



**Snohomish County  
Auditor's Office**  
*Performance Audit Division*

**CODE ENFORCEMENT AUDIT**

**11-29-2005**

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# 1 INTRODUCTION

## 1.1 *Summary of Results*

The Planning and Development Services Department in Snohomish County has many opportunities to improve the Code Enforcement Division. Our recommendations fall into the following topic areas:

- [Snohomish County's code enforcement philosophy must be clear and widely accepted.](#)
- [Code violations must be prioritized.](#)
- [Performance measures should be put in place and utilized.](#)
- [The Code Enforcement Division needs strong leadership.](#)
- [The community must be treated as a partner and customer.](#)
- [The staff culture should be conducive to efficient, high quality work.](#)
- [Appropriate tools should be used to gain compliance in an effective, timely and efficient manner.](#)
- [Sections of the current Snohomish County Code should be revised and clarified.](#)
- [Financial information should be handled in a consistent, fair, and timely way.](#)
- [The Hearing Examiner process should be efficient and effective.](#)
- [The Code Enforcement Division must collaborate.](#)
- [Accurate data needs to be collected and utilized.](#)

Code Enforcement Officers are charged with the task of enforcing the portions of Snohomish County Code which pertain to land use, zoning, environmental, noise and building issues. They enforce within the unincorporated areas of Snohomish County against a backdrop of shifting political priorities, code changes, limited staff, shrinking budgets, and a growing population.

## 1.2 *Government Auditing Standards Compliance Statement*

This study was performed in compliance with Generally Accepted Government Auditing Standards (GAS) for Performance Audits.

## 1.3 *Objectives, Scope and Methodology*

The objectives of this project are to identify practices that might improve the efficiency, effectiveness and economy of code enforcement in Snohomish County. We reviewed code enforcement practices from 2002-2005 with some earlier data for historical reference. We used the following methods to gather this data:

- Interviews with key staff, managers, County Councilmembers and others. For a list of interviewees see [Appendix 1](#).
- Review of Snohomish County code enforcement structure, process and procedures.
- Review of applicable financial documents.
- Examination of departmental statistics and record keeping.
- Review of departmental electronic and paper case files.
- Literature review regarding code enforcement practices nationwide.

#### 1.4 Limitations

There were three limitations that were encountered during the course of the audit. The first limitation was that we were unable to effectively determine compliance with applicable laws and regulations<sup>1</sup> due to the complexity of the regulations and the timeline for this project.

A second limitation was the significant lack of data or unreliability of data provided. The Code Enforcement Division data was not consistently or accurately kept for the time period examined in this audit, particularly from 2002 through 2003, because the code enforcement process was changed due to the adoption and implementation of the new Unified Development Code (UDC). Despite these limitations we chose to utilize some of this data to gain a broad understanding of trends and practices of the Code Enforcement Division. **The charts, graphs and discussion of the data provided by the Code Enforcement Division are our best available resource but should not be read as being wholly accurate. Rather, we believe that they sufficiently represent general trends.**

A third limitation we encountered was the lack of established professional standards or even internally developed standards for code enforcement against which to evaluate Snohomish County's Code Enforcement Division.

We would like to acknowledge the support and assistance provided to us by the Department of Planning and Development Services and the Code Enforcement Division. The Coordinator of the Code Enforcement Division deserves special recognition for her timely responses, willingness to provide requested information and institutional memory. It is not always easy to accommodate requests for information and we appreciated everyone's efforts. We are especially appreciative that the Coordinator and Code Enforcement Officers made an impressive effort to review the draft report and provide valuable feedback.

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<sup>1</sup> Applicable laws and regulations include: State Environmental Policy Act (SEPA), Clean Water Act, Growth Management Act (GMA), Shoreline Management Act, Endangered Species Act, Critical Areas ordinance.

## 2 BACKGROUND

This audit of the Code Enforcement Division of Snohomish County's Planning and Development Services was requested by the Director, Craig Ladiser, and approved by the Performance Audit Committee. The request resulted from a desire to improve the effectiveness and efficiency of the Code Enforcement Division.

### Positive Progress

There is renewed interest and some positive movement within Snohomish County for improving code enforcement. This is evidenced by:

- the PDS Director's request for this audit
- establishment of an abatement<sup>2</sup> fund
- meetings between staff and management are occurring regularly
- the Prosecuting Attorney's Office has dedicated an attorney to work with the Code Enforcement Division
- Planning and Development Services is in the process of developing a business plan<sup>3</sup>
- the Code Enforcement supervisor appears more confident and capable
- a Code Enforcement Division retreat was held that facilitated discussion and elicited useful information about the current state of code enforcement within Snohomish County
- a review of all stalled, open code enforcement violations has begun for the purpose of achieving resolution of those cases
- code violations pertaining to agricultural and mineral lands are being categorically assigned to Code Enforcement Officers in an effort to develop better working relationships with the customer base
- a comprehensive review and possible revision of the code enforcement process is scheduled to begin in early 2006 by Planning and Development Services staff.

### General Principles

In the process of this audit a set of principles emerged that can help decision-makers frame their debates about code enforcement. This list is based on one developed by AJW Consulting and supported by our discussions with the Code Enforcement Division and Snohomish County leadership.

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<sup>2</sup> When voluntary compliance and other administrative proceedings do not result in code compliance, it may be necessary for the county to bring the property into compliance. For example, the county could tow junk vehicles, remove dangerous buildings or restore a damaged shoreline. A fund is being established to pay for these actions.

<sup>3</sup> We were not able to review a draft of this plan.

1. Code enforcement requires balancing the public good with individual rights.
2. The language of the codes to be enforced should clarify, not impede, code enforcement.
3. The object of code enforcement is compliance, not punishment.
4. Code enforcement should be prompt, consistent, predictable and firm.

### Balancing Code Enforcement and Property Rights

Codes are developed and enforced in a community for many reasons such as:

- Public health and safety
- Protection of the natural environment
- Livable community
- Maintaining property values
- Economic vitality

Code enforcement is intended to support economic development while balancing individual property rights. A Snohomish County Deputy Prosecuting Attorney addressed code enforcement's relationship to broader economic development by stating that, "It is hard to draw sophisticated purchasers to the county if you can't assure them that their neighborhoods will remain livable." A Kennewick attorney discussed the social harm that can be caused by a code enforcement violation when he noted that, "We will go to practically any expense to arrest a kid because he stuck-up a 7-Eleven store and made off with 50 bucks, but we are unwilling to go after the trasher who has peeled a half million dollars off the value of his neighborhood." <sup>4</sup>

All of these goals must be balanced with the property rights of citizens and limited by the resources allocated to code enforcement. When discussing code enforcement efforts, the Municipal Research and Services Center of Washington states that, "The job should be given the priority that it deserves, and the code enforcement employee should have the support and resources necessary to do the job right."

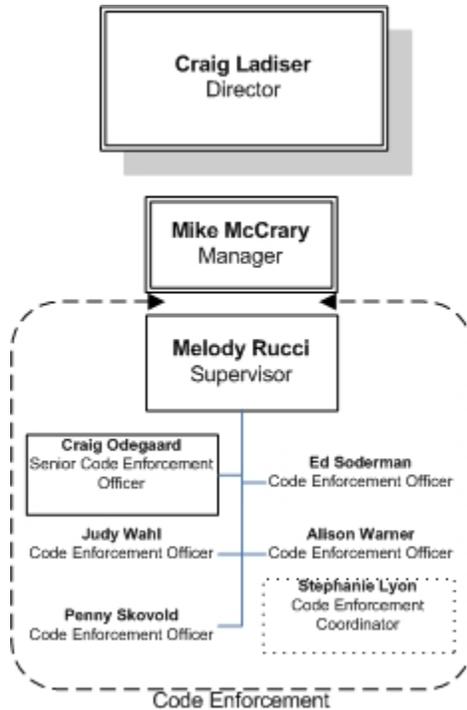
### Staffing

The Code Enforcement Division has changed significantly in the last 15 years. It grew from a department of one in the early 1990's to ten officers plus administrative support in the late 1990's. Currently there are five code enforcement officers, a coordinator, and a supervisor.

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<sup>4</sup> Nuisance Abatement, William Cameron, City Attorney of Kennewick, Information Bulletin No. 497 (1997), Legal Notes, Proceedings of April 23-25.

Figure 2.1



The division has experienced a high degree of management turnover. In the last three years the Director of Planning and Development Services, the division manager and supervisors have changed, leading to frequent shifts in departmental expectations.

### County Growth

Rapid growth has affected the county's land use policies and the county's political leaders have differing opinions as to the best utilization of the land and resources. Snohomish County's population in 2001 was 618,600 people living within 2,090 square miles of varying topography.<sup>5</sup>

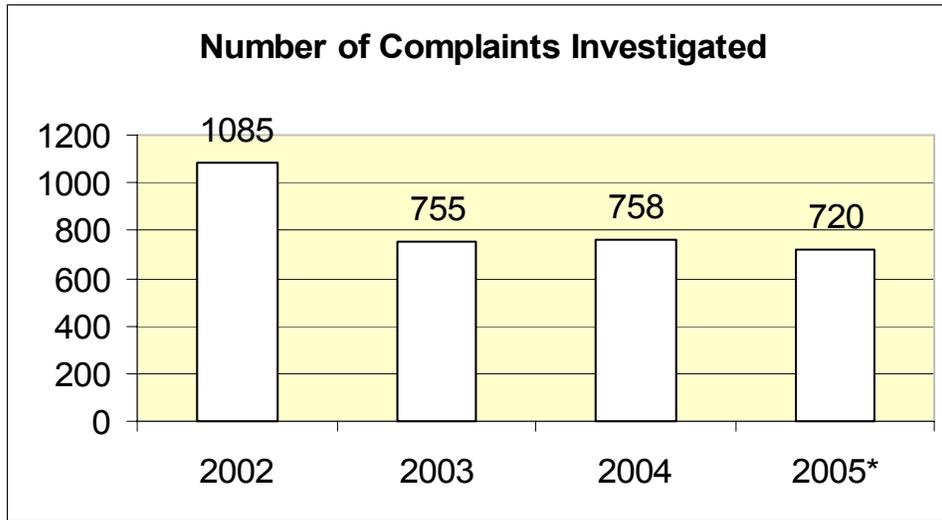
### Caseload

The following chart shows the number of complaints investigated from 2002 to 2005.<sup>6</sup>

<sup>5</sup> [http://www1.co.snohomish.wa.us/County\\_Information](http://www1.co.snohomish.wa.us/County_Information)

<sup>6</sup> Data derived from AMANDA (Planning and Development Services' data management system)

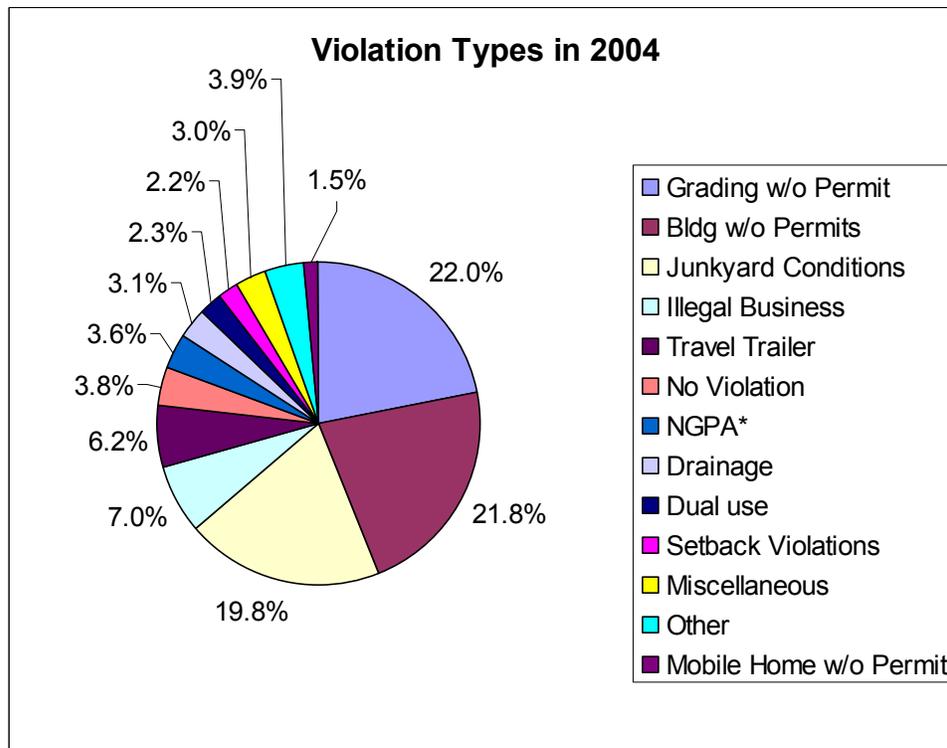
Figure 2.2



\*2005 data projected from the first three quarters.

The following chart shows the types of violations that Code Enforcement Officers addressed in 2004.

Figure 2.3<sup>7</sup>



\*Native Growth Protection Area

<sup>7</sup> Data derived from AMANDA.

### Complaint-Based Code Enforcement

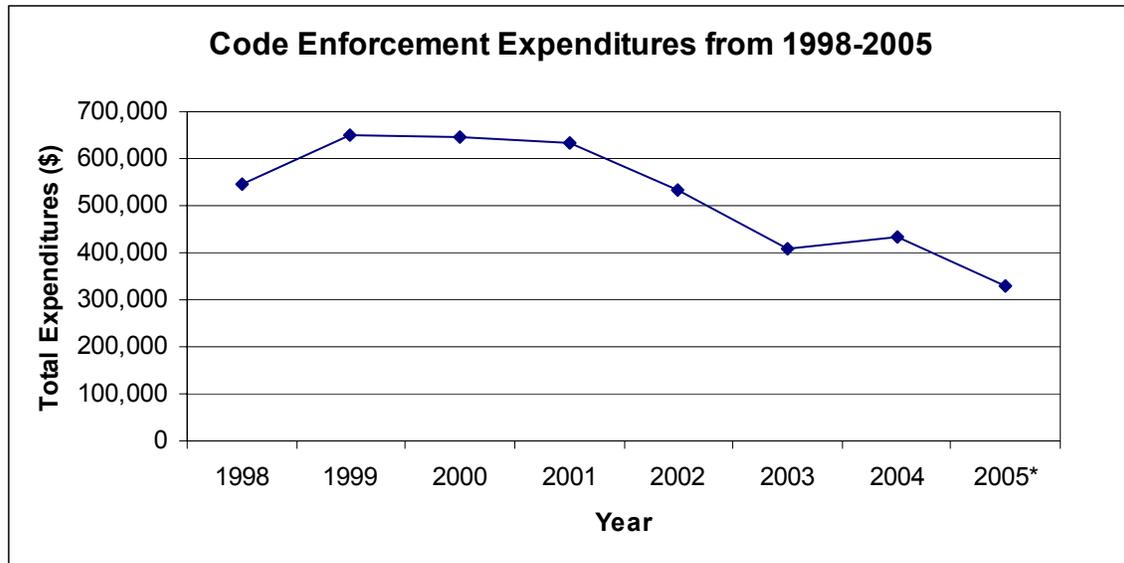
Snohomish County's Code Enforcement Division operates as a complaint-based system. According to the Municipal Research and Services Center of Washington most code enforcement programs nationally are complaint driven. The courts have recognized that governments generally do not have sufficient resources to hire staff to seek out violations of all regulations.<sup>8</sup>

County Councilmembers have varying views on the complaint-based system of the Code Enforcement Division. A County Councilmember stated, "Uniform enforcement would be great, but given limited resources and limited staff, the complaint driven process is okay." Another Councilmember described the complaint driven system as the "worst kind of enforcement you can have."

### Code Enforcement Division Expenditures

The following data depict the fluctuating expenditures for code enforcement from 1998 through September 2005.

Figure 2.4<sup>9</sup>



\*2005 expenditures are projected from 1<sup>st</sup> and 2<sup>nd</sup> quarter budget actuals.

### Efficiency

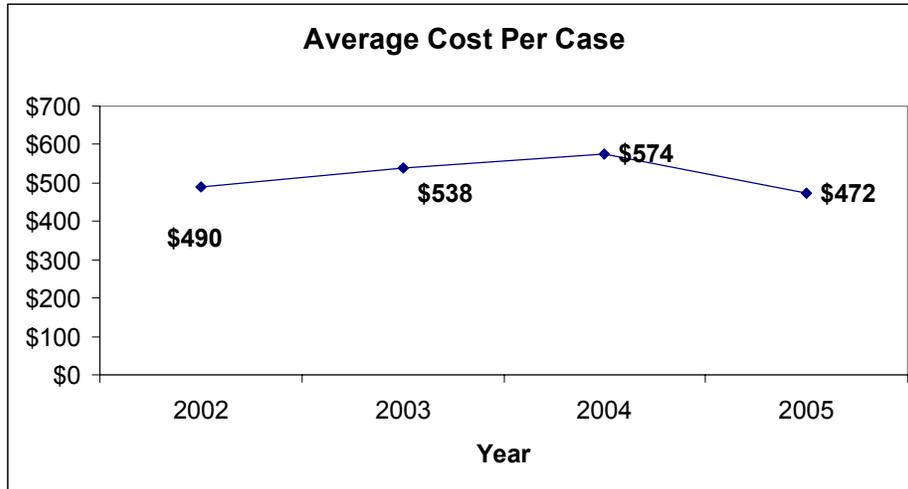
Due to unclear objectives, it is difficult to determine the Code Enforcement Division's performance related to efficiency, although it is important. One measure of efficiency is cost per case. A rough estimate of this would be calculated by comparing the division's expenditures with the number of complaints investigated in a given year. This gives a general idea of the average cost per case, or one measure of efficiency of the division. Since there is no

<sup>8</sup> See *Frame Factory v. Ecology*, 21 Wn.App 50, 57 (1978)

<sup>9</sup> Data provided by Cayenta.

“ideal” cost or criteria to compare it against, decision makers will need to decide whether they find this level of efficiency sufficient.

Figure 2.5<sup>10</sup>



\*2005 data is based on 1<sup>st</sup> and 2<sup>nd</sup> quarter.

### Past Audits

Planning and Development Services has been audited a number of times. Internal Snohomish County auditors reviewed Permitting customer service in 1991 and Land Use Permitting and the Code Enforcement Division in 1992. An external audit by DeMarche Consulting was completed in 2002 on permitting. The 1992 audit specifically targeting the Code Enforcement Division showed that many of the issues our audit has identified were problems for the department 14 years ago. Of the 24 recommendations made in 1992, 16 remain unaddressed but pertinent. See [Appendix 2](#) for a list of recommendations.

### Unified Development Code (UDC)

The new UDC, which outlines Enforcement Procedures,<sup>11</sup> became effective on February 1, 2003. The Code Enforcement Division is responsible for investigating and enforcing a range of land use, zoning, environmental, noise and building codes covered by the UDC. Code Enforcement Officers were not involved in the development of the new code enforcement provisions of the UDC but were asked to review a draft shortly before the new code was adopted.

The enforcement tools most utilized under the UDC are the Voluntary Correction Agreement (the violator agrees to voluntarily comply with the code), the Notice and Order (an official document that can be appealed that describes the code violation and specific remedies) and Monetary Penalties (assessing fines for not complying with an authorized Voluntary Correction Agreement or a Notice and Order). See [Appendix 3](#) for more detailed descriptions of enforcement tools.

<sup>10</sup> Data provided by Code Enforcement and Finance. 2005 analysis is based on 1<sup>st</sup> and 2<sup>nd</sup> quarter data.

<sup>11</sup> SCC 30.85.

### The Technical Oversight Commission (TOC)

The TOC, a body appointed by the Snohomish County Council and Executive, was established to review UDC implementation and identify areas for substantive change. In 2004, the TOC developed a series of recommendations, including some that would significantly impact the code enforcement process. To date, no changes have been made to the UDC Enforcement Provisions, but the Director of Planning and Development Services reports that the fact that the recommendations have been pending has impacted Planning and Development Services' ability to move forward in some areas.

### Technology

Planning and Development Services uses a data management system called AMANDA for all of its activities. AMANDA is the primary method for tracking and monitoring the Code Enforcement Division cases.

### **3 FOCUS ISSUES AND RECOMMENDATIONS**

#### **3.1 *Snohomish County's code enforcement philosophy must be clear and widely accepted.***

A clear philosophy of code enforcement, agreed upon by the Executive's Office, County Council, the Director of Planning and Development Services, and management would contribute to more effective, equitable and efficient code enforcement throughout the county and ensure that the Code Enforcement Division meets its goals. Written documentation of philosophy and practice as shown in a mission statement and policy and procedure have yet to be developed for the Code Enforcement Division. These documents will be important to the efficient and effective functioning of the Code Enforcement Division.

Though a clear code enforcement philosophy must originate from Planning and Development Services, it would be wise to seek and incorporate views of the County Executive and County Councilmembers. Code enforcement affects individuals and willingly or unwillingly, elected officials find themselves involved with code enforcement cases when constituents request assistance. A county official explained that typically every four years the County Council philosophy swings from emphasizing the public good to defending property rights. The Code Enforcement Division tries to operate within these philosophical shifts and are often accused of being either too lenient or too heavy handed in the code enforcement process.

One way to clarify the Code Enforcement Division's philosophy is to develop policies and procedures for the division. General management principles state that policies and procedures should be in place for each department and office in an organization. These policies provide a common understanding of the mission and set expectations with regard to performance. Failure to develop code enforcement policies and procedures for the Code Enforcement Division has led to:

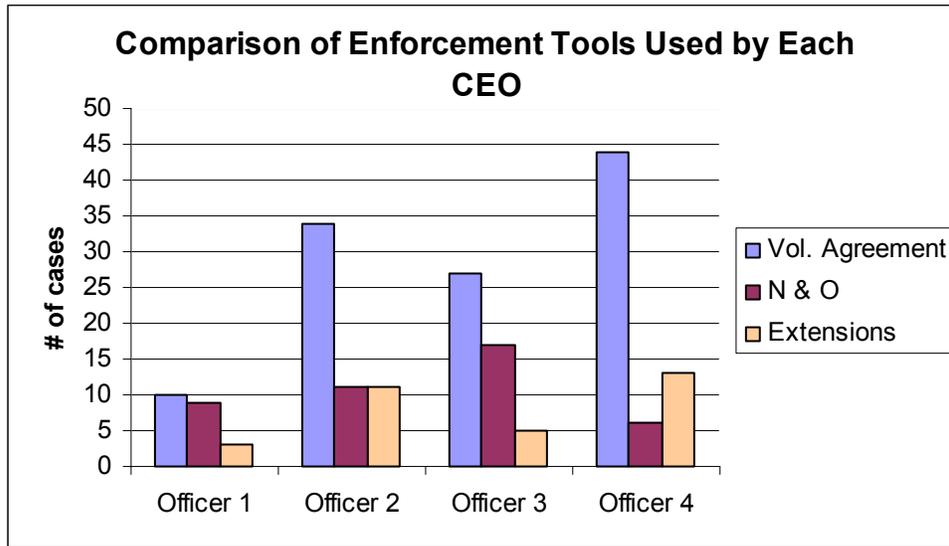
- Code Enforcement Officers operate according to their independent judgment rather than departmental guidelines
- Inconsistency in enforcement practice
- Potential for increased liability from third party lawsuits

Snohomish County officials have different perceptions of what the Code Enforcement Division and its philosophy should be. Comments regarding recent enforcement actions ranged from, "...rather than working through a problem

solving process it became an enforcement issue” to a comparison of violating code to speeding, “...if you break the law you know that you will eventually get caught and get a speeding ticket.”

There are also widely differing views and practices about interpreting and enforcing Snohomish County Code. Code Enforcement Officers ranged from taking a compliance approach to an enforcement approach and they also varied in their use of available enforcement tools. The chart below shows the various enforcement tools used by Code Enforcement Officers in 2004-2005:

Figure 3.1<sup>12</sup>



An individual involved in the enforcement process commented, “Leadership from the County Council and the Executive’s Office has to reflect the idea that we must enforce the laws that we have...or else change them or get rid of them. The county must be willing to enforce the code.”

**Recommendation 1**

We recommend that the Planning and Development Services Director, Code Enforcement Division leadership, Code Enforcement Division line staff, and the Executive’s Office undertake a planning process to identify a central code enforcement philosophy. In order for this philosophy to be successfully implemented, the County Council must generally support the principles therein.

<sup>12</sup> Taken from AMANDA data.

### Recommendation 2

Thorough documented policies and procedures should be developed for the Code Enforcement Division. There has been discussion of utilizing outside consultants for this task. We believe going through the process of policy development would be beneficial to the department if done internally. Suggestions for topic areas for policy and procedure are detailed in [Appendix 4](#).

### **3.2 Code violations must be prioritized.**

The Code Enforcement Division does not have a documented system for prioritizing the order in which reported violations are investigated by Code Enforcement Officers.<sup>13</sup> Most jurisdictions have a formal or informal code enforcement investigation prioritization schedule that dictates that cases posing immediate danger to the public or located in critical areas be investigated before other reported violations. Currently, Code Enforcement Officers are encouraged to conduct preliminary investigations of all complaints within fifteen days.

Beyond immediate threat and critical areas, there are other categories of priority that need to be identified. For example, King County created a category of “de minimus” violations. These are violations that do not meet a threshold for full enforcement. We provided the Code Enforcement supervisor with King County’s de minimus flow charts as a sample that they might wish to use.

Deschutes County in Oregon uses various criteria to determine the priority of enforcement action by violation:<sup>14</sup>

- Is the violation severe (i.e., does the violation deviate greatly from the code)?
- Were the actions deliberate?
- Does the violation pose a significant threat to public health and safety?
- Is the environment in danger?
- How long has the violation existed?
- Is the violation causing economic harm to the county or individuals?
- Is the violator a repeat offender?
- Can proof of the violation be easily established?

King County also developed the following guidelines shown in Figure 3.2 for responding to complaints based on their risk levels.

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<sup>13</sup> Please see Appendix 5 for language from Snohomish County’s Comprehensive Plan Update draft that begins to address the issue of enforcement investigation prioritization for the natural environment. This document has not been approved nor was it developed by Code Enforcement Division staff or management, but reflects a policy objective of the Director of Planning and Development Services.

<sup>14</sup> <http://www.marx.deschutes.org/cdd/codeenfmanual/>

Figure 3.2

<b>Risk</b>	<b>Response Time</b>
High Risk Investigations	24 hours to one week
Medium Risk Investigations	72 hours to ten days
Low Risk Investigations	two to four weeks

There is no “right” answer when it comes to prioritization. However, it makes sense, as has been done in many other jurisdictions, to prioritize those areas in which the greatest harm can be done such as those that impact public safety and cause environmental damage. Ultimately though, priorities should grow out of discussions around philosophy.

**Recommendation 3**

We recommend that the Code Enforcement Division develop and document priorities for violation types and communicate these priorities to the Executive, Council, PDS staff and management, Prosecuting Attorney’s Office, and the Hearing Examiner.

**Recommendation 4**

We recommend that once the enforcement priorities are established, the Code Enforcement Division should allocate its resources to match the priorities.

**3.3 *Performance measures should be put in place and utilized.***

There are no formal performance measures for the Planning and Development Services Department that relate directly to the Code Enforcement Division.

Performance measures are important for many reasons. Managers can answer some of the following questions with well-crafted performance measures:

1. Are we doing the right things?
2. How are we doing compared to our goals?
3. Are we doing things right?
4. Are our resources allocated correctly?
5. What do we provide for the tax dollars we get?
6. Are we meeting stakeholder expectations?

Currently, the Code Enforcement Division would have a difficult time answering these questions adequately because it lacks formal performance measures.

Code Enforcement Division management reports that performance measures are currently in development, but that none have yet been identified. The process that will be used for developing these measures is not clear.

Recommendation 5

The Code Enforcement Division should develop appropriate performance measures. This process should include line staff and identify a balance of measures that are understandable and important to the community, decision makers, management, and staff.

Recommendation 6

The Code Enforcement Division management should partner with staff to consistently track the chosen measures.

**3.4 *The Code Enforcement Division needs strong leadership.***

Strong leadership sets the tone for an effective and efficient program and although we have seen renewed leadership interest during the course of our audit, leadership has been inconsistent and often absent for the Code Enforcement Division. In the last three years there have been two Planning and Development Services directors, and within the Code Enforcement Division seven managers and supervisors.

Recommendation 7

We recommend that the Planning and Development Services Director make the Code Enforcement Division a priority by ensuring that management obtains the additional tools they need to manage the complex nature of the program, address foundational program development and lead the enforcement team.

Recommendation 8

We recommend that effective systems for communication be put into place and utilized both up and down the chain of command.

**3.5 *The community must be treated as a partner and customer.***

The goal of these recommendations is to ensure that the public is a primary focus for the division.

Compliance vs. Punishment

The division's compliance methods should be more effective, visible, and measurable. Code Enforcement Division management states that compliance is their primary concern. To that end, Code Enforcement Officers should spend the bulk of their time helping violators become compliant.

#### Recommendation 9

Code Enforcement Officers should bring brochures, copies of pertinent code language (e.g., definition of junkyard) and other educational information with them into the field and provide them to violators for educational purposes.

#### Recommendation 10

To help encourage compliance, the Code Enforcement Division should develop a list of community resources including towing companies, nonprofits who will tow donated vehicles, contractors who may tear down structures for free in exchange for the materials, and social service resources. King County, for example, provides a list of contractors and engineers who can assist with drainage issues on its website at <http://dnr.metrokc.gov/wlr/dss/wqcmplnt.htm>.

#### Complainants

Complainants should have their phone calls returned, and be kept informed of the status of their complaints. The extent to which complainants are “kept in the loop” varies considerably among the Code Enforcement Officers. Due to one Code Enforcement Officer’s administrative backlog, the officer no longer responds to a complainant’s phone calls unless the complainant has called at least 4 or 5 times.

Currently, postcards are mailed to complainants once a case is entered into the computer. The postcard gives the name and phone number of the assigned officer and case number of the complaint. An additional postcard is sent to the complainant to notify them when a case has been closed.

The current “Complaint Investigation Request” must be either mailed or faxed to the Code Enforcement Division and cannot be filed online. Furthermore, it does not contain information that could assist the Code Enforcement Division in prioritizing its cases. This lack of information on the form could also contribute to the percentage of cases (4%, or approximately 34 cases per year) which are determined not to be violations once investigated.

#### Recommendation 11

Citizens should be able to submit Complaint Investigation Requests online. Many jurisdictions make this service available.<sup>15</sup>

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<sup>15</sup> For an example of a detailed Complaint Form that can be submitted via the Internet see [www.metrokc.gov/ddes/ce/ceform.htm](http://www.metrokc.gov/ddes/ce/ceform.htm).

#### Recommendation 12

The Code Enforcement Officers should have additional information to assist them in their prioritization and approach to complaints. This could be accomplished by phone screening of complaints and/or revision of the current complaint form.

Additional questions could include:

- How long has the alleged violation existed?
- Is the violation visible from the street?
- May Code Enforcement Officers utilize your property to visually inspect the alleged violation if no other option is viable?
- Does the alleged violation affect the health and safety of the surrounding neighborhood?
- Do you suspect that illegal or dangerous activity occurs on the property about which the Code Enforcement Officer should be aware?

#### Recommendation 13

The Code Enforcement Division should make communication with complainants a priority. Policy should be developed which reflects this priority.

#### Recommendation 14

The Code Enforcement Division should review all correspondence sent to complainants to ensure that the information conveyed is clear, helpful and professional.

#### Customer Satisfaction

Since there are no performance measures in place regarding customer satisfaction, it is difficult to gauge how well the Code Enforcement Division is performing in the eyes of the public. Management is amenable to conducting a survey of complainants to determine the level of customer service provided by the Code Enforcement Division.

#### Recommendation 15

We recommend that the Code Enforcement Division conduct a random survey of complainants in order to generate baseline data about how the code enforcement process is perceived and identify areas for customer service improvement.

#### Public Education

The Code Enforcement Division conducts no outreach to the community to educate citizens about code enforcement issues. A Planning and Development Services manager stated that more outreach to citizens is needed on code enforcement issues such as when permits are required and what actions will trigger complaints.

Recommendation 16

An informative brochure that discusses the county's enforcement process could be developed as a community outreach tool. The City of Everett produces an informative brochure on code compliance that the county may want to review.

**3.6 *The staff culture should be conducive to efficient, high quality work.***

The goal of these recommendations is to develop a culture of ownership, initiative, responsiveness and teamwork to replace the current dissatisfaction, disengagement, and individualism that currently exist in the Code Enforcement Division. In order for the current dynamic to improve more attention will need to be focused in this area.

A number of factors have led to low morale over the last 10 years.

- Numerous changes in supervisory and management personnel
- Reductions in the number of Code Enforcement Officers and support staff
- Increased enforcement responsibilities with decreased support
- Lack of input on decisions affecting enforcement processes
- Insufficient communication between management and staff
- Perceived inconsistency in Hearing Examiner decisions
- Little direction on mission, goals and expectations for the division
- Few performance evaluations and little ongoing performance feedback
- Perceived loss of respect from county departments, County Council, and the public

Recommendation 17

We recommend that the Planning and Development Services Department work to minimize the Code Enforcement Division management turnover in order to maintain continuity and progress.

Recommendation 18

Code Enforcement Division employees should be included in development of procedures and asked for their input and feedback.

Recommendation 19

After clear, written, and measurable performance expectations are in place, regular feedback should be given by the Code Enforcement Division management to its staff both formally through regularly scheduled performance evaluations and informally by providing feedback during the day-to-day course of work.

Recommendation 20

The Code Enforcement Division leadership should be accountable to their staff by taking time to discuss with them how and why decisions are being made.

Recommendation 21

We recommend that the Code Enforcement Division leadership commit to the success of their staff by increasing opportunities for staff members' professional development. The Code Enforcement Division management should regularly consider whether their staff need additional training. They could use performance evaluations to develop this information.

**3.7 *Appropriate tools should be used to gain compliance in an effective, timely and efficient manner.***<sup>16</sup>

Everyone we interviewed in the Code Enforcement Division believed that changes must be made to the enforcement process. The Code Enforcement Division could better utilize existing tools and implement new tools to:

- Increase rates of compliance
- Decrease the financial or physical impact on violators
- Use county dollars more efficiently

There is disagreement regarding what constitutes an effective, efficient and equitable enforcement process. There have been ongoing, mostly informal, conversations within the Code Enforcement Division regarding the best way to utilize their enforcement tools.

Single Enforcement Document

The majority of Code Enforcement Officers would like to streamline the enforcement process with one simple, direct and clear document that describes the entire enforcement process, including possible penalties and the right to appeal.

Recommendation 22

Develop one clear, succinct and informative enforcement document that describes the code enforcement process to violators once philosophy is identified and policy is written.

Chapter 30.85 of Snohomish County Code (SCC) defines tools available to the Code Enforcement Division.

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<sup>16</sup> Tools are authorized and defined in SCC 30.85.300

These tools are regularly utilized:

- Voluntary Correction Agreement
- Notice and Order
- Monetary Penalties

These tools are rarely or never used:

- Referral to the Prosecuting Attorney
- Abatement
- Liens

These tools are not currently available under SCC 30.85:

- Citations
- Certificate of Non-Compliance<sup>17</sup>

### Voluntary Correction Agreement (VCA)

There is little agreement among the Code Enforcement Officers and staff as to the productiveness or necessity of the VCA. The VCA was added to the enforcement provisions in the UDC as a procedural tool to help resolve violations through better communication. A VCA is an agreement by the violator that they will comply with the code within an established timeline in exchange for no further action by the county. If the violator agrees to sign the VCA they waive their right to an appeal. Extensions can be granted if substantial progress is being made toward compliance. Some Code Enforcement Officers believe that the VCA is a “waste of time” while others believe the VCA is a useful tool. Currently, Code Enforcement Officers are advised to obtain a signed VCA from the violator as the first step in the code enforcement process.

### Recommendation 23

We recommend that the Code Enforcement Division begin collecting data to determine the effectiveness of the VCA and eliminate its use if it does not add value as an enforcement tool.

### Referral to the Prosecuting Attorney

One of the changes to the enforcement procedures under the new UDC was a greater role for the Hearing Examiner in code enforcement cases and a diminished role for the Prosecuting Attorney’s Office (PA).

Figure 3.3

<b>Code Enforcement Cases Sent to the PA</b>	
2002	60
2003	11
2004	2

<sup>17</sup> The Certificate of Non-Compliance is used as an enforcement tool but is not currently listed under SCC 30.85.

Many individuals we interviewed wondered if the PA needed to insert itself back into the enforcement process. In recent weeks the PA's office has shown a greater willingness to engage in discussions with the Code Enforcement Division about its role.

Recommendation 24

The PA and Code Enforcement Division should continue working together to determine which cases meet the threshold for Prosecuting Attorney involvement.

Abatement

It was almost unanimous among the individuals we interviewed that an abatement program was needed for Snohomish County. Some voiced concern, however, about adding a new program to the department when there is a need to lay more groundwork. The Hearing Examiner felt an abatement program would be expensive, time consuming and a process that will get the county very much involved in people's property rights.

During the course of this audit, the Code Enforcement Division management began developing an abatement program, and were successful in securing preliminary funding in the Executive's proposed 2006 Snohomish County budget.

Recommendation 25

We recommend that prior to implementation of an abatement process policies and procedures for the other processes being performed by the Code Enforcement Division be developed.

Liens

Many individuals involved in the code enforcement process, including the Hearing Examiner, expressed support for using liens as an enforcement tool. With the current real estate boom, the high price of homes, and the amount of refinancing and home loans being applied for, liens may be an effective way to gain compliance. A Snohomish County Councilmember indicated that he would support the use of liens by the Code Enforcement Division if clear policy existed about how and when to use them.

Liens are allowed under current code<sup>18</sup> but have not been utilized. Skagit, King and Kitsap have seen compliance increase with the use of liens in their counties. A suggested lien process is shown in [Appendix 6](#).

Recommendation 26

Planning and Development Services, with advice from the Prosecuting Attorney, should fully examine the use of liens as an additional tool to gain compliance.

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<sup>18</sup> SCC 30.85.300

### Citations

There is some support for implementing a citation process. “Tickets require action,” stated Snohomish County’s Hearing Examiner when asked how he felt about utilizing citations in the code enforcement process. The Code Enforcement Division manager stated that citations might “be a good tool for those folks that thumb their nose at code enforcement efforts.”

A Snohomish County Deputy Prosecuting Attorney recommended a process whereby complex cases utilize the Notice and Order process and simple violations use a citation process. The Hearing Examiner reports that he would be willing to hear these cases if new code were written giving the Hearing Examiner the authority to do so.

Many jurisdictions, both city and county, use citations as an effective enforcement tool. Grant County told us that their compliance rate went from 65% to 90% following implementation of citations. For violations that are non-permit in nature (e.g., junkyard conditions) citations may contribute to a more timely resolution of the violation. A suggested citation process is shown in [Appendix 7](#).

#### Recommendation 27

For cases that are non-permitted in nature, we recommend that Planning and Development Services and the Prosecuting Attorney develop a citation process as an additional enforcement tool.

### Certificate of Non-Compliance

Code Enforcement Officers still file Certificates of Non-Compliance and view them as valuable tools, even though this practice did not transfer into the new UDC’s enforcement provisions. The Certificate of Non-Compliance is not a lien but serves as a “cloud” on the title to indicate that there is an unresolved code enforcement action/violation on a property. Typically, banks and other lending institutions will not close on a property, approve loans or refinancing until the violation is corrected. A Deputy Prosecuting Attorney indicated that this process should be spelled out in the code if it is going to remain in practice. Though Code Enforcement Officers utilize the certificate of non-compliance, the manager of the Code Enforcement Division stated that the certificate “just adds to the wishy-washy process...it provides a false front for looking like the county did something.”

#### Recommendation 28

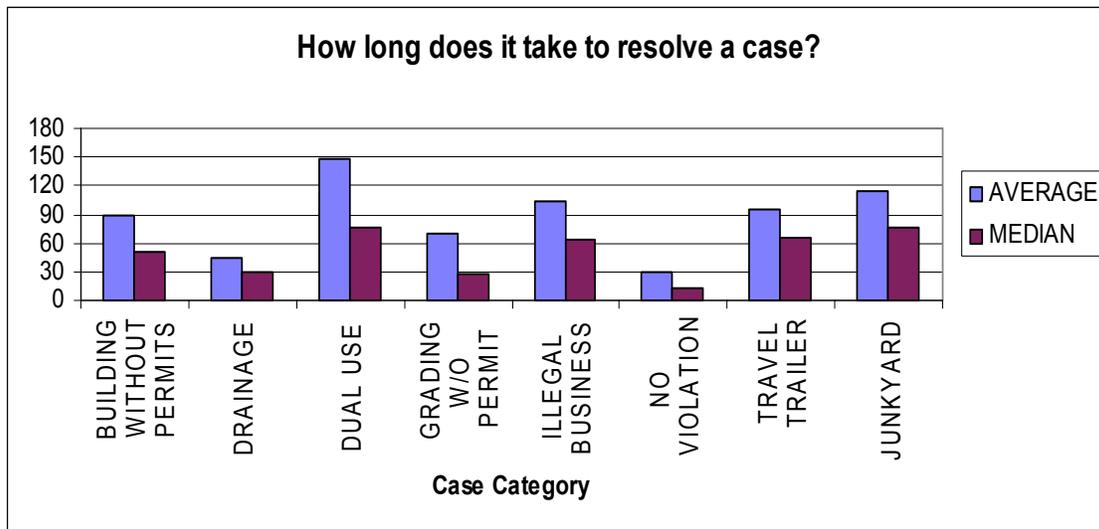
We recommend Planning and Development Services evaluate the Certificate of Non-Compliance and either amend current code to include it or discontinue its use as an enforcement tool.

### Time to Resolve

County officials have noted that cases are taking too long to resolve and that the county needs a reputation for getting things done. Despite this perception, the data we obtained indicate that most cases are taking fewer than 90 days to resolve as shown in the figure below. There are many factors influencing the time it takes to close a case, many of which are outside Code Enforcement Officers' control. Some of those factors include:

- Locating the owner of the property
- Gaining access to the property
- Length of time for the property owner to obtain appropriate permits
- Hearing Examiner scheduling

Figure 3.4<sup>19</sup>



Of the cases that take more than 90 days to close, some continue for many years without action. As of August 22, 2005 there were 660 open code enforcement cases with one case open without resolution since 1988.

### Recommendation 29

We recommend that management review cases quarterly that have been open more than six months to determine how to resolve them as quickly as possible.

### Compliance

Once the Code Enforcement Division has exhausted its voluntary compliance efforts, they should ensure that the tools they use will elicit compliance. Enforcement researcher Peter May asserts that, "Compliance occurs only when the costs of disobeying the law...exceed the benefits of noncompliance."<sup>20</sup> It has been noted that even though in some cases the Code Enforcement Division

<sup>19</sup> AMANDA data 2004-September 2005

<sup>20</sup> Peter J. May, 2005. Regulation and Compliance Motivations: Examining Different Approaches. *Public Administration Review*, Vol 65, No.1

steps up its level of intervention when violators don't comply, some cases make it all the way through the system without ever coming into compliance.

Recommendation 30

Following the development of a code enforcement philosophy, the department should choose tools that meet those goals.

Recommendation 31

Plan a "Process Retreat" so that all Code Enforcement Officers, the Code Enforcement Division management, Hearing Examiner, and Prosecuting Attorney can devise an enforcement process that is effective. Document the resulting process and present the plan to Planning and Development Services Director, the County Executive and County Council for feedback.

Impact

If the county is going to pursue action against violators it should appear that the county is indeed going to compel compliance. Many people stated that the Code Enforcement Division is not taken seriously and citizens don't believe that anything will happen if they ignore enforcement actions. The number of cases in which violators choose to ignore Code Enforcement Officers, the Hearing Examiner, and monetary penalties also speaks to this issue. Some ways to increase impact might include:

- Code Enforcement Officers could wear badges
- Rework documents (i.e. make the Notice and Order look more like a ticket)
- Good Cop/Bad Cop - Use a teamwork approach in which one officer handles education and compliance assistance and another serves the Notice and Order and handles hearings

Recommendation 32

We recommend that when enforcement communications are utilized that they are official, forceful and direct. The division should improve the impact of their enforcement tools.

**3.8 Sections of the current Snohomish County Code should be revised and clarified.**

Portions of the current code are confusing and in some cases limit effective code enforcement activity. Ongoing revisions are occurring to the code and Planning and Development Services is making efforts to enhance the UDC. There are, however, a few areas in the new UDC that many of the Code Enforcement Officers consistently have had difficulty effectively interpreting and enforcing:

- junkyard conditions
- travel trailer occupancy

- grading violations

### Junkyards

For property that sits in an urban growth area (UGA), SCC 30.91J.010 defines junkyard conditions as an area of 50 cubic feet, about the size of a large refrigerator. In areas that sit outside the UGA, the definition of junkyard is 300 square feet, about the size of four vehicles.

Junkyard conditions comprise about 20% of the total code enforcement caseload. In 2004, of the cases that took more than 365 days to come into compliance, 50% of them were junkyard cases. Inoperable vehicles are pervasive in junkyard conditions.

Often, junkyard offenders are in need of social services such as mental health or senior services. Code Enforcement Officers are unaccustomed to utilizing social service agencies for assistance and instead attempt to gain compliance using the usual tools, often with little success.

In 2004, approximately 56% of all junkyard cases involved 50 cubic feet of junk in the UGA. Neither King nor Skagit Counties have a different threshold for junk in the UGA. When we accompanied Code Enforcement Officers in the field we noted that some spent a large part of the day investigating UGA junkyard complaints, many of which did not result in a violation.

### Recommendation 33

We recommend tracking data in AMANDA pertaining to UGA junkyards and if these cases continue to consume a large percentage of Code Enforcement Officer caseloads, consider amending the code to reflect a higher threshold for junkyards in UGA's.

### Travel Trailers

Many Code Enforcement Officers believe the travel trailer code needs to be examined for clarity. Among the Code Enforcement Officers there were inconsistent interpretations as to what constitutes residency in a travel trailer and the length of time one can occupy a travel trailer.

The Code Enforcement Officers are placed in many situations that require skills other than code enforcement skills to effectively gain compliance with the code. As with some junkyard cases, many who are in violation of the travel trailer code are in need of social services. As land becomes even more valuable and as the county's population grows, there will be fewer and fewer places for people with limited means to live. One suggestion we received was that the county could allow properties located outside the UGA one occupied travel trailer provided there are adequate utilities and a certain amount of acreage.

#### Recommendation 34

We recommend that Planning and Development Services and Council reevaluate the current travel trailer code taking into consideration the issues facing individuals with limited means to live in a county with increasing housing costs.

#### Grading

Grading without a permit makes up approximately 23% of all code enforcement violations. These cases are often technical in nature and though the Code Enforcement Division has a biologist on staff, they no longer utilize this internal expertise. A Code Enforcement Officer stated that grading violations are very much a “judgment call” and can be difficult to determine.

#### Recommendation 35

We recommend that the Code Enforcement Division utilize internal expertise on grading violation cases. The Code Enforcement Division should include grading violation parameters in its policies and procedures.

### **3.9 *Financial information should be handled in a consistent, fair, and timely way.***

Currently, the process the Code Enforcement Division uses for entering and monitoring financial information is disorganized. See Appendices [8](#) and [9](#) for flow charts that show the billing process. Although billing and receiving payments is a small portion of the overall work compared to direct enforcement tasks, it is important to give it sufficient thought and care. There are three types of dollars accounted for:

- Penalties – A result of Hearing Examiner final orders and monetary penalty decisions
- Fees – If individuals are found to be working without a permit, they are assessed double fees when they eventually apply for permits
- Judgments – Result from court rulings on code enforcement cases

#### Penalties and Fees

There are multiple ways that the Code Enforcement Division tracks penalties and fees, but none are currently comprehensive. Before 1996 there were parallel systems for accounting. After a new version of AMANDA was implemented penalties were entered into the new system and tracked; however, old civil penalties were not subsequently entered and are on a separate list. It wasn't until 2004 that violators were billed for penalties. Planning and Development Services Accounting could not easily separate the Code Enforcement Division financial information from other areas of Planning and Development Services when asked. The Accounting Division stated that they are reorganizing their accounting process for 2006 to rectify this situation.

Recommendation 36

Penalties ordered before 2004 should be entered into AMANDA, tracked, and promptly billed.

Recommendation 37

Planning and Development Services' Accounting should ensure that the Code Enforcement Division penalties, fines, and judgments are identified separately from other receivables.

Judgments

Tracking, billing and collecting on judgments has been inconsistent. Civil judgments are posted by the Clerk after a decision is made by Superior Court. Until recently, code enforcement judgments were not entered into AMANDA and were never billed through Planning and Development Services. Judgment amounts less than ten thousand dollars have been sent to collections without bills first being sent to violators. Amounts over ten thousand dollars have neither been billed nor sent to collections. Code enforcement staff are now making progress tracking and billing judgments, which could translate into a greater number of closed and compliant cases.

Judgments expire after ten years and cannot be collected; however, the Prosecuting Attorney's Office can renew judgments for an additional ten years. To date, it has been the responsibility of the Code Enforcement Division to inform the Prosecuting Attorney's Office which judgments need to be renewed and some have expired without action.

There is approximately \$386,000 in uncollected judgments and an additional \$40,500 in judgments that have been sent to collections.

Recommendation 38

Judgments should be carefully monitored by the Code Enforcement Division to ensure that they do not pass the 10 year mark without action from the Prosecuting Attorney's Office to renew them.

Recommendation 39

Past and current judgments should be entered into AMANDA, tracked, and billed.

Recommendation 40

Violators owing judgments should not be sent to collections without first receiving bills from the Code Enforcement Division.

Recommendation 41

Code enforcement judgments are posted against an individual and attached to personal property by the County Clerk. The Code Enforcement Division should also routinely file judgments with the Auditor's Office to help ensure that the county receives payment on judgments. Not all title companies search judgments before approving mortgages, refinancing and home loans.

Billing

Of the cases that were decided by the Hearing Examiner, we found that it took an average of 114 days from the compliance date to the date that the bill was sent out, and one case went 377 days without billing.

Recommendation 42

When a violator owes a penalty or judgment to the county they should be promptly billed.

Collections

When code enforcement accounts are more than 120 days overdue the Department of Planning and Development Service's informal policy is to send those accounts to collections. It is unclear which office within Planning and Development Services ensures that this occurs. A total of 8 cases have been sent to collections since October of 2002. In addition, there are 7 judgment cases being collected by the previous collection agency<sup>21</sup>. The collections agency assesses a fee of 24% on top of the amount to be collected. If the case is a result of a court judgment the agency keeps 24% of the total amount.

Collections cases have not been consistently monitored. These past due accounts are not reviewed by the Code Enforcement Division for payment, but correction of the violation itself continues to be monitored. An analysis of the time from billing to collections showed that it ranged from 120 days to 256 days. Planning and Development Services Accounting reports that they have started making reminder phone calls regarding past due accounts before sending the cases to collections.

Recommendation 43

There should be clear, documented delineation of tasks addressing which office tracks payments of penalties and judgments as well as who is responsible for sending cases to collections.

Recommendation 44

Billing and sending cases to collections when they pass the 120 day mark should be prompt.

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<sup>21</sup> Cases that were sent to collections after October 2002 are with AllianceOne Receivable Management, Inc. and cases sent to collections before October 2002 are with Ideal Credit Corporation.

#### Recommendation 45

Planning and Development Services Accounting should continue making phone calls to those owing penalties or judgments before sending the accounts to collections.

### **3.10 *The Hearing Examiner process should be efficient and effective.***

The Hearing Examiner believes that the current process for code enforcement hearings is neither effective nor efficient. “The system is not working,” the Hearing Examiner said regarding his involvement in code enforcement cases. The purpose of having a hearing examiner conduct hearings is to have a professionally trained individual make objective quasi-judicial decisions that are supported by an adequate record and that are free from political influence.<sup>22</sup> We are not currently auditing the Hearing Examiner so we are not evaluating their performance, but they have stated that they are open to working with the Code Enforcement Division to facilitate improvement.

#### Process

The Code Enforcement Division and Prosecuting Attorneys perceive that Hearing Examiner outcomes are inconsistent. As a result, some Code Enforcement Officers are unsure what to expect from a hearing and some attempt to circumvent the process altogether when they can.

#### Recommendation 46

There should be regular process meetings between the Code Enforcement Division and the Hearing Examiner. Issues that were raised during the course of our audit that could benefit from further discussion and coordination include but are not limited to:

1. How should cases in which the appellant has an attorney be handled?
2. How is adherence to Snohomish County Code ensured?
3. Discussion of confusing decisions.
4. What type of evidence is sufficient?
5. How can case continuances be decreased?
6. How do hearings stay on track?
7. How can consistent penalty amounts be ensured?
8. Should status conferences continue to be used?
9. Should hearings be continued indefinitely?

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<sup>22</sup> *Use of Hearing Examiners by Cities and Counties in Washington*, MRSC Focus, May 1999

**Recommendation 47**

The Hearing Examiner should provide a monthly report on their decisions, monetary penalties, status conferences and upcoming hearing dates to the Code Enforcement Division to serve as an ongoing communication tool.

**Status Conferences**

There was some disagreement between the officials we interviewed about the effectiveness and appropriate number of status conferences held throughout an enforcement action. Status conferences are meetings with the Hearing Examiner, Code Enforcement Officer and alleged violator in which evidence is presented in order to identify or settle issues before the formal hearing. Some Code Enforcement Officers believe that these conferences delayed the process further, while others thought they provided one last opportunity to get compliance before entering into a hearing. The Deputy Hearing Examiner was also concerned about the effectiveness of status conferences.

**Recommendation 48**

We recommend that the Code Enforcement Division thoroughly review the status conference process with the Hearing Examiner to identify when and how it should be used.

**Timeliness**

Decision makers will need to determine whether the speed at which the Hearing Examiner’s process functions and the methods used are acceptable and if it is feasible for the Hearing Examiner to continue cases indefinitely. The following chart gives timing information for cases heard by the Hearing Examiner.

Figure 3.5<sup>23</sup> **Timeliness of Hearing Examiner Decisions**

	<b>Number of Hearings</b>	<b>Average # Days Open to Close</b>	<b>Median # Days Open to Close</b>	<b>Longest Open to Close</b>	<b>Remaining Open</b>	<b>Continued Indefinitely</b>
<b>2003</b>	33	167	105	679	1	3
<b>2004</b>	69	158	144	415	9	5

**Recommendation 49**

The Council should review timeliness of Hearing Examiner cases and the use of indefinite continuances.

**Appeal Fees**

A \$500 fee is required to appeal most Hearing Examiner cases, but code enforcement violators are not required to pay. This may increase the number of capricious appeals for code enforcement violations.

<sup>23</sup> Taken from spreadsheets supplied by the Hearing Examiner for 2003-2004.

#### Recommendation 50

The Council should reconsider implementing a fee for appeal for code enforcement cases. Other sections of the code require a fee for making an appeal to the Hearing Examiner<sup>24</sup>.

#### Penalty Schedule

Although we were not able to compare penalties levied for similar case types, we heard from many people that we interviewed that monetary penalties are not consistent. Penalty schedules are in place for water quality violations and could be adapted for use by the Code Enforcement Division for all cases resulting in monetary penalties.

#### Recommendation 51

The Code Enforcement Division should develop a penalty schedule to improve consistency and appropriateness in penalties and fees requested.

### **3.11 *The Code Enforcement Division must collaborate.***

Most jurisdictions actively collaborate with other entities on code enforcement matters, but Snohomish County has not yet capitalized on this practice either internally or externally. When the Code Enforcement Division does not collaborate it results in missed opportunities to gather information, increase safety and gain compliance. Methods of collaboration could include:

- Memoranda of understanding
- Regular meetings with collaborators
- Case reviews
- Process development meetings
- Team-based approach among Code Enforcement Officers

#### Internal Collaborations

The effectiveness of the Code Enforcement Division could be improved if it built and maintained good working relationships with other Snohomish County entities. The Code Enforcement Division could more effectively work toward common goals with:

- Prosecuting Attorney
- Hearing Examiner
- Sheriff
- Surface Water Management (SWM)
- Planning and Development Services Inspectors
- Planning and Development Services Permitting
- Animal Control
- Public Works – Right of Way

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<sup>24</sup> SCC 2.02.125

The Director of Planning and Development Services wants to shift the current approach whereby Code Enforcement Officers serve as both the technical and process experts to a new process whereby the Code Enforcement Officers utilize in-house technical experts. The Code Enforcement Division manager hopes that using technical experts will increase their success with cases that go before the Hearing Examiner. The Director stated that it is nearly impossible for the Code Enforcement Officers to be well versed in every technical aspect of the code.

In our interviews, it was apparent that few people within Planning and Development Services have accepted this new approach to code enforcement cases although the Director believes that it is already in place. An inspections supervisor and all of the Code Enforcement Officers expressed the belief that some inspectors are much more willing to collaborate with the Code Enforcement Division on violation cases than others. One inspections supervisor also stated that many inspectors will need additional training on code enforcement policy in order for this approach to work.

Other internal collaborations could be developed. The Sheriff is rarely utilized and collaborations with Surface Water Management have not been effective. The Code Enforcement Division has not collaborated with Animal Control Officers despite Code Enforcement Officers' frequent encounters with dogs in the field.

Recently, progress has been made by the assignment of a Deputy Prosecuting Attorney to assist the Code Enforcement Division. This attorney will be a point of contact both within the Prosecuting Attorney's Office and for the Code Enforcement Division. The Deputy Prosecuting Attorney attends weekly meetings with the Code Enforcement Officers and works with the division on organizational issues. In the past, Code Enforcement Officers have not been routinely informed of the status of cases sent to the Prosecuting Attorney.

Recommendation 52

The Director of Planning and Development Services must make clear his intention to change the way in which Code Enforcement Officers investigate and process cases. He must also convey this approach to all investigators within Planning and Development Services. Holding meetings directly with the parties involved would be a first step.

Recommendation 53

As the Code Enforcement Division moves toward a system of utilizing technical experts both within and external to the Planning and Development Services Department, it should develop a documented agreement to govern these collaborations.

Recommendation 54

We recommend that the Code Enforcement Division enter into an agreement with the Sheriff's Office to collaborate on targeted cases to increase authority of Code Enforcement Officers and to increase their safety in the field.

Recommendation 55

We recommend that the Code Enforcement Division work with Animal Control Officers for training on dangerous dogs and for backup in targeted cases.

Recommendation 56

The Code Enforcement Division should continue to work closely with the Prosecuting Attorney as new processes and procedures are developed, including abatement, to ensure that liability is limited and important cases are being built sufficiently for court involvement if that becomes warranted.

Recommendation 57

The Prosecuting Attorney should provide monthly updates to the Code Enforcement Division on the status of all code enforcement cases it is pursuing.

External Collaborations

The effectiveness of the Code Enforcement Division could improve by establishing better relationships with external entities. To enhance code enforcement efforts, the Code Enforcement Division could more regularly interact with:

- U.S. Environmental Protection Agency
- Local and State Health Departments
- Local and state social service organizations
- Washington State Department of Ecology
- Washington State Department of Labor and Industries
- Washington State Department of Licensing
- Washington State Patrol

A number of Code Enforcement Officers and others involved in the enforcement process were frustrated by local Snohomish Health District responses to suspected code violations and the lack of coordination with the county.

A recent collaboration began when a former Snohomish County Code Enforcement Division supervisor<sup>25</sup> attended the new Northwest Counties Interagency Enforcement Cooperation Team meeting. This group consists of federal, state, and local groups that will work towards achieving code compliance with multiple mandates. Their introductory statement reads, "There are some sites in each of our counties that present environmental and/or safety problems that are difficult to resolve and often involve multiple agencies working

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<sup>25</sup> The current supervisor and manager were set to attend a code enforcement conference that conflicted with this meeting.

independently of each other, many times without results.” They go on to say that their goal is “to better coordinate agency efforts and get those results.”

**Recommendation 58**

The Code Enforcement Division should hold periodic meetings with Snohomish County Health District to collaborate on code enforcement cases that require health department attention.

**Recommendation 59**

The Code Enforcement Division should take a leadership role in the development of the new Northwest Counties Interagency Enforcement Cooperation Team.

**3.12 *Accurate data needs to be collected and utilized.***

None of the Code Enforcement Division data repositories contain comprehensive or accurate data on code enforcement cases. Code enforcement data is currently collected using five tools:

1. AMANDA
2. Paper files
3. Spreadsheets
4. Staff memory
5. Accounting systems

Once this data is collected, it is not effectively utilized by management to make data-driven decisions that could lead to more efficient and mission-driven code enforcement operations. Until early 2004, the Code Enforcement Division had administrative support staff to enter data, manage files, access documents and draft correspondence. All of these tasks have now become part of the Code Enforcement Officers’ responsibilities. Some officers are better administrators than others and an area in which this discrepancy is clear is data entry.

Collection and utilization of data is important in order for the Code Enforcement Division to:

- Build effective cases for the Hearing Examiner or Prosecutor
- Effectively manage larger caseloads
- Transfer cases between Code Enforcement Officers if necessary
- Appropriately supervise staff
- Ensure effective and efficient achievement of division goals

Some of the reasons why management does not effectively utilize data include:

- The difficulty of culling data from the different systems
- Lack of identified performance measures
- Lack of accuracy of the data entered

- Perception that data in some systems or performance in some areas “doesn’t belong to them”
- Lack of knowledge about data and how to best utilize it

In order for data to be most useful it must be timely, valid, accessible, and inexpensive to collect, store and extract.

Recommendation 60

We recommend the Code Enforcement Division management provide regular training to staff on data entry and follow up to ensure that data is being entered appropriately.

Recommendation 61

The Code Enforcement Division management should identify data reports that they would like to review monthly, arrange to receive those reports and regularly act on the findings.

Recommendation 62

The Code Enforcement Division management should explore possibilities for compiling all the data on a case in one place rather than having multiple parallel systems. This will decrease time spent looking for data, reduce multiple entries and generally increase efficiency.

## 4 AREAS FOR FURTHER STUDY

### Hearing Examiner Outcomes

A thorough examination of Hearing Examiner outcomes of the Code Enforcement Division cases may be in order. From various interviews of individuals involved in the Hearing Examiner process, there appeared to be a high level of frustration on many fronts. A thorough review may reveal enforcement/investigative process problems, interdepartmental cooperation opportunities, dramatic differences in code interpretation, and other problems that could be addressed and opportunities that could be explored that may improve outcomes for all involved parties.

### Relocating the Code Enforcement Division

The Code Enforcement Division may benefit from a “change of scenery” due to the division’s historical difficulty in obtaining the attention and support it needs. The enforcement arms across the county are disjointed and may benefit from relocation or consolidation.

### Guarantee a Fair and Transparent Code Enforcement Process

The code enforcement process that Snohomish County uses must ensure that code enforcement is fair and transparent. We recognize that no public process occurs without a certain amount of involvement by special interests; however, it is important that Snohomish County be aware of the extent and type of that influence. A documented procedure should be developed to guarantee that no one entity exerts undue influence on code enforcement outcomes.

Deschutes and Clackamas County in Oregon address some of these issues in their code enforcement policy and procedure manuals. Snohomish County’s Code Enforcement Division may want to review these documents for guidance.

### Assigning Code Enforcement Cases by Geographic Area

Due to the large geographic area that the Code Enforcement Division is responsible for, an analysis of the costs and benefits of assigning cases by geographic region could result in better use of resources (e.g., less time involved in traveling across a smaller area, less gas used in the process, savings on the wear and tear of county vehicles, etc.). Both King and Pierce County, among many others, assign specific geographic regions to Code Enforcement Officers. For a geographic analysis see [Appendix 10](#).

## 5 OFFICIAL RESPONSES



Snohomish County

PLANNING & DEVELOPMENT SERVICES

M/S #604

## 6 MEMORANDUM

TO: Kymber Waltmunson, Performance Auditor

FROM: Craig Ladiser, Director of Planning and Development Services

DATE: November 28, 2005

SUBJECT: **Code Enforcement Audit**

I reviewed the final version of the Code Enforcement report. It reflects the same concerns I had about code enforcement after becoming PDS Director. That is the reason I requested the audit. The report validates many of the initiatives the Department has undertaken over the past year to address the problems and provides independent support that the direction we are taking is accurate. Thank you and your staff for working with PDS on this over the past several months. We know the audit was difficult since it was being performed while PDS experienced one of the largest workloads in the Department's history.

There are areas where I feel the audit may have been able to provide more direction or support: The areas include resources, work plan, and other organizations. These areas are elaborated on further in this memo. As PDS begins to create an enforcement organization that meets the expectations of citizens and elected officials, these issues remain, although they were not fully addressed in the audit. Also, as the audit implicitly recognizes, there are few established standards in this area which can be used to benchmark. No doubt, this is what led to over 60 recommendations of varying levels of specificity. Regardless, PDS will follow through with implementing the recommendations.

As for a timetable, at this point, it is a bit early to establish specific time commitments for resolving the problems and numerous recommendations. Much has begun. I believe by the end of the first quarter of 2006, PDS will be able to more accurately assure where we are and provide you a timetable for the balance of the work not already started.

As to whether I agree or disagree with the recommendations, I essentially agree with all of them. However, I am disappointed the audit did not fully reflect the fact that past decisions led to the chaotic state code enforcement was in when I began as Director and that since that time we have been trying to work the problems. In addition to the major cuts in funding, a new code was adopted that significantly affected code enforcement. Finally, as mentioned to you earlier, the County Council is currently considering a major change to the burden of proof requirement that will dramatically change the philosophy which you point out is in such dire need of attention.

As stated above the following are some concerns about the audit:

**Resources**

In order to fulfill expectations created by the audit, additional resources are necessary. The level of effort the Performance Auditor expended was considerable just to gather the information necessary to create the audit. The audit took the better part of six months. While there were certainly delays that can be attributed to PDS, the lack of information and benchmarking limited the alternatives and had a resultant impact on the resources dedicated to the audit. It seems logical that if it took a great deal of time to identify the problems, it will certainly take much more time and resources to resolve them.

You correctly find that County leadership should evaluate whether its previous decisions to cut enforcement resources were consistent with the needs of the County. I am hopeful that the audit will lead to that type of dialogue; however, the decisions to reduce staffing and oversight of this function were a major factor that led to the current situation.

Finally, the changes as a result of the audit will significantly increase the workload of this group. Yet, the audit failed to recommend additional resources. You recommend code enforcement staff should do the work instead of hiring a consultant to help develop the documentation. As you are aware, this will place leadership in a position of choosing between investigating complaints and the much needed planning in the area of documentation.

**Work Plan**

The explanation of the matrix is a big improvement over the initial draft. PDS will utilize the matrix in the manner in which you intended. One topic difficult to understand is what the audit found to be “most urgent”, most “beneficial to customers”, etc. The audit contains over 60 recommendations of varying degree of policy or practice. Building a workplan that addresses this many recommendations is a major undertaking since the audit does not clearly prioritize the recommendations.

**Other organizations**

I understand that while performing this audit you also heard about a lot of issues relating to the Hearing Examiner and other departments. As I indicated to you before, I feel these should have been identified so that they can be addressed in the future. PDS is only one part of the code enforcement picture. Code enforcement cannot be “fixed” by only focusing on PDS.

**Timetable for Implementation**

Over the next month, PDS will take the 62 recommendations and categorize them in an understandable and manageable workplan and strategy. As your audit generally acknowledges, a great deal of time is currently being spent working on recommendations contained in the audit. In actuality, some are near complete in terms of development and need to be implemented. However, to take all 62 recommendations of varying degree of policy and process and create a cohesive workplan will take time.

Some of the issues, such as utilizing internal expertise are underway and can continue to expand. Others, such as the development of a Code Enforcement philosophy, are dependant on Council direction. This particular recommendation is out of PDS’s control due to the Council’s Technical Oversight Commission’s recommendation regarding changes in the burden of proof.

CC: Mark Soine, Deputy County Executive  
Tom Fitzpatrick, Executive Director



**Snohomish County**

**County Executive's Office**

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**M E M O R A N D U M**

**TO: Kymber Waltmunson, Performance Auditor**

**FROM: Thomas M. Fitzpatrick, Executive Director**

**RE: Audit of Code Enforcement – Executive Comments**

**DATE: November 8, 2005**

Thank you sending the final draft of the audit for Executive comment. PDS Director Ladiser is submitting comments on behalf of the Department.

When Executive Reardon took office, one his priorities for PDS was to address code enforcement and have a fair and efficient system in place serving the residents of the County. In that spirit, PDS requested the Performance Audit, in order to get some ideas about how to improve. The audit contains many good recommendations, including some like staff training, that are already being addressed. The Executive will continue to work with PDS to improve the code enforcement process. The audit's recommendations will be a tool to assist in that effort. In addition, the Executive's budget proposes the establishment and funding of an abatement fund to address serious situations where compliance has been achieved by the offending party.

In regard to enforcement priorities, the Executive agrees that these should be established. To that end, priorities in regard to enforcement were included in the Natural Environment Chapter submitted to the County Council in the Ten Year Update of the Comprehensive Plan. Council has not acted on the chapter at the time this comment is being written. If the Council does not adopt the chapter, it will be necessary to establish enforcement priorities by some other method.

## 7 APPENDICES

### 7.1 Appendix 1: *Officials Interviewed*

1. Kirke Sievers, Snohomish County Council
2. Jeff Sax, Snohomish County Council
3. Dave Gossett, Snohomish County Council
4. Mark Soine, Deputy Snohomish County Executive
5. Tom Fitzpatrick, Executive Director
6. Craig Ladiser, Planning and Development Services Director
7. Linda Paralez, Planning and Development Services Deputy Director
8. Mike McCrary, Planning and Development Services Code Enforcement Manager
9. Melody Rucci, Planning and Development Services Code Enforcement Supervisor
10. Stephanie Lyon, Planning and Development Services Code Enforcement Coordinator
11. Judy Wahl, Planning and Development Services Code Enforcement Officer
12. Craig Odegaard, Planning and Development Services Code Enforcement Officer
13. Allison Warner, Planning and Development Services Code Enforcement Officer
14. Ed Soderman, Planning and Development Services Code Enforcement Officer
15. Jackie Young, retired Planning and Development Services Code Enforcement Officer
16. Pam Miller, Planning and Development Services Division Manager and past Code Enforcement Supervisor
17. Mike Mickiewicz, Inspections Supervisor and past Code Enforcement supervisor
18. Dan Daley, Building Inspections Supervisor
19. Bob Backstein, Hearing Examiner
20. Ed Good, Deputy Hearing Examiner
21. Jason Cummings, Deputy Prosecuting Attorney
22. Shawn Aronow, Deputy Prosecuting Attorney
23. Shelley LaCasse, Auditor-Recording Supervisor
24. John Schmidt, Everett Code Enforcement, WACE Board member
25. Linda Kuller, Planning and Development Services Chief Planning Officer
26. Bill Leif, Surface Water Management Water Quality Supervisor
27. Ted Pyles, Planning and Development Services Accountant
28. Rachel Broadus, Planning and Development Services Fiscal Resources Analyst
29. Elizabeth Deraitus, Code Enforcement Supervisor, King County

30. Diana Raines, Code Enforcement Supervisor, Pierce County
31. Barbara Graf, Code Enforcement Officer, Skagit County
32. Stephen Mount, Code Enforcement Officer, Kitsap County
33. Carolyn Spies, Code Enforcement Officer, Skagit County
34. Kathy Davis, Code Enforcement, City of Everett

## 7.2 Appendix 2: Internal Code Enforcement Audit, 1992

The chart below shows that some of Bob Dantini's 1992 Code Enforcement Division audit recommendations matched our 2006 audit recommendations in 2006.

Recommendation	Has this recommendation been resolved?
The code enforcement database should be integrated into the central CD automation project.	N/A
Code Enforcement should acquire one additional personal computer.	Yes
Non-Code Enforcement complaint files should be monitored to the same degree as those for which Code Enforcement has primary responsibility	N/A
All functional units involved in the code enforcement effort should be subject to the same standards, methods and procedures.	No
The code enforcement database should be modified to prevent file duplicity and capture important information on cases that don't enter the notice and order process.	Yes
Administrative policy should be developed as a guide to help determine when to pursue the lien/foreclosure process.	No
Penalty fees for land use violations should vary based on predetermined criteria.	No
CD management should review existing code as it pertains to civil penalties for land use violations and propose changes as deemed necessary.	No
Administrative policies and procedures should be developed to establish standard timeframes related to key work elements of the code enforcement process.	No
Administrative policies and procedures should be developed to establish case file/documentation standards.	No
All functional units involved in the code enforcement effort should follow established complainant notification procedures.	No

Requests for legal assistance by Code Enforcement should be promptly responded to by the Prosecutor's office.	In process
Administrative policies and procedures should be developed to guide the settlement/negotiation process when the county has liened property as a result of a land use violation. Organizational responsibility should also be specified.	No
The technical review committee should be established to enhance coordination and efficiency of efforts.	No
Policy criteria should be developed to help determine relative response priorities of various types of complaints.	No
County code should be modified to allow informal administrative conferences to occur anytime subsequent to the time an appeal was filed.	Yes
Administrative policies and procedures should be revised to identify the specific information needed for notice and order preparation.	No
Goals, objectives and strategies for the code enforcement process should be developed and presented to Council and Executive for review.	No
Complainant confidentiality should be ensured.	Yes
Code enforcement database reports should be enhanced to enable ongoing evaluation of the effectiveness of the notice and order process.	No
Elapsed time between key work elements in the code enforcement processes should be routinely monitored for each case.	No
A new code provision should be added to establish a monetary penalty for ignoring stop work orders.	No
Council should consider appropriating seed money to use in land use violation abatements.	In process
Consideration should be given to disclosing the names of land use violators as a means of discouraging future violations.	No

7.3 Appendix 3: **Enforcement Tools Description**

Tool	Code Reference	When is it used?	What happens? (according to code)	If no compliance, then what? (according to code)	Strengths	Weaknesses
<b>STOP WORK ORDER</b>	30.85.110	When activity that violates code is occurring	Work must stop	To Superior Court or criminal action in District Court	Immediate-If the violator complies	The county could be open to substantial damages if they are found to be in error  The violator may not comply
<b>SUSPENSION / REVOCATION OF PERMITS</b>	30.85.115	Violations are occurring or failure to comply with N&O	1. Suspension using the N&O process 2. If there is an immediate hazard permits are suspended immediately	Revoke permits	Effective for a party that cares about being permitted	Not effective for parties that do not care about being permitted.
<b>EMERGENCY ORDER</b>	30.85.122	When activity: 1. endangers public or private property 2. creates an immediate hazard 3. threatens health and safety	Requires an immediate remedy	Abatement	Immediate-If the violator complies	The county could be open to substantial damages if they are found to be in error.  The violator may not comply.

Tool	Code Reference	When is it used?	What happens? (according to code)	If no compliance, then what? (according to code)	Strengths	Weaknesses
<b>VOLUNTARY CORRECTION AGREEMENT (VCA)</b>	30.85.125	Upon CE learning of violation	Requests voluntary remedy of violation. Violator signs agreement to remedy with specific terms. Agrees to waive appeals.	1. County may abate at the owner's expense 2. Monetary penalties 3. Final order from HEX	Provides a low pressure environment for a violator to rectify the situation	Can lead to cases extending long periods of time
<b>NOTICE AND ORDER (N&amp;O)</b>	30.85.130	1. If VCA is not signed or ignored 2. Second offense 3. Stop work order or emergency order 4. When the violation is not corrected	Written notice of violations, corrective action required, penalty assessed, appeal deadline	1. HEX if appealed 2. Lien may be imposed 3. Monetary penalties	There is a full-record hearing on the merits of the case.	Can lead to cases extending long periods of time
<b>ABATEMENT</b>	30.85.320	Following failure of other tools	1. County remedies violation 2. Charges costs to violator or places a lien on property	N/A	Provides the county with an option to resolve a problem that a landowner is not willing or able to resolve	Expensive and legally complex

<b>Tool</b>	<b>Code Reference</b>	<b>When is it used?</b>	<b>What happens? (according to code)</b>	<b>If no compliance, then what? (according to code)</b>	<b>Strengths</b>	<b>Weaknesses</b>
<b>REFER TO PROSECUTING ATTORNEY</b>	30.85.325	Alternative to other actions	Misdemeanor proceedings	Punished according to SCC 1.01.100	Provides additional leverage for resolution of the violation if lower level tools are not effective	Requires a high burden of proof that can become time consuming and expensive for the county. Stretch PA resources.
<b>LIEN</b>	30.85.300	For any civil penalty imposed or for the cost of abatement	Adds to yearly tax bill	Foreclosure	Allows the county to collect on dollars spent to identify, evaluate and resolve the violation	Could result in loss of property for the violator and requires careful monitoring
<b>CITATION</b>	Proposed	When there is a non permit violation	Ticket-resolve violation or come to hearing	Second ticket then N&O	Could speed the process of obtaining compliance for some	The violator may not comply

7.4 Appendix 4: Risk Matrix

**Instructions for Reading the Matrix**

Down the left side of this chart are things that an effective Code Enforcement Division will want to accomplish, “opportunities.” Across the top of the chart are actions that the division should take to ensure that those opportunities are accomplished, “controls.” The “P” in the box corresponding to an opportunity and a control means that we are proposing that the Code Enforcement Division implement this control in order to achieve the opportunity. For example, in the first line, in order to meet all RCWs, SCCs, and federal regulations we recommend that the Code Enforcement Division have the Prosecuting Attorney review the process and that the Code Enforcement Division develop policies and procedures.

"X" = Existing Control "P" = Proposed Control

<b>CEO=Code Enforcement Officer HEX=Hearing Examiner</b>	Prosecuting Attorney reviews the process.	Executive review and Council view the process.	Community is surveyed, hearings are held or other means of input are implemented.	Develop Vision, Mission, Goals and Objectives for Code Enforcement.	Develop, document, and utilize Performance Measures for Code Enforcement.	Develop Policies and Procedures.	Develop, document, and utilize a case prioritization system.	Use case checklists with a date noted for each action taken and sign off by a supervisor.	Hold regular meetings to coordinate with departments or external organizations with similar topic areas.	Management spot checks.	Management uses AMANDA to monitor division work flow, work quality, and make data driven decisions regarding the division.	Management and staff receive proper training in relation to the opportunity.	Management receives monthly reports for more than 120 days.
<b>OPPORTUNITIES</b>													
Ensure that Code Enforcement complies with all applicable RCWs, SCCs, and federal regulations.	<b>P</b>				<b>P</b>					<b>P</b>		<b>P</b>	
Ensure that a clear direction is evident for Code Enforcement.		<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>						
Ensure that the community is utilized as a Code Enforcement partner.		<b>P</b>	<b>P</b>		<b>P</b>	<b>P</b>						<b>P</b>	

<p><b>CEO=Code Enforcement Officer</b> <b>HEX=Hearing Examiner</b></p>	<p>Prosecuting Attorney reviews the process.</p>	<p>Executive review and Council view the process.</p>	<p>Community is surveyed, hearings are held or other means of input are implemented.</p>	<p>Develop Vision, Mission, Goals and Objectives for Code Enforcement.</p>	<p>Develop, document, and utilize Performance Measures for Code Enforcement.</p>	<p>Develop Policies and Procedures.</p>	<p>Develop, document, and utilize a case prioritization system.</p>	<p>Use case checklists with a date noted for each action taken and sign off by a supervisor.</p>	<p>Hold regular meetings to coordinate with departments or external organizations with similar topic areas.</p>	<p>Management spot checks.</p>	<p>Management uses AMANDA to monitor division work flow, work quality, and make data driven decisions regarding the division.</p>	<p>Management and staff receive proper training in relation to the opportunity.</p>	<p>Manag receive monthl report cases o for more 120 da</p>
<p><b>OPPORTUNITIES</b></p>													
<p>Track and demonstrate program performance.</p>				<p><b>P</b></p>	<p><b>P</b></p>	<p><b>P</b></p>					<p><b>P</b></p>		
<p>Ensure that there is a plan for limited Code Enforcement resources.</p>				<p><b>P</b></p>		<p><b>P</b></p>	<p><b>P</b></p>						
<p>Ensure that the work of other departments is not duplicated.</p>						<p><b>P</b></p>			<p><b>P</b></p>			<p><b>P</b></p>	
<p>Ensure that Code Enforcement has sufficient information and support to properly enforce cases.</p>	<p><b>P</b></p>					<p><b>P</b></p>		<p><b>P</b></p>	<p><b>P</b></p>	<p><b>P</b></p>		<p><b>P</b></p>	

<b>CEO=Code Enforcement Officer</b> <b>HEX=Hearing Examiner</b>	Prosecuting Attorney reviews the process.	Executive review and Council view the process.	Community is surveyed, hearings are held or other means of input are implemented.	Develop Vision, Mission, Goals and Objectives for Code Enforcement.	Develop, document, and utilize Performance Measures for Code Enforcement.	Develop Policies and Procedures.	Develop, document, and utilize a case prioritization system.	Use case checklists with a date noted for each action taken and sign off by a supervisor.	Hold regular meetings to coordinate with departments or external organizations with similar topic areas.	Management spot checks.	Management uses AMANDA to monitor division work flow, work quality, and make data driven decisions regarding the division.	Management and staff receive proper training in relation to the opportunity.	Manag receive monthl report cases o for more 120 da
<b>OPPORTUNITIES</b>													
Ensure that management and staff have the skills necessary to complete their duties in an effective and efficient manner.						P						P	
Ensure that AMANDA data is reliable, valid, useful and complete.						P		P		P		P	
Ensure that paper files are complete and accurate.	P					P		P		P		P	
Management evaluates and monitors CEO productivity and performance.						P		P		P	P	P	P

<b>CEO=Code Enforcement Officer</b> <b>HEX=Hearing Examiner</b>	Prosecuting Attorney reviews the process.	Executive review and Council view the process.	Community is surveyed, hearings are held or other means of input are implemented.	Develop Vision, Mission, Goals and Objectives for Code Enforcement.	Develop, document, and utilize Performance Measures for Code Enforcement.	Develop Policies and Procedures.	Develop, document, and utilize a case prioritization system.	Use case checklists with a date noted for each action taken and sign off by a supervisor.	Hold regular meetings to coordinate with departments or external organizations with similar topic areas.	Management spot checks.	Management uses AMANDA to monitor division work flow, work quality, and make data driven decisions regarding the division.	Management and staff receive proper training in relation to the opportunity.	Management receives monthly reports for more than 120 days.
<b>OPPORTUNITIES</b>													
Ensure that caseloads are randomly assigned and fairly distributed.						P				P	P	P	
Ensure that complaint forms are properly completed.						P		P		P		P	
Ensure that complaints are documented and properly logged and cases are opened in a timely manner.						P				P	P	P	
Ensure that complaints are prioritized.				P		P	P			P			

<b>CEO=Code Enforcement Officer</b> <b>HEX=Hearing Examiner</b>	Prosecuting Attorney reviews the process.	Executive review and Council view the process.	Community is surveyed, hearings are held or other means of input are implemented.	Develop Vision, Mission, Goals and Objectives for Code Enforcement.	Develop, document, and utilize Performance Measures for Code Enforcement.	Develop Policies and Procedures.	Develop, document, and utilize a case prioritization system.	Use case checklists with a date noted for each action taken and sign off by a supervisor.	Hold regular meetings to coordinate with departments or external organizations with similar topic areas.	Management spot checks.	Management uses AMANDA to monitor division work flow, work quality, and make data driven decisions regarding the division.	Management and staff receive proper training in relation to the opportunity.	Management receives monthly reports for more than 120 days.
<b>OPPORTUNITIES</b>													
Ensure that complaint/case is assigned to CEOs in a timely manner.						P	P			P	P	P	
Ensure that CEOs respond to complaints in a timely manner.						P	P	P		P	P	P	P
Ensure that complaining parties are notified of complaint actions.						P		P		P		P	
Ensure that sufficient and proper enforcement action is taken.			P	P		P	P	P		P	P	P	

<b>CEO=Code Enforcement Officer</b> <b>HEX=Hearing Examiner</b>	Prosecuting Attorney reviews the process.	Executive review and Council view the process.	Community is surveyed, hearings are held or other means of input are implemented.	Develop Vision, Mission, Goals and Objectives for Code Enforcement.	Develop, document, and utilize Performance Measures for Code Enforcement.	Develop Policies and Procedures.	Develop, document, and utilize a case prioritization system.	Use case checklists with a date noted for each action taken and sign off by a supervisor.	Hold regular meetings to coordinate with departments or external organizations with similar topic areas.	Management spot checks.	Management uses AMANDA to monitor division work flow, work quality, and make data driven decisions regarding the division.	Management and staff receive proper training in relation to the opportunity.	Management receives monthly reports for more than 120 days.
<b>OPPORTUNITIES</b>													
Ensure that CEOs follow-up on enforcement actions in a timely manner to gain compliance.						P	P	P		P	P	P	P
Ensure that CEOs resolve problems consistently among property owners.			P	P		P	P	P		P		P	
Ensure that cases are not closed before compliance is achieved.						P		P		P	P	P	
Ensure that education is provided to property owners regarding deficient conditions or corrective actions needed.				P		P		P		P	P	P	

<b>CEO=Code Enforcement Officer HEX=Hearing Examiner</b>	Prosecuting Attorney reviews the process.	Executive review and Council view the process.	Community is surveyed, hearings are held or other means of input are implemented.	Develop Vision, Mission, Goals and Objectives for Code Enforcement.	Develop, document, and utilize Performance Measures for Code Enforcement.	Develop Policies and Procedures.	Develop, document, and utilize a case prioritization system.	Use case checklists with a date noted for each action taken and sign off by a supervisor.	Hold regular meetings to coordinate with departments or external organizations with similar topic areas.	Management spot checks.	Management uses AMANDA to monitor division work flow, work quality, and make data driven decisions regarding the division.	Management and staff receive proper training in relation to the opportunity.	Management receives monthly reports for more than 120 days.
<b>OPPORTUNITIES</b>													
Ensure that compliance communications specify correct timeframe.						P		P		P	P	P	
Ensure that CEOs are not reluctant to use the HEX process.						P		P		P		P	
Ensure that HEX actions are followed up on in a timely manner.						P	P	P		P	P	P	
Ensure that assessed penalties, fines, and judgments are tracked and collected.						P	P	P		P	P	P	

<b>CEO=Code Enforcement Officer</b> <b>HEX=Hearing Examiner</b>	Prosecuting Attorney reviews the process.	Executive review and Council view the process.	Community is surveyed, hearings are held or other means of input are implemented.	Develop Vision, Mission, Goals and Objectives for Code Enforcement.	Develop, document, and utilize Performance Measures for Code Enforcement.	Develop Policies and Procedures.	Develop, document, and utilize a case prioritization system.	Use case checklists with a date noted for each action taken and sign off by a supervisor.	Hold regular meetings to coordinate with departments or external organizations with similar topic areas.	Management spot checks.	Management uses AMANDA to monitor division work flow, work quality, and make data driven decisions regarding the division.	Management and staff receive proper training in relation to the opportunity.	Management receives monthly reports for more than 120 days.
<b>OPPORTUNITIES</b>													
Ensure that CEOs do not make excessive trips.						<b>P</b>		<b>P</b>		<b>P</b>	<b>P</b>	<b>P</b>	
Ensure that CEOs have access to properly verify complaints.	<b>P</b>		<b>P</b>			<b>P</b>						<b>P</b>	
Ensure that CEO safety is not compromised.						<b>P</b>			<b>P</b>			<b>P</b>	
Manage risk of lawsuits from complainants.	<b>P</b>		<b>P</b>	<b>P</b>		<b>P</b>				<b>P</b>		<b>P</b>	

## **DRAFT DOCUMENT**

### **NATURAL ENVIRONMENT ENFORCEMENT POLICIES**

#### **Objective NE 3.1 Develop and implement an enforcement program to protect, and prevent and remediate damage to, the natural environment.**

NE Policies 3.1.1 The county shall establish inspection and enforcement priorities based on health, safety and welfare; the environmental significance of the violations, including temporal aspects and urgency; the impact to ecological functions and the impacts on public resources.

3.1.2 The county shall establish an enforcement system that imposes penalties and fines commensurate with the severity of the violation. For minor violations that do not significantly harm the environment or endanger public health and safety, enforcement should focus on educating landowners on regulatory requirements rather than monetary penalties. The amount of penalties and fines should increase with the severity of the violation and its negative effect on the natural environment.

3.1.3 The county shall impose more punitive consequences on flagrant or repetitive violators.

3.1.4 The county shall require that remediation in code enforcement actions be focused on restoration of ecological functions compromised by the violation.

3.1.5 The county should develop an abatement procedure to address code violations that impact the natural environment.

3.1.6 The county should coordinate its environmental enforcement efforts with other regulatory agencies to ensure that enforcement actions are effective in quickly remediating damage to the natural environment.

## 7.6 Appendix 6: **Sample Lien Process**

The jurisdictions we interviewed approach the lien process differently. What follows is an example based on Skagit County's successful lien program.

- 1) A pre-lien letter is sent to the violator if a violation continues after the Notice and Order is appealed or if a Notice and Order is simply ignored altogether.
  - Contains information on the penalties owed to date
  - Gives the violator one last chance to come into compliance by a date certain
  - Provides the opportunity to the violator to enter into a payment plan for penalties owed
- 2) A title search is conducted on the property to gain access to lender information
- 3) A lien is placed on the property if there was no action toward compliance
- 4) A letter is sent to the property owner and the lender(s), informing them that a lien has been placed on the property

To date, over half of the liens placed resulted in compliance and penalties being paid.

The Code Enforcement Officer who oversees the lien process stressed that contacting the lender(s) about a lien being placed on a property they have an interest in, leads to the banks taking an aggressive stance with the property owner to come into compliance. The banks often take charge of getting the property into compliance prior to the lien being placed.

Skagit County reports that of the approximately 40 liens placed in the last two years, only one property was foreclosed.

Skagit County stressed that involving the Prosecuting Attorney's Office was essential in developing clear policy and procedure for the entire process.

## 7.7 Appendix 7: **Sample Citation Process**

The City of Everett uses a citation process for non-permitted type of violations. Many jurisdictions utilize citations for the less complicated cases and report good compliance rates.

-Code Enforcement Officers carry “Notice to Correct” forms with them. These forms are in triplicate, and a copy of the form is dropped off at the property notifying the occupier that they are in violation. A copy of this form is the first item in the case file.

-The “Notice to Correct” establishes a compliance date to correct the violation.

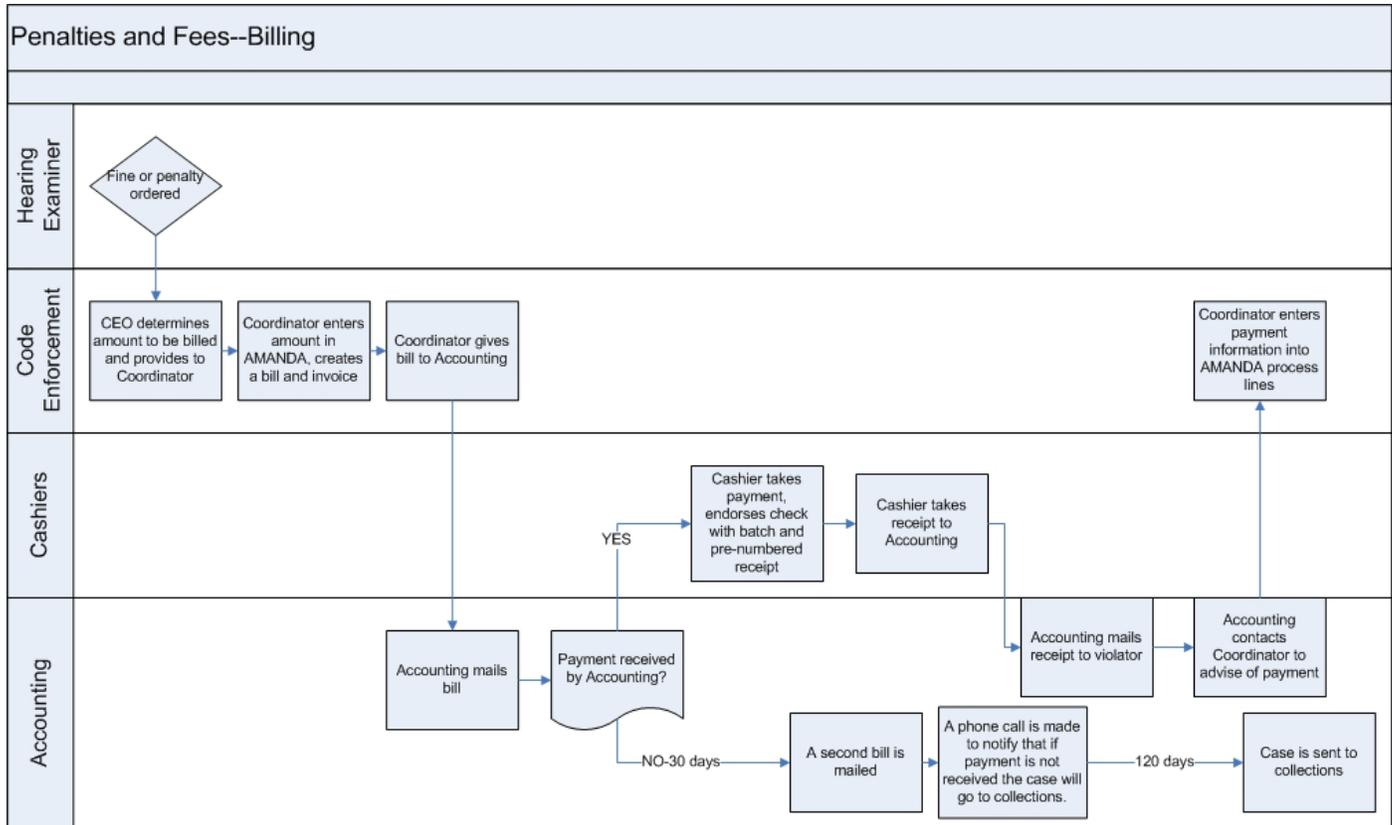
-A re-inspection occurs after the compliance date has passed (Everett reports that approximately 90% of the violations are fixed at the time of re-inspection)

-If the violation continues, a “Violation Citation” is issued that has an automatic hearing date scheduled.

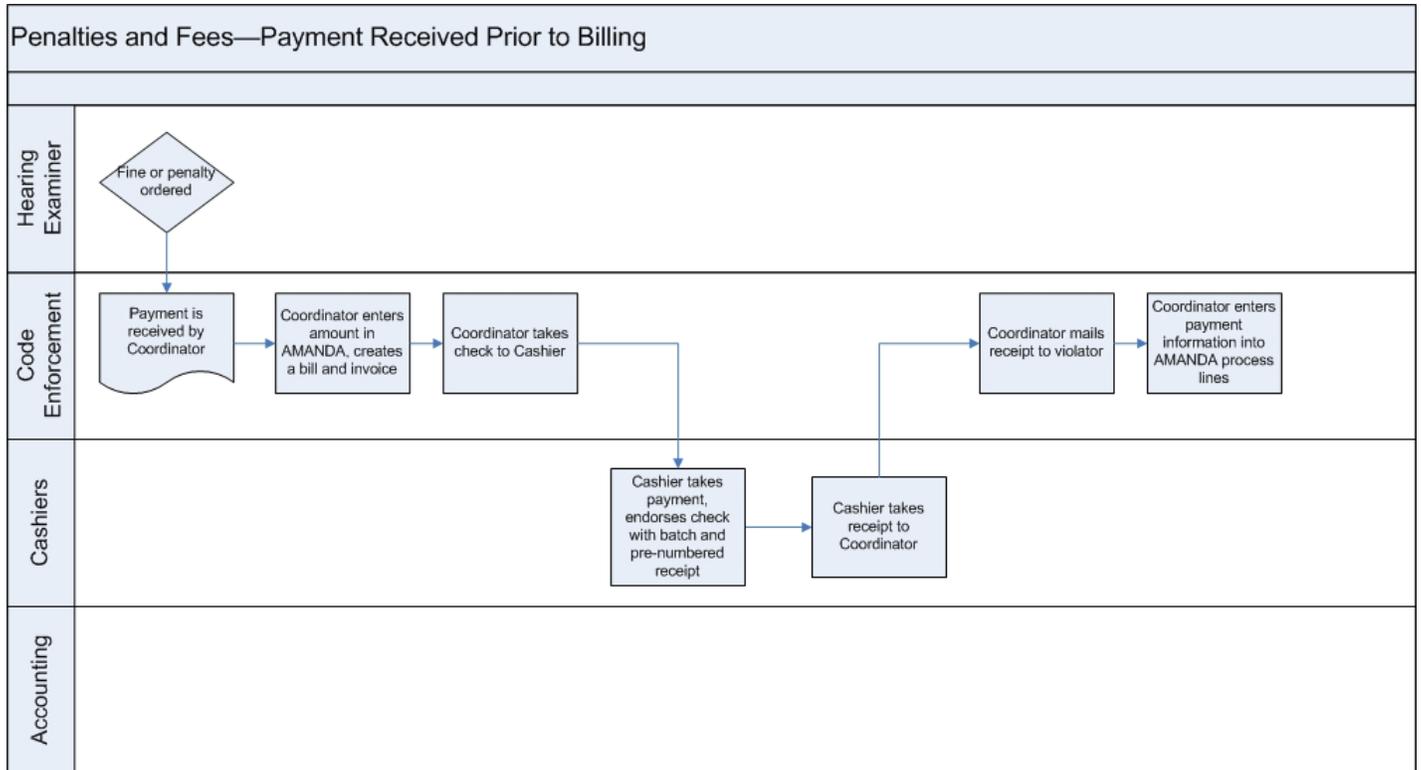
-The standard fines are \$500 per violation. This fine is not assessed if the violator comes into compliance by the hearing date. The Code Enforcement Officer re-inspects the property one last time before the hearing date, in order to have the most up to date evidence on the status of the case.

-Hearing Examiner holds Citation Hearings once every two weeks. There are no status conferences and the Hearing Examiner makes decisions from the bench.

## 7.8 Appendix 8: Payment Flow Chart—Billing



7.9 Appendix 9: Payment Flow Chart—Receive Payment Prior to Billing



7.10 Appendix 10: **Geographic Analysis**

Where do Complaints/Violations Originate?

Breakdown of 2004 Complaints by Zip Code				
Zip Code	Area	County Council District*	Number of Complaints	Percentage
98223	Arlington	1	108	8.9%
98012	Bothell	4	67	5.6%
98021	Bothell	4	16	1.3%
98241	Darrington	1	4	0.3%
98026	Edmonds	3	37	3.1%
98204	Everett	2	42	3.5%
98205	Everett	2	61	5.1%
98208	Everett	2	77	6.4%
98206	Everett	2	1	0.1%
98251	Gold Bar	5	23	1.9%
98252	Granite Falls	5	52	4.3%
98256	Index	5	1	0.1%
98258	Lake Stevens	5	71	5.9%
98036	Lynnwood	3	50	4.1%
98037	Lynnwood	3	85	7.0%
98270	Marysville	1	32	2.7%
98271	Marysville	1	69	5.7%
98272	Monroe	5	52	4.3%
98290	Snohomish	5	133	11.0%
98296	Snohomish	5	90	7.5%
98292	Stanwood	1	79	6.5%
98294	Sultan	5	37	3.1%
98072	Woodinville	4	17	1.4%
98077	Woodinville	4	3	0.2%

\*Based on approximate zip code boundaries.