



NEWPORT BEACH

City Council Staff Report

September 27, 2022
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Seimone Jurjjs, Community Development Director - 949-644-3232, sjurjjs@newportbeachca.gov

PREPARED BY: Tonee Thai, Deputy Community Development Director-Building/
Chief Building Official, tthai@newportbeachca.gov

PHONE: 949-718-1867

TITLE: Resolution No. 2022-62: Request to Add Code Enforcement Officer I
Position to the Community Development Department

ABSTRACT:

Over the past year, the Code Enforcement Division has provided nighttime and weekend code enforcement services through the use of a contract code enforcement officer. For the City Council's consideration is a resolution to add one Code Enforcement Officer I position to the Community Development Department (CDD). If the additional position is approved, then the contract position will be removed.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Adopt Resolution No. 2022-62, *A Resolution of the City Council of the City of Newport Beach, California, Adding a Code Enforcement Officer Position to the Community Development Department*; and
- c) Approve Budget Amendment No. 23-022 transferring \$86,016 from the Code Enforcement Professional Services account to various salary and benefit accounts.

DISCUSSION:

Due to the enhanced enforcement for short term lodging complaints received through the 24-hour hotline, CDD contracted with Willdan Engineering to provide one contract code enforcement officer to assist in providing evening and weekend enforcement services between the hours of 2 p.m. and 12 a.m. Contract staff also respond to complaints related to illegal street vending, lighting complaints, use permit violations, and restaurant noise complaints. From January 2022 to August 31, 2022, there are 2,394 active cases, of which, 222 were assigned to the contract code enforcement officer.

In response to increased unpermitted street vending activity on public beaches, the contracted code enforcement officer cited a number of unpermitted street vendors. The current contract officer's performance in this role has resulted in positive comments from the chief lifeguard and the president of the Balboa Village Merchants Association. In one case, the contract officer responded to a call from the Newport Beach Police Department to assist in stopping a beach party with live entertainment and alcohol one hour prior to the event starting.

It has been, and continues to be, a challenge to find qualified contract staff to perform the needed code enforcement services. The difficulty is compounded by existing staff having to regularly rotate and train new contract staff to comply with the work duration limitations. Facts that support hiring of a full-time City employee rather than relying on contract staff are: 1) the relatively small pool of individuals that have the right experience; 2) the Penal Code Section 832 certification, which is a minimum requirement of the position; 3) the service schedule CDD provides the community, which includes late evening and weekends; and 4) reducing staff turnover and the time to train new people in the position.

FISCAL IMPACT:

The cost to contract out a full-time code enforcement officer is \$135,200 per year. The fully loaded annual cost for a Code Enforcement Officer I position is \$114,688. However, because the fiscal year is already approximately 25% complete, the attached Budget Amendment only allocates \$86,016 to fund the cost of the position for the remainder of the fiscal year. Staff is recommending utilization of professional service funds currently allocated to funding the contract code enforcement officer position to pay for the cost of the staff Code Enforcement Officer I position. Therefore, no additional funding from the General Fund is required.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

- Attachment A – Resolution No. 2022-62
- Attachment B – Salary Structure and Job Description
- Attachment C – Budget Amendment