

Code Enforcement Path Forward

ATTACHMENT A

Issues

- ▶ Ch 18 is vague and does not provide needed detail for the citizens or enforcers.
- ▶ Council has not provided clear direction for the CDD or CDAB as to the level of enforcement that should be undertaken.

Recommendation for Council

- ▶ *CDAB recommends to Council that Code Enforcement activities be prioritized to Health and Safety issues until the updated Ch. 18 has been updated and adopted.*
- ▶ *CDAB recommends to Council that a member of the CDAB be appointed to the RFP review committee for the Ch. 18 re-write. (This item has been addressed)*

SHORT TERM IDEAS

(6 to 18 months)

► Update Ch. 18

► RFP in Process

► Once consultant is chosen. Deliverable from Consultant:

- Utilize information and research already gathered from the CDAB, and previous surveys
- Prioritize codes to focus on health, safety, environmental, and community values.
- Write the code to be visual. Include pictures of what represents a violation
- Include definitions of any term used in the code including but not limited to outside storage, rubbish, and aesthetics .
- Include list of “weeds” similar to other communities like Albuquerque. List can be derived from PEEC, Master Gardeners, Extension office, and Troublesome weeds of New Mexico.
- Include sentencing guidelines that escalate to the General Penalty
- Include recommendations for ordinances that are reasonable and enforceable for differing neighborhoods.

SHORT TERM IDEAS

(6 to 18 months)

► Community Development Department

- **Revise current documents to reflect the new Ch. 18**
 - Include a handbook that code enforcers can carry on them that includes visual examples of what merits a friendly letter, and captures lessons learned.
 - Clean up the process to reflect other communities like Espanola and Las Cruces
 - Develop a robust training program for inspectors. Couple federal training with local training.
 - Include a budget option or revision to Council for additional funding for training and materials
- **Develop a Neighborhood Condition Survey of Los Alamos County**
 - Determine the unique nature and condition of each neighborhood
 - Strengths, Weaknesses, Opportunities
 - Partner with Public Works and Utilities to develop a plan to address the neighborhoods needs
 - Presented to Council during budget sessions
 - Updated bi-annually
- **Provide CDAB with a quarterly summary report on Code Enforcement Activities.**
 - Similar to the metric presented in the budget summary.
 - Include whether the activity is complaint or compliance derived.
 - Breakdown the ordinances cited, including the analysis of the top ordinances.

Short Term Options (6 to 18 months)

- ▶ **Community Development Advisory Board - Incorporate into Future Work Plans**
 - ▶ Provide comment on the Ch. 18 redevelopment process, and recommendation to council on the final product.
 - ▶ Partner with the CDD on education and outreach for the implementation of the new Ch. 18 code.
 - ▶ Provide comment on the CDD training and handbook for Code Enforcers.
 - ▶ Review and assist CDD in developing a strategic plan to address the Neighborhood Condition Survey
 - ▶ Partner with Los Alamos County Environmental Services, Environmental Sustainability Board to look at volunteer/proactive methods for weeds, rubbish/trash.
 - ▶ Assist in the development of a list of volunteers and organizations that CDD can ask to assist those who can prove a hardship.
 - ▶ Produce an bi-annual survey that can be presented to council on the community's feedback on code enforcement and ordinances. Alternating the survey with the Community Survey.

Long Term Options to be Researched (3 to 5 years)

- CDAB and County Staff to continue to investigate the transfer Ch. 18 from the criminal court to civil court (Prosser WA, for example)

Preliminary Advantages	Preliminary Challenges
Citations would not result in a criminal complaint	<ul style="list-style-type: none">• Need to create a new court system• Hire additional FTE's to manage and staff the court.• Need to appoint a board to determine the rules of the court and sentencing guidelines for violations.• No wiggle room for sentencing. Monetary fines are the only form.• No public defender is available• Recouping fines could take many man-hours and could still end up in Municipal Court
Could set up a quasi judicial board of appeal similar to Ch. 16	<ul style="list-style-type: none">• Still subject to the sentencing guidelines set out by the court and in the code.

Long Term Options to be Researched (3 to 5 years)

- ▶ CDAB and County Staff to continue to investigate the transfer code enforcement to LAPD (Las Cruces for example)

Preliminary Advantages	Preliminary Challenges
LAPD might be better equipped to handle the criminal proceeding	Community perception
Already handle the areas of Ch. 18 and Ch. 6 - Animal Control enforcement without much complaint	Risk of escalation of force (unlikely)
Transfer of FTEs could free up CDD to focus on building inspections	

Next Steps

- ▶ Incorporate comments from CDAB into presentation
- ▶ Present to council when kicking-off Ch.18 update
- ▶ If approved, incorporate tasks into CDAB work plan
- ▶ Work on Short Term Ideas pre and post Ch. 18 update
- ▶ Work on plan for addressing Long term Ideas

Open Discussion

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References

Ammons, David N. *Municipal Benchmarks: Assessing Local Performance and Establishing Community Standards*. 3rd ed., Routledge, Taylor & Francis Group, 2015

Collins, M. G. (2012). *The Art of Code Enforcement: A Practical Guide*. American Association of Code Enforcement at Smashwords.

Code Enforcement: Espanola, NM. (n.d.). Retrieved July 08, 2020, from <http://www.cityofespanola.org/169/Code-Enforcement>

Codes Enforcement. (n.d.). Retrieved July 08, 2020, from <https://www.las-cruces.org/1264/Codes-Enforcement>

Animal Control and Code Enforcement. (n.d.). Retrieved July 08, 2020, from <https://cityofprosser.com/index.asp?SEC=6C903A2A-221E-4D14-8650-8F74C359CCAE>

Additional Resources

- ▶ Citizen input
- ▶ Review of information gathered by CDAB
- ▶ Review of council sessions and media
- ▶ Interviews with CDD, CDAB members, County Attorney's Office, Sub-Quorum of Council