

Audit and Finance Committee Meeting Transcript – 4/11/2016

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>> Tovo: Okay. Let's go ahead and get started. It is 9:08. And this is the meeting of the audit and finance committee. I'm mayor pro tem Kathie tovo, I represent council district 9. And I chair this committee. So welcome. We're going to start by approving -- we're meeting in the boards and commissions room. I'm going to start with a motion for accepting the minutes. Councilmember Renteria moves to approve them and councilmember pool seconds them. Any comments? All those in favor? And that's unanimous. Citizens communication. So today's our first day of our speaker sign-up system. And so if for some reason when we call an item, we haven't called you, please get someone's attention so I can recognize you. Do we have any citizens signed up for citizens communications? All right. Well then we'll just go right to our first item, which is the city of Austin utility customer care audit. And that is item number 3. >> We conducted this audit of the utility customer care process and Walt persons was the manager on that audit. The auditor in charge was Rachel [indiscernible] And Walt will be make the presentation. >> Good morning, mayor pro tem and councilmembers. The objective of this audit satisfaction with a level of customer service provided by Austin energy to the city's utility customers and it covered the years 2012-2014. Austin water provides customer care for the city's utilities and they fund to Austin energy to pay for

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those services. When a customer calls the phone number on their utility bill or if they contact 311 with a utility question or issue they will speak to a customer service representative in the utility customer contact center which Austin energy operates. If the customer representative cannot take care of that call, then the issue is escalated to what Austin energy calls the escalations group. The escalations group will try to resolve that issue and Austin energy has certain time frames for the different types of issues they have so they try to meet those time frames. Going back to our objective of identifying satisfaction with customer service we began looking at existing survey information that's already out there and found that in general customers are indicating satisfaction with the services they receive from the utility contact center. We looked at a 2014 survey, the Austin community survey, where about 70% of the respondents indicated satisfaction with customer care they received from Austin energy and Austin water. We also verified that after call surveys conducted by Austin energy indicate 92% satisfaction rate by those customers who had recently received customer service through the contact center. We then looked at whether Austin energy is meeting the goals on how long they take to address a customer service issue that has been escalated to the escalations group. And first thing we found is changes made by Austin energy back in

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October of 2014 have had an impact and improved customer service response time for those escalations. While the escalations group reported that they had missed most or all of their internal targets before 2014 and before the improvements in their process, their improvement had improved significantly after October 2014. In fact, we looked at 150 escalations, a random sample of escalations and for the period July through December of 2014. And found that 89% of their escalations were addressed on time. However, escalations of customer complaints related to water issues have struggled to achieve a similar level of service so water issues are just a subset of the overall issues they address. And although performance has improved for addressing water issues, our audit found that only 42% were completed on time in the last quarter of 2014. After the process improvements. So some of the factors that have delayed the resolution of those water-related complaints include lack of defined expectations between the departments, that being Austin energy and Austin water, and unclear roles in resolving the water related customer service issues, and there were inconsistencies that we noted in how Austin energy handles the water issues that have been escalated. While conducting the audit we found that Austin energy has what's called a service level agreement with Austin resource recovery and it lays out pretty specific expectations for the roles of each department, what actions to take to address certain types of issues and there's not a service level agreement

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of that sort or of any sort in place between Austin energy and Austin water. So that is our recommendation. We are recommending that Austin energy work with Austin water to develop a service level agreement that has more specific expectations for timeliness and roles and responsibilities. That concludes my presentation. I'll be happy to answer any questions you have. >> I didn't hear the -- >> Renteria: I didn't hear the percentage for the water that met on time? >> That was based on our sample and examination of water-related issues for the fourth quarter of 2014, and I believe it was 42%. 42% were completed on time. >> Renteria: And what was the reason that you found they were having -- I notice that -- what kind of issues are they facing where they can't meet these -- they're performing at such a low -- 42%? >> The water related issues, many of them are complaints about high water bills, but in addition to that there are folks who are wanting to establish a payment plan who cannot pay their water bill and they also have issues such as, you know, our water has been inadvertently turned off or the water doesn't look correct, that sort of thing. >> Pool: Thanks for explaining the audit. Can you tell us what elements would be in a service level agreement? If the recommendation is to develop one. >> Right. What the service level agreement would include, a description of which party is responsible for what type of issue.

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Austin energy, the contact center will leave a call regarding a water issue and what we found is when it's escalated and actually even some issues that aren't escalated, the folks in Austin energy responding to it may address it and complete that issue. Another employee receiving the same type of complaint or issue may just immediately forward that to Austin water for them to resolve. So there were those kind of inconsistencies. So the service level agreement would help clarify that as to who is responsible for doing what for an issue. The service level we looked at with Austin resource recovery has several pages of recharts that show that so I think that clarity would help. >> So we haven't had that sort of thing between the two departments in the past? >> Not that I'm aware of. It's not in place now. Austin energy management may be able to respond to that about whether that has been in place in the past. >> >>

Pool: Okay. I think that sounds like a good idea. Another question I have on the stepping up of the timely communications and completion of the cases, is that related to the level of staffing, for example? Do we not have enough staff working these issues? >> We didn't see that as being a primary cause. That didn't come to our attention or to the forefront as a cause for this? >> Pool: So the cause was more lack of communication? >> Lack of direction or understanding on what roles and responsibilities really. >> >> Pool: Okay, thanks. >> Tovo: Any other questions on this audit? Okay. Do we have a motion to accept this audit? Councilmember pool moves that we accept the audit, councilmember Renteria seconds it. All those in favor?

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And that is unanimous. So our next item is the ought related to code, Austin code. >> This is audit consistency of Austin code and regulations. The manager of this audit was Katie Houston. The auditor in charge was Mary Daugherty and Katie will make the presentation this morning. >> Good morning. Austin code investigates potential code violations affecting both residential and commercial property. And typically these investigations occur following a complaint that comes into 311 from a citizen who believes there's been a code violation. We have some common code complaints listed on this slide here. They include tall weeds and grass, work without permits, unsanitary conditions, unsecured properties, things of that nature. The objective of this lawsuit was to determine if the Austin code department was consistently receiving timely and accurate complaints regarding code violations and to determine if reported code violations were properly interpreted, investigated and resolved across the city. We viewed 306 cases out of a thousand provided by Austin code. We found that code violation investigation, documentation and resolution practices vary across cases and we think this may be caused by gaps in procedural guidance provided field staff as well as a lack of management oversight. We are concerned that similar issues were reported in a 2010 audit of the code department and these issues have not yet been fully addressed. In our review of 306 cases we found that there were issues with about 77% of tested cases. We tried to group them into different categories or patterns of deficiencies and some

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of them are listed here, but essentially we found instances where written warnings were not always given even after a code violation was detected. We found that property owners were given different deadlines to correct similar violations. We noted there were delays in both the initial and the follow-up inspections. That not all parts of investigations were investigated, so part of the investigation would either not get resolved at all or it would necessitate a second site visit for it to be reviewed. We also found that Austin code does not have a formal process to prioritize high risk cases and we also noted numerous instances where the documentation was incomplete or unclear. Here you can see a chart of a summary of our tests by complaint type. The first column shows what we're calling common code complaints. That includes our review of complaints involving fences, recreational vehicles, unsanitary conditions, tall weeds and grass, short-term rentals and signs. And the second column relates specifically to work without permit cases. The first line relates to what we're calling late initial inspection and those inspections need to be done within two business days or scheduled within two business days. You can see here that about half of the time for both the common code complaints and the work without permit complaints, those inspections were not done within that timeline. The second row there covers the written warnings that were discovered on site, but not always sent to the property owner. And there the populations are very similar, about a third of the time that was not done. And then the last row shows late follow-up inspections. The follow-up inspections need to be done within five business days or scheduled within five business days. For the common code complaints a little more than half the time

that was not done. For the work without permit cases, you can see it's considerably higher, but some of the delays in that particular population might be related to the fact that Austin code needs to work with development services to really get those

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corrected. >> We also found that investigation and resolution practices involving city owned properties often differed from policy. Here again we noted there were delays in this population. We also noted that these investigations tended to be less expensive than what policy required. By that we mean there were instances where there was no site visit whatsoever or even in instances when there was a site visit there may not be photographic evidence of the inspection work that was done on site. We also found that violations noted on city-owned properties were not consistently communicated to the responsible departments. Again, the causes here may be a lack of monitoring of field staff activities, but also that management is not enforcing their policy on city-owned properties. And our concern here is that these violations on city-owned properties may persist if they're not properly referred to the responsible department to be corrected. We also found that 25 of 70 field staff and management did not meet the current minimum qualifications specified by the department and there's a chart here showing the field staff and management positions, the number of employees that do not meet these minimum qualifications and the combined total. 15 of these 25 employees were already in their positions when the certifications were added to the minimum qualifications. Management asserts they're in the process of raising the bar, so to speak, the performance standards, and that is included raising the certification requirements for staff, but our concern is really the 10 of these 25 employees that were hired into the position that they're in even though the certifications were listed on their job posting at the time. Generally speaking, people have six to 12 months to obtain these certifications, but these 10 employees have not yet achieved those. We also have two additional observations in this audit. The first one is Austin code does not have sufficient controls to prevent field staff from investigating their own property.

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Right now the policy is that staff are required to disclose to management when they're assigned to work on a case that is relating to their own property that they own or property of a close friend or relative. Essentially it's the honor system. But the process itself doesn't preclude that from occurring. The second observation is residents are given different directions by Austin code and Austin police department regarding the storage of recreational vehicles. And there's a photo here. You can see in the photo on the left the boat, which is the recreational vehicle, is parked in the driveway, which is not within the jurisdiction of the Austin police department, but rather Austin code. And this would be a problem for Austin code or a violation if that boat were not screened within 72 hours or moved. In the second photo, the one on the right, the boat has now been moved to the street where it's not within the jurisdiction of Austin code, but rather the Austin police department. And the Austin police department would find that to be in violation if it's not moved within 72 hours. And this is just an example of some of the back and forth that we saw on some of the cases. And this may necessitate a code change to really get this resolved. In light of these findings we made several recommendations. First we recommend that the department revise policies relating to working these cases. And they develop a more rigorous case monitoring process. We also recommended that they implement a process to ensure violations on city-owned properties are investigated and communicated to the responsible departments and that they work to integrate the Austin code database with 311. Last, we recommend that they ensure current and future employees meet and maintain the minimum qualifications required by the department.

Management has concurred with these recommendations. That concludes my presentation and I'm happy to answer any questions you have. >> Pool: Thanks very much.

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A couple of questions for you. What -- do you have a list of what recommendations were made in 2010? You say on one of the pages that similar recommendations were made previously. >> The ones that were similar to what we recommended here, one relates to revising their policies and more specifically the issue of monitoring. I think at the time we recommended that they implement a more comprehensive monitoring process, which would be a review of specific cases, and looking for consistency across the various cases. We also recommended in 2010 that they integrate the Austin code database, which is Amanda, with 311. >> Pool: And how many of those recommendations were completed in the time, five, six years? >> Of those three, I don't think any of them were fully completed. We know that there were efforts taken to start on that path, particularly related to the policies and the monitoring, but then some of those policies have -- they're no longer follow the at this point. And with regards to integrating the database with 311, Austin code has been working with ctm to get that integration underway and has done quite a bit of work on their end, but it's ctm now who needs to prioritize that with their other work load to get that recommendation implemented. >> Pool: Did audit do a follow-up audit on code from the intervening years? >> I believe there were two other recommendations that were implemented relating to other issues that weren't covered in this audit, but in that -- but when we did the follow-up we followed up within a year and I believe that was a direction from audit and finance committee at the time, concerned about the issues and identified in 2010 and 2011 we followed up, but at that time a lot of the work was underway. So under in our owe even

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in our follow-up, we confirmed that the implementation of the recommendations were underway, not that they were really implemented. I think we confirmed that for -- the underway for two out of three or something like that. >> Pool: It seems that the section in our code that relates to code is difficult to follow. Is that possibly one of the reasons why there is difficulty in enforcing -- or understanding what the regulations are and having consistency across the board and then with the enforcement -- implementation and enforcement? >> Sure. There are certainly gaps in the code currently and I think that there are already efforts underway to get those corrected. >> Pool: I'd be really interested in tracking that and following that to see what we need to do in order to streamline and make clearer what the regulations are in that part of our code. I'm a little concerned about the -- one of the additional observations. Austin code does not have sufficient controls to prevent field staff from investigating their own property. We have a conflict of interest policy. We have an ethics policy. Is that something that would not apply here or would not be -- there wouldn't be training on that so that that would be an obvious thing that code compliance officer would not want to be investigating his or her own property? >> I think the policy is in place certainly through our code of ethics and as documented in the city code, but I think the problem is the procedures of how do you make sure those are disclosed and monitored. It's really not so much is it a violation of code, but more how do we make sure that those are being brought up and being addressed. >> Pool: Right. I guess for me it comes down to the culture of integrity in the unit so we want to make sure that that has a firm

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foundation. And this may not be happening very often or at all, but it shouldn't ever happen. And then I

know from having some conversations with people in my district that this example of the boat and where it's parked is kind of a classic in the convoluted nature and the tension between jurisdictions, between the police department and code who is in charge in what situation. And that I think -- if we can crack that, untie that knot, I think that would go a long way both to giving residents some clear direction on what's allow and what's not and between the two departments, if there can be ample communication and discussion and an even playing field as far as policies and procedures. I think that will go a long way too to helping people comply voluntarily in the community because right now it's confusing. And if the boat's in the driveway and you call one department, it's okay. But if it's in the street and you call the other one, it's okay too, but your neighbors are telling you you can't have your boat there. So I think there's still more work to do in code, but I think we talked about this last year during budget, I continue to be interested in trying to work through whatever the issues are. And if there are things that I can do from my position here, I'd be very happy to lend a hand. >> Tovo: Before we move on to another batch of questions, I want to get back to the issue that councilmember pool raised. In your -- as I understood your comment, the audit department did not find evidence that any code inspectors were investigating their own property as our auditor

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said, there is a clear policy, you just didn't see evidence of procedures and controls that would tell an inspector how to approach that. Is that the crux of the matter? >> Yes, that's correct. We looked at what we could identify as employee addresses and then matched that to inspections that had occurred to see if there were any instances where an employee had their property investigating, and if it were investigating by the person who owned that property. We did that work and we did not see any instances where that for sure happened. There's a lot of difficulties with that type of test, though, list a Po box as their address or employees may own more than one property. And certainly none of that would cover any properties that are owned by a close relative or a close friend. So to the extent that we could test that, we did not identify those errors, but as you said the problem really results more from the procedures, not -- making sure that doesn't occur. >> I think we really need bright lines in those areas. Thank you. >> Renteria: I'm really concerned about the certification. What kind of reason did they give you for not meeting the certification? >> I think the department would be in a better position to respond to that. I know that some of this -- at least 15 of the 25 that we had issues with result from fact that the certification was not required at the time that they were hired, it was after the employee was in the position as part of their attempt to raise the standards for the department. And that our concerns was kind of with the other 10. But again, they might be better able to speak to that issue.

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>> Tovo: I think we absolutely need to hear from code on a lot of issues. Now may as well be the time that you come up and address us. Welcome, Mr. Smart. >> Councilmember, do you want to -- ask your question? >> I just want to know why y'all haven't been able to get these employees certified? >> Good morning, members of the committee. I'm Carl smart, director of the Austin code department, and with me this morning is Paul Thomas hobby, assistant director. Excellent question. We are concerned about getting all the staff certified and up to speed with their certifications. There's two issues. One is the issue of existing staff that were in place prior to the requirement being added to get their certification. So we have a number of persons who were already in the positions and then we added the requirement to get the certification so we're working with them, going back and working with them in order to get them ready for testing and get them certified. Knew additionally the auditors pointed out that we've hired new people who did not meet those qualifications and in doing that hiring they met all the other

qualifications, meaning they had the experience, they had the skills. They have the performance records and other positions. Some of them were code officers in other cities like Dallas and San Antonio, and these folks had very valuable experience B they did not have the certification. So what we did is offered the position contingent upon them getting the certification within the year. But some of them are still having some difficulty passing the exams, difficulties testing. So we're offering more training to help people get ready for that and we're finding also not

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just technical training, but training on testing itself. Some folks are just not comfortable, if you will, taking the test. So we're still working through that, primarily looking at special training for those persons who don't have the certification and working with them to make sure that they get the certification. We are as the auditor pointed out, we're raising the bar as it relates to the technical training for the staff. And in raising that bar we are having some difficulties, but we continue to work through those difficulties to get there. >> Renteria: I'm very concerned about that because these workers are out there issuing opinions and reports and I'm kind of concerned that they're not certified to do this kind of work. Is it affecting their ability to go out there in the field and do these kind of inspections that they do? >> Well, I think they're certainly qualified to do it. They've been doing it for years without certification, but we're -- if they get the certification it will enhance their ability to do that job and make the interpretations and handle their job more effectively. Certainly we want them to be certified. I'm concerned too, very much concerned about it. And we're not going to stop until we get it all done, but it's taken some time to get it done. In the meantime these persons are well qualified in other areas. They've got the experience, they understand the code, and they understand the process and the procedures on how to get things done. Obviously we've got to monitor that closely and maybe more closely is what the auditor is telling us, more closely than we have. So we'll certainly do that and report back to make sure that folks understand that we're doing that. But I think pressing forward to certification we will get there, it's just going to take some more time to get there.

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>> Renteria: You know where I'm coming from is I have constituents who come and call my office complaining about the code department and then if I'm -- they're out there listening and saying hey, we've got 36% of the field staff and management are not certified, you know, I don't know how to answer them when they ask me, say hey, do you know your people coming over here and writing me up and then they're saying hey, we just saw that they're not even certified. You know, maybe they're not doing their job the right way. So that's a big concern for me. >> Absolutely. I understand. >> Tovo: Director smart, I'm looking over the more -- I am also concerned. I'm concerned about several of the findings here, but I'm concerned about this one as well. You know, in looking at the percentage of code staff who do not meet minimum qualifications by the positions, I see that in the assistant division manager, 50% of those in the position do not meet the minimum qualifications. 67% of the division managers do not meet the minimum qualifications. In the inspector C category, and I don't know the difference between inspector C, B and A, but in the inspector C position, you have 11 who do not meet the minimum qualifications, 73% in that category. I am extremely concerned and to me it's -- I understand what -- I hear what you're saying about needing more time, but there has been three years. So you have staff on -- you have individuals on your staff who I guess I would like some more information are they taking the test and failing? Have they not taken the test? And why would we be hiring knowing that pattern, that not all of your existing employees are able to pass that qualification?

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I'm not sure new staff should be being brought on. It's a reasonable process to bring staff on and say you have a year to pass, but if you have such a problem with your existing staff meeting that requirement, I'm not sure it's a smart move to hire staff who haven't yet passed that test. Can you give us -- to start with, can you give us some sense of whether your staff are taking the test and not passing or whether there are staff who just haven't taken the test? And if you have information about how that breaks down at the managerial level? I think it's a real concern that your managers are not setting the tone by having that minimum -- by meeting the minimum qualifications. >> Absolutely, madam chair. We're concerned, I'm concerned about that too. I think what your finding is right now as it relates to certification, we are in transition, meaning that a lot of the people who were -- who were identified in the adm, assistant division manager, the division manager positions, and particularly inspector C's were hired prior to the certification requirements being put in place. And a lot of them got excellent skills. Some even retired, former police officers who have a lot of experience in enforcing ordinances, enforcing laws, but still we're adding now -- we're saying we want those people to go back and get certified. And so it's taking some time to do that. Yes, some are having trouble testing. And they are taking the exam and we're -- and we've been bringing in teks, trainers from Texas A&M university to help out with the training. And so we're working with them to enhance that training in order to help folks become successful at getting

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their certification. And I think we just got to continue to work with that and look at more enhanced training in order to get our inspectors certified. I don't have the Numbers as far as preexisting versus new folks, how that breaks out as far as ads and dms and expecter Cs, but I know a number of them were in place. So we're in transition. We're moving from no certification to certification. And I think in making that move it's just going to make us a lot more credible organization, it will make us a little more professional, and more skilled. But we're going through that transition now of getting training and getting that testing. Some folks have the skills, we've noticed, but as far as the technical skills and understanding the code and interpreting the code and enforcing the code, but they're not good test takers. So we're having to work with that, we're having to help them get comfortable with dealing with the kind of tests that they have to take in order to get the certification. I do want to point out that the state of Texas requires code officers to be registered. And in order to get registered you've got to have at least one year of training, you must take an interest, a state exam and pass that exam and then get that registration. So that's our first level of certification. And we know that 90% of most of our inspectors have gotten that level of certification. What we're adding now, we're adding more technical layers of certification as it relates to property maintenance, building, zoning, those kind of things. >> Tovo: So I think maybe the best way to handle my additional questions is to do them in kind of a Q and a process after this meeting because I do really need to understand -- I know you're saying it's taking some time, but it's not at all clear to me and won't be until I really see the Numbers. Is it taking time to get your employees to take the test or are they

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just not successful when they do? And I need to understand a little -- a little better what the circumstances are there. But I concur with councilmember Renteria, I think it's critical that our inspectors have the skills and can demonstrate they have the technical knowledge to do the job we've hired them to do. We have expanded -- what was code compliance and then it was -- it was code

enforcement, then code compliance, then Austin code. In all the various name changes it's been a very big expansion and we need to make sure -- and I know you're committed to making sure that your staff have the training and we need to be able to demonstrate that to community as well. Councilmember troxclair, did you have any questions on this point before we hit some of the other issues in the audit? >> Troxclair: Well, so when will -- I mean, I too am concerned about all of the findings, but I guess on this topic when can we expect you to have 100% compliance with the certification requirements? >> I'm going to have to take a look at that and get back with you with an answer. Of when we can have 100%. Certainly that's our goal. But I'll need to get back with you to give you a target date on when we will have that 100%. I think it's going to take a couple of years, just initially off the top of my head a couple more years in order to get there. Really intense training. I mean, they have a pretty high caseload now and so that is an issue, keeping track of their caseload. But at the same time we want to provide that training in order to get them certified. And they have to pass the exams. So just initially off the top of my head I think a couple of years, but I'll be glad to give you a more defined, a

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more definite time period when we expect that to occur. >> Troxclair: So a couple more years. It's been three years already and you think it will be a couple more years, five years in order to get into compliance? >> I think so. I think so. But I will look at that. I will look at that and come back and give you a more definitive answer on that. >> Troxclair: Yeah, please let us know. >> Certainly I want it done as quickly as possible. I would like for it to be done before this meeting, but it's not the case. >> Troxclair: So I understand that maybe 100% is a difficult goal because if you hire someone and then they have a year to complete the training maybe we catch them within that year and they haven't completed it yet. So even 90% or some -- it would be helpful if we're going to have a follow-up audit. Are we going to have a follow-up audit? >> We'll certainly include it as we do our risk assessment for -- the way that we do the follow-up now where we look at all of our audits for the last three years. This would be included in that. >> Troxclair: Okay. I just want to know for those purposes what metric we can look -- I don't want to be in this situation again when we have a follow-up audit, especially when it seems like there's a lot of the same issues that have been leftover since 2010. At some point we need to address them. And I guess what was -- was this a council action to improve the compliance or where did the -- the direction to have this certification come from? Do you know? >> The certification was self-imposed. We actually imposed it ourselves in order to help raise the standard, the professional standard for the officers in the department. It was not a direction from council or anything. >> Okay, great. If you can just -- >> One additional thing I would like to add is we're also currently working with corporate hr right now to look at our process for these

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certifications. As Mr. Smart indicated a lot of these individuals are extremely well trained and the certifications we picked were just two out of many certifications out there that could help them do their job. And there is an array of other certifications out there that could possibly help us get them more qualified. These may not be the only two that we chose. So there were some lessons learned as we continue to go through this. And one such lesson is that with the certification if an individual cannot pass it, if they fail it more than twice within a one-year period they cannot take that test for another six months. And we're running into some of those difficulties now to where they cannot retest until a certain amount of time, which then puts them behind in the time frame we gave them. So we're working with corporate hr in the industry to straighten those out to where we don't put ourselves in that positions or the inspectors in that position. So giving them a much broader area which they can

use and making sure those time frames and everything lead up to where if we run into difficulties with training or failing a test. >> Tovo: Councilmember pool. >> Pool: Do you actually have a plan for each of the inspectors with timelines and milestones, knowing that -- so that the end goal, two years isn't so amorphous? Do you have a plan for meeting -- addressing the short comings in the audit? >> I certainly want to go back and review that plan and look at maybe tweaking it, revising it. The key thing too that we put in place is a career ladder for code officers so the incentive for officers is to move up that career ladder and certifications was one of the requirements to move up the career ladder. We've got in place a trainee position and then inspector a, inspector B and inspector C. And investigator. And each of those steps requires a certain

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amount of experience and training and certification. So they have a built in incentive to get certified unless of course, they're at the top -- they're already at the top. And certainly a number of the existing persons were already at the top in the inspector C position. So they're already there. So the question is just getting them to get -- to get certified. So they've got an incentive, but also we've got to go back and look at individuals and what kind of a timeline that we're imposing on them and taking into account what Mr. Thomas havak mentioned about sometimes if you fail the test two times, then you can't take it again for another six months. So that impacts the timeline right there. So we have to look at individual cases and work around that. >> Pool: Okay. I think it would be really helpful to have some discrete timelines and I would be interested in seeing a plan and how many cases each of your code officers handles on a given -- in a given month? Are they deployed around the city like A.P.D.? In sectors? Or is it a citywide deployment? >> It's a combination of both. The base level is like district reps. Each officer is assigned to a geographic area. And so that's the base level. Andrew Harris then there are -- and then there are specialties on top of that. The multi-family is a specialty, the repeat offenders is a specialty. The short-term rentals is a specialty. So yes, it's a combination of both geographic assignments as well as specialty assignments. >> Pool: Just one last metrics question. How long does it take for an officer to close an open case from start to finish on average? >> Average. Let me let Mr. Thomas -- >> On average we try to have within 90 days is

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kind of our standard is we would like to see a case closed. Not go any longer than 90 days. There are cases -- I'm sorry. There are cases out there that are longer than 90 days, but that's our benchmark to where we really start resolution the cases and see why they may be take longer than that. Now, we have a whole large amount that get taken care of much quicker than that 30 days, 15 days, seven days. On an average 90 days is when we're really looking at the cases, that they not go much longer than that if possible. And if we do we really like to escalate at that point in time to maybe a legal type of proceedings if we're not getting compliance within that time frame. So 90 days is our typical benchmark, and like I said, it varies anywhere in between there. >> Is the 90 days for addressing the issue or having issued the complaint? >> 90 days is to allow the individual time to take care of whatever the violation may be. If we go out to an apartment complex and we have, you know, 35 different violations, we'll work with them within that time frame to try to get all those done within that 90 days. If at any point in time we can take stronger enforcement action whether that be legal or whatever it might be. >> Pool: Obviously some issues need to be addressed much more quickly than that, but I think more to the point for residents who are filing complaints or having one filed on them or a neighbor, how long between the time an issue is reported and an officer on average comes out to do the investigation and potentially issue? >> I believe our time right now is between three and a half days is -- is our average now is when

we'll get out to the case. On dangerous we're out there immediately on a dangerous situation. We do cat rise those -- on average it's 3.5 days. >> Pool: All right, thanks.

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>> Tovo: I'd like to talk a little bit about the first findings. These were similar, I think finding number one in 2010 had to do with investigation and resolution practices and making sure that those are consistent with policies and procedures. And one of the specific bullet points under that talked about case violation, investigation and resolution practices varied across cases. And in looking at our finding, your first finding in this audit, I see a similar -- similar response. So I wonder if you can help us understand how this continues to happen? In particular I'm looking at number two, property owners are given different deadlines by the same type of code violation. Recreational vehicle was one cited. Residents received deadlines ranging from two days to 21 days to handle that one. For work without a permit it ranged from seven to 30 days. Can you help us understand why there are different time frames for different violations? I can understand if they're larger violations they probably get more time, but help us idea why the same type of offense would be given a different range? >> I'll start off -- >> Tovo: And what you're doing to make sure that your inspectors have a very clear template for what the time period should be for each of these different kinds of violations. >> We have standard operating procedures that the inspectors are to follow in providing the time period for compliance, but within that sop there is some flexibility for the inspector to use, discretion based on the case. Each case has its own different characteristics, and the property is different, the violation. Even though it's the same violation it still has different factors

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and you're dealing with different property owners and managers. In some cases you're dealing with the property owner and the property owner will tell you, even take a recreational vehicle that's illegally parked, and says I'll take care of that this weekend. So we provide the inspector some discretion on setting the time period. It could be that the property owner will take care of that violation on the weekend and you go back on Monday morning and it's done. Then in other cases the property owner is maybe absentee and you've got to certify mail to a different state and so you end up with different time periods because of the difference in the situations. And we try to give some latitude, some discretion to the inspector because they're the ones out there in the field dealing directly with the property owners, and there's a certain amount of discretion that should be involved. So if the -- sometimes the property owner will ask for a certain time period, how long -- the inspector can ask the property owner how long do you think it will take you to correct this violation? And the property owner might say I need 15 days. And if that's within the standard operating procedure then why not, provide them 15 days to do that. And in talking with another property owner and the property owner says I can take care of that in five days. So okay, we give you seven days on here. That's efficient? Yes, that's sufficient. So they kind of work that out a little bit. So that's what occurs sometimes. And sometimes it's connected to the property owner's ability to correct the violation. Their resources that they might have available. We deal with -- the inspectors deal with people with no resources, from no resources to plenty of resources. From indigent property owners to property owners who are wealthy

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and are able to take care of problems right away. So that's why we give them some discretion in dealing with people because there are so many different situations out there. >> Tovo: Can I just ask a follow-

up? Is your standard operating procedure, is it some kind of chart that says for this kind of violation a property owner can have up to X days? >> Yes. There are sops that provide some general direction to the officers on how much time period is allowed. >> Tovo: I guess what I'm asking is does it not provide general conference but does it have any targets in terms of number of days. >> Our main target is 30 days, is that they have that time frame in which that they can vary within. And then at that point in time they have to escalate that up to management to -- or they could -- actually, they actually have an ability to by request through an extension, they can extend that another 30 days. But then any time over that does require management approval. So we are working on now a possible standard of saying a boat or rv might be seven days, work without permit might be 15 days or something else 30 days. But doing that whether we can still allow some type of flexibility for the customer, where the customer says I can get that taken care of in one day, I don't want there case staying open seven days, I want to take care of it and they have the ability to give them that time frame instead. We're looking at those possible variations to be able to put that in there as a benchmark, as a more extensive benchmark than the 30 days >> Tovo: Probably other people have questions too but I hope while we're having this conversation, given this was an area that was cited in the 2010, I think I really need to understand better kind of what you've done in the intervening

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years and what your intent is to address the issues that have now been raised in two different extensive audits. Vice chair troxclair -- sure, now would be a good time >> If I can respond, madam chair. Certainly we're concerned about the findings that came out in the audit, and you'll see in many cases we concur but we're also putting together an action plan to deal with each of those findings and would be glad to come back to this and obviously will provide updates. We want to provide the best service we can to the citizens out there. We want to take care of any other problems, any other violation that's come to our department, we want to take care of them and take care of them timely and correctly and do it in a very professional and customer-friendly kind of way. So we'd be glad to come back and provide updates on our action plan and what we're doing in order to address each and every finding that came out in this audit. >> Tovo: Thanks. I think an update would be very helpful. Vice chair troxclair Joel I think that part of her question was what -- if the same issue was addressed in the 2010 audit, what did you do? I appreciate that now that it's being raised again you're going to put together an action plan, but what did you do in 2010 to address the issue? >> I guess we'll be glad to report on that too. There were a couple of -- one instance where a procedure was put in place and that procedure was actually put in place and was working and it was actually stopped and we found out about it so we've reactivated that and that was

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the process of reviewing the reports of the inspectors on a regular basis and so we're making sure that is put back into place. I'd be glad to go back and look at the 2010 recommendations and let you know. I'm sure the auditor's office too will let you know what was put in place after the 2010, what's working, what has been completed since the 2010. >> Troxclair: I guess I'm concerned that the council probably had the same conversation with you in 2010 and I'm guessing that the management was -- >> I wasn't here. >> Troxclair: You would come back and fix the issues and so it's -- I think understandably hard for us to kind of have non-distinct responses as to why these things haven't been addressed. And I guess on the -- on the different deadlines -- well, and part of the problem I think is that it sounds like you're not particularly -- like this property owners are given different deadlines, the same type of code violations. It sounds like you are not looking to fix that but instead are defending that decision or that operation

because you think that it adds a level of customer service. But I think the reality is, at least from the people that I hear from in my district, is there's a high level of frustration with the code department and some of these things -- it seems to me like it might be a -- it might be doing the opposite, not having distinct deadlines, not having follow-ups, having -- I mean, 47% of the time people weren't even given notice that a violation existed. Then when they did receive a violation they were given

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different deadlines. It's kind of like a domino effect here -- I appreciate your interest in having customer flexibility and improving customer satisfaction but I don't know -- it seems to be -- to me that there's a disconnect between the things that you think might be adding customer satisfaction and actually the things that are leading to frustrations because when people call in they have an expectation that there's a distinct process, that they understand the process and that the issue is going to be followed up on, whether it's a violation on their property or whether they're calling about a violation on another property, and so I think having those distinct deadlines are really important so that your staff and the customers understand what the process is. >> If the maximum deadline is 30 days, 30 days doesn't fit every situation. I think it's important to have some flexibility but at the same time make sure we plea with the standard operating procedures so that, yeah, you've got clear guidelines and clear limitations on time periods and then clear justifications that are required in order to go outside of those time periods. So I am certainly understanding of those persons who might see some frustration in having some flexibility or -- flexibility by the inspectors but I think some of it is important to have, some of that flexibility must have, is good code, code enforcement practice and you'll see it in best practices around the country. But at the same time having some clear limitations on that. And making sure that our

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inspectors are following those, that standard operating procedure. That's where we're going to go back. Audit is saying that sometimes we operated outside of those -- inspectors operated outside of the sops. We're concerned about that, and so we're certainly going to be checking on that and bringing you updates on how we're addressing that issue. >> Troxclair: And I guess I didn't mean to say that customers didn't appreciate flexibility, but I think that the flexibility that is being provided is so unclear that it leads to cases falling through the cracks it, leads to things not being followed up on, it leads to an L unknowns. It's not that the customers don't appreciate the flexibility, it's that the processes seems -- seems to me the process is completely breaking down. In part because of it. >> Yeah. We certainly have some difficulty there. It's not breaking down. It's not broken down, the process is working. It can be better and we're certainly looking to improve it and make it better. We're handling the cases but sometimes the way the cases are being handled are not according to the sop and those are the situations we certainly got to deal with in the department, to make sure that all the inspectors, supervisors, managers and all are handling the cases according to our procedures. >> Troxclair: I think councilmember pool asked about the average time for -- was it -- did ask you about response time or inspection? >> Pool: All of it. >> Troxclair: Inspection time. Okay. I'm curious, because one of these findings was the initial inspections are not always conducted in a timely manner. And that initial inspections only met the deadline about 49% of the time. Do you know, does the auditor have information about what the average time was for these

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inspections? If 49% of them weren't meeting the deadline, what -- >> Sure, we could certainly provide

that to you. I don't have that figure with me today but can get that to your office after this meeting. I will say I think part of what I'm hearing is that there are certain cases that's getting out there within two days might be more reasonable or certainly did occur, then they're going to be -- there are going to be other cases where that standard certainly was not met. So there's going to be a lot of variety in what you'll see in the data but we can provide the data on the figures on those that were met. >> Troxclair: Great. That one is particularly concerning to me, I guess, in the context of the short-term rental issue. I don't think that we would have had the widespread community frustration with some of the short-term bad actors if some of their code complaints had been followed up on in a more timely manner, and so it's difficult, as a councilmember, to be put in a position to respond to a community issue that -- that had the code department been following the existing procedures in place where their own existing deadlines may not have caused strife for some of those constituents. >> Another issue that we are gonna look at in looking at our policies is to see if maybe our own policies are even setting a benchmark for that. We would not be able to meet unless we doubled our staff. Our policies may be setting too quick of a time frame for an individual to do it, especially if you have to go through getting permits and things of that nature and for inspectors to follow up. So I think in a lot of our findings what we're also looking at, within our own

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policies, we have to look at how we've set our guidelines to -- for inspectors to meet based on volume and inspections and things of that nature, to where if they gave somebody seven days to comply, that they would be back there on -- you know, on the tenth day may not be possible for them to do if they have 250 cases. So we have -- we are working on trying to balance that all out to where where our policies and our abilities and to ensure quality of life for everybody around that are being consistently met to where we're not megawatt benchmarks nobody can meet and we're looking to the point where it looks like it's breaking down but actually we are getting [indiscernible] Voluntary compliance, which is really what we're trying to get mostly. So we'll also be looking at how our policies are recipient compared to what true abilities of the department and customers are to try to line that up a little better. >> Troxclair: And I hope -- and I understand that there's a certain amount of staff that is going to be necessary to handle a certain amount of case work, but I hope that doesn't eliminate the need to really look closely at the management policies because some of these things, again, even when staff had confirmed a violation existed, 47% of the time there was no violation issued after that, which is not necessarily -- it's not that they didn't have time to go out to the property. It's just they didn't follow up. So I just -- I hope that that's not -- and of course we did supply some additional staff members in response to the str issue during the budget, but -- okay. I'll just -- I have more questions, but I. . . >> Tovo: Okay, thanks. Are there more questions? Let me just say we do have -- I know this is an important audit but we do have five additional items that we're going to need to cover here.

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So I would suggest we spend maybe another five minutes on this and if we have additional questions for our staff that we try to send them on and ask our city manager to provide some kind of forum for us to do that q&a so that it's publicly available. >> Pool: I just think that there's so many things happening with code from the convoluted nature of the actual laws and regulations that we have, maybe some internal conflicts between what's in the code section and other section that's relate that that needs to be carefully separated out and parsed and addressed. That's a huge undertaking. I don't think I'm ready at this point to agree that more staff is gonna help your situation. I think that maybe more close monitoring and managing on deadlines and time lines and performance improvement plans so that

people know that they need to do this kind of training to get the certification and this is the time line and here are the tools that the city has in order to help you achieve them. Because obviously we support our staff getting those certifications. And then clarity in how we -- clarity in how we implement our procedures and our policies. That has to be so clear. >> Sure. >> Pool: For the public, as well as our staff who are charged with undertaking the enforcement. Do you have a handbook, for example, on -- okay. >> Yes, we do. >> Pool: So you have some of the tools and it's probably really thick. >> It's very thick. >> Pool: Maybe that's not the approach for that. Maybe that needs to be looked at as well. >> Sure. >> Pool: So I just think there's a whole lot of effort that council and management still needs to put in with code and it's not gonna be solved overnight. But there are some really key pieces in this audit that I would like personally to see addressed in some kind of an improvement plan or something that you submit back to us to say that you're gonna

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accomplish -- you're going to meet these insufficiencies, especially the ones that were carried over from 2010, I think from what I'm hearing from my colleagues here and I think you probably agree that the doveses really need to be addressed and we need to have a plan moving forward so that this doesn't continue to reoccur. >> Yeah. >> Pool: Thanks. >> Yeah. >> Troxclair: And I guess I would request that we do some kind of follow-up, get some really detailed time lines about when these things are going to be addressed and then if it's possible to do some kind of follow up from the auditor's office so that we have a report back. Thanks. >> Tovo: All right. Thank you very much. We do need a motion to accept the audit. Councilmember Renteria moves that we accept the audit. Is there a second? Vice chair troxclair seconds it. All in favor? And that's unanimous. Thanks again director smart, Mr. Tomasovic. Okay. Our next item, human resources I believe is here to walk us through this one. This is the reappointment of the municipal civil service commissioners as well as their recommendation for a chair. >> Good morning, councilmembers, my name is sill Ba Everett, municipal civil service administer and sister, we do have a brief powerpoint to walk you through this. Kind of touching base on what we covered at our last meeting -- thank you. Okay, perfect. So we do have two positions that are -- the terms are expiring in may 2016. We did discuss these recently

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at the February 24 audit and finance committee meeting, where you appointed -- recommended for appointment Melissa Rogers to an unexpired term which was ending and we also have the recommended reappointment of Theresa pedis wisely for another full term starting in may so that's why we're here before you today. The other thing you will be doing today is recommending a chair, and I believe last time you did ask for the municipal civil service commission's recommendation. They did recommend Pamela Lancaster at their last meeting. >> Tovo: Thank you very much. >> Mm-hmm. >> Tovo: So those are the recommendations we had already talked a lot about the individuals to recommend for council approval. And now we have the chairs -- the municipal civil service commission's recommendation. Councilmember pool. >> Pool: I'd be happy to make the motion to recommend Theresa Perez wisely to a new term and to continue Melissa Rogers and to appoint Pamela Lancaster as the chair of the municipal civil service commission as recommended. >> Tovo: Is there a second to those -- to that motion? Councilmember Renteria. Yes, vice chair troxclair. >> Troxclair: Was the chair recommended unanimously by the commission? >> Yes. >> Troxclair: Okay, thanks. >> Tovo: Okay. Further thoughts? All in favor? Any opposed? Any abstentions? Vice chair troxclair abstains so that vote is 3-0-1 and that will go to council and -- >> May 5. >> Tovo: For its consideration may 5, 2016. Thank you very much. >> Thank you. >> Tovo: Okay. Next is a request from the zoning and planning

commission and planning commission to create a joint comprehensive plan committee. Do we have anyone here to talk a little bit about -- provide us with a little background about that? Welcome, Mr. Rusthoven. >> Good afternoon, mayor

[10:19:22 AM]

pro tem. Committee members. Jerry rusthoven are the planning and zoning department -- planning commission and zoning plantation. We're here today because both the planning commission and zoning and planning commission have passed separate resolutions requesting that the -- this committee refer an item to council to approve an ordinance that we create a joint comprehensive planning committee as well as a joint codes and ordinances subcommittee. Today those are both subcommittees of the planning commission, however there's been a desire expressed by the members of the zoning and planning commission to be a part of those especially with regard to the code amendments, code amendments affect everybody and so the zap is wanting a visit in that. Likewise the comprehensive plan committee deals with cips and imagine Austin issues, issues that cross both commissions. They both passed items requesting that audit and finance refer this to council. The makeup of both committees would be four members of the planning commission and three members of the zap. With that I'm available for any questions. >> Tovo: So they've identified their code amendments and cip projects. >> Yes, comprehensive plans -- comprehensive planning joint committee would be the name of it and the codes and ordinances joint committee. >> Tovo: Say the second part. >> Codes and ordinances joint committee. >> Tovo: So would the current planning commission continue -- would the current planning commission subcommittee that is now entitled code -- >> Codes and ordinance -- >> Tovo: I've forgotten the name. They wouldn't duplicate those efforts, just that subcommittee would now be a subcommittee? >> The easiest way of looking at it is adding zap members to two existing subcommittees. >> Tovo: How would that change the recommendation? Would the voices of the zoning

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and planning committee of that subcommittee actually weigh into the vote when that recommendation of the subcommittee goes to planning commission? >> Yes, they would. The planning commission would still, as per the code, still make recommendations on the overall code amendment but the meeting that we have beforehand in the subcommittee would have voices from three zap members present when they make a recommendation to the full planning commission. >> Tovo: Thanks. >> Likewise the same thing for C.I.P.S. >> Tovo: Thank you. Councilmember pool. >> Pool: Thanks, mayor pro tem. Good morning, gentleman. I have concerns about transparency on these committees and the makeup -- makeup as far as backgrounds of people who are volunteering to be on these smaller subcommittees. I'll take it from the top. Transparency, I understand that there are some cases being heard in these subcommittees but there's no notification, and so -- >> That is correct. There's a notification at the time of the planning commission meeting but there are not notifications done for any of the subcommittee -- >> Pool: How would anybody know that a zoning case was being heard by a joint zoning committee. >> They're not zoning cases. They're code amendments. Most code amendments are initiated by the city council or planning commission itself so people would know a case was initiated because it was on public agenda. A lot of times we're working with stakeholders going through the code amendment process so they're involved as we go along. And a lot of times we -- they're just made aware of the meeting date but we do not have a separate notification process for subcommittee meetings and we have not in the past. >> Pool: Are we audio or videotaping any of these meetings. >> We do not. The subcommittee meetings are intended to be more informal than the full planning commission meeting. We typically meet in the bullpen or executive session room. There is no public hearing. We do not have

sign-in cards,

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people do not sign up to speak, there's not three minutes per person. Rather it's just a subcommittee of the commissions or in this case both commissions. What happens typically is the person who is the chair of the subcommittee may ask people in the room to speak if they have something they want to say but generally it's more of a conversation that occurs around the table among the commission members with the staff presenting what the item is and usually we have a handful of people that show up and sometimes -- most of the time a few of them are allowed to speak but the idea is to have it be a little less formal than a full blown public hearing and then, you know, because there is a public hearing afterwards, both at the planning commission and the city council. So we don't record them because, like I said, they're less formal meetings than the full PC. >> Pool: It strikes me as an opportunity for parties to kind of test out their arguments on a case before they hear them in a more formal setting. >> Yeah, I think it just lends itself to, you know, as opposed to sitting on the dais in a very structured meeting, this has less structure. It's more relaxed. They sit around, bounce ideas off each other. They do take a vote of course and refer to the full commission. A lot of times at the full commission meeting a person will ask the chair what was the conversation that occurred in the subcommittee meeting and they've give a summary of it but the idea of these has always been to discourage discussion as opposed to testimony. >> Pool: If we're taking a vote in these subcommittees but they're not posted and there's no quorum cite, what are the rules that allow us to take a vote? >> They are posted and there are quorum rules. >> Pool: But there's no notification for parties? >> There's no notification but there are -- there is a forum rules and post willing rules. >> Pool: This -- posting rules. >> Pool: This sounds very dicey to me. I don't think the public is aware of these small area -- the joint committees.

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And I have a concern about the fact that there is no notification. I do know that zoning cases have been heard. I have at least half a dozen of them that came through the joint planning -- maybe codes and ordinances in the past. Three or four were on E -- cs or east Cesar Chavez corridor so it is a deep concern to me that we have a group of citizens from our land use commissions who are meeting informally and making -- having conversations about code amendments which apply to zoning cases that may not be properly notified or notified at all and that what may be some clear votes be taken in these settings absent the additional controls that we usually have on these kinds of committees, which would be an audio or a videotaping. I'm also concerned about the composition of the committees. I think that -- the charter is pretty clear on the number of land use professionals that are permitted on our land use commissions. Is that correct? >> That's correct. >> Pool: And what is that number? >> I honestly cannot recall. I'd have to go back and look at the number. >> It should be less than a majority, right? >>>Yes. >> Pool: And currently do we have a majority of land use professionals? >> I'm not aware. >> Tovo: I think it's one-third, isn't it? I think the dap is one-third, no more than one-third on PC. >> Pool: I think I -- so I'm -- my question is have -- are we in violation of the charter with regard to the people who are appointed to our land use commissions and the requirement that less than a majority be land use professionals? >> I do not know the answer to that question. >> Pool: Okay. We should know that,

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especially if it's an issue with the charter. How many staff do we have come to the meetings? >> We have Andrew, who is the liaison. We have the MC, who kind of runs through the agenda. And we have

all the respective case managers, anyone who has a case on an agenda shows up. >> Pool: And so three staff? >> And a -- at a zoning and planning or planning commission meeting? >> Pool: Subcommittee. >> Subcommittee? Dealing with codes and ordinances I have one person Greg who is the liaison at subcommittee, he does code amendments for me in our department and sometimes I show up, depends upon what the issue is. And I'm the comprehensive -- on the comprehensive planning committee we have another staff liaison who would attend as well as any staff members that have cases that are -- >> Pool: So you dove anywhere four, five, six, however many staff who may be involved. >> I think that would be high. Typically at a subcommittee meeting we'd have maybe three staff members at the most. >> Pool: But there are some initiatives, like the water front initiative, for example, that may have more than three, maybe five? >> Yes, yes. >> Pool: So, colleagues, I just have some -- I have a number of questions about the formation of these groups that I want to think about and get some answers to. We haven't yet figured out how to address the fact that we apparently have more land use professionals on our land use commissions than our charter requires us to have. There is a limit in there, and I want to think about that and see if we can't figure out a way to get back into compliance with the charter. So you have a number of questions about this. I'm not willing to go forward with this today.

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>> If I could point out, administration and planning commission both take votes as a body to decide who sits on what subcommittee. >> Pool: I'm sorry, say that again. >> I said the planning commission and zoning and planning commission decide who sits on the subcommittees. So in this -- the commissions themselves decide who -- >> Pool: I completely understood that and I think that that's also an area where we need to be very mindful of the graphic dispersion around the stickers on who is on the subcommittees and also what the professional affiliations are. The subcommittees if we're going to do them right and we need to do them right are really key to these efforts. This is an early look at changes on land use issues, and we have to get it right from the beginning. And it has to be objective and it has to follow criteria, and there can't be any concerns about lack of transparency or a bias on one side or another. And right now I'm not sure that we have achieved those. So -- which is why I am asking these questions here today. Thank you. >> Tovo: Councilmember, so when you say you're -- do not want to make a decision on this today, did you want to forward it to council without a recommendation or have this back before us? >> Pool: I would like it tabled so that we can get answers to some of the lingering -- to some of the key questions and see if we can find a way forward to make this happen, but to do it in a clearer way and addressing some of the concerns that I've raised. I'm also concerned about the number of staff that we're sonic. It feels lining -- assigning. It feels like our subcommittees and work groups are mushrooming and I know that costs the city money. We do have the fifth Tuesday joint meetings of planning commission and zap, which are training and conversation meetings, and I don't yet know if that's -- if that's not sufficient, if there needs to be more time for that, we can

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talk about that. But right now I'm concerned about two things. One is the staff resources that are being expended and the fact that it doesn't appear -- it does appear that there may be some bias in the people who are serving on the smaller groups, and I want to make sure that we get it right geo. >> Tovo: When you say tabled, do you mean postponed? Do you -- Mr. Rusthoven, is there an immediacy to this issue that would -- >> Well, we're here because the -- both commissions asked -- passed resolutions doing to us come before you. If the item -- what they're specifically asking is you refer this item to council via the committee process but if there were questions, councilmember pool, you would like answered, I would like if it's possible if you could maybe send me those so we can try to answer them or give them to me

now. As I said a lot of -- these are two existing committees so I don't see additional staff burden. What I see is membership changing from solely planning commission members to the addition of zap members as well as planning commission members is the only change I see with this item. >> Pool: And we may be able to work it out. So, yeah, I'd be happy to work with Mr. Rusthoven and staff to see what we can come up with. >> Tovo: What do you mean -- >> Pool: To answer my questions. >> Tovo: To get your questions answered, okay. >> If I could add, this is third hand information but I know there was a concern expressed by councilmember Zimmerman about this issue. He relayed that concern to Andrew, that a member of his appointee to the zap is desiring to have input on the C.I.P. Items, which the comprehensive plan subcommittee considers, and so he's on the zap. So he's not currently a party to those discussions. And under this proposal he could be a zap representative on that committee and he would like to be able to vote on the C.I.P. Items as the C.I.P. Items are coming through as we speak.

[10:33:29 AM]

>> Tovo: Okay. So what is the -- so do you see any hardship if we delayed this for a month? In terms of the issue you just raised? >> I think it would be that issue, the C.I.P. Items cannot wait and we would not have the opportunity to have the zap members weigh in on that. >> Tovo: In a formal way? >> Yes. >> Tovo: Thank you. Councilmember troxclair. >> Troxclair: I guess I just want some clarity between the issues that councilmember pool is raising and what this item actually does because it doesn't seem like the issues that she was raising would be affected or addressed by this item. If they're already existing committees, we're just adding new -- I mean, if there is -- if there's a will from the council to, you know, broadcast the meetings or to notice the meetings differently, it seems like that would be a separate issue than just allowing a member of the zap to serve on an existing committee. Can you help me? I'm trying to find where the -- >> Tovo: I think we should does councilmember pool to address that because she did talk about staffing and composition of the board. >> Pool: Aside from the particular single person on the C.I.P., my concern is on the appointments and the people who are volunteering to be on the subcommittees, there is not a -- currently -- there's not currently a look at who is in what profession. Under our chart on our -- our city charter, is it a third or less than a majority land use professionals can be on our land use commissions, and when we have these smaller groups together, the people who are volunteering for them tend to be in land use professions, and so these key committees that are being put together are -- do not have a diversity of background and they also are generally represented from

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a center part of the city so we don't have people from the outlying districts in them. So I want to look at both of those before approving the additional members to zap because I want to make sure we've got controls in place to make sure that there is -- that there's no bias in the -- toward one profession or another, and I want to try to get as much geographic diversity and representation on these as possible. >> Troxclair: But it seems like that -- I still don't understand. It seems like that would be a separate issue, that would maybe come forward as a council resolution or something. I don't see that -- >> Pool: What we're doing here now is approving a joint comprehensive plan, committee and joint committee on codes and ordinances to create these two committees and before we recreate them I want to be sure that the ground rules are set. >> Tovo: So let's make a decision one way or the other at this point, I think. Councilmember pool, you had talked about a postponement. Did you want to make that in a form of a formal motion? >> Pool: Yes, I'd like to move that we postpone to our next meeting of audit and finance to give me an opportunity to work with staff to get answers to my questions. >> Tovo: Okay. Councilmember pool moves a postponement of one month. Is there a second? I'll second it. Any other discussion? All in favor? Of the postponement. Did you want to discuss it? Okay. All in favor of

postponing? Any opposed? Any abstentions? So that does pass. It is postponed on a vote of 3-0-one. >> Just to clarify, the next audit and finance committee is technically not a month swa it is April 25. >> Tovo: Thank you for that.

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So that's even sooner. Good. >> Troxclair: Sorry. Knowing that information, would that address the concern the C.I.P. Having someone from zap being able to vote on C.I.P. Issues? >> Well, after this item goes from the committee, if the committee refers it to the council, I have to put it on the council agenda as well. So I have a feeling it's going to be past that point but I'll have to double-check the dates. >> Troxclair: Okay. >> Tovo: Our next item is -- actually, our next two items I believe are recommendations from the zero waste advisory commission that they made to us for our consideration. So item 7 is a recommendation from the zero waste advisory commission that council seek an independent third party audit of the Austin resource recovery department. We do have one speaker on this item. Clear, would you like to hear the speaker first or would you like to hear the staff? I'm sorry, we have two speakers on this item now. Speakers, do you have a preference? Would you like to hear the presentation and then -- >> Yes, presentation first. >> Tovo: Okay, very good. >> Yeah. Bob geterate, director of Austin resource recovery. No formal powerpoint presentation but this is two recommendations from the zero waste advisory commission. The number posted on your agenda is number 8. The zero waste advisory commission's recommendation for office of performance and management review of the department. I strongly support and have stated so at the zwac meetings. On number 7 on your agenda is a recommendation from the zero waste advisory commission on a third party independent audit, and I have opposed that audit in the discussions at zwac and

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I can explain as needed and upon your questions. Also seated here is the chair of the zero waste advisory commission, Jerry Acuna. >> Thank you, councilmembers, I appreciate your time. Oh. Technology, terrible. But thank you very much for the time of being able to come here and discuss these items with you. As the chair of the zwac commission, we found that it was important for us to have a better understanding of the cost of service that the department was currently experiencing. And the item -- I think it was item number 7, the first item there, was one in which we believe that the best way of accomplishing that was through a independent third party audit of the department. However, Bob and I have had a chance to discuss this and I believe that the office of performance management would be able to absolutely perform this with a few caveats in there, but my goal is to have an audit completed of the department inasmuch -- as soon as possible, so we can implement some of these findings within the next budget cycle if possible. The department is a well-run department. We want to make sure that it remains that way and I believe this office of performance management will be able to accomplish that. Thank you. >> Any questions? Councilmember pool. >> Pool: Yeah. This would be for our auditor. I think arr is listed on our upcoming audit list for the office of performance management. Is that correct? >> That would be -- technically a question for financial services over there. >> Elaine hart, chief

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financial officer. We have our first year of our office of performance review has already kicked off and we've had three departments, public works, fleet, and the Austin code department are the first three departments that will be going through this process. Given that we got a late start in the year and we've just now gotten fully staffed, we will not be able to do a review of the Austin resource recovery in time

for the fiscal '17 budget process. The review process on the front end requires a pretty rigorous self-evaluation for each of the departments before they turn their work over to an interdepartmental team of reviewers and certainly we will prioritize those for our next cycle that will begin in October with our usual business planning, which is a precursor to our budget cycle planning. So we can do it in time for the '18 budget but, I apologize, we just don't have the resources between the Ar department as well as my limited staff in the review department to get that done this year. >> Pool: I do know that the new opm, office of performance management, is pretty popular right now so I think that we'll be having additional assignments added to that list. Is it appropriate for us to make that sort of a comment at this point, that we would like to have arr considered? >> I think that's appropriate. I think what we will likely be doing is much like Corey does, a risk assessment, coming up with what we think workloadwise we can get done. We like to have a variety of departments, not just general fund, not just enterprise, so we have a broad cross-section but we've had a good time with this process, and we look forward to continuing it in future years. So I think that that suggestion has already been

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made by management upstairs and we're certainly keeping a place for arr for next year. >> Pool: Great. >> Beyond that I'm not sure what we'll do, but we'll have to refine that and certainly you'll know later in the year. >> Pool: Thanks. >> Tovo: So why don't we hear from the speakers so that -- >> Troxclair: Sorry, he was raising his hand. >> I am. Again, I just wanted to reiterate the purposes of trying to expedite this office of performance review, of the department. It's -- we're in the process now of perhaps implementing a couple of new programs. These new services that will be implemented will have a financial impact on the community. More importantly, the ratepayer. And my concern is the affordability question. I want to make sure that when we do implement these types of programs, that they are -- that you have the best, most efficient, cost effective programs that we can put together. The director and I have -- have discussed this. He is absolutely of the same feeling, that we will and need to have these efficient programs available. With this audit, it helps us set the baseline as to where we are and where we will be going in the future, and I believe that it is imperative that something like this take place. At least if not through the office of performance management, perhaps through another avenue if possible. Thank you. >> Tovo: Sir, I immediate you to identify yourself. I'm sorry, I had to step out of the room and we got a little off-track here. >> Jerry aguno, chair the zero waste advisory commission. Thank you, Ms. Chair. >> Tovo: Sure. You were actually our second speaker, if that concludes your comment, I will switch to the other speaker, and that is Andrew Dobbs. Mr. Dobbs, you have three minutes. Thank you for being here with us. >> I'm Andrew Dobbs, I want to thank everybody for holding

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these zwac meeting where we discussed this. I want to clarify our position as a membership based organization that works on these issues that you hear from a lot on these issues and I want to clarify where we're at on this. We are very -- we're absolutely in favor of auditing everybody. We are subject to a third party audit every year as a nonprofit. You know, we are totally in favor of that. We understand that there are concerns that pass internal audits. One from the city auditor's office a few years ago left a lot to be desired in terms of actual details and nitty-gritty hooks under the hood of the department. That said we don't have any reason to believe there's anything untoward going on in the department. What we see as being what's really kind of motivated these concerns, and if you look at the resolution that was sent to you -- recommendations sent to you from zcaw is we've seen that our -- everybody shares the same goal, to get to zero waste. If you look at the actual diversion Numbers over the last few years, residential diversion, which is the number that's presented month after month at zwac, has more or less

stayed the same, fluctuating one or two points around 40% for a number of years now. And at the same time, city -- the departments reserves went down by millions of dollars. What weekend, though, is that the reserve spending was an intentional policy of taking what was an inappropriate amount of reserves and spending it down to more appropriate amount as Youd to offset and reduce fee increases over the recent years. The increases helped pay for new services. While these new services haven't had the immediate effect on that residential diversion number, they include things like a universal recycling ordinance, right, which has in fact -- has certainly increased diversion at the commercial level, Numbers that we expect to see sometime in the next couple months. And we know that we've done things like having a pilot

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program for our curbside organics, which has reached 14,000 households without charging additional fees. We know good and new things are happening in this department. We could be critical of the department in some ways. There's times when we butt heads with them for sure, especially when it comes to information. But as we understand it, sometimes the fact is the data just hasn't been gathered yet. We are very eager for this Wednesday's zwac meeting when we expect to see more specific Numbers in terms of city of Austin budget issues. And the final point here is that, you know, we're excited that there's been some consensus reached it looks like among Mr. Cunya and gettered to -- to identify the data we're looking for and the information we're looking for for the long run but if you want to increase our residential diversion rate what history has shown is that happens when we add new residential services. And curbside organics is an opportunity to really move those Numbers forward. And I'll finish with this -- I know I heard the bell. This is not a brand-new program. This is an enhancement of our existing organics program and that's how this department is able to do this with great efficiency, we're grateful for the leadership, both jerry and bob and look forward to moving forward. I'm happy to answer any questions. >> Troxclair: So I guess I need to -- I'm sorry, I have a question actually for the -- for jerry, Mr. Acunya. I want to understand the -- I mean, this resolution asking for a -- a third party external audit passed unanimously on a 10-4 vote with one absent and it specifically references the office of performance management and although it says -- although the Austin city council adopt aid formal review process through the untested office of performance management the zwac sees this process as supplemental to the

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third party independently contracted audit agreed upon by the commission. So now understanding that it doesn't appear that the office of performance management could conclude their -- even if they did review the program, that they couldn't conclude an audit or a review within this budget year and the fact that this specifically speaks to wanting a third party audit in addition to that, but that's -- I'm trying to understand if that's different from what I heard you say. >> My goal and the commission's goal was, again, just to complete an audit of the department, to make sure that it is a fine running machine. And our goal, again, is implementing perhaps one or two different programs. New programs this fiscal year. >> Troxclair: Okay. >> They will have a -- an impact, financial impact on the community and, again, the ratepayers. Our goal was to make sure that an audit would be able to be provided by either the office of performance management or third party independent auditor reviewing the department. And our original goal was the third party independent auditor. That would have left obviously no stone unturned and we would have, again, just hopefully validated the fact that we have a beautiful department. >> Troxclair: So now knowing that the office of performance management would not be able to conduct a review by this budget yeah, are you advocating for -- continuing to advocate for a third party audit as

soon as possible? >> Yes, I am. To answer your question I would like to complete an audit of the department, be it the office of performance management or an independent audit. And I think the director and I are perhaps in agreement with that. Obviously the director -- I'm not going to speak for him completely but the director would prefer the office of performance management to provide that task, but since we're a little late and unable to fulfill that with the office of performance

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management, then my goal is to have something in front of us. >> Troxclair: And it sounds like that was the goal of the zwac too when they voted on this. >> That's correct. >> Troxclair: Specific to a third party audit and not to the office of performance management. >> Correct. >> Troxclair: Thanks. >> Tovo: Director, I'd like you to weigh in on whether you are recommending a third party audit. >> I have stated to zwac in several meetings I oppose the third party until the office of performance management does its work. And if it finds any findings that raise any concerns, that that might be an appropriate juncture point. I'm concerned it will take, through the Normal purchasing process of contracting, that it would take about nine months to bid out a third party audit, and it would also cost anywhere from \$150,000 to \$250,000 so I'm concerned on those two elements. >> Tovo: I guess I'm concerned on moving to a third party audit when we have a very fine audit department within the city of Austin and so I believe that that would be -- if the office of performance management reviews the Austin resource recovery and identifies some issues that should be looked at more closely then -- or if independent of that process but if there appear to be issues that need a careful review, then I would suggest that we, as our audit committee, refer that to our auditor, who is independent of the city departments, foreclosure investigation. But at this point, I appreciate -- I really appreciate the zero waste advisor commission's work and your careful review and discussion about the issues related to Austin resource recovery and I'm impressed by your willingness and eagerness to look through the budget Numbers and really engage and I expect that will happen during the budget process. At this point I'm not seeing any concerns that would lead me to ask our auditor to revise the schedule of the department and try to prioritize an audit. I don't see any real concerns from my perspective that I

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feel need attention. I think it's great that the office of performance management has it in their sights to do next year and I'm satisfied with that. But what do y'all think? >> Pool: I agree. >> Renteria: I do too. >> Troxclair: When we had -- well, first of all, I don't think -- it doesn't -- I didn't hear anybody say that there were necessarily specific concerns about the department. You just wanted to have a third party understand -- everybody -- August the speakers today wanted to have an independent review of just the goals and the cost implications. To the -- how long would it take -- I mean, when we went through this -- when the public utilities committee recently requested an audit to be done on certain aspects of the water utility, that audit was done relatively quickly, I mean, probably within, like, 30 days. And at a much lower cost than what was just quoted. So can our financial staff speak to how quickly an audit could be done? >> I'm ed van eenoo, deputy cfo for the city and I'm not familiar with the work done in the water utility. I'm looking at Corey. I don't know if that was internally or externally. >> Troxclair: They did a third party audit, very similar to this request. >> You know, I think for a targeted -- that's one thing I wanted to point out, that doing a targeted audit, I'd say a payroll function or a billing function, is one thing. What the -- what -- our understanding of what the zwac commission would like to ski definitely what the office of performance management is going to specialize in is a top to bottom review of all aspects of the department. All services, all programs, all performance measures, all performance outcomes, goals and objectives, you know, what was the genesis of those goals and objectives, are they still relevant, are

they being met,

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are they being met efficiently. It's a lot of work, very comprehensive. At the front end of it, it's going to involve months of data collection, followed by a lot of vetting and review of that data. You know, as Elaine mentioned going through a performance review team of cross-departmental city staff to look at the department's performance and to come up with a number of recommendations or opportunities where the department might improve and then that would be followed by office of performance management staff who specialize in process improvements, digging further into those opportunities. So it's a very comprehensive process. I think, you know, to outsource and to do a third party contract for the type of work I just outlined, they're going to have the same type of time constraints. It's a lot of work, requiring a lot of data collection and review and vetting. Again, a targeted specific thing, we just -- we think there maybe is some issues with the billing system, let's go in and dig through that and figure it out. Maybe that could be done in 30 days. But that's not the kind of work that we would be doing in the office of performance management. Before I wrap up, if I could introduce sitting to my left Kim Springer is our new chief performance officer and leading up this new office so this might be the first opportunity, surely not the last but the first opportunity for the councilmembers to meet Kim. >> Tovo: Thank you, welcome, miss springer. We're glad to see you back here. Congratulations on the new rule. >> Thank you. To follow up on what ed was speaking to, with this process that we've been working with public works on so far this year, I think all the departments have found it extremely valuable in that it gives them an opportunity to really dig into what they're doing, why they're doing it, how they're doing it from a historical perspective. I know, for example, public works spent days in the Austin history center researching all the documentation that -- from when they were first established

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to all the steps in between to where they are right now. So, it gives us a really good opportunity to tell the department's story without limitation, to dig into every nook and cranny of what they're doing and how, and connect all the dots between the performance measures, the financial aspects, organizational structure, and so on. It's a type of review that we haven't been capable of doing in the past, just from a pure bandwidth resources perspective. It's been really exciting. I'm looking forward to it continuing, and us tweaking and making this whole process better as we move into the future. And looking forward to the opportunity with working with arr on their review. >> Tovo: Thank you very much. Colleagues, I think at least half of our committee is intending to leave this meeting and attend the press conference for S.M.A.R.T. Cities here at 11:00. So it would be great if we could bring to conclusion as many of these items, if not all of them on our agenda, as possible. Are there any other burning questions? >> I was just so excited to be able to be on the same side as Mr. Dobbs, and to support a zwac recommendation. I'm surprised there seems to be no other support on the committee for digging into this issue. I would be interested in a third-party audit. I'm excited about the office of performance management, but I don't think that in all cases that will completely replace the public's need, and the public's interest for third-party audits that don't have any connection to the city or -- and don't necessarily report to the, ultimately, to the same city manager. So -- but it sounds like I'm in the minority, so I appreciate your work in bringing this forward, and I would certainly support an audit. But I don't think I'm going to

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get a second. >> Tovo: And you meant the department's report to the city manager, not our auditor. I

just want to clarify that for the public. >> Troxclair: Well, the office -- >> Tovo: I wanted to clarify. >> Troxclair: Right. >> Tovo: Thank you. So, okay. That brings us to number 7. Is there a motion on that item? It sounds like there likely will not be? >> Troxclair: I can make a motion. >> Tovo: Vice chair troxclair motions approving recommending for approval to the full council the independent third-party audit for the Austin resource recovery department. Is there a second? There is no second. That fails for lack of a second. The next recommendation is the one regarding recommending, I assume to the city manager, that the performance -- office of performance management prioritize the Austin resource recovery. Is there a motion related to that? Do we need to motion related to that? It sounds like that's -- >> Pool: I thought maybe our vice chair might like to make that motion. >> Troxclair: I guess I would need to understand what other things we're prioritizing it over. We have a lot of things that the office has on their plate. So is there something that's going to be pushed back because of it, or what other high-priority issue might this be taking the place of? >> I don't think we've determined our schedule for next year, other than there's room for this one. >> The schedule has not been finalized. We would select a variety of departments, with similar service areas, so there's comparison. By no means has it been finalized. Adding them to the list is no problem at all. >> I assume any recommendations we're making are still subject to final decisions by management. So it's just a recommendation.

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>> Troxclair: I guess I still would prefer a third-party audit. I don't know that I'm the most appropriate person to make that. >> Tovo: Sure. Is there a motion from any other members of council? Okay. Councilmember moves approval of item a. Councilmember pool seconds that. Any discussion? All in favor? And that is unanimous. How complicated do we think nine is? Could we try to get through that so that the staff might be able to go back? >> Pool: I just have one concern about the suggested changes. >> Tovo: Councilmember pool, why don't you lay out your concern? >> Pool: My concern is similar to the one that I had when we were looking at the previous bylaws changes. And those were land use commissions. And this is our environmental commission. And if you look at the suggested changes, part 20, item D, strikes not more than three members should be employed in land development or related activities, and it changes that to five. And my concern is that this limit -- that I don't want this change to be made. I think it should stay at three. It should be limited to a third of the board. That would be three of 11 members. This is our environmental commission. I also am concerned about the definition of related activities. But maybe Mr. Lesniak could speak to this, and welcome, Ms. Pralles, the vice chair of our environmental commission. Glad to see you here today. >> Tovo: Yes. Thank you for being here. I'll say, councilmember, and then we'll ask our staff and commission chair to talk, but, I also don't agree with that change. And so I'm prepared to support the rest of it at this point without that change and

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recommend the council make those changes. >> Thank you. >> Tovo: Mr. Lesniak, would you like to briefly tell us about what we're considering here today? >> City environmental officer, executive liaison to the commission, also. What's before you today is a list of changes, primarily cleanup, except for the one item, I think, that councilmember pool highlighted, that were left out when the changes were made, I think in 2013, in December 2013, just prior to the new council coming on, the changes were made across the board to all the boards and commissions to increase their membership and make it consistent with the new council membership. And there were a number of things left out, kind of unintended consequences. Most of this is just cleanup. I think probably the only one that is not cleanup is probably part D, that you pointed out. That I can answer any specific questions that you've got. >> Tovo: Thank you, Mr. Lesniak. Would you like to add any comments? >> Sure. I don't think I have anything -- good

morning, madam chair, and councilmembers. My name is Marissa, vice chair, acting chair of the environmental commission. I don't have much more to add other than, I was at the meeting when we voting on the proposed changes. And as I recall, the thought process at the time was that we had three - we had a cap of three members who could be from the land development or related activities. And because we were expanding the commission, the dialogue was about whether that cap should also be expanded. But I don't recall -- not to say that it didn't occur, but I don't recall us having a substantive discussion about whether that was appropriate. I think it was just an attempt to recognize that the commission was expanding in number.

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>> Tovo: Thank you. That's helpful context. Okay. Colleagues, any motion on this item? >> Pool: I'd be happy. >> Tovo: Vice chair troxclair, did you have a question? >> Troxclair: In section F, it seems like they're just expanding the scope of the things that they're working on, or want to have a say in, to pretty much anything that they deem to be related to urban forest, whereas before there were some specific roles laid out. What is -- is there something that wasn't encapsulated in that description that the commission wanted to work on? >> I can speak to that, and maybe the vice chair can as well. I think it was to make a little more generic language. If you look at the list that's being struck, that was very comprehensive, but very specific. And I think the intent, having talked to members of the urban forestry board -- and this language, I can add, this language, I think, was developed by Dr. Maxwell, the past chair. And so I think it was -- make it just a little more broad in general, to be consistent with what she, and I think the commission, understood as the --intent. When council gave them the responsibilities of the urban forestry board, that was really the intent, was to address issues with public and private trees citywide regardless of what the specific issue was. >> Pool: Yeah. My understanding is when the task force on commissions did its work among the commissions and boards, what was eliminated was the urban forestry board,

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and those -- responsibilities transferred to the environmental commission, which is why the language would be more broad. >> Tovo: Would anyone like to make a motion on this item? >> Pool: I will move adoption of the suggested changes to the ordinance with the deletion of the change in item D. >> Tovo: Is there a second to that motion? All right. I will second that motion. Is there additional discussion? Councilmember Renteria? >> Renteria: The recommendation was made because you wanted to expand, but are y'all having any trouble meeting your quorum on this group? >> No. >> Renteria: No. >> No, it's not. And I think to speak to -- a little bit about the discussion that occurred at the commission, was that it was about the expansion of membership. I do think that one thing that does occur to me is that going to five, it is one short of a majority of the commission. When it was three, and it was a membership, the board was seven. It was two short of a majority of the commission. And we didn't really -- or the commission didn't really discuss that aspect of this. It was really just sort of about an increase in the ratio, a similar ratio. >> And I would add that the comments that were made today regarding the earlier agenda item, and in particular the makeup of the land use commissions and the caps on members who are related to the development community, that was information that we certainly didn't consider when we were

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looking at these proposed changes. I didn't know that the cap existed with the planning commission,

and didn't realize that what was being proposed for our commission is actually a greater cap than for the land use commission. >> Tovo: Okay. Any further questions or discussion? >> Troxclair: I guess nobody really answered the question of what that cap was, but is there some kind of cap on membership as it applies to this board? Does anybody know? >> Pool: Change. >> Troxclair: She was referring to a charter. >> I think in the -- >> Troxclair: When we were talking about the planning commission. >> Right. In the planning commission, the cap is one-third. >> Troxclair: Right. >> And so out of 11, that would be three. And so the cap at the planning commission is a cap of three, which is what it currently is for the environmental commission. >> Tovo: Were you asking whether there was any charter language referring to the environmental commission? >> Troxclair: It seems like that was the issue that was brought up earlier. There might be something in the charter that spoke to that. I was asking if there's anything in the charter that speaks to a cap with the environmental board and membership. >> No. The cap is addressed in chapter 2-1, but the planning commission itself, the land development -- land use commission is actually created, originally, under the charter. And then it has more specific requirements listed in chapter 2.1. So, there is a requirement in the charter for the land use, but not for the environmental commission. >> Pool: So I would just ask if this sounds like a good move to keep it at three of our acting chair. >> Well, I would point out that although I don't know the background of all of the inn

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environmental commission members, we might be exceeding that cap of three. That's a possibility, as I mentioned. I don't know the backgrounds of all of them, but I believe we have four engineers on the environmental commission. I thought three -- we never had -- as far back as -- I can't remember when I was appointed, but let's say five or six years now, I don't recall having more than two from the development community on our environmental board. So it was never an issue before. It seemed to work out fine. We had a good diversity of opinions and a diversity of perspectives that were all reflected in our motions. And so from my perspective, I don't see why limiting the membership to three from the land development or related activity community would have an impact on that. I think we would still have the diversity of perspectives that would be reflected in our decisions. >> Pool: Thank you. >> Tovo: Are we ready to vote? All in favor? Any opposed? Any abstentions? Okay. So that passes on a vote of 3-1, with vice chair troxclair voting against. I believe that concludes our business. So, we stand adjourned at 11:13. Thanks very much.