



**A Report to the
Austin City Council**

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**Consistency of Austin Code
Investigations and Resolutions Audit**

April 2016



REPORT SUMMARY

Code violation investigation, documentation, and resolution practices vary across cases. Inconsistency may result from gaps in procedural guidance provided to field staff and a lack of management oversight. The Office of the City Auditor reported similar issues in its 2010 audit of the department. Moreover, investigation and resolution practices relating to City-owned properties often differed from established Austin Code policies and procedures, which may allow violations on City-owned property to persist and negatively affect citizen safety. Lastly, not all field staff and management meet the current minimum qualifications specified by the department because the department has not established an effective system to ensure staff at all levels acquire and maintain these qualifications.

TABLE OF CONTENTS

BACKGROUND 1

OBJECTIVES, SCOPE, AND METHODOLOGY 1

WHAT WE FOUND..... 2

Appendices

Appendix A: Management Response 13

Appendix B:

Table 1: Summary of Tests by Complaint Type 23

Table 2: Minimum Qualifications Established by Austin Code..... 24

GOVERNMENT AUDITING STANDARDS COMPLIANCE

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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Report Highlights

Why We Did This Audit

This audit was conducted partially due to resident feedback regarding inconsistent messages received from Austin Code.

What We Recommend

We recommend the Austin Code Department Director:

- revise policies to clarify expectations concerning: compliance timelines, work without permit cases, and investigations of City-owned properties;
- develop and implement a more rigorous case monitoring process;
- work to integrate the AMANDA and 3-1-1 systems and ensure case prioritization tools are used; and
- ensure employees acquire and maintain the required minimum qualifications.



For more information on this or any of our reports, email oca_auditor@austintexas.gov

CONSISTENCY OF AUSTIN CODE INVESTIGATIONS AND RESOLUTIONS AUDIT

BACKGROUND

The Austin Code Department's mission is to provide education and enforcement of the City Land Development Code. The department's field teams investigate potential code violations typically following a resident calling 3-1-1 to file a complaint about a suspected code violation. Common violations investigated by Austin Code include tall weeds and grass, illegal dumping, construction without permit, improper land use, and unlicensed short term rentals.

OBJECTIVES AND SCOPE

The objectives of the audit were to determine whether the Austin Code Department was consistently receiving timely and accurate complaints regarding code violations, and to determine if reported code violations are consistently interpreted, investigated, and resolved across the City. The audit scope included code-related complaints, investigations, and resolutions between 10/1/2012 and 4/7/2016.

WHAT WE FOUND

Code violation investigation, documentation, and resolution practices vary across cases, due to a lack of management oversight.

- Overall, we reviewed 306 code complaints and found issues with about 77%.
- We noted: field staff did not always issue a notice of violation even when violations are confirmed, property owners were given different deadlines for the same type of code violation, delayed initial and follow-up inspections, partial investigation of complaints, and a lack of an effective process to prioritize response to high-risk complaints to promptly address potentially dangerous cases.
- Inconsistencies may also be caused by gaps in procedural guidance provided to field staff and because Austin Code management does not conduct regular record reviews or other comprehensive monitoring of field actions.
- Consequences may include difficulty enforcing violations and safety risks to residents.
- The OCA reported similar issues in its 2010 audit of the department.

Investigation and resolution practices relating to City-owned properties often differed from established Austin Code policies and procedures, which may allow violations on City-owned property to persist and negatively affect citizen safety.

- We noted: investigative delays, less extensive review of City-owned property than what is called for in policy, lack of awareness of all reported and confirmed violations on City-owned properties, and inconsistent communication of violations on City-owned property to the responsible departments.
- These discrepancies exist, in part, because management is not enforcing Austin Code's policy on City-owned properties and because management does not provide oversight of investigation and documentation activities, as mentioned.

Not all field staff and management meet the current minimum qualifications specified by the department, which may increase the risk of inconsistencies in code interpretation and enforcement.

BACKGROUND

The Austin Code Department's mission is to provide quality education and enforcement of city codes and ordinances so that Austin will be a more livable city. The department emphasizes educating, collaborating, and partnering with neighborhoods, local businesses, non-profits, and other City of Austin Departments. The department's field teams investigate potential code violations affecting residential and commercial property, including property owned by the City. Most investigations result from a resident complaint to 3-1-1 about a suspected code violation. Common complaints include: tall weeds and grass, work without permit, trash and debris, unsanitary conditions, and unsecured or dangerous structures.

Austin Code has many other programs designed to educate and gain voluntary code compliance from the community. Some of these programs include: emergency disaster recovery and response, monitoring and notification of code violations involving City-owned properties, licensing and inspection of short-term rental properties, and increased monitoring of repeat offenders.

OBJECTIVES, SCOPE, AND METHODOLOGY

This audit was conducted as part of the Office of the City Auditor's (OCA) Fiscal Year (FY) 2016 Audit Plan. The audit was included in the plan partially due to media attention and resident feedback regarding inconsistent, and sometimes conflicting, messages received from Austin Code.

Objectives

The objectives of the audit were to determine whether the Austin Code Department was consistently receiving timely and accurate complaints regarding code violations from 3-1-1, and to determine if reported code violations are consistently interpreted, investigated, and resolved across the City.

Scope

The audit scope included code-related complaints, investigations, and resolutions between 10/1/2012 and 3/3/2016, as well as licenses held by Austin Code field staff and management as of 4/7/2016.

Methodology

To accomplish our audit objectives, we performed the following steps:

- interviewed Austin Code personnel responsible for field investigations, training, and supervision;
- analyzed Austin Code's policies and procedures;
- reviewed Austin Code job descriptions and certifications held by Austin Code employees;
- interviewed Austin Resource Recovery personnel regarding their support for Austin Code;
- interviewed Communications and Technology Management staff regarding the integration of Austin Code's database system and the City's 3-1-1 information system;
- selected and reviewed samples of Austin Code case files involving fences, recreational vehicles, unsanitary conditions, City-owned properties, tall weeds and grass, short term rentals, and signs from a universe of 42,337 cases provided by Austin Code¹;
- evaluated internal controls related to the monitoring and supervision of field staff; and
- evaluated the risk of fraud, waste, and abuse with regard to Austin Code's field operations.

¹ Austin Code management asserts there are 57,766 cases for this scope period because in addition to the cases housed in their current database system, there are additional property abatement cases residing in a legacy database.

WHAT WE FOUND

Code violation investigation, documentation, and resolution practices vary across cases, due to a lack of management oversight. Inconsistency may also result from gaps in procedural guidance provided to field staff. The Office of the City Auditor reported similar issues in its 2010 audit of the department. Moreover, investigation and resolution practices relating to City-owned properties often differed from established Austin Code policies and procedures, which may allow violations on City-owned property to persist and negatively affect citizen safety.

Lastly, not all field staff and management meet the minimum qualifications specified by the department because the department has not established an effective system to ensure staff at all levels acquire and maintain these qualifications. Staff and management lacking minimum qualifications may increase the risk of inconsistencies in code interpretation and enforcement.

Finding 1: Code violation investigation, documentation, and resolution practices vary across cases due to a lack of management oversight. Consequences may include reputational damage, difficulty enforcing violations, and safety risks to residents.

During our review, we saw several examples of detailed case documentation and field staff working closely with residents to overcome language barriers and connect residents to community organizations. We also noted that field staff appeared to prioritize community education and customer service, and strove to secure voluntary compliance from residents. However, overall we reviewed 306 Austin Code complaints, and found issues with approximately 77%. We identified eight patterns of inconsistency in our analysis of Austin Code complaint cases (for detailed statistics, see Appendix B, Table 1). These patterns include:

1. A Notice of Violation – a formal written warning – is not always issued to the property owner, even when violations are confirmed by field staff.

Specifically, we found that Notices of Violation were not issued 47% of the time after staff had confirmed a violation existed. Notices of Violation include a description of the code violation and a deadline for the property owner to remedy the issue. While we noted instances where inspectors followed up on violations even when a Notice of Violation was not issued, a written warning provides residents with a record of the violation and the amount of time they have to resolve it. Similarly, without a written warning, Austin Code does not have proof that there was a set timeline to address the violation. Finally, field staff may find it difficult to enforce compliance if violations are not documented via a written warning.

Departmental policies state:

A. Non-dangerous conditions: Not later than (3) days after confirming violation(s), investigators shall complete the necessary research and submit required documents to administrative support for mailing of violation notice(s).
B. Dangerous conditions: Not later than the next business day following the date of confirmation of a dangerous condition(s), investigators shall submit required documents to administrative support for mailing of violation notice(s)."

2. Property owners are given different deadlines for the same type of code violation. For example, to screen a recreational vehicle, different residents received deadlines of 2, 3, 5, 7, 10, 14, 15, and 21 days. We also noted that citizens were given different deadlines ranging from 7 to 30 days to correct work without permit violations. Inconsistent deadlines to remedy code violations may mean that different residents are subject to different enforcement and expectations by field staff.

Management asserts that a primary goal of the Department is to gain voluntary code compliance from the community and that allowing field staff discretion to determine the deadlines to correct violations is essential to ensuring the Department provides quality customer service to residents. While this discretion may aid in providing enhanced customer service to the community, guidelines that provide specifics on the appropriate compliance deadline (or range of deadlines) to give a property owner for various types of violations may mitigate the chances of different residents receiving different enforcement and expectations from Code field staff.

Existing policies refer to a document called the “Violation Guidelines” that would provide specifics on the appropriate compliance deadline to give a property owner, but management confirmed that these guidelines were never finalized and therefore not actually used.

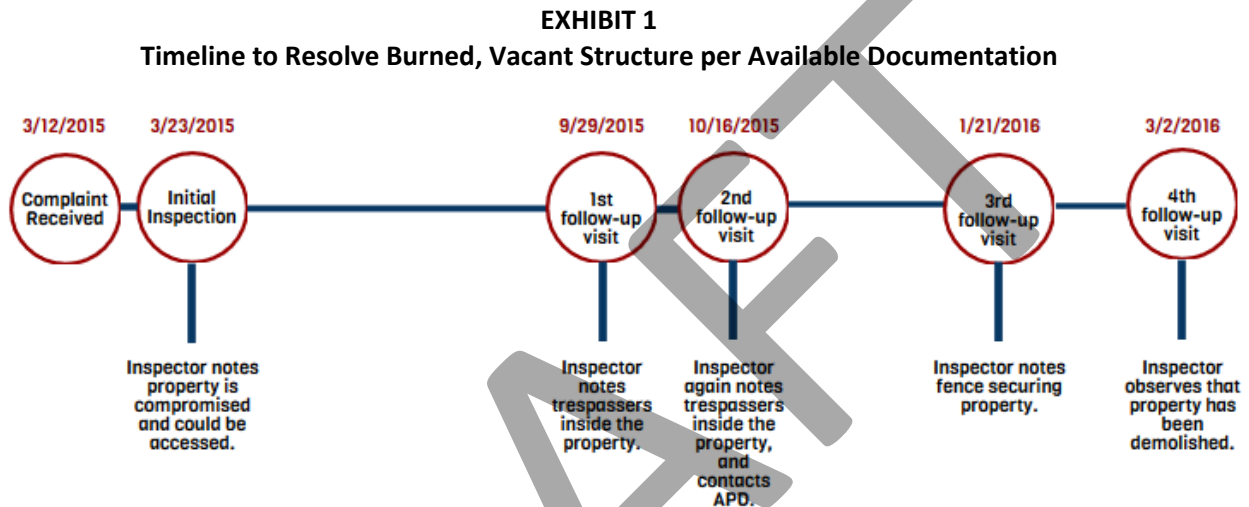
3. **Initial inspections are not always conducted in a timely manner.** Austin Code requires initial inspections to be scheduled² or completed within two business days of receiving the complaint, yet we found that initial inspections were completed within this deadline only about 49% of the time. Certain issues are time-sensitive – such as a recreational vehicle stored in a driveway or an over-occupied short term rental. If field staff does not conduct the initial investigation in a timely manner, they may not visit the property in time to identify the reported violation.
4. **Not all parts of complaints are investigated.** We saw several cases in which inspectors only looked at part of a complaint. In one of these cases, the complainant reported many issues at the Austin Resource Center for the Homeless (ARCH), including a potential leak. The inspector called the complainant, informed them that another part of the complaint was not a code violation, and closed the case without conducting a site inspection or referencing the potential leak in AMANDA (currently used by Austin Code to document investigations) or referring the potential leak to Austin Water. Ignoring parts of a complaint may cause frustration for citizens and may allow potential violations, including those affecting public safety, to persist. Additionally, complainants may call more than once if issues are not addressed after their initial complaint, resulting in an inefficient use of City resources.
5. **Austin Code does not have an effective process to prioritize response to high-risk complaints and promptly address cases that may pose danger to the public.** Austin Code’s version of the AMANDA system is not able to connect directly with the City’s 3-1-1 information system, and therefore, Austin Code is not able to make use of 3-1-1’s prioritization system. Instead, the department relies on field staff and customer service staff from Austin Resource Recovery³ to flag high-risk issues.

The Office of the City Auditor first recommended that Austin Code integrate AMANDA and 3-1-1 in 2010, and Austin Code reported that this was implemented in 2013 (despite the integration not actually occurring). Communications and Technology Management staff now estimate this integration will occur in May 2016, but staff stated meeting that deadline is unlikely due to competing priorities.

² It was rare for an inspector to note when an inspection was scheduled. Logs typically begin with the initial inspection.

³ Austin Resource Recovery (ARR) currently has multiple customer service staff whose primary responsibility is to manually copy service requests from 3-1-1 to AMANDA for Austin Code. We reviewed 100 service requests for Austin Code from 3-1-1. We noted that 76 (or 76%) of cases were opened in AMANDA within a day of being reported to 3-1-1, and observed no material differences between information in the original complaint and what was entered into AMANDA. Thus, the ARR customer service staff appear to be fulfilling their role of relaying timely and accurate complaints from 3-1-1 to Austin Code. However, integrating 3-1-1 and Austin Code would free up those staff members to complete other tasks.

As an example of how Austin Code may not prioritize response to high-risk issues, we observed a case in which documentation concerning a burned, vacant property indicated it was not fully secured for over six months. The inspector first noted that the property was not fully secured in March 2015, but did not document a follow-up visit until six months later. When the inspector returned to the property in September 2015, he noted that the structure had been "compromised" and that individuals were inside, but did not take further action. The inspector returned two weeks later, again noted that the property was occupied, and at that time called the Austin Police Department. The case log indicates this structure was demolished in March 2016. Please see Exhibit 1 for a summary of the timeline in this case.



SOURCE: Review of Austin Code records, December 2015

In another example of a case that may have warranted higher prioritization, we reviewed documentation indicating that a woman has been living without electricity, plumbing, or running water for at least two years. Notably, case notes indicate that Austin Code inspectors made multiple attempts to connect the woman to community resources. However, there have been no documented updates since September 2015 (over six months at the time of this report).

Using the more formal prioritization system already built into 3-1-1 would help ensure that high-risk cases are more consistently identified. As a result, high-risk code violations that pose a danger to the public, such as these, may be addressed more quickly if they are prioritized above less alarming complaints.

6. **Work without permit cases are closed inconsistently.** We observed that field staff sometimes closed cases relating to complaints about work being done without a permit before verifying that Development Services Department staff had confirmed the work met Code standards. However, other field staff closed these types of cases only after verifying that Development Services Department staff had confirmed the work met Code standards. Some of these inconsistencies may be due to Austin Code's emphasis on providing quality customer service. A generalized depiction of how this process should work is included in Exhibit 2.

EXHIBIT 2

Resolving Work without Permit Violations by Obtaining Permits



SOURCE: Analysis of process to obtain permit, March 2016

While Austin Code has no control over whether a permit is issued, extended, inspected, or finalized⁴, staff assert they recognize the complexities of the permitting process and often help residents by providing additional education or guidance. This can result in field staff waiting to close a case until Development Services signs off on the completed work, when in reality the violation may have been resolved as soon as the active permit was secured by the resident.

Departmental policy does not provide official guidance on when to close work without permit cases.

We noted that inefficient use of resources may occur if unpermitted work cases are closed by Austin Code before unpermitted work has been fully addressed. For example, if the work remains unpermitted because the active permit expires, Austin Code may receive a subsequent complaint, requiring a new inspection. Additionally, reputational damage to the department may occur if a property owner receives another Notice of Violation after having been previously informed that they were in compliance. Management asserted that they are working on a new process to track and address outstanding permits.

Lastly, closing work without permit cases inconsistently may affect the reliability of Austin Code's performance data. Cases that are held open beyond the point at which the violation is addressed may artificially lengthen the average time that cases remain open in the system, while closing cases before the violation is resolved may artificially lower the average case length.

- 7. Follow-up investigations are often delayed.** Departmental policy states that staff should conduct a follow-up investigation no more than five business days after the deadline provided on the Notice of Violation, but we found many cases in which that follow-up deadline was not met. As with the inconsistent resolution timelines discussed above, delays in following up on confirmed violations mean that different residents are subject to different enforcement and expectations by field staff.
- 8. Some cases have missing or unclear documentation.** We saw some cases that were missing logs on the initial inspection, and some that lacked documentation of follow-up activities. Weak or missing

⁴ These activities are under the purview of the Development Services Department.

documentation may affect Austin Code’s ability to defend its cases in a court of law or during an administrative hearing. We also observed cases in which Austin Code’s support for code interpretations was unclear due to inadequate documentation of investigation activities.

For example, as illustrated in Exhibit 3, unclear documentation made it difficult to determine what code violation is present in the below photo. The inspector stated that the “boat and trailer” were a violation of City code. However, there are two objects in the photo which could be referred to as a trailer: the trailer on the left, and the trailer on the right holding the boat. The inspector does not clarify in his documentation which trailer is the subject of the violation. Photos taken later (demonstrating voluntary compliance) depict that the driveway is empty.

EXHIBIT 3
Insufficient Documentation Creates Difficulties in Justifying Interpretations



SOURCE: Review of Austin Code records, December 2015

Management asserts that the inspector in this case was referring to the trailer under the boat. However, this distinction is not clear based on the documentation. Thus, lack of documentation may cause confusion for residents and may give the impression that Austin Code is inconsistent in their interpretation of City code.

Variations in investigation, documentation, and resolution practices appear to be caused by a lack of management oversight.

Specifically, Austin Code management does not conduct regular record reviews or other comprehensive monitoring of field actions to review items such as:

- the quality of investigation documentation;
- the quality and sufficiency of evidence and justification for decisions made by field staff; or
- field staff’s adherence to inspection timelines.

The department reported that record reviews were performed at one point in time, but were discontinued due to caseloads, staff shortages, time constraints, and a general perception that monthly statistics reports provide sufficient case information.

Managers explained that they rely on monthly statistics and informal meetings with field teams to monitor performance. The statistics reports include details on the aging of cases and the caseload of each inspector, but do not include specific details about each case. Additionally, although the statistics reports contain fields to document high profile cases, these fields were blank in the sample reports reviewed in this audit. The informal meetings with field teams involve discussion of cases, but team members may not volunteer relevant information if they are not aware that their practices are incorrect or inconsistent.

2010 Recommendation

The OCA recommended that Austin Code create monitoring procedures to address inconsistent practices in its 2010 audit of the department. Austin Code developed a policy that requires regular record reviews, but management stated they no longer follow this policy.

Finding 2: Investigation and resolution practices relating to City-owned properties often differed from established Austin Code policies and procedures, which may allow violations on City-owned property to persist and negatively affect citizen safety.

As detailed below, we noted discrepancies in investigation and resolution practices relating to City-owned properties that exist, in part, because management is not enforcing Austin Code's policy on City-owned properties. Additionally, management does not provide oversight of investigation and documentation activities, as discussed earlier in this report.

- 1. Investigations are delayed.** We noticed extensive delays in the initial investigation of some complaints on City-owned property that were typically even longer than the previously mentioned delays for private property. For example, one citizen complained that lights from a large festival were causing a nuisance. The inspector did not start the investigation until more than a month later, at which point the complaint was dismissed because the festival was no longer occurring. Other examples include field staff taking more than a month to investigate alleged dumping, and a complaint from April 2015, which still shows no sign of investigation.

As stated above, Austin Code's policies specify that field staff should visit or schedule a visit to a property within two business days of receiving a complaint. We noted that in the majority of cases, the inspection log begins with the initial visit, meaning that we are unable to determine when or if any scheduling attempt was made.

- 2. Investigations of City-owned property are less extensive than the requirements prescribed in policy.** We observed that field staff did not conduct a site visit or take photos of alleged violations on City property in 42% of reviewed cases. This was true even of confirmed violations that were listed on Austin Code's spreadsheet that tracks violations on City-owned properties. Although the department stated that they conduct follow-up investigations on all properties listed on this tracking spreadsheet, we could not find evidence of this for the properties marked as "cleared" on the spreadsheet.

Policy requires site visits for all potential violations, and photo evidence of the inspection.

Additionally, we found no cases in which a Notice of Violation or citation was issued to a City department, even when violations were noted in AMANDA. While it may be acceptable practice for the City not to issue a formal Notice of Violation to itself, department policy does not define City-owned properties as being exempt from such notice. See Appendix B for more details.

3. **Austin Code is not aware of all reported and confirmed violations on City-owned property.** The audit team identified multiple investigations of City-owned property, in which the inspector stated a code violation existed, but were not included on the City-owned properties tracking spreadsheet provided by Austin Code. Approximately one third of these untracked cases had no documentation of follow-up activity.

In particular, violations involving dumping in the right-of-way and unmown land belonging to the Parks and Recreation Department (PARD) and the Watershed Department appear not to be included on the Code spreadsheet. When asked specifically about complaints involving PARD and Watershed, Austin Code staff responded that they have not received any complaints involving those parties, although we noted several of these cases throughout our testing.

Austin Code maintains a spreadsheet to track violations on City-owned property and all violations involving City-owned property should be on the spreadsheet, according to Code management.

4. **Austin Code does not consistently communicate with responsible departments regarding violations on City-owned property.** Given the issues with documenting investigations of City-owned properties discussed above, we asked Austin Code to provide any available documentation for nine cases involving City-owned properties⁵. While we were able to find initial referrals to the department in four (or 44%) of these cases, we saw no documentation that the violations noted in the other five were communicated to the responsible departments. Also, there was no evidence in any of the nine cases indicating that Austin Code worked with the offending department to develop the compliance plans required by Austin Code policy.

Austin Code's policy regarding violations on City-owned properties requires an email to the responsible Department Director that is copied to the department's Assistant City Manager, meetings with management, and the development of a compliance plan outlining the steps that will be taken to resolve the violation.

As a result, violations may persist on City-owned properties for an extended period of time. Failure to resolve violations on City-owned properties in a timely manner may compromise citizen safety, or, to a lesser extent, their ability to enjoy the facilities in question.

Finding 3: Not all field staff and management meet the current minimum qualifications specified by the department, which may weaken staff's ability to properly investigate reported violations and increase the risk of inconsistent code interpretation and enforcement.

Management asserts they are in the process of raising the performance standards for field staff by encouraging staff to obtain a minimum level of licensure and certification. These minimum

⁵ The audit team requested documentation that may exist outside of the AMANDA system, including emails, calendar appointments, and other records.

qualifications include certain certifications⁶, which help ensure code officers have proficient knowledge of code provisions as well as code enforcement practices. Field staff hired before 2013 were not required to have certifications, and management asserts that they are working with these individuals to meet the qualifications that are now required of incoming staff. We found that 25 out of 70 (or 36%) of field and division management staff do not meet the current, more stringent, minimum qualifications now required by the department⁷. Some position types have greater rates of non-compliance than others (see Exhibit 5 below).

EXHIBIT 5
Percentage of Code Staff Who Do Not Meet Minimum Qualifications

Position Title	Number that Do Not Meet Current Minimum Qualifications	Percent of Total in Position
Inspector A	2	33%
Inspector B	3	12%
Inspector C	11	73%
Investigator	2	33%
Assistant Division Manager	3	50%
Division Manager	4	67%
Totals	25	36%

SOURCE: Analysis of Austin Code job descriptions and review of licensure databases, January 2016

However, we also observed that Austin Code has not established an effective system to ensure that new employees acquire and maintain the required minimum qualifications that were a condition of their hiring. We were able to verify that 10 out of the 25 (or 40%) employees included in Exhibit 5 do not meet the minimum required certifications that were listed on their job description at the date of hire⁸. Although the department maintains a spreadsheet that tracks field staff's certifications, this spreadsheet is not regularly used to ensure minimum qualifications are met and maintained, as some of the missing certifications identified in our testing were also evident on this spreadsheet.

If staff and management do not hold the minimum required certifications, there is increased risk of inconsistencies in code interpretation and enforcement, as well as inconsistent investigation practices. While there are additional factors (e.g. years of field experience and training) that may also demonstrate field staff proficiency in code investigation and enforcement, acquiring and maintaining an independent certification can also be an effective means of confirming expertise and demonstrating competencies to the public, particularly since such certifications are now required as minimum qualifications for many Austin Code positions. Finally, the hiring and retention of employees who do not obtain and meet the minimum qualifications for their job position may have more serious implications for hiring processes or future Municipal Civil Service proceedings⁹.

⁶ For an overview of the minimum required qualifications, please see Appendix B.

⁷ Two of these employees (one Inspector A and a Division Manager) have a short time period (less than two months) to obtain the required certifications based on their date of hire.

⁸ Due to the way certain certification statuses are listed online, we were unable to determine if these individuals ever met the minimum qualifications for their positions.

⁹ The City of Austin implemented Municipal Civil Service in 2014 following a 2013 amendment to the City Charter.

Additional Observation 1: Austin Code does not have sufficient controls to prevent field staff from investigating their own property.

Austin Code does not have a process to ensure an employee is not assigned to investigate a property that he or she owns, or a property that belongs to someone with whom the employee has a conflict of interest. When asked how the department makes sure employees do not investigate their own property, a division manager responded that they relied on the honor system. The department's current monitoring tools do not allow for the detection of conflict of interests, were they to occur, which increases the reputational risk to the City.

The audit team checked the names of field staff against the Travis County Appraisal District (TCAD) property database, and developed a list of properties that these individuals may own to compare against properties investigated in AMANDA. Although it does not appear that Austin Code staff investigated code complaints related to properties in which they had a direct interest, factors such as some staff listing post office (P.O.) boxes as their home address and issues with property ownership records make it difficult to confirm that such a situation has not occurred. Finally, the audit team was unable to determine whether or not Austin Code staff investigated properties belonging to spouses or close family members, as the audit team did not have access to these individuals' names.

The department's code of conduct prohibits staff members from working on cases in which their objectivity might be impaired, and specifically prohibits staff from working on cases in which they had business dealings or are related by blood or marriage to the subject.

Additionally, City Code (2-7-62) prohibits employees from participating in a vote or decision on a matter affecting a property in which the employee has a substantial interest.

Notably, Austin Code's management team does appear to take ethical issues seriously. In a separate inquiry involving an alleged bribe, we noted that Austin Code management conducted a prompt, detailed investigation which included a site visit by a division manager.

Additional Observation 2: Residents are given different directions by Austin Code and the Austin Police Department regarding the storage of recreational vehicles and trailers.

As depicted in Exhibit 6, we noted multiple instances in which a recreational vehicle or trailer was apparently moved between the driveway (where it is enforceable by Austin Code) and the street (where it is unenforceable by Austin Code). One complainant stated that the owner of the recreational vehicle was moving it between the street and the driveway on purpose, depending on which department issued a warning or citation. Other citizens complained that the police had told them to move the recreational vehicle out of the street, but that Austin Code was now citing them for having it in the driveway. On yet another occasion, the Austin Code inspector stated that moving a boat from the driveway to the street qualified as voluntary compliance. Note that the City's land development code only permits recreational vehicles to be stored on a public street for a maximum of 72 hours, and that recreational vehicles must be screened by a fence if stored on private property (e.g. in a driveway).

EXHIBIT 6
Conflicting Instructions on Storage of Recreational Vehicles and Trailers*



Acceptable per APD, but a violation according to Austin Code



Acceptable per Austin Code, but a violation according to APD if not moved after 72 hours

****These photos are of the same property.***

SOURCE: Review of Austin Code investigations, January 2016

RECOMMENDATIONS

1. The Austin Code Department Director should revise departmental policy to:
 - include standards for issuing compliance timelines for confirmed violations; and
 - detail how and at what point work without permit violations should be closed.

The implementation of the revised policy should be accompanied by training for affected staff.

MANAGEMENT RESPONSE: CONCUR. Refer to Appendix A for management response and action plan.

2. The Austin Code Department Director should develop and implement a more rigorous case monitoring process that requires supervisors to review:
 - the quality of case documentation;
 - the sufficiency and adequacy of evidence supporting decisions regarding violations; and
 - field staff adherence to departmental policy and established investigative timelines.

MANAGEMENT RESPONSE: CONCUR. Refer to Appendix A for management response and action plan.

3. The Austin Code Department should work with appropriate City stakeholders to implement a process that ensures potential violations on City-owned properties are effectively investigated, communicated in a timely manner to responsible departments, and resolved.

Until such a process is implemented, the Austin Code Department Director should clarify the Department's expectations regarding investigations of City-owned properties and ensure timely communication of violations on City-owned properties to responsible departments.

MANAGEMENT RESPONSE: CONCUR. Refer to Appendix A for management response and action plan.

4. As previously recommended, the Austin Code Department Director should work with the Communications and Technology Management Department to integrate the AMANDA and 3-1-1 systems, and ensure case prioritization tools are used to flag high-risk cases.

MANAGEMENT RESPONSE: CONCUR. Refer to Appendix A for management response and action plan.

5. The Austin Code Department Director should take immediate action to ensure that all existing employees meet the minimum required qualifications of their position and implement a more stringent process to ensure that staff maintain the minimum required qualifications for their positions going forward.

MANAGEMENT RESPONSE: CONCUR. Refer to Appendix A for management response and action plan.

MANAGEMENT RESPONSE



City of Austin

P.O. Box 1088, Austin, TX, 78767

Memo

AUSTINCODE
DEPARTMENT

To: Office of the City Auditor
From: Carl Smart, Director
Date: April 5, 2016
Subject: Response to Consistency of Austin Code Investigations and Resolutions Audit

Austin Code would like to express its appreciation to the City Auditor's Office for its official evaluation of the consistency of investigations by the Austin Code Department. The findings by the Auditor's Office are areas that our department has already been working on with other key city departments, field staff, field management, and support services, such as CTM and 3-1-1 information services.

Within the timeframe reviewed by the Auditor's Office, the services and programs developed and provided by the Austin Code Department have grown tremendously. Although the Department has had many successes during this time, there are challenges that the Department is working to improve.

Austin Code is facing a number of challenges to achieve the goal of making Austin the most livable city in the country. These include growth in population and area, housing affordability, recruiting and training staff, integration of technology, increasing requests for services, and the complexity of the land development code and development process. To address the challenges, and the components and goals of the Imagine Austin Comprehensive Plan, the Department is working to provide a balance between education, compliance, and enforcement of city ordinances.

Within the October 1, 2012 and March 3, 2016 timeframe reviewed by the Auditor's Office, the Austin Code Department responded to 72,515 Austin 3-1-1 Service Requests, conducted more than 66,247 case investigations, and coordinated and participated in 239 community cleanups and educational outreach events. In addition to the seven regulatory areas listed in the audit report, the Department also conducted investigations in the following areas:

- | | |
|--|---------------------------------------|
| ✓ Emergency and Disaster Recovery | ✓ Right of Way and Median Property |
| ✓ Emergency and Disaster Response | Abatement |
| ✓ After Hours Emergency Response | ✓ Deer Feeding |
| ✓ Substandard and Dangerous Housing | ✓ Yellow Grease |
| ✓ Substandard and Dangerous Commercial | ✓ Universal Recycling Ordinance (URO) |
| Buildings | Enforcement |
| ✓ Multi-Family Inspection Team | ✓ Rest Break Ordinance |

- ✓ Illegal Dumping Team
- ✓ Repeat Offender Program/Rental Registration
- ✓ Unsecured Structure Enforcement
- ✓ Inspection and Licensing
 - Mobile Home Parks
 - Bed and Breakfast
 - Hotels | Motels
 - Rooming | Boarding
 - Billboards
 - Private Waste Haulers
- ✓ Gender Neutral Bathrooms
- ✓ Neighborhood Enhancement Team Pilot (NET)
- ✓ Interdepartmental Working Group
- ✓ Special Events Enforcement: SXSW, ACL, Formula 1, FUN FUN FUN Fest, and other major events
- ✓ Emergency Tenant Response and Relocation Plan (ETRP)
- ✓ UT West Campus Clean-up Initiative
- ✓ Unregulated Homes Task Force

In FY 2011, Austin Code had a total of 69 FTE's; in FY 2016 that number has risen to 117 (57 of which are field officers) to help address the rapid expansion of responsibilities performed and services provided by the Department. Due to population growth, affordable housing challenges, workforce issues such as training and succession planning, operational impacts caused by new mandates or policies, and managing workload demands and resources, the Department has identified horizon issues that encompass personnel, technology and space that negatively impacts service delivery.

Austin Code looks forward to exploring solutions to these horizon issues and unmet needs in our ongoing discussions with the Office of Performance Management and the Budget Office.

The Department's response to the audit findings shows that the management team was already aware of the concerns raised and has multi-faceted solutions underway.

Finding 1

Code Violation investigation, documentation, and resolution practices vary across cases, due to lack of management oversight.

Response

Efficient and effective code enforcement requires officers to assess the needs of each unique case on an individual basis and use discretion, as allowed within policy guidelines, to take appropriate actions to achieve compliance, which is the goal. There are, however, often circumstances beyond the officers' control that affect the investigation and resolution of cases. Because code cases are often complex, officers must assess factors and extenuating circumstances that may not be obvious to the layman. In these circumstances, officers may seek approval from their managers for exceptions to policy guidelines. Because documentation of such exceptions has not always been thorough, additional training is planned to improve in this area.

Finding 2

Investigation and resolution practices relating to City-owned properties often differed from established Austin Code policies and procedures, which may allow violations on City-owned property to persist and negatively affect citizen safety.

Response

The Austin Code Department (ACD) does not have the authority to take enforcement action against government entities including the City of Austin, Travis County, the State of Texas and the U.S. Government. However, ACD is part of an interdepartmental task force with the City Manager's Office, Building Services, and the Office of Real Estate to address procedures related to oversight of City-owned properties, since current procedures cannot effectively address the existence of violations on City-owned properties. See *Attachment A* for additional communications and information regarding this issue.

Finding 3

Not all field staff and management meet the minimum qualifications specified by the department, which may increase the risk of inconsistencies in code interpretation and enforcement.

Response

This finding appears to only address certification, which is one of the minimum qualifications specified by the department. The qualifications to perform the duties of a code officer include years of experience, training and education in addition to industry certifications. The lack of a certification does not increase the risk of inconsistencies in code interpretation and enforcement.

In 2013, Austin Code began implementing a comprehensive career progression plan to add certifications as a minimum qualification. ACD is working with Corporate HRD to finalize the plan, which will require all field staff and field managers to obtain or renew any required certifications to meet the revised minimum qualifications.

The State of Texas Code Enforcement Officer Registration Program requires registered Code Enforcement Officers to have one year of experience working in the field, successfully complete a one week course, and pass an exam administered by a third party. Ninety percent of Austin Code's field officers are state-registered Code Enforcement Officers.

ATTACHMENT A



MEMORANDUM

TO: Carl Smart, Director Code Compliance
Mark Washington, Interim Assistant City Manager
Rey Arellano, Assistant City Manager

FROM: Eric Stockton, Building Services Officer

DATE: April 4, 2016

SUBJECT: Update regarding permitting compliance for maintenance work in City Buildings

As you recall, last year (June 2015) several complaints regarding permitting issues were brought to our attention related to maintenance work in City Buildings. At that time, our staff began working with Code Enforcement and other City departments to develop a list of validated complaints and resolve them. Below is an update regarding our progress on this issue.

Code enforcement validated 135 complaints requiring follow up for AFD, and APD locations as well as Rutherford Lane Campus, and One Texas Center. Building Services works in these locations as well as AFD and APD maintenance staff. Further investigation by Building Services reduced this number to 85 confirmed permitting issues. The other 50 complaints were determined to not require permits and were cleared.

All of the 85 permitting issues at these locations have been addressed and resolved; 8 of these are pending final clearance with sign off expected this week by inspectors.

Other Departments receiving validated code complaints from Code Enforcement include Parks (24), Aviation (17), Austin Energy (35), and Austin Water Utility (1). These departments have reported that all of these issues have been addressed, resolved, and cleared.

In addition to addressing these issues, Building Services has also been working to reduce the risks of future permitting compliance issues occurring for work at City Facilities. Below are some of the steps taken since last summer:

- Distribution of memorandum to directors reminding them of permitting requirements for internal maintenance work. (attached)
- Strengthening the performance link in SSPRs for permitting requirements.
- Supervisors are now required to spot check monthly 10% of completed work orders for their teams to include a review of work on site.
- Documenting interpretations received from Planning Development and Review to minimize inconsistencies and reduce confusion regarding interpretations of Code.
- Providing better access for maintenance crews to updated resources for determining permitting requirements to include Muni-Code, Code Books, COA Adaptations, and contact information for COA Building Officials to improve communication when questions arise.

If you have any questions or need additional information please let me know.



Memorandum

To: Department Directors
From: Eric Stockton, Building Services Officer 
Date: August 28, 2015
Subject: Permitting for work performed at City facilities

Work performed at City facilities must fully comply with proper permitting procedures. Austin Code Department and Building Services Department have been working with various City Departments to ensure compliance. If compliance issues have been located, corrective actions must be taken to complete permitting and inspections.

Please re-emphasize to your staff responsible for the compliance with building codes that all permitting requirements must be met when performing work at City facilities. Permitting information and other resources, including online information regarding current and former permits by property can be found online at <http://www.austintexas.gov/department/online-tools-resources>. If you or your staff have questions, please contact Donald Baldwin, General Maintenance Manager, Building Services Department at 512- 974-3965 or Todd Wilcox, Division Manager at Austin Code Enforcement 512- 974-2540.

Cc: Marc A. Ott, City Manager
Assistant City Managers

APPENDIX A

ATTACHMENT B

From: [Roberts, Terri](#)
To: [DeRoche, Lisa](#); [Cooper, Candice](#); [Tomasovic, Paul](#)
Subject: Fwd: Auditor Recommendations New ACD audit 2016
Date: Friday, March 25, 2016 12:04:07 PM

Fyi

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Karimi, Kamran" <Kamran.Karimi@austintexas.gov>
Date: 03/23/2016 4:40 PM (GMT-06:00)
To: "Roberts, Terri" <Terri.Roberts@austintexas.gov>, "Wuest, Stacey" <Stacey.Wuest@austintexas.gov>
Cc: "Elkins, Stephen" <Stephen.Elkins@austintexas.gov>, "Cardenas, Daniel" <Daniel.Cardenas@austintexas.gov>, "Smart, Carl" <Carl.Smart@austintexas.gov>, "Lucas, Denise" <Denise.Lucas@austintexas.gov>
Subject: RE: Auditor Recommendations New ACD audit 2016

Terri,

With regard to your request for a status update on the AMANDA-311 integration for Austin Code, work is already underway and ongoing. The estimated go-live for the integration is June, 2016. There are a number of dependencies that could impact this date.

1. There are two key technical skillsets needed for this integration: 1) the Enterprise Service Bus (ESB) and 2) programming procedures in AMANDA to handle the creation and update of cases. Assignment of work priorities for our staff are guided by the Department Directors' Advisory Council (DDAC) and IT Steering Committee's project prioritization (see below). ESB staff are currently working on the Electronic Plan Review project, but we hope to shift attention to the AMANDA-311 integration in the next couple of weeks. On the AMANDA side, we are looking at options to utilize one of our new hires or the AMANDA staff currently focused on the NHCD Upgrade project. Should issues arise with either of these projects, our focus on the AMANDA-311 integration will be delayed.
2. The business logic around messages between 311 and AMANDA appears to still be ongoing, e.g., should resolution of exceptions be handled manually or will there need to be more complex automation of decisions? Changing of business rules, or additional complexity, could add to the level of effort needed to complete the project.

Project Prioritization Utilizing AMANDA or ESB Skills

1. Electronic Plan Review
2. AMANDA 6 Upgrade
3. ATD/ORES Utility Coordination and Land Management
4. ROWMAN Replacement

APPENDIX A

5. Austin Center for Events (ACE) Special Permitting
6. AMANDA NHCD Upgrade
7. WPD Stormwater Discharge Permit Migration into AMANDA
8. ESB – 311 AMANDA Code Interface

I hope this answers your questions. Please feel free to reach out to me if you need additional clarification. I know this request has been pending for a number of years and understand the impact to your business. We are as anxious as you to check it off the list.

Regards,

Kamran Karimi

Enterprise Applications and Data Services Division Manager

City of Austin | Communications and Technology Management

512.974.2877 (office) | 512.567.3557 (cell) | 512.802.6645 (pager)

From: Roberts, Terri

Sent: Tuesday, March 22, 2016 11:00 AM

To: Karimi, Kamran <Kamran.Karimi@austintexas.gov>; Wuest, Stacey <Stacey.Wuest@austintexas.gov>

Cc: Elkins, Stephen <Stephen.Elkins@austintexas.gov>; Cardenas, Daniel <Daniel.Cardenas@atxad.org>; Smart, Carl <Carl.Smart@atxad.org>

Subject: Auditor Recommendations New ACD audit 2016

Kamran and Stacey.

Back in 2009 Austin Code was audited by the Office of City Auditor and a major finding was the disconnection of our two internal case management databases with the city's 311 intake system. For the last 7 years we have been working collaboratively with CTM and enterprise application support to meet the auditors recommendation to interface Amanda with 311. Now, in 2016, we find ourselves on the final leg of getting the interface implemented but unfortunately not before this same finding and recommendation was identified in a NEW audit just completed by the Office of City Auditor.

I am requesting from you, in reply to this email, a status update on the priority from CTM to complete the interface work and a projected implementation that I may use as our Department's response to this finding. Your response will be provided to the City Manager, City Council and our Department's ACM. We plan to have a draft ready for Director Carl Smart's review by end of day March 24th, would you be able to provide to us a response by then as well?

Please see below the actual comments of the finding from the auditor and the recommendation. Hopefully we can wrap this this project in 2016 and not have to go through the audit process on this particular item again.
Thanks for all you do Kamran, and Stacey!

From the Office of City Auditor, March 2016:

Finding #3: As previously recommended, the Austin Code Department Director should work with

the Communications and Technology Management Department to integrate the AMANDA and 3-1-1 systems, and ensure case prioritization tools are used to flag high-risk cases.

Sent from my Verizon Wireless 4G LTE smartphone

ACTION PLAN

Consistency of Austin Code Investigations and Resolutions Audit

Recommendation	Concurrence and Proposed Strategies for Implementation	Status of Strategies	Proposed Implementation Date
1. The Austin Code Department Director should revise departmental policy to: ▪ include standards for issuing compliance timelines for confirmed violations; and ▪ detail how and at what point work without permit violations should be closed. The implementation of the revised policy should be accompanied by training for affected staff.	<u>Concur</u> • A new policy will be developed to include standards for issuing compliance timelines for confirmed violations.	Underway	October 31, 2016
	<u>Concur</u> • Management is developing an MOU with Development Services Department to establish when work without permit cases should be closed. Once the MOU is in place, a department policy will be developed to provide detailed guidelines of how and at what point cases should be closed.	Underway – the Building Official (Development Services Department) is reviewing the draft MOU.	October 31, 2016
	• Staff training is conducted upon approval of new policies and procedures.		

Recommendation	Concurrence and Proposed Strategies for Implementation	Status of Strategies	Proposed Implementation Date
2. The Austin Code Department Director should develop and implement a more rigorous case monitoring process that requires supervisors to review: - the quality of case documentation; - the sufficiency and adequacy of evidence supporting decisions regarding violations; and - field staff adherence to departmental policy and established investigative timelines.	<u>Concur</u> - ACD has reactivated policy CCD121 that requires supervisors to regularly review documentation of code cases and take appropriate corrective action as needed. <u>Concur</u> - ACD has policy CCD121 that requires supervisors to review the adequacy of evidence and take appropriate corrective action as needed. <u>Concur</u> - ACD has policy CCD121 that requires supervisors to review of individual cases.	Implemented Implemented Implemented	N/A N/A N/A
3. The Austin Code Department Director should work with appropriate City stakeholders to implement a process that ensures potential violations on City-owned properties are effectively investigated, communicated in a timely manner to responsible departments, and resolved. Until such a process is implemented, the Austin Code Department Director should clarify the Department's expectations regarding investigations of City-owned properties and ensure timely communication of violations on City-owned properties to responsible departments.	<u>Concur</u> - ACD will work with appropriate City stakeholders including City Manager's Office, Office of Real Estate and Building Services Department to implement a process that ensures potential violations on City-owned properties are effectively investigated, communicated in a timely manner to responsible departments, and resolved. <u>Concur</u> - The existing policy is being reviewed, and revised to clarify the Department's expectations regarding investigations of City-owned properties and ensure timely communication of violations on City-owned properties to responsible departments.	Underway Underway	Project scope to be completed by August 2016. July 2016

APPENDIX A

Recommendation	Concurrence and Proposed Strategies for Implementation	Status of Strategies	Proposed Implementation Date
4. As previously recommended, the Austin Code Department Director should work with the Communications and Technology Management Department to integrate the AMANDA and 3-1-1 systems, and ensure case prioritization tools are used to flag high-risk cases.	<u>Concur</u> ACD completed its portion of the integration in 2013.	Implemented	See CTM's response (<i>Attachment B</i>). Currently, this project is number 8 on the DDAC priority list.
5. The Austin Code Department Director should take immediate action to ensure that all existing employees meet the minimum required qualifications of their position and implement a more stringent process to ensure that staff maintain the minimum required qualifications for their positions going forward.	<u>Concur</u> Austin Code Management is working with Corporate HRD to - Review all ACD field job titles for appropriate certification requirements. - Complete the implementation of a career progression plan within MCS guidelines. - Ensure all existing employees obtain and maintain appropriate certifications. Implementation is expected in 6-9 months. Additionally, Austin Code is working to improve an in house database to automate certification expiration notices.	Underway	November 2016

TABLE 1
Summary of Tests by Complaint Type:
Issued Violations and Timeliness of Initial and Follow-up Inspections

	Review of common code complaints	Review of complaints about unpermitted work	Review of complaints about City-owned properties
Initial inspection conducted more than two business days after the complaint was received	48% (112/234)	44% (7/16)	62% (31/50)
Violations confirmed by field staff, but Notice of Violation was not sent	36% (49/136)	36% (4/11)	100% (27/27)
Follow up inspection conducted more than five business days after the deadline given to the property owner	58% (50/86)	86% (6/7)	<i>Not tested, as Austin Code does not issue NOVs for City-owned property</i>

SOURCE: Review of Austin Code complaints, March 2016¹⁰

¹⁰ Note that the "Review of Common Complaints" includes 155 complaints involving fences, recreational vehicles, and unsanitary conditions, as well as 79 complaints involving tall weeds and grass, short term rentals, and signs.

TABLE 2
Minimum Qualifications Established by Austin Code

Minimum Qualifications	Division Manager	Asst. Division Manager	Investigator	Inspector C	Inspector B	Inspector A	Inspector Trainee
Code Enforcement Officer	Within six months of hire	Within six months of hire	AT date of hire	At date of hire	Within one year of hire	Within one year of hire	Within one year of hire
ICC Zoning Inspector certification within 1 year of employment	X	X	X	Needs at least one ICC certification	N/A	N/A	N/A
ICC Property Maintenance certification within 1 year of employment	X	X	X	Needs at least one ICC certification	N/A	N/A	N/A

SOURCE: Review of Austin Code job descriptions, December 2015