

Planning, Zoning and Building Department:

Code Enforcement Division Staffing Adequacy

(Project No. 02-M-03)

This document is the result of a collaboration between the Planning, Zoning and Building Department and the Office of Financial Management & Budget, Financial Management Division

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O F M B

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Executive Summary

Between the years 1997 and 2001 the Palm Beach County Code Enforcement Division (division) was called on to handle nearly forty thousand complaints involving a wide range of neighborhood nuisances and assorted other violations of community health, safety and welfare laws.

Report Highlights . . .

Our review of the Code Enforcement Division found that data limitations and an absence of performance measures in the program prevent a full and complete assessment of staffing adequacy. However, the study team was able to reach the following conclusions:

- FY 2001 staffing level was adequate to handle the amount of new complaints reported in three of the last four years*
 - Code violations are being brought into compliance much sooner than in the past.*
 - Time from complaint to first investigation is increasing despite smaller caseloads-per-officer*
 - The division needs a modern case management and data tracking system, although it has not taken advantage of capabilities that already exist in the department.*
-

In response to a request from county administration, the Management and Program Analysis Section conducted a study to examine the adequacy of the division’s staffing complement to carry out its assigned mission. This report contains the results of that staffing study, in the form of findings and recommendations. Donald A. Carter was the lead analyst assigned to the project.

References to “staffing” studies are convenient shorthand for something considerably more involved than that name conveys. At issue is the question of how closely workload and staffing are in balance with each other. However, staffing adequacy is dependent on more than just achieving a balance between the numbers of enforcement cases handled and the workforce available to do the job. Workload is itself a composite of two factors—activity levels (the numbers) and performance levels (the priorities). How *well* a workforce is meeting its *expected targets* is as important as how *much* it has to do.

Our study found that basic operational workload data are not always available and there are no real performance measures in place in the division. Together, these two conditions prevent a conclusive determination of the personnel requirements of the division. Based solely on the size of the caseload and the rate at which new cases were being closed, the authorized staffing complement of the division in FY 2001 was adequate. But the study team could not determine whether the division was meeting performance expectations of the Board of County Commissioners or senior management because of the absence of related performance standards. Performance standards are those criteria which translate organization expectations into quantifiable measures that enable the program to monitor how closely its enforcement activities conform to policymakers’ expectations, given the available staffing. Once these standards are in place and data is accumulated, the issue of staffing adequacy can be re-examined, taking into account not only total caseload numbers but performance expectations as well.

To address the study team’s findings, we have shared our thoughts concerning the most important issues for action by offering the following three specific recommendations:

CODE ENFORCEMENT STAFFING ADEQUACY

- The division should adopt appropriate performance indicators and related standards that reflect the county's expectations for the program;
- The division should examine its current operations to be prepared to take full advantage of best management practices and contemporary technology;
- The division should undertake a thorough review of its data reporting and case management requirements to ensure that when the new *e*-PZB computer system is installed, it will accommodate all of the management information needs of the division.

Planning, Zoning and Building Department: Code Enforcement Staffing

A study to examine the staffing requirements for enforcement inspectors and to assess the workload-to-staffing balance among those positions and its effect on the ability of the Code Enforcement Division to carry out its mission

The purpose of this study was to provide department management with insights into the adequacy of enforcement staffing levels in the department's Code Enforcement Division (division). This report accomplishes a portion of that objective: our finding of staff adequacy is a qualified finding based solely on workload activity levels. An unqualified finding would have required the additional examination of activity priorities, which was not possible in this instance due to the absence of adopted performance criteria covering the enforcement program.

The study focused on the enforcement officer occupational classification, along with changes in workload levels and patterns over the past several years. The Executive Director of the Planning, Zoning and Building Department (department) also asked that we compare the division's enforcement coverage with that of selected area municipalities.

At the direction of county administration and department management, our evaluation of staffing considerations was meant to complement an earlier process efficiency study conducted under the auspices of Florida Atlantic University's Institute of Government. That study was completed in August 2001, shortly before OFMB was asked to undertake this evaluation. Our understanding of internal process efficiencies is therefore largely dependent on that earlier work; we did not duplicate the earlier work, and no attempt was made to validate the conclusions reached by the FAU study.

The methodology of staffing studies requires a rigorous examination of both workload data and performance criteria in the workplace. The research methodology of these studies is wholly dependent on knowing *what* the

organization does, how *much* it does, how *well* it does it, how its workload has *changed* over time, and how these things compare with the organization's performance *expectations*. To accomplish this, the study included all of the following:

- Documentary research was conducted on internal workload activity and performance indicators of the code enforcement program for the past several years; previous studies on the program, including the August 2001 process efficiency study by FAU and an examination in-progress by the county's Internal Auditor; and assorted payroll records for the past several years.
- A comparative survey was conducted of code enforcement programs in selected peer counties in Florida, as well as in the ten largest municipalities of Palm Beach County.
- On-site observations were conducted, including several "ride-along" tours with enforcement inspectors on duty.
- Interviews were conducted with staff and management of the Palm Beach County Code Enforcement Division.
- Internet research was conducted as necessary to supplement information available locally.

Factual Profile

OVERVIEW: CODE ENFORCEMENT DIVISION

The stated mission of the Code Enforcement Division is to promote, protect and improve the health, safety and welfare of the citizens of the county through an effective code enforcement program. The division has authority throughout the unincorporated area of the county, with municipalities providing their own code enforcement activity.¹

The division is currently responsible for the enforcement of fifteen separate codes and ordinances, among them:

- Housing Code
- Lot clearing ordinance
- Water and Conservation ordinance
- Land use regulations set forth in the Unified Land Development Code
- Garbage can ordinance.

The division is occasionally involved with the enforcement of the Building, Electrical and Plumbing Codes and the Fire Code.² While the primary

¹ PBC website, PZ&B Department (<http://www/pbcgov.com/pzb/new/code/newcodeenf.htm>).

² Source: PBC website, PZ&B Department.

enforcement responsibility for these construction codes resides with the department’s Building Division, Code Enforcement inspectors handle cases of unpermitted construction. Finally, the division conducts inspections for occupational license approval to assure compliance with applicable codes and ordinances.³

To help ensure that the most serious violations are addressed expeditiously, the division has established the rating scale depicted in Table 1, ostensibly to guide enforcement priorities.

TABLE 1
The Division Has Established a Five-Level Priority System For Enforcement Actions

Priority 1	• Life-safety issues
Priority 2	• BCC requests • Requests from other agencies • Irreparable types of complaints (e.g., “hatracking”, vegetation removal)
Priority 3	• Code enforcement hearing follow-up inspections
Priority 4	• General complaints • Follow-up inspections • Occupational license inspections
Priority 5	• Illegal signs

Note: See also *Appendix 1*

Division staffing includes 37 authorized positions, divided between field and office staff.⁴ Field staff is organized into six code enforcement teams, each consisting of a Senior Code Enforcement Officer supervising between three and five subordinate officers. Four of these teams are assigned to specific geographic sections of the county (*Appendix 1*) and have general code enforcement responsibilities, while the remaining two teams—a “Community Support” team and a “Condition Monitoring” team—have specialized responsibilities.⁵ The Community Support team targets “blighted” areas throughout the county (*Appendix 2*), while the Condition Monitoring group is responsible for monitoring compliance with conditions of zoning approvals. The existing table of organization is shown in Figure 1 on page 6.

³ Source: PBC FY 2002 Annual Budget Document, p. D-199.

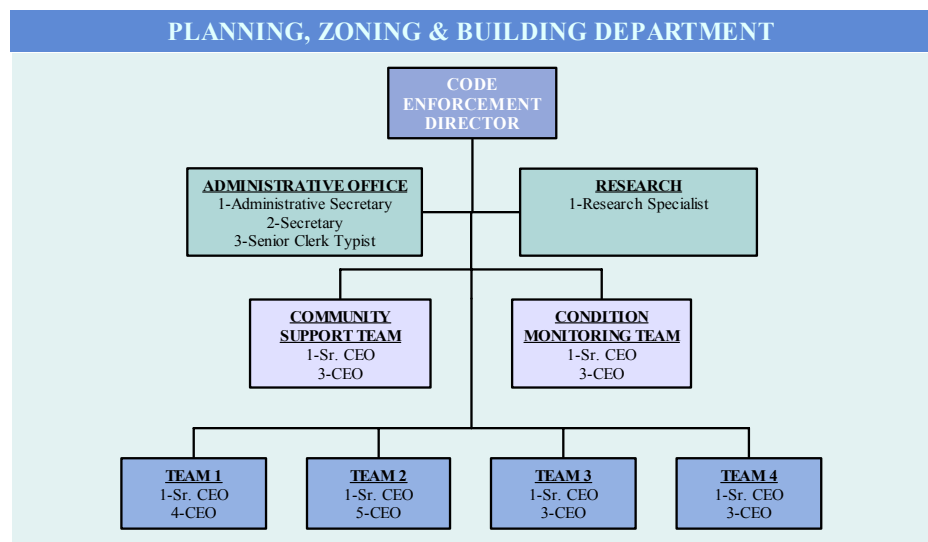
⁴ Source: PBC Department Complement Report (CBD200R01), dated January 18,2002.

⁵ The use of four geographic teams evolved based on workload; they are adjusted periodically to equalize workload among the teams.

Although flexible work schedules are permitted, code enforcement officers typically work from 8:00 a.m. to 4:30 p.m., Monday through Friday.⁶ Each day from 8:00 a.m. to 9:30 a.m. the officers are required to spend time in the office returning telephone calls, dealing with walk-in customers, and doing case research.⁷ From 9:30 a.m. to the end of the workday, the officers are in the field. Weekly staff meetings are held each Thursday at 9:30 a.m.⁸

FIGURE 1

Current Table of Organization of the PZ&B Code Enforcement Division



Services are provided from the Planning, Zoning and Building Department’s main facility in West Palm Beach and in the south from the southeast county complex.⁹ The division’s workload is primarily complaint driven and therefore reactive in nature. However, the work activities of the two specialized teams are proactive by design, and individual officers are expected to initiate complaints for obvious violations they observe.

⁶ Some officers work from 6:30 a.m. to 3:00 p.m., while others work 7:00 a.m. to 3:30 p.m.

⁷ The requirement to spend time in the office each morning is outlined in departmental PPM No. PE-P-001, titled “Office Hours.”

⁸ Source: Departmental PPM No. PE-P-002, titled “Weekly Staff Meetings.”

⁹ Source: PBC FY 2002 Annual Budget Document, p. D-195. Facilities located at the Juno Beach Town Hall and in the governmental building in Belle Glade are not regularly staffed.

OVERVIEW: CODE ENFORCEMENT PROCESS

In Florida, the code enforcement process for counties is governed by Chapter 162 of Florida Statutes, titled “County or Municipal Code Enforcement.” Code enforcement cases originate in one of three ways: code violations observed by code inspectors in the field, administrative complaints received from some other source in the government, or by personal complaints. In the latter category, the division reportedly receives 50-60 telephone complaints a day from individuals.¹⁰

Initial complaint information received by the division is entered into a computer database by office support staff. A complaint form containing the following information is also generated:

- Date complaint was received
- Case number
- Folio number for the property involved
- Nature of the complaint
- Address and location of property
- Phone number
- Identity of the complainant
- Name of code enforcement officer assigned to the case.¹¹

At the same time, a physical file is created which contains the official record of the complaint, its investigation, and resolution. At a minimum, the file will include the above complaint form created at the time of case initiation, an investigation worksheet, and property appraiser’s information on the subject property.¹²

Newly logged complaints are routed to the enforcement team with geographic responsibility. The appropriate Senior Code Enforcement Officer then assigns each complaint to an individual Code Enforcement Officer for investigation and, if warranted, to seek compliance before issuing a formal Notice of Violation, and thereafter to prepare a case for disposition. New cases are assigned in random order within each geographic team to equalize workload among enforcement personnel as much as possible.

Case preparation is essentially a decentralized process in which the code enforcement officers are responsible for maintenance and development of their assigned case files. After a case file is created, it is assigned to a code officer in

¹⁰ Source: *Evaluation of the Palm Beach County Code Enforcement Process*, prepared by Richard Doody and the Florida Institute of Government at Florida Atlantic University, August 21, 2001, p. 6. [Note: This estimate results in a complaint volume considerably higher than computerized caseload records bear out.]

¹¹ *Ibid.*, p. 9.

¹² *Ibid.*, p. 9.

the manner described above. As field investigations and other research take place, case notes are produced by the code officer on Daily Activity Report forms. These handwritten documents remain with the officer's physical case file; they are not turned over for transcription into the electronic database record. Field investigations are conducted by code enforcement officers to (1) verify the existence and severity of code violations, (2) document the violations for the record, by means of written notes, photographs, and witness interviews, and (3) obtain supporting evidence, such as names and statements from potential witnesses. In instances involving a potential threat to the safety of the code enforcement officer, or if the property has been the site of previous criminal complaints, Sheriff's Deputies accompany the code enforcement officers.¹³

The code enforcement officer is responsible for the physical case file up to the point that the officer determines that the case is ready for hearing before a Special Master. At that point, responsibility for the file is transferred back to the support staff who maintains it up through the date of the Special Master hearing. Once a Special Master has heard the case, its file is returned to the code enforcement officer for monitoring compliance with the Special Master Order.¹⁴

As required by law, each person charged with a code violation must be given a descriptive notice of the violation, along with the time and place a Special Master will hear the case. Notice requirements are set out in Chapter 162 of the Florida Statutes. Under this chapter, the first attempt at notification must be either by certified mail, return receipt requested, or by hand delivery.¹⁵ Additional notifications may be provided by posting or newspaper publication.¹⁶ Notice by posting or publication may run concurrent with, or may follow, other attempts to provide notice by mail or hand delivery.¹⁷

When voluntary compliance cannot be achieved, code enforcement violations are heard in quasi-judicial proceedings held before Special Masters. In 2000, the Board of County Commissioners appointed a pool of volunteer Special Masters who serve one-year terms. These Special Masters hear code

¹³ *Ibid.*, p. 10.

¹⁴ *Ibid.*, p. 7.

¹⁵ When notification is sent by certified U.S. mail, Section 162.12(1)(a) specifies that the notice is to be sent to the owner of record "at the address listed in the tax collector's office for tax notices, and at any other address provided to the local government by such owner."

¹⁶ Section 162.12(2)(b)1 states that a copy of the notice may be posted at least ten days prior to a hearing in at least two locations, one of which is on the property upon which the violation is alleged to exist and the other is at the County Courthouse or main governmental center. For newspaper publications, Section 162.12(2)(c) requires that notice must be published once during each week for four consecutive weeks before the hearing date.

¹⁷ Source: Section 162.12(2)(c), F.S.

enforcement cases on a rotational basis in approximately three-month blocks. During the first part of 2001, the monthly docket of code enforcement cases numbered between 150 and 250. For efficiency reasons, the department utilizes a system in which simultaneous hearings are held, one for persons wishing to contest their citations and one for those who agree that the violations exist but are seeking additional time to come into compliance. Under the current system, one senior code officer prosecutes all the cases before the Special Master while the code enforcement officer whose case is being heard testifies about the details of the case.¹⁸

Further code enforcement activity, following a Special Master hearing, is dictated by the outcome of the hearing. If the violation is found not to exist, the case is closed and the file stored. If the Special Master finds that the violation does exist, an order is issued specifying a period of time to bring the violation into compliance and imposing a fine for each day the violation exists beyond the compliance date. If the property is still not brought into compliance, the assigned code enforcement officer completes an affidavit of noncompliance and a staff secretary drafts a code enforcement lien against the affected property. The lien is forwarded to both the County Attorney's Office and departmental accounting staff for review and approval, with actual recordation of the lien completed by the Clerk of Courts Office. The date of lien recordation triggers a mandatory ninety-day stay, during which no foreclosure proceeding may be initiated against the property. Once the ninety-day period has expired, the lien information is forwarded to departmental accounting staff for calculation of the lien amount plus accrued interest. That information is then sent on to the OFMB Revenue Collections Section to collect the obligation, including bringing a foreclosure action, as necessary. Alternatively, if a violation is abated within the new compliance period, the code enforcement officer will complete an affidavit of compliance, recoverable administrative costs will be noted in the file, and the case will be closed.¹⁹

The decisions made at each Special Master hearing are entered into an off-line financial spreadsheet by departmental accounting staff. The purpose for the spreadsheet is to track the compliance status and monetary activity of all cases with open Special Master orders. The separate spreadsheet is made necessary because the mainframe case management computer program presently lacks the functionality to monitor financial data associated with enforcement cases, including both recoverable enforcement costs and civil penalties and accrued interest.

¹⁸ *Evaluation of the Palm Beach County Code Enforcement Process*, pp. 14-15.

¹⁹ According to division management, allowable administrative costs are not turned over for collection unless they are part of a recorded lien securing unpaid penalty fines and accrued interest. Florida law permits recovery of such administrative costs under either circumstance.

The majority of code enforcement cases handled by the division—an estimated sixty to seventy percent of the county caseload—are remedied through voluntary compliance or informal measures.²⁰

PREVIOUS EVALUATIONS OF THE COUNTY’S CODE ENFORCEMENT PROCESS

Florida Atlantic University Study

In early 2001, the Planning, Zoning and Building Department contracted with Florida Atlantic University (FAU) to conduct an operational assessment of the Code Enforcement Division. The assessment included “a review of the county’s current code enforcement process, the formulation of suggested changes to improve and modernize the system, and the training necessary to implement the changes.”²¹ Representatives from other Florida jurisdictions were also interviewed as part of the study.²² The final study report was issued in August 2001. The findings and recommendations made by the FAU study were presented to the Board of County Commissioners on November 6, 2001. The major findings of the study are summarized in Table 2.

TABLE 2

**Summary of Principal Findings
From the Study by Florida Atlantic University**

Study Area	Finding
Overall operation and procedure	<ul style="list-style-type: none"> • Division is fundamentally sound
Caseload disposition	<ul style="list-style-type: none"> • Division generally handles an exceedingly large caseload well
Code enforcement prioritization	<ul style="list-style-type: none"> • No formal policy establishing code enforcement priorities
Public relations	<ul style="list-style-type: none"> • Division needs to do a better job of making the County Commission and public aware of its activities
Inter-agency cooperation	<ul style="list-style-type: none"> • Division needs to develop working relationships with municipal code enforcement departments
Ordinance drafting	<ul style="list-style-type: none"> • Perception among staff that much new legislation is drafted without an understanding of the demands placed on code officers to implement
Staff deployment	<ul style="list-style-type: none"> • Dividing departmental responsibilities along geographic lines appears to generally be working well • Some code officers assigned to the outer reaches of county stated that considerable time is spent on the road in order to get back to the division to do their follow-up work

(Continued on next page)

²⁰ *Ibid.*, p. 5.

²¹ *Ibid.*, p. 1.

²² Jurisdictions included the cities of Coral Springs, Jacksonville, Pensacola, Port St. Lucie and St. Petersburg, and Broward, Hillsborough and Sarasota counties.

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Study Area	Finding
Public access to case files	<ul style="list-style-type: none"> Existing arrangement creates a climate and opportunity for temptation to tamper with evidence
Forms and documents	<ul style="list-style-type: none"> Forms used in the division are well written and clear
Case preparation	<ul style="list-style-type: none"> Requiring officers to maintain their files during case preparation seems to work well Some officers voiced concern about time spent acting as “file clerks”; the majority felt that time saved by having their files readily available outweighed time lost processing paperwork
Computer software program for property research	<ul style="list-style-type: none"> Current system requires staff to search several websites in order to put together a property profile that reflects all ownership and permit activity for a specific parcel
Inter- and intra-departmental communication	<ul style="list-style-type: none"> Communication between Code Enforcement Div. and other regulatory departments or PZ&B divisions is not as clear as it needs to be Some code enforcement staff believe their requests are given lower priority than requests made by other county departments
Anonymous enforcement complaints	<ul style="list-style-type: none"> County policy is not to accept anonymous code enforcement complaints
Communications system	<ul style="list-style-type: none"> Code officers in the field experienced difficulty communicating with headquarters
Citation process	<ul style="list-style-type: none"> Division does not often prosecute cases in the County Courts under the citation process set out in Part II of Chapter 162 of the Florida Statutes
Arrest power	<ul style="list-style-type: none"> Division does not use the arrest power vested in the Sheriff as a means of enforcing County codes
Legal notice of violation	<ul style="list-style-type: none"> County does not post a notice until after the notice provided by certified mail has been returned County goes beyond the notice requirements specified in section 162.12(1)(a), F.S., by requiring code officers to attempt to find an address for a code violator other than the address types specified in the statute A change in property ownership results in the closing of the existing case and opening a new case with a new notice of violation issued to the new owner
Special Masters	<ul style="list-style-type: none"> Less experienced Special Masters were not familiar with the particulars of the county’s land regulation process
Hearing procedures	<ul style="list-style-type: none"> Communication between the senior code enforcement officer and the investigating officer was hampered by their physical separation, with the county’s prosecution of the case suffering as a result No formal procedure exists to submit evidence into the record, and the marking of exhibits varies from one Special Master to another Staff presentations rely on eliciting testimony through the rote recitation of standard questions rather than outlining in lay terms the legal elements of that specific case and how the violation can be remedied A certified translator was not available to assist respondents who do not understand English BCC has sole authority to authorize county staff to remedy a violation posing a threat to the public health, safety and welfare; other jurisdictions have delegated that authority to their Code Enforcement Boards or Special Masters No uniform procedure for granting continuances Code Enforcement staff prosecute all cases with the advice of counsel; county may be at a disadvantage when respondent is represented by counsel

Source: *Evaluation of the Palm Beach Code Enforcement Process*, prepared by the Florida Institute of Government at Florida Atlantic University, August 21, 2001.

Recommendations made by the study, which potentially affect Code Enforcement Officer staffing requirements, are summarized in Table 3.

TABLE 3

**Summary of Selected Recommendations
of the Florida Atlantic University Study**

Recommendation	Current Status
Develop formal written policy of enforcement priorities.	Completed. Priority list approved by BCC on November 6, 2001
Expedite development of departmental software for property research to reduce time spent by officers	In process. New computer program under development. Expected implementation date: 2004
Improve inter- and intra-departmental communication by designating person in each regulatory department or PZ&B division as the code enforcement liaison.	Completed. Criteria have been established requiring staff to coordinate complaints and investigations with all relevant agencies.
Accept anonymous enforcement complaints	Completed. Policy approved by BCC on November 6, 2001
Establish separate radio frequency or “talk-around” frequency or provide officers County cell phones.	Completed. Cell phones provided
Make greater use of court citation process, particularly when Special Master has proved ineffective.	Division management considers the practical drawbacks associated with this process to outweigh potential benefits.
Evaluate feasibility of arrests to achieve compliance in cases involving serious violations.	This procedure was already in limited use at the time of the FAU study. Division management believes that it is unlikely that its use can be significantly expanded because of practical limitations.
Investigate concurrent posting of notice of violation	Completed.
Provide notice to owners listed on county tax roll or to the address given by respondent; discontinue time-consuming process of giving greater notice than required.	Division concurs, but OFMB Collections Office prefers that the extra steps be taken to improve collections rate.
Discontinue practice of closing cases involving property that has changed ownership, and continue to prosecute pending cases against new owners.	Division disagrees. “Given the due process requirements in the statute, there would be no time savings in proceeding in the manner suggested. Current procedure is more legally defensible.”
Formalize and make uniform the process for submitting exhibits into the hearing record before Special Masters.	Completed. All exhibits are now labeled and identified prior to hearing, ready for submittal, if necessary.
Provide written recommendation to Special Masters at fine mitigation (modification) hearings.	Completed. Policy approved by BCC on November 6, 2001

Source: *Evaluation of the Palm Beach Code Enforcement Process*, Florida Institute of Government at Florida Atlantic University.

Internal Audit Report

The county’s Internal Auditor had an examination of the Code Enforcement Division in process at the time of our staffing study. Insofar as they may be relevant to the scope of this study, the findings of that audit reveal the following:

- Documentation in files is not complete;

- Inspectors work in cramped quarters in the PZ&B headquarters building in West Palm Beach.²³

STAFFING AND WORKLOAD CONSIDERATIONS

Staffing for the Code Enforcement Division has remained relatively constant over the past several years, with one exception. The exception involves the addition in FY 2002 of a new Condition Monitoring team, with principal responsibility for the review and enforcement of zoning conditions established by the BCC. The most recent six-year history of staffing and overtime expenditures is tabulated below. That table shows the effect of the staffing increase authorized in FY 2002, and also documents a higher than usual rate of overtime expenditures during fiscal year 2001, when emergency water conservation restrictions resulted in additional overtime usage among enforcement personnel.

TABLE 4

**Staff Allocation and Overtime Usage Histories of the Division
(Fiscal Year 1997 – Fiscal Year 2002)**

Position Title	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Director, Enforcement & Certification	1	1	1	1	1	1
Senior Code Enforcement Officer	5	5	5	5	5	6
Code Enforcement Officer	17	17	18	18	18	22
Research Specialist	1	1	1	1	1	1
Administrative Secretary	1	1	1	1	1	1
Secretary	2	2	2	2	2	2
Senior Clerk Typist	2	2	2	2	2	4
Clerk Typist	1	1	1	1	1	0
Total Positions	30	30	31	31	31	37
Overtime Usage [§]	\$24,081	\$28,592	\$32,247	\$27,636	\$64,130	\$55,000

Sources: Staffing data from PBC Planning, Zoning & Building Department; overtime expenditure data from LGFS “Expense Budget Summary Inquiry” (ESUM).

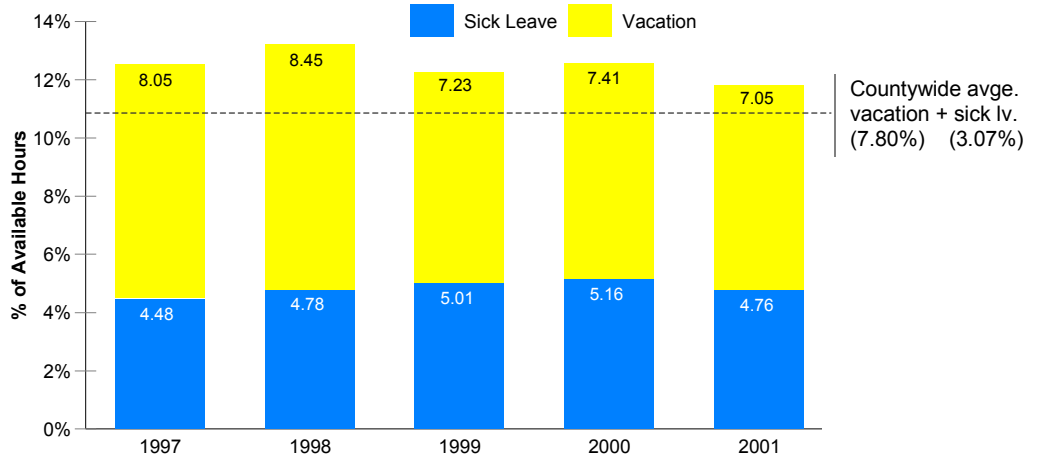
§ Actual expenditures in each year except FY 2002 (budgeted amount).

A modest amount of staff turnover during that time has not been a material productivity factor, but the division has experienced high levels of absence for sick leave in each of the past five years. Figure 2 analyzes vacation and sick leave absences among division staff, and contrasts those with the corresponding countywide averages for the same period.

²³ Internal Audit Report—Planning, Zoning and Building Department, Code Enforcement and Planning Divisions, April 1, 2002.

FIGURE 2

Although It Is Decreasing, Sick Leave Usage Among Division Staff Remains Significantly Higher than Countywide Usage



Workload Activity and Performance Levels

Existing sources of published (as well as much previously unpublished) data were consulted in the course of our study in order to document the trend in enforcement workload of the division over the recent past few years. Similarly, performance data were sought from the department to establish how well service levels were keeping up with performance goals—a vital consideration when analyzing staffing adequacy. In some instances, basic caseload and performance data were not available or were contradictory from one report to another. The study team and Code Enforcement Division management made numerous attempts to reconcile conflicting documents—documents which should have yielded consistent information, but which varied in some cases by as much as 100%. Some of these data were maintained in manual form, others were computerized. The study team was told that this was the result of choosing to wait for completion of a proposed new automation system which is now under development, rather than to spend the time and effort to develop consistent operational management reporting capabilities prior to installation of a new system. The *e*-PZB program has been in development since 2000; its present target date for implementation is 2004.

Through an iterative process of calculation-confirmation-recalculation-reconfirmation, the study team eventually adapted data we believe fairly approximate both the level of effort and performance of the enforcement program during the past five years. Those data show moderately increasing total numbers of complaints and caseloads-per-officer, peaking in the year 2000 and declining in the following year. Figures 3 and 4, together with Tables 5

through 8 beginning below, analyze workload trends and performance indicators over the period 1997-2001.

TABLE 5

**Recent History of Code Violations by Land Use Type
(Fiscal Year 1997 – Fiscal Year 2001)**

Land Use	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Agricultural	803	750	673	631	523
Commercial	243	293	299	293	213
Industrial	23	22	24	33	36
Residential	2,508	2,418	2,877	3,075	2,307
Other [§]	2	9	16	45	61
Total	3,579	3,492	3,889	4,077	3,140

Source: "Complaint Total Reports, Palm Beach County, PZ&B Department" (Report No. PZB057R1), dated April 2 and April 9, 2002.

Note: Data do not include "on view" (inspector-initiated) violations.

§ Includes violations for a variety of zoning classifications involving planned unit developments or multiple use planned districts; and violations of State Fire Marshal rules.

TABLE 6

**Enforcement Caseload Closure History of the Division
(Calendar Year 1997 – Calendar Year 2001)**

Year	Cases Opened	Previous Backlogged Cases [§]	Total Caseload	Cases Closed	Yearly Backlogged Cases	Cumulative Backlogged Cases
1997	6,858	2,217	9,075	5,558	1,300	3,517
1998	6,752	1,297	9,349	6,921	(169)	2,428
1999	7,042	663	8,836	6,862	180	1,974
2000	7,864	288	9,463	8,018	(154)	1,445
2001 [†]	6,813	100	8,070	6,951	(138)	1,119
Total	35,329			34,310	1,019	

Source: Report nos. PZBCODE4-R1 and PZBCODE4-R3, dated July 29, 2002.

§ OFMB adjustments were made to data from PZBCODE4-R1 and PZBCODE4-R3 to estimate the balance of backlogged caseload brought forward from the period 1992 through 1996 into the current 5-year period.

† For year-to-year data consistency, 3,167 water conservation cases opened in 2001 were excluded as a non-recurring event. In that year, water conservation cases comprised one-third of all new cases opened; no other year included any such cases.

FIGURE 3

The Code Enforcement Program Has Reached a Point at Which it Closes Slightly More Cases Than it Opens Each Year

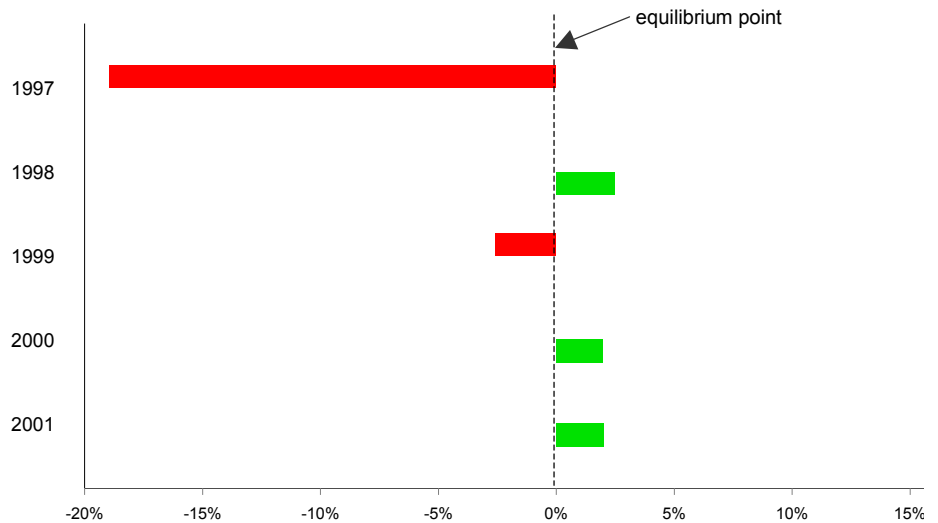


TABLE 7

Selected Investigative Performance Indicators (Calendar Year 1997 – Calendar Year 2001)

Performance Indicator	1997	1998	1999	2000	2001
Average new caseload per officer per year [§]	312	307	306	342	296
Average open caseload per officer [†]	413	425	384	411	351
Average time (days) from complaint to first investigation: [‡]					
• Citizen complaint	n/a	5.9	10.6	15.5	9.5
• Action Center complaint	n/a	3.5	3.4	5.2	6.5
• Commission District complaint	n/a	3.3	3.8	5.9	5.2
Composite Average	n/a	5.7	9.8	14.2	9.2
Average time (days) from complaint to case closure for cases opened in respective years [#]	187	86	79	68	35
Avge. age of open caseload	n/a	n/a	n/a	n/a	n/a
Avge. age of all cases at closing	n/a	n/a	n/a	n/a	n/a

§ Source: “Code Enforcement Complaints Opened by Year” (report no. PZBCODE4-R1), July 29, 2002

† Source: OFMB estimates from report nos. PZBCODE4-R1 and PZBCODE4-R3, dated July 29, 2002

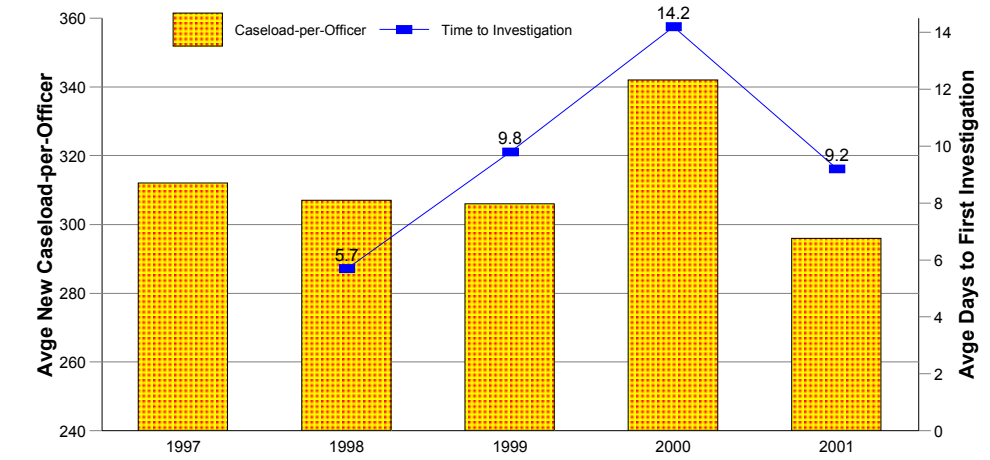
‡ Source: “Complaint Total Report, PZ&B Department” (report no. PZB057R1), dated August 2, 2002.

Source: Untitled report from CSR #33194, PBC Information Systems Services Department, July 2002.

Notes: Caseloads per officer are based on total authorized Code Enforcement Officer and Senior Code Enforcement Officer positions (Table 4) and complaints (Table 6); n/a = data not available.

FIGURE 4

**Elapsed Time from Complaint to First Action is Increasing
Despite Shrinking Caseloads-per-Officer**



Notes: Data for “time to first investigation” for years before 1998 were not available.
Year 2001 data have been adjusted to exclude 3,167 water conservation cases.

The term “backlogged cases” is used here as a quantitative descriptor, referring to that portion of the total enforcement caseload that remains open each year after closed cases are removed. The division does not consider any of its cases to be backlogged.

Over the course of the last five years, total work activity in the division has increased, although a declining portion of that activity is attributable to formal complaints that affect caseloads. Activity categories that have increased during the past few years have been those that tend to reflect pre-emptive actions—oral warnings, door hangers, and meetings with homeowner groups—and such other enforcement activities as follow-up inspections and illegal signs. In 2001, a sizable portion of the workload also dealt with the enforcement of water conservation restrictions that were not present in other years. Table 8 shows workload distributions and trends during the five-year review period.

Complaints and other workload tasks are handled as time allows, according to the priority ranking in place since 1996, and reaffirmed by the county commission in November 2001 (See Table 1 on page 5). Several years ago, the division apparently made use of a 5-day target response time from complaint to first action. According to division management, this was eventually abandoned

TABLE 8

**Selected Workload Activity Measures
(Fiscal Year 1997 – Fiscal Year 2001)**

Activity	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Oral warning issued	1,179	1,305	1,248	1,413	1,362
Oral warning corrected	375	503	817	830	668
Door hanger issued	712	486	361	468	877
Door hanger corrected	220	164	157	122	209
Landlord letter issued	16	8	31	55	50
5-day letter issued	137	211	225	391	338
Notice of Violation issued	1,963	3,361	3,676	3,250	3,221
Violation/Code Board follow-up	3,609	7,882	7,778	7,116	7,351
Notice to Correct	531	282	173	133	641
Citations issued	38	10	44	5	31
Abandoned vehicle tagged/removed & follow-up	867	974	1,010	1,159	1,331
Signs red-tagged/removed	5,087	1,845	2,815	2,267	4,236
Lot clearing initial/follow-up	798	613	494	530	915
Adjudication hearings [§]	1,742	1,584	1,425	1,247	908
Occupational license investigation	1,595	2,053	1,735	1,817	1,912
Other activity [†]	1,594	3,213	3,372	2,839	4,328

Source: Code Enforcement Division “Monthly Activity Report” for teams with general enforcement responsibilities.

§ Includes Code Enforcement Board and Special Master hearings. [Source: Report No. PZB057R1]

† Includes complaints inspected for which no violation was found; site visits to post notices; special permit inspections; meetings with homeowner groups; and special projects and assignments.

because of increasing responsibilities and expectations on the division, so the enforcement staff was relieved of any formal response time requirements.²⁴ Individual officers are free to decide which cases to work on at any time, guided only by a general, common sense reliance on the priority system, and the need to be efficient with their field time. Thus, lower priority cases located in the same general geographic vicinity with higher priority cases are worked in at the same time. The Code Enforcement Division does not currently have established performance standards associated with its enforcement activities.

²⁴ Personal interview with Terry Verner, June 7, 2002. In response to inquiries by the study team, the division director indicated that there is no present plan to establish response time targets corresponding to the five-level priority ranking adopted by the division.

COMPARISON OF DIVISION ENFORCEMENT METRICS WITH THOSE OF SELECTED PEER COUNTIES AND LOCAL MUNICIPALITIES

Although all cities and counties in Florida operate within the same legal framework for the enforcement of local codes, the operations of individual jurisdictions vary widely. Because there are no uniform reporting requirements on code enforcement programs, each jurisdiction is free to define its terms and measure its results in any manner that it chooses. Moreover, each community adopts its own ordinances and decides which of its local laws and rules will be enforced most vigorously. These considerations can limit the usefulness of comparative analyses across jurisdictional lines. Nonetheless, as requested, the study team did seek data concerning staffing levels and coverage from a group of selected peer counties, and from the ten most populous municipalities in Palm Beach County.

As peer counties, we selected Florida counties with unincorporated area populations of at least 500,000, along with Broward County (112,605 unincorporated population), because of its urban character and proximity. Miami-Dade County did not respond to our mail survey or follow-up telephone calls, and so was not considered further.²⁵ The survey questions were developed in consultation with division management.

Table 9 gives the results of that survey, grouped first by peer counties, and then by area municipalities.

TABLE 9

Summarized Statistics of Survey Data From Peer Counties and Area Municipalities

Agency	2001 Population [§]	C/E Officers	Population per Officer	Land Area (Sq Mi) [§]	Sq Mi per Officer	Avg Time from Complaint to First Action	Avg Time from Complaint to Compliance
Palm Beach County	531,434	28	18,980	1,728	62	9 days	n/a
Broward County	112,605	7	16,086	851	122	5 days	n/a
Hillsborough County	666,536	25	26,661	909	36	15 days	n/a
Miami-Dade County [†]	1,206,210	n/a	n/a	n/a	n/a	n/a	n/a
Orange County	619,597	33	18,776	908	28	4 days	n/a
County Avge	482,543	23	20,755	1,099	48	8 days	n/a

(Continued on next page)

²⁵ We know that the code enforcement structure of that county is decentralized into seventeen departments, each with compliance inspectors and a more limited range of codes to enforce than is the case in Palm Beach County with its centralized enforcement structure. This difference might have further complicated an agency-to-agency comparison.

CODE ENFORCEMENT STAFFING ADEQUACY

Agency	2001 Population [§]	C/E Officers	Population per Officer	Land Area (Sq Mi) [§]	Sq Mi per Officer	Avg Time from Complaint to First Action	Avg Time from Complaint to Compliance
Boca Raton	74,935	7	10,705	27	4	1 day	n/a
Boynton Beach	61,816	9	6,868	16	2	1 – 2 days	n/a
Delray Beach	60,645	9	6,738	15	2	1 day	30 days
Greenacres	28,013	2	14,007	4	2	n/a	n/a
Jupiter	40,625	3	13,542	21	7	1 day	15–60 days
Lake Worth	35,387	6	5,898	6	1	1 – 4½ days	60 days – 1 year
Palm Beach Gardens	35,463	3	11,821	54	18	1 day	30 – 90 days
Riviera Beach	31,112	5	6,222	9	2	2 days	90 days
Wellington	40,749	5	8,150	32	6	3 days	120 days
West Palm Beach	84,371	10	8,437	55	6	5 days	n/a
Municipality Avge	49,312	6	8,358	24	4	2 – 3 days	58 – 126 days

Note: n/a = data not available.

§ County data are for unincorporated areas only.

† Miami-Dade County did not respond to our survey attempts.

Findings and Recommendations

This part of the report is divided into two sections—one devoted to findings, conclusions and observations of the study team, and the other containing our recommendations. As appropriate, analyses of the issues are included in each of these sections. We begin by summarizing the essential conclusions reached by the study team as a result of our work on behalf of the department.

GENERAL FINDINGS

The preceding sections of this report have described the current organization and operating environment of the Code Enforcement Division, its workload, performance standards, and available staffing to meet its mission. Through a process of on-site observations, interviews with employees and managers, and a review of available documentary data, the study team offers its assessment of the adequacy of division staffing, given the division mission and workload.

The essential conclusions we have reached are: 1) available data suggest that the FY 2001 enforcement staffing allocation of the division was at the proper level to handle the annual caseload quantity; 2) reported code violations have been brought into compliance progressively more quickly over the past five years; 3) the division lacks meaningful performance indicators and standards for its enforcement program, and those that do exist are inconsistent with the division’s enforcement priority ranking schema; 4) without performance indicators or standards, the division cannot assess its staffing needs objectively; 5) the division lacks a modern case management and data tracking system, but it has not taken full advantage of capabilities that do exist in the department to

produce performance data to monitor its caseload and assess its staffing requirements.

The following specific findings describe the study team’s conclusions in detail, and are the bases for the recommendations that follow later in the next section of the report.

The authorized complement of enforcement personnel is adequate to handle the annual caseload of the division under current operational conditions

Over the course of the five-year study period, 1997 through 2001, the division opened 35,329 formal enforcement complaints and closed 34,263, for a closure rate of 97% for the period. When the oldest of those years is excluded, the rate for the remaining four-year period goes up to 101%, and the rate in each of the last two years was 102%. Table 10 shows this trend, and it shows that the rate of overall case closures for the entire active caseload also appears to have improved steadily during the last five years, and now stands at about 86%.

TABLE 10

**Enforcement Caseload Activity History
(Calendar Year 1997 – Calendar Year 2001)**

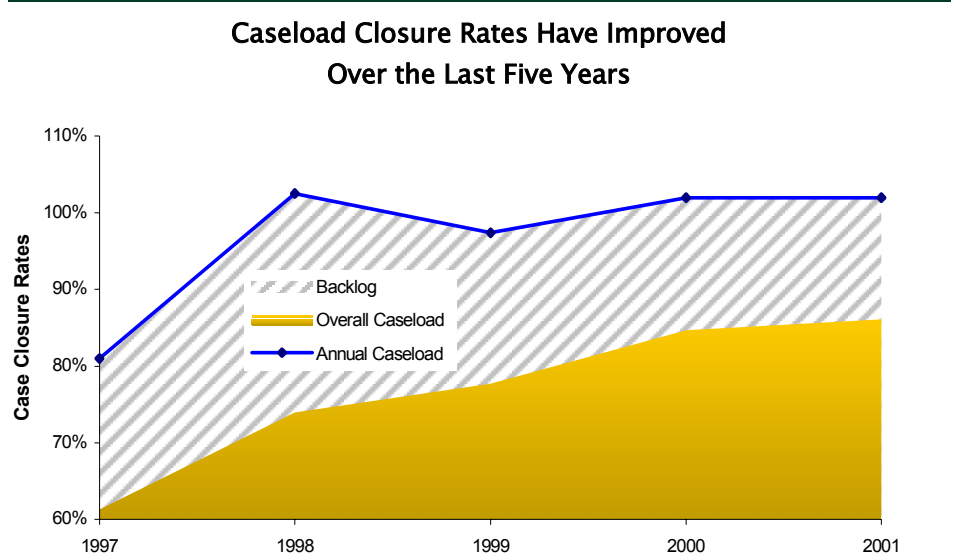
	1997	1998	1999	2000	2001
New cases opened	6,858	6,752	7,042	7,864	6,813
Backlogged cases from previous 5-year period brought forward	2,217	1,297	663	288	100
Total open caseload	9,075	9,349	8,836	9,463	8,070
Cases closed (per year)	5,558	6,921	6,862	8,018	6,951
Annual close-to-open rate	81.0%	102.5%	97.4%	102.0%	102.0%
Annual backlogged cases	1,300	(169)	180	(154)	(138)
Cumulative backlogged cases	3,517	2,428	1,974	1,445	1,119
Overall caseload closure rate (as % of total open caseload)	61.3%	74.0%	77.7%	84.7%	86.1%
Number of enforcement officers	22	22	23	23	23
Average new caseload per officer	312	307	306	342	296
Average open caseload per officer	413	425	384	411	351

Source: Data are restatements of data presented in Tables 4, 6 and 7 of this report. Caseload data for 2001 exclude 3,167 water conservation complaints, as a non-recurring event.

This latter statistic takes into consideration the presence in the caseload of old cases that remain open for longer periods for a variety of reasons. There are no precise data available that document the portion of the total caseload that remains open from year-to-year. The computerized case management system used by the division presently lacks the capability to produce reliable historical

reports on the size and composition of the enforcement caseload. However, we believe that approximately 10%-15% of active cases will routinely remain open at any time, and account for the difference between the 102% annual close-to-open rate of the past two years, and the overall caseload closure rate of approximately 85% in those same two years.²⁶

FIGURE 5



Source: Data are taken from Table 10 on page 21.

The annual close-to-open rate is a particularly significant statistic because it is a measure of the capacity of the division to respond to new workload entering the system in any given year. At 102% in each of the last two years, the division is slightly ahead of the equilibrium point at which it closes exactly as many cases as are newly opened in the same year. The equilibrium point is the point at which an organization’s staffing and workload are in perfect balance. All other things being equal, if the workforce is in negative imbalance, it is too small for the workload it handles; in positive imbalance, the workforce is too large for the work required of it. In the case of the Code Enforcement Division, a small positive imbalance is desirable for the foreseeable future as a way of expanding proactive enforcement, working down some of the older active cases, and maintaining a pool of trained inspectors to absorb future workload increases.

²⁶ The presence of old cases in the caseload does not necessarily signal an enforcement problem. There are reasons why cases remain open and technically active for prolonged periods. These reasons often have more to do with case technicalities than with a failure to bring violations into compliance. Because of data reporting limitations, we cannot assess the extent to which that is the explanation in this instance.

The annual close-to-open rate is important for a second reason: it is responsible for bringing down the number of backlogged cases. This has implications for future division work activities and staffing. If the annual closure rate remains above 100%, as it has in three of the last four years, the backlogged caseload will eventually be reduced to diminutive proportions.²⁷ At that point, the staff effort associated with closing those additional cases each year can be redirected to proactive enforcement activities and to further reducing the time to bring violations into compliance. Each percentage point of additional cases that can be redirected produces an increase in productivity from the existing workforce of approximately 0.25 FTE per year. At the current rate of 102%, the division could gain the equivalent of another half-time inspector each year to devote to other activities.

The positive staffing-to-workload ratio appears to be continuing past 2001 and into the current year. For the most recent calendar quarter, ending June 2002, the number of new cases entering the system was at an (unadjusted) annual rate of approximately 6,000.²⁸ If that holds true, it would continue a five-year long trend (except in 2000) of declining caseloads-per-officer, a development which would help ensure the continuation of the favorable staffing-to-workload condition the division has enjoyed for three of the last four years.²⁹

But staffing adequacy is dependent on more than just achieving a balance between the numbers of cases handled and the workforce available to do the job. Workload is itself a composite of two factors—activity levels (an input measure) and performance levels (an output or outcome measure). To determine staffing adequacy, how *well* a workforce is meeting its expected targets is as important as how *much* it has to do. For reasons that are discussed in detail later in this section, the issue of work performance cannot be as readily assessed in this instance as workload volume. However, at least from the perspective of activity levels, the division had the proper staffing complement in fiscal year 2001 to keep up with the new complaint workload entering the system at that time.³⁰

The division does not make use of performance measures that would allow it to fully determine personnel requirements, and to assess the

²⁷ In practice, the theoretical limit of 100% case closure will not be reached; there will always be some number of cases “in the pipeline,” in part, the result of case technicalities described earlier in footnote number 26.

²⁸ Source: “Complaint Total Report, Palm Beach County, PZ&B Department” (Report No. PZB057R1), dated July 18, 2002.

²⁹ This has been made more likely with the addition of five new inspectors in fiscal year 2002.

³⁰ Indeed, the division was able to accomplish this even while it was experiencing high levels of sick leave absences. If sick leave usage can be brought closer to the countywide average, the division stands to gain as much as an additional 0.50 FTE of productive time from the existing workforce.

extent to which its enforcement responses are consistent with the organization's expectations or appropriately target its stated priorities

The Code Enforcement Division does not presently use performance standards related to its enforcement priority schedule, although some standards have been adopted in the past. Several years ago, the division apparently made use of a 5-day target response time from complaint to first action. According to division management, that informal standard was abandoned due to increasing demands on the program. Even now, at least two existing departmental policy and procedure memoranda address response time performance standards. PPM No. PE-O-004 sets a 3-5 day target for responding to complaints originating with county commissioner offices, and 7 days for responding to all other complaints. Similarly, PPM No. PE-O-014 advises that occupational license inspections—a priority 4 activity—are to be made, “the following day.” There is no equivalent policy conforming to the division’s adopted 5-level priority schedule, even though it is that priority ranking system that ostensibly forms the basis for deciding which cases receive the earliest attention.

Likewise, we found no adopted performance indicators related to expectations the County may have for its code enforcement program. This sort of indicator translates public policy expectations into quantifiable standards that enable the program to monitor how closely its enforcement activities conform to policy-makers’ expectations, given the available staffing. These expectations may be stated in terms of enforcement timeliness, geographic coverage, enforcement emphases and visibility in the community. The study team reviewed transcripts of recent sessions of the Board of County Commissioners devoted to the code enforcement program and heard examples of these expectations expressed.

The absence of established performance indicators and work standards means that actual performance becomes the de facto work standard, even when it may not agree with the organization’s true expectations for the program.

The answer to whether or not an organization’s staffing is adequate depends very largely on the results of two comparisons: 1) how much work the organization does compared with how much there is to do, and 2) how well (or fast) it does its work compared with how well (or fast) it is *supposed* to do it. By not aligning performance expectations with enforcement priorities, key reference points are missing to make these comparisons, which are necessary for informed resource allocation and staff deployment decisions.

This also leads to the potential for priority misalignment. Examples of the potential for priority misalignment can be found in the workload data tabulated on page 18 of this report. Illegal signs—nominally a priority 5 enforcement activity—increased by 130% over the last four years; and enforcement of abandoned vehicles (priority 4) increased by 54% since 1997. Taken together, the numbers of events involved were in the thousands. This is contrasted with an increase of less than 15% in enforcement related to vegetation/lot clearing, a priority 2 activity. Of course, this apparent difference in enforcement emphasis could merely be a matter of the numbers of complaints involved in each category, and not a misalignment of priorities. There may simply not have been any more cases of vegetation/lot clearing violations to enforce. But this cannot

be determined with currently available data, and the division has not devised a means of tracking its caseload by type of violation or priority status.

The division needs a suitable case management and data tracking system, but at the same time, it has not exploited the capabilities of the department's existing management information system to produce meaningful management reports or to make enforcement priority decisions

The study team found a limited amount of basic operational reporting in the division. Such data as were reported, were often at odds with each other, to such an extent that their accuracy could not be assumed with confidence. Basic business data reflecting the division's mission—what it does, how much it does, how well it does it, how quickly it does it, how its workload is changing over time—are not routinely reported to anyone in the organization. In some cases, these data are not even captured consistently or transferred from hand written activity logs maintained by individual inspectors into the central computerized case management system where they could be useful. The data used throughout this study report were produced, sometimes with considerable difficulty, as special reports in response to specific requests made by the study team.

The Planning, Zoning and Building Department is in the midst of a multi-year software conversion intended to upgrade the capabilities of its existing management information system. The study team was told that the lack of reporting in the Code Enforcement Division was the result of choosing to wait for completion of a new automation system which is now under development, rather than to spend the time and effort to develop consistent operational management reporting capabilities prior to installation of a new system. This is an understandable consideration. Making extensive modifications now to the existing system to produce desired new enhancements might not be sensible. But the long-standing information deficiencies of the division are not wholly attributable to systems conversion; much of what the division needs in order to exercise adequate controls over its work could have been produced by the department's existing mainframe computer program. Priority designation codes attached to individual cases, and standard caseload aging information alone would help code inspectors to efficiently concentrate on the highest priority cases, and would allow supervisors to quickly respond by temporarily reassigning personnel if higher priority cases were taking too long to get to.

Code violations have been brought into compliance much sooner than in the past, but added enforcement staff has not produced better initial response times, even with smaller caseloads per officer

The complement of enforcement officers was increased in fiscal year 1999 by one senior level inspector. Since 1997, the new caseload-per-officer-per-year has declined in each year except 2000, while enforcement response, measured in elapsed time from complaint to first action, has slowed appreciably. By the

end of the five-year study period in 2001, that measure of responsiveness had slowed by 60%, from 5.7 days on average to 9.2 days, but had begun to improve. Over the same period, the size of the new caseload-per-officer-per-year shrank by 5%, from 312 to 296. An examination of data for the most recent calendar quarter (ended June 2002) reveals that response times have continued to improve in almost all measured categories, but still trail initial investigative response times in comparison with 1998. Table 11 tracks this condition, and displays other relevant details behind the summarized data.

TABLE 11

**Time from Complaint to First Action
and from Complaint to Case Closure**

	CY 1997	CY 1998	CY 1999	CY 2000	CY 2001	(Qtr 2) 2002
Avg yrly new caseload per officer	312	307	306	342	296	214 [§]
Number of enforcement officers	22	22	23	23	23	28
Avg time (days) from complaint to first investigation:						
• Citizen complaint	n/a	5.9	10.6	15.5	9.5	7.9
• Action Center complaint	n/a	3.5	3.4	5.2	6.5	1.0
• Commission Dist complaint	n/a	3.3	3.8	5.9	5.2	7.7
Composite Average	n/a	5.7	9.8	14.2	9.2	7.9
Composite average response time compared to 1998	--	--	+72%	+149%	+61%	+39%
Avg time (days) to close cases opened by respective years	187	86	79	68	35	n/a

Source: Data are restatements of data presented in Table 7 of this report.

Note: n/a = data not available

§ OFMB estimate based on Report No. PZB057R1, dated July 18, 2002, and staffing complement of 28 enforcement personnel.

The study team found that there has been a consistent difference in response times for complaints relayed through the county’s Action Center, as compared with complaints called in directly to the Code Enforcement Division. The fact that Action Center complaints get faster attention than those reported directly to the division may confirm the benefit of having an Action Center, but it raises questions about possible process impediments and training needs in the division’s customer service program. Unfortunately, the recent Florida Atlantic University report does not address this condition or its possible solutions.

Elapsed time from complaint to first action is not the only possible measure of program responsiveness. The data available to us suggest that enforcement cases are being brought to closure much more quickly than they were in the

past.³¹ Ultimately, the speedy abatement of violations matters most, and in that respect, the division appears to have made significant improvements. We base this on data of complaints that were opened in the years 1997 through 2001, and which were closed in the years they were opened, as shown earlier in Table 7. The average age of those complaints at closure has been declining since 1997, down from a high of 187 days on average to 35 days for cases opened in the year 2001.³² The records do not tell us what percentage of the total active caseload is represented by this group of cases, or whether there has been a similar improvement in the rest of the caseload.

Since 1997, a declining portion of the division's total activities involves formal complaints that affect caseload, and a declining portion of the caseload results in adjudicated complaint resolution

The available data show two significant developments over the course of the 5-year study period: 1) whereas total work activities of the division have increased, a progressively smaller proportion of that work is attributable to formal complaints that affect caseload; and 2) fewer complaints end up in adjudication before a special master. These are both significant workload trends, and they are both potentially positive developments. One possible explanation is that both of these phenomena are the result of a changing enforcement strategy that emphasizes preemptive actions over reactive ones. There are some data to suggest that this may be one factor. It is also possible that this is a consequence of the increasing visibility and acceptance the code enforcement program enjoys in the county after twenty-five years in operation. Oftentimes, regulatory programs become truly successful only when they have become established enough to cause a change of behavior. Thus, a declining caseload may actually signal a growing community awareness and willingness on the part of the public to take care of nuisance conditions before they become violations (or, at least, before they are reported by neighbors and become formal complaints). Each of these explanations could account for the observed trends, but there are other possible explanations.

Relying on individual users to file complaints can be an unreliable barometer of program effectiveness. If, for instance, out of discouragement or cynicism, the public believes that it is pointless to make complaints, the number of complaints would also be declining. It takes a sophisticated customer care and quality control program to discern the difference between decreasing need and waning interest.

³¹ For purposes of this analysis, case closure is considered equivalent to bringing a violation into compliance. This is technically not the case; there are reasons why cases may be closed even though there is not yet compliance. However, this is thought to be only a slight consideration.

³² The presence of over 3,100 water conservation cases in 2001 may have had an effect on the 50% reduction in time registered between 2000 and 2001. The true age at closure of a more typical caseload may be somewhat different from 35 days.

Whatever the reasons, the declining incidence of complaints and adjudications is beneficial from a workload perspective. By one estimate, each case that goes to hearing before a special master requires an average of twenty minutes for the hearing itself, and another 40 minutes of preparation time.³³ At that rate, the reduction in special master hearings of 834 per year between 1997 and 2001 has already produced the equivalent of an additional 0.5 FTE each year for other enforcement activities. That frees inspectors to spend that time taking preemptive actions and improving response times and case closure rates.

The proposed e-PZB computer application can help the enforcement program if the division develops clear requirements for data capture, process flow, and management information reporting in advance of system design and installation

The proposed e-PZB program is presently scheduled for implementation in 2004. Intended to be an enterprise-wide resource planning system, e-PZB has the potential for bringing together important operational, management, and regulatory information across organizational lines in a manner that could benefit all PZ&B department functions. According to the ISS project manager on this application, the programming team is scheduled to begin design work on the code enforcement module in October 2003, at which time such issues as data capture, process flow, and reporting requirements will be decided, in consultation with division management.³⁴

There may be a tendency on the part of some to imagine that installation of a new computer program is all that is necessary to overcome existing data and management information deficiencies. With a custom-built application such as e-PZB, this will not be the case. For effective implementation of the program, it is vital that users provide the design team detailed requirements for what data must be captured, where those data come from, how they are to be captured into the system (keyed or uploaded from transportable media), what data access is required (at a centralized point or distributed), what data audits are required before transfer to the permanent database, how users expect to interface with the system, and what, when and how data are to be reported and to whom.

RECOMMENDATIONS

Recommendation 1: It is recommended that the division adopt appropriate performance indicators and related standards that reflect the county's expectations for the program

How an organization marshals its resources depends on what expectations it has for desired outcomes. Over the course of the past five years, the division

³³ Sources: Personal interview with Terry Verner July 16, 2002 and Table 8 on page 18 of this report.

³⁴ Source: Personal interview with Fernando Cevallos, July 26, 2002.

has improved its case closure rates and has reduced the amount of time from complaint to compliance. Still missing are the performance benchmarks that permit the division to know whether priority activities are being addressed consistent with policymakers' expectations.

Even though there are no current adopted measures of enforcement program effectiveness, there are nevertheless organizational expectations concerning the program's performance. The Board of County Commissioners has expressed the sentiment that it has un-met enforcement expectations, and has demonstrated a willingness to invest the resources required to address them. Division managers must now translate those policy expressions into suitable standards that represent concrete performance targets to be measured, monitored and reported back to the Board and to senior management.

At a minimum, specific measures should be devised involving geographic coverage requirements (providing a permanent staffing presence in the western communities, for example), target response times linked to a realistic priority enforcement schedule, and standards relating to a proactive enforcement strategy.³⁵ Because the division's two specialized teams (Community Support and Condition Monitoring) are designed to operate in a different manner from the four geographic area teams, it will be important to incorporate those differences into the performance measures as they are developed. (It is likely that the criteria by which successful proactive functions are judged will not be the same as those for judging reactive ones.) Once measures are in place and data can be accumulated, the issue of staffing adequacy can regularly be re-examined, taking into account not only total caseload numbers but the performance expectations as well.

Recommendation 2: It is recommended that the division examine its current operations to be prepared to take full advantage of best management practices and contemporary technology, particularly in connection with the implementation of e-PZB

The development of e-PZB is an opportunity to re-examine internal and inter-jurisdictional operations to avoid carrying outdated, inefficient processes into the new system. The functional capabilities proposed for the new computer application are robust and offer the department powerful tools for both process management and data management.

An examination of current operations to identify opportunities for process improvements was outside the scope of this OFMB staffing study. However, the sorts of issues that would be relevant are such things as (1) the feasibility of equipping code inspectors with laptop computers for making field notes that

³⁵ OFMB has been tasked with facilitating a comprehensive countywide review of performance indicators and benchmark standards, and is available to assist the Code Enforcement Division in this effort.

can be directly uploaded into the centralized case management system without further transcription; (2) data audit requirements (if any) before transfer into the active database; (3) the use of GIS in real-time enforcement activities; (4) the use of computer-generated priority and follow-up inspection listings for individual code officers; (5) the potential for interactive exchange of enforcement information with other county regulatory agencies and interested municipalities.

There are a number of technological advancements that could be extremely useful to the division's proactive enforcement strategy, by aiding individual code officers to file on-view (inspector initiated) violations effortlessly. In particular, if code enforcement vehicles were equipped with Global Positioning Satellite transponders, officers in the field would need only dictate a short comment into mobile telephones concerning a potential violation, and their locations would instantly be registered with the computerized case management system, along with their dictated note concerning the types of violations observed. By the time the inspector returned to his office, a printed violation form would be waiting, complete with property address, property owner's name and mailing information, and a brief description of the violation, including relevant code citations. If desired, printed notices and envelopes addressed to the property owner could also be waiting for immediate mailing. And all of that would occur without any further human intervention.

There are potentially significant process implications associated with all of the issues described above which need to be considered carefully and discussed in detail with the *e*-PZB design team in time to be incorporated into the programming.³⁶

Recommendation 3: It is recommended that the division undertake a thorough review of its case management and data reporting requirements to ensure that when the new *e*-PZB computer system is installed, it will accommodate all of the management information needs of the division

The division has significant data management requirements that need to be systematically identified and described to the *e*-PZB project design team. According to the ISS project manager, the code enforcement module is scheduled to begin design in October 2003. By that time, division management must be ready to describe these requirements in detail to the design team, and to know how, when and where the relevant data will be captured and reported.

At a minimum, all of the following data should be captured in the case management system:

³⁶ The recent study conducted by the Florida Atlantic University Institute of Government provides little practical guidance to the division concerning process improvements at a level that will be useful for this purpose.

- All information on the existing complaint form
- Priority status level
- Assigned case officer
- Assigned team
- Date of each case activity entry
- All civil fines imposed and administrative costs assessed by date of action
- Liens attached
- Final disposition of complaint at closure

Caseload management reporting should include each of the following, for any user-defined date or period:

- Active (open) case count
- Distribution of active cases by priority status level for each team and each officer
- Age of each case in the active caseload by priority status level for each team and each officer
- Average age and oldest/newest ages of active caseload by priority status level for each team and each officer
- Distribution of active caseload by type of violation for each team and each officer
- Closed case count
- Age of each case at closure by priority status level for each team and each officer
- Average age and oldest/newest ages of cases at closure by priority status level for each team and each officer
- Distribution of closed cases by type of violation for each team and each officer
- Average time and minimum/maximum times from complaint to first investigation by priority status level for each team and each officer.

A growing proportion of the division's total workload involves activities that do not result in formal complaints that would otherwise get into the case management system. These activities nevertheless represent a growing demand on the workforce that must be managed, and be accounted for in the division's overall performance record. Many of the activity types listed in Table 8 on page 18 are recorded only manually on inspectors' daily log forms, and are not contained in any computerized database for ready workload reporting and management review. If the division becomes increasingly proactive in its enforcement strategy, these activities are likely to become an even more prominent part of its performance record. In that connection, as the division develops performance measures per recommendation no. 1, additional data capture and management reporting categories will be needed for these types of activities, beyond those identified above.

TABLE A-1**Summary of Vacation and Sick Leave Usage History
(Fiscal Year 1997 – Fiscal Year 2001)**

Year	Vacation Leave						Sick Leave Usage			
	County Reg Hrs [§]	C/E Reg Hrs [§]	County Hrs Used	County %	C/E Hrs Used	C/E %	County Hrs Used	County %	C/E Hrs Used	C/E %
1997	7,870,707	46,199	678,232	7.70	4,249	8.05	265,507	3.01	2,368	4.48
1998	7,977,240	51,340	704,829	7.87	4,999	8.45	273,647	3.06	2,829	4.78
1999	8,111,656	51,846	705,295	7.75	4,273	7.23	284,146	3.12	2,961	5.01
2000	8,647,938	54,097	756,109	7.79	4,587	7.41	297,347	3.07	3,193	5.16
2001	8,575,407	55,802	757,116	7.86	4,461	7.05	298,378	3.10	3,009	4.76
Total	41,182,948	259,284	3,601,581	38.97	22,569	38.19	1,419,026	15.35	14,360	24.19

Source: Payroll Report No. ZOT4513, dated 8/30/02

§ Excludes 96 hours of holiday leave time per year per employee