

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

531



FROM: TLMA/Department of Code Enforcement


SUBMITTAL DATE:
February 3, 2011

SUBJECT: Amending in its entirety, Ordinance No. 725, "An Ordinance Establishing Procedures and Penalties for Violations of Riverside County Ordinances And Providing For Reasonable Costs Enforcement"

RECOMMENDED MOTION: That the Board of Supervisors:

1. Set for Public Hearing the adoption of Ordinance No. 725.14 amending Ordinance No. 725 which establishes enforcement procedures, remedies and penalties (including cost recovery) for violations of Riverside County Land Use Ordinances;
2. Authorize the Clerk of the Board to place an advertisement for a Public Hearing in the appropriate local publications; and
3. Upon close of the Public Hearing, adopt Ordinance No. 725.14.

BACKGROUND: The Board authorized the Director of Code Enforcement and County Counsel to process an amendment to Ordinance No. 725 on December 14, 2010 (Agenda Item No. 3.49) for the express purpose of streamlining the abatement enforcement and hearing processes and to increase cost recovery, specifically in collections on unpaid citations. (Continued on page 2)


Glenn Baude, Director of Code Enforcement

FINANCIAL DATA	Current F.Y. Total Cost:	\$92,000	In Current Year Budget:	\$92,000
	Current F.Y. Net County Cost:	\$92,000	Budget Adjustment:	\$-0-
	Annual Net County Cost:	\$50,000	For Fiscal Year:	

SOURCE OF FUNDS: Department of Code Enforcement	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: 
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for public hearing March 15, 2011 at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: February 15, 2011
 xc: TLMA-Code Enforcement, Auditor, Co.Co., COB

Kecia Harper-Ihem
Clerk of the Board

BY: 
Deputy

3.29

Prev. Agn. Ref.:

District: All

Agenda Number:

FOR APPROVED COUNTY COUNSEL
 BY: 
 FATH F. SMITH
 DATE: 2/3/11
 Department of Code Enforcement
 Dept. Reco Policy
 Consent Exec. Consent
 ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

RE: Amendment to Ordinance No. 725, "Establishing Procedures and Penalties for Violations of Riverside County Ordinances And Providing For Reasonable Costs Related to Enforcement
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Riverside County Ordinance No. 725, as amended, serves as the enabling ordinance which sets forth procedures, remedies, penalties, fines, citations, hearings and cost recovery for the enforcement of many County Land Use Ordinances, as authorized by California Government Code Section 25845. The proposed Ordinance No. 725.14 replaces the prior Ordinance No. 725.13 in its entirety.

On November 30, 2010 (Agenda Item 2.5) the Auditor-Controller presented findings of its internal audit (2010-018) of the Code Enforcement Department and recommended that Ordinance 725 be amended to enhance the Department's cost recovery efforts.

Currently, all abatement and cost recovery matters are heard only by the Board of Supervisors. The Department is currently processing a substantial number of uncollected cost recovery cases, thus there is a need to dramatically increase the number of abatement and cost recovery hearings scheduled before the Board.

Due to the large volume of cases requiring Board Hearings and expected congestion to be caused thereby, Ordinance 725.14, as proposed, allows the Board of Supervisors the option to authorize a County Hearing Officer and/or County Hearing Board to adjudicate abatement and cost recovery matters on its behalf.

Ordinance No. 643 established the Office of the County Hearing Officer and was adopted on September 26, 1989. Government Code § 27720 allows the Board of Supervisors to delegate any hearings provided by County Ordinances to the County Hearing Officer to make either a final determination on a matter or to forward a recommendation to the Board for its further ratification, modification or denial.

Ordinance No. 725.14, as proposed, authorizes the County Hearing Officer to make a final determination on abatement issues. However, the Ordinance also includes the Board's right to also conduct hearings on abatement cases, if desired.

Government Code § 25845 specifically authorizes the Board to delegate its authority regarding the determination of public nuisances, order for abatements and recovery of abatement costs to a Hearing Board, as designated by the Board of Supervisors. In the event a Hearing Board is used, it shall submit a decision to the Board of Supervisors for further hearing, although no additional notices need to be issued for the Board hearing.

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It is anticipated that establishment of a Hearing Board and/or Officer will impact the Code Enforcement Department positively by:

- a) increasing productivity by streamlining abatement procedures,
- b) eliminating a backlog of cost recovery cases; and
- c) improving the efficiency and effectiveness of future code enforcement activities, including abatements, citations, efficiency.

The proposed amendment significantly modifies Ordinance 725, including authorization to utilize special assessments in the recovery of unpaid administrative citations as part of abatement costs, and includes changes in various areas intended to improve the efficiency and effectiveness of civil and administrative enforcement proceedings and cost recovery.

Thus, Ordinance No. 725.14, as proposed, will not only satisfy the recommendation of the recent audit but will also facilitate the Department goals to increase productivity and cost recovery by streamlining abatement procedures, increasing efficiency by timely processing current and backlogged cases, and increasing the opportunity for more hearings for timely and effective cost recovery.