

Enforcement Program Assessment and Interim Measures

Goal:

- Identify weaknesses internal to Planning Department as they relate to cross-jurisdictional issues with goal of determining appropriate resource allocations and tweaks to code requirements.

Apparent Issues:

- Cross-jurisdictional information and enforcement interfaces still need to be understood to greater depth (i.e. tie-ins with Flood Program)
- Layering of the TVR ordinances expose problems with certain requirements that may need to be tweaked in order to match the resource support currently available.
- Complexity of TVR legislation and due process elements of revocation and fine appeals expose gaps in human resources beyond the Planning Department with respect to carrying through enforcement beyond the inspection.
- Certain "Tools" are absent with respect to automation, efficiency and training and can be addressed in the interim as laying the groundwork for potential process reengineering.

Policy Directions in the Interim:

- All TVR inspection activities are considered low priority until TVR Database overhaul completed and bubble of July 31 deadline renewals have been processed. Summer student help will be brought in to assist with completing Database overhaul.
- All Zoning Compliance Notice copies will be sent to the Prosecutor's office with a cover letter indicating that further information is available upon request and should not be interpreted as affirmative requests by Department to initiate criminal proceedings.
- Prosecutor's office and Planning Department continue training cooperation specifically with respect to better report writing and information gathering techniques.
- Any criminal proceeding referrals will go through the Director first, and be accompanied by a request to prosecute.
- Focus will still remain on TMKs that have hit the TVR system for enforcement.
- Complaints about TVRs that have hit the system will be cataloged and cross referenced in the TVR database with the aim of conducting a future inspection and potential withholding during next renewal cycle in 2014. Other TVR complaints will be put in the queue and addressed in order.
- TVR complaints related to flood zone compliance or violations of other agency codes will be referred directly to those agencies.

Current plans of Action:

- Retain external consultant propose potential courses of process reengineering for the enforcement program (Present-December 2013)
 - Complete review of Planning Department policies and procedures, including work product
 - Review of interface between different agencies either by statute or by practice
 - Provide recommendations for reorganization, additional resources, and changes to any relevant laws, rules or policies
- TVR Database overhaul (Present-July 31, 2013)
 - Additional file details on website currently unavailable while overhaul ongoing
 - Repackaging and filing of physical files, elimination of all loose files, chronological filing of all documents within the files, consolidation of duplicative files (Completed April 2013)
 - Technical review of each file and re-input into an excel data base (to be complete by July 31, 2013)
- Intake and Processing of TVR Renewal Applications with July 31, 2013 deadline (Present-October 31, 2013) (about 80% of TVR applications)
 - Staff transitions from Database overhaul to processing TVR Renewal applications
 - Catalog and compile all incoming renewal applications then transmit list to Department of Public Works, Department of Health, Fire Department, Department of Water and County Attorney's office asking they cull all their files for violations of their respective codes (Out by August 15, due back to PD by September 15).
 - Deposit all incoming renewal checks (August 1-15)
 - Staff confirms genuineness of renewal submittal documents (August 15-September 15).
 - Staff cross references all requests to hold TVR renewals from other agencies. Issues TVR certificates for those without holds (September 16-September 30)
 - Staff drafts Cease and Desist notices and informing of held renewals until violations have been rectified (Between October 1-31, 2013).
- Intake and Processing of TVR Renewal Applications with other deadline (Ongoing year round) (about 20% of TVR applications)
 - Catalog and compile all incoming renewal applications then transmit list to Department of Public Works, Department of Health, Fire Department, Department of Water and County Attorney's office asking they cull all their files for violations of their respective codes (Out within 15 days of submittal, due back to PD within 30 days after).
 - Deposit all incoming renewal checks
 - Staff confirms genuineness of renewal submittal documents.
 - Staff cross references all requests to hold TVR renewals from other agencies. Issues TVR certificates for those without holds

- Staff drafts Cease and Desist notices and informing of held renewals until violations have been rectified.
- TVR Follow-up enforcement (Between November 1-June 30, 2014)
 - Initial 21-day waiting period on batch Cease and Desist notices issued for those with July 31 deadline.
 - TVRs issued cease and desist notices are inspected by staff to confirm continuing operation.
 - Half-time Planner I coordinates with County Attorney rights of entry for further inspection of these properties, if necessary
 - TVR inspectors do field and document research and follow up with those stating their compliance plan is to rectify violations. Conformation of clearance with codes with external agencies, and reissue certificates.
 - Those with continuing operation automatically referred to Prosecutor's office by Director.
 - Those with continuing operation automatically issued second notice and concurrent fine by Director.
 - Appeals of fines referred to the County Attorney's office for disposition through Hearings Officer or Planning Commission as with timing dictated by work time available.
 - Departmental packaging of fine appeal information also dictated by availability of staff time.
- TVR Complaints (Ongoing)
 - Disposition of TVR complaints are low priority for staff while follow-up enforcement for those issued TVR certificates with renewal problems is a high priority. Other TVR complaints will be put in the queue and addressed in order.
 - Staff will catalog complaints about TVRs that have hit the system will be cataloged and cross referenced in the TVR database with the aim of conducting a future inspections and potential withholding during next renewal cycle in 2014.
 - Complaints related to flood zone compliance or violations of other agency codes will be referred directly to those agencies for potential immediate action on their end.
- Other Code Complaints
 - SMA Inspector will make determination whether a fine on first notice is appropriate and refer to Director.
 - CZO Inspector will follow up after 21-days of issuing first notice on a violation and if violation is ongoing, refer to Director.
 - After Director issues fines, Deputy Director will handle negotiations with parties on settlement of fine levy, or coordinate appeals with the Hearings Officer