

STAFF REPORTS**CITY COUNCIL
June 25, 2002**

To: Mayor and City Council

From: George J. Rodericks, City Manager

SUBJECT: RENEWAL OF AGREEMENT FOR CODE ENFORCEMENT**BACKGROUND**

In December 2001 the City entered into agreement with the firm of Norris-Repke for City code enforcement services. The Agreement expires June 30, 2002.

Code enforcement requires extensive written and photographic documentation. The City must prepare each case as though the case were to eventually end up in prosecution or nuisance abatement. Failure to properly document a case could result in the City spending excessive legal fees in defense of a case it will eventually lose for failing to prove the existence of a violation or provide the property owner with adequate time and notice to correct the violation.

The easiest part of the code enforcement process is inspection and verification of a violation. Similar to the law enforcement process, code violations must be visible and well documented; the property owner must be provided with adequate notice and opportunity to correct the problem; and the enforcement officer must have a thorough knowledge of the City's Municipal Code. Often, if a case reaches the point of prosecution the testimony and expertise of the enforcement officer and the validity of the City's codes are what will be on trial. Follow-up and documentation is the time consuming portion of enforcement activities. Approximately 30% of the properties in violation will comply after an initial in-person contact. This results in spending approximately 30 minutes on a particular case. These are the easy ones. The remaining 70% will comply at the last possible moment.

70% of Cases	
Receipt of complaint call and discussion with complainant	10 minutes
Verification of complaint and initial documentation	15 minutes
Attempt of contact with property owner	15 minutes
Research of property owner of record, construction of first notice, and mailing	15 minutes
Follow-up inspection & documentation	7 minutes
Construction of final notice and mailing	7 minutes
Follow-up inspection & documentation	7 minutes
Compliance and case closeout	5 minutes
TOTAL TIME PER CASE	1 hour and 21 minutes

For those cases that do not comply after the initial contact, the enforcement officer must make continual efforts to bring the property into compliance. Often contact with the property owner will be confrontational and the enforcement officer will be placed in a defensive position. The enforcement officer will not only have to defend the validity of the City's Municipal Code and its application to the property, but will also have to use customer service skills to keep the situation from escalating. The inherent risk to the person and to the City makes code enforcement the unlikely place for volunteers or minimum wage employees without proper training. The City's enforcement officer has already been placed in situations where they have had to stop construction and/or call for backup from the Sheriff's Department. If the judgments of the

enforcement officer were improper and work was stopped on the property, the City could be liable for costs incurred by the property owner.

FINDINGS

The City's contract for code enforcement services with Norris-Repke is on a cost not to exceed basis of \$27,600. Norris-Repke estimates that they will spend approximately 8 to 10 hours per week on code enforcement activities beyond the overlap time in the City's building contract. This estimate of time does not include the dual role time spent by the City's Building Inspector on code enforcement activities. The Building Inspector is on-site Monday, Wednesday, and Friday from 8 a.m. to 11 a.m. to work the public counter. During this time the Inspector also responds to code enforcement complaints. From 1 p.m. to 4 p.m. on these days the Inspector is in the field conducting inspections. The inspections are both building permit inspections and code enforcement inspections. Beyond these hours, the Inspector spends an additional amount of time on code enforcement activities. This time varies between 8 to 15 hours per week. Actual time spent by Norris-Repke on code enforcement activities is approximately 20-30 hours per week. Because the City's contract is on a not to exceed basis, the City does not pay for additional time spent on code enforcement, nor does the City pay for overlap time as the City's Building Inspector. The City does not pay for mileage, employee benefits, worker's compensation, overtime, sick time, or vacation under the contract. In addition, in the event the contract employee is unavailable, Norris-Repke must backfill the position to continue to provide service to the City. All hourly rates specified in any of the City's contracts include overhead, employee benefits, and daily expenses. The hourly rate specified is not the hourly rate of the employee.

The alternative to contracting for code enforcement is an in-house employee. As an in-house employee, the City would be responsible for all overhead costs to include mileage, benefits, worker's compensation, sick time, vacation, and overtime. In addition, the City would be required to provide workspace for the employee. The City can search for an experienced hourly employee at a range of \$30 to \$35 per hour. This rate includes benefits – the actual hourly rate of the employee is \$20 to \$25 per hour. To find an experienced employee in this part-time hourly position, it is recommended that the hourly rate be of the range specified. It would be necessary for the employee to work between 20 and 30 hours per week to keep up with the workload. Overall cost of the in-house position based on 20 hours per week and \$30.00 per hour, including benefits, is \$31,200. I have attached a job flyer that can be used for recruitment of an in-house employee.

The need for code enforcement will never disappear. The need for enforcement can be stabilized with a proactive enforcement program. With a reactive or complaint-based enforcement program, the need for enforcement will escalate as the City's housing ages. Much of the City's housing stock was built in the 1960's and 1970's. Maintenance of these homes is becoming an issue that must be dealt with in a timely and professional manner. Many of these property owners are original owners who have been in the City since before its incorporation. These homeowners do not have the wherewithal or the desire to renovate their homes into many of the mansions that dominate parts of the City's hillsides. As a consequence, these homes are continually scrutinized for compliance with the City's property maintenance standards. Since January 2002 the enforcement officer has responded to more than 100 requests for service. Approximately 70 of these requests for service have resulted in the initiation of case files. Construction activity and property maintenance are the City's biggest concerns in the field. On average, the City's enforcement officer responds to 8 to 10 new cases per week. As discussed above, 3 of these cases will comply almost immediately and 5 to 7 of the cases will result in lengthy follow-up.

While both enforcement scenarios will result in an effective code enforcement program for the City of Villa Park, staff recommendation is to continue under contract with Norris-Repke. The depth and breadth of experience allows for the most responsive and experienced enforcement program. As a contract city, staff is always hesitant about adding staff to the City's complement of employees. At a later date, it is far easier to adjust, cut, or modify a contract than it is a quasi-permanent employee.

FISCAL IMPACT

The 2002/2003 Norris-Repke Agreement for Code Enforcement Services does not reflect an increase over the prior year contract. The Agreement specifies the provision of code enforcement services on a cost not to exceed basis of \$27,600.

If the City Council elected to hire an in-house employee, the estimated cost impact is \$31,200 in salary and benefits and the addition of workspace (i.e. computer & office area). If the Council elects to hire an in-house employee, it is recommended that the Council consider continuing the contract with Norris-Repke until such time as a replacement is hired.

RECOMMENDATION

It is recommended that the City Council approve the Agreement between the City of Villa Park and Norris-Repke for code enforcement services and authorize the Mayor to execute the agreement on behalf of the City.