

DATE SUBMITTED 11/30/2022
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 12/7/2022

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION (X)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS OB

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

| | |
|---|---|
| SUBJECT: DISCUSSION/ACTION: CALIFORNA STATE BILL 296 SAFETY STANDARDS. 1. Approval of Resolution 2022-73 Adopting Community Development Safety Standards | |
| DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT DEPARTMENT | |
| BACKGROUND/SUMMARY: California State Senate Bill No. 296 was approved by Governor Gavin Newsom after the California State Legislature found and declared that code enforcement officers are disproportionately at risk for threat, assault, injury, and even homicide due to the nature of their obligations. On October 07, 2021, Section 829.7 was added to the Penal Code, relating to code enforcement officers and required each local jurisdiction that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed within their jurisdiction. Although there is no set standard for code enforcement officers locally, statewide, or nationally, each jurisdiction is required to develop safety standards to ensure that the best interest of the officers performing these types of duties are considered. | |
| FISCAL IMPACT: N/A | ADMIN SERVICES SIGN INITIALS <u>DP</u> |
| STAFF RECOMMENDATION: Staff recommends approval of Community Development Safety Standards. | DEPT. INITIALS <u>OM</u> |
| CITY MANAGER'S RECOMMENDATION: <u>approve</u> | CITY MANAGER'S INITIALS <u>OM</u> |
| MOTION: | |
| SECONDED: _____ AYES: _____ NAYES: _____ ABSENT: _____ | APPROVED () REJECTED () DISAPPROVED () DEFERRED () REFERRED TO: _____ |

RESOLUTION NO. 2022-73

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, ADOPTING SAFETY STANDARDS FOR COMMUNITY
DEVELOPMENT PERSONNEL**

WHEREAS, The Municipal Code requires the City Council to adopt a Resolution designating certain City employees as authorized to enforce the City Municipal Code and issue citations for violations of the City Municipal Code and Ordinances; and,

WHEREAS, on October 7, 2021, the Governor signed into law Senate Bill SB 296 which amended the Penal Code to create a state-mandated local program requiring that each local jurisdiction that employs Code Enforcement Officers to develop safety standards for them; and,

WHEREAS, the State Legislature found and declared in SB 296 that Code Enforcement Officials are disproportionately at risk for threat, assault, injury and homicide due to the nature of their obligations and that safety training would be of benefit to help Code Enforcement with the City achieve safe outcomes; and

WHEREAS, the City has prepared and attached as “EXHIBIT A” Safety Standards in compliance with 296 for the City of Imperial; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial as follows:

SECTION 1. That the foregoing recitations are true and correct; and

SECTION 2. Prior to issuing any citations pursuant to Chapter 2 of the Municipal Code, a Code Enforcement Official shall obtain any and all certifications and/or training required by federal, state, or local laws in order to issue said citations including but limited to the PC 832 Arrest and Firearms Course.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 7th day of December, 2022.

Mayor City Council

ATTEST:

City Clerk



Community Development Department
Divisions of Engineering and Building and Safety

SAFETY STANDARDS



CODE ENFORCEMENT OFFICER DEFINITION

A Code Enforcement Inspector, Building Inspector, Engineering Technician is a s non-sworn inspector, officer, investigator, or any successor office or job description established by the City employed by the city, who possesses specialized training in, and whose primary duties are the prevention, detection, investigation, and enforcement of violations of laws regulating public nuisance, public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs.

PURPOSE OF THIS MANUAL

California State Senate Bill No. 296 was approved by Governor Gavin Newsom after the California State Legislature found and declared that code enforcement officers are disproportionately at risk for threat, assault, injury, and even homicide due to the nature of their obligations. On October 07, 2021, Section 829.7 was added to the Penal Code, relating to code enforcement officers and required each local jurisdiction that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed within their jurisdiction. Although there is no set standard for code enforcement officers locally, statewide, or nationally, each jurisdiction is required to develop safety standards to ensure that the best interest of the officers performing these types of duties are considered.

This manual is intended to be a resource for Code Enforcement Officers and for public knowledge of the regulations they are expected to abide by as residents of the City. The primary goal of Code Enforcement is to bring violations of the City of Imperial Municipal Code into voluntary compliance with all legal requirements. If voluntary compliance cannot be achieved, then the City may pursue criminal, civil, and/or administrative compliance in its discretion.

MISSION STATEMENT OF CODE ENFORCEMENT

The Code Enforcement Officer for the City of imperial strives to:

- *Maintain and preserve* the integrity, appearance, and value of structures, properties, and neighborhoods within the City.
- *Develop successful and professional partnerships* with residents and businesses to invigorate pride and improve the quality of life in neighborhoods.



- *Be the premier resource and expert in neighborhood preservation for the organization and assist other departments and divisions in achieving compliance.*
- *Educate the public about their role in maintaining their neighborhood so Imperial continues to be the best place to work, live, and play.*

CODE OF ETHICS

As a Code Enforcement Officer with the City of Imperial,

I will always maintain the highest level of integrity

I will be fair, courteous and helpful

when dealing with the public.

My fundamental duty is to serve the public.

I will perform my duties to the best of my ability
and make decisions without prejudices, animosities,
feelings, or friendships influencing my actions.

I will not wear my uniform and badge in a
contemptuous manner, nor solicit to accept favors or
Gratuities while performing my duties as a Code Enforcement

Officer. I will present myself in an
Exemplary manner, obeying all the laws of the land, the
Rules and regulations of the City of Imperial.



GOALS

Code Enforcement partners with our diverse communities in protecting health, safety, and welfare. We assist owners with the protection and preservation of their properties and the environment, and we also work to maintain a fair and equitable business community via sign, land use and business license enforcement.

Partnering with all other city departments and outside agencies is a must and the creation of these relationships further enhances our effectiveness. We are committed to working with residents, businesses, and property owners to ensure that Imperial remains safe and maintains its quality appearance. We understand and appreciate that this commitment cannot be accomplished without the help and support of the community.

Residential Considerations

In a residential area, Officers should be aware of individual qualities and standards. All neighborhoods are different; they tend to establish their own benchmark of livability. It is the Officer's job to know the character of each neighborhood they work. Goals and objectives of a neighborhood may be set by vocal residents, politics, community councils or management. Most owners believe they are well within their property rights to do what they please on their property.

Business Considerations

Most business owners equate less enforcement with more business. If businesses can display larger and more frequent signage, have less regulation and more window advertisements, they believe it will bring in more business. Many businesses are livelihoods for their owners and should be regarded as such. Continued communication with businesses in a community is vital to economic well-being, compliance and positive relationships between the City of Imperial and the businesses.



POLICY AND PROCEDURES

A professional appearance and demeanor will produce both respect and support from the community and co-workers. Training, pride, and professionalism are tools that can be used to earn respect.

Staff must be a customer-service oriented organization existing to fulfill the community's need for Community Development Services. To meet the need, staff must be as courteous as possible when dealing with the public. To do the job properly, staff needs public support. To elicit citizens' goodwill, they must be treated respectfully.

Expressions of negative personal opinions, problems, and/or criticisms regarding City of Imperial's Department staff, or any business or individual are inappropriate and unprofessional while representing the City.

Each staff member's personal appearance and hygiene help shape the public's impression of the Department. One's physical appearance and demeanor set the tone for the relationship that will develop between the employee and a citizen before a word is even spoken.

Be alert. Your attitude should be serious, yet friendly. Greet the customer courteously but in a businesslike manner. Part of being a professional member of the Department is the ability to handle any situation with understanding care and concern. Listen carefully to what the citizen is saying, and make certain you understand it before responding.

At times you will need to deal with resentful and/or angry citizens. The following are some basic guidelines for talking with a customer:

- Let the customer speak. Talking helps relive emotional tension. You may find this to be more difficult than it seems. Most of us prefer talking to listening. This natural desire is stimulated when the person talking expresses ideas contrary to yours. It often takes considerable effort to listen, but it allows the customer to vent. Letting the customer speak helps put him or her in a frame of mind to listen to you.
- Do not argue, berate, or threaten the individual. Such actions only increase the emotional tension. Keep your remarks neutral in nature. Focus on the violation rather than the individual.
- Be courteous and respectful. Courtesy involves much more than mere words. Be careful to avoid any action that makes the customer feel inferior. Your tone of voice, your body language, and your facial expressions are all important in showing real courtesy and respect.
- Request compliance. Use words such as "May I," "please," and "kindly" when speaking with the public. Show respect with phrases such as, "I understand your frustration."



These words and phrases recognize the dignity of the individual and can help defuse emotionally charged situations without necessarily agreeing with them.

- Avoid telling the individual what not to do. Negative directions conflict with the natural desire for freedom of action and are contrary to the way we usually think. People understand and accept ideas more readily when they are told what TO do. Phrase your requests and instructions in a positive way. Whenever possible, explain why it needs to be done.
- Do not put the citizen on the defensive. Never open a conversation in a sarcastic or derogatory way. Avoid such openings as, "I can't believe you allowed your yard to look like this," or, "haven't you been warned before...," etc. these types of questions cannot be answered intelligently and are irritating to the listener.
- Be alert. You may at times be exposed to unpredictable or emotional reactions or behavior when dealing with the general public. Be alert at all times for the unexpected.
- Make direct and positive statements.

Sometimes an individual may ask for further information or question the accuracy of the charge. Explain to them the conditions under which the violation occurred, if you are able to do so. Never exaggerate any conditions or other facts. Avoid any semblance of threat or implication to punish or to embarrass the individual.

If you need additional information, ask for it with simple and direct questions. Explain everything in ordinary language. Avoid using "police jargon" or slang.

When you are certain the individual knows and understands what they need to do and that they have complied, close the conversation. Thank you for their cooperation. Explain how they can avoid further difficulty. Avoid trite phrases such as "Have a nice day," or any other statement that can be interpreted as sarcastic.

It is possible to generate a feeling of friendliness by your actions in closing the conversation. However, be careful not to give someone the impression that you are sorry for any of the documented violations.

Safety Concerns:

At times Community Development Staff may encounter inherently dangerous and high risk situations in the course of their duties. Below are listed duties and the appropriate courses of action:



| Type | Concerns | Safety Measure |
|---------------------------------|---|--|
| Interior Housing Inspection | Assault & Battery, Dog Attack | Verify animal secured and home vacant prior to onsite inspection |
| Substandard Structures | Tripping, Falling Material, Dust, Mold | Appropriate shoes, Hard Hat, Flashlight, Face Mask |
| Business Compliance Inspections | Irate people, runners | Pair up staff if it looks/feels sketchy |
| Vacant Property | Vectors, vegetation, unsafe pools, squatters | Coordinated plan with Vector Control for vectors, Building & Safety for securing site, Imperial Police Dept. for squatters |
| Fats, Oils, Grease Inspections | Odors / fumes, spills, grease fires, open manholes | Coordinated plan with Water Quality and Public Works |
| Water Quality Inspections | Slipping, wet roads, muddy sites, weather, construction | Wear appropriate weather gear, wear safety vest, appropriate shoes and hard hat on construction sites |
| Unpermitted Work Inspections | Unsafe construction, exposed trench or wires | Coordinate with Building & Safety to access site, wear safety vest and helmet, be aware of surroundings |
| Vehicle / Parking Enforcement | Motorists, irate & combative people, homeless | Wear safety vest and be aware of surroundings, coordinated plan with Imperial Police Dept. |
| Administrative Warrants | Threats of litigation, irate people, dogs off leash | Coordinated plan amongst the City Attorney, and Imperial Police Dept. as needed |

It is strongly recommended that a case history be reviewed prior to visiting any property or place of business. The use of case history and documentation is vital to safety. Utilizing local law enforcement property history is highly recommended.

Suggested Equipment:

| Equipment | Reason |
|-----------|---|
| Uniforms | Proper Identification of Community Development personnel: <ul style="list-style-type: none"> • Business Professional -Casual Attire • Identification Card • Business Cards |



| | |
|-------------------------------|--|
| | <ul style="list-style-type: none"> • Hat • "safety voucher language from MOU" |
| Vehicle | Identification of City Personnel |
| Personal Protective Equipment | Hazardous conditions: <ul style="list-style-type: none"> • Mask/Face Cover • Goggles • Shoe Covers • Respirators (proper fitting) • Gloves • Hard Hat • Ear Plugs / Ear Protection • Sanitizer • Sanitizer Spray • Tyvek suit • Safety Vest |
| First-Aid Kit | Triage field injury |
| Telephone | Contact / Summon assistance |

Suggested Training:

| Training | Reason | Provider |
|---|---|---|
| PC 832 - Course | Citation Authority | Training Academies |
| Hazmat, Mold, Pest infestation | Airborne pathogens | ICC / CACEO |
| Report Writing | Documentation | ICC / CACEO |
| Hoarding | Airborne pathogens/Inspection Safety | ICC/ CACEO |
| Joint Enforcement | Warrants | ICC / CACEO |
| Compliance Inspections | Basic Safety protocols | ICC / CACEO |
| Drug Awareness, Mental Illness, Situational Awareness | Situational awareness | ICC / CACEO |
| Effective Communication | De-escalation techniques | ICC / CACEO |
| Code Official Safety Specialist (COSS) | Officer Safety | ICC / CACEO |
| First Aid Training | To present a summary of the basic elements for a first-aid program at the workplace | American CPR Care Association/ American Red Cross |

