

SYN. NO. \_\_\_\_\_

AGN. NO. \_\_\_\_\_

MOTION BY SUPERVISORS ZEV YAROSLAVSKY

JUNE 1, 2004

On March 5, 2004, District Attorney Steve Cooley issued a letter to each member of the Board of Supervisors indicating that, as a result of budget curtailments and an evaluation of critical staff needs within his office, he could no longer afford to dedicate staff exclusively to code enforcement cases, and that the District Attorney's (DA) Code Enforcement Section would be disbanded effective April 1, 2004. District Attorney Cooley advised that beginning April 1<sup>st</sup>, code enforcement cases would have to be filed in the DA's regional branch or area offices that serve the geographic area in which the violation occurred. This action is likely to result in the weakening of the County's code enforcement efforts, which protect the quality of life and improve the health and welfare of our unincorporated communities.

On April 27, 2004, the CAO issued a report to the Board outlining a number of options to improve the County's code enforcement efforts. The CAO in consultation with County Counsel and the Departments of Regional Planning and Public Works, suggests that the County focus its efforts on developing an upgraded civil approach to code enforcement using the provisions of State statutes that permit civil legal actions, In order to develop and implement a more effective civil code enforcement process, the

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including restraining orders and injunctions, as well as the levy of civil penalties to the maximum extent possible.

CAO also recommends the creation of a code enforcement unit in County Counsel.

The following code enforcement services would be required:

- Review and develop proposed amendments to the County Code to include the maximum civil remedies possible under State law, as well as to provide consistency between the various County Code sections that are enforced by the multiple involved departments.
- In partnership with the CAO and code enforcement departments, develop common processes, forms and other tools that will provide a consistent, interdepartmental code enforcement system; and develop protocols for convening multi-departmental code enforcement strike teams for the most severe and complex code enforcement cases.
- Provide training and ongoing consultation with field enforcement personnel.
- Conduct office conferences with violators and file civil litigation when appropriate.
- If agreement can be reached with the DA, deputize members of the Office of County Counsel to directly file criminal prosecutions of code violations.

County Counsel has estimated that three attorneys, a paralegal and a secretarial position would be necessary to provide an appropriate level of service to meet the expectations outlined above. The cost for the unit is estimated to be \$592,847.19 per year.

**I, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS:**

1. Direct the CAO to request that the District Attorney deputize the County Counsel to directly file criminal prosecutions of code violations;
2. Direct the CAO and County Counsel to develop a proposal including required ordinance amendments for enhancement of the County's civil remedies which may be utilized to achieve code compliance, and report back to the Board in 90 days; and
- 3 Refer the matter of funding a Code Enforcement Unit within County Counsel to the Board's FY 2004-05 budget deliberations and direct the CAO to provide a funding recommendation for this purpose in his final FY 2004-05 Proposed Budget adjustment recommendations.