



AGENDA

CODE ENFORCEMENT APPEALS BOARD REGULAR MEETING VIA TELECONFERENCE

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FEBRUARY 25, 2021

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

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

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.

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

February 25, 2021
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. January 28, 2021 – 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:

10. OLD BUSINESS:

- A. Update Regarding's CEAB's Practices Subcommittee Initiatives to Support Elderly and Disenfranchised Citizens of Vallejo – Practices Subcommittee
- B. Update Regarding the Provision of Additional Staff for the Code Enforcement Division
- C. Update Regarding Code Enforcement Appeals Board Vacancy

11. NEW BUSINESS:

- A. Resolution 21-01 Inclusion of Additional Code Enforcement Staff in City Council Fiscal Year 2021-2022 Budget Priorities

12. SECOND COMMUNITY FORUM

13. STAFF COMMENTS: None

14. ANNOUNCEMENTS:

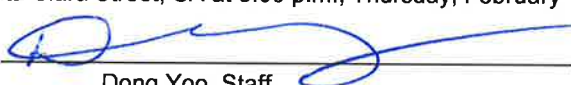
- A. Introduction of Newest Code Enforcement Appeals Board Member, Garrett Toles
- B. The **March 25, 2021 Regular CEAB Meeting has been canceled**; The next Regular Meeting is scheduled for **Thursday, April 22, 2021 @6:00 PM**

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, February 18, 2021.

Dated: Thursday, February 18, 2021


Dong Yoo, Staff

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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 6:02 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
 - Absent: Board Member Loretta Gaddies (unexcused; logged on at 6:21 PM)
 - Staff: Senior Code Enforcement Officer (SCEO) Dong Yoo, Code Enforcement Officer (CEO) Angela Hodgins, Secretary Karen Ang, IT Director Naveed Ashraf, Sergeant Richard Wanzie, Vice Mayor and City Council Liaison Rozzana Verder-Aliga (first meeting)
4. **APPROVAL OF AGENDA:** Board Member Taylor motioned to approve the agenda; seconded by Board Member Madeiros and Vice Chairperson Matias, and carried unanimously.
5. **APPROVAL OF MINUTES:** Vice-Chairperson Matias motioned to approve the December 9, 2020 CEAB Special Meeting Minutes; seconded by Board Member Cavalli. The motion carried unanimously.
6. **CORRESPONDENCE:** None
7. **FIRST COMMUNITY FORUM:** None
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 Community Forum may do so via ZOOM:
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8. **GUEST SPEAKER:** None
9. **PRESENTATIONS:** None on the agenda. Board Member Taylor motioned to allow newly appointed City Council Liaison and Vice Mayor Verder-Aliga a chance to speak, seconded by Vice Chairperson Matias, and was carried unanimously. Vice Mayor Verder-Aliga introduced herself and briefly got acquainted with the Board before Chairperson Ash moved forward with the rest of the meeting agenda.
10. **OLD BUSINESS:**
 - A. **Update Regarding the CEAB's Proposed Revisions to the Municipal City Code to Support Elderly and Disenfranchised Citizens of Vallejo**
Update: Per Board Member Madeiros' request, Chairperson Ash will provide copies of the VMC changes to Vice Mayor Verder-Aliga for her to review and possibly bring up during the March 2021 budget goal-setting meetings.
 - B. **Update Regarding CEAB's Practices Subcommittee Initiatives to Support Elderly and Disenfranchised Citizens of Vallejo – Practices Subcommittee**
Update: Vice Chairperson Matias reported that there are no new updates, however Staff is checking with multiple city departments on multiple items. Vice-Chairperson Matias also mentioned translating Code Enforcement documents into Spanish. Staff (Code Enforcement Secretary Karen Ang) reported that the City Attorney's Office is doing some research into the legality of possibly providing tax write-offs for businesses giving services to those who qualify for assistance and will also follow up with Shelee Loughmiller. Next Subcommittee Meeting will be via Zoom on Thursday, February 4, 2021 at 6:00 pm.
 - C. **Update Regarding the Provision of Additional Staff for the Code Enforcement Division - Staff**
Chairperson Ash shared an email he received from Assistant City Manager Anne Cardwell, which states that the City Council adopted a "status quo" budget last year due to the pandemic, which did not include Code Enforcement staff. In her email, Cardwell invites the Board to submit their input on the addition of Code Enforcement staff positions for the Council to consider as part of their upcoming goal setting meeting. Vice Mayor Verder-Aliga informed the Board that the City Council goal setting meeting has been confirmed as scheduled for March 24-25, 2021 from 9:00 am to 5:00 pm.

D. Update Regarding Code Enforcement Appeals Board Vacancy

The CEAB applicant interviews will be held on February 1st, 2021.

- 11. NEW BUSINESS:** None
- 12. SECOND COMMUNITY FORUM:** None
- 13. STAFF COMMENTS:** None
- 14. ANNOUNCEMENTS:** New City Council liaison appointed to the Board is Vice Mayor Rozzana Verder-Aliga; Reminder – Next Regular Meeting Scheduled for February 25, 2021.
- 15. BOARD MEMBER COMMENTS AND DISCUSSION** Board Member Madeiros was concerned about several unkempt city-owned lots, especially since the city sends out compliance notices via Code Enforcement. Vice Mayor Verder-Aliga stated that she would check; Secretary Karen Ang suggested that Board Member Madeiros send her report directly onto the SeeClickFix website since the site automatically generates their work orders from that system.
- 16. ADJOURNMENT:** Chairperson Ash adjourned the meeting at 6:52 pm.

RESOLUTION NO. CEAB 21-01

A RESOLUTION OF THE CODE ENFORCEMENT APPEALS BOARD OF THE CITY OF VALLEJO URGING THE INCLUSION OF ADDITIONAL CODE ENFORCEMENT OFFICERS AND ADMINISTRATIVE STAFF IN THE CITY'S 2021-2022 BUDGET PRIORITIES

WHEREAS, the Vallejo Municipal Code ("VMC") establishes the Code Enforcement Appeals Board ("the Board" or "CEAB") to fairly and equitably enforce its provisions relative to private residential and commercial property; and

WHEREAS, the Code Enforcement Division of the Vallejo Police Department was directed by the City Council to begin enforcing jurisdiction over vacant lot property registration and vacant commercial property registration, but the Council has not provided the resources necessary to support the essential hiring of at least two additional Code Enforcement Officers and at least one additional administrative support staff person to fulfil the Council's vacant lot property registration and vacant commercial property registration enforcement mandate; and

WHEREAS, the Board expressed to then-CEAB Liaison and City Councilman McConnell our concerns regarding the increased burden of expanding enforcement jurisdiction on the existing Code Enforcement Division without additional staffing to support these efforts in a letter dated July 13, 2020 (attached); and

WHEREAS, the Board's concerns were shared directly with the Assistant City Manager and Assistant City Attorney at the August 27, 2020, Code Enforcement Appeals Board meeting, whereas the City Manager's Office agreed that additional staffing resources were necessary and could be allocated utilizing an appeals process for COVID-frozen discretionary hiring funds as these positions are critical to public safety and generate revenue for the City (in the amount of **\$721,745.58** in FY2019-2020); however, the Assistant City Manager noted that Vallejo Police Department support was required to complete the discretionary fund appeal process; and

WHEREAS, the Board engaged the City Manager's Office and Police Department in subsequent months for their support in filing the discretionary fund appeal paperwork to secure the necessary positions; however, the Police Department, through the Chief of Police, declined to do so and expressed that it has other staffing priorities separate and apart from immediately supporting the blight, trash, community and commercial safety, fire abatement, public services program work, and revenue generation the Code Enforcement Division annually produces for our City; thus, the Chief of Police has refused to request that these positions be filled on behalf of the Board, even though they are essential to the safety and security of our City in fulfilling the Council's mandate of expanded CEAB jurisdiction; and

WHEREAS, the Board is committed to the community's health and safety and believes the hiring of the officers and administrative support staff person will improve the standard of living in the greater Vallejo community while also realigning commercial property with the City's standards, the Board hereby agrees with the concerns raised by the citizenry and reiterates the same---that blight, trash, and increased fire safety risk due to non-enforcement of the City's Code diminishes our collective standard of living and does not favorably contribute to our City's beautification and economic development goals; and

WHEREAS, the Board is vehemently concerned that it has taken the Vallejo Police Department and City Management team seven months to address a critical need our City faces in response to a mandate from City Council since our initial request in July 2020, we hereby elevate the awareness of the multiple and alarmingly apparent bureaucratic inefficiencies that prevent our local government from timely addressing the needs of our citizenry; and

WHEREAS, the Board certainly understands our City's current and projected budget constraints, such does not hold weight in light of the fact that our Code Enforcement Officers and administrative staff generate revenue for our City in multiples of the amount necessary to cover the cost of the additional persons, and demonstrate resoundingly dedicated service to removal of blight, trash, and the promotion of community safety and economic vitality in each of Vallejo's neighborhoods and commercial areas;

NOW THEREFORE, IT IS RESOLVED:

1. That the Board finds that it is not able to fairly decide on private vacant lot property registration and vacant commercial property registration enforcement cases without the due diligence of the Code Enforcement Officers and administrative staff that complete the investigative and follow-up work necessary to properly issue fines and secure revenue for the City in cases of persistent violations, and that adjudication of such cases without the necessary due diligence due to a lack of staff will result in violations of citizens' State and Federal constitutional rights to due process, thus exposing the City to increased liability; and
2. That the Code Enforcement Appeals Board hereby urges the City Council to set aside resources in the City's 2021-2022 fiscal budget priorities to hire at least two Code Enforcement Officers and at least one additional administrative support staff person to fairly and equitably enforce City Code provisions relative to commercial property; and
3. That the Code Enforcement Appeals Board moreover urges the Vallejo Police Department to commission a task force that finds operational efficiencies that more promptly addresses requests from the City Manager and Boards and Commissions from the City of Vallejo, especially when funding is available and organizational momentum and objective, verifiable justification is present to support the request; and finally,
4. That the City Council join the members of the Code Enforcement Appeals Board in expressing their sincere gratitude to the existing Code Enforcement Officers for enforcing provisions relative to both the vacant lot registration program and vacant commercial property program, even though no additional staffing or resources have been provided to date along with the expanded jurisdiction mandate issued by the City Council.

PASSED AND ADOPTED by the Code Enforcement Appeals Board of the City of Vallejo at a regular meeting thereof held on February 25, 2021, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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

ATTEST:

Dong Yoo
Clerk
Code Enforcement Appeals Board



City Hall

555 Santa Clara Street
Vallejo, CA 94590

www.cityofvallejo.net

CODE ENFORCEMENT APPEALS BOARD

JULY 13, 2020

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

Board Members

Fred Cavalli, Jr.
Loretta Gaddies
Lee Lancaster
Wanda Madeiros
Edward Taylor

Greetings Councilman McConnell,

I write on behalf of our City's Code Enforcement Appeals Board to request your support as our Board's City Council liaison in securing the attendance of the City Manager and City Attorney at our next Board meeting on August 27, 2020, at 6 p.m. We kindly seek to discuss: (1) amending the Municipal City Code ("MCC") to provide enforcement relief for elderly and disenfranchised citizens of Vallejo, and (2) securing the support we need to honor the City's request that our Board begin enforcing MCC jurisdiction over commercial properties.

Relative to Code Enforcement Relief for Elderly and Disenfranchised Citizens

Our Board's biggest responsibility is to fairly and equitably enforce the Municipal City Code. We act quickly to resolve property owner violations in supportive ways to preserve the health and safety of our community at large. However, the Code itself provides very little flexibility for us to act with compassion toward our fellow Vallejoans when circumstances earnestly call for it.

For example, our Board was forced to consider whether to apply an \$8,000.00 property tax lien against a homeowner who is both disabled and has advanced-stage dementia at our recent Special Assessments Hearing. Executing the Code against this resident would have resulted in a miscarriage of justice in the eyes of our Board, but the MCC requires such a result.

Due to the astuteness of my fellow Board members and the advice of our City Attorney, our Board was able to postpone this assessment for 1 year, but the threat of assessment and subsequent homelessness for this individual and his family remains.

Though we were able to resolve this case in the short-term, our Board seeks to forge a permanent solution in partnership with our City Manager and City Attorney. We seek to propose revisions to the MCC to create an allowance for Board action to alleviate penalties under extenuating circumstances.

It is important that we address this issue immediately and proactively as our City is home to both a sizeable retiree community and many younger homeowners who continue to be impacted by COVID-19. To reiterate plainly: we must work to provide Code enforcement relief options for elderly and disenfranchised citizens of Vallejo as quickly as possible.

Relative to the City's Request for Expanded Code Enforcement

In addition to residential enforcement, our Board has now been asked by the City to begin enforcing jurisdiction over commercial properties.

Rest assured, our Board is willing to thoughtfully expand MCC enforcement to commercial property. However, our Board is adamant that such cannot be done effectively, nor equitably, without the City's support in hiring at least one additional Code Enforcement Officer.

When our Board assesses fees and liens at the final stage in the enforcement process, we do so thoughtfully and carefully, through a lens of community restoration and never a sense of punishment. As a result, we cannot fairly decide cases without the due diligence of the Code Enforcement Officers that complete the investigative and follow-up work necessary for us to properly issue fines and secure revenue for the City in cases of persistent violations.

While we certainly understand our City's current and projected budget constraints, our Code Enforcement Officers generate revenue for our City in multiples of the amount necessary to cover the cost of the additional position, when egregious, negligent, and repeated MCC violations occur. As a result, our Board has successfully maintained the health of our community through effective Code enforcement solely because of enforcement staff's safety regulation work, which contributed \$370,820.94 towards the City and Fire Department's budgets as of June 25, 2020, in service and protection of us all. Thus, the City's necessary investment in an additional Code Enforcement Officer to focus on commercial property will pay for itself by realigning commercial property with the City's standards, while improving the standard of living in the greater Vallejo community.

By contrast, failing to provide this additional position while expanding our enforcement jurisdiction will overburden our Code Enforcement Department, leading to decreased productivity and under-enforcement of the Municipal City Code, thus placing our community's health and safety at risk.

Appeal for Your Support Securing the City Manager and City Attorney's Attendance at Our Next Board Meeting

Based on the above, the Code Enforcement Appeals Board respectfully requests that you, as our Board's Liaison to the City Council, secure the attendance of the City Manager and City Attorney at our next Board meeting on August 27, 2020, at 6 p.m. to

discuss the two items outlined above. Our hope is to speak with the City Manager and City Attorney directly as the chief representatives of their offices, in light of our service as a duly appointed Board established by the Municipal City Code and City Council.

Thank you for your thoughtful consideration of our request. Please feel free to reach out directly should you wish to speak, as I am more than willing to provide any additional context you may need. I very much look forward to hearing from you soon.

In service of our Citizens and City,

A handwritten signature in black ink that reads "Carey Hawkins Ash". The signature is written in a cursive, flowing style.

Dr. Carey Hawkins Ash, J.D., Ph.D.

Chairman, Code Enforcement Appeals Board
City of Vallejo, California

Cc: Bob Sampayan, Mayor, City of Vallejo, California
Greg Nyhoff, City Manager, City of Vallejo, California
Randy J. Risner, Interim City Attorney, City of Vallejo, California
Members of the Code Enforcement Appeals Board, City of Vallejo, California