



CACEO *news*

California Association of Code Enforcement Officers

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Do you have a story to share? Is your city, special district or county doing something interesting?

Whether it's an exciting new program or how you managed a complex issue, we want to hear about it. If you would like your story to be featured in an upcoming CACEO Newsletter, contact Ashley Bradley at ashley@caceo.us. ✦



City fights to keep banks accountable for blight in foreclosed homes

By: Mark Oltmanns, originally appeared in *RichmondConfidential.org* Reprinted with permission

When Richmond's code enforcement manager Tim Higaes realized his unit was bringing in less money this fiscal year than the last, he was actually happy. He said less money means more clean-up cooperation from property owners—mostly banks—who face steep fines for allowing foreclosed properties to fall into disrepair.

"We need to stabilize these communities," said Higaes. "The drop in penalty fees means that we're getting compliance." Richmond was hit particularly hard by the foreclosure crisis. Higaes said code enforcement receives about 3-5 complaints about newly vacant properties a week, many of which are foreclosed. There were approximately 2,300 properties in some state of foreclosure last year, up several

hundred from 2009. Since then, those numbers have stagnated at best. Higaes said for every property that gets picked up, he sees another go into foreclosure.

Foreclosed properties pull down the prices of surrounding homes, encourage blight, and mean fewer property taxes for the city. Higaes said the vacant homes are also a magnet for crime. "If you don't get them secured, we have homeless people, squatters, that like to get in there. Sometimes we have drug dealers going in there. And these places become full of biohazards," Higaes said in an interview last October.

In late 2008, the Richmond City Council passed an ordinance to address some of these blight

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PRESIDENT'S MESSAGE



Billy Owens

As the President of the California Association of Code Enforcement (CACEO), I will continue to work for CACEO members.

We are facing ever-increasing budget cuts and code enforcement

department eliminations. The budget situation in Sacramento is very volatile and challenging. I have had discussions with the code enforcement organizations and their leadership throughout the United States; California is not the only one struggling.

CACEO remains politically active in code enforcement issues and once again will partner with other organizations and participate in the California Peace Officers Association (CPOA) legislative day 2011.

Our main legislative goal in 2011 is the standards bill, AB 801. This bill carried by Assemblymember Swanson, will set the education and continuing education for code enforcement officers into law. We will identify key legislators who may help move this very important bill forward. You will be contacted and asked to contact your legislators; CACEO will provide talking points.

CACEO's Annual Seminar in the final stages of planning, I look forward to seeing you there. ♦

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EXECUTIVE DIRECTOR'S REPORT



Melissa Dixon

Last year, CACEO was successful in introducing and passing legislation that codified the definition of "code enforcement officer." This year, as Billy's President's Message will tell you, CACEO has been suc-

cessful in initiating legislation that would standardize the training and education requirements for the profession. Assembly Bill 801 (Swanson) was introduced on February 17, 2011 and would affect Section 829.7 of the Penal Code.

As of this writing, 879 code enforcement officers have renewed their membership in CACEO for 2011. We had more than 1,100 members in 2010, so there's still a few hundred that have not yet renewed. I'd like to use my column inches to urge any who have not yet renewed their membership, to do so now.

When dealing with legislative issues, the more power an association has the more it is listened to and its opinions respected in the State Capitol. The more members an association has, the greater its power. Last year, we passed AB 1532 with 1,100 members. AB 801 is going to be a more difficult fight, as it creates a state mandate for training, which affects local government budgets. To win this fight, we need the support of every code enforcement officer in California. The policymakers need to know that this legislation matters not just to CACEO, but to their constituents. And the more members CACEO has going into this fight, the stronger our voice will be with the Legislature.

Thank you to the 879 code enforcement officers that have renewed their commitments to the success of this profession. To the rest of you who have not yet—please reconsider membership in CACEO. With local government budget cuts, now is not the time to be on your own. Now is the time to be part of the group working to show the importance of your role in community health and safety. ♦

MISSION STATEMENT

CACEO exists to promote and advance the profession of code enforcement while serving and supporting its members by: Offering comprehensive education and certification, Providing legislative advocacy on issues of importance to the code enforcement profession, Facilitating a network for an exchange of information and technology.

Assemblyman hosts surprise retirement luncheon for community preservation inspector

Fred Fix , City of Santa Ana



The Honorable Jose Solorio, 69th Assembly District and a former CACEO Legislator of the Year, hosted a surprise luncheon for retiring Robert "Bob" Martinez - Community Preservation Inspector for the City of Santa Ana.

Joined by family, friends, co-workers and distinguished elected officials from the City of Santa Ana and surrounding Orange County agencies, Bob was truly surprised by the outpouring of support and recognition for his more than 30 years of public service. Assemblyman Solorio formally recognized Bob with a California Legislature Assembly Member Resolution No. 1621.

In his capacity as a Community Preservation Inspector for the City of Santa Ana, Bob was commended for his work to help advance the division's purpose to improve neighborhoods through personalized neighborhood contacts, education of code requirements, fair enforcement of laws and innovative processes, and over the course of his public service career, he fulfilled his duties with the integrity and professionalism that is imitated by many but achieved by few.

As a decorated Vietnam veteran, Bob honorably served his country for five years as a member of the United States Navy, and while a public employee, he was an active member of the Service Employees International Union (SEIU), AFL-CIO, providing wise counsel as Political Action Chair, President, Vice President, Treasurer, and a Board member of Santa Ana Local 1939 and Local 347. Bob has always made himself available as a valuable resource for the CACEO Legislative and PAC Committees to promote the code enforcement profession.

He lent his guidance as a delegate and member of the Board of the Orange County Central Labor Council, and possessing great public spirit, he has generously given his time and energy to Santa Ana's young people, bringing credit and distinction to himself as co-founder of the Latino Youth Leadership Institute (LYLI).

Bob has been the recipient of numerous honors and recognitions, including an Orange County Human Relations Community Award, United State Hispanic Leadership Institute Recognition, and SEIU AFL-CIO Union Member of the Year, to name just a few.

Throughout his more than 30 year career with the City of Santa Ana, Bob Martinez distinguished himself

among his colleagues and associates for the integrity and professionalism in which he fulfilled his assigned duties. Those who worked directly with Bob will always remember his dedication in advocating the recognition of code enforcement education and certification through his involvement with SEIU, Rio Hondo College and the Rancho Santiago College Districts. Upon his retirement, he leaves an indelible mark of excellence as his legacy. ♦



Health Reform and Your Insurance

Jason Andrew, Stone Meadow Benefits, CACEO Healthcare Consultant



There is a tremendous amount of information in the news regarding health reform. However, deciphering how and what will impact you or your business personally, and when, is very difficult to figure out.

A recent **article** states that 56 percent of Americans are confused about what is happening with Health Reform.

In this brief **article** I hope to provide some information and insight that will shed some light in this ever changing market.

Will the PPACA (Patient Protection and Affordable Care Act) get repealed?

It's anybody's guess, really. However, this article provides a good overview. Those who are entrenched in the bill know that many provisions of it have to change. In addition, those changes are being worked on. However, the bill in its entirety will probably not be repealed. If it is found unconstitutional, as some would like, we still need to address the underlying problem: the skyrocketing costs of insurance.

If it does get repealed, what will insurance carriers do with adult dependents who were allowed on the plans as of October 23, 2010?

Will they be dropped? What about children under 19 who now have guaranteed issue coverage in the California market? Will carriers cancel coverage? And what about lifetime maximums that were just eliminated as of January 1, 2011? Will an individual have to pay back a \$1 million claim because the previous \$6 million claim limit was exceeded in February by \$1 million due to their cancer treatment? It's complex now that so many provisions have already been implemented.

What will happen in the California insurance market?

The Federal provisions of PPACA left many details to the discretion of state policymakers. California chose to create an exchange that will be an active purchaser. You can read about some details of the California exchange **here**, **here** and **here**.

In short, beginning January 1, 2014, you will be able to purchase an individual health insurance policy either inside or outside the exchange. There will be two separate exchanges in California; an exchange for individuals and one called "shop" available for small businesses. The individual plans will be guaranteed issue

then, as small group (two to 50 employee companies) are now. That means that insurance companies will no longer be able to decline an individual who applies inside or out of the exchanges.

Below are a couple of valuable things you may want to know:

Stand-alone health plans for children under 19

Previously, I wrote an **article** that provides all the specifics. However, the short answer is that as of January 1, 2011 any child under 19 can apply for an individual health insurance plan without being declined and without any pre-existing limitation imposed.

Blue Shield rate increase and comparable plans

I wrote an article about Blue Shield's proposed 59 percent rate increase for some of its individual clients. You can find **details here**. Take a moment to read through it as I think you will find clarification of a few of the confusing items found in most news sources.

Anthem Blue Cross changing the way it bills individual clients

You can read about the **change here**. You can also find the necessary form to send them if you are current Anthem Blue Cross member.

Kaiser's March focus is on cancer prevention

If you are a Kaiser member, or not, you can use this **link** to go to a site filled with tips and tools focused on cancer prevention.

I hope this first article is helpful. If there are topics and specific questions you would like answered, please e-mail me at **jason@smbinsure.com** and I will either reply directly or add your question to our new monthly newsletter. You can also go to our **blog** to get quotes and look at options for either business or personal health insurance or call our office at 650-419-2403. ♦



City of San Jose takes a “no tolerance” approach in responding to vacant foreclosed properties

Michael Hannon,
Code Enforcement Official for the City of San Jose

The City of San Jose, like most other cities in the state of California, has experienced a significant increase in the number of foreclosures and, unfortunately, once vacated, these properties not only create a public nuisance, but also further erode the quality of our neighborhoods. San Jose anticipates that the number of foreclosed residential properties will increase throughout 2011 and possibly into 2012.

San Jose has developed regulations to ensure that vacant structures are maintained in a secure condition and that all yard areas, including the rear yard, are free of refuse, debris and garbage. In addition, the property owner is required to remove graffiti promptly and to ensure that overgrown weeds do not create a fire safety condition. Finally, property owners are required to maintain the landscaping. In essence, San Jose requirements were developed

to ensure that vacant structures are “...kept in such condition as not to create the appearance of an unsecured, unoccupied structure or other hazard to public safety” (San Jose Municipal Code, Section 17.38.150 C).

The City of San Jose’s Code Enforcement Division has received and responded to hundreds of complaints from residents over the past two years. Of course, the challenge has been two fold, 1.) the property has been vacated by the property owner/responsible party and 2.) many of the banks/lenders have refused to take possession of the property in order to avoid property maintenance responsibility. San Jose’s *Neglected Vacant House Ordinance*, which was recently amended to include commercial, industrial and historic structures, states that, “... any person who owns, controls, or is the responsible agent...” and San Jose has

concluded that banks/lenders having issued and recorded a *Notice of Default*, have demonstrated a “controlling” interest in the property and, as such, should be responsible for property maintenance until the property is sold. Many banks/lenders have accepted this responsibility, resulting in no complaints from impacted neighbors. Unfortunately, some banks/lenders have not accepted this responsibility, creating a significant “unfunded” burden on local governments.

As a result, the Code Enforcement Division has taken a “no tolerance” approach in responding to vacant foreclosed properties. Vacant structures that are not maintained in strict compliance with the City’s *Neglected Vacant Structure Ordinance* are subject to administrative fines of \$250 per violation, issued without warning. In addition, if the property is not brought into compliance within 30 days, the property owner, including the bank/lender, is required to register the property as a neglected vacant structure and required to reimburse the City of San Jose for quarterly inspections, for a period of at least six months, to ensure that the property can be maintained in compliance.

The City of San Jose is hopeful that this “no tolerance” approach, developed and implemented in 2009, will reduce the impacts of vacant structures in its business districts and neighborhoods. ♦

(This article was written by Michael Hannon, Code Enforcement Official for the City of San Jose. He can be reached at 408-535-7826).



Save the Date!

2011 CACEO Annual Seminar

SEPTEMBER 6-9, 2011 • ASILOMAR CONFERENCE GROUNDS



The CACEO Annual Seminar, from the eyes of a first-timer

Michelle Lenahan, ForeclosureRadar

In September 2010 I attended my first CACEO conference in Sacramento. What an eye opening experience. I wish I could go back in time before I attended the conference and record what I thought the job description was for a code enforcement officer. I truly walked out of that conference with a very different understanding.

Those of you who attended may remember me. I sat through most of the break out sessions wide-eyed with my mouth open as I learned about task forces, hoarders, and the dangers and hazards of being a code enforcement officer. I quickly realized I had absolutely no idea what was really done on a daily basis.

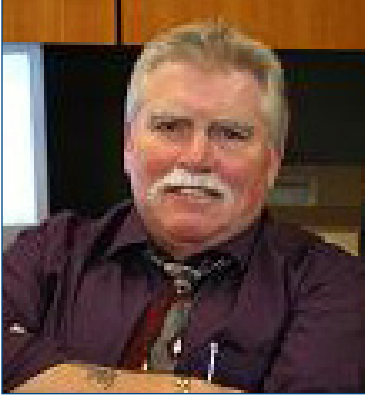
I suppose if I had written that job description prior, it would have said drive around, inspect properties, and write tickets for violations. Boy was I wrong. I reported to those I sat with at lunch that I thought there should be a reality show for code enforcement officers. Code

enforcement appears to be the “catch all” department for all community problems.

I still tell the stories to my friends about what I heard. The jugs of urine, the hundreds of animals, the upstairs tenant that left the water running in the bathroom and refused to let anyone in, the reports and documentation that are required and of course, my favorite, the statistic about hoarders shortened life expectancies if they are removed from their environment.

I walked in hoping to learn more about code enforcement so that I could show officers how to save time tracking foreclosures, finding homeowners and lenders, and seeing same day auction results when a bank takes a property back. I walked out thinking I should call the producers of CSI. I think Code Enforcement USA could be better than COPS or that crazy show that tracks crab fisherman. I have a feeling that there is an endless supply of stories out there! ♦

Meet Your NEW BOARD MEMBERS



**MICHAEL
(DOC) LANGE**

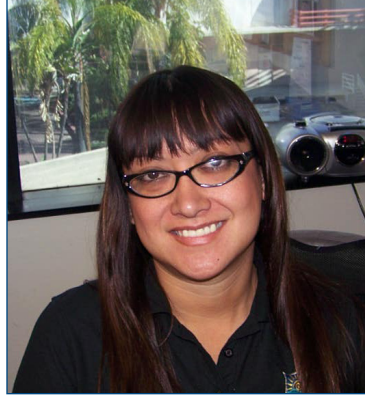
**Michael (Doc) Lange,
Pleasant Hill Code Enforcement Investigations Unit**

Michael Lange was born in Adrian, Minnesota. His father was a high structural superintendent for American Bridge, so they traveled and worked throughout the U.S. The family moved to Knightsen, California in 1964 where Michael attended high school in Brentwood. He later received a bachelor's degree in Criminal Justice with a minor in Occupational Health and Safety from the Union Institute of Undergraduate Studies located in Sacramento, California. Since then he has lived and worked in Alameda and Contra Costa Counties.

Throughout his life he has been continuously involved in law enforcement, insurance, and code enforcement investigations with the Alameda County Sheriff's Office (retired), Farmers Insurance Group and the City of Pleasant Hill. He has an advanced certification from CACEO, POST certified, Fed-OSHA Construction I Instructor, attended the National Insurance Crime Bureau Academy and is a California licensed private investigator (TransBay Investigations).

He has served as the president of Western States Auto Theft Investigator's Association of California and Nevada, president of the City PACE Union Negotiation Unit, director of the Contra Costa County Code Enforcement Network, and as president of a law enforcement motorcycle club, "Blue Knights."

His interests are motorcycles, hunting and fishing, and long distance motorcycle riding. ♦



**CARRIE
RIOS**

**Carrie Rios,
City of San Bernardino**

My Enforcement career began in 2001 in the City of Los Angeles where I worked for the Department of Transportation; there I specialized in stolen vehicle recovery and abatement of abandoned vehicles throughout the city. My code enforcement career began at the City of Riverside as a Code Enforcement Officer II in 2006. I am currently a Code Enforcement Officer II with the City of San Bernardino and am passionate about the career path I have chosen. While in the code enforcement field I have been given the opportunity to network with many of you, like most of you, I can relate first hand to these tough economic times.

I recognize that CACEO is code enforcement's number one advocate. As your CACEO Region 6 Representative, I dedicate myself to listening to all of your requests, concerns and ideas while representing you with the utmost professionalism by providing you with optimal results and accurate information when it comes to legislative news, educational opportunities, and any and all new CACEO developments. ♦

ASK CACEO!

Q: Although I just renewed my Certified Code Enforcement Officer certificate, I want to get an early start on earning CEUs. Is there a limit on the number of non-CACEO courses that can receive credit to be applied toward my CACEO Certified Code Enforcement Officer certificate renewal?

A: Yes. CACEO members applying for a CACEO Certified Code Enforcement Officer certificate renewal may not use more than 17 non-CACEO course units toward the renewed certificate.



Blight in foreclosed homes (continued from page 1)

issues by requiring property owners to secure and maintain foreclosed homes. When code enforcement officers identify a rundown, foreclosed home—often marked by overgrown yards, heaps of trash, and broken windows—they send the legal owner a notice of violation. The property owner is given a hearing date and 30 days to bring the property into compliance with the city municipal code.

If a property owner fails to rid the foreclosed home of blight in the allotted 30 days, the city begins to levy a fine of \$1,000 per day, up to a total fine of \$30,000. If the property remains blighted, code enforcement staffers will then get a warrant to enter the property and clean it up—costing the city thousands of dollars.

Several vacant homes, like this property on 5th Street, can be seen right across the street from Lincoln Elementary School in central Richmond. Police say the vacant properties are a magnet for crime.

Higares said that un-blighted properties make for safer neighborhoods. He calls the ordinance an effective tool in dealing with apathetic property owners, oftentimes banks headquartered in other states. “I think in holding the banks accountable, the language they understand is money. And it’s costing them money now to maintain these properties,” Higares said in an interview late last year.

All the money recovered via the fines goes back into the community for blight removal, said Higares. After paying the costs to clean the property and to board broken doors and windows—which can add up to a significant sum, especially if the city has to hire a contractor to clean up a biohazard—leftover funds are used for community programs like the One Block at a Time neighborhood cleanup.

Yet as more of Richmond’s foreclosed properties are being maintained, fine collection has decreased. Last fiscal year, code

enforcement collected \$600,000 in fines related to the foreclosure ordinance. So far this fiscal year they’re down, having netted about \$300,000.

That’s because the total number of blighted foreclosed properties in Richmond has dropped. From April 2009 to November 2010 there were 55 hearings for unkempt foreclosed homes. Most of those hearings were procedural. “Last year, 99 percent of the time, banks didn’t show up at the hearing,” Higares said.

But in recent months there have been fewer hearings, and more importantly, Higares said, the banks—or their representatives—are beginning to show up. Having realized the financial burden of violating the ordinance, banks are starting to contract locally based servicers—like Safeguard—to manage and maintain their properties, Higares said.

But Higares is cautious. He said that while the situation is improving, banks are still “doing lots of shenanigans and playing games. They’re experts at it, and they’re trying to figure out ways to get around our ordinances.” He said banks often fail to report when a property goes into default—the first stage of foreclosure—further delaying the process. Other times banks keep the former property owner’s name on the title, making it difficult to track down exactly who owns the property.

When property owners fail to pay the penalty fees, Higares adds them to a lien list he compiles for the City Council each year. Once approved by the council, the lien is included as a special assessment on the owner’s property taxes.



Safeguard Properties

When property owners fail to pay the penalty fees, Higares adds them to a lien list he compiles for the City Council each year. Once approved by the council, the lien is included as a special assessment on the owner’s property taxes. “That’s when we get a lot of phone calls,” said Higares. “It’s tax time and when people get their property taxes and the special assessments are on there, boy, the phone calls we’re getting,” he said.

Higares said that a lot of the calls come from the banks, or servicers and real estate agents working on behalf of the banks. The banks usually want to negotiate down the fines, but Higares said the city doesn’t settle.

Higares has a code enforcement officer working full time to track down each blighted property’s legal owner and provide them with an invoice. The property tax liens allow the city to seek payment for

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the fines more aggressively. Homes cannot be sold until the tax liens are paid in full.

But sometimes a property gets sold before the lien is implemented and the buyer unwittingly inherits all the unpaid fines. "I can't even believe someone would purchase something like that without doing a thorough title search," Higaes said. "But they're still on the hook for it."

Richmond's ordinance is part of a statewide push to get tougher on delinquent property owners. Cities in California were urged to adopt a foreclosure ordinance after the state passed a law in mid-2008 to address the adverse effects of the high foreclosure rates. The law requires lenders to explore alternative payment options with homeowners at risk of default and gives renters 60 days notice to move if their property is sold in foreclosure.

The law also allows local jurisdictions to enact ordinances like Richmond's, which will end in 2013, unless extended by both the state and the city council.

While many Bay Area cities have passed their own version of the ordinance, Higaes said few are actually following the process through. No city is the same, but Higaes said in order for the ordinance to be effective, "you need to be consistent and you need to follow every step, which means you have to follow through the hearing and ultimately lien the properties."

Higaes said he's discussed the utility of the ordinance with counterparts in many Bay Area cities. Most recently he talked with Oakland's economic development director about how that city can better implement its own ordinance.

The continuing challenge for Richmond, he said, is that even if a foreclosed home is boarded up and properly maintained, it's still blight. "It's still a vacant property and it's destabilizing the community," Higaes said. "And we don't really know the answer for that." ♦

Ventura City Council unanimously resolved code enforcement issue

Internal memo from Rick Cole,
City of Ventura City Manager
reprinted with permission

To All City Staff,

Last night, the City Council met well past midnight, hearing more than 25 speakers on the divisive issue of code enforcement. While occasionally emotional, by and large the public testimony was thoughtful and constructive. In addition, the City Council waded through long and complex written and oral reports from both the Safe Housing Collaborative and our City's code enforcement staff. The Council gave careful consideration to all the issues and gave clear, detailed and unanimous direction to move this issue toward resolution.

I want to thank our code enforcement staff. Since being instructed two years ago to embark on an experiment in "pro-active enforcement" as a more effective way to promote the safety and quality of the places where our citizens live, they have been subjected to a deliberate and often vitriolic stream of attacks and abuse. Legitimate complaints about our City's shortcomings were drowned out by an opportunistic campaign uniting those who had knowingly violated the law, those who had a separate political agenda to attack city government as well as idealistic individuals who have a natural sympathy for "the underdog."

Our professional City staff did not -- and could not -- respond. They patiently explained the way they do business, strove to collaborate with a wide range of viewpoints and continue to do their job in an exemplary manner. They were publicly branded as thugs and Gestapo and their motives were questioned at every turn.

Last night, however, their long and patient endurance paid off in assisting the Council in unanimously resolving the most serious issues of how to enforce our codes. They have been amazingly diligent in providing data, acknowledging mistakes and working to improve. They have done this while performing their demanding and difficult regular jobs -- and doing it, like all of us, with significantly less in the way of resources. And, by the way, they switched departments in the midst of all this.

They are, in the highest meaning of the word, public servants.

I want to thank Andrew Stuffer and Sue Taylor for their extraordinary leadership. I want to thank the veteran inspectors Brad Clark, Jamie Arnold and Linda Lewis and the able support staff of Merit Maldonado, Suzanne Hense. I also want to acknowledge the strong assistance from Community Development staffers Jeff Lambert, Brian Randall as well as the Fire Department under the leadership of former Chief Mike Lavery and current Chief Kevin Rennie.

You have made us all proud. ♦

REVENUE EXPERTS



CACEO

California Association of Code Enforcement Officers

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