

San Joaquin County Grand Jury



Code Enforcement Departments of San Joaquin County

2017-2018 Case No. 0117

Summary

On August 26, 2017, the San Joaquin County Civil Grand Jury examined the various code enforcement departments within San Joaquin County. The scope of the inquiry involved identifying the various departments and determining the level of enforcement. The Grand Jury determined that the areas that fall under code enforcement, including blight, abandoned vehicles, structural hazards, and illegal commercial truck parking have a direct effect on the quality of life for residents of San Joaquin County.

The Grand Jury found that several code enforcement departments are still experiencing the effect of the housing crash of 2008 and the subsequent budget and staff reductions. Stockton and some of the surrounding areas were deeply impacted by the city's bankruptcy declaration in 2012. Many agencies still function with minimal staff, employees serve in multiple roles, and volunteers fill needed vacancies. Agencies must work to generate voluntary compliance in creative and cost-effective ways.

The City of Stockton has the largest code enforcement department in the county and is the only proactive (non-complaint-driven) agency. The most recent approach Stockton has developed is blitz teams that combine the services of code enforcement officers, uniformed police, and community members to address all illegal activity one neighborhood at a time. The blitz teams address code violations, illegal activities, and nuisance complaints with input from people in the neighborhood. One to three teams operate simultaneously in different neighborhoods and move to new areas once the problems have been addressed.

The City of Lathrop appears to lack consistency in its code enforcement efforts. Lathrop has experienced budget and staff reductions like other cities in the county but has also experienced significant employee turnover in high-level positions. Lathrop has also been reluctant to enforce a long-standing prob-

lem regarding the illegal parking of commercial trucks in undeveloped areas and areas not properly zoned for such activity.

Major Findings

- The cities of Escalon, Ripon, Manteca, Lodi, Tracy and the community of Mountain House are still affected by the budget and staffing reductions resulting from the 2008 housing crash. The result is enforcement that is reactive instead of proactive.
- The City of Lathrop has taken limited code enforcement action towards the illegal parking of commercial trucks and failed to resolve the problem for more than six years, allowing blight and public safety issues to remain.
- The City of Stockton has incorporated the code enforcement department into a section of the Stockton Police Department which has improved the level of overall code enforcement; numerous proactive code enforcement programs respond to code violations within a neighborhood.

Major Recommendations

- Explore budget options, use of volunteers, and possible grant funding to improve code enforcement.
- Lathrop take consistent code enforcement action toward the illegal parking of commercial trucks to reduce the number of occurrences and complaints.

Background

San Joaquin County covers an area of 1,426 square miles with approximately 740,000 residents. The county has seven incorporated cities: Escalon, Lathrop, Manteca, Tracy, Lodi, Ripon, and Stockton. Mountain House is a planned community operating in its own special district. In addition, several townships and neighborhoods exist in the unincorporated areas and are served by the county code enforcement department.

Due to the housing market crash and subsequent drop in tax revenues in 2008 and the City of Stockton bankruptcy in 2012, essential city services were cut throughout the county. Code enforcement agencies were particularly hard-hit with staffing and budget reductions.

To aid the inquiry, the Grand Jury developed and sent out code enforcement surveys to the seven incorporated cities, Mountain House, and San Joaquin County to gather information about the communities and their code enforcement practices.

The survey requested the following information:

- Size of community
- Department staffing levels
- Common code enforcement violations encountered
- Most severe code enforcement related violation(s)

- Complaints received
- Type of response format used, that is reactive (complaint-driven) or proactive (action-oriented instead of complaint-driven)
- Yearly budget

For the purposes of this report, the Grand Jury used the following definition, derived from a presentation on code enforcement, as an example of the qualifications necessary for a code enforcement officer: having the ability to independently perform a full range of municipal code enforcement and compliance duties. A code enforcement officer needs the ability to interpret and apply applicable codes, ordinances, and regulations related to zoning, nuisance abatement, and health and safety issues. An officer also needs to inspect and identify violations of applicable codes and ordinances.¹

Reason for Investigation

The decision to investigate code enforcement agencies in San Joaquin County grew out of early discussions among the grand jurors questioning how effectively the agencies functioned and if their work improved the quality of life for residents in San Joaquin County.

Method of Investigation

Review of Materials

- City and agency web sites
- Code enforcement department survey
- City of Lathrop Consulting Service Agreement (also referred to as Amendment 1 to the professional services agreement with the most recent code enforcement contractor)
- City of Lathrop Code Compliance Supervisor job description

Interviews Conducted

- Code enforcement-related personnel
- Administrative personnel
- Elected official

Sites Visited

- City of Escalon
- City of Lathrop
- City of Lodi
- City of Ripon
- City of Stockton

¹ Presentation to the Grand Jury by Neighborhood Services, Stockton Police Department

- City of Tracy
- Mountain House planned community
- San Joaquin County Community Development Department (unincorporated areas)
- City of Manteca declined a site visit

Discussions, Findings, and Recommendations

This section contains a brief overview of the departments that responded to the Grand Jury survey as described in the Background section of this report.

1.0 City of Escalon

Escalon has a population of approximately 7,200. Currently there is no budget for code enforcement and the code enforcement position was eliminated in 2008. Code enforcement responsibilities are spread over multiple departments such as development services, public works, and on some occasions the police department.

Requests for code enforcement are complaint-driven . Code enforcement does accept anonymous complaints. Due to the small size of the community, the city believes anonymous complaints protect the privacy of residents.

The main code enforcement issues at this time are weeds, rubbish, and nuisance abatement. An appeals process exists to resolve contested non-compliance disputes.

Escalon is also adopting new city ordinances to increase code violation fines and property tax liens. In addition, the city is exploring the possibility of adopting a new ordinance to address abandoned automobiles on private property.

Finding

F1.1 Escalon is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue.

Recommendations

R1.1 Escalon explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

2.0 City of Lodi

Lodi has a population of approximately 65,000. The code enforcement department has one full-time code enforcement officer who works under the direction of the Lodi Police Department. The department is complaint-driven, accepts anonymous complaints, and an appeals process exists to resolve contested non-compliance disputes.

The code enforcement department responds to issues involving portable basketball hoops in city streets, trash or debris, weed abatement, vehicles parking on residential lawns, and the homeless trespassing on private property.

Lodi estimates its homeless population to be 100-150. The amount of trash, debris, and human waste generated by them has been growing. The city expects the population to steadily increase over time and has increased referrals to assistance organizations in an effort to keep pace with the demand for services.

The Lodi Police Department recently started using senior volunteers to place door hanger violation notifications at all residences reported to be in violation. According to police department statistics, the door hanger notices are responsible for generating a 62% level of voluntary compliance.

Findings

F2.1 The City of Lodi is still experiencing budget and staffing reductions created by the housing crash in 2008 but is using senior volunteers to deliver notices of code violations, resulting in a voluntary compliance rate of 62%.

F2.2 The homeless population continues to grow and creates increased blight and health hazards.

Recommendations

R2.1 Explore budget options and grant funding to improve code enforcement.

R2.2 Plan for future expansion of code enforcement efforts to meet the increasing needs of the community, including the homeless population.

3.0 City of Manteca

Manteca has a population of approximately 77,000. The code enforcement department has one code enforcement supervisor and one code enforcement officer and operates under the direction of the Manteca Police Department Services Division. The code enforcement department is complaint-driven and accepts anonymous complaints. The department currently responds to issues involving weed abatement, zoning issues (primarily involving motorhomes, trailers, and other unauthorized vehicles), and trash and debris. An appeals process exists to resolve contested non-compliance disputes. The city primarily focuses on enforcing city ordinances such as trash receptacles being left in the street and unauthorized vehicles being parked in residential driveways.

Finding

F3.1 Manteca is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue.

Recommendation

R3.1 Manteca explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

4.0 The City of Ripon

Ripon has a population of approximately 15,000. Code enforcement duties are managed by the Ripon Police Department and handled by a Ripon Police Department Community Service Officer (CSO). The CSO dedicates approximately 25% of her assigned duty time to code enforcement issues which include trash and debris, weed abatement, and abandoned automobiles. Code enforcement responses are complaint-driven and the department accepts anonymous complaints. An appeals process exists to resolve contested non-compliance disputes.

Finding

F4.1 Ripon is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue. Current staffing levels require that one employee perform multiple duties including code enforcement, animal control, part-time communications dispatch, and other duties as assigned.

Recommendations

R4.1 Ripon explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

5.0 City of Tracy

Tracy has a population of approximately 90,000. The code enforcement department consists of one code enforcement manager and four code enforcement officers. The department is complaint-driven and accepts anonymous complaints. The department primarily focuses on structural inspections, building code enforcement, state housing law enforcement, illegal dumping, illegal signage, graffiti abatement, zoning law enforcement, unauthorized use of motorhomes as primary living spaces, and abandoned shopping carts.

In an effort to keep pace with the level of incoming complaints, the department has implemented a proactive measure of using available media to distribute public information and educational materials in an effort to heighten awareness and generate voluntary compliance. An appeals process exists to resolve contested non-compliance disputes.

Findings

F5.1 Tracy is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue.

Recommendations

R5.1 Tracy explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

6.0 Community of Mountain House

The community of Mountain House has a population of approximately 20,000. Mountain House is a planned community that operates within its own special district. Unlike other communities in San Joaquin County, Mountain House relies on governing documents such as CC&R's (Covenants, Conditions and Restrictions) as well as established homeowner rules and regulations to generate compliance and reduce the need for code enforcement. As a result, code enforcement calls and responses are limited due to the level of voluntary compliance generated by the community's master plan governing documents.

There is one full-time administrative employee assigned to work part-time on code enforcement. Code enforcement is complaint-driven, and the community accepts anonymous complaints. A modified appeals process conforms to the existing CC&Rs and rules and regulations.

Mountain House is experiencing an increase in illegal dumping many believe is due to the community's proximity to the freeway interchange along I-205.

Findings

F6.1 Mountain House is still experiencing budget and staffing reductions created by the housing crash in 2008. The resulting level of enforcement is reactive, which allows blight and safety issues to continue.

Recommendations

R6.1 Mountain House explore budget options to restore the code enforcement officer position and consider using volunteers to increase code enforcement compliance.

7.0 City of Lathrop

Lathrop has a population of approximately 22,000. The code enforcement department consists of one code enforcement supervisor (approximately 30 hours per week) and one vacant position for code enforcement officer. (This position has been budgeted but remains unfilled). Code enforcement duties are supplemented by one full-time building inspector working on a part-time basis. Lathrop has used a variety of private contractors as code enforcement officers on a full or part-time basis. The most recent code enforcement contractor did not meet the qualifications of a code enforcement officer according to the posted job description and was later elevated to the position of code enforcement supervisor. Lathrop has also been reluctant to enforce a long-standing problem regarding the illegal parking of commercial trucks in undeveloped areas and areas not properly zoned for such activity. Citizen complaints have brought this issue to light. City administrators claim that enforcement of the illegal truck parking issue would create a financial hardship for the truck drivers and property owners involved.

The code enforcement department is complaint-driven and also accepts anonymous complaints. It deals primarily with trash and debris, weed abatement, abandoned automobiles, and the illegal parking of commercial trucks. At the time of this report, an appeals process does not exist to resolve contested non-compliance disputes.

Lathrop has experienced a high turnover rate among employees in key positions. In the last six years, there have been four public works directors as well as vacancies in the city engineering department, the building department, and the personnel department. The current city manager was originally hired as a public works director before being elevated to the position of city manager and has served as interim public works director.

Lathrop has taken limited enforcement action regarding illegal commercial truck parking and has shown no signs of eliminating the problem. The lack of an appeals process contributes to this problem.



Findings

F7.1 Lathrop has taken limited code enforcement action toward the illegal parking of commercial trucks and failed to resolve the problem for approximately six years, allowing blight and public safety issues to remain.

F7.2.1 Lathrop has a vacant budgeted position for code enforcement officer that city officials will not fill at this time. This has exacerbated the illegal truck parking issue.

F7.2.2 The city has not consistently hired qualified code enforcement officers. This contributes to the lack of reliable code enforcement.

F7.3 Lathrop has no consistent appeals process that could be used to resolve the truck parking issue, causing the issue to persist.

Recommendations

R7.1 Lathrop take consistent code enforcement action on the illegal parking of commercial trucks.

R7.2 Lathrop advertise and fill the vacant position of code enforcement officer, adhering strictly to the job description guidelines.

R7.3 Lathrop develop and implement a consistent appeals process that can be used to resolve enforcement disputes.



8.0 County of San Joaquin

The neighborhoods and townships that comprise the unincorporated areas of San Joaquin County have a population of approximately 155,000. The Code Enforcement Department consists of three full-time code enforcement officers and one part-time clerk.

San Joaquin County code enforcement officers are certified to enforce codes. The department is complaint-driven, accepts anonymous complaints, and focuses its enforcement efforts in the areas of zoning, development codes, land use, abandoned automobiles, trash and debris, and illegal parking of commercial trucks and equipment. Weed abatement issues are handled by fire services, and an appeals process exists to resolve contested non-compliance disputes.

Although the county code enforcement department has been taking active enforcement action toward the illegal parking of commercial trucks for approximately ten years, the department has continued to see an increase in violations, especially on agricultural and undeveloped land. The department has employed the resources of the district attorney's office and county environmental health department in addressing this problem.

Finding

F8.1 The county actively pursues the illegal parking of commercial trucks in unincorporated areas but, due to the large amount of undeveloped land, it is difficult to enforce the code. This has led to complaints.

Recommendation

R8.1 San Joaquin County continue to expand its enforcement efforts to prohibit illegal commercial truck parking.

9.0 City of Stockton

The City of Stockton has a population of approximately 315,000. The Stockton Code Enforcement Department operates under the neighborhood services section of the Stockton Police Department. The code enforcement department is staffed by 44 full-time employees, 26 of them certified code enforcement officers.

The code enforcement department is both proactive and complaint-driven. It responds to a variety of code enforcement violations including unsafe, unhealthy, or unsightly conditions in homes or neighborhoods, enforcing building, vehicle, and housing codes. The Stockton Code Enforcement Department also provides enforcement for unsecured and vacant properties, dangerous buildings, illegal dumping, overgrown vacant lots, graffiti, and abandoned or junked automobiles. One serious current issue involves trash and debris generated by the homeless population.

An appeals process exists to resolve contested non-compliance disputes, and the code enforcement department is currently trying to expand the number of hearing officers. They are generally volunteer attorneys.

The neighborhood blitz team is a positive example of a proactive approach to code enforcement issues. The department identifies specific geographic areas in Stockton that are struggling with blight and high crime. Code enforcement officers and uniformed police officers address overall health and safety issues in the neighborhood by employing neighborhood services, code enforcement strategies, contemporary community policing practices, and active citizen engagement to develop and implement improvement plans.

The code enforcement department recently obtained a grant to begin enforcing waterway-related issues such as blight and abandoned boats.

Findings

F9.1 Stockton has moved the code enforcement department into a section of the Stockton Police Department. This enables a response team to quickly address areas riddled with crime and blight.

F9.2 Stockton has implemented a number of proactive code enforcement programs that respond to code violations with a neighborhood focus.

Conclusion

It is apparent there is a direct correlation between tax revenue and public agency staffing levels. The difficulty for most code enforcement departments will be trying to find the balance between budget constraints and current and future community demands. The lingering effects of the housing crisis, Stockton's bankruptcy, and increasing numbers of homeless have taxed code enforcement agencies throughout the county. Stockton and Lodi have pioneered innovative programs to increase services. Code enforcement continues to be a challenge throughout the county, and continues to outpace the resources available. However, the Grand Jury commends most communities in the county for doing their best to meet the needs of their citizens.

Disclaimers

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

The Escalon City Council shall respond to the applicable findings and recommendations in Section 1.0.

The Lodi City Council shall respond to the applicable findings and recommendations in Section 2.0.

The Manteca City Council shall respond to the applicable findings and recommendations in Section 3.0.

The Ripon City Council shall respond to the applicable findings and recommendations in Section 4.0.

The Tracy City Council shall respond to the applicable findings and recommendations in Section 5.0.

The Mountain House Board of Directors shall respond to the applicable findings and recommendations in Section 6.0.

The Lathrop City Council shall respond to the applicable findings and recommendations in Section 7.0.

The San Joaquin County Board of Supervisors shall respond to the applicable findings and recommendations in Section 8.0.

The Stockton City Council shall respond to the applicable findings and recommendations in Section 9.0.

Please mail or hand deliver a hard copy of the response to:

Honorable Linda L. Lofthus, Presiding Judge
Superior Court of California, County of San Joaquin
180 East Weber Avenue, Suite 1306J
Stockton, CA 95202

Also, please email the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury at grandjury@sjcourts.org