

Special Meeting
March 11, 2003

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- ADJOURNMENT: The meeting adjourned at 9:30 p.m. 2

Council Member Burch called the meeting to order at 7:05 p.m. in the Council Chambers, 250 Hamilton Avenue, Palo Alto, California.

Present: Burch, Kleinberg, Lytle, Ojakian

1. Oral Communications

None.

2. Human Relations Commission recommendation to the City Council re a Resolution in Support of a Moratorium on the Death Penalty for the State of California

Assistant to the City Manager Chris Mogensen said Kathy Espinoza-Howard, the Director of Human Services, was present along with members of the Palo Alto Human Relations Commission (HRC) to ask for the Policy and Services (P&S) Committee to adopt the resolution in support of a moratorium on the death penalty in the State of California (the State).

Human Services Director Kathy Espinoza-Howard said at the regularly scheduled meeting of the HRC on February 14, 2002, an item appeared on the agenda and a group of people voiced their support for a moratorium on the death penalty. Discussion and testimony ensued. The HRC took the item under advisement. At its May 10, 2002, meeting, the HRC discussed the item further, examining the pros and cons of the proposed resolution, which was similar to the resolution developed for the City of Menlo Park in support of suspending the death penalty in the State. The HRC then co-sponsored a moratorium death penalty forum on November 16, 2002, at which over 100 people were in attendance.

Human Relations Commission Chairperson Eve Agiewich said the HRC was pleased to support the moratorium and recommended the proposed resolution. The dedicated citizens who presented the item were appreciated. The item was fully discussed on several occasions. The November forum was well attended by many people who were extremely articulate and passionate about the cause. Many reasons existed in support of adopting a moratorium, all of which were included in the staff report (CMR:126:03). The death penalty affected everyone. Although individuals might not be subjected to the death penalty, the death penalty affected the community because of the statement made about the society in which everyone lived. The desire was to make a statement about seeing the death penalty suspended.

Monsignor Eugene Boyle, 3290 Middlefield Road, spoke about the flaws in the death penalty system. Governor Ryan of Illinois voiced his concerns about the practice of convicting innocent people by stating, "The system is broken. It is fraught with error and has come so close to the ultimate nightmare. Until I can be sure with moral certitude that no innocent man or woman is facing a lethal injection, no one will meet that fate." Problems of inadequate legal representation, lack of access to DNA testing, police misconduct, racial bias, and even simple errors were not unique to Illinois. Provisions needed to be made to decrease the chance of unfairness and deadly error by making DNA testing available to both State and Federal inmates and by setting national standards to ensure competent lawyers were appointed to capital defendants. Without such safeguards, a serious possibility of judicial error existed. Over 600 people had been executed nationally since the Supreme Court reinstated capital punishment in 1976. During the same period, 81 people in 21 states had been found innocent and released from death row, some within hours of being executed. The dreadful specter was the fear that many who were executed might also have been innocent. Abundant evidence revealed that neither states nor the courts were providing adequate protection against grievous injustices. The persistent problem of unskilled legal representation was all but neglected in an effort to move the American Bar Association (ABA) to call for a death penalty moratorium four years prior. Even people who favored the death penalty needed to become anxious about a system demonstrated to harbor the extreme peril of executing the innocent. The death penalty was City business. To say the death penalty was not City business was to be ignorant of the political reality of the fundamental relationship of a city to its county and state. Death penalty cases drew heavily on county and state tax revenues, thereby seriously diminishing funds available for other sometimes essential local services. The Council was urged to lend its considerable influence to appeal to Governor Gray Davis and the Legislature to stay all State executions until a proper examination of the system was conducted.

Walt Lundin, 418 East Charleston Road, spoke as a 49-year resident of Palo Alto in support of a moratorium on the death penalty. Over time, the principle of "an eye for an eye" had changed. The methods of execution had gradually changed from inhumane to more humane. The changes represented an upward spiral toward humanity, which was sadly needed. The moratorium was a small part of the upward spiral. The Legislature needed to seriously consider its actions.

Helen Baumann, 151 Coleridge Avenue, spoke as a lawyer about the death penalty, which violated the social commitment to justice before the law and caused many people to have less respect for law and authority. The injustice of the application of the system caused disrespect for the community and

authority figures. The death penalty had a very negative impact on the community. As a mother, the impact of the death penalty and the message of violence promulgated a world she wanted to be different for her grandchildren. Violence beget violence. A non-violent response to harm would cause others to be less violent. As a voter and fiscal conservative, she believed the death penalty was not cost-effective nor was it a deterrent to crime.

Terry McCaffrey, 1156 La Paloma Drive, Cupertino, spoke as a representative of Amnesty International in support of Palo Alto's Council supporting a moratorium on the death penalty. The forum had been well attended by a wide spectrum of speakers from the community. Although the forum was widely advertised in the *Palo Alto Weekly*, not one person voiced opposition to the moratorium. A petition drive was mounted on behalf of the moratorium. To date, 859 Palo Alto residents had signed the petition. In addition, 177 signatures were obtained from the Stanford community. The issue of the moratorium was City business. Many in the community sat on juries to decide the issue of the death penalty. Tax dollars supported the death penalty, which was much more expensive than the alternative of life imprisonment. A report was submitted to the P&S Committee in which a number of speakers touched upon the issue of whether or not the issue was City business. The P&S Committee was urged to support a moratorium on the death penalty and recommend the Council adopt the proposed resolution.

Wayne Martin, 3687 Bryant Street, spoke in opposition to the proposed resolution regarding a moratorium on the death penalty. Contrary to many of the arguments, the issue of the death penalty was not City business. Nothing in the City Charter gave the Council the right to execute anyone. Even the Federal government was not involved. Complaints should be submitted to Joe Simitian or Byron Sher. The City was not enacted to deal with such issues. The 249-people figure did not constitute a significant number of Palo Alto citizens out of 36,000 voters. The discussion about the cost of the death penalty, although appropriate, was more properly addressed in a different public domain at the State level, not the City level. Much of the staff report (CMR:126:03) could not be substantiated. Data might be available to lead to the conclusions; however, individual studies were not identified. The report should be returned to staff and the item identified as inappropriate for Council to address.

Brandon Weiss, P. O. Box 18064, spoke as a Stanford student to urge the Council to support a moratorium on the death penalty. As a member of Amnesty International on the campus, a petition event was recently held to obtain signatures of students. Not one person voiced opposition to a moratorium on the death penalty. Stanford students sent Governor Davis a

letter. In response, a short letter was returned indicating opinions and polls had been taken, which voiced support for the death penalty.

Ellen Fletcher, 777-109 San Antonio Road, spoke in support of the proposed resolution and many of the points already voiced. One of the charges of the HRC was to examine the deterrent factor. Frequent mention was made about the death penalty being a greater deterrent than anything else, which she found difficult to believe. Life imprisonment was a significant deterrent. The Council was also urged to work with the California League of Cities to urge the State Legislature to pass a moratorium.

Bob Herhold, 440 Hale Street, expressed concern about violence, which could not be cured with violence. The death penalty helped further violence. A chaplain friend at Cook County Jail, one of the toughest jails in the country, was very involved in educational programs in the jail. The minute an inmate was scheduled for execution, everything in the community and jail shut down. Classes could not occur. Fighting increased among the prisoners. The guards were in greater danger because of the excitement of the "bloodletting" that was produced in the inmates. Studies were conducted on the Cook County Jail revealing increases in homicides, domestic violence, and street violence during the weeks surrounding an execution. People lost self-control and thought violence was appropriate, just as the state was acting violently. Violence in the community was certainly the City's business. The resolution would speak against violence, whether personal or corporate. Although individuals who were a danger to society or themselves should be incarcerated, violence could not be cured with violence. The only cure for violence was non-violence.

Jim Davis, Board of Directors Thomas Merton Center, 175 Oregon Avenue, spoke as a 30-year Palo Alto resident in support of the moratorium effort. The issue of the death penalty hit at the fundamental core of fairness and justice and spoke volumes about the City as a people of conscience. Although some thought the death penalty was not an issue for a local government, for which there were probably valid arguments on both sides of the debate, words and resolve counted. When spoken and written on behalf of an entire community, the impact and influence of the resolve was multiplied. The proposed resolution would significantly call attention to an issue in serious need of attention. The P&S Committee was strongly urged to adopt a resolution calling for a moratorium on the death penalty, which was the right thing to do.

Andrew Pierce, Ely Place, Santa Clara County Human Relations Commission Chairperson, spoke about the County's passage a year prior to a resolution similar to the proposed resolution before the P&S Committee. As a private citizen who had worked on death penalty cases and in the criminal law system

as a lawyer, there was no question that errors were made in the system and DNA testing revealed errors that might not have been revealed in past cases. Supervisor Kniss undoubtedly had that fact in mind when she voted in favor of a moratorium, as did Governor Ryan. A single misidentification could create an error that was not easily corrected once a person was executed. For political reasons, both the Governor and the Supreme Court had been an ineffective check on the misuse of the death penalty in recent years. A grassroots movement was therefore necessary. Not everyone in favor of the moratorium was against the death penalty or believed it was always immoral or improper, himself included. Too many cases of injustice had been seen to trust the system to execute the right people.

Ellen Kreitzberg, 181 Byron Street, spoke as a professor at Santa Clara University Law School about the death penalty. As a mother, she opposed the Governor's proposed expenditure of \$220 million to build a state-of-the-art death row facility to the detriment of the education of the children in the State of California. As a law professor, the representation in California was an embarrassment to the State. Over 640 death row sentences had been overturned for ineffective assistance of counsel. The death penalty was an embarrassment to the State. The money being used to execute inmates should be used for schools to educate children, teach them values, and give them character.

Council Member Ojakian asked whether the resolution applied to both the Federal and State governments.

Ms. Espinoza Howard said the resolution applied only to the State government.

Council Member Ojakian questioned the scope of the resolution, i.e., why it only applied to the State.

Ms. Espinoza-Howard was unsure. The HRC was only asked to consider the State's death penalty.

Council Member Ojakian asked why the request was being made at the current time.

Ms. Agiewich said the item was presented to the HRC from Amnesty International. However, the impetus resulted from the number of cases, particularly in Illinois, being overturned due to the realization about the number of mistakes coming more to light because of the efficiency of DNA testing. Many people had wanted a moratorium for a long time.

Council Member Ojakian understood 13 inmates in Illinois, through private investigations, were found not guilty over the past few years.

Ms. Agiewich said more recently, defendants in New York City were convicted of rape and then exonerated through DNA evidence. The media and Amnesty International had been voicing concerns. There was nothing suspicious or unusual about the current proposal; more was known.

Council Member Ojakian said a handful of cities in California presented a similar resolution to the State; however, the number was limited.

Ms. Agiewich said a list of the cities was found in the letter. Since adoption of the resolution by the HRC, more cities had joined the list.

Council Member Ojakian clarified California was not in the group of six, i.e., 70 percent of all executions were conducted in six states, of which California was not one.

Ms. Agiewich said California was one of the leading death row states along with Texas and Florida, according to a report.

Mr. Pierce explained California had not conducted very many executions; however, many more people were on death row in California than in other states. California did not execute as quickly as other states, but had more on death row.

Chairperson Burch read from the report that the city councils of East Palo Alto, Oakland, Berkeley, Menlo Park, West Hollywood, Sebastopol, Santa Monica, and Santa Cruz as well as the Board of Supervisors of Santa Clara, Alameda, San Francisco, and Marine County had passed resolutions.

MOTION: Council Member Kleinberg moved, seconded by Lytle, that the Policy and Services Committee recommend to the City Council to direct staff to draft a resolution supporting a moratorium on the State of California's death penalty.

Council Member Kleinberg said the issue of the death penalty touched a very emotional fiber or core and was not a frivolous matter. The issue had been debated extensively. The Council could sidestep the issue, claiming it was too hot to touch. It would be easy to argue in favor of being sympathetic without making a decision. Many reasons existed to support a position in favor of a moratorium. California law gave municipalities and counties the authority to pass resolutions pertaining to national and local or state policies. The use of the resolution was a good use of the Council's authority and represented the

community well. The HRC's forum was excellently handled. The HRC had not simply acted, but gave opportunity for debate. A laundry list of organizations representing Palo Alto residents supported the resolution. The P&S Committee was acting in response to a strong sentiment in the community. The ABA's call for a moratorium, which was truly not a progressive organization, was significant. The ABA admitted there was a need for more careful study before another person was executed. She believed the United States was the only Western nation with the death penalty. The number of individuals released from death row as a result of DNA testing was sufficient reason to request a moratorium. Without DNA testing, people were found guilty based on evidence and supposedly competent counsel. Even in the 1960s, materials were given to law students supporting claims the death penalty was not applied equitably, the number of cases of incompetent counsel, and the fact it was absolutely not a deterrent. Most crimes were crimes of passion between people who knew each other. In a moment of passion, one did not stop to think about whether or not there was a death penalty. Impulse and passion ruled. Violence taught violence. Recent news articles supported claims that children being raised with violent video games were acting out violently. The way such children solved problems was to be physical and violent. When in law school, she worked as an intern for the National Association for Advancement of Colored People (NAACP) Legal Defense Fund defending death penalty cases. Even when someone had actually committed the crime and admitted it, there was almost always a reason why the individual had not been fairly represented, why the evidence was not fairly gathered, and where the imposition of the death penalty was grossly unfair and disproportionate. The use of DNA testing was a pivotal reason to support a moratorium. The issue was not whether the death penalty was a good law or accomplished that for which it was created, but that a moratorium would allow time to gather credible data and once and for all to determine whether the death penalty was what Californians wanted. Finding a nexus in Palo Alto was probably unnecessary, but was a good idea. Palo Alto residents stood in jeopardy of being subject to the death penalty law. The testimony presented by the public at the current meeting addressed the diversion of tax dollars to support the death penalty, which was an expensive procedure. Sufficient reason was available to support sending the resolution to the Council.

Council Member Lytle supported the motion and was pleased to recommend Palo Alto's Council join other cities and counties in California in adopting a resolution calling for a moratorium. She agreed with Council Member Kleinberg and the public testimony. She suggested the resolution be modified to reflect some of the statements made by Council Member Kleinberg to justify supporting the resolution, rather than the sample ordinance in the packet. The primary reasons, from her perspective, were the financial cost of the death penalty and the availability of DNA testing. Palo Alto had its own experience

with someone being falsely accused and vindicated through DNA testing, which proved his innocence. Although Palo Alto's police and justice system was excellent, it had still found the person was guilty until the DNA testing proved them wrong.

Chairperson Burch asked the City Attorney whether the P&S Committee should be made aware of anything in particular.

City Attorney Ariel Calonne said there were no issues with respect to the Council's authority to take a position on the subject of the death penalty.

Chairperson Burch asked whether the proper procedure was development of a resolution or ordinance based on the Menlo Park resolution and some input being made by the P&S Committee. He preferred directing the City Attorney to craft an ordinance or new resolution before sending the recommendation on to the Council.

Mr. Calonne requested specific direction since several reasons were voiced upon which to base the resolution, for example, disparity in application based on race or ethnicity, widespread incompetence of counsel, etc.

Chairperson Burch said the staff report (CMR: 126:03) presented five points on which the resolution could be based.

Council Member Ojakian said on a prior issue he voted in opposition to his colleagues. Although he agreed with Council Member Kleinberg that the Council could do certain things, the question was whether the Council *should* do them. He suggested a poll be conducted on the City's website to determine exactly how people felt about the issue as a good yardstick. He was convinced after reading beyond what staff presented, the request for a moratorium was a valid first step. He concurred with comments that the need for a moratorium was not merely a statement about whether the City was for or against the death penalty, but that sufficient statistics beyond DNA testing revealed the number of people being wrongfully convicted. A process should be in place to address the issue to the State. Although Governor Ryan in the mid 1970s was a proponent of capital punishment, through private funding and not through state means, he had found evidence that 13 inmates on death row were not guilty of the crimes for which they were convicted. The discovery led Governor Ryan to put a moratorium on the death penalty in the state of Illinois, which was a good example for California. He supported the resolution.

Chairperson Burch said the argument about the expense, although logical and strong, should not be a factor. The moratorium was simply the right thing to

do. Given the opportunity to express himself as one member of the Council, he would not want to pass the opportunity to register a vote in favor of a moratorium on the death penalty.

MOTION PASSED 4-0.

3. Anti-Discrimination Ordinance: Possible Addition of Weight and Physical Appearance as a Protected Group

City Attorney Ariel Calonne said the report dated October 9, 2002, relayed a September 19, 2002, Memorandum from Michael Colantuono (the Memo), which responded to questions about the City's anti-discrimination proposal. The issues included: 1) whether the City wanted to include weight or physical appearance discrimination within the text of the anti-discrimination ordinance to be presented to the Council in the spring; and 2) whether the Council wanted to make a distinction between weight and physical appearance. The Memo concluded that dealing with physical appearance was a more difficult problem than dealing with weight.

Eve Agiewich, Chairperson of the Human Relations Commission (HRC), 3429 Janice Way, said the HRC had not taken a position on the provision, which was proposed in addition to the proposed ordinance recommended by the HRC. The additional language was raised when the Council discussed the larger ordinance and sent it to the City Attorney for drafting. The hope was that the discussion would not delay adoption of the ordinance presented by the HRC. Although the provision was commendable and should probably be supported, weight and physical appearance were not normally included in protected classes.

Mr. Calonne said the goal had been to present the anti-discrimination ordinance to the Council in December 2002, but because of a personal situation, that had not occurred. He agreed with Ms. Agiewich about the need to avoid delaying the ordinance.

Council Member Ojakian said San Francisco's ordinance was quoted in terms of fixed seating, swimming pools, etc. Since Palo Alto had facilities with fixed seating and swimming pools, he queried whether the City would become out of compliance with the additional language.

Mr. Calonne said the ordinance proposed by the HRC did not include an explicit accommodation responsibility for retrofitting old facilities. The ordinance was designed to avoid regulating private employment, to govern City operations. The HRC had not drafted the ordinance to require the City to retrofit facilities to be in compliance.

Council Member Ojakian said the City had many facilities with “one size fits all” seating, etc. He was concerned about passing an ordinance requiring the City to incur costs to retrofit facilities. If the City had to comply, he queried when compliance would be required.

Mr. Calonne said the structure of the HRC’s proposed ordinance did not require retrofitting; however, the Council could make retrofitting a requirement.

Council Member Lytle asked why physical appearance was problematic. If appearance was not included, she queried height discrimination.

Mr. Calonne said the issues of weight and height could be combined. Physical appearance was not necessarily a mutable characteristic. The concern was with body art, tattoos, clothing styles, beards, etc., which opened the possibility of dealing with expressive conduct than weight. The underlying premise was that weight discrimination was arbitrary and in many instances created gender discrimination problems as well. Many of the historic examples were when weight regulations were used to exclude people who were somehow deemed unattractive for certain kinds of work. Physical appearance was sufficiently broad to lend itself to being confused with First Amendment issues when people were only trying to express themselves. The warning was because when dealing with physical appearance, the “what ifs” became more complex. The example was body art, earrings, beards, clothing styles, hairstyles, etc.

Chairperson Burch said anti-discrimination normally meant sex, race, ethnicity, disabled, etc., which were quantifiable. Weight would be more difficult to quantify. For example, a restaurant might involve workers who crossed back and forth a great deal. Someone weighing 300 or 400 pounds might require a restaurant owner to question the person’s ability to move easily in confined quarters. If the owner did not hire the person, the decision might be interpreted as discriminatory.

Mr. Calonne said weight was irrelevant in many instances. When weight was relevant to employment, the law called it a bona fide occupational qualification and allowed restrictions based on real parameters. One example was the rule disallowing beards on firefighters because respirator masks could not fit over beards, which was a bona fide physical appearance restriction. The notion was that weight was a function or treated by the society as an arbitrary norm of appearance. The San Francisco ordinance referred to individuals who were too skinny as well as too fat. Therefore, weight was being used as a category for hiring or benefits as arbitrary and unrelated to the real merits of the person.

Chairperson Burch asked whether Mr. Calonne thought the City's anti-discrimination ordinance could include weight as a category in a way that would not cause a problem.

Mr. Calonne said yes. The weight and height designation was straightforward and appropriate. His experience indicated weight was more frequently tied to gender-based discrimination. In that respect, it was more offensive than when combined when used in a sexist fashion. Physical appearance raised more problems the City would have to resolve.

MOTION: Council Member Lytle moved, seconded by Kleinberg, that the Policy and Services Committee recommend to the Council inclusion of a weight and height designation in Palo Alto's Anti-Discrimination Ordinance.

Council Member Lytle thought the community should not discriminate against people for any of the reasons listed in the Memo.

Council Member Kleinberg said the prior year's P&S Committee had briefly discussed the anti-discrimination ordinance. Because the recommendation to include weight and appearance went beyond what the HRC had been asked to consider, the P&S Committee lacked the HRC's input and wisdom. The City Attorney was thanked for seeking outside counsel to provide the kind of helpful background information in the Memo. Some of the questions she received as a member of the prior P&S Committee included questions about whether a visit to the Lucie Stern Theater meant having to sit next to an enormously fat person. Accommodations could be made in the same way people felt threatened about giving protection to people in wheelchairs. Methods were discovered to accommodate wheelchair-bound individuals. Some of the language from the District of Columbia was particularly good when it mentioned trying to ensure that all residents had the same opportunity to enjoy the accommodations and services. The City would be given the opportunity through a more progressive policy to ensure the life experiences of Palo Alto residents were enhanced. The policy should not be seen as a threat to anyone else.

Council Member Ojakian explained how he had examined the proposal from different angles. Although he unequivocally disagreed with discriminating against people based on any criteria, many of today's children were obese and needed to be encouraged to become healthier. He would not want to encourage anyone to be obese, but there were other reasons for individuals to be obese. Because of his own personal philosophy of not wanting to discriminate, he was comfortable putting in the weight and height categories into the City's ordinance. Appearance was much more subjective and difficult to enforce or determine. He was comfortable with the motion.

Chairperson Burch expressed a similar process of thought. Although some people could do something about their weight, some could not.

MOTION PASSED 4-0.

Chairperson Burch noted the item could appear on the Consent Calendar when presented to the Council.

4. Audit of Code Enforcement

City Auditor Sharon Erickson spoke in conjunction with a PowerPoint presentation about the Audit of Code Enforcement (the Audit). Senior Auditor Edwin Young worked on the project along with Chief Planning Official Lisa Grote and Senior Assistant City Attorney Lance Bayer from the City Attorney's Office. The objective was to assess the Code Enforcement program's timeliness, responsiveness, and consistency of enforcement. The Audit followed up an audit conducted several years before. The Code Enforcement program consisted of two Code Enforcement Officers who reported to the Planning Division and the Planning Director. The Planning Division was one of three divisions in the Planning Department. A pie chart was shown delineating the distribution of code enforcement cases for a sample year, showing the smattering of cases: 25 percent were property maintenance; 16 percent were encroachments; 11 percent were news racks, etc. The Audit results showed that in spite of heavy caseloads, the Planning Division's Code Enforcement Officers resolved 76 percent of cases within 90 days, exceeding the budget impact measure of resolving 75 percent of complaints within 120 days. Some cases took much longer. An analysis was conducted of more than 1,000 complaints over a two-year period, of which 72 percent were determined to be valid by the Code Enforcement Officers: 93 percent of the cases were investigated within two days, or 790 cases; 85 percent of first actions were initiated within five days; 76 percent were resolved within 90 days; and 24 percent took more than 90 days to close or were still open. Complainants were also interviewed. It was important to keep in mind that the results were based on complaints and were not the views of all City residents. Of the six individuals: 6 stated the Code Enforcement Officers were courteous and helpful; five indicated the Code Enforcement Division was responsive and regulations were understandable; five did not know or strongly disagreed that their complaints were resolved in a timely manner; four did not know or strongly disagreed that their complaints were resolved; and three reported not having received any feedback. The recommendation was: 1) In accordance with Planning Division guidelines, was for the Code Enforcement Officers should provide feedback to complainants regarding the status or results of their

complaints either through phone calls or some other communication. A number of tools were available to Code Enforcement Officers for enforcing code requirements. The City Auditor's Office recommended expanded use of administrative citations and the warning process. A flow chart in the Audit showed the current process, which included administrative letters, compliance orders, administrative citations, administrative citation warnings, and criminal misdemeanor procedures. The code enforcement options shown in the Audit included a summary table. Over the two-year review period, 764 valid complaints were made, resulting in the issuance of five administrative citations, four compliance orders, and 710 administrative letters. Code Enforcement standard practice was to issue administrative letters, which were personalized letters to the property owner listing the code violation, specifying the compliance date, and providing contact information. The letters were intended to be more customer-friendly than citations or compliance orders. However, the practice was very labor intensive and time consuming. The letters required Code Enforcement Officers to inspect the property, return to the office, issue follow-up correspondence, and conduct multiple follow-up visits and reinspections, all of which added time to resolving violations. If the administrative letter failed to achieve compliance, the Code Enforcement standard practice was to issue a compliance order, of which 49 were issued over the past two years. The compliance order allowed daily fines and provided due process, but also required extensive documentation, supervisory review, and City Attorney approval. The orders required frequent follow-up inspections and monitoring. Reinspections comprised about 70 percent of the Code Enforcement workload, thus adding to the time necessary to resolve violations. The next option was administrative citations, only five of which were issued in the past two years. The citation saved time. A code enforcement officer could print out an administrative citation form in the field, specify the code violation, provide for penalties, and an officer could easily attach a flier or other materials to the back of the citation. The citations resembled a parking ticket. A box could also be checked on the form to designate the citation as a warning, which had not previously been used. Most property owners resolved complaints promptly and would not be penalized by the process. The process was extremely simple. The code enforcement officer simply filled out the citation in the field and checked the warning box instead of the citation box. If the property owner failed to comply by the deadline, the officer could return to the site and issue a citation or compliance order. The practice would reduce paperwork and the required number of reinspections. The recommendations in the area of contacting violators were: 2) The Code Enforcement Division, with the support of the City Attorney's Office, should streamline the Code Enforcement process by increasing use of Administrative citation warnings and reduce use of the alternative procedure of issuing administrative letters; and 3) Code Enforcement should clarify its written guidelines and procedures regarding

the prioritization of complaints (i.e. level of risk to health and safety of occupants and/or the public), timeliness requirements for compliance, circumstances under which alternative procedures and personal letters were appropriate, and guidelines for escalating from warning to citation and/or compliance order. Another issue raised in the Audit was the problem of resolving and closing long-standing problem cases. There were many complicated problem cases remaining undecided for extended periods of time, leaving code violations unresolved and also consuming much of the Code Enforcement team's efforts with multiple inspections and repeated complaints on the same property. Several examples were included in the Audit. Violators who failed to comply were referred to the City Attorney's Office. Seventy-two cases were referred by one count to the City Attorney's Office over several years: 53 took from zero to 48 months to close; 16 were still open 76 months later. The three audit recommendations in the area of closing cases were: 4) Where appropriate, Code Enforcement should increase its efforts to enlist the support of other departments, agencies, non-profit service groups, etc., to assist property owners in cleaning up property; 5) In other cases, the City Attorney's Office should, to the extent possible, expedite processing cases referred by Code Enforcement so the officers could properly handle repeat complaints, monitor the status of the cases, and monitor the status of the cases during reinspections; and 6) The City Attorney's Office should provide copies of its case status reports to Code Enforcement to maintain communications about the current status of cases referred to the City Attorney's Office. A system based on memory could easily result in losing track of long-standing cases. The Palo Alto Municipal Code (PAMC) outlined a hearing process, which allowed violators to contest violations. The hearing officer's logs showed hearings were frequently continued and cases remaining undecided for extended periods of time. Hearing delays added to the time for resolving code violations, impacted the code enforcement officer workloads, and increased the administrative costs in resolving cases. In the area of hearing officer actions, the recommendations were: 7) The City's hearing officer should submit regular hearing reports to the City Attorney's Office and Code Enforcement that showed the status and final outcome of cases requiring hearings; and 8) The City's hearing officer should expedite the hearing process by reducing the number of hearings per case where possible. The hearing office was an independent objective party. Regarding assessing and collecting penalties and costs, some cases consumed extraordinary amounts of staff time, the owners of which properties should bear the cost of the enforcement actions. However, in a review six of 49 compliance orders for assessed penalties or costs, in some cases the hearing officer later reduced the amounts owed. As of February 2003, more than \$132,000 had been billed but not collection and actions to collect through property liens had not been initiated. Initiating a lien action was the process specified in the PAMC. The Audit recommendations included: 9) Using the information provided

to have the City Manager review departmental policies regarding the assessment and collection of penalties to ensure appropriate penalties were being assessed and collected; 10) Code Enforcement and the City Attorney consider additional strategies to encourage the assessment of all appropriate penalties and administrative costs; 11) The Administrative Services Department (ASD) notify the City Attorney of amounts past due, and the City Attorney should file liens against real properties for amounts that were outstanding over six months; and 12) Code Enforcement should work with the Budget Office to determine an appropriate hourly rate for all administrative costs that were to be reimbursed. One of the larger and more difficult issues with which to grasp was the idea of cross-training and coordinating Code Enforcement efforts among City departments to improve customer service. The Auditor's Office found significant overlapping areas of responsibility, part of which was because the PAMC detailed at least 173 code enforcement issues and 13 different titles, e.g., 68 field personnel in eight departments were involved enforcing pieces of the codes. City departments currently did not coordinate Code Enforcement policies, procedures, and actions to ensure efforts were compatible. In some cases, areas of responsibility were not clear and as a result, efforts were fragmented. Different approaches to inspecting and resolving violations were also found. For example, Code Enforcement issued administrative letters and compliance orders. The Fire Department avoided citations and penalties. The Police immediately issued citations and assessed penalties. The Building Department inspected but did not cite or fine. Public Works Wastewater also handled things differently. Page 19 of in the Audit provided a chart of the different functions of the different departments. The problem of overlapping cases on the same property was also an issue. Some cases involved several different City departments and/or other governmental agencies. The property owner of a liquor store that burned was probably visited by a Fire Department inspector, a code enforcement officer, a building inspector, a utilities inspector, and inspectors from a number of other City departments. Given human nature, there might be conflicting advice and conflicting advice would be confusing to the property owner. There were opportunities for coordination; therefore, the recommendations included: 13) The City Manager should establish a code enforcement council for coordinating code enforcement policies, practices, plans, and procedures, and mandate that all departments with code enforcement coordinating council meetings and share information on cases; and 14) Using the information provided in the Audit, the City Manager should consider consolidating as many code enforcement responsibilities under one department as was feasible. Part of the problem with Code Enforcement was its complaint-driven status with limited resources to respond to complaints. Serious consideration should be given to prioritizing and controlling the workloads, including extensive cross-departmental communications, before any new proactive Code Enforcement initiatives were undertaken. An example was

provided in the Audit. The Audit recommendation: 15) Code Enforcement should clarify and formalize its strategy, mission, priorities, and policies for ensuring the effectiveness of the City's code enforcement function. Public outreach also could be improved. A visit to other jurisdictions revealed San Jose, Redwood City, and San Mateo all provided copies of pamphlets, fliers, websites, etc., in an effort to help the public proactively meet code requirements and avoid code violations. Most residents were more than happy to comply if given adequate information about the policy of the City. Using the examples, Code Enforcement staff had returned with ideas for leaflets and was working on development of a website; 16) The Planning Division's code enforcement program, in conjunction with other offices and departments, should continue to develop proactive products such as web pages, leaflets, and brochures to help residents comply with PAMC requirements. The current Code Enforcement system was manual rather than automated. Logs were handwritten. In November 2002, the City activated a new building and permit processing computer system, ACCELA, which included a code enforcement module. The fee was a nominal \$300 per month to use the module. Code Enforcement staff and the project manager subsequent to discussions initiated efforts to activate ACCELA's code enforcement module; and 17) the ACCELA project manager should involve all code enforcement staff from various departments, particularly in the Planning Division and the City Attorney's Office, in the activation of the ACCELA code enforcement module. Much better communication between departments would result. The Audit included a total of 17 recommendations. Staff reviewed the information in the report and concurred with the recommendations. The City Manager and City Attorney's responses were attached to the Audit. The Planning Director also provided a separate memo, which concurred with the recommendations. The Policy & Services (P&S) Committee was urged to accept the Audit and adopt the recommendations. Unless requested to do so, the Audit would not be brought to the full Council. She would assume adoption of recommendations by the P&S Committee meant following up.

Chief Planning Official Lisa Grote said Planning Division staff had reviewed the recommendations, was in concurrence, and looked forward to implementing the recommendations.

Senior Assistant City Attorney Lance Bayer concurred with the Audit recommendations and agreed with Ms. Grote. The City Auditor's Office spent a tremendous amount of time in understanding the process.

Council Member Kleinberg asked about the data on workload and whether the exhibit on page 19 of the Audit meant the workload per staff/officer in the Planning Division was 1,121 inspections per year.

Ms. Grote said yes.

Council Member Kleinberg asked how 1,121 inspections per year mapped out in terms of real time.

Ms. Grote said many of the inspections were reinspections and did not take as long as the initial inspections. Inspections were also grouped so an inspector could cover a particular area more efficiently. Inspectors worked from 7:30 a.m. to 5:30 p.m. The follow-up inspections were typically shorter.

Council Member Kleinberg asked whether any of the recommendations would mitigate the workload in any way in terms of the different citation processes.

Ms. Grote said yes. The use of administrative citation warnings would eliminate the need for reinspections. The code enforcement officer currently went out the first time, returned to the office, wrote a letter, and went back to reinspect. The second inspection could be eliminated with the administrative citation warning because the second contact could be conducted through a telephone call, etc., thus reducing the number of inspections.

Council Member Kleinberg asked about the area of Animal Services and whether the analysis of the City's reimbursement of administrative costs included cities outside of Palo Alto for animals that were not City animals.

Ms. Erickson said yes. The analysis of Animal Services revealed the costs were being reimbursed. Animal control services were provided to Palo Alto but not to other jurisdictions, which had their own animal control officers.

Council Member Kleinberg asked why the report indicated services were provided to other cities.

Ms. Erickson said the reference was to the number of animals coming into the shelter from four other cities. The animal control officers out in the field provided service only to the City of Palo Alto.

Council Member Kleinberg asked about the responses to Recommendations 9 and 11 on page 17 of the Audit. Recommendation 9 stated, "Using the information provided here, the City manager should review departmental policies regarding assessment and collection of penalties to ensure appropriate penalties are being assessed and collected." On page 28, the City Manager responded by saying, "While staff agrees with the recommendation, in order to maintain the objectivity of the Administrative hearing process, it is important to

allow the Hearing Officer discretion in the imposition of the penalties as they pertain to each specific case.” She asked whether the recommendation would be implemented as stated by the City Auditor or as interpreted by the City Manager.

Ms. Erickson said the recommendation would be implemented. The Hearing Officer and City Auditor’s Office would need to work carefully and cooperatively in order for the Hearing Officer to make an objective judgment. It was important not to interfere with due process. The City Auditor’s Office would cooperate with the Hearing Officer to ensure the Hearing Officer was provided with the information necessary to do his job. There was no way to insure all penalties would be collected because all were subject to due process.

City Attorney Ariel Calonne said the effort put into presenting evidence about the appropriate penalty level was the critical element. Recommendations 9 and 10 worked together, along with additional strategies, both of which amounted to when and how additional evidence was presented about the appropriate penalty assessment.

Council Member Kleinberg asked whether a flexible method of implementing the recommendation would be developed.

Mr. Bayer said the idea was to have Code Enforcement Officers document the reasoning behind the requests for the Hearing Officer to make certain findings more clearly. Clarifying the information meant the impact on the Hearing Officer would be greater.

Council Member Kleinberg asked about Recommendation 11, which stated, “The Administrative Services Department should notify the City Attorney of amounts past due, and the City Attorney should file liens against real properties for amounts that are outstanding over six months.” The City Attorney’s response on page 30 of the Audit made an astute observation about the downside of liens as being not as expeditious or cost-effective. She asked how the recommendation would be implemented.

Mr. Bayer said in some situations, the lien process worked well. The process was already in place and a lien could be placed on a property, particularly when the property was on the verge of being sold. In other cases, staff would have to go to extraordinary efforts to collect money on the lien. The fact that a lien was on the property would not mean the property would be sold anytime soon. There were other collection processes available in the PAMC, including criminal penalties and civil judgment. There was no reason not to work with ASD and

other departments to find the best way to collect, based on the kind of case and facts of the situation.

Council Member Kleinberg questioned the recommendation, which directed actions in one way, while the response by the City Attorney's Office mentioned other remedies. Using small claims courts and other remedies might be the more cost-effective method. The Audit alerted her to the monies still available for collection. She questioned where the City Auditor's recommendation left off and where the Council could expect a response to the recommendation.

Ms. Erickson expressed concern about amounts more than six months overdue where the City needed to take action, which was the intent of the recommendation. The lien process was a possible solution. If the City Attorney's Office or ASD had other means by which to collect the money, she would be very happy. She just wanted to make sure once the amounts had been past due for a long time, the same amounts were not still on the books. Whichever way the City Attorney's Office wanted to resolve past due accounts in conjunction with ASD was fine.

Council Member Kleinberg was having difficulty merging the recommendations from the City Auditor with staff's responses so the Council would have an idea about what the department was doing. The minutes would reflect Ms. Erickson's comments about the flexibility and acknowledge the recommendation was just one recommendation. The City Attorney's Office could determine the appropriate remedy in any particular case.

Ms. Erickson said when the annual recommendation follow-up was presented, the intent would be noted.

Mr. Calonne agreed with Ms. Erickson. Six months was an appropriate trigger to consider collection. The objective with code enforcement had not been to firm up the revenue collection side. The cases in which the City had been most aggressive about administrative penalties had dealt with wastewater and trees. The City Auditor's work was exciting in the way she coalesced a number of different issues and put the issue together in a well-presented format. However, the reliability of penalty assessment was another step down the road. The preparation of educational materials was critical, because the Council would become involved in policy guidance. One of his big concerns with code enforcement had been the need to create an organization that was responsive to policy direction from the City Council while still meeting due process needs. One way to accomplish the goal was for code enforcement to identify areas where proactive measures could be taken. Authorization would come from the Council when money was provided to prepare the educational materials and

other activities. It was very important that while the City continued to refine and improve code enforcement, it not lose touch with policy direction from Council. There was too much in the PAMC to do so. With regard to the coalescing and consolidating, a coordinating council made a lot of sense. For a long time, staff had considered and been tempted to pull all areas of code enforcement under one umbrella. The council idea might be the best method. There were many constraints such as floor plan of the Civic Center building, etc. The practical limitations had been problematic. He looked forward to seeing the City Manager's reaction.

Council Member Kleinberg said because of the current budget constraints, she queried whether consolidation might afford the City opportunities to cut costs or whether, because another bureaucratic structure was added, increase costs.

Ms. Erickson said the impetus for consolidation included examples like the liquor store that burned down and the vast number of inspectors required to visit the site. A tremendous amount of staff time and mileage was involved. If the City could somehow consolidate its efforts and cross-train a few of the inspectors, money could be saved. If nothing else, workloads could be streamlined so fewer people would be required to accomplish the work. To the extent staff could work together and consolidate, there were opportunities for savings. By focusing on streamlining, cutting down on the number re-inspections where possible, having people do things out in the field, and to the extent staff could work together, there were opportunities. No specific recommendation was made as to where to consolidate or move. Her role was to provide some of the background information. The City Manager had directed the Assistant City Manager to begin work with her office to explore opportunities. Work would be conducted during the budget process.

Mr. Calonne said the City Auditor's comments focused on the advantages of having professionals consolidated. From his perspective, one of the major advantages was efficiency of support. The efficiency of the officers in the field could be improved dramatically by having quality centralized support functions. Many times the disparity from department to department was a function of having inadequate support or different support procedures. The efficiencies might come as much from the organizational infrastructure as from the professional savings.

Chairperson Burch asked about the case history quoted on page 16 of the Audit.

Mr. Calonne said at one time, the property owner even had a large duck in their yard. Some cases took a long time to resolve because the resident required

social work as much as anything else such as shut-ins, packrats, etc., which were not conducive to criminal resolution. Hours and hours of work were sometimes necessary to obtain the right resources for people who needed help.

Ms. Erickson said such cases required significant expenditures by City staff to track down people, conduct inspections, etc. Some dollars were recovered. The building permit fees were designed to recover a portion of the inspections, particularly in cases of 50 rescheduled appointments. At the same time, the expenditure of energy was significant. Such property owners should bear the cost and not the ordinary taxpayer. For the ordinary taxpayer with a problem on their property such as installed a fence that was too high, etc., the City and Code Enforcement Officers bent over backwards to help the people comply. The public outreach materials that clearly delineated the code requirements would mean people would have more tools. Almost 80 percent of people complied voluntarily within 90 days. Some of the problem cases absorbed staff resources.

Chairperson Burch said the case on page 16 of the Audit had gone on for eight years. He asked whether there was some way, maybe one year into a case, that the City could cut its losses and not keep after the issue. Unless it was a health and safety issue for a neighbor and just dry rot on a roof, the only problem was that the roof would fall in on the property owner. He questioned continuing to pursue the issue.

Mr. Calonne said the issue was one of health and safety with children and the neighbors. The City was trying to be responsive to neighbor concerns. The City had not had the luxury or resources to pick fights unnecessarily. When something was seen like the case on page 16, significant neighborhood concern and pressure drove the work. Staff was being responsive to a real public demand.

Chairperson Burch said a lien could be slapped on the property and staff do nothing more until the property was sold.

Mr. Calonne was not sure he wanted to tell the neighbors the City was only going to put a lien on the property. There were health and safety issues.

Mr. Bayer said cases returned over and over because of neighborhood concerns. Often he and the Code Enforcement Officers were the ones receiving the calls. The level of concern about the so-called trash house in the neighborhood caused a revisiting of the site. If the City merely slapped a lien on the property and waited for it to be sold, staff would continue to receive calls on a regular basis.

Chairperson Burch asked whether something could be put out about unsafe conditions.

Mr. Bayer said staff had in some cases. During one part of the case on page 16 of the Audit, a so-called "yellow tag" was placed on the property, indicating the property was unsafe for human habitation. The property owner only went so far as to do just what was necessary to remove the "yellow tag." The problem with working with people was not the lack of action, but in their doing only the minimum and not quite enough. Although the work might be sufficient for the City to pull back, complaints would still be received from neighbors. The situation was difficult and a real challenge for the Code Enforcement Officers who did an excellent job under the circumstances.

Council Member Lytle complimented everyone who participated in the outstanding report. Parts of the Audit were inspiring to read. People working in Code Enforcement had caught the enthusiasm of some of the recommendations and had already begun to initiate steps for improvement. Her main concern was the large caseload, which was out of scale from what it should be. Prioritizing was important in order to reduce the caseload to a manageable size for all concerned, even if it meant cutting back on some of the proactive work and focusing on what was most serious. Unfortunately, health and safety issues often came with real social problems, which tended to eat most of the resources, but were serious. The proactive work needed to be driven by the priorities coming out of the community. The City needed to be careful not to take on an energetic program which, although a good idea, lacked sufficient resources. The City had the right Planning and Community Environment Director for implementing some of the Audit recommendations, since he was formerly the Deputy Director responsible for the 58 staff Code Enforcement Division for the City of San Jose, which was one of the most successful code enforcement agencies in the State. When she was Palo Alto's Zoning Administrator, many of the code enforcement responsibilities came into the position. Some of the same problems were around when she worked for the City and the recommendations addressed issues people recognized even years ago. She asked whether it was possible to look at the fence situation. A prior solution was a simple fence permit. People could not put up a fence without a permit. She questioned whether eliminating the fence permit had caused more problems and difficulty trying to go back retroactively to enforce illegal fences. Acting proactively and letting people know fence permits were required, charging the cost of taking the individual through the process, might have been a better plan.

Ms. Erickson did not have data to compare the difference. The particular year examined in the Audit revealed 4 percent of 1,100 cases were fence cases. The

recommendation was for Code Enforcement to work with other departments to come up with more proactive materials. For example, the City's website did not include fence regulations. The Code Enforcement staff in the field saw the problems and could help design the materials. The answers would then be known before the people even asked the questions.

Ms. Grote said staff still used the fence handouts over the public counter. Even though fence permits were not required, people were informed of the regulations. As Code Enforcement Officers dealt with specific fence issues, the information would be provided to the person in violation immediately, thus making better use of the handout and brochure.

Council Member Lytle said the brochures did not have to be fancy, but inexpensive and simply made. The notion of automating and tracking the items was important, and she was pleased to see systems being activated to help keep things moving efficiently.

Ms. Grote said the Building Division recently went active with ACCELA. Her staff had worked with the Building Division and Information Technologies (IT) to get code enforcement into the system.

Council Member Ojakian said the some of the current Council had actually been involved in hiring the Code Enforcement Officers, which started in 1999.

Ms. Erickson said the City had had one code enforcement officer for quite some time in the Building Division. The Council approved a second Code Enforcement Officer. In 1997, the program with both positions was moved to the Planning Division.

Council Member Ojakian said another Code Enforcement Officer was also added in 2000 and one in the City Attorney's Office. The whole idea was to make the program more robust so the City could meet the needs of the public in terms of complaints, but also to be more proactive. The Audit generally speaking seemed to indicate the program had worked well with the additional hires.

Ms. Erickson said dramatic improvements had been seen since the program was last audited in 1997. The program had statistics, logs, responses to complaints were made promptly, and 96 percent of urgent complaints were addressed within 24 hours. The level of service was much higher than it had been before in the community.

Council Member Ojakian said when the service efforts and accomplishment report was examined several weeks before, the Council discussed some of the

expenses. Expenses had increased, but the tool was developed to examine whether the City was accomplishing the goal with the new people and whatever program was being brought on board. The Audit seemed to indicate the City was successful.

Ms. Erickson agreed. One of the main criteria was the budget impact measure of resolving 75 percent of complaints within four months. Staff had exceeded the impact measure by achieving 76 percent resolution within 90 days.

Council Member Ojakian said costs were added but was a worthwhile cost. The ACCELA program was also added at a cost of \$300,000. The situation was not merely money, but whether the expense was yielding a return. The Audit validated some of the Council's goals with the increased expense. The websites of some of the other cities were very interesting. However, the data was not available for the public to view. One of the points of the Audit was the time required to resolve some of the cases. The Audit did not seem to indicate how Palo Alto compared with other cities in terms of process times.

Ms. Erickson said the responding cities did not provide Palo Alto with process times, even though the City Auditor's Office asked for the information.

Mr. Bayer was able to provide some empirical information based on his work in code enforcement in other cities. In neighboring cities, problems were similar. Sometimes cases were around for many years. Problems of people with social services issues were also an issue.

Council Member Ojakian asked whether it was fair to say Palo Alto's situation was not unique.

Mr. Bayer said Council Member Ojakian was correct.

Council Member Ojakian understood the proposal of having a citation and/or checking the warning box. He also understood as a resident having received a citation for one thing or another. In the prior year, he had received a citation because he parked in the Mayor's space because he had not used his regular car. On the one side, a citation generated action on the part of the person receiving it; on the other side, it generated some bad feelings. He imagined the City had gone to alternative methods because of its the desire to present itself as a "kinder and gentler" place. The idea was to ease people into a situation, not slam them against the door.

Mr. Bayer said Council Member Ojakian was correct. Palo Alto's Code Enforcement Officers were trained in customer service and in how to deal with

members of the public. The use of the citation warning process would not change the overall philosophy of code enforcement. The warning system could be used to explain the situation and as an educational tool instead of talking to a person in the field and returning to the office to type up a letter. The idea of simply leaving a warning on someone's doorstep might be inconsistent with the City's overall philosophy and there might be better ways to handle it in the absence of a property owner. The recommendation of expanding the use of the warning process probably would be friendlier to people in the community than letters received in the past. The warning looked official and was also part of the education. The overall philosophy would not change.

Council Member Ojakian asked whether other jurisdictions handed out citations or provided some of the compliance orders or administrative letters, i.e., the typical practice.

Mr. Bayer said some jurisdictions were more heavy-handed and some less. Some communities only talked about voluntary compliance on their website with nothing about what happened short of compliance. Some communities did not emphasize the process beyond voluntary compliance. In the mainstream, some agencies took the heavy-handed approach and initiated with a citation, which was not the approach Palo Alto wanted to take. The idea was to find something that lead to resolution of the problem.

Council Member Ojakian wanted some assurance citations or warnings would not be issued every time.

Ms. Erickson said the Code Enforcement Officers had broad authority to issue citations. Having met the Code Enforcement Officers, she believed they were trained to use their discretion in the field. The Code Enforcement Officers were out talking with people and were in the habit of being very customer friendly. In fact, the letters were written to help the City remain customer friendly. She questioned such a level of service, however, when caseloads continued to increase. A way needed to be found to streamline the process. Receiving a handwritten warning directly from a code enforcement officer, along with brochures or other fliers, was more appealing than just having a note left on the door. Residents were more understanding when the violation was explained to them in person. The outreach materials needed to be extremely friendly, easy to read, and customized for the different issues, for example, an inoperable vehicle versus fence heights. The City had a responsibility to respond to neighbors.

Council Member Ojakian wanted to see reasonable timelines or cycle times. People were in different circumstances and could not all be treated the same

way. A balance needed to be reached between getting things done quickly, efficiently, and fairly and realizing some unique sets of circumstances would exist. In Japanese law, it was called "administrative guidance," i.e., there was the law on the law book but there was the way people were. Adjustments needed to be made to accommodate circumstances. He would not want to see citations issued in every situation, even if the warning box was checked, which could be traumatic for some people.

Chairperson Burch said Palo Alto would never be perfect but the work in code enforcement deserved compliments. The response from the other departments was indicative of the appreciation for the work being conducted by the City Auditor, who was part of the team yet objective. It was a fine line, which had been clearly demonstrated. He considered the Audit a work in progress, which would require revisiting the issue to determine if and how it was working. Citations could be printed on colored paper to make it more palatable.

MOTION: Council Member Lytle moved, seconded by Ojakian, that the Policy and Services Committee accept the City Auditor's Audit of Code Enforcement Report and adopt the recommendations.

MOTION PASSED 4-0.

5. Discussion for Future Meeting Schedules and Agendas

Assistant to the City Manager Chris Mogensen said the next Policy & Services Committee meeting would be held on April 15, 2003. The agenda would include Council Consent Calendar Protocol and the Electronic Packet.

ADJOURNMENT: The meeting adjourned at 9:30 p.m.

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.