

Code Enforcement Audit #556 Committee Report

August 2003

Committee interviews

John Fleming (Chief of Property Safety) – The committee met with Mr. Fleming for approximately 5 hours over 3 separate meetings. The committee considered him cooperative and felt he answered all questions pertaining to the audit and how department had dealt with the auditors' recommendations. However the committee felt he was reluctant to answer questions or make recommendations about items that were not specifically covered in the audit without first clearing his answers with his superiors.

John Curtin (Director, Department of Neighborhoods) – attended one full meeting of the committee and appeared and spoke before the full TRUE Commission. The committee found Mr. Curtin to be cooperative as well, but again reluctant to address items not covered in the audit.

Mario Taylor (Director, Department of Regulatory and Environmental Services) - Mr. Taylor made a brief appearance at a committee meeting and pledged the administration's support to see that necessary changes will be made. He stressed that efficient operation is administration's goal.

Concerns of committee after final discussions

Recommended Clerical Supervisor position not filled: The audit recommended the filling of a vacant clerical supervisor position in Property Safety with John Fleming overseeing that position. Mr. Fleming stated that he is currently performing those supervisory duties because the person formerly in that position is retiring and is effectively on leave and "running out" accrued vacation and sick leave time. The supervisor position will be filled when that leave time is exhausted and the employee officially leaves the payroll. The department doesn't wish to pay *two persons simultaneously for the same job (even though budgeted)*. This may be a city wide issue with many positions being held vacant. Someone should look at effect on efficiency and budgeting process that would account for these liabilities.

Rotation of Personnel and Supervisors: The Department feels keeping inspectors assigned to the same area and maybe even living in area has the advantage of persons becoming very familiar with local people and the area and its problems. One of the commissioners mentioned that seeing same inspectors at CPAC meeting and working with same people had advantages. Alternatively, a rotation policy would expand the learning curve for all (inspectors would be familiar with conditions in other parts of town). The policy could also help prevent too much familiarity and possible leniency/deal making in dealing with violators (corruption possibility?). The Department felt little concern for this issue as the people who are motivated to make complaints usually will not rest until violations have been corrected. The committee considered that there might be violations that have been seen but not reported by an inspector that could cause problems. It was suggested that zone rotation could be a solution to some morale problems.

Morale: The audit report indicated a morale problem in Code Enforcement. The department reasoned that some may exist because of changes and closer daily supervision of activity as recommended in the audit. Auditors indicated it was more than that. The committee informed John Fleming we felt there was more there and asked him to observe more closely. We informed him we did not wish to and would not talk to department personnel but would wait to see what the follow-up audit indicated.

Training: Training and familiarity with the code continues to improve. There were a large number of new inspectors in the recent past and that may have contributed to a difficulty in getting everyone trained in a timely manner.

Computer Systems: Use for tracking and keeping files updated has improved and regular meetings with ITD continue the improvements. They are doing the best they can with the system that exists. The system they feel would maximize their potential has not been budgeted.

Overtime and Flex Scheduling: Commissioner Martin questioned the necessity of having two Inspectors appearing at CPAC meetings. Was this flex scheduling or overtime? The committee was assured that flex scheduling is now being maximized to prevent overtime cost. CPAC areas are large and many times more than one inspector is working on an issue in the CPAC area.

Self-initiated inspections: The number of back log cases reduced from several thousand to less than one hundred and they are usually gotten to in less than 48 hours. As this continues to improve, more inspector-initiated looking “drive by” inspections will be done rather than just answering complaints.

Pending uncollected liens: Several request were made to the administration to provide information concerning the \$6,000,000 in uncollected fines. What is the process for collection? What is collectable and time frame. How does the recent legislation (Ordinance 2003-379-E) affect the process? To date no response has been received from the administration to clarify these issues.

Code Enforcement Boards operation: Commissioner Bates attended one Special Masters Hearings (Theresa Harden – Municipal Code Enforcement Board administrator/Special Master) and six Code Enforcement Board (appointed citizens) meetings to observe their operations. Code enforcement issues that have not been resolved between a code enforcement inspector and a property owner go before the Special Master who acts as a mediator to try to broker a mutually-agreeable solution. If the problem cannot be resolved in mediation then it goes before the Code Enforcement Boards for a hearing and final order. Commissioner Bates felt the process worked well. His observations led him to conclude that obtaining compliance was the guiding philosophy and that punitive actions were used only in case of non-compliance. Theresa Harden’s staff presence kept the process consistent among all of the Code Enforcement Boards. Mr. Bates felt it would be beneficial to have a joint meeting among all the Code Enforcement Boards members to discuss the process.

Committee Recommendations

1) To the Administration – Create an atmosphere that allows for a free dialogue by administration officials with the TRUE Commission or other citizen advisory bodies without concern for retribution.

2) To the City Council or the Legislature – Adopt policies to provide for confidentially for city bureaucrats to give frank opinions and recommendations for change to citizen advisory bodies (such as the TRUE Commission) without affecting their job security.

3) To the Council and Administration - The policy regarding holding positions vacant while incumbents run out leave time while off the job should be reviewed throughout the city for its effect on efficiency of operations. If a position is necessary then can the City afford for it to be left vacant for weeks or months at a time while an incumbent’s leave bank is exhausted? Can allowance be made in the budget to pay for these “vacant” positions on leave run-out while filling the position with a new employee?