



AGENDA

CODE ENFORCEMENT APPEALS BOARD REGULAR MEETING VIA TELECONFERENCE

www.cityofvallejo.net

SEPTEMBER 24, 2020

Dr. Carey Hawkins Ash, Chair
L. Alexander Matias, Vice-Chair

Board Members
Fred Cavalli, Jr.
Loretta Gaddies
Wanda Madeiros
Edward Taylor
VACANT

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Code Enforcement Appeals Board Meeting without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

PUBLIC COMMENT: Members of the Public may provide public comments during the Code Enforcement Appeals Board Meeting via ZOOM

(<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833.

For additional instructions on how to speak during public comment, please visit, www.cityofvallejo.net/publiccomment

VIEW THE MEETING:

There are three different ways you can view this public meeting:

- Watch Vallejo local channel 28
- Stream from the City website: www.cityofvallejo.net/Streaming
- Join the Zoom webinar: <https://zoomregular.cityofvallejo.net>

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the City Council will be available for public inspection at the City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the City Council. Such documents may also be available on the City of Vallejo website subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562.

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Due to the Coronavirus emergency, all board and commission meetings will be held via teleconference. Members of the public may provide public comments during the Code Enforcement Appeals Board Meeting via ZOOM. Members of the public interested in participating or observing the meeting may either click the link above or type the link into an internet browser. You will be taken to the internet platform where the meeting is being held.

CODE ENFORCEMENT
Code Enforcement Appeals Board (CEAB)
AGENDA
VIA TELECONFERENCE

September 24, 2020
6:00 p.m.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES

A. August 27, 2020 – Regular Meeting

6. CORRESPONDENCE: None
7. FIRST COMMUNITY FORUM

Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N29 30, the City of Vallejo has opted to hold board/commission meetings via teleconference. Any interested members of the public desiring to communicate with the Code Enforcement Appeals Board as part of the First Community Forum may do so via ZOOM:

<https://zoomregular.cityofvallejo.net>

or via phone, by dialing (669) 900-6833
Meeting ID 914 0075 0676#

Press *9 to digitally raise your hand from the phone.

For additional instructions on how to speak during public comment, please visit www.cityofvallejo.net/publiccomment. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300.

8. GUEST SPEAKER: None
9. PRESENTATIONS: None
10. NEW BUSINESS: None
11. OLD BUSINESS:

A. Amending the Municipal City Code to Provide Code Enforcement Relief Options for Elderly and Disenfranchised Citizens of Vallejo

1. Policy Subcommittee Meeting Update
Contact: Dylan Brady, Deputy City Attorney, dylan.brady@cityofvallejo.net, 707-648-4147
2. Consideration of Resolution CEAB 20-01: Urging Adoption of Amendments to the Municipal City Code in Favor of Elderly and Disenfranchised Citizens of Vallejo
Contact: Dylan Brady, Deputy City Attorney, dylan.brady@cityofvallejo.net, 707-648-4147

B. Revising the Practices of the Code Enforcement Appeals Process to Provide Code Enforcement Relief Options for Elderly and Disenfranchised Citizens of Vallejo

Practices Subcommittee Update
Contact: Dylan Brady, Deputy City Attorney, dylan.brady@cityofvallejo.net, 707-648-4147

C. Code Enforcement Staffing for Commercial Property and Vacant Lots Program

Update from Code Enforcement
Contact: Dong Yoo, Senior Code Enforcement Officer, dong.yoo@cityofvallejo.net, 707-648-4389

D. Provision of City-Sponsored Email Addresses for Code Enforcement Appeals Board Members

Update from the City Manager's Office
Contact: Anne Cardwell, Assistant City Manager, anne.cardwell@cityofvallejo.net, 707-648-4579

12. SECOND COMMUNITY FORUM
13. STAFF COMMENTS: None
14. ANNOUNCEMENTS: None
15. BOARD MEMBER COMMENTS AND DISCUSSION
16. ADJOURNMENT

I, Dong Yoo, Staff, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Code Enforcement Appeals Board, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Thursday, September 17, 2020.

Dated: Thursday, September 17, 2020


Dong Yoo, Staff

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Code Enforcement Appeals Board (Board) will be available for public inspection at the City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the Board. Such documents may also be available on the City of Vallejo website at <http://www.cityofvallejo.net> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-3414, TDD (707) 649-3562.



Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's Office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted.

1. **CALL TO ORDER:** Chairperson Carey Hawkins Ash (Chairperson Ash) at 6:20 pm.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG :** Chairperson Ash
3. **ROLL CALL:**
 - Present: Chairperson Carey Hawkins Ash, Vice-Chairperson L. Alexander Matias
Board Members: Fred Cavalli, Jr., Wanda Madeiros, Edward Taylor, Loretta Gaddies
 - Staff: Senior Code Enforcement Officer (SCEO) Dong Yoo, Code Enforcement Officer (CEO) James Nielsen, Secretary Karen Ang, Police Sergeant Richard Wanzie, Deputy City Attorneys (DCA) Dylan Brady and Hai Phan, Assistant City Attorney Meera Bhatt, IT Director Naveed Ashraf, Assistant City Manager Anne Cardwell
 - Other: Councilmember Robert McConnell (City Council Liaison)
4. **APPROVAL OF AGENDA:** Chairperson Ash requested for "Board Member Comments and Discussion" to be added to the agenda as a standing item immediately preceding adjournment. Vice-Chairperson Matias motioned to approve the addition to the agenda; seconded by Board Members Cavalli and Gaddies, and carried unanimously. Chairperson Ash requested for Vallejo City Councilmember Robert McConnell to be recognized throughout the entire meeting. Board Member Gaddies motioned for the recognition; seconded by Vice-Chairperson Matias and carried unanimously.
5. **APPROVAL OF MINUTES:** Staff presented that an amendment to the minutes was necessary due to a miscalculation. The correct starting amount for Code Enforcement Special Assessments was **\$397,453.34**; minus the adjusted (removed properties), the new Code Enforcement Special Assessments amount totaled **\$371,588.34**, bringing the grand total Code Enforcement and Fire Prevention Special Assessments amount to **\$384,288.94**. Board Member Gaddies motioned to approve these new amounts; seconded by Board Member Madeiros and was carried unanimously. Roll call was again taken by staff; all Board Members were present. Vice-Chairperson Matias motioned to approve the June 25, 2020 CEAB Meeting/Special Assessment Hearing Minutes; seconded by Board Member Cavalli. The motion carried unanimously. Roll call was again taken by staff; all Board Members were present.
6. **CORRESPONDENCE:** None
7. **FIRST COMMUNITY FORUM:** None (link not live)
Anyone wishing to address the Board on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Board to resolve, is requested to submit a completed speaker card to the Board Staff person. When called upon, each speaker should step to the podium, state his /her name, and address for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three minutes. The remainder of the speakers wishing to address the Board on non-agenda items will be heard at the second Community Forum listed later on the agenda.
8. **GUEST SPEAKER:** None
9. **PRESENTATIONS:** None
10. **NEW BUSINESS:**
 - A. **Amending the Municipal City Code to Provide Code Enforcement Relief Options for Elderly and Disenfranchised Citizens of Vallejo**
Discussion with City Manager and City Attorney: Chairperson Ash presented a potential revision to VMC Chapter 7.54.150 (c)(3) with the amended language modeled after VMC Chapter 7.54.110(a). Since each board member suggested possible solutions and also posed questions regarding this issue, DCA Brady proposed setting up a subcommittee to work on this (revision of notices and citations to highlight certain aspects in which property owners need to contact staff, practicing "good faith efforts" in preventing the properties from being lienied/assessed, additional modes of contact, what else can be done, etc). with city staff. Chairperson Ash suggested setting up both a "Policy" and a "Process/Practices" subcommittee in which they would discuss during Item #15 of this agenda.
Contact: Dylan Brady, Deputy City Attorney, 707-648-4147, dylan.brady@cityofvallejo.net
 - B. **Code Enforcement Staffing for Commercial Property and Vacant Lots Programs**
Discussion with City Manager and City Attorney: Chairperson Ash expressed the Board acknowledges the importance of the implementation of both programs but also described the Board's concerns about adding another burden to staff and their current workloads since the city has not hired the additional staff necessary for both programs. DCA Brady iterated that while both programs are officially in effect, due to COVID-19 the city has been on a hiring freeze and thus unable to enforce the programs. Staff/SCEO Yoo stated that due to staffing the only enforcement on Vacant Lots currently are regarding exterior property maintenance violations.

ACM Cardwell stated that any department with positions they feel should be considered for filling despite the hiring freeze should submit that request forward to the City Manager for consideration, especially if the position allowed for additional revenue to come in for the city. This process would probably start with an analysis by the department, followed by a request to the City Manager; the City Manager would then decide whether to move forward with the position that is currently frozen. Chairperson Ash requested that Staff/SCEO Yoo work on this and let the Board know if additional support is needed from them to move this forward.

Contact: Dong Yoo, Senior Code Enforcement Officer, 707-648-4389, dong.yoo@cityofvallejo.net

- C. Provision of City-Sponsored Email Addresses for Members of the Code Enforcement Appeals Board**
Discussion with City Manager and City Attorney: Councilmember McConnell mentioned via the City of Vallejo's Ad-Hoc Committee years ago, it was recommended that any quasi-judicial committee should be provided with city emails. The belief was that it was safer for those on these types of commissions to have city emails to avoid exposure of one's personal email. ACM Cardwell that obtaining city email licenses for all commissioners would cost the city \$15,000 per year; in addition, the COVID-19 pandemic has caused an added strain on the existing IT Department as IT staff are unable to assist with the numerous tickets they have been inundated with. She did suggest possibly a generic email address which would be monitored by city staff who would then distribute the messages to the entire Board. Board Member Gaddies mentioned that the Civil Service Commission does have the generic email that ACM Cardwell was speaking about. ACM Cardwell stated that she would obtain a response from City Manager Greg Nyhoff by the following week.

Contact: Anne Cardwell, Assistant City Manager, 707-648-4579, anne.cardwell@cityofvallejo.net

11. OLD BUSINESS: None

12. SECOND COMMUNITY FORUM: None

13. STAFF COMMENTS: None

14. ANNOUNCEMENTS: Sergeant Richard Wanzie was introduced as a new supervisor under the Vallejo Police Department's Code Enforcement / Community Services Division.

15. BOARD MEMBER COMMENTS AND DISCUSSION: Chairperson Ash created the two subcommittees for Item #10A and called forth anyone interested in participating: 1) Policy – Madeiros, Taylor, Ash; 2) Practices: Gaddies, Matias, Cavalli

16. ADJOURNMENT: Chairperson Ash adjourned the meeting at 8:06 pm.

**AN ORDINANCE OF THE CITY OF VALLEJO MUNICIPAL CODE AMENDING
CHAPTER 7.54 REGARDING ADMINISTRATIVE CITATIONS**

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 7.54.020 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.020 - Definitions.

- A. ***“Citation” shall mean an administrative citation issued pursuant to Chapter 1.15.***
- B. "Code enforcement appeals board" or "board" shall mean the code enforcement appeals board as described in Chapter 2.49.
- C. "Code enforcement supervisor" shall mean the head of the code enforcement division as designated by the city manager and chief of police or the designated representative of the code enforcement supervisor.
- D. "Days" shall mean calendar days. In the event the last day of the specified time period falls on a Saturday, Sunday or federal holiday observed by the city, then the last day of the specified time period shall be the next business day.
- E. ***“Good faith” shall mean the amount of abatement performed from the date the violation was observed to the date of appeal. Factors shall include but is not limited to the total expense of abatement and the expense the property owner has put into abatement, how much time it would take to perform abatement and how much time the property owner has put into abatement, and whether the property owner had the physical and mental capacity to abate.***
- F. "Property owner" shall mean the owner or owners of record of real property as shown on the latest equalized assessment roll of Solano County, or as otherwise known to the code enforcement supervisor or other city official by virtue of more and recent and reliable information.
- G. "Violation" shall mean one or more violations of the provisions of this chapter.

SECTION 2. Section 7.54.030 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.030 - Unlawful property violations.

It is unlawful for any person owning, renting, leasing, occupying or having charge or possession of any property in the city to maintain such property in such manner that any of the conditions listed below are found to exist thereon, except as may be allowed by this code. The code enforcement supervisor shall determine when any of the following conditions are property violations and substantially detract from the overall appearance of adjacent properties and/or are detrimental to properties and/or property values:

- A. Vacant buildings;
- B. Unpainted structures, structures with deteriorated paint or those having dry rot, warping or termite infestation. Any structures in which the condition of paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation as to render the building unsightly or in a state of disrepair;
- C. Buildings with windows and/or doors containing broken glass or no glass at all where the window is of a type which normally contains glass or buildings with missing or unsecured doors constituting hazardous conditions and inviting trespassers and malicious mischief. Plywood or other material used to cover window and/or door space, ~~if permitted under this code, shall meet the standards of the code enforcement division;~~ **may be done as a temporary emergency fix. However, the property owner must replace such boards with functioning window(s) and/or door(s) within 90 days of the break. Unless the code enforcement supervisor determines that plywood coverings are necessary for the general welfare, health, and safety.**
- D. Building exteriors, walls, roofs, fences, accessory structures, driveways, sidewalks, walkways or alleys that are maintained in a condition of deterioration or disrepair;
- E. The accumulation of dirt, litter or debris in vestibules, doorways or the adjoining sidewalks, passages or breezeways of a building;
- F. Used or damaged lumber, junk, trash, debris, automotive parts or tools, salvage materials and abandoned or unused furniture, stoves, sinks, toilets, cabinets or other household fixtures or equipment stored as to be visible at ground level from a public right-of-way or from adjoining properties, except nothing herein shall preclude the placement of stacked firewood (not to exceed one cord of such wood) for use on the premises. Tarps or other covers placed over the above mentioned items shall not constitute compliance with this section;
- G. Attractive nuisances dangerous to children and other persons, including but not limited to, abandon, broken or neglected household appliances, equipment and machinery, hazardous pools, ponds and excavations;
- H. Construction equipment, materials or machinery of any type of description parked or stored so as to be visible from a public right-of-way or from adjoining properties except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property;
- I. Improper maintenance of signs related to uses no longer conducted or products no longer sold on the property;

- J. Vehicles, including recreational vehicles as described in Health and Safety Code § 18010, trailers and boats, parked in front yards in a residential zoning district except when such vehicles are parked on a drive approach to the garage or other durable or permanent driveway, apron or pad installed for the purpose of parking such vehicles and meeting the standards of the planning division, but in no event routinely parked on the lawns, grassy or landscaped areas of front yards;
- K. Dead, decayed, diseased or hazardous trees, weeds and overgrown or uncultivated vegetation which is likely to harbor rats, vermin or constitute an unsightly appearance;
- L. Clotheslines in front yards and the drying of laundry or routinely washed articles on front porch or stair railings or placing on fences, hedges or other supporting structures located in front yards;
- M. Any wall, fence or hedge maintained in a condition of deterioration or disrepair as to constitute a hazard to persons or property;
- N. Any property with pooled oil accumulation, oil flowing into a public right-of-way or adjoining property, or excessive accumulation of grease or oil on paved surfaces, buildings, walls or fences;
- O. Any yard areas which cause excessive dust or allow the accumulation of debris;
- P. Graffiti or other words, letters or drawings which remain on the exterior of any building, fence or other structure and are visible from a public right-of-way or adjoining property;
- Q. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials on the premises for an unreasonable period of time which manner of keeping, storage, depositing or accumulating constitutes visual blight or reduces the aesthetic appearance of surrounding areas;
- R. The leaving of any garbage can, recycling container or refuse container in a front or side yard area visible from a public right-of-way, except as permitted by Section 7.44.020 of this code; or
- S. Maintenance of property in a condition of deterioration or disrepair, in such condition to be detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance.
- T. Unauthorized camping on private property in a place which can be viewed from the public right-of-way or in a manner that constitutes a public nuisance. It shall not be unlawful to camp with permission of the property owner or a lawful tenant in such locations where camping may be conducted in accordance with applicable city law and where such camping does not constitute a public nuisance. The term "camping" shall have the same meaning as used in Chapter 7.67 of the Vallejo Municipal Code.

SECTION 3. Section 7.54.050 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.050 - Responsibility for property maintenance.

- A. Every property owner within the city is required to maintain such property in a manner that does not violate the provisions of this chapter, and such owner remains liable for any violation regardless of any contract or agreement with any third party regarding such property.
- B. Every occupant, lessee, tenant or holder of any interest in real property, other than the owner thereof, who has assumed responsibility for maintenance of such property under the terms of a written lease, rental agreement or other contractual arrangement, and to the extent of that legal responsibility, shall maintain the property in a manner so as not to violate the provisions of this chapter. At the request of the code enforcement supervisor, the person claiming a limitation on his or her responsibility for maintenance shall produce for inspection the document establishing such limitation ***or other such evidence by which to confirm the limitation.***
- C. To the extent authorized by law, the code enforcement supervisor may enter on such property at reasonable times to make inspections.

SECTION 4. Section 7.54.060 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.060 - Notification of violation.

- A. *Warning notice.* Whenever the code enforcement supervisor determines that a property is not being maintained in compliance with this chapter and that the conditions on the property do not pose an immediate hazard to the general welfare, health and safety, the supervisor shall issue a warning notice to the property owner. Such warning notice shall be served on the owner in accordance with the provisions of Section 7.54.070, and shall include but not be limited to the following:
 - 1. Description of the section or sections being violated;
 - 2. Suggestions for abating the violation;
 - 3. Reasonable time limit for abating the violation not to exceed ~~twenty~~***thirty*** days based on the type, severity and number of previous violations on the same property, unless the supervisor determines there are circumstances of hardship that warrant additional time for abatement); and
 - 4. Consequences for not abating the violation within the time specified in the warning, including but not limited to the imposition of administrative charges, incurring of city abatement costs, issuance of administrative citations and/or other legal remedies available to the city.
- B. *Notice of violation.* If the violation is not abated within the time limit specified in the warning, a written notice of violation shall be sent to the property owner. Such notice shall be served on the owner in accordance with the provisions of Section 7.54.070, and shall include but not be limited to the following:
 - 1. Description of the section or sections being violated;
 - 2. Suggestions for abating the violation;

3. Time limit for abating the violation not to exceed ~~twenty~~**thirty** days based on the type, severity and number of previous violations on the same property, unless the code enforcement supervisor determines there are circumstances of hardship that warrant additional time for abatement;
 4. Consequences of not abating the violation within the time specified in the notice;
 5. Amount of the administrative charge owed the city pursuant to Section 7.54.140, the time limit not to exceed **thirty** ~~twenty~~ days to pay the charge, and the consequences of not paying the charge within the time specified in the notice; and
 6. Process to appeal the notice of violation, amount of the appeal fee and procedure for requesting an appeal fee waiver pursuant to Sections 7.54.080 and 7.54.090.
- C. *Hazardous conditions.* If the code enforcement supervisor or other city employees designated by the city manager determines the violation to be immediately dangerous to the general welfare, health and safety, the same may be summarily abated ***in compliance with the Federal Constitution***, without compliance with the provisions of this code. Abatement may include, but is not limited to boarding of windows, doors and other openings to city specifications, removal of junk and debris, and securing the perimeter of the property with fencing, gates or barricades to prevent further occurrences of the nuisance activity.

SECTION 5. Section 7.54.070 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.070 - Service of notices.

Notices shall be served in one of the following methods:

- A. The code enforcement supervisor may personally serve the notice on the property owner. The notice shall become effective on the date of personal service.
- B. The code enforcement supervisor may mail the notice by certified mail to the property owner ~~at the address~~ ***to at the physical and/or e-mail address shown on the county's last property tax assessment rolls and/or if records suggest the property is owned by a California Corporation the registered agent for service of process as found on the California Secretary of State's website shown on the county's last property tax assessment*** rolls or to any other address known for the property owner. The notice shall become effective on the date of certified mail mailing.
- C. ***Email with consent or returned response email from the property owner.***
- D. The code enforcement supervisor may post the property where the violation occurs with the notice in a conspicuous place when the property owner resides at an unknown address. The notice shall become effective on the date of the posting of the property.
- D. The failure of any property owner to receive the notice shall not affect the validity of any proceedings taken under this chapter.

SECTION 6. Section 7.54.080 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.080 - Appeal of notices.

- A. Any property owner who is the recipient of a notice of violation **or citation** may appeal the notice **or citation** and may request a hearing before the code enforcement appeals board as follows:
1. An appeal form shall be obtained from the code enforcement supervisor. The completed appeal form shall be filed with the supervisor within thirty days of the effective date of the notice of violation together with an appeal fee as established by resolution by the city council or a request for an appeal fee waiver pursuant to Section 7.54.090.
 2. Only after the completed appeal form has been filed together with the appeal fee or with an approved appeal fee waiver shall the code enforcement supervisor set the date for a hearing. The hearing shall be set for a date not less than fifteen days nor more than sixty days after the supervisor received the request.
 3. The appellant may request one continuance, but in no event shall the hearing be continued more than thirty days after the date of the originally scheduled hearing unless the code enforcement supervisor finds circumstances of hardship warrant a longer continuance not to exceed ninety days after the date of the originally scheduled hearing.
 4. The appellant shall be notified by certified mail of the date, time and place set for the hearing. Such notice shall be sent at least ten days prior to the date of the hearing. The notice shall include a statement that if the violation is found to be a public nuisance and the violation is not substantially abated, then the city may pursue any and all legal and equitable remedies for the recovery of unpaid abatement costs and administrative charges. The notice shall be sent to the appellant at the address provided on the completed appeal form **and the property owner's address shown on the last Solano county equalized property tax assessment roll if these two addresses are different. Notice delivery to the address of record certifies sufficient service of process.** Failure of the appellant to receive such notice shall not affect the validity of any proceedings taken under this chapter.
 5. Any documentation, other than the notice of violation, which the code enforcement supervisor has submitted or will submit to the code enforcement appeals board shall be served on the appellant at least three days before the hearing.
- B. Failure of any property owner to file an appeal in accordance with the provisions of this section shall be deemed to waive his or her right to an appeal hearing.

SECTION 7. Section 7.54.090 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.090 - Appeal fee waiver.

Any property owner who requests a hearing to appeal a notice of violation and is financially unable to pay the appeal fee as required in Section 7.54.080 may file a request for an appeal fee waiver as follows:

- A. The request for waiver shall be made on a form obtained from the code enforcement supervisor **which is substantially similar in contents to California judicial council**

Request to Waive Court Fees form and submitted to the supervisor within ***thirty fifteen*** days of the effective date of the notice of violation.

- B. The code enforcement supervisor may issue an appeal fee waiver only if the person requesting the waiver submits a sworn affidavit together with any supporting documents demonstrating to the satisfaction of the supervisor the person's financial inability to deposit with the city the full amount of the fee in advance of the appeal hearing.
- C. The code enforcement supervisor shall issue a written decision specifying the reasons for issuing or not issuing the waiver within ten days of the receipt of the request. The decision of the supervisor shall be final.
- D. If the code enforcement supervisor determines a waiver is not warranted, the property owner shall remit the appeal fee within ten days of the determination. If the supervisor does not receive the appeal fee within this time period, the request for hearing shall not be accepted and shall constitute a failure of the property owner to exhaust his or her administrative remedies.

SECTION 8. Section 7.54.110 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.110 - Decision of the code enforcement appeals board.

- A. After considering all of the testimony and evidence submitted during the hearing, the board shall issue a written decision to the appellant within ten days of the conclusion of the hearing to uphold, modify or cancel the notice of violation. The effective date of the written decision shall be the date the decision is mailed first class to the appellant ***or if the appellant has consented to e-mail correspondence the date that the e-mail is sent to the appellant.*** The board shall give its decision orally at the conclusion of the hearing prior to issuing the written decision. The decision of the board is final. The written decision shall include the reasons for that decision which may be based on any or all of the following factors:
 - 1. Duration of the violation;
 - 2. Frequency, recurrence and/or number of related or unrelated violations by the appellant;
 - 3. Seriousness of the violation;
 - 4. Good faith efforts of the appellant to abate the violation;
 - 5. Economic impact of abatement on the appellant;
 - 6. ***Ability to abate due to physical health or mental incompetence*** and/or
 - 7. Other factors as justice may require.
- B. If the code enforcement appeals board determines the notice of violation ***or citation*** should be upheld, then the written decision shall include the action required to correct the violation and the date by which such action must be completed. The date of compliance shall be no more than sixty days from the date of the board's decision. The decision shall include a payment schedule for any unpaid administrative charges. The decision shall also include the

consequences of failing to correct the violation and the right to judicial review pursuant to Section 7.54.120.

- C. If the code enforcement appeals board determines the notice of violation **or citation** should be modified in terms of methods of abatement and/or time limit for compliance, then the written decision shall include the modified action to correct the violation and/or the date by which correction must be completed. The decision shall include a payment schedule for any unpaid administrative charges. The decision shall also include the consequences of failing to correct the violation and the right to judicial review pursuant to Section 7.54.120.
- D. The code enforcement appeals board may determine that the notice of violation **or citation** should be canceled and all further actions related to this notice of violation shall be terminated.

SECTION 9. Section 7.54.130 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.130 - City abatement.

Notwithstanding section 7.54.060(C), if a violation is not abated within time limit specified in the notice of violation or, if appealed, in the written decision of the code enforcement appeals board, the code enforcement supervisor may ***seek an abatement warrant from the Solano County Superior Court*** to abate the violation with city employees and/or by private contract. The supervisor is hereby authorized to enter the subject property to abate the violation. The costs of abatement shall be billed to the property owner pursuant to Section 7.54.140.

SECTION 10. Section 7.54.150 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.150 - Recovery of abatement costs and administrative charges.

- A. ***Cumulative remedies.*** At its discretion, the city may pursue any and all legal and equitable remedies for the recovery of abatement costs and/or administrative charges owed to the city. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total of administrative and abatement charges have been recovered. Any property owner who fails to pay any abatement costs or administrative charges owed to the city shall be liable in any action brought by the city for costs incurred in securing payment of the delinquent amount. The city's collection costs may include, but are not limited to, those for personnel, materials, overhead, attorney's fees and any other city expenditure required to collect unpaid abatement costs or administrative charges.
- B. ***Liens.*** The amount of any unpaid abatement costs and/or administrative charges may be made a lien on the real property on which the violation occurred. The lien shall attach when the supervisor or his or her designee records a lien listing unpaid abatement costs and/or administrative charges with the county recorder's office. The lien shall specify the amount of the lien, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified above shall be

recorded by the director or his or her designee. The lien may be foreclosed by an action brought by the city for a money judgment.

C. *Special assessments.*

1. The code enforcement supervisor may initiate proceedings to, make abatement costs and/or administrative charges a special assessment against the property where the violation occurred. The supervisor shall transmit a report of delinquent abatement costs and/or administrative charges to the code enforcement appeals board. Upon receipt of the report, the board shall fix a schedule for hearing the report and any protests or objections thereto and to confirm the amount of the abatement costs and/or administrative charges contained in the report.
2. The supervisor shall send notice of the hearing schedule before the board to the property owner by first class mail and certified mail, return receipt requested, at least fifteen days prior to the date of the hearing. The notice shall be mailed to the property owner's address shown on the last Solano county equalized property tax assessment roll or to any other address known for the property owner. The effective date of the notice is the date of the first class mailing. The notice shall set the date and time by which objections or protests shall be filed with the supervisor. No objection or protest received after that date shall be considered by the board.
3. At the time fixed for consideration of the report, the board shall hear it together with any objections or protests of any property owner. ~~The board shall limit its scope of review to the supervisor's report detailing the abatement costs and/or administrative charges together with any objections to its accuracy. The board shall not consider evidence regarding the merit of any previous administrative hearings or the validity of the abatement action.~~ The board may modify the report as it may deem just, ***including altering, postponing, or restructuring payment of the amount due based any of the factors outlined in 7.54.110 (A), or by any other means as justice may require.*** After hearing all objections and making any modifications to the report, the board shall confirm the report. The supervisor shall notify any property owner who filed an objection or protest of the board's decision regarding their objection within ten days of the date of the hearing. The decision of the board is final.
4. Upon confirmation of the report by the board, the abatement costs and/or administrative charges shall constitute a special assessment against the property where the violation occurred. The supervisor shall file a certified copy of the confirmed report with the Solano county auditor/controller's office and the amount of the special assessment shall be entered on the assessment roll against the parcels listed in the report. Thereafter, such assessments may be collected at the same time and in the same manner as ordinary secured property taxes are collected and shall be subject to the same penalties and same procedures of sale as provided for delinquent ordinary secured property taxes. The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal taxes with which they shall be upon parity. All laws applicable to the levy, collection and enforcement of secured property taxes shall be applicable to such special assessments. The maximum assessment shall be ten thousand dollars.

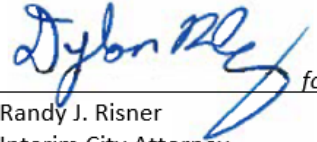
5. The city manager, in his or her discretion, is authorized to release uncollectible city issued special assessment liens when all of the following circumstances exist:
 - a) When the Solano Superior Court appoints a receiver to abate a substandard building under the California Health and Safety Code,
 - b) When such special assessment liens have been deemed to be uncollectible,
 - c) When the sum of such liens does not exceed one hundred thousand dollars, and
 - d) When such action is requested by the receiver in order to facilitate the rehabilitation and sale of the building.

D. Recovered abatement costs and administrative charges shall be deposited in the city's general fund to support code enforcement activities.

SECTION 11. Section 7.54.160 of the Vallejo Municipal Code is hereby amended to read as follows:

7.54.160 - Abatement on recurrence.

When a violation previously abated in accordance with this chapter recurs within twelve months of such abatement, no warning notice of violation is required. The code enforcement supervisor shall send a notice of violation to the property owner pursuant to Section 7.54.060 B, with the exception that the time limit for abating the violation shall not exceed **thirty** ~~fifteen~~ days from the effective date of the notice of violation. Such notice shall be served on the property owner in accordance with the provisions of Section 7.54.070.

By:  for
Randy J. Risner
Interim City Attorney

RESOLUTION NO. CEAB 20-01

**A RESOLUTION OF THE CODE ENFORCEMENT APPEALS BOARD
OF THE CITY OF VALLEJO URGING ADOPTION OF AMENDMENTS TO
THE MUNICIPAL CITY CODE IN FAVOR OF ELDERLY AND DISENFRANCHISED
CITIZENS OF VALLEJO**

WHEREAS, the Municipal City Code establishes the Code Enforcement Appeals Board to fairly and equitably enforce its provisions relative to residential and commercial property; and

WHEREAS, the Code Enforcement Appeals Board is steadfast in its commitment to ensuring that Code violations are resolved in supportive ways to preserve the health and safety of our community at large; and

WHEREAS, debilitating circumstances relative to property owners' socio-economic, mental, and physical health status frequently present themselves to the Board during consideration of the cases before it; and

WHEREAS, the number of these unfortunate cases has continued to rise in light of the increasing age of Vallejo's population and the continuing deterioration of the local, state, and national economies; and

WHEREAS, the Municipal City Code currently provides very little flexibility for the Code Enforcement Appeals Board to act with compassion toward our fellow Vallejoans when circumstances earnestly call for it;

NOW THEREFORE, BE IT RESOLVED:

1. That the Code Enforcement Appeals Board hereby urges the City Council to adopt our proposed amendments to the City's Municipal Code in favor of elderly and disenfranchised Citizens of Vallejo (enclosed); and
2. That the City Council join the members of the Code Enforcement Appeals Board in expressing their sincere gratitude to Mr. Dylan Brady and Mr. Hai Phan of the City Attorney's office for their wisdom, advice, and consultation in preparing the proposed changes submitted to the City Council.

PASSED AND ADOPTED by the Code Enforcement Appeals Board of the City of Vallejo at a regular meeting thereof held on September 24, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dr. Carey Hawkins Ash, J.D., Ph.D.
Chairman
Code Enforcement Appeals Board

ATTEST:

Dong Yoo
Clerk
Code Enforcement Appeals Board



CODE ENFORCEMENT DIVISION

HEARING DATE: September 24, 2020
TO: Code Enforcement Appeals Board
FROM: Anne Cardwell, Assistant City Manager
SUBJECT: City Email

At the CEAB's August meeting, there was an item on the agenda regarding use of City email by board members. The members of the Board shared their interest in having access to the City's email system, as opposed to utilizing their personal emails, to allow for communications with the public regarding Board business.

Staff provided a brief verbal presentation regarding the additional cost and impact on the IT department of adding additional email accounts for all board and commission members in the City. Specifically:

- Thus far the city's practice has not been to provide emails to board and commission members, with the exception of the Planning Commission.

- From an IT perspective, it adds significant additional staff time and use of staff resources to manage the additional email accounts.

- From a legal/HR perspective, it adds some additional challenges & risk, to the extent communications done on City accounts by individuals who are not City employees.

- Finally, the cost per license is about \$20/month per mail box, or about \$1,250 per year per commission. This cost can be multiplied by the number of commissions, for an estimated annual cost around \$15,000.

Additionally, a more sustainable alternative was presented, which would be to provide a generic City email address that the public could send inquiries to, and staff could forward to Board members, and also facilitate a response back to the public. This approach is a fairly common practice in public entities, and is helpful for managing email communications for the Board.

After reviewing the information with the City Manager, City Clerk and Chief Innovation Officer, the City Manager directed staff to pursue setting up the generic email address (i.e., CEAB@Cityofvallejo.net). Staff will be working with the IT department to get that email set up, and will make that link available on the City's website.