

# Alternate Funding Sources for Code Enforcement

Art Trinidad

San Luis Obispo County

# Why look outside of the Budget?

- Typically CE takes a back seat to department “priorities”.
- CE is not mandatory and so gets cut first.
- Raids of CE budgets are common.
- CE is an expensive program and rarely is budget neutral – so finding alternative sources is important.

# Typical Funding Sources

- Grants
- Cost Recovery
- Administrative Fines

# Non Typical Funding Sources

- Trust Funds
- Revenue Districts

# IMPORTANT

- Before developing alternate funding sources, create a needs list and create budget items.

# Grant Sources

- CalRecycle
- Community Development Block Grants
- Homeland Security
- CalGang
- NGOs like PalmettoPride
- Energy Efficiency and Conservation Block Grants

- PalmettoPride  
PO Box 50217  
Columbia, SC 29250  
(803) 758-6034  
palmettopride.org
- Energy Efficiency and Renewable Energy  
1000 Independence Ave., SW  
US Department of Energy  
Washington, DC 20585  
[www.eecbg.energy.gov](http://www.eecbg.energy.gov)
- US Fire Administration  
16825 S. Seton Ave.  
Emmitsburg, MD 21727  
(301) 447-1000  
www.usfa.dhs.gov
- <http://www.calrecycle.ca.gov/grants/>

# Cost Recovery

- As-Built investigation fees
- Real-time Billing
- Case Administration fees



# Administrative Fines

- Make sure the appeal process is legal
- Make sure you first give an opportunity to correct.
- Make sure your hearing officer is neutral.
- Always assume you will be testifying in Superior Court at some later time.

# Trust Accounts

- Develop a well worded Resolution that speaks specifically to what the money is for.
- Work with the District Attorney, the State Attorney General and the division of the US Attorney's Office in whose jurisdiction your agency is in.
- Develop an Environmental Task Force.
- Seek civil penalties rather than criminal convictions and put all the money in the account.
- Draw the money carefully and legally.

IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

True day May 1, 2001

PRESENT: Supervisors Shirley Stenebit, Peg Finkbein, Michael P. Ryan and  
Christopher E. B. "Pete" Schuchman

ABSENT: Supervisor Harry L. Ortiz

RESOLUTION NO. 2001-175

RESOLUTION ESTABLISHING THE SAN LUIS OBISPO  
COUNTY ENVIRONMENTAL TRUST ACCOUNT WITHIN  
THE TREASURY OF THE COUNTY OF SAN LUIS OBISPO

The following resolution is hereby offered and read:

WHEREAS, the San Luis Obispo County District Attorney's Office has from time to time prosecuted cases against various parties who have violated criminal or civil statutes which afford protection to the environment or wildlife within our County; and

WHEREAS, the aforesaid cases commonly produce settlements, or judgments, which should be utilized for the investigation and prosecution of cases and related training involving environmental or wildlife degradation; and

WHEREAS, the Board of Supervisors desire to ensure funds derived from such settlements or judgments so that the County Treasury would have no account where these funds could be utilized to acquire the services of expert witnesses, consultants, supplies, including production of demonstrative evidence and training for the investigation or prosecution of future cases involving environmental or wildlife degradation; and

WHEREAS, the Board of Supervisors desires to restrict the expenditure of such funds to services and supplies for the aforesaid environmental degradation cases, and not expend such money for employee salaries or benefits, nor for capital projects; and

WHEREAS, the District Attorney has advised the Board of Supervisors that the aforesaid funds will be utilized solely for the investigation or prosecution of criminal or civil cases arising from the degradation of the environment or wildlife resources within our County;

NOW, THEREFORE, the Board of Supervisors resolve and order the following:

1. The Treasurer/Tax Collector and Auditor/Controller are directed to establish an account within the County Treasury with the initial sums of \$72,000 (derived from the District Attorney's recent Tanco settlement), and \$450,000 (derived from the February 7, 2001 U.S. v. Tanco settlement).

SCANNED  
3-5-08 0007

# Revenue Districts

- Meet with the Court Administrator to set up a fund.
- Assign a bail amount for each of your codes you commonly cite for – an alternative is to have a single penalty section and then describe the violation separately.

- **22.01.080 - Penalty for Violation**
- It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain
- any building, structure, equipment, or portion thereof in the county of San Luis Obispo or cause the
- same to be done contrary to or in violation of any provision of this Title or any provisions of the
- codes, rules or regulations adopted in this Title. No person shall violate any of the provisions, or fail
- to comply with any of the requirements of this Title. The penalties for violation of the provisions of
- this Title are in Chapter 22.74 (Enforcement). [Added 1988, Ord. 2339] [22.01.036]

- LS35 SAN LUIS OBISPO COUNTY JUSTICE INFORMATION SYSTEM LSV3
- 09/04/10 SUPR COURT CASE DISPLAY USER: ART TRINIDADE LSM1

- CASE NO: F000441087 FIRST DEF: AKERS, LUTHER SHERMAN NUM DEF: 2
- SEQ NO: 001 AKERS, LUTHER SHERMAN COURT LEV: SUPERIOR

• **CASE SUMMARY INFORMATION**

- CASE: F000441087 CATEGORY: FELONY FILING DATE: 11/25/09

- AGENCY CASE: COD0700131

- AGENCY: SAN LUIS OBISPO COUNTY PLANNING DEPT.

- REVENUE DIST: SAN LUIS HEALTH AND SAFETY FUND

- JC CASE TYPE: FELONY CASE

- COURT LOCATION: SUPERIOR COURT, SAN LUIS OBISPO BRANCH

- FIRST DEFENDANT: AKERS, LUTHER SHERMAN

- DA CASE NO: 090008855

- VIOLATION DATE: 11/26/06 <LSL082>

- \*\* DEFENDANT 001: CASE PERSONS <LSL080>

- AKERS, LUTHER SHERMAN DOB=12/23/41 SEX=M RACE=W

- ID NUMBER: 0000162146 000 MNID: D000108682 CT LEV: SUPERIOR

- JC CASE TYPE: FELONY CASE