

The following rules and regulations were adopted by the Code Enforcement Appeals Commission on August 4, 1988, for the conduct of its business consistent with the Pasadena Municipal Code.

RULES AND REGULATIONS

ARTICLE I

NAME

The name of this advisory body is the Code Enforcement Appeals Commission.

ARTICLE II

PURPOSE

SECTION 1. The purposes and function of this commission are as set forth in Chapter 2.55 of the Pasadena Municipal Code.

ARTICLE III

MEMBERSHIP

SECTION 1. The membership of this commission shall be limited to nine (9) members.

SECTION 2. Members shall be appointed in conformity with applicable provisions in Chapter 2.55, Title 2 of the Pasadena Municipal Code.

SECTION 3. Any member desiring to resign from the commission shall submit his/her resignation in writing to the chair of the commission and to the person who appointed and/or nominated the member to the commission, or his/her successor.

SECTION 4. Any member with three consecutive unexcused absences may be removed from the commission. The chair of the commission is empowered to excuse absences for good cause. If a member does not advise the chair in advance of any anticipated absence from a scheduled meeting, such absence shall be considered unexcused.

SECTION 5. Absent members cannot vote by proxy on issues before the commission at scheduled meetings.

SECTION 6. Upon appointment, all members shall receive a copy of these rules and regulations and Chapter 2.55 of the Pasadena Municipal Code relating to this commission.

SECTION 7. Each member has the right:

- a. To receive timely notice of all meetings with accompanying documents;
- b. To receive a copy of the minutes prior to approval;
- c. To make motions or to second them;
- d. To debate motions;
- e. To vote on motions;
- f. To hold office on the commission; and
- g. To make recommendations to the commission.

SECTION 8. No member shall purport to represent or speak on behalf of the commission without the prior approval of a majority of the commission.

SECTION 9. Code of Ethics.

a. If, due to any of the following factors, a member has an interest in a matter before the commission, that member shall declare the interest publicly, refrain from participating in the deliberations, abstain from voting on the matter, leave the hearing room during any hearing and deliberations and not discuss the matter with any other commission member prior to final action by the commission:

- (1) Member is a client, employee or business associate of a party with a matter before the commission;
- (2) Member is related by blood, marriage or adoption to a party with a matter before the commission;
- (3) Member has a financial interest in the matter before the commission;
- (4) Member and the party with a matter before the commission are affiliates in an association which would cause a reasonable person to question the commission member's impartiality in resolving the matter before the commission;

(5) Member is a friend or acquaintance of a party with a matter before the commission which would cause a reasonable person to question the commission member's impartiality in resolving the matter before the commission.

b. No member shall participate in any matter before the commission in which he/she may have a bias prejudicial to the interests of the public or which would give the appearance of impropriety.

c. If a member is required by City ordinance and the Political Reform Act to file a Statement of Economic Interest and fails or declines to do so, that member is disqualified from further service on the commission.

d. Each member shall comply with Resolutin 4830, passed by the Board of Directors of the City on December 14, 1982, entitled "Standards of Conduct for Members of Pasadena Boards, Commissions and Committees." A copy of the Resolution is attached to these rules and incorporated by reference.

ARTICLE IV

OFFICERS

SECTION 1. The officers of the Commission shall be a chair and vice chair. The secretary may be a member of the City staff.

SECTION 2. The chair shall have the following responsibilities: preside at all meetings of the commission; vote on every motion as other members; call special meetings when necessary; compose the agenda; prepare the annual report for submission to the Board of Directors; fix the date, hour and place of meeting; make appointments to committees; execute official communications; sign orders or recommendations of the commission; advise the Board of Directors of the names of members with three unexcused absences and of upcoming vacancies; and conduct commission business in a manner consistent with these bylaws.

SECTION 3. The vice-chair shall perform the duties of an absent or disabled chair and perform such other duties as are assigned by the chair. In the absence of both the chair and vice-chair, the members shall select a temporary chairperson.

SECTION 4. The secretary shall have the following responsibilities: record the minutes of all proceedings before the commission; maintain the records of the commission in complete and up-to-date order; report all correspondence to the commission; advise the chair three months prior to expiration of appointments; advise the chair of any members with three consecutive unexcused absences; assist in the preparation of the agendas; and make and serve all notices.

SECTION 5. The rules contained in the current edition of Robert's Rules of Order (newly revised) shall govern the commission in all cases to which they are applicable and are not inconsistent with these rules, the Pasadena Municipal Code, or the Ralph M. Brown Act.

SECTION 6. The officers shall be elected by open ballot to serve for one year or until their successors are elected. Their terms of office shall begin at the close of the annual July meeting at which they were elected.

SECTION 7. No member shall hold more than one office at a time. No member shall be eligible to serve more than two consecutive terms in the same office.

ARTICLE V

MEETINGS - GENERAL RULES

SECTION 1. The regular meetings of the commission shall be held on the first Thursday of each month. Written notice of these meetings, including the date, time and location, shall be given to each member, the city council and the City Manager.

SECTION 2. The regular meeting in July shall be known as the annual meeting and shall be for the purpose of electing officers, and for any other business.

SECTION 3. Special meetings may be scheduled by the chair or a majority of the commission. The purpose of the meeting shall be stated in the notice. Notice of special meetings shall be given at least 24 hours in advance.

SECTION 4. Five (5) members of the commission shall constitute a quorum.

SECTION 5. All meetings of the commission shall be held in accordance with the Ralph M. Brown Act and shall be open to the public as provided by law.

SECTION 6. A matter shall be on the agenda to be discussed and acted upon unless otherwise provided by law. A matter may be placed on the agenda by a member, or by staff. If a member timely requests that an item be included on the agenda, that item shall be included on the next regular meeting agenda.

ARTICLE VI

MEETINGS - SPECIAL RULES

SECTION 1. Scheduled meetings should begin no later than 7:00 p.m.

SECTION 2. Discussion on any agenda item shall be limited to ten (10) minutes unless the Commission votes to extend discussion.

SECTION 3. Members should not prolong discussions by repeating an argument already made by another member.

SECTION 4. The order of business at all meetings shall be as follows:

- a. Call to order
- b. Roll call
- c. Approval or correction of minutes of previous meeting.
- d. Public comment (non-agenda items; limited to three (3) minutes).
- e. Old Business
- f. New Business
 - (1) Public hearings
- g. Comments from the commission
- h. Reports, correspondence
- i. Adjournment

ARTICLE VII

MEETINGS - MOTIONS

SECTION 1. The commission may employ five motions in reaching decisions:

- a. Motion for Action: A proposal by a member that the commission do a special thing; e.g., "I move that the commission issue an order to Mr. _____ directing him to remove the abandoned cars from the property."

- b. Motion to Amend: A proposal to amend a motion made by insertion, addition, deletion, or substitution; e.g., "I move to amend the motion by insertion of the words "by February 9, 1988" after the words "rat haborage."
- c. Motion to Rescind: A proposal to repeal a motion before a different course of action is decided. (Once a motion has been approved, reflection or investigation may prove it to be impractical. Because the motion is in the minute book, it must be repealed.) E.g., "I move that the action ordering demolition of building be rescinded."
- d. Motion to Table: A proposal to cut off discussion and action on a motion that has been made. (This allows time for further investigation and ends heated discussion. The motion must be voted upon at once and can be brought back at a future meeting.) E.g., "I move that the motion be tabled until the commission has a chance to review the committee's report."

e. Motion to Suspend the Order of Business:

A proposal made when circumstances such as an interruption, late arrival, or early departure necessitate an alteration or change in the agenda; e.g., "I move that the order of business be suspended immediately after the reading of the minutes to discuss the after-effects of the earthquake.

SECTION 2. Once a motion is before the commission, the chair shall not permit the public to speak or comment during the commission's discussion of that motion.

SECTION 3. All voting on issues before the commission shall be by voice vote unless a roll call is requested by the chair or a member of the commission. There shall be no secret ballots.

SECTION 4. After a motion has been made and seconded, the chair may repeat the motion for the commission. The chair may rule the motion out of order or restate the motion so that the commission may know what is before it for consideration and action.

SECTION 5. The chair shall announce the vote on the motion. In announcing the vote, the chair shall state whether the motion carried or failed and the number of votes for and against.

ARTICLE VIII

MEETINGS - HEARING PROCEDURES

SECTION 1. The commission shall follow the procedure outlined below in conducting public hearings:

- a. The case number and address of the property shall be announced by the secretary.
- b. The inspector shall then present the matter to the commission, describing the alleged violation and staff contacts made to resolve the problem.
- c. The chair shall call for the cited party to present his/her view, additional facts, or evidence under affirmation of truth.
- d. The commissioners and staff shall then question the party concerning the violation.
- e. The chair shall call for statements from other persons wishing to speak on the matter;
- f. The cited party shall be given an opportunity for rebuttal at the completion of the statements.
- g. The chair shall declare the hearing closed.
- h. By motion, the commission shall take action on the matter.

- i. The chair shall announce the decision of the commission.
- j. All decisions of the commission relating to matters requiring a public hearing shall be in writing, and shall set forth the rights of appeal. Decisions must be mailed to the parties within a reasonable time after the hearing.

ARTICLE IX

COMMITTEES AND PANELS

SECTION 1. Unless otherwise provided in Chapter 2.55 of the Pasadena Municipal Code, the chair may appoint members to ad hoc committees or panels necessary to carry on the work of the commission. The chair shall define their area of operation and concern, and establish rules of operation. The chair shall be an ex officio member of all committees so created.

SECTION 2. A nominating committee consisting of three (3) members shall be appointed by the chair at the regular March meeting. The nominating committee shall receive recommendations from any member or any other persons, and shall meet as necessary to nominate one member for

chair and one for vice chair after obtaining the consent of each nominee. Additional candidates for either office may be nominated by a member at the meeting scheduled to elect officers.

ARTICLE X

AMENDMENT OF RULES

SECTION 1. These rules may be amended at any regular meeting of the commission by five votes provided that the amendment has been submitted in writing at the previous meeting. Proposed amendments must be submitted to the Board of Directors for final approval.

CYW:js
LXD:COMM/12
08-08-88

Code Enforcement Commission

Complaint Processing Procedure

When a complaint is first received by Code Compliance, a new CTP case will be created on Tidemark by support staff with the appropriate subtype. The complaint will then be forwarded (with the attached property profile from DataQuick) to the Complaint Tracker for review. The Complaint Tracker will review the nature of the complaint to determine if the complaint is appropriate for investigation by Code Compliance or if the complaint must be referred to another City department for follow-up. If the complaint is appropriate for investigation by Code Compliance, the Complaint Tracker will assign the complaint to an Officer. Complaints in the northwest area will be assigned by census tract assignments, otherwise complaints will be assigned on a rotating basis to create equity in their distribution. All new complaints will receive a default status of "PENDING".

If a complaint is received regarding a property and violation that is already under investigation by our office, the complaint will be given to the Officer assigned (with a notation that a second, third, etc. complaint has been received). If a complaint has been recently closed (e.g., closed within the last 6 months) and another complaint is received regarding the same property, the complaint will be assigned to the Officer who closed the previous complaint.

All complaints will be assigned to Inspectors by the following workday. Complaints that are an emergency, e.g., regarding an immediate health or life threatening issue, must be assigned and investigated on the date they are received. All such complaints must be brought to the attention of the Code Compliance Managers for review.

Upon receiving a complaint, an Officer must conduct an investigation of the complaint within 48 hours (except complaints received before a weekend break). If the investigation reveals that the complaint is invalid, the Officer must note the reason the complaint is invalid (on the complaint form and Tidemark) and return the complaint form to the Complaint Tracker. When appropriate, photographs must be taken of properties that are the subject of invalid complaints to substantiate the Officer's determination. If the complaint is valid, the Officer may issue a handwritten warning notice (or citation, where applicable) to the property owner in the field. If a handwritten warning notice (or citation) is served in the field, the Officer must, upon returning to the office, record the date of the notice or citation on Tidemark and change the status of the complaint to "VALID".

If a notice of violation is prepared by an Officer and given to a Staff Assistant for mailing, the Staff Assistant will mail the notice and record the mailing on Tidemark. The initial notice will also include a "Notice of Cost" advising the property owner of his/her potential liability for Cost Recovery. In addition, the Staff Assistant will change the status of the complaint to "OPEN." It is our goal to mail the first notice of violation within 3 days of receipt of the initial complaint.

The Staff Assistant who mails the first notice of violation will prepare a case file for the complaint. The case file will contain a label identifying the address of the property and the case number. Also, included in the file will be the original complaint form, the property ownership information (from DataQuick), a copy of the first notice of violation, and a history sheet form. After mailing the first notice and making the required entries on Tidemark, the Staff Assistant will give the case file to the assigned Officer.

Code violations that present an immediate threat to the health and safety of the public must be corrected immediately. Other violations may be corrected within 10 to 30 days depending on the nature of the violation. Additional times may be allowed, but time frames in excess of 30 days must be discussed with your assigned Manager. The Officer is responsible to conduct a follow-up inspection to verify whether or not the property owner has complied with the corrective actions required in the first notice of violation. If a follow-up inspection reveals that the property owner has complied, the Officer will record the date of the follow-up inspection and change the status of the complaint to "CLOSED" on Tidemark. Closed complaint cases will be stored in the office file cabinets for no more than 2 years.

If a follow-up inspection reveals that the property owner has failed to comply with the corrective actions ordered in the first notice, the Officer may prepare a final notice of violation. The Staff Assistant who types and mails the final notice will record the mailing of the final notice on Tidemark. A copy of the Final Notice will be included in the case file and the Staff Assistant will return the file to the Inspector.

If a second follow-up inspection reveals that the property owner still has not complied with the corrective actions ordered in the first and final notices, the Officer will begin issuing citations in the amounts of \$100, \$200, and \$500 for the first, second, and third citations, respectively. Photographs must be taken when citations are issued, should the matter be later scheduled for an administrative hearing. At the same time that the Officer has begun to issue citations, the case must be prepared for potential scheduling before the Code Enforcement Commission or referral to the City Prosecutor's office. Except for exceptional cases, the Officer must first present the case before the Code Enforcement Commission to allow the matter to be heard (and hopefully resolved) at an administrative hearing. However, cases that present an immediate threat to the life and safety of residents may be referred directly to the City Prosecutor with the approval of your assigned Code Compliance Manager. It is expected that complaint cases will be referred to the Code Enforcement Commission or the City Prosecutor within 60 days of the initial receipt of the complaint.

To refer a case to the Code Enforcement Commission (CEC), the Inspector will prepare a handwritten Staff Report and give the report to Paula Reyes for inclusion in the agenda of the next regular meeting of the CEC. When the final staff report is prepared and case is scheduled for hearing, Paula will record the date of the hearing on Tidemark. Once advised of the hearing date, the Inspector will arrange to post a notice of hearing at the property. The notice will be posted at least 10 days prior to the hearing date.

In preparation for the hearing, the Officer must have recent photographs of the violations to present as evidence. The photographs must be taken no earlier than the day before the hearing to provide the Commissioners with a recent example of the violations.

All Officers scheduled to present a case before the CEC must be present at the beginning of the hearing (at 4 p.m.) to be sworn in. While presenting cases before the CEC, Officers must follow the Officers guide for CEC hearings to ensure an orderly presentation of the information and evidence required at a hearing. During the presentation of a case, Officers must not deviate from the prepared outline contained in the guide.

All photographic evidence presented at hearings before the CEC must be attached to the photographic exhibits form that includes the Exhibit Number, a description of the photograph, and the date the photograph was taken. At the hearing, Officers must be prepared to identify the specific code violations existing at the property, present evidence supporting the existence of the violations, and answer questions related to the case.

After hearing and reviewing all evidence and testimony in the case, the CEC will make a decision to uphold, deny, or modify staff's recommendation. If the CEC issues an order requiring corrective action of the property owner, the Officer is then responsible to conduct a follow-up inspection to verify that the corrective actions have been complied with, as ordered. If a property owner fails to take corrective action as ordered, the Officer must prepare the case for referral to the City Prosecutor's office.

To refer a case to the City Prosecutor, the Officer must prepare an Investigative Report. The report will document all the activities pursued by the Officer in an attempt to obtain compliance from the property owner. The report will include a record of all inspections, notices, photographs, and other related materials. The Staff Assistant typing the report will show the report to the Code Compliance Manager. After reviewing the report, the Code Compliance Manager will return the report to the Inspector who will record the date of referral to the City Prosecutor on Tidemark.

To document our good work and the positive impact we have on the community, all cases that are not abated after the first notice of violation require before and after pictures in the case file.

If, during your pursuit of a case, you find that the property owner is agreeable to correct the identified code violations, but requires financial or other forms of assistance to do the corrections, please refer the property owner to the available programs on our referral list. When necessary, Officers are encouraged to arrange a meeting with the appropriate agency staff to facilitate the timely provision of needed services.