

MORRO BAY MUNICIPAL CODE ENFORCEMENT: BAND-AID OR PROCESS?

Should the City of Morro Bay make a transition from a citizen complaint-driven municipal code enforcement process to a proactive, managed code enforcement process?

INTRODUCTION

Municipal codes help establish the administrative framework for the health and safety of a community, its residents and visitors. Code enforcement also affects the visual and environmental aspects of a community.

Over the past decade, economic events such as loss of power plant funds and significant reductions to the fishing industry have resulted in a renewed interest by Morro Bay officials to revitalize its waterfront and increase other tourist-friendly projects. These activities can provide the potential for increases in revenues to support needed city services such as code enforcement which can improve tourist impressions.

This investigative report presented by the 2014-2015 San Luis Obispo County Grand Jury (Grand Jury) describes deficiencies in the current approach to municipal code enforcement and offers recommended changes that may benefit Morro Bay, its residents and visitors.

ORIGIN

Following a review of a Morro Bay citizen complaint, the Grand Jury solicited additional comments from Morro Bay residents about the lack of municipal code enforcement. This led to investigation of the process and effectiveness of current enforcement and how violations of these codes are addressed.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of cities within the county.

METHOD

The Cities and Special Districts Committee of the Grand Jury interviewed relevant city officials, staff and Morro Bay residents for this report. In addition, it reviewed pertinent Morro Bay municipal codes and ordinances and Morro Bay's website with its links to departmental web pages. Finally, it researched how several other cities in the county manage municipal code enforcement.

BACKGROUND

Morro Bay is a seaside community incorporated as a city in July 1964 and currently has a population of approximately 10,500. During its 2002-2003 fiscal year Morro Bay experienced a 27% decrease in its General Fund revenues (\$13.2M to \$9.7M) due to the loss of power plant funds. At the same time the Operating Expenses increased 10% (\$9.7M to \$10.8M).¹ As a result plans were put into place requiring priority setting to reduce expenses. In response the position of code enforcement officer was vacated in 2005 and code enforcement was reduced to a complaint-driven process that continues today.

NARRATIVE

Municipal code enforcement includes application processing with inspection and follow-up of compliance. Municipal code responsibilities also fall under multiple departments within city administration. Most city officials interviewed agree that code enforcement is an important component in maintaining the health and safety of the community, residents and visitors. Additionally, these interviewees agree that proactive management in enforcement could provide

¹ *Assessment of City Organization and Financial Options-2008* report by Management Partners, Inc.

cost-effective citywide compliance. Based on these comments, the Grand Jury examined what steps should be taken for effective code enforcement management. These include the city's ability to receive, address and track complaints to resolution; and the ability of individuals to easily report violations and to be apprised of the outcome of complaints.

Reporting a Municipal Code Violation

The City of Morro Bay makes this process flexible, possibly too much so. Individuals may, and reportedly do, telephone or e-mail the mayor, any city council member, city manager, city hall or any city department with complaints and comments. Frequently, multiple departments receive the same complaint. Morro Bay's website provides a link with telephone and e-mail contact information for the police department operations commander to report code violations. This website also provides a link to the "Let Us Know" web page where completed report forms are directed electronically to specific city departments. Individuals may also complete and submit a complaint form at any city office. While this approach helps ensure individuals are not restricted in their communications with city officials and staff, some city officials admit significant resources are used in attempting to direct complaints to the appropriate department.

The Complaint Investigation Process

When city officials or staff receive an individual's complaint of a possible code violation, their first action is to direct the complaint to the department with the responsibility to resolve it. When staff is not certain which department has the primary responsibility, the complaint is submitted to the city attorney's office for distribution to the appropriate department(s). The investigation process may include discussions with the complainant and possible violator as well as a site visit. City staff attempts to work with violators to obtain voluntary compliance. Many complaints are investigated and resolved by the appropriate department while more complex complaints are referred to an interdepartmental team for resolution.

The Code Enforcement Committee

In 2009 under the guidance of the city attorney and police chief, the Code Enforcement Committee (CEC) was established to address interdepartmental issues and serious health and

safety code violation complaints. Representatives from the city attorney's office, police department, fire department, public services department and building services comprise this committee. Any city staff member may refer a complaint to the CEC. It meets on an as-needed basis (typically every other month) to assign responsibility for these complaints and to confirm status and progress on previously reported but unresolved complaints. To ensure complaints are tracked to resolution, the CEC uses a manual-entry spreadsheet identifying each complaint, the assigned responsible committee member and the current status of the complaint up to and including resolution. This spreadsheet does not track all complaints received by the city, only those referred to the CEC.

City officials acknowledge their current approach only corrects a single violation, instead of addressing similar violations throughout the city. It also requires the time and resources of multiple departments resulting in taking personnel away from their primary job. City officials interviewed agree the employment of a code enforcement officer as a single point of contact would provide a more complete, expedient and efficient process.

Responding to Complainant

City officials explain that while efforts are made to report resolutions to complainants, there isn't a formal process. Individuals may contact city hall staff to inquire about the status of a complaint. Without a readily accessible tracking system, the current status may not be available to staff who are left unable to respond to citizen inquiries.

CONCLUSIONS

While Morro Bay officials provide a wide range of options for its residents to communicate with them, the effectiveness of these communications cannot be determined and so many options may lead to confusion. Efforts to address code violations via a complaint-driven process can create the impression that city personnel do not see problems unless reported.

While the current complaint-driven process may result in correction of a single violation, similar violations at other locations in the city are not identified and therefore not addressed. This results in inconsistent enforcement which can be perceived as unfair.

Absent the existence of effective code enforcement tracking capabilities, comprehensive programs to ensure enforcement plans cannot be developed. The ability to track repeat municipal code violators is also limited.

Perception is reality. The inability to effectively communicate the actions taken and resolutions of reported code violations creates the impression that no action was taken and increases frustration levels among Morro Bay residents.

City officials agree that a focused municipal code enforcement process can:

- Allow department personnel to focus on their primary job
- Track code related application and licensing ensuring fees and penalties are collected
- Provide the capability for citywide enforcement compliance
- Provide the ability to track compliance and code violation complaint resolution

FINDINGS

F1: Morro Bay does not have a code enforcement officer.

F2: Municipal code enforcement in Morro Bay is complaint-driven.

F3: Complaint processing is distributed across multiple departments of the city government and therefore is a drain on city resources.

F4: Code enforcement targets only the violation at a specific location identified in a complaint resulting in the appearance of unfairness and inconsistency.

F5: Comprehensive tracking of all complaints and code violations by Morro Bay does not exist.

F6: Effective preventive actions or proactive management plans cannot be developed without comprehensive tracking.

F7: City hall staff is unable to quickly and effectively provide responses to questions about the status of code violation complaints.

RECOMMENDATIONS

R1: Establish a proactive managed code enforcement process.

R2: Fund and hire a full-time municipal code enforcement officer.

R3: Acquire, install and use a municipal code management software package to track all code violation complaints.

R4: Train staff on use of the new system.

REQUIRED RESPONSES

The mayor of the City of Morro Bay shall respond to Findings 1 through 7 and Recommendations 1 through 3.

The responses shall be submitted to the presiding judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Dodie Harman Superior Court of California 1035 Palm Street, Room 355 San Luis Obispo, CA 93408-1000	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403-4910 GrandJury@co.slo.ca.us