement program effectiveness is limited by the lack of a specific and viable mission statement, performance targets, and operating procedures which detail the steps and measures to be used in investigating and resolving reported code violations.

RECOMMENDATION

II-1 The code enforcement program should develop a well-defined mission statement, performance targets and an operations/administrative procedures manual.

FINDING II-2 The enforcement provisions of KCC Title 23 have not been comprehensively reviewed and updated in 15 years.

RECOMMENDATION

II-2 PP&R in conjunction with the Office of the Prosecuting Attorney, should initiate a comprehensive review and update of Title 23, focusing on amendments which would enhance direction, clarity and authority for the enforcement process.

FINDING II-3 The absence of a formal statement assigning code enforcement responsibilities among BALD product line sections may result in delayed, duplicative, or conflicting actions by BALD employees in responding to citizen complaints, and impair public access to enforcement services.

RECOMMENDATIONS

II-3-A PP&R and BALD management should evaluate the current division of enforcement responsibility among the product line sections and the code enforcement unit, and re-assign responsibility consistent with areas of expertise and the greatest efficiency in achieving compliance.

II-3-B PP&R and BALD management should prepare and circulate a formal statement of enforcement responsibility which clearly defines for County staff and the public which unit is responsible for addressing the various types of code violations.

II-3-C PP&R and BALD management should also clarify coordination and lead agency responsibilities for code enforcement areas which are shared with other County agencies, specifically Department of Public Works and Department of Public Safety for right-of-way and drainage/surface water runoff complaints, and for abandoned and inoperable vehicles.

FINDING III-1 Workload analysis revealed significant imbalances among inspection areas which could result in unequal levels of enforcement services available to County residents.

RECOMMENDATIONS

III-1 Code enforcement management should initiate management practices which ensure that enforcement services are equally available to county residents and that the caseload is evenly distributed among inspection areas. The steps initiated could include the following:

- A. A review of the geographic boundaries for inspection areas in relation to total numbers of cases open, and cases opened and closed during a year, to determine if adjustments should be made.
- B. The effective supervision of enforcement officers, using performance standards and targets for caseload per officer and cases closed per year.
- C. Ongoing training in enforcement techniques, code revisions and related technical fields.
- D. Encouraging the issuance of notice and orders and monitoring their frequency to ensure enforcement officers are consistent in applying sanctions. (See Recommendations V-1-A through V-1-D, pages 53 and 54).

FINDING IV-1 A significant percentage of the total cases remaining open in May 1990 were from three to seventeen years old, and had no follow-up dates assigned.

RECOMMENDATIONS

IV-1-A The code enforcement program should establish caseload management procedures.

1. The procedures would include target deadlines for case closure for various types of violations and for the caseload as a whole. The procedures should also establish individual case resolution/progress dates by which cases should be closed or substantial progress shown in gaining compliance, or sanctions triggered by notice and order (civil penalties and/or abatement) will be initiated.
2. The caseload management procedures should also ensure that the entire caseload is actively monitored, using printouts of all open cases generated periodically.

IV-1-B The code enforcement program should develop and implement a backlog reduction plan to reduce the open caseload to active current cases. The plan should be developed with legal advice on liability issues and should consider the following elements:

1. Establish working definitions of current and backlogged cases.
2. Create enforcement priorities for re-inspection and action for backlogged cases dependent on the age and type of violation. For example, cases with pre-existing notice and orders, hazard and public nuisance cases would receive priority re-inspection. (Other priorities could also be established.)
3. Develop criteria to expedite closure for backlogged cases with low level violations (i.e., overheight fence), and cases over a specified age with no recent activity.
4. Consider using work study students to field check inactive and lower priority cases.

FINDING IV-2 Total caseload data reported included inactive cases, and cases which required no inspector responsibility, and therefore did not accurately measure current active cases.

RECOMMENDATIONS

IV-2-A Grading cases and other code violation cases which do not require inspector time should be reported and tracked separately, and not included in total caseload data.

IV-2-B Cases should not be deferred indefinitely. Historically difficult to resolve case types such as substandard dwellings and mobile homes should be targeted for resolution using coordinated actions of affected County agencies and resources.

IV-2-C Code enforcement should evaluate case tracking for priority case types to ensure the timely correction of code violations.

FINDING IV-3 Code enforcement reports of basic caseload statistics, primarily cases carried forward, were inaccurate and internally contradictory for the period 1987 through 1989. As a result, caseload assumptions presented in the 1989 BALD Code Enforcement Study could not be validated.

RECOMMENDATIONS

IV-3-A The code enforcement program should ensure that the basic caseload information reported is accurate, consistent and verifiable.

IV-3-B Standard procedures for tracking and numbering (accounting for) re-opened cases should be established and consistently followed from year to year.

FINDING IV-4 Violation types reported in the caseload were not tied directly to specific code or regulation citations, and cases were not reported consistently by violation type.

RECOMMENDATIONS

IV-4-A Public nuisance cases which may involve hazardous violations should be re-inspected to determine if they should be redesignated as hazards and receive priority enforcement attention to secure compliance.

IV-4-B The master list of violations categories should be reviewed and revised to eliminate overlapping categories such as public nuisance and hazard violations. A workable listing, with descriptions and examples of typical cases, and based on appropriate code citations should be developed and included in an Enforcement Procedures Manual.

IV-4-C Code enforcement staff should classify code violations accurately by violation type. Procedures to assist in validating the makeup of the caseload should be established. These might include the following:

1. Requirements that officers verify the initial violation designation, and revise it if necessary.
2. Guidelines for determining which classification should be used, particularly in overlapping categories, (for example shorelines, wetlands, and greenbelt violations) or in determining when a violation should be considered a hazard.

IV-4-D All internal case records and form letters and notices issued to violators should specify the code citation for particular violation noted and the corrective action required.

FINDING IV-5 The distribution of cases among violation types reported in the 1989 BALD Study and staffing model were not corroborated in subsequent analysis. The use of the multiple violations category masked the actual violation distribution and under reported violation types.

RECOMMENDATIONS

IV-5-A The designation codes for multiple violation cases and hazard cases should be revised to indicate primary and secondary violations to allow for an accurate picture of the violation composition.

IV-5-B The violation mix within the code enforcement caseload should be routinely monitored, both in terms of relative proportions of violations to the total caseload and in terms of violation open to close ratios to identify case resolution problems and potential case backlogs.

FINDING V-1 Code enforcement issued notice and orders infrequently, and the number of enforcement orders decreased from 1987 to 1989.

RECOMMENDATIONS

V-1-A Procedures governing the issuance of notice and orders (and supplemental notice and orders) should be established. These should include guidance as to when to issue notices, and factors to be considered in determining if compliance dates should be extended.

V-1-B Code enforcement management should monitor the numbers of notice and orders issued per inspection area in relation to open caseload and case closure rates to ensure that civil penalties are equally available. The time from issuance to case closure should also be monitored to determine if appropriate follow-up steps have been taken, and the effectiveness of these steps.

V-1-C Cases which remain open after a specified time period and for which no notice and order has been issued should be reviewed to determine why a notice and order has not been issued, and to identify an appropriate course of action to resolve the violation.

V-1-D Appeals of notice and orders should be monitored to track both the numbers of cases, time spent per case, type of case, and other trends apparent over time. Appeals of violations which are granted should be reviewed by code enforcement supervision to flag problems in case documentation or code interpretation and to potentially improve the preparation of cases appealed.

FINDING V-2 Notices of non-compliance were improperly issued to violators contrary to requirements of the King County Code.

RECOMMENDATIONS

V-2-A The code enforcement program should not issue notices of non-compliance except subsequent to a notice and order, and the expiration of the 10 day appeal period from the date of issuance.

V-2-B The code enforcement program should revise the issuance of notice and orders as follows:

1. The notice and order documents should be automatically filed with the Records and Elections Division for attachment to the property title. This would eliminate the duplicative work associated with the separate non-compliance certificate, and the potential for errors arising from the need to prepare a second document.

2. The form of the notice and order should be revised to include a statement that the notice, unless appealed, will be filed with the Records and Elections Division.

FINDING V-3 Civil penalty fines were infrequently assessed by the code enforcement program and typically not collected when assessed.

RECOMMENDATIONS

V-3-A The civil penalties structure should be reviewed by BALD and code enforcement management to improve its effectiveness and a draft ordinance prepared to implement changes.

1. Specifically, any penalty revisions should preserve the ability to assess higher fines in cases where severe violations and/or potential environmental impacts exist, yet set reasonable penalty amounts which are likely to be successfully collected for other less severe violations. In addition, the daily fine accrual approach and the need for civil penalty waiver authority should be addressed.
2. The potential for using the Comprehensive Collection Enforcement Program to collect unpaid fees and civil penalties should be assessed by BALD and code enforcement management with assistance from the Office of the Prosecuting Attorney, and the Office of Financial Management.

V-3-B Based on the preceding review, a new draft ordinance revising the civil penalty structure should be presented for Council consideration.

V-3-C Based on authority provided by KCC Title 23 revisions once adopted, administrative procedures for assessing civil penalties should be developed by BALD/code enforcement management, including necessary modifications for the Sierra/Permits system. Areas addressed should include the following:

1. Amount and method for determining the "billable costs" of inspection and enforcement activities, and circumstances in which those costs are to be assessed, to ensure consistent application of this penalty. Alternatively, the standard language in the notice and order form should be revised.
2. Procedures for assessing, collecting, and crediting double or triple civil penalties for repeat violators, and for building permits resulting from enforcement actions.

3. Procedures to establish an upper limit on the number of days a penalty may be assessed in relation to the severity of the violation and the value of the property in violation, so that unrealistically high, essentially uncollectible fines do not accrue.
4. Procedures which establish criteria for waiving civil penalties.

FINDING V-4 Code enforcement has rarely exercised its authority to abate code violations.

RECOMMENDATIONS

- V-4-A Code enforcement management should evaluate the feasibility of employing the abatement process more frequently to resolve code violations.
- V-4-B Code enforcement management should develop procedures to guide in abating violations, identifying suitable violation types and criteria for initiating abatement.
- V-4-C Abatements should be routinely monitored by enforcement management and reported as a workload indicator.
- V-4-D Alternatives to the existing procedure of a separate bid process for each abatement action should be evaluated. These might include annual contracts awarded for certain types of abatement work.

FINDING VI-1 Key workload assumptions and staffing standards for code enforcement inspection activities were not validated by field and in-office time reports. Actual times reported were significantly less than the "standards" relied upon in the 1989 staffing model which resulted in the addition of 3 FTE code enforcement officers to maintain status quo service levels.

RECOMMENDATIONS

- VI-1-A Code enforcement should resume the practice of recording daily activities on time sheets, so that actual times for enforcement activities can be determined.
1. Code enforcement should prepare a revised daily activity and inspection log to incorporate key in-office activities, not solely field inspection time.

2. Daily activity reports should be completed routinely by all inspectors and monitored periodically by enforcement supervision in comparison to performance targets.

VI-1-B Code enforcement management should revise and update the code enforcement staffing model to accurately reflect enforcement activities, to use documented times for tasks, and to identify any factors based on estimated rather than actual data.

VI-1-C Future requests for additional code enforcement inspectors should be based on a revised and verifiable staffing model.

VI-1-D Any future code enforcement officer staffing request should also be predicated on completion of the following actions recommended previously in this report:

1. adoption/implementation of operating procedures and guidelines
2. review of total open enforcement caseload to define the current active caseload, concurrent with the implementation of caseload management practices, and a backlog reduction program.

VI-1-E BALD and code enforcement management should investigate the feasibility and cost-effectiveness of implementing portable computers and car phones for field use.

FINDING VII-1 The effectiveness of the referral and enforcement process for code enforcement cases to the Prosecuting Attorney's Office (PAO) could be improved.

RECOMMENDATIONS

VII-1-A Code enforcement management and the Office of the Prosecuting Attorney should initiate the following actions to improve the coordination and effectiveness of code enforcement deputy prosecutorial services:

1. Develop a statement of services which articulates the scope and specific types of legal services to be provided by the code enforcement deputy for direct reimbursement by BALD, and the concomitant obligations by BALD in providing timely, clear and documented case information which can be successfully prosecuted. (A statement of services should anticipate that the functions of transmitting payment demand letters for outstanding civil

penalties could be potentially performed by BALD accounting staff or the Office of Financial Management.)

2. In addition to routine informal consultation on code enforcement case issues, establish a case referral form and criteria for referral so that cases needing prosecutorial assistance are referred on a timely basis, and so that key issues, instructions and legal objectives are clear and mutually understood.
3. Evaluate the feasibility of initiating an on-line Sierra/Permits system work station in the Prosecutor's Office to facilitate monitoring of case status, and to update civil penalties, abatement cost collections and deadlines, lien filings and deadlines, and other legal actions initiated.
4. Provide periodic reports (quarterly at minimum) from the Prosecutor's Office to code enforcement on the status of cases referred and activities pursued. (As office automation is implemented, monitor cases referred to the Prosecutor's Office using spreadsheet software for ease in updating case status and generating periodic reports.)

VII-1-B In addition, PP&R and code enforcement management in consultation with the Office of the Prosecuting Attorney should evaluate the feasibility of other organizational arrangements to secure additional legal services including the following:

1. Outstationing a deputy prosecutor in BALD/code enforcement.
2. Creating a new position, legal advisor or code compliance coordinator, within PP&R. This position would provide case coordination, case preparation, and code interpretation for code violation cases and service as departmental liaison to the Office of the Prosecuting Attorney.

VII-1-C Code enforcement management and the Prosecutor's Office should develop a clearly defined case resolution process for cases which are referred for prosecutorial action. Seattle's routine enforcement docket and pre-trial settlement hearing process should be investigated as a potential model.



King County Executive
TIM HILL

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516 Third Avenue
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Edmund B

8282

EXECUTIVE RESPONSE

February 28, 1991

Mr. Don Eklund
King County Auditor
402 King County Courthouse
Seattle, WA 98104

RE: Management Audit and Code Enforcement Program

Dear Mr. Eklund:

Thank you for the opportunity to review and comment on your final draft of the Code Enforcement program audit. This audit has provided a useful tool in our review of the Code Enforcement program. The audit findings have provided an opportunity to make program changes which will improve efficiency and quality of service.

I have responded to each recommendation made in the audit. As noted, some recommendations have already been implemented.

Recommendation II-1: The code enforcement program should develop a well-defined mission statement, performance targets and an operations/administrative procedures manual.

A mission statement has been developed (Appendix 1) which clearly defines the mission for the Code Enforcement program.

Utilizing monthly reports, daily log sheets and other performance indicators, performance targets will be identified. We have begun to prepare a procedures manual from existing office and inspection procedures. This manual will be refined through a careful review of all interested parties. We anticipate that the Procedures Manual will be completed by December 1991.

Recommendation II-2: Parks, Planning and Resources in conjunction with the Office of the Prosecuting Attorney, should initiate a comprehensive review and update of Title 23, focusing on amendments which would enhance direction, clarity and authority for the enforcement process.

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We agree that a comprehensive review of Title 23 is necessary however, this review will require substantial time commitments by both the Environmental Division and the Office of the Prosecuting Attorney. I have asked the Environmental Division to prepare a proposal for my consideration during the 1992 budget process to complete this review and update.

Recommendation II-3-A: PP&R and BALD management should evaluate the current division of enforcement responsibility among the product line sections and the code enforcement unit, and reassign responsibility consistent with areas of expertise and the greatest efficiency in achieving compliance.

Recommendation II-3-B: PP&R and BALD management should prepare and circulate a formal statement of enforcement responsibility which clearly defines for county staff and the public which unit is responsible for addressing the various types of code violations.

Recommendation II-3-C: PP&R and BALD management should also clarify coordination and lead agency responsibilities for code enforcement areas which are shared with other county agencies, specifically Department of Public Work and Department of Public Safety for right-of-way and drainage/surface water runoff complaints, and for abandoned and inoperable vehicles.

The Code Enforcement Section has met with each of the Product Lines within BALD to clarify enforcement responsibilities. These informal communications have helped to clarify enforcement roles. A memorandum of policy and procedure is being developed by the Parks, Planning and Resources Department to assign enforcement responsibility within the department as appropriate.

I have also asked my Department Directors with enforcement responsibilities to review their programs and clarify roles.

Recommendation III-1: Code enforcement management should initiate management practices which ensure that enforcement services are equally available to county residents and that the caseload is evenly distributed among inspection areas. The steps initiated could include the following:

A. A review of the geographical boundaries for inspection areas in relation to total numbers of cases open, and cases opened and closed during a year, to determine if adjustments should be made.

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B. The effective supervision of enforcement officers, using performance standards and targets for caseload per officer and cases closed per year.

C. Ongoing training in enforcement techniques, code revisions and related technical fields.

D. Encouraging the issuance of Notice and Orders and monitoring their frequency to ensure enforcement officers are consistent in applying sanctions.

Code Enforcement has adjusted inspection areas for each officer to equalize workload. Performance within these areas is now periodically reviewed to make any needed adjustments (Appendix 2).

Workload indicators, such as cases opened and closed and current follow-up inspections are being carefully monitored. In addition, two officers have been assigned lead roles to provide coordination and supervision for our enforcement officers and to monitor workload indicators (Appendix 3).

Code Enforcement Officers are members of the Washington Association of Code Enforcement (WACE). The officers participate in training seminars and forums provided by WACE. Code Enforcement Staff also participates in the development of new codes and revisions to existing codes to assure the officers stay current.

With the additional supervision to monitor performance, development of a procedures manual, and ongoing training, I believe consistent application of sanctions will be achieved.

Recommendation IV-1-A: The code enforcement program should establish caseload management procedures.

1. The procedures would include target deadlines for case closure for various types of violations and for the caseload as a whole. The procedures should also establish individual case resolution/progress dates by which cases should be closed or substantial progress shown in gaining compliance, or Notice and Order civil penalties and/or abatement will be initiated.

2. The caseload management procedures should also ensure that the entire caseload is actively monitored, using printouts of all open cases generated periodically.

Recommendation IV-1-B: The code enforcement program should develop and implement a backlog reduction plan to reduce the open caseload to active current cases. The plan should be developed with legal advise on liability issues and should consider the following elements:

1. Establishing working definitions of current and backlogged cases.
2. Create enforcement priorities for reinspection and action for backlog cases dependent on the age and type of violation. For example, cases with pre-existing Notice and Orders, hazard and public nuisance cases would receive priority reinspection.
3. Develop criteria for closing out cases, i.e. low level violations, and cases over a specified age with no recent activity.
4. Consider using work study student to field check inactive and low priority cases.

Weekly printouts are monitored to ensure timely follow-up, however, caseload management procedures will be developed as part of the procedures manual.

All case types have current follow-up inspection dates with the exception of old mobile home cases. Monthly reports are now generated identifying all cases and their follow-up status. These reports also indicate case category to ensure priority cases, such as health and safety hazards, are actively pursued.

Code Enforcement has identified those cases over one year old as "backlogged". In 1990, Code Enforcement closed 1,788 cases while opening 1,389 cases. They successfully prioritized backlog cases for possible closure or Notice and Order. This effort is ongoing.

The use of work study students is not feasible. The close officer supervision required would offset any possible benefit.

Recommendation IV-2-A: Grading cases and other code violation cases which do not require inspector time should be reported and tracked separately, and not included in total caseload data.

Recommendation IV-2-B: Cases should not be deferred indefinitely. Historically difficult case types such as substandard dwellings and mobile homes should be targeted for resolution using coordinated actions of affected agencies and resources.

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Recommendation IV-2-C: Code enforcement should evaluate case tracking for priority case types to ensure the timely correction of code violations.

Code Enforcement has implemented recommendation 2-A. All grading and commercial cases are identified and are tracked as separate groups. Reports are generated at least once a month to monitor their status and for use by the sections to provide updates to Code Enforcement. Only one category of cases, old mobile home cases are not actively pursued. An analysis will be made on a regular basis on how best to resolve these cases.

Reports are generated at least once every two weeks to monitor priority cases such as health and safety hazards.

Recommendation IV-3-A: The code enforcement program should ensure that the basic caseload information reported is accurate, consistent and verifiable.

Recommendation IV-3-B: Standard procedures for tracking and numbering reopened cases should be established and consistently followed from year to year.

With the conversion to the Sierra Computer System and a complete review of all case counts, reports now generated are accurate. The reporting capacity of the Sierra System has been helpful for Code Enforcement to better assess the caseload distribution, type and number of cases opened to number of cases closed.

Cases are no longer re-opened. New case numbers are assigned to avoid accounting discrepancies.

Recommendation IV-4-A: Public nuisance cases which may involve hazardous violations should be reinspected to determine if they should be redesignated as hazards and receive priority enforcement attention to secure compliance.

Recommendation IV-4-B: The master list of violation categories should be reviewed and revised to eliminate overlapping categories such as public nuisance and hazard violations. A workable listing, with descriptions and examples of typical cases, and based on appropriate code citations should be developed and included in an Enforcement Procedures Manual.

Recommendation IV-4-C: Code Enforcement staff should classify code violations accurately by violation type. Procedures to assist in validating the makeup of the caseload should be established. These might include the following:

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1. Requirements that officers verify the initial violation designation and revise it if necessary.
2. Guidelines for determining which classification should be used, particularly in overlapping categories or in determining when a violation should be considered a hazard.

Recommendation IV-4-D: All internal case records and form letters and Notices issued to violators should specify the code citation for the particular violation noted and the corrective action required.

Code Enforcement has implemented recommendation A.

The master list of violation types is being reviewed. The list with examples of each type will be part of the new Procedures Manual.

Code Enforcement Officers currently review cases when opened for proper classification. Guidelines will be developed with the procedures manual.

Code citations are identified on Notice and Orders. Other form letters are being revised to include code citations.

Recommendation IV-5-A: The designation codes for multiple violation cases and hazard cases should be revised to indicate primary and secondary violations for an accurate picture of the violation composition.

Recommendation IV-5-B: The violation mix within the code enforcement caseload should be routinely monitored, both in terms of relative proportions of violations to the total caseload and in terms of violation open to close ratios to identify case resolution problems and potential case backlogs.

With the Sierra System, Code Enforcement is able to separate high priority or hazard cases from the general caseload. The reports on caseload composition however, reflect the mix of all cases.

Code Enforcement is reviewing the feasibility of including this on the monthly report.

Recommendation V-1-A: Procedures governing the issuance of Notice and Orders should be established. These should include guidance as to when to issue notices, and factors to be considered in determining if compliance dates should be extended.

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Recommendation V-1-B: Code enforcement management should monitor the numbers of Notice and Orders issued per inspection area in relation to open caseload and case closure rates to ensure that civil penalties are equally available. The time from issuance to case closure should also be monitored to determine if appropriate follow-up steps have been taken, and the effectiveness of these steps.

Recommendation V-1-C: Cases which remain open after a specified time period and for which no Notice and Order has not been issued, and to identify an appropriate course of action to resolve the violation.

Recommendation V-1-D: Appeals of Notice and Orders should be monitored to track both the numbers of cases, time spent per case, type of case, and other trends apparent over time. Appeals of violations which are granted should be reviewed by Code Enforcement supervision to flag problems in case documentation or code interpretation and to potentially improve the preparation of cases appealed.

Procedures governing the issuance of Notice and Orders are being developed as a part of operational procedures manual. The Sierra System currently monitors numbers of both Notice and Orders as well as total open caseload. Our billing process begins a review of cases that have not complied by the dates specified by the Notice and Order. Lead Officers monitor the issuance of Notice and Orders, and subsequent follow-up, together with tracking of information for future use. Cases that remain open longer than one year from opening will be reviewed as back-logged cases. All cases so identified will be directed to a more effective course of enforcement.

Daily job logs now track time spent on preparing Notice and Orders as well as preparing for and attending appeal hearings. Leads will track circumstances regarding interpretation, case preparation and documentation. We will begin to track events that lead to the granting of appeals.

Recommendation V-2-A: The code enforcement program should not issue notices of noncompliance except subsequent to a Notice and Order, and the expiration of the 10 day appeal period from the date of issuance.

Recommendation V-2-B: The code enforcement program should revise the issuance of Notice and Orders as follows:

1. The Notice and Order documents should be automatically filed with the Records and Elections Division for attachment to the property title. This would eliminate the duplicative work associated with the separate non-compliance certificate, and the potential for errors arising from the need to prepare a second document.

2. The form of the Notice and Order should be revised to include a statement that the Notice, unless appealed, will be filed with the Records and Elections Division.

Code Enforcement has implemented Recommendation A.

We have forwarded a new Notice and Order to the Prosecuting Attorney's Office for their review. This new form incorporates both recommendations (Appendix 4).

Recommendation V-3-A: The civil penalties structure should be reviewed by BALD and Code Enforcement management to improve its effectiveness and a draft ordinance prepared to implement changes.

1. Specifically, any penalty revisions should preserve the ability to assess higher fines in cases where severe violations and/or potential environmental impacts exist, yet set reasonable penalty amounts which are likely to be successfully collected for other less severe violations. In addition, the daily fine accrual approach and the need for civil penalty waived authority should be addressed.

2. The potential for using the Comprehensive Collection Enforcement Program to collect unpaid fees and civil penalties should be assessed by BALD and Code Enforcement management with assistance from the Office of the Prosecuting Attorney, and the Office of Financial Management.

Recommendation V-3-B: Based on the preceding review, a new draft ordinance revising the civil penalty structure should be presented for Council consideration.

Recommendation V-3-C: Based on authority provided by KCC Title 23 revisions once adopted, administrative procedures for assessing civil penalties should be developed by BALD/Code Enforcement management, including necessary modifications for the Sierra/Permits system. Areas addressed should include the following:

1. Amount and method for determining the "billable costs" of inspection and enforcement activities, and circumstances in which those costs are to be assessed, to ensure consistent application of this penalty. Alternatively, the standard language in the Notice and Order form should be revised.
2. Procedures for assessing, collecting, and crediting double or triple civil penalties for repeat violators, and for building permits resulting from enforcement actions.
3. Procedures to establish an upper limit on the number of days the penalty may be assessed in relation to the severity of the violation and the value of the property in violation, so that unrealistically high, essentially uncollectable fines do not accrue.
4. Procedures which establish criteria for waiving civil penalties.

As part of the comprehensive review of Title 23, assessment of civil penalties and rate structure will be addressed.

Collection of civil penalties is not specifically assigned to the Code Enforcement Section. We do however, support any changes to improve collection of these penalties.

These recommendations will be goals for the rewrite of Title 23. Code Enforcement will actively participate in the revision process.

Recommendation V-4-A: Code Enforcement management should evaluate the feasibility of employing the abatement process more frequently to resolve code violations.

Recommendation V-4-B: Code Enforcement management should develop procedures to guide in abating violations, identifying suitable violation types and criteria for initiating abatement.

Recommendation V-4-C: Abatements should be routinely monitored by enforcement management and reported as a workload indicator.

Recommendation V-4-D: Alternatives to the existing procedure of a separate bid process should be evaluated. These might include annual contracts awarded for certain types of abatement work.

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Code Enforcement will, as part of our procedures manual, develop guidelines to expedite abatements whenever possible. Leads will begin to track these abatements with an eye towards sorting them into categories for the purpose of helping the Purchasing Division prepare annual contracts.

Recommendation VI-1-A: Code Enforcement should resume the practice of recording daily activities on time sheets, so that actual times for enforcement activities can be determined.

1. Code Enforcement should prepare a revised daily activity and inspection log to incorporate key in-office activities, not solely field inspection time.
2. Daily activity reports should be completed routinely by all inspectors and monitored periodically by enforcement supervision in comparison to performance targets.

Recommendation VI-1-B: Code Enforcement management should revise and update the Code Enforcement Staffing Model to accurately reflect enforcement activities, to use documented times for tasks, and to identify any factors based on estimated rather than actual data.

Recommendation VI-1-C: Future requests for additional code enforcement inspectors should be based on a revised and verifiable staffing model.

Recommendation VI-1-D: Any future Code Enforcement Officer staffing requests should also be predicated by completion of the following actions recommended previously in this report:

1. Adoption/Implementation of operating procedures and guidelines.
2. Review of total open enforcement caseload to define the current active caseload, concurrent with the implementation of caseload management practices, and a backlog reduction program.

Recommendation VI-1-E: BALD and Code Enforcement management should investigate the feasibility and cost effectiveness of implementing portable computers and car phones for field use.

Daily inspection logs are now in use by all officers. As a body of time-keeping data is accumulated, a new management staffing model will be developed. This new model will be used for future staffing requests. It is agreed that all future staffing requests will comply with this recommendation.

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violation cases and service as departmental liaison to the Office of the Prosecuting Attorney.

Recommendation VII-1-C: Code Enforcement management and the Prosecutor's Office should develop a clearly defined case resolution process for cases which are referred for prosecutorial action. Seattle's routine enforcement docket and pretrial settlement hearing process should be investigated as a potential model.

We are currently assessing what legal services are required from the Prosecutor's Office. Once those needs are ascertained, we can develop a statement of services. We have created a case referral form that is currently in use. Criteria for referral will be incorporated into the procedures manual. In addition, arrangements are being made for the connection of an on-line Sierra terminal at the Prosecutor's Office.

The recommendation for periodic reports from the PAO would provide useful information to Code Enforcement.

PP&R, Code Enforcement and the Prosecutor's Office are evaluating the feasibility and programmatic desirability of Recommendation B.

Code Enforcement and the Prosecutor's Office will study other jurisdiction's case resolution processes and implement beneficial aspects. This study should result in recommendations to be considered in the review of Title 23.

Thank you for the opportunity to comment on this thoughtful and comprehensive audit. I believe we will have a truly effective and efficient Code Enforcement program with completion of an operational and administrative procedures manual and the eventual review of Title 23.

We are currently searching for a Sierra compatible portable computer system for the use by Code Enforcement Officers in the field. The need for mobile car phones as well as these computers will be analyzed for the 1992 budget.

Recommendation VII-1-A: Code Enforcement management and the Office of the Prosecuting Attorney should initiate the following actions to improve the coordination and effectiveness of Code Enforcement deputy prosecutorial services:

1. Develop a statement of services which articulates the scope and specific types of legal services to be provided by the Code Enforcement Deputy for direct reimbursement by BALD, and the concomitant obligations by BALD in providing timely, clear and documented case information which can be successfully prosecuted.
2. In addition to routine informational consultation on Code Enforcement case issues, establish a case referral form and criteria for referral so that cases needing prosecutorial assistance are referred on a timely basis, and so that key issues, instructions and legal objectives are clear and mutually understood.
3. Evaluate the feasibility of initiating an on-line Sierra/Permits system workstation in the Prosecutor's Office to facilitate monitoring of case status, and to update civil penalties, abatement costs, collections and deadlines, lien filings and deadlines and other legal actions initiated.
4. Provide periodic reports from the Prosecutor's Office to Code Enforcement on the status of cases referred and activities pursued.

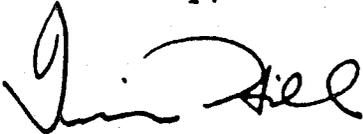
Recommendation VII-1-B: In addition, PP&R and Code Enforcement management, in consultation with the Office of the Prosecuting Attorney, should evaluate the feasibility of other organizational arrangements to secure additional legal services including the following:

1. Outstationing a Deputy Prosecutor in BALD/Code Enforcement.
2. Creating a new position, legal advisor or code compliance coordinator within PP&R. This position would provide case coordination, case preparation, and code interpretation for code

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If you have any questions regarding this response, please call
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Sincerely,



Tim Hill
King County Executive

TH:jad

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ATTN: Cal Hoggard, Program Staff Director

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