

City of Austin



**A Report to the
Austin City Council**

Mayor
Lee Leffingwell

Mayor Pro Tem
Sheryl Cole

Council Members
Chris Riley
Mike Martinez
Kathie Tovo
Laura Morrison
Bill Spelman

**Office of the
City Auditor**

City Auditor
Kenneth J. Mory
CPA, CIA, CISA, CRMA

Deputy City Auditor
Corrie E. Stokes
CIA, CGAP, CFE

AUDIT REPORT

Animal Advisory Commission Audit

March 2013



REPORT SUMMARY

We found that the Animal Advisory Commission (AAC) performed work within its mission and, with certain exceptions, complied with its bylaws, City Code, and other applicable policies. In addition, while City staff liaisons provide support services to the Commission on a timely basis, we found instances where the AAC can improve compliance with Open Meeting requirements and City policy. We also found that although the AAC has made recommendations to Council related to animal welfare, it has not advised Council on compliance with Chapter 823 of the Texas Health and Safety Code.

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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.

AUDIT TEAM

Walton Persons, CPA, CICA, CRMA, Assistant City Auditor
Christopher Shrout, Auditor-in-Charge
Rebecca Takahashi, CGAP, Auditor

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March 2013



Audit Report Highlights

Why We Did This Audit

This audit was conducted as part of the Office of the City Auditor's (OCA) FY 2013 Strategic Audit Plan. The Animal Advisory Commission (AAC) was identified for audit by the OCA's fiscal year 2012 Boards and Commission Risk Assessment.

What We Recommend

The AAC Chair and its executive liaison should ensure open meetings are recorded according to City policy. Also, the AAC should create a formal mechanism to communicate issues related to Chapter 823 of the Texas Health and Safety Code.



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

ANIMAL ADVISORY COMMISSION AUDIT

Mayor and Council,

I am pleased to present this audit on the Animal Advisory Commission.

BACKGROUND

The purpose of the AAC is to advise the City Council and the Travis County Commissioner's Court on compliance with Chapter 823 of the Texas Health and Safety Code (Chapter 823), advise Council on animal welfare policies, and promote collaboration with external parties interested in conducting activities related to animal welfare.

OBJECTIVE AND SCOPE

The objective of the audit was to evaluate whether:

- the AAC is operating in compliance with City Code, AAC bylaws, and other applicable policies, and
- liaisons are providing support services to the Commission on a timely basis and as prescribed by applicable City Code provisions and policies.

The audit scope included the AAC's activities from January 2012 through December 2012.

WHAT WE FOUND

We found that the AAC performed work within its mission and, with certain exceptions, complied with its bylaws, City Code, and other applicable policies. However, we found instances where the AAC can improve compliance with Open Meeting requirements and City policy. For instance, the AAC has not kept complete minutes or accurate attendance records, as City policy requires.

We also did not find evidence that the AAC is advising Council on Chapter 823. Although the AAC has made recommendations to Council related to animal welfare, it did not advise Council on Chapter 823 in 2012. In October 2012, the Texas Department of State Health Services placed the City on one-year probation after an inspection of the Town Lake Animal Center (TLAC) found the facility did not comply with Chapter 823.

We appreciate the cooperation and assistance we received from the Animal Services Office, the Office of the City Clerk, and the AAC board members during this audit.


Kenneth J. Mory, City Auditor

BACKGROUND

The Animal Advisory Commission (AAC) was established as prescribed by Chapter 823 of the Texas Health and Safety Code (Chapter 823). The purpose of the AAC is to advise the City Council and the Travis County Commissioners' Court on compliance with Chapter 823, advise Council on animal welfare policies, and promote collaboration with external parties interested in conducting activities related to animal welfare.

The AAC is made up of seven members nominated by Council to serve three-year terms. According to City Code, and in conjunction with Chapter 823, the AAC must be made up of at least one veterinarian, one City official, one person whose duties include the daily operation of an animal shelter, one representative from an animal welfare organization, and one person recommended by the Travis County Commissioners' Court.

What is Chapter 823?

Texas Health and Safety Code, Chapter 823, sets standards for animal shelters operating within the state and establishes criminal penalties.

- Sec. 823.003 requires animal shelters to comply with standards for housing, sanitation, and animal control officer training; it also lays out requirements for operating shelters.
- Sec. 823.005 requires counties or municipalities where animal shelters are located to have an advisory committee to assist in complying with the requirements of Chapter 823.
- Section 2-1-201 of the Austin City Code establishes the Animal Advisory Commission as prescribed by Chapter 823. It states that the Committee shall advise the City Council on compliance with Chapter 823.

OBJECTIVE, SCOPE, AND METHODOLOGY

The Animal Advisory Commission Audit was conducted as part of the Office of the City Auditor's (OCA) Fiscal Year (FY) 2013 Strategic Audit Plan, as presented to the City Council Audit and Finance Committee.

Objective

The objective of the audit was to evaluate whether:

- the AAC is operating in compliance with City Code, AAC bylaws, and other applicable policies, and;
- liaisons are providing support services to the Commission on a timely basis and as prescribed by applicable City Code provisions and policies.

Scope

The audit scope included the AAC's activities from January 2012 through December 2012.

Methodology

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

- Reviewed and analyzed documentation for compliance with City Code, AAC bylaws, and other applicable laws, regulations, and policies.
- Interviewed relevant City staff and AAC members.
- Administered and evaluated a phone survey of AAC members to assess operations and staff support.
- Considered risk of fraud, waste, and abuse.
- Considered information technology risks related to the audit objective.

AUDIT RESULTS

We found that the Animal Advisory Commission (AAC) performed work within its mission and, with certain exceptions regarding the documentation of meetings, complied with its bylaws, City Code, and other applicable policies. In addition, while City staff liaisons provide support services to the Commission on a timely basis, we found instances where the AAC can improve compliance with Open Meeting requirements and City policy. We also did not find evidence that the AAC is advising Council on Texas Health and Safety Code Chapter 823.

Finding 1: The AAC has not kept complete minutes or accurate attendance records, as City policy requires.

According to the Texas Open Meetings Act, governmental bodies must keep meeting minutes or a tape recording for all open meetings and the minutes must record the count of every vote. According to policy established by the Office of the City Clerk (OCC), if a vote is split, the minutes must reflect which members voted aye or nay. The minutes must also reflect any abstentions or recusals. AAC documents meetings using both minutes and audio recordings. However, according to the OCC's policy, meeting recordings can be destroyed 90 days after the meeting minutes have been approved.

The AAC has approved minutes for eight meetings held in 2012 even though the minutes do not indicate who voted aye or nay on split votes, or who abstained voting. Because AAC meeting recordings that are older than 90 days have been destroyed, information may not be available to correct all of the incomplete minutes.

City Code requires each AAC member to sign an attendance form provided by the staff liaison before each meeting. However, of ten meeting attendance forms tested for AAC meetings held in 2012, five (50%) do not reflect the correct meeting dates. For instance, the March 21, 2012 AAC meeting attendance form lists the meeting date as March 14, 2011.

The OCC requires executive and staff liaisons for boards and commissions to take training related to their duties. We found that during 2012 the executive and staff liaisons for the AAC had not completed the required OCC training related to boards and commissions, which may have contributed to the documentation issues noted. Both liaisons stated that they completed the OCC training in February 2013.

Policies regarding open meetings allow the City to provide transparency and accountability to stakeholders regarding formal decisions made by governmental bodies. Without complete and accurate meeting minutes and attendance forms, the City may not be able to fully inform stakeholders about AAC decisions.

Finding 2: Although the AAC has advised Council on animal welfare issues, it has not provided advice on compliance with Chapter 823 of the Texas Health and Safety Code.

The AAC is not fully carrying out its responsibility to advise Council on matters related to Chapter 823 of the Texas Health and Safety Code (Chapter 823). The City established the AAC in compliance with Chapter 823, which governs animal shelters located in a municipality. The related City Code

requires the AAC to advise Council on matters related to Chapter 823. Although the AAC advised Council in 2012 related to animal welfare, it has not specifically advised Council on compliance with Chapter 823. In addition, in an annual review prepared by the Chair of the Commission, he stated that the AAC had not advised Council on compliance with Chapter 823 in 2011. We found no formal mechanism, such as an annual report, to advise Council on compliance with Chapter 823.

In October 2012, the Texas Department of State Health Services placed the City on one-year probation after an inspection of the Town Lake Animal Center (TLAC) found the facility did not comply with Chapter 823. The inspection report indicated that TLAC was not structurally sound or maintained in good repair in order to protect the animals from injury, contain them, and prevent transmission of diseases. We did not find evidence that the AAC had advised Council during 2012 on potential health and safety risks at TLAC.

Additional Observation:

During the audit, we identified two instances of possible conflicts of interest involving former AAC members. We communicated those instances to management and to the City Auditor's Investigative Unit for further examination.

RECOMMENDATIONS

The recommendations listed below are a result of our audit effort and subject to the limitation of our scope of work. We believe that these recommendations provide reasonable approaches to help resolve the issues identified. We also believe that operational management is in a unique position to best understand their operations and may be able to identify more efficient and effective approaches and we encourage them to do so when providing their response to our recommendations. As such, we strongly recommend the following:

- 1. The AAC Chair and Animal Services Officer should adopt measures to ensure open meetings are documented according to relevant laws and policies.**

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

- 2. The AAC Chair should create a formal mechanism, such as a written report, to advise Council on compliance with Chapter 823 of the Texas Health and Safety Code on at least an annual basis.**

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

MANAGEMENT RESPONSE



City of Austin

Animal Services Office, Austin Animal Center

7201 Levander Loop, Austin, TX 78702

To: Ken Mory, City Auditor

From: Abigail Smith, Chief Animal Services Officer *AS*
David Lundstedt, Animal Advisory Commission Chair *DL*

Date: March 22, 2013

Subject: Animal Advisory Commission Audit—Management Response

We have reviewed the draft report of the Animal Advisory Commission Audit conducted by your staff and we concur with the findings outlined in it. It is our opinion that many of the issues cited in the findings were either the result of an oversight by commissioners and staff, or due to a lack of staff training. Liaisons have completed the appropriate training and both staff and commission members have resolved to pay particular attention to detail in our written minutes and required forms. We have also concluded that relocating to a venue equipped to broadcast and record our meetings would be a welcomed improvement in transparency and accountability to interested stakeholders.

The other finding cited in the report relates to the Commission's responsibility to advise the City Council and the Travis County Commissioner's Court on compliance with Chapter 823 of the Texas Health and Safety Code. While we can't necessarily ensure compliance with regard to Council appointed members fulfilling the appropriate role as defined by City and State code, we will certainly include a compliance review of Chapter 823 as needed in our regular meetings throughout the year and in our final, yearend report to Council.

APPENDIX A

ACTION PLAN

Animal Advisory Commission Audit

Recommendation	Concurrence and Proposed Strategies for Implementation	Status of Strategies	Proposed Implementation Date
<p>1. The AAC Chair and Animal Services Officer should adopt measures to ensure open meetings are documented according to relevant laws and policies.</p>	<p>CONCUR</p> <p>The Executive Liaison, Staff Liaison and Commission Chair will each take responsibility for ensuring that meeting minutes include the proper level of detail and that attendance forms have the correct date on them. We will work with the City Clerk’s Office to determine whether corrections can be made to incomplete minutes cited in the Auditor’s report based on staff and commissioners’ notes of the meetings in question. Further, we will adopt a revised retention schedule for audio tapes of the meetings while we seek to find a location to hold our meetings where they may be videotaped and broadcast live.</p> <p>Executive and Staff Liaisons have completed the required OCC training related to boards and commissions.</p>	<p>UNDERWAY/ IMPLEMENTED</p>	<p>The next meeting of the Animal Advisory Commission is scheduled for April 10, 2013. At this meeting we will approve revised meeting minutes if possible, as well as minutes from the February meeting of the Commission, both with spilt vote detail where applicable. The attendance form will be dated correctly.</p> <p>Liaisons have completed the required training.</p>

APPENDIX A

Recommendation	Concurrence and Proposed Strategies for Implementation	Status of Strategies	Proposed Implementation Date
<p>2. The AAC Chair should create a formal mechanism, such as a written report, to advise Council on compliance with Chapter 823 of the Texas Health and Safety Code on at least an annual basis.</p>	<p>CONCUR</p> <p>A written report relating to Austin Animal Center’s compliance with Chapter 823 of the Texas Health and Safety Code will be provided to Council on an annual basis. The Executive Liaison will bring to the Commission’s attention at regular meetings any concerns relating to compliance with the Code.</p>	<p>UNDERWAY</p>	<p>April 10, 2013</p>