



Lake County
Administrative Adjudication Project

To: Lake County Board Members
From: Amy McEwan, County Administrator's Office – Project Sponsor
 Matthew Meyers, Planning, Building & Development – Project Manager
Date: September 6, 2011
Re: Administrative Adjudication Research Project in Lake County

Changes in state legislation in 2010 gave permissive authority to counties to begin using administrative adjudication as an enforcement tool for minor code violations and nuisance offenses (examples: junk & debris, animal control). In early 2011, Lake County formed a team of employees to research the possible use of administrative adjudication for minor ordinance violations.

Project Goal: The goal of this research was to determine whether utilizing an administrative adjudication process as an additional compliance tool would be a more efficient and effective way to gain compliance for minor ordinance violations. Following is a summary of project scope and status.

Current Compliance Process:

How does Lake County enforce ordinances now? The Planning, Building and Development and Population Health Services departments first seek voluntary compliance. An analysis of the last 10 years worth of code violations demonstrates that on average staff invest 95 days and 3 inspections per case to gain voluntary compliance.

Current Process - Voluntary Compliance (Planning, Building & Development)			
Average number of cases per year	Average time per case for compliance	Average number of inspections	Fees collected per case
97	95 days	3	\$0

For those cases that do not voluntarily comply, staff works with the State's Attorney Office and enters a case with the 19th Judicial Circuit Court. Due to the more routine nature of most nuisance type violations; these departments have traditionally considered the Circuit Court process for only the most egregious cases where voluntary compliance cannot be obtained. In the last ten years, gaining compliance for nuisance violations through the Circuit Court process averages 333 days.

Current Process – Compliance With Circuit Court (Planning, Building & Development)			
Average number of cases per year	Average time per case for compliance	Average number of inspections	Fees collected per case
61	333 days	6	\$124

Administrative Adjudication Compliance Process:

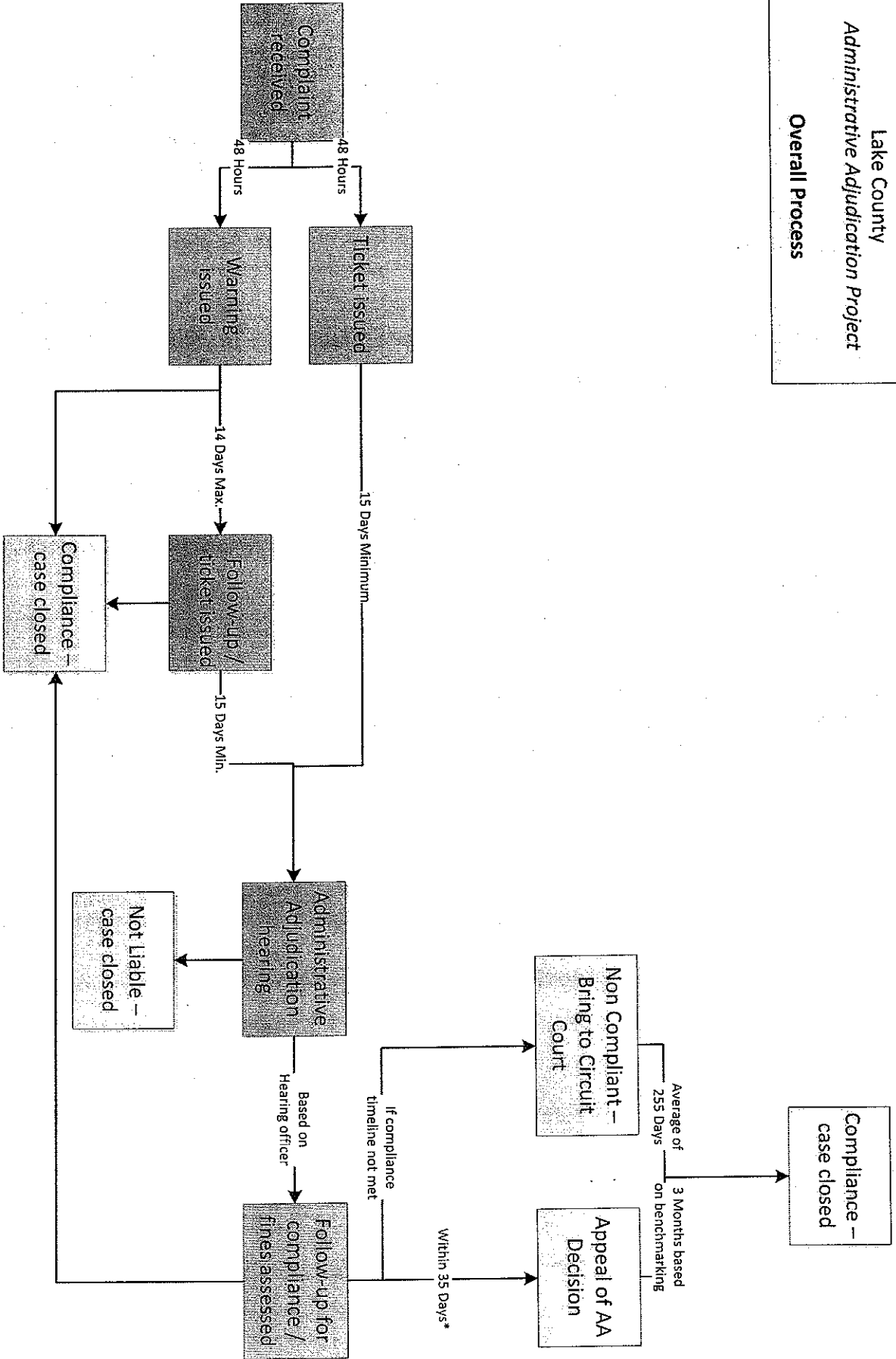
What is administrative adjudication? It is a process where violators are issued a ticket/violation notice and then are given 15 days to comply or prepare for an administrative hearing. Absent voluntary compliance, an administrative hearing is scheduled and violators must appear and enter a plea to an administrative hearing officer. An administrative hearing officer reviews the facts of the case, takes testimony, and issues a judgment at the hearing. This process has been used by villages for years to resolve minor ordinance violations in a more expeditious manner. As has been demonstrated by a number of Lake County municipalities and metro county jurisdictions, the proposed system is designed to incentivize faster voluntary compliance, expedite judgment when voluntary compliance is not obtained, and recover more of the enforcement costs. Compliance time for ordinance violations using the administrative adjudication process, based on benchmarked communities, average 30-45 days and in other cases are resolved prior to the hearings.

Administrative Adjudication Process (PB&D + Population Health Services)			
Assumed cases per year	Average time per case for compliance*	Average number of inspections	Proposed fees collected per case
170	30 – 45 days	3	\$100 - \$200

*- based on communities currently utilizing administrative adjudication

A typical process has been added to the next page. It should be noted that a violator always retains their right to appeal the decision to the Circuit Court.

**Lake County
Administrative Adjudication Project
Overall Process**



*Pursuant to Administrative Review Law

Conclusions

A study team comprised of staff from the Sheriff's Office, Planning, Building & Development Department, the State's Attorney's Office, Population Health Services, Finance and Administrative Services, and the County Administrator's Office conducted a benchmarking study of 10 surrounding communities to identify process trends and best practices in adapting such best practices to our organization. The study team recommends the adoption of the Lake County Administrative Adjudication Ordinance for the following reasons:

Shortened time for compliance

On average, we anticipate a time savings of 255 days per case to obtain compliance for nuisance violations. Based on community surveys, we anticipate a significant increase in voluntary compliance rates.

Estimated Value of Time Saved

<i>Department</i>	<i>Current Cost per Case</i>	<i>Administrative Adjudication Cost per Case</i>	<i>Estimated Value of Time Saved by Lake County Per Year By Area</i>	<i>Total Value of Time Saved for Lake County Per Year</i>
Planning, Building & Development	\$632.00	\$309.00	\$25,103.00	\$38,008.00
Population Health Services	\$517.00	\$304.00	\$12,905.00	

On the basis of shortened time for compliance and the reduction in the cost of enforcement, the Project Team recommends program adoption. We continue to work with our judicial partners on modifications to our internal process and training program.

Next Steps

1. Program Adoption
2. Training of staff and hiring of a hearing officer
3. Targeted "Go Live" date of January 2, 2012