

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
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CONVENE: 8:00 a.m.

PRESENT: Chair Leatta Dahlhoff and Councilmembers Joan Cathey and Angela Jefferson.

Staff: Police Chief Jon Weiks, Fire Chief Brian Hurley, Police Commander Jay Mason, Police Lieutenant Ken Driver, and Police Administrative Services Manager Laura Wohl.

CHANGES TO AGENDA: There were no changes to the agenda.

**APPROVAL OF
MINUTES - SEPTEMBER
21, 2021 & NOVEMBER 9,
2021**

MOTION: Councilmember Jefferson moved, seconded by Councilmember Cathey, to approve the minutes of September 21, 2021 and November 9, 2021 as published. Motion carried unanimously.

**SELECTION OF
COMMITTEE CHAIR:** Police Chief Weiks invited nominations for Chair.

Councilmember Dahlhoff expressed interest in continuing to serve as Chair to work on several pending items involving the annual police report and addressing existing policies in response to recent law enforcement legislation.

NOMINATION: Councilmember Jefferson nominated Councilmember Dahlhoff to serve as Chair. Councilmember Cathey seconded the nomination.

Councilmember Jefferson cited reasons for nominating Councilmember Dahlhoff.

VOTE: A unanimous vote elected Councilmember Dahlhoff to serve as the committee's Chair.

Chair Dahlhoff cited the toll the pandemic has caused for both the Council and City staff. She recommended adding a discussion on employee morale in the near term and will follow up with City Administrator Doan to add the discussion on a future meeting agenda.

**CODE ENFORCEMENT
PROGRAM UPDATE:** Police Chief Weiks reported that as part of the policing discussions last year, the committee discussed adding a regular

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schedule of updates to the committee on various Police Department programs. Police Lieutenant Ken Driver oversees the department's Code Enforcement Program and Administrative Services Manager Laura Wohl provides assistance in the day-to-day operations of code enforcement. He asked members to provide feedback on future updates.

Police Lieutenant Driver reported he assumed management of the Code Enforcement Program in June 2021. He and the program's two Code Enforcement Officers identified four goals moving forward:

1. To resolve violations through education and voluntary correction agreements.
2. Improve communication and collaboration with other City departments assisting with code enforcement.
3. Continue to foster positive relationships within the community.
4. Identify entities to assist in the resolution of cases where violators do not have the ability to pay or lack the physical capability of correcting a violation.

Manager Wohl reviewed the code enforcement process. A code enforcement case is initiated by a complaint received by the City or the Police Department. It is unusual for the program to initiate a case without a complaint received from the public. Upon receipt of the complaint through different venues, the complaint is entered into the code enforcement system. The next step varies but typically includes the Code Enforcement Officer visiting the site to conduct a preliminary investigation to determine if a violation(s) exists. A courtesy letter with details of the complaint is mailed to the owner advising the owner they have 30 days to correct the situation without further enforcement action.

Following the end of 30 days, Code Enforcement Officers visit and inspect the site and if the violation has been corrected, the case is closed and a letter is mailed to the owner acknowledging their efforts to resolve the matter.

If the violation has not been resolved and the violation continues to exist, a formal notice of violation is mailed to the property owner identifying City codes in violation and actions the owner is required to take to remedy the situation and comply with the City's code. The letter provides information about appeal rights, next steps in the process if not resolved, and timelines. With the notice of violation, the Code Enforcement Officer attempts to

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contact the property owner to discuss the violation(s) and the easiest and best way to resolve the violation. During those conversations, the Code Enforcement Officer could determine that because of circumstances of the situation, it may require more than 30 days to remedy. In those circumstances, the Code Enforcement Officer has the discretion to extend the date for compliancy or modify the violation(s). Following the end of the due date for resolving the violation(s), the Code Enforcement Officer visits and inspects the site and either closes the case or moves to the next step of the process.

In most circumstances, Code Enforcement Officers can address complaints of nuisances, trash, or overgrown vegetation. When complaints involve a building code violation, code enforcement relies on City staff with the applicable expertise for assistance. If the complaint involves groundwater protection, staff members from the Sustainability and Water Resources are consulted to work with the program to determine the violation and methods available to the property owner to remedy the violation. Staff members with the necessary expertise are included in the inspection of a site and in meetings with the property owner.

Councilmember Jefferson commented that she often walks throughout the community and have noticed a proliferation of junked or unlicensed vehicles near homes or in driveways. She asked whether code enforcement actively monitors those types of situations or follows up on expired licenses of vehicles. Manager Wohl advised that in general, code enforcement is a complaint-driven process because of workloads and resources. The Police Department only has two officers serving 50% of their time as Code Enforcement Officers. They are also responsible for transport duties to jails to enable patrol officers to remain in service. If a Code Enforcement Officer observes an abandoned vehicle and has an opportunity to address the issue, the officer will generally address the situation; however, in most circumstances, officers are not actively identifying code violations.

Councilmember Jefferson asked whether the department is experiencing a backlog and whether the program could benefit from a full-time Code Enforcement Officer. Lieutenant Driver acknowledged the program has an existing backlog. In 2021, 78 complaints were filed. Approximately 44% of complaints were building code violations, noise violations, or animal violations. Many complaints are for overgrown vegetation, inoperable vehicles on private property, trash storage, and illegal signs. Many enforcement issues involve rental of properties. During

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the eviction moratorium, property owners were not allowed to evict tenants or clean up properties. In most cases, the program provided support to help violators resolve issues. Today, property owners can move forward with eviction and the program often provides property owners with some resources to assist in resolving the issue.

Of the 78 cases in 2021, eight of the cases are currently in investigation and three of the major cases involve the brewery property. The brewery owner is not following correction agreements. The City is following up on next steps to address noncompliance. Another larger violation was a venue at the airport with numerous building code violations. Code Enforcement is working with the owner to resolve the violations. Another property located off Trosper Road is housing many junk vehicles and RVs in addition to trash on the property. Code enforcement is working with the property owner but has encountered some difficulties because the owner has been difficult to work with. Five other investigations are minor in nature and are in the process of resolution. It is difficult to determine whether an additional full-time officer would benefit the program.

Police Chief Weiks added that the program has one full-time position, which is split between two people to provide full coverage during the week as each Code Enforcement Officer is also assigned transport duties to a patrol team.

Councilmember Jefferson questioned the extent of the backlog and timing to resolve the complaints. Police Chief Weiks explained that the extent of the backlog is dependent upon compliance by the property owner. Many complaints can be resolved in a week. In most cases, the complaint is resolved following the mailing of the courtesy letter because the property owner is often not aware of the violation. Once the owner is aware of the issue, resolution soon follows and the case is closed. Another 30% to 35% of cases are corrected at the notice of violation stage. Typically, those corrections occur within 30 to 60 days.

Councilmember Jefferson recommended an additional review of the program because of the number of junk vehicles located throughout the City.

Councilmember Cathey asked whether the City ever resolved the Frank's property issue. Police Chief Weiks advised that the case was resolved and closed. The property is under different

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ownership. Originally, the bank assumed ownership of the property. The City was recently reimbursed costs for the clean up of the property.

The committee and staff discussed inherent issues associated with derelict properties. Although the issue surrounding the Frank's property was eventually resolved, the problem continues to exist as people who inhabited the property continue to move to new locations within the City as evidenced by the violations occurring at the Troser Road property.

Discussion ensued on what measures the City could do or what resources the Police Department needs to halt the influx of both illegal substances and other challenges when people move and congregate from one location to another. Police Chief Weiks advised that current processes in place are the best at this time legally to address those types of situations although it can take some time to move through the process. Code violations are just one part of a much bigger issue with respect to the entire criminal justice system of civil and criminal courts.

Councilmember Cathey inquired about the responsible entity for enforcing the City's tree protection ordinance. Police Chief Weiks replied that in most circumstances, tree violations are addressed by the Community Development Department. In many instances, departments in the City oversee some enforcement actions dependent on whether the violations include water resources, community development activities, or roads and transportation. The departments handle the initial components of complaints and investigations within the department's expertise. Typically complaints are only transferred to Code Enforcement when the owner is no longer compliant and not responding to the department.

Tree violation complaints are typically received by Community Development. Dependent upon the initial review and the circumstances, the department handles the violation by working with the property owner to resolve the issue. A recent incident occurred in the Farm subdivision involving the illegal removal of trees. That process was handled by Community Development because the owners were willing to comply.

Chair Dahlhoff commented that she recommended including tree waivers and permits for tree retention requirements as part of the Council's retreat agenda. She personally secured a waiver to remove three trees from her property while other surrounding neighbors did not secure a waiver. She would like to pursue a

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conversation about the waiver process and whether property owners applying for waiver could receive a discount from a local nursery to plant replacement trees, as well as Code Enforcement and Community Development approaches with emphasis on an educational approach. Securing a waiver is possible if the removal of trees falls below a certain number of trees within a number of years. However, exceeding the number of trees requires a permit by the City. The City's website could include information about tree removal, offer alternative options, and offer a discount program to plant replacement trees.

Councilmember Cathey emphasized the importance of updating the tree protection ordinance, which is scheduled to occur this year because it provides some additional clarity and speaks to the issue of removing large, mature trees and replacing them with small caliper trees.

Councilmember Jefferson supported including educational information on the City's website because many residents are unaware of tree removal requirements in the City.

Police Chief Weiks added that the department's social media presence and ways the department communicates with the public are dependent upon resources. The department is pursuing some budget requests for resources not only in the Police Department but by other departments as well to improve communication with the community.

The committee discussed annual reporting and recommended forwarding the presentation materials to the City Council on the Code Enforcement Program.

ADDITIONAL ITEMS:

Chair Dahlhoff commented on the lack of awareness of some incidents that often occur in the City with the Council often learning about incidents through a news article or other form of communication. For example, she would not have known about the issues associated with the property off Trosper Road if she had not participated in a ride along with a patrol officer. She appreciates receiving information from the Police Department and the Fire Department so she is informed when she receives inquiries from the public.

Councilmember Jefferson suggested providing a graphic of some of the more serious code violations and their associated timelines to keep the committee informed on activities.

Councilmember Cathey asked whether discussions are

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continuing on the possibility of including medical professionals with paramedic and fire department units. Fire Chief Hurley said the conversations are continuing. Some cities and departments are hiring nurse practitioners and physician assistants. One program under review is Olympia Fire Department's plan to implement a FD Cares Program, a program targeted to respond to higher frequency callers and those with lower acuity. It might be possible to work with Olympia on the FD Cares Program because Olympia has the scale to add staff. He has had some discussions with the Olympia Fire Chief about the program. Olympia is ramping up the FD Cares Program, as well as a fire department-based BLS transport program. The Tumwater Fire Department is working on the issue while exploring the best path forward and the most conducive partnerships to ensure an effective program.

Chair Dahlhoff inquired about the possibility of Tumwater Fire Department sharing services with Olympia's crisis response unit. Fire Chief Hurley replied that he has spoken with staff from the crisis response unit and with the Olympia Fire Department as to how Tumwater might access some resources.

Chair Dahlhoff noted that the City of Lacey has a similar program and Thurston County is supposed to be initiating a similar program. She questioned why each jurisdiction has initiated separate programs if the jurisdictions are engaged in discussions for fire regionalization. The City does not have the funds to cover the cost of a crisis response unit.

Fire Chief Hurley responded that the City of Olympia initiated the program first and is unsure why the jurisdictions did not consider a regional effort. Those types of services are part of the discussions on fire regionalization in terms of the various types of regional services that could be provided to the community if fire and emergency services were regionalized.

ADJOURNMENT:

With there being no further business, Chair Dahlhoff adjourned the meeting at 8:44 a.m.