

Notes from 9-22-16 Meeting with Mesa AZ Code Compliance Staff

Meeting started at 5:30 pm. Opened with Steve Kozachik introducing panel of guests from Mesa and City of Tucson staff who were present. Ruth Beeker, chair of Tucson Residents for Responsive Government (TRRG), spoke briefly to thank Ward 6 for addressing the issue of code enforcement and for arranging this opportunity to hear about how another city addresses the challenges of code compliance.

Present from Mesa, AZ: Eloy Garza, Code Enforcement Administrator for the City of Mesa and two of his staff, Dan Jensen and Adelita Smith. The website for Mesa Code Compliance is <http://www.mesaaz.gov/residents/code-compliance>.

Eloy provided some background about himself and about the Code Enforcement Division (CED). He spent 20 years as a police officer in Mesa and upon retirement was asked to head up the CED. The division is part of the Development Services Department and he has 10 code officers who work on code compliance performing an average of 3,400 inspections per month.

His presentation included some statistics from the past several months that showed a 75-80% compliance rate among code violations. These are a result of a new process that he implemented after meetings with citizens, the City Manager, the City Council and staff. From those meetings, he learned that communication within the division and with citizens was poor and in need of improvement. The complaints he heard most were that, "nothing is ever done" and the "process takes too long". Changes were made to how code violations were handled.

Under their old process, it took on average 9 mos to resolve a code violation:

Compliant→Inspect & photograph→Mail courtesy notice→Re-inspect (at some point)→If violation, issue Notice of Violation→Inspector discretion as to continue (30 d to 1yr)→Inspect→If violation, Issue Citation

Under the new system, it takes on average of 1-2 mos to resolve a code violation:

Compliant→Inspect & Notice of Violation-doorhanger (1-3 d)→Formal Notice of Violation (1 d)→14 d to remedy, Re-inspect→May be continued if mitigating circumstances for 14d→Re-Inspect→If violation, Issue Citation→10 d to respond (with 2 possible extensions)→Criminal citation→10 d Issue Warrant for arrest. Since new process, only 4 criminal citations have been issued; most clean-up and pay civil fine.

Questions were taken from the audience.

- Their division deals with Title 8 violations (nuisance codes) and limited sign code and zoning code violations. Sign code violations include mostly right-of-way issues and obstructed views. Land Use code violations are usually noticed but then turned over to building code inspectors for inspections.

- If they are dealing with indigent violators or those who are unable to do clean up, they may reduce the fine or provide a payment plan or obtain help from community service organizations to help with clean-up.
- They usually cite the resident and the property owner both. Finds for difficult-to-find property owners, that citing the resident will usually yield contact with the property owner.
- They deal with a complaint-driven process, however, the inspectors will be asked “to do a 360” which means going around 1 residential block and note if other properties have violations (to reduce argument that others in the neighborhood are not being made to comply).
- Sometimes, division will do a spot check of a number of residential blocks and hold a meeting with affected neighbors to discuss the code compliance issues and ask they be taken care of. After that they start the process of code compliance for that area.
- Eloy found that the most code violations come from 1st time homebuyers, who are 28-32 yrs old and no noticeable ethnic bias.
- As an ex-police officer, it is possible for Eloy, as the director, to issue criminal citations for those who do not pay civil fines or respond to violations.
- University areas have unique set of problems. Some possible tactics are scheduling large trash bins during move-in and move-out times, setting up dummy cameras where illegal dumping takes place, contacting owners that they need larger trash receptacles.
- When asked if they work with their City Attorney’s office, Eloy replied that one person from the City Attorney’s office is assigned to CE.
- They also deal with drug houses. As an ex-police officer, Eloy can obtain a search warrant, CE goes into house accompanied by a police officer and takes photos; if building is unsafe, it is ruled uninhabitable, trespassers are arrested, and premises are demolished if cannot be rehabilitated.
- The Mesa CE division has administrative staff, but inspectors files their own cases. They use Tidemark (software program that allows data entry and analysis).
- They provide their inspectors with tools they need in the field – camera phones, iPads.
- Civil citations go to a Hearing Officer (someone with court and legal experience) who is a contract employee and not part of the City Attorney’s office.
- They have a Collections Department to handle collection of fees and fines. They do put liens on properties for unpaid fines. Fees go back into the department. They generated \$1.3 million for the department budget last year.
- They too have problem with out-of-state owners but they keep good records, gather evidence and hold residents accountable, which often helps them locate property owner.
- Code officers have information for citizens about probation programs, neighbors helping neighbors programs, “Make a Difference Day” (allow volunteers to use city trucks), tool rentals, paint re-use programs.

- They do not take anonymous complaints. If someone wants to remain anonymous, must speak with Eloy and he will file the case and only release their information only when required by court or hearing officer. He is also the point of contact for council members who call in to the division.
- There is a You Tube Video on their website that talks about citizen's responsibilities for their properties. He described his division as the "HOA for the City of Mesa".
- The website for Mesa Code Compliance is at <http://www.mesaaz.gov/residents/code-compliance>

The two CE staff present from Mesa talked about their daily routine and said that morale in their division is good. They accept ride-a-longs with residents who want to understand how CE officers handle the cases. Asked what the mission of his division is, Eloy said it is compliance from citizens to maintain the minimum standards for the community and to assist residents in achieving that goal.

Meeting ended with some comments from COT staff and residents. Event was over by at 7:15 pm.