

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 1, 2007

SUBJECT: Code Enforcement Performance Report

ATTACHMENTS: List of Notifications of Violation issued since 9/1/2006
Presentation of resolved issues
Performance Audit Report
PowerPoint Presentation of Audit Report

SUMMARY OF REQUEST:

The County's Nuisance Ordinance was enacted and has been enforced since September 1, 2006. Staff will be present at this evening's meeting to discuss accomplishments and effectiveness with regard to enforcement of the Ordinance.

Darlene Burgess, Internal Auditor, will be presenting the results of her recent Performance Audit of this function and Toby Linville, Code Enforcement Director, will be providing the Board with a general presentation of his Department's challenges and achievements in enforcing the Ordinance.

BOARD ACTION REQUESTED:

For Discussion Only.

Suggested Motion:

No motion required.

NOTICES OF VIOLATION DELIVERED

NOTICES OF VIOLATION ISSUED SINCE 9/1/2006			
Name	Address	Pin Number	Case Number
Saltz, Gwendolyn	130 Salisbury Rd	9670172074	467
McCall, Ernest	73 Markley Dr	9577633920	381
Shirley Cooper	3271 Pleasant Grove Church Rd	9526196910	372
Jonathan Pace	44 Pace Gap Rd	9594537008	318
Heggen, Karen	3821 Asheville Hwy	9650894258	492
Glover, William	97 Clear Creek Rd	9569866779	541
Stephenson, Maggie	4 Laurel Forest Dr	9549142166	488
Bryson, Tamera	35 Chastain Rd	9630322393	314
Fred Richards	113 S. Mapleton Dr	9587057852	327
Jose J Ventura	1015 Jackson Loop Rd	9597483168	349
Lance, Ricky	99 Old Roper Rd	9660057839	191
Freeman, Carl	715 Miami Terr	9559431068	481
Barnwell, Joseph Allen	15 Mountain Rd	9650877257	518
Summey, Wayne C	80 Walnut Heights Ln	9557580238	517
Quick, Franklin Sr	153 George Chastain Dr	9620339215	482
Edney, Thomas	1741 Camelot Dr	9577167918	510
Mullinax, Ruth P	1641 Camelot Dr	9577176363	511
Freeman, Lois Jones	4761 Chimney Rock Rd	0612589933	536
Penland, Sheila J	403 Substation St	9578252595	507
Watts, Berta Jane	432 Country Brook Trl	9549568359	519
Rogers, Rita Faye	210 Jones St	9577943928	522
Braly, Mark	680 McMinn Rd	9671814523	521
Morrison, Annis Lenell	396 Hall St	9568425770	523
Hannen, James E	245 Delozier Cir	9690512796	526
Maggie, Stephenson	4 Laurel Forest Dr	9549142166	488
Cely, Margaret Spann	206 Half Circle Ln	9650889320	530
Glass, Deborah Prince	307 Orrs Camp Rd	9579347938	531
Buckner, Daniel L	149 Fairview Av	9578341144	537
Brown, Jerry Lee	207 Regan St	9577954915	496
Sheppard, W R Jr	911 Beechwood Lakes Dr	9671144480	533
Jones, Alan Dean	391 Andrews Rd	9574090465	538
Fickling, Mary S	302 Kelly Hill Rd	0604555876	540
Davis, Roy	410 Substation St	9578254764	508
Poley, Michael Dean	412 Little Lake Dr	9528410037	543
Bradley, Calvin R	2315 Morningside Dr	9559426807	532
Buckner, Franklin	121 Southern Dr.	9577198391	402
McCombs, Bobby	962 Laurel Mountain View Rd.	0508856607	427
Felecia & Kayla Edwards	3147 Sugarloaf Rd	0621459269	428
Danny Lee Crisp	1729 Pinnacle Mt Rd	957602142	437
Jones, William	403 Union Hill Church Rd.	0600312746	464
Roble, Ann Elizabeth	516 Chestnut Stump Rd.	0509087412	466
Justus, Arnold Ray	0 Tumble Bug Ln.	0509143286	474
Ceja, Javier	153 Haven Rd.	9577670194	546
Davis, Henry	123 Haven Rd.	9577664519	547
Hyder, Clifford	609 Hillside Lane	9559506800	216
Franklin, Johnny	33 Gilbert Cove Dr	9556545489	551
McFalls, Billy J	15 Sunview Ln	9652645016	563

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NOTICES OF VIOLATION DELIVERED

Justus, Donald	1680 Spartanburg Hwy	9578505772	562
Smoak, Robert L Jr	603 S Orchard Rd	9588721679	564
Smith, Edwin A	104 Bostwick Dr	9650575610	565
Garren, Clyde M	111 Bostwick Dr	9650577642	566
Jackson, David	159 Lytle Rd	9599247873	575
Jackson, Paul Benjamin	1372 Jackson Loop Rd	9597496363	445
Tapia, Hilario	23 R & R Hyder Rd	9690613540	587
Dalton, Roy P	2343 Bald Rock Rd	0611750241	585
Walter, Dale Lee	247 Timberlane Dr	9528676593	592
Sam, Kim	106 Westpointe Dr	9569393476	593
Lamb, Richard Leon	500 Brookside Camp Rd	9660572754	595
Blue Ridge Developers Inc	500 Drake St	9568516641	602
Lindsay, Fred	102 Francis Rd	9579482415	604
Jimmie Barnwell	S. Brown Ct	9650877120	614
Evans, James E	83 Pleasant Ridge Rd	9528900822	636
Robles, Mario Del	20 Courtney View Dr	9681438804	639
Hollifield, James Ronald	62 Wise Owl Dr	9547542904	645
Revis McRee	Roxie Dr.	9595206628	666
Jones, Robert	141 Josiah Ln	9670281203	674
Glass, Deborah Prince	307 Orrs Camp Rd	9579347938	675
Hatfield, Bruce Patrick	144 Black Jack Rd	9546073663	676
Harper, David	2215 Brevard Rd	9559428211	678
Saltz, Donna Rene	275 Glory View Dr	9575761960	682
Buckner, Franklin D	121 Reaort St	9577198391	683
Reed, George A	5220 Old Clear Creek Rd	0602787351	684
Langston, Francis Patrick	107 Stepp St	9577947557	686
Farr, Ramond R	20 LM Morgan Rd	9595642133	687
Simpson, Barbara S	436 Crab Creek Rd	9556064211	688
Franklin, Johnny Lee	33 Gilbert Cove Dr	9556027786	659
Johnson, Shane	63 Old Wagon Trl	9651420389	689
Angel, Jay B	2324 Greater Druid Hills Blvd	9569385024	690
Youngblood, Ronald E Sr	51 Cushion Pl	9652746243	691
Maldonado, Maria S	108 Hawk Meadow Dr	0602740535	692
Smith, Richard A	656 Finley Cove Rd	9558232447	693
Sloop, Mary A	8 Ravenwood Ln	9630634938	696
Brown, Walter Daniel	244 Meadow View Ln	9538952976	700
Freeman, Michael Charles Sr	1406 Brevard Rd	9568191375	701
Smith, James & wife Etal	63 Old Johnson Farm Rd	9652338430	702
Hansen, Robert P	102 Greenbriar Av	9586319641	704
Robinson, Johncilea B	941 Brickyard Rd	9529029143	705
Allison, Mary Jon	941 Brickyard Rd	9529029143	706
Slawek, David	929 Dana Rd	9579923017	707
Wright, Harold Martin Jr	58 Sunny Acres Dr	9528990720	709
Lee, Clarence	82 Kapfer Ln	9681335777	711
Cely, John Franklin II	209 Crows Nest Rd	9650660732	712
Summey, Alvin Dean	599 Pace Rd	9680901669	714
Lamper, Daniel	195 Oak Apple Ln	9680109079	715
Hannen, James E	605 W Blue Ridge Rd	9577822778	716
Young, Jonathan	179 Coon Branch Trl	9650664978	717

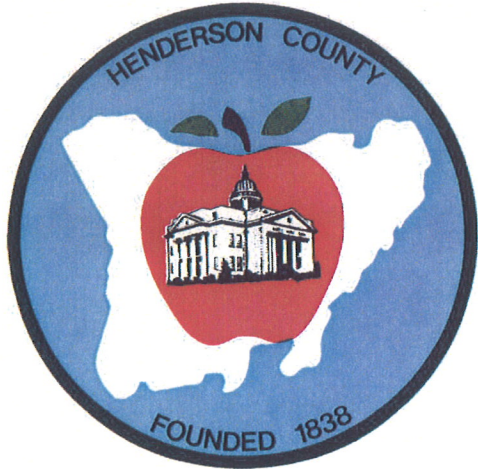
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Cornejo, Martin Arias	280 Bell Mountain Rd	9575805759	718
Bradley, James H	5753 Greenville, Hwy	9576909963	722
Caylor, John M	112 Nob Hill Rd	9631358778	724
Capers, Jason	80 Victoria Dr	9587256061	725
Morgan, Piercy Dwight	88 Mountain Page Rd	9595649863	726
Laughter, Fred	183 River Rd	9538622468	730
Ramirez, Mario Montelongo	201 Mill Ter	9577677144	731
Walker, Walt C/O Lynn Bailey	184 Tumble Bug Ln	509140134	475
Crestview LLC	25 Leisure Ln	9587189195	732
Case, Jean	3 North Marley Dr	9576999712	735
Brown, Virginia M	1012 S Mills River Rd	9631177182	739
Goode Neil Lewis	119 Goode Dr	9631751799	740
Felts, John A	147 Karli Dr	9662004912	741
Group Ventures Inc	129 Francis Rd	9579295777	743
Pressley, Ronald B	612 Oak Grove Rd	9587454001	751
Elliot, Robert JR	113 Fork Creek Rd	9587324680	753
Dalton, Clifford	21 Little Creek Rd	0611956096	759
Jones, Jennings Foy	96 Daytona Ln	9595185015	760
Fitzgerald, Stephen A	234 Gull Av	9577998594	761
Laughter, Jerry C	187 Neely Dr	0601321636	762
Beddingfield, Frankie L	403 Old Greenville Rd	9575213481	775
Couch, Desiree	10 Thompson Rd	9680130646	781
Martin, William M	636 Midway St	9568189214	785
Klennon, Jesse	220 Mansfield St	9569277524	786
Scroggins, Rose Ella	224 Mansfield St	9569276962	787
Freeman, James W	115 Lyndhurst Dr	9569285185	788
Rogers, Phyllis O	3967 Howard Gap Rd	9579960770	798
Lewis Franklin	#28 Franklin Farm Ln	0600209018	803
Anthony Perry	2300 Pace Rd	969045871	805
Celso Montiel	20 Imperial Dr	9589414911	817
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Virginia D Buckner	201 Spring Place Dr	9650699346	819
Wallace H Brown	168 Banner Farm Rd	9630867571	820
Randall Monteith	162 Banner Farm Rd	9630868230	902
Arnold, Timothy Don	133 Southbrook Rd	9660466937	823
Pace, Joey W	228 Pacolet St	9595843287	824
Corn, Janette R	8 E Silverleaf Dr	9538078383	828
Hannen, James	61 Piney Ridge Ct.	9651400622	830
Robert L Collins	395 Chestnut Stump Rd	0509081293	838
Robinette, Theodore D	28 Madison Claire Av	9577931199	835
King, Ralph E	2434 Spartanburg Hwy	9577849740	836
Gene Lovell	232 Gibbs Rd.	9599028389	843
Jamie Lynn Minter	98 Parkwood Rd	9538003911	847
Crosby, Donald R	58 Harvey Osteen Dr	9565286351	850
Glover, Teresa F	105 Plantation Dr	9569875391	863
Vazquez, Miguel Angel	182 Victoria Dr	9587351226	867
I Buy Homes LLC	204 Orrs Camp Rd	9579356375	868
Cerquozzi, Danyy	241 Happy Hollow Rd	9585286198	875
Emerson, Michael Jon	79 Lower Crest Rd	9575741987	876

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NOTICES OF VIOLATION DELIVERED

Garren, Celia	230 Trigger Ln	9681941348	878
Worley, Helen N	497 Souther Rd	9672481847	870
Clyde Eugene Sutton	124 Atwood Dr	9579081357	884
Yancey, Scott	817 Holliday Dr	9556728717	888
Hensley, Joseph F	231 Piney View Rd	9691095671	890
Abdellatif, Ramzy	292 Garren Rd	9691362197	909
Levi, Thelma Rosita	2182 Bobs Creek Rd	9563491720	911
London, Jack	184 Wickins Dr	9650787659	910
Dortothy H Copolillo	153 Byrd Ln	9660723018	916



Internal Audit Report

**Henderson County
Code Enforcement Services
Performance Audit: Nuisance Ordinance Complaints
September 2007**



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Introduction

A performance audit of the County's handling of complaints received as a result of the Nuisance Prevention Ordinance was recently conducted at the direction of the County Manager. The objective of this audit was to assess (1) whether or not complaints received are thoroughly investigated in a timely manner; and (2) to assess whether or not the record-keeping system maintained by the Department is adequate.

Prior to the commencement of the audit, a clear understanding of the staffing levels and chain of command within the Department was established. This was accomplished by meeting with the Department's Director, the Zoning Administrator as well as staff dedicated to nuisance prevention. The Department's system with regard to the administration of complaints was then assessed. This assessment included inspecting the record-keeping system used by the Department, an assessment of underlying data used to produce the system, as well as assessing the internal control maintained over the system.

Scope

The scope of this audit is limited to an assessment of the Department's reported performance with regard to the handling of nuisance complaints from September 1, 2006 (the date the Nuisance Prevention Ordinance became effective) to August 30, 2007. The objective of the audit was to assess (1) whether or not complaints received are thoroughly investigated in a timely manner; and (2) to assess whether or not the record-keeping system maintained by the Department is adequate.

Evidence gathered during the course of this Audit included (1) separate interviews with the Director, the Zoning Administrator and several staff members; and (2) inspection of the Department's records concerning Nuisance Prevention Ordinance complaints.

Findings

Delegation of Staff. The Director of Code Enforcement Services has delegated responsibilities concerning the Nuisance Ordinance to the Zoning Administrator. Three Code Enforcement Officers work under the supervision of the Zoning Administrator, and in addition to performing other Departmental functions such as issuing permits, zoning and solid waste functions, these Code Enforcement Officers enforce the Nuisance Prevention Ordinance. During the past year, two of the Officers were on medical leave for several months and another Officer left Henderson County's employment, having been recently replaced with a new hire; therefore, adjustments to workload have been necessary in order to accommodate these situations.

The Director has recently instituted an improvement in staff availability that has allowed the Department to substantially increase the monthly number of site visits. Prior to this change, all three officers were stationed in the office half of the day and in the field half of the day. Presently, one officer remains in the office all day and two staff members are in the field all day. This change was made effective in August, 2007, and in the first month, has allowed the Department to increase the number of complaints addressed from an average of 21 for the months of September, 2006 – July, 2007 to a total of 47 for the month of August, 2007. It should be noted that staff experienced changes in these prior months may have affected the number of complaints addressed; however, it is clear that this staffing change, if continued, will have a positive impact on the timely disposition of future complaints.

The Department's increased performance that may be attributed to this staffing change is depicted in Chart 1 of this Audit Report.

Recordkeeping System. Complaints concerning alleged violations of the Nuisance Ordinance are logged and tracked by staff using an Access database. Database fields have been created to track the type of violation, the method used to make the complaint (via telephone, in person, letter, etc.), the date of the complaint, the date of disposition, how the issue was resolved, the property owner's name, address of property, the initials of the Officer who investigated the complaint and any comments associated with the complaint. This electronic format assists the Director in the continuous monitoring of outstanding complaints. In addition, the Department has the capability to geographically map violation areas because the Access database is linked to GIS data maintained by Henderson County Land Records.

Procedures in Addressing Complaints. When a complaint regarding a possible violation of the Ordinance is received, the complaint is forwarded directly to a Code Enforcement Officer. The Code Enforcement Officer logs the complaint into the Access database. The Zoning Administrator constantly monitors staff's progress and ensures that the officers appropriately enter the complaint data into the Access database. After receiving a complaint, the Officer makes a site visit and takes photographs. The Department's performance target is to visit the site within the same week; if the situation involves a potential health hazard, the Department's goal is to visit the site the same day the complaint is received.

The Officer then completes an investigation report and if the complaint is substantiated, makes contact with the property owner in an attempt to secure voluntary compliance. If voluntary compliance cannot be secured, the Department then seeks compliance through the court system, first issuing Notices of Violation and/or 30-day demand letters.

A staff meeting wherein all staff members, the Director and Zoning Administrator are present is scheduled on a weekly basis in order to discuss particularly problematic complaints and to develop strategies to resolve outstanding issues.

According to staff, one problem that may be inherent to this process is the recurrence of violations on the same property. Many times, staff has enforced the Ordinance and several months later, as the result of another complaint, re-visited the property to find that it is once again in an unacceptable state. As of August 30, 2007, 12 of the pending cases are violations committed by five individual property owners.

Assessment of the Department's Handling of Complaints. Since September 1, 2006, there have been **384** complaints received. Of this amount, **276 (72%)** complaints have been resolved, **five (2%)** have been referred to the proper authorities,¹ **two (1%)** are inactive², and **95 (25%)** are still pending. The overwhelming majority of these complaints (362) have been made via telephone.

Cases assigned a "resolved" status include cases where the Department has received and investigated a complaint, and if the complaint is substantiated, has taken action to bring the property owner into compliance with the Nuisance Prevention Ordinance. Because the Department's record-keeping system is deemed to be adequate, a sample of 14 cases (5% of the total resolved cases) was inspected for completeness and accuracy. From this sample, three cases were found to be unsubstantiated, meaning that staff visited the property and upon inspection, found no violations. One case was mistakenly marked "Resolved" in the database, although the file was still open and the case is still being processed.

¹ Some complaints, because of their nature, fall outside of the Department's realm of responsibility. These cases are referred to the appropriate authority, such as the Henderson County Health Department or the North Carolina Department of Environment and Natural Resources (DENR).

² Cases are assigned an "inactive" status when the nuisance involves an unlicensed vehicle and the owner has obtained a vehicle restoration permit. The nuisance is not immediately abated. Instead the case is monitored to ensure that vehicle restoration efforts are underway.

The following chart (Chart 1) depicts a breakdown of the number of complaints received and addressed on monthly basis:

CHART 1: BREAKDOWN OF TOTAL COMPLAINTS RECEIVED

Month	Number of Complaints Received	Number of Complaints Resolved	NOTES
September	44	18	
October	34	19	
November	22	31	
December	22	7	Employee on medical leave
January	28	26	
February	23	10	Employee left Henderson County's employment
March	21	13	
April	27	31	
May	38	11	Employee on medical leave
June	37	44	
July	41	19	
August	41	47	
TOTAL	384	276*	

The Department presently is maintaining 95 pending or active complaints, all of which are in varying stages of the abatement process. Chart 2 depicts a breakdown of pending complaints:

CHART 2: BREAKDOWN OF PENDING COMPLAINTS

Category	Number of Cases	% of Total Cases Pending
NOV's/30-day demand letters issued*	36	41%
Working with Owner on voluntary compliance (periodic site visits are conducted)	18	20%
Court action pending	14	16%
Forwarded to appropriate authorities (either the Health Dept or DENR)	2	3%
Site Visits have been conducted but no formal action yet (in many cases, officers are trying to locate the owner of the property)	18	20%
New cases that have come in to the Department after its 8/17/2007 Progress Report	7	

*The category of NOV's/30-day demand letters issued includes cases where NOV's and/or 30-day letters have been issued. In some cases, these notices were issued previously and the owner is in the process of voluntary compliance. The department is making site visits to monitor the owner's progress.

Recommendations

The following recommendations were made in conjunction with this audit:

1. The Director's forethought in creating an electronic system whereby Nuisance Ordinance complaints may be tracked is an accomplishment worth noting. It enables the department to constantly monitor its progress as well as to retrieve statistical information that is useful for management functions.
2. For the most part, the recordkeeping system utilized by the department to track Nuisance Ordinance complaints is adequate. The only apparent weakness is the possibility that data can be manipulated because it is not password protected and more than one person has a role that is commensurate with an administrator's role. The Department may wish to consider assigning incoming complaints to one central employee who would then separately log the complaint before routing it to an Officer. The Director would then periodically reconcile the log of incoming complaints with records produced by the Access database.
3. In order to address the recurrence of violations on the same property, the Director may consider instituting a follow up visit to each property three months after violations are resolved. In addition, the Director should consider taking "before" and "after" photographs and placing them in the case file.
4. The change in staff availability (discussed above) appears to have improved productivity. As depicted by Chart 1 above, the number of complaints that were resolved during the month of August (the month staff changes were made effective) are significantly higher than in previous months. It is recommended that the Director continue this amendment to staffing availability.

Management's Response to Recommendations

This section of the Audit Report is reserved for Management's (Code Enforcement Director's) use in responding to the Recommendations made. Management has the option to either concur or disagree with any recommendations made as well as to add any comments or explanations deemed necessary relative to the recommendations.

1. Recommendation acknowledged. The Department will continue to use the above-referenced tracking system in order to track complaints. The software program allows the department to map complaints using GIS or sort the cases by different variables.
2. Recommendation acknowledged. The Department must continue to have multiple users for the sake of efficiency. However, dividing the functions into permitting and investigation will limit the number of users who enter data to two Officers. The information is somewhat protected because the software auto-numbers each entry so that staff knows that, if a number is out of sequence, information has been deleted.
3. The Department concurs with this recommendation. The Department has created individual files for Notices of Violation and Vehicle Restoration permits. The Department will use those files to track violation deadlines and follow up on issues/complaints. The Department will also monitor repeat offenders to ensure that violations do not return after they have been removed and the case has been closed.
4. A currently vacant Enforcement Officer position and medical leave for another Officer coupled with adoption and implementation of the Land Development Code will present some challenges for the Department, but staff is committed to continual improvements in service delivery.



Performance Audit Report:

Henderson County Code Enforcement Services

Nuisance Ordinance Complaints

September, 2007



Audit Objectives

- **To Evaluate the Effectiveness of Nuisance Ordinance Enforcement**
 - To assess whether or not complaints received are investigated in a timely manner
 - To assess whether or not the record keeping system maintained by the Department is adequate

Audit Scope

- The scope of the audit was limited to an assessment of the Department's reported performance with regard to the handling of nuisance complaints from September 1, 2006 (the date the Nuisance Prevention Ordinance became effective) through August 30, 2007

Audit Procedures

- Terms and conditions of the Nuisance Prevention Ordinance were reviewed
- A clear understanding of the staffing levels and chain of command was established
- Interviews with the Director, Zoning Administrator and staff were conducted

Audit Procedures (cont'd.)

- An inspection and analysis was made of both the record keeping system and internal control over the record keeping system
- The process used in addressing complaints received by the Department and the procedures in place regarding nuisance abatement was evaluated
- Statistical data was derived from the record keeping system
- A sample of data was established upon which tests were conducted in order to substantiate the Department's reported performance

Audit Findings

Delegation of Staff

- Nuisance Ordinance duties are carried out by the Zoning Administrator under the supervision of the Director of Code Enforcement Services
- Three Code Enforcement Officers work under the supervision of the Zoning Administrator. The officers enforce the Nuisance Prevention Ordinance in addition to other functions such as issuing permits and handling issues related to zoning and solid waste
- Two officers were on medical leave during the past year and the Department currently has a vacant Enforcement Officer position; therefore adjustments in the workload have been necessary

Audit Findings (cont'd.)

Delegation of Staff (cont'd.)

- The Director has recently instituted changes that resulted in staff availability. This change has allowed the Department to substantially increase the monthly number of site visits. The change was made effective in August, 2007 and in the first month, has allowed the Department to increase the number of complaints addressed from an average of 21 per month to 47 for the month of August

Audit Findings (cont'd.)

Record Keeping System:

- Complaints concerning alleged violations of the Ordinance are logged and tracked using an Access database
- The database tracks the
 - Type of violation
 - Method used to make the complaint (telephone, by letter, etc.)
 - Date of the complaint
 - Date of disposition
 - Officer who handled the complaint
 - Any notes associated with the case

Audit Findings (cont'd.)

Record Keeping System (cont'd.)

- The database has the ability to geographically map violation areas because it is linked to GIS data maintained by the Land Records Department
- Because of this electronic format, the Department has the ability to produce reports and queries, which gives the Department the capability to continuously monitor its progress

Audit Findings (cont'd.)

Procedures used in Addressing Complaints:

- Complaints received are forwarded directly to a Code Enforcement Officer
- The Officer documents the complaint
- The Officer then makes a violation inspection in order to substantiate the complaint and document the alleged violation. Evidence is gathered, including photographs. **The Department's performance target is to inspect the site within the same week; if the situation involves a potential health hazard, the Department's goal is to inspect the site the same day the complaint is received**

Audit Findings (cont'd.)

Procedures used in Addressing Complaints (cont'd.):

- After the inspection, the Officer completes an investigation report
- If the complaint is substantiated, the Officer makes contact with the property owner to secure voluntary compliance
- If voluntary compliance cannot be secured, the Department seeks compliance through the court system, first issuing Notices of Violation ("NOV's") and/or 30-day demand letters
- A staff meeting is scheduled on a weekly basis wherein the Director, Zoning Administrator and all Officers are present. Particularly problematic complaints are discussed and strategies are developed to resolve outstanding issues

Audit Findings (cont'd.)

Obstacles identified by Staff:

- Violations that occur on the same property. Many times, staff has worked to bring a violation into compliance and several months later, as a result of another complaint, re-inspected the property to find that it is once again in a noncompliant state.

Audit Findings (cont'd.)

Assessment of the Department's handling of Complaints:

- Since September 1, 2006, there have been **384** complaints received. Of this amount,
- **276 (72%)** have been "resolved", meaning that the Department has investigated the complaint and if substantiated, have brought the property into compliance
- **5 (2%)** have been referred to the proper authorities. Some complaints, because of their nature, fall outside of the Department's realm of authority. Such cases are referred to the proper authorities, such as the Health Department
- **2 (1%)** are inactive. Cases are assigned an "inactive" status when the nuisance involves an unlicensed vehicle and the owner has obtained a restoration permit. The Department continues to monitor these cases to ensure that the vehicle is indeed being restored.
- **95 (25%)** are in different stages of resolution

Audit Findings (cont'd.)

The following chart depicts a breakdown of the number of complaints received and addressed on a monthly basis. The month of August, 2007, reflects the increased productivity because of staff scheduling improvements

Month	Number of Complaints Received	Number of Complaints Resolved	NOTES
September	44	18	
October	34	19	
November	22	31	
December	22	7	Employee on medical leave
January	28	26	
February	23	10	Employee left Henderson County's employment
March	21	13	
April	27	31	
May	38	11	Employee on medical leave
June	37	44	
July	41	19	
August	41	47	
TOTAL	384	276*	

Audit Findings (cont'd.)

The Department is currently maintaining 95 pending complaints, all of which are in varying stages of the abatement process. The following chart depicts a breakdown of pending complaints:

Category	Number of Cases	% of Total Cases Pending
NOV's/30-day demand letters issued*	36	41%
Working with Owner on voluntary compliance (periodic site visits are conducted)	18	20%
Court action pending	14	16%
Forwarded to appropriate authorities (either the Health Dept or DENR)	2	3%
Site Visits have been conducted but no formal action yet (in many cases, officers are trying to locate the owner of the property)	18	20%
New cases that have come in to the Department after its 8/17/2007 Progress Report	7	

Audit Recommendations & Management Responses

- The Director's forethought in creating an electronic system whereby Nuisance Ordinance complaints may be tracked is an accomplishment worth noting. It enables the Department to constantly monitor its progress as well as to retrieve statistical information that is useful for management functions. It is recommended that the Director continue use of this system.
- **Management's Response: Recommendation acknowledged. The Department will continue to use the above-referenced tracking system in order to track complaints. The software allows the Department to map the complaints using GIS or sort the cases by different variables**

Audit Recommendations & Management Responses

- For the most part, the record keeping system utilized by the Department to track Nuisance Ordinance complaints is adequate. The only apparent weakness is the possibility that data can be manipulated because it is not password protected and more than one person has a role that is commensurate with a system administrator's role. The Department may wish to consider assigning incoming complaints to one central employee who would then separately log the complaint before routing it to an Officer. The Director would then periodically reconcile the log of incoming complaints with records produced by the Access database.
- **Management's Response:** Recommendation acknowledged. The Department must continue to have multiple users for the sake of efficiency. However, dividing the functions into permitting and investigation will limit the number of users who enter data to two Officers. The information is somewhat protected because Access auto-numbers each entry so we know if a number is out of sequence, that information has been deleted

Audit Recommendations & Management Responses

- In order to address the recurrence of violations on the same property, the Director may consider instituting a follow up visit to each property three months after violations are resolved. In addition, the Director should consider taking "before" and "after" photographs and placing them in the case file
- **Management's Response:** The Department concurs with this recommendation. The Department has created individual files for Notices of Violation and Vehicle Restoration permits. The Department will use those files to track violation deadlines and follow up on issues/complaints. The Department will also monitor repeat offenders to ensure that violations do not return after they have been removed and the case closed

Audit Recommendations & Management Responses

- The change in staff availability appears to have improved productivity. As depicted in the above chart, the number of complaints that were resolved during the month of August (the month staff changes were made effective) are significantly higher than in previous months. It is recommended that the Director continue this amendment to staffing availability.
- **Management's Response:** A currently vacant Enforcement Officer position and medical leave for another Officer coupled with adoption and implementation of the Land Development Code will present some challenges for the Department, but staff is committed to continual improvements in service delivery.

QUESTIONS?