

MOTION

According to some in law enforcement, the general rule with regard to the public's compliance with laws is that about 80% of everyone will obey them if they know about them, leaving the other 20% as accidental or intentional potential scofflaws. This justifies passing and, importantly, publicizing laws even if they don't deal with issues that lend themselves to being high priorities for those charged with enforcing them.

One of the most vexing challenges the City faces is finding ways to effectively enforce the thousands of laws contained within the Municipal Code. Largely due to staffing constraints and the need to balance priorities, all of the City's departments with enforcement responsibilities are faced with the need to determine which offenses they will focus on and which ones they'll address when time and circumstance permits. This is understandable.

When it comes to civil Municipal Code violations the City has two main vehicles for enforcement, regular citations and Administrative Citations (ACE). Both involve escalating fines for repeat offenses or failures to cure the problems for which the citations were issued. Regular citations, however, track into the Superior Court system and the City does not receive revenue from the fines that are collected. That was one of the motivations for authorizing the creation of the City Attorney-administered ACE program in 2013. ACE citations allow for more hands-on City oversight of compliance and fine collection activities than do citations which are the province of the judicial system.

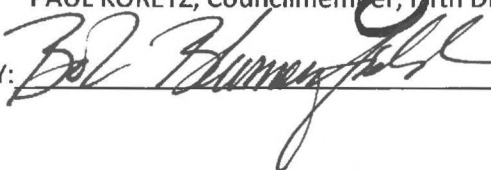
These earnest enforcement programs notwithstanding, public complaints about the alleged lack of enforcement of a wide variety of City laws continue to find their way to City departments and elected officials' offices. Getting a response with regard to alleged violations sometimes becomes a matter of how successful a complainant can be in getting the attention of someone in a position of authority who can call the problem to the attention of enforcement agents or inspectors.

With the ACE program having amassed several years of data and experience and other enforcement efforts leaving the public frustrated by the perception that too many laws simply aren't being enforced while the use of citations in some circumstances may be in need of review, the City should look at the its enforcement programs and determine how they might be improved. A City Controller's performance audit, or series of audits over time, may be an effective means for taking a careful look at those enforcement operations with an eye toward identifying their strengths and weaknesses and recommending ways to improve them. This could be done at the Controller's discretion in one comprehensive performance audit or in separate ones for ACE (with the City Attorney's assent) and other enforcement procedures (covering other relevant departments individually or collectively), respectively, including those relating to cannabis regulation, billboards/signage and other issues.

I THEREFORE MOVE that the City Council formally request that the City Controller consider including a performance audit, or audits, in its work program regarding the City's Municipal Code enforcement procedures and make recommendations for how they can be improved.



PRESENTED BY: 
PAUL KORETZ, Councilmember, Fifth District

SECONDED BY: 

ORIGINAL

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