

FINAL REPORT - CASE NO. 01-07(B) FOLLOW-UP REPORT CITY OF STOCKTON CODE ENFORCEMENT

REASON FOR INVESTIGATION:

The 2006-2007 Civil Grand Jury received a complaint alleging the City of Stockton was illegally using code enforcement citations and liens as a means of coercing citizens into selling their private property to the City. The complaint alleged the City was using its code enforcement as a form of eminent domain. Also included was an allegation that the city was not providing the renovations of the Philomathean Club property based on the mutual sales agreement.

BACKGROUND:

Code enforcement in the City of Stockton has been managed by several different departments and subcommittees over the last several years. In addition to actions regarding real property, the Code Enforcement Division has a variety of other functions. The City has been accused of being overly aggressive in its code enforcement efforts, in some cases targeting individual properties for take over. Complaints and violations are handled by trained volunteer officers and city employees alike. Since 2004 code enforcement has been included in the Neighborhood Services section of the Stockton Police Department.

METHOD OF FOLLOW-UP INVESTIGATION:

- Read and reviewed last years Grand Jury report
- Read and reviewed numerous documents presented to last years Grand Jury
- Interviewed Redevelopment Director
- Reviewed recommendations from Architect
- Toured Philomathean Club
- Read and reviewed current City of Stockton Records Retention Policy
- Interviewed Neighborhood Services Director

RECOMMENDATIONS FROM THE 2006-2007 GRAND JURY:

The 2006-2007 Grand Jury made the following recommendations:

1. Educate the public on the number of parcels owned by the City of Stockton and how they are essential to the function of City services. Such notices can be included with the annual property tax notice and posted on the City of Stockton website.

2007-2008 Grand Jury Finding: The City states that property owned by the City is a matter of public record and can be ascertained through the County Assessor's public records. Although this may be a true statement, it is quite a cumbersome and time consuming effort. The City asserts there are a number of reasons the information could not be included on the annual tax notice, however no reasons were given. The Grand Jury does agree that including these records on the website would be a huge undertaking. Adding the name of an individual contact person should help provide easier access for citizens.

2. Revise the policies and procedures related to code enforcement to provide detailed steps for the process. The City of Stockton can then use these policies and procedures on each parcel in a fair and unbiased manner, applying the same requirements to each parcel.

2007-2008 Grand Jury Finding: Although each case brought before code enforcement may be unique and have different combinations of violations, the Grand Jury agrees with the previous Jury in insisting that the City needs policies and procedures to insure fair and unbiased treatment of each parcel inspected. As in all things, there are always exceptions to standard rules and those could be addressed on an individual basis should cases arise after a policy has been implemented.

3. Compare the City of Stockton's policies and procedures with those from other cities within the county for a more uniform code enforcement process.

2007-2008 Grand Jury Finding: The Grand Jury would agree that all cities have different problems, issues, and priorities. However, that would not preclude the City of Stockton from using some of the information contained within other cities policies as a starting point for writing their own policies. Though it was indicated that the City would review policies from Lodi, Manteca and Lathrop, this Grand Jury was made aware that those cities are too small to compare to Stockton. The City of Stockton has recently hired personnel to investigate and write a policy for Code Enforcement. The City of Stockton does not have a timeframe for completion of this project, but this Grand Jury looks forward to seeing the finished policy as soon as possible.

4. Provide for storage of violation records onto disk for long term storage so that they remain accessible for public scrutiny.

2007-2008 Grand Jury Finding: After interviewing the Neighborhood Services Director, the Grand Jury recognizes that the Neighborhood Services Department is using the City of Stockton's records retention policy. Records are kept for a full and complete three years before being destroyed. We believe that the retention policy is not sufficient for every department and neighborhood Services should ask that their records be kept for a longer period of time. Retaining records for longer than three years, though burdensome, will assure the public has access to any and all transactions which might come into question.

5. Review the original contract with the Philomathean Club members and continue working together to complete any and all unresolved repair issues. The Redevelopment Department

should give priority to this project because it is already more than three years behind and the completion of the club repairs will generate facility rental income for the City.

2007-2008 Grand Jury Finding: Carey & Company Architecture has completed approximately 90% of the building review and recommendations for the Philomathean Club. The remainder of this review is taking some time since the person most familiar with this project has left the company. After noting the repair issues from last year, this Grand Jury toured the Philomathean Club and found that a number of the repairs had been completed, however there are still a large number of items which need to be addressed.

6. The City of Stockton should establish an acquisition policy which utilizes criteria and timelines when considering the purchase of property with tax dollars. The purchase of the El Telcolote might have been avoided by a more thorough analysis of the City's need for the property.

2007-2008 Grand Jury Finding: The Grand Jury acknowledges receipt of the policy for property acquisition by the City of Stockton. However, the City might want to very closely monitor its needs and wants before committing to purchasing any real property.

7. Establish a policy with criteria to provide a framework before purchasing private property, even as a result of code enforcement activity, which will subsequently be removed from the City of Stockton tax rolls.

2007-2008 Grand Jury Finding: The Grand Jury accepts that the City of Stockton policy covers this recommendation.

RECOMMENDATIONS:

The 2007-2008 Civil Grand Jury recommends the following:

1. The City of Stockton form a task force to implement policies and procedures for code enforcement, using examples of comparable sized cities as a starting point for this project.
2. The City of Stockton review the policy for record retention with the emphasis on retaining all city records for longer periods of time.
3. The City of Stockton continue to pursue all avenues for the upkeep and restoration of the Philomathean Club.

RESPONSE REQUIRED:

Pursuant to Section 933.05 of the Penal Code:

The Stockton City Council shall report to the Presiding Judge of the San Joaquin County Superior Court, in writing and within 90 days of publication of this report, with a response as follows:

As to each finding in the report a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of analysis and a time frame not to exceed six (6) months.
- d. The recommendation will not be implemented, with an explanation therefore.