



Office of the City Manager

INFORMATION CALENDAR
March 19, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Peter Radu, Assistant to the City Manager
Subject: Audit Status Report Response: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight

INTRODUCTION

On June 26th, 2018, the City Auditor submitted a Code Enforcement Unit (CEU) audit report¹, with recommendations to improve operational efficiencies and implement a resource analysis process. The purpose of this report is to update City Council on the status of implementing the audit report's recommendations. This is the fifth and final status report regarding this audit.²

CURRENT SITUATION AND ITS EFFECTS

The audit report contains twelve recommendations. During the previous update presented to Council on September 20, 2022, seven of the recommendations were implemented, four were partially implemented, and one not implemented. As of this report, one recommendation that had not been started is now partially implemented, and progress continues on partially implemented recommendations.

Since the last report, staff have made strides in addressing the spirit of these recommendations. Progress includes:

- *Recommendations 1.3 and 1.4:* In January 2024, Neighborhood Services contracted with a consultant to perform a division-wide staffing analysis, the scope of which will be to analyze the division's workload relative to staffing structure and capacity, and compare the staffing in key functions of the division to peer cities in the Bay Area. NSCEU, as a unit within the Neighborhood Services Division, will be included in this analysis. City staff requested an additional 1 FTE Code Enforcement Officer I position of the City Council in the FY23-24 budget process, but this position was not funded. The results and

¹ Audit: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight: <https://berkeleyca.gov/sites/default/files/2022-01/Code%20Enforcement%20Resources%20Significantly%20Constrained%20Fiscal%20Year%202018.pdf>

² For the most recent status report to Council, please see: <https://berkeleyca.gov/sites/default/files/documents/2022-09-20%20Item%2018%20Audit%20Status%20Report%20Response.pdf>

recommendations of the current staffing analysis will inform budget asks for the FY25-26 City Budget.

- *Recommendation 1.7:* In May, 2023, the City Council approved a contract with Data Ticket, a third-party code enforcement citations processing service that will enable code enforcement officers to outsource some purely administrative aspects of the enforcement process, thereby freeing up staff time to perform other work. Initial accounts for this service will be with the Fire Department and NSCEU. Key implementation hurdles for Data Ticket, including integration with Finance for revenue collections, have been cleared, and NSCEU is in the final stages of account configuration before beginning to use the software in their everyday course of duties.
- *Recommendation 1.8:* Finally, after a long delay, the City has renewed efforts to seek a new CRM software platform and recently reviewed software demos from top bidders to the RFP. NSCEU will utilize this new software, a key first step to acquiring mobile computers.

This is the final audit status update report. Even so, Neighborhood Services is committed to continuing to improve processes and performance moving forward.

BACKGROUND

The Neighborhood Services Code Enforcement Unit (NSCEU)'s goal is to provide a clean and safe environment for all Berkeley residents, workers, and visitors. NSCEU is responsible for the enforcement of administrative violations of the Berkeley Municipal Code and some provisions of California State codes related to building, zoning, and housing. The Unit also coordinates singular city responses to complex and multi-departmental code enforcement cases across the various city departments and divisions that engage in code inspections and enforcement. The City Manager's Office oversees NSCEU, which now consists of three full-time staff: one Code Enforcement Supervisor and two Code Enforcement Officer IIs. As of this writing, there are no vacancies.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

The City Manager's Office will continue to work with the Code Enforcement Unit to continue addressing the recommendations.

CONTACT PERSON

Jeff Conner, Neighborhood Services Code Enforcement Supervisor, 510-981-2492.

Attachments:

1: Audit Findings, Recommendations, and Management Response Summary Table

Audit Title: Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight

Finding	Recommendation Number	Recommendation	Issue Date	Closed Date	Department	Last Period: Status	This Period: Status	This Period: Update
Code Enforcement Unit resources are insufficient to meet demand.	1.1	<p>Implement a resource analysis process by which proposed legislation is discussed with City management to evaluate the impact on current City resources and determine the feasibility of making the intended impact. The analysis should take place before the policy is presented to Council for adoption and include considerations of:</p> <ul style="list-style-type: none"> • Staff time and other City resource needs, including the fiscal impact of those resource needs • Opportunity cost, i.e., consideration of other activities that will be deprioritized in order to meet new demands <p>1.1 • Feasibility impact to determine how best to rollout out new legislation</p>	6/26/2018	6/30/2022	Mayor and Council	Implemented		
Code Enforcement Unit resources are insufficient to meet demand.	1.2	<p>Require that the Agenda Committee ensure ordinances have undergone a resource analysis as described in Recommendation 1.1 when necessary and, if not, are returned to the appropriate City Council member for further assessment before being passed into local law.</p> <p>1.2 appropriate City Council member for further assessment before being passed into local law.</p>	6/26/2018	1/29/2019	Mayor and Council	Implemented		
Code Enforcement Unit resources are insufficient to meet demand.	1.3	<p>Conduct a staffing analysis to determine the appropriate staffing level needed for the Code Enforcement Unit to effectively enforce City codes. In conducting the analysis, include an assessment of the workload impact created by the codes for which the CEU is solely responsible as well as those created by the codes for which CEU shares responsibility with other enforcement units.</p> <p>1.3 other enforcement units.</p>	6/26/2018	2/6/2024	City Manager	Partly Implemented	Dropped	In January 2024, Neighborhood Services contracted with a consultant to perform a divisional staffing analysis, to be prepared in time for FY25-26 budget recommendations to the City Council. An analysis of the Code Enforcement Unit, with the recommendations of this Audit in mind, will be included within the scope of this project.
Code Enforcement Unit resources are insufficient to meet demand.	1.4	<p>Use the staffing analysis performed in response to Recommendation 1.3 to:</p> <ul style="list-style-type: none"> • Quantify the full burden cost of additional staff • Determine if sufficient budgetary funding is available for additional staff <p>1.4 • Request additional staffing from Council during the annual appropriations process</p>	6/26/2018	2/5/2024	City Manager	Partly Implemented	Dropped	Even absent the completion of the analysis recommended in Recommendation 1.3, staff recognize the shortcomings of current staffing levels and the effects that this has had on NSCEU response times. City staff requested an additional 1 FTE Code Enforcement Officer I position of the City Council in the FY23-24 budget process, but this position was not funded. Now, as Neighborhood Services undertakes a division-wide staffing analysis, we intend to use the findings and recommendations of that analysis to inform a targeted budget ask in the FY25-26 budget process. We have implemented a metrics goal of addressing complaints received into the Unit within 10 business days of receiving the complaint. At the end 2023, we were, for the first time, able to achieve this goal. It should be noted that this time in the calendar year is a "slower" season for receiving complaints. Additionally, to achieve this, the two Code Enforcement Officers increased their personal case queues for 25-30 open cases to 50 open cases. We believe an additional Code Officer would help our Unit to achieve this goal annually instead of during a slow part of the year, and we will await the results of the divisional staffing analysis to confirm this recommendation.
Code Enforcement Unit resources are insufficient to meet demand.	1.5	<p>If budgetary constraints prevent additional staffing or if Council does not approve the budget needed to fund additional staffing, report to Council the restrictions placed on the Code Enforcement Unit's ability to effectively enforce City codes. Include information explaining the hindrance this will cause for any new ordinances the City Council may want to pass in the future. Provide this information regularly, for example, annually as part of the budget process, to keep Council informed of the CEU's capacity restrictions. See also Recommendation 1.7.</p> <p>1.5 Recommendation 1.7.</p>	6/26/2018	8/25/2022	City Manager	Implemented		
Code Enforcement Unit resources are insufficient to meet demand.	1.6	<p>Assess Berkeley municipal codes to identify the codes for which the CEU is solely responsible and those for which the CEU has a shared role with other work units. Use the results of the assessment to:</p> <ul style="list-style-type: none"> • Create process workflows showing shared work unit responsibilities <p>1.6 • Create written guidance describing work unit responsibilities</p>	6/26/2018	1/1/2018	City Manager	Implemented		

Code Enforcement Unit resources are insufficient to meet demand.	<p>Implement code enforcement software that:</p> <ul style="list-style-type: none"> Identifies case assignment to CEU officers and other work units Prioritizes cases, in particular high-risk cases posing health and safety risks Captures pertinent case dates, e.g., opened, notice of violation, citation issuance, and closed Tracks enforcement actions taken within the CEU and other work units Quantifies citations issued and collected Allows for readily identifying repeat offenders Includes performance measurement tools, e.g., turnaround times within defined specifications (see Recommendation 2.2) Allows for uploading information from mobile technologies (see Recommendation 1.8) Includes reporting tool to showcase workload trends and capacity restrictions (i.e., 1.7 backlogs) 	6/26/2018	2/5/2024	City Manager	Partly Implemented	Dropped	The Planning Department is actively soliciting vendors for new CRM software, and NSCEU is participating in demo evaluations beginning the week of 1/29/2024 and will be involved with the initial implementation of the CRM in April 2024. Once implemented and in place, we anticipate that this new software will allow NSCEU to complete this recommendation.
Code Enforcement Unit resources are insufficient to meet demand.	<p>Implement mobile computers and printers to allow Code Enforcement Officers to complete more work in the field, thus improving their time spent in the community and reducing time in the office. Mobile computers should have the capacity to interface with the code enforcement case management software implemented in response to Recommendation 1.7.</p>	6/26/2018	2/5/2024	City Manager	Partly Implemented	Dropped	NSCEU currently uses LAGAN for code enforcement case management. LAGAN was never intended to be used for CE case management. However, since it is the only software available, NSCEU is using it as the "official" record of all cases assigned to NSCEU. The delayed implementation of a field-accessible code enforcement software in Recommendation 1.7 has subsequently delayed the purchase of new field equipment, but now that the procurement of new CRM software is underway, we will revisit this recommendation once a vendor is selected.
Process modifications and increased oversight needed to ensure equity, efficiency, and effectiveness	<p>Develop and issue written procedures for code enforcement operations that:</p> <ul style="list-style-type: none"> Reflect current practices and management expectations. Describe the tiered prioritization system giving attention to cases based on risk levels of high, moderate, and standard. Require adherence to a uniform technology policy, which includes: <ul style="list-style-type: none"> Assigning unique numbers to cases. Recording all pertinent case data timely, e.g., within two business days of receipt. Using a single, centralized system to record, manage, and monitor case information. Using case file management standards so that pertinent data are captured uniformly. Inform staff that preferential treatment should not be given to complaints made or referred by City Council members, Council staff, and City management. Those complaints should be prioritized based on established objectives and channeled through the appropriate supervisor. Describe processes for issuing citations in a consistent and equitable manner. Include beat assignments once feasible to do so, i.e., after the CEU addresses the backlog 2.1 and receives adequate software tools. 	6/26/2018	6/26/2019	City Manager	Implemented		
Process modifications and increased oversight needed to ensure equity, efficiency, and effectiveness	<p>Implement performance metrics and goals to:</p> <ul style="list-style-type: none"> Assess the effectiveness of code enforcement operations and goal achievement Identify constraints preventing goal attainability. Submit regular reports, e.g., biannually, to City management on performance. <p>Include a metric to provide at least some proactive code enforcement activities. Develop this metric after implementing the process and system improvement recommendations 2.2 made in this report.</p>	6/26/2018	2/5/2024	City Manager	Partly Implemented	Dropped	As explained in our response to Recommendation 1.4, we have implemented a metrics goal of addressing complaints received into the Unit within 10 business days of receiving the complaint. At the end 2023, we were, for the first time, able to achieve this goal. It should be noted that this time in the calendar year is a "slower" season for receiving complaints. Additionally, to achieve this, the two Code Enforcement Officers increased their personal case queues for 25-30 open cases to 50 open cases. As explained in our response to Recommendation 1.3, Neighborhood Services is actively performing a divisional staffing analysis with a qualified consultant to identify constraints in continuing to sustainably achieve this performance goal, as well as identify any staffing recommendations that will enhance internal capacity for development and regular reporting on these and other metrics.

<p>Process modifications and increased oversight needed to ensure equity, efficiency, and effectiveness</p>	<p>Assess the feasibility of using complaint thresholds and self certifying techniques for standard priority violations. For example, wait to receive at least two complaints about a standard level violation before performing an investigation, and allow a code violator to self-report on a standard level violation to remove the need for reinspection. If feasible, implement the techniques to give code enforcement officers more time on field inspections of high risk cases.</p>	<p>6/26/2018</p>	<p>6/26/2018</p>	<p>City Manager</p>	<p>Implemented</p>
<p>Process modifications and increased oversight needed to ensure equity, efficiency, and effectiveness</p>	<p>Develop procedures for monitoring staffs' work and addressing weaknesses that may prevent goal achievement, such as conflicts of interest. For example:</p> <ul style="list-style-type: none"> • Review Form 700s to identify property owned by CEU personnel before assigning cases to officers. • Randomly select case records to look for: <ul style="list-style-type: none"> o Indicators that case action did not progress as required or expected suggesting favoritism or kickbacks. o Properties with closed cases that continue to receive complaints for the same issue. This could indicate a repeat offender as well as a failure to take appropriate actions against a code violator. <p>The Assistant to the City Manager for Neighborhood Services should perform this oversight of the Code Enforcement Unit Supervisor, and the Code Enforcement Supervisor should perform this oversight of Code Enforcement Officers and the Assistant Planner.</p>	<p>6/26/2018</p>	<p>6/26/2018</p>	<p>City Manager</p>	<p>Implemented</p>

