

LORIE TINFOW
City Manager

July 18, 2018

Honorable John B. Ellis
Solano County Hall of Justice
600 Union Avenue
Fairfield, CA 94533

RE: Response to 2017-2018 Solano County Grand Jury Report, “Code Enforcement”

Dear Judge Ellis:

This letter shall serve as the City of Benicia’s response in accordance with Penal Code section 933.05 to the Solano County Grand Jury report entitled “Code Enforcement” as approved by the Benicia City Council on July 17, 2018.

Finding 1

City Code Enforcement Departments generally seek voluntary code compliance.

Recommendation 1

Cities continue instituting fines as a last resort to achieve compliance.

Response to Recommendation 1

The City of Benicia agrees with Finding 1. Currently the City of Benicia is unable to implement Recommendation 1, even as a last resort, since we do not have a fine schedule designed to achieve compliance. The city hopes to implement Recommendation 1 in the near future. A new ordinance has been drafted to provide a means for City Staff to issue Administrative Citations with civil fines for violations of the Municipal Code. This ordinance is scheduled for City Council action in Fall 2018. See response to Recommendation 3.

Finding 2 – The majority of municipal code enforcement is reactive rather than proactive and relies on citizens to report suspected code violations.

Recommendation 2a – Municipal Code Enforcement officers become more proactive in identifying and educating the public on code violations (i.e. Coffee with Code Enforcement).

City's Response to Finding 2 and Recommendation 2a

The City of Benicia agrees with Finding 2 and would like to implement Recommendation 2a. While the City understands the importance of Code Enforcement officers becoming more proactive in identifying and educating the public on code violations, its current level of implementation is restricted due to limited resources. Our current staffing allocation for code enforcement is one full time position. Historically this staff position spends a great deal of time responding reactively to citizens reports of suspected code violations. Any remaining time will continue to be focused on proactive actions. Additionally, through the implementation of priority based budgeting during the next budget cycle, the City will monitor and evaluate the resource allocations devoted to code enforcement.

Recommendation 2b – Work with refuse companies to inform the public of additional programs.

City's Response to Finding 2 and Recommendation 2b

The City of Benicia currently works with our local refuse company, Republic Services, to provide our citizens with numerous programs designed to enable the proper and efficient disposal of various waste. Examples include our annual yard waste disposal weekend, our free sharps disposal program available for 24/7 drop off, and our free prescription drug disposal program available for 24/7 drop off. We will continue to work with Republic Services to inform the public of these programs.

Finding 3 – City of Benicia does not have a fine schedule for Municipal Code violations.

Recommendation 3 – City of Benicia adopt a fine schedule as an incentive for compliance.

City's Response to Finding 3 and Recommendation 3

The City of Benicia agrees with Finding 3 and is in the process of implementing Recommendation 3. Fines are scheduled for City Council action in Fall 2018. City staff has drafted a new ordinance, Chapter 1.48 entitled Administrative Citations. This new ordinance provides the means for City Staff to issue Administrative Citations with civil fines for violations of the Municipal Code. It is intended to encourage early compliance with the Municipal Code, but also includes proposed escalating fines for additional violations or failing to comply. It provides detailed procedures on issuing the citations, a due process appeal hearing for contesting the citations and the means for recovering unpaid fines and administrative charges.

Finding 4 – City of Vallejo has a pamphlet, “Neighborhood Resource Brochure” detailing resources for citizens to refer to concerning code enforcement issues.

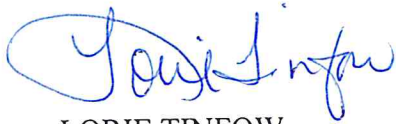
Recommendation 4 – City Code Enforcement officials of all cities consider developing a comprehensive brochure using Vallejo’s “Neighborhood Resource Brochure” as a prototype to better inform citizens of available resources.

City's Response to Finding 4 and Recommendation 4

The City of Benicia agrees with Finding 4 and recognizes the importance of Recommendation 4. The City's Code Enforcement Division will consider developing a comprehensive brochure using Vallejo's "Neighborhood Resource Brochure" as a prototype to better inform citizens of available resources.

Please contact me if you should have any further questions.

Sincerely,



LORIE TINFOW
City Manager

cc: Terry L. Riddle, 2017-2018 Solano County Grand Jury Foreperson
City Council
City Attorney
