



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel
Jennifer A. Maguire

**SUBJECT: SOLID WASTE ENFORCEMENT
FEE AND CODE ENFORCEMENT
STAFFING**

DATE: May 25, 2011

Approved

Date

5/26/11

RECOMMENDATION

1. Add 1.0 Code Enforcement Inspector in the Planning, Building and Code Enforcement Department.
2. Approve the following amendments to the 2011-2012 Proposed Budget in the General Fund:
 - a. Increase the Planning, Building, and Code Enforcement Personal Services appropriation by \$143,263.
 - b. Increase the revenue estimate for Department Charges by \$212,950.
 - c. Establish a 2012-2013 Future Deficit Reserve of \$69,687 or distribute this funding as part of the 2011-2012 Budget process.
3. Amend the 2011-2012 Proposed Fees and Charges to set the Solid Waste Enforcement Fee at the 2010-2011 approved level of \$1.29 per ton.

BACKGROUND

The Administration recommends that the Solid Waste Enforcement Fee (SWEF) remain unchanged for 2011-2012 at the 2010-2011 fee level of \$1.29 per ton. This would generate an additional \$212,950 in revenue, from \$3,315,200 in the Proposed Budget assuming a fee of \$1.21 per ton, to \$3,528,150 at this recommended fee level. The additional revenue is recommended to fund the restoration of 1.0 Code Enforcement Inspector, proposed for elimination in the 2011-2012 Proposed Operating Budget; recover the costs for 0.31 of a Code Enforcement Inspector position assigned to the Vacant Building Program; and increase the Code Enforcement overtime budget by \$16,740, from \$13,260 to \$30,000. The General Fund revenue generated by these actions will recover direct costs and overhead, with a net \$69,687 available for reallocation to establish a 2012-2013 Future Deficit Reserve or be distributed as part of the 2011-2012 Budget process.

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The SWEF is paid by each operator of a state-permitted solid waste facility and by persons conducting solid waste handling. The fee is assessed per ton of refuse including cover material, inert construction material and recyclable materials, as specified by the Fee Resolution. The SWEF funds the Local Enforcement Agency (LEA), responsible for inspections of state regulated "solid waste facilities," the Neighborhood Clean-up Program, and Code Enforcement Inspectors assigned to the General Code Program. The 2011-2012 Proposed Operating Budget recommended reducing the SWEF from \$1.29 per ton to \$1.21 per ton to maintain 100% cost recovery levels based on the cost of the staffing complement in the 2011-2012 Proposed Budget.

ANALYSIS

The additional 1.0 Code Enforcement Inspector, funded by the SWEF, will increase the number of Code Enforcement Inspectors assigned to the General Code Program from eight to nine Code Enforcement Inspectors, just under one per City Council District. The General Code Program receives and responds to complaints involving a variety of Municipal Code violations that are directly or indirectly aligned with solid waste activities including violations of the Community Preservation Ordinance, formerly the Blight Code and the Solid Waste Ordinance. The Code Enforcement Inspector will respond to the following types of complaints: accumulation of garbage in a residence, generally referred to as a "hoarding", inadequate garbage service, storage of junk visible from the public right of way and any other condition that poses an immediate threat to life and/or property.

Code Enforcement also proposes to replace a portion of General Fund support of a Code Enforcement Inspector currently assigned to the Vacant Building Program with SWEF funding. The increase in foreclosures, as well as the community's desire for increased enforcement to address the impact of vacant/foreclosed properties in neighborhoods/business districts, has necessitated that Code Enforcement continue allocating 1.0 Code Enforcement Inspector to investigate and enforce violations associated with neglected vacant properties. The position is funded by the General Fund, with 25% of the costs offset by Neglected Vacant House Registration fees. With this proposed funding reallocation, 56% of the position's costs would be offset by fees (25% Vacant House Registration fees and 31% SWEF).

Staff has determined that neglected vacant properties generally have solid waste violations associated with the property, such as accumulation of trash, refuse, discarded furniture and appliances, and other conditions that can be aligned with solid waste enforcement activities. Therefore, staff proposes to recover a portion of the cost of this position with the SWEF.

Code Enforcement, like most enforcement agencies, must investigate violation that can occur late at night such as businesses open past midnight without a Conditional Use Permit or early morning violations such as construction before 7:00 a.m., in violation of an approved Planning Permit or on weekends. With the proposed elimination of the Weekend Inspection Program, staff is requesting an increase in the overtime budget in an effort to have staff available to investigate

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and respond to late night, early morning or weekend violations, on a case by case basis. This overtime funding would allow Code Enforcement to ensure that with reduced resources, life and safety violations continue to be investigated within 24 to 72 hours.



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Budget Director

/s/

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement