



# City of Bowling Green

## Internal Auditor's Office

Code Enforcement Process Audit

Project# 2009-11

Issue Date: 10/2/09

Finalized: 10/12/09

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## Transmittal Letter

TO: Kevin D. DeFebbo, City Manager, Ex-officio Member  
Harold Wills, Audit Committee Chair  
Jean Cherry, Audit Committee Vice-Chair  
Charles T. Hays, Audit Committee Member  
James Martens, Audit Committee Member  
Bruce Wilkerson, Commissioner and Audit Committee Member

CC: Code Enforcement Staff, Police Chief Doug Hawkins

FROM: Deborah Jenkins, Internal Auditor

Pursuant to the approved 2009/2010 Internal Audit Plan, I hereby submit my internal audit report covering the Code Enforcement Process of the City of Bowling Green. The objective of this audit was to 1.) determine if current policy and procedures provide reasonable assurance that citations and their related fines are accurately accounted for and collected; 2.) ensure that the Code Enforcement Board obtains timely information and that their decisions are recorded and enforced appropriately and 3.) determine if actions are responsive to citizen complaints.

This report includes background information to assist the reader in understanding the City's Code Enforcement Process. The body of the report consists of observations, recommendations and management's responses to the recommendations.

### Results in Brief

The audit identified several areas in which the Code Enforcement process can improve. In particular, policies and procedures should be created in order to accurately and timely account for fees and any related adjustments. Five recommendations are identified within this report to increase the accuracy, timeliness and responsiveness of this process. The recommendations are as follows:

1. **The Police Department should implement an accurate system to track and enforce parking citations.**
2. **City Central should require that all appeals are written in accordance with the *City of Bowling Green Code of Ordinances* as well as *Kentucky Revised Statutes (KRS)*.**
3. **A standardized and timely method of recording adjustments to fees should be created in order to ensure accurate amounts are charged and collected from citizens.**
4. **The Code Enforcement Board should require citizens to appear before the board in order to hear their appeal in accordance with KRS and City Code.**
5. **There should be a follow-up procedure implemented that responds to complainants in order to inform them of actions taken, if applicable, to remedy their complaint and increase citizen satisfaction.**

I would like to thank City Central, Code Enforcement, Law, and Finance departmental staff and management for their cooperation and assistance during this audit.

Sincerely,

Deborah Jenkins, CFE  
Internal Auditor

## **Background**

### **A History of Code Enforcement Regulations**

Ordinance No. 67-1168 was approved on September 11, 1967 thereby adopting the “Housing and Unsafe Building Code.” The code was created by the Commonwealth of Kentucky and was adopted by the City to control “the housing standards and conditions that warrant findings of unfitness and unsafeness of all buildings” in the City. This was the first major Code Enforcement ordinance within the City of Bowling Green and it focused only on housing and unsafe structures. A year later, on October 15, 1968, Ordinance No. 68-137 amended the Housing and Unsafe Building Code to include a requirement for City licensing and annual inspections for rooming houses, boarding houses, fraternities and sororities.

The Housing and Unsafe Building Code remained the City’s code enforcement ordinance until February 19, 1980 when Ordinance No. BG80-6 was approved which adopted the Building Officials and Code Administrators International (BOCA) Basic Property Maintenance Code. The BOCA property maintenance code is updated every three (3) years and it relates to the protection of public health, safety and welfare of all existing buildings and premises. This ordinance created a true property maintenance code and specified penalties and fines:

*Not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.*

The ordinance also created an appeal process whereby appeals could be sent to the Warren Circuit Court within thirty (30) days after service of the order. The Warren Circuit Court was tasked to “determine whether the order of the code official is reasonable” and decide if they should uphold, modify or dismiss the order. The adoption of this ordinance became Chapter 14 of the Bowling Green Code of Ordinances and was known as the “Property Maintenance Code.” Code inspections were performed by City staff to inspect for federal housing assistance requirements, compliance with electrical and building codes, as well as in response to citizen complaints. The Commonwealth of Kentucky later passed KRS65.8801-65.8839, effective July 15, 1996, known as the “Local Government Code Enforcement Act” which authorized the creation of an administrative board. In response to this statute, the City approved Ordinance No. 98-9 on March 3, 1998, and created the City of Bowling Green Code Enforcement Board. With this ordinance, the city authorized “the creation of an administrative board with the authority to issue remedial orders and impose fines in order to provide equitable, expeditious, effective and inexpensive method of ensuring compliance with the ordinances in force within the City.”

Multiple changes occurred with the creation of the Code Enforcement Board (CEB). The CEB was given the power to enforce City ordinances when a violation has been classified as a civil offense. Citizens that wish to appeal their citation now appeal to the CEB first.

The CEB hears sworn testimony from Code Enforcement Officials and the appealing citizen. The CEB “shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized or requiring the offender to remedy a continuing violation, or both.” The CEB is also given the right to “waive any or all of a penalty for an uncontested violation if in its discretion, the board determines that such waiver will promote compliance with the ordinance in issue.” Once the CEB order is issued, the citizen can also appeal the CEB decision to the Warren District Court within thirty (30) days of the order date.

Ordinance No. BG2000-40 was approved on October 17, 2000 and created a new Chapter 27 of the City of Bowling Green Code of Ordinances. This new chapter was created to consolidate regulations which were contained within multiple chapters that affected the “maintenance of existing structures or buildings, the condition of premises, nuisances, storage of junk motor vehicles, screening regulations for recycling establishments and the enforcement of the zoning ordinance/resolution for Warren County and subdivision regulations.” Chapter 27 is known as the “Property Code” and it applies to all “proposed and existing buildings or structures or appurtenances connected or attached to such buildings or structures, premises thereof and vacant lots.”

Ordinance No. BG2003-61 was approved on December 2, 2003, which amended Chapter 2, where administration of the CEB is contained, and Chapter 27, the property code, in order to “make administrative changes in the code enforcement program and classifying additional violations as civil violations.” The amended changes include authorizing Code Officials to either issue a Notice of Violation (NOV) or a Citation so that the Code Official can choose to talk to the citizen in an effort to resolve the problems or issue a written NOV and grant the citizen time to bring the property into compliance without penalty. If the citizen does not bring the property into compliance within seven (7) days, then a citation is written with the approved fee amount. There were also certain violations that were re-classified from criminal to civil violations as well as several new classifications of violations which were collectively defined as nuisances. This 2003 revision is the most current revision and is still in effect within the City. The Code Enforcement Board not only votes to decide on citations and appeals related to property code violations, but also citizen appeals for animal control and parking citations that are written by the Bowling Green Police Department staff.

### **The Code Enforcement Process**

There are multiple departments within the City of Bowling Green that coordinate their efforts to perform code enforcement within the City. City Central, within the Citizen’s Information and Assistance Department, is a one stop information center for the citizens of Bowling Green and handles general requests for City services. City Central is also where all complaints Citywide are centrally received, keyed into the City’s Blackbear Software and then directed out to the appropriate department or agency to investigate the complaint. The Assistant City Central Coordinator is also the clerk for the Code Enforcement Board (CEB) with the responsibilities of preparing all agendas and minutes

for the CEB, issuing findings of fact for CEB decisions, ensuring that CEB decisions are entered into the Blackbear Software and communicating the CEB decisions to the Treasury Division for adjustments within the City's financial software or to the Law Department for liens to be filed. City Central is the key information coordinator between the various departments and agencies as well as the citizens when dealing with complaint issues.

The Code Enforcement Division of the Housing and Community Development Department is where all of the property Code Enforcement Officers (CEO) is located. They act on any property code related complaints which are known as reactive inspections as each complaint is received from City Central. In 2007, the Code Enforcement Division took over the performance of all unit inspections for the City's Section 8 Housing Choice Voucher Program. In addition, the CEO's perform many pro-active inspections which include:

Adjacent property: When a CEO is performing an inspection on a complaint property, they also inspect the property on each side of the property which had the initial complaint.

Fire Run: The City Fire Department provides information to the Code Enforcement Division about structure fires that have occurred in the past 24 hours. Then the CEO can contact the property owner and determine if permits are required as well as inspect the property to make sure that it is secured if unoccupied. The CEB will monitor the cleanup activities as well as when the property is put back in use. If the property is in danger of collapse, the City will demolish the structure if the owner is unwilling to.

Mobile Home Park Inspections: CEO's conduct semi-annual inspections of all mobile home parks within the City limits for code and ordinance violations as well as monitoring if the parks are complying with permit requirements for new additions to their park.

Roaming Inspections: CEO's each have an assigned territory which is divided into five daily areas and if the CEO completes their assigned inspections for the day, then the CEO is to go to the daily roaming area and look for exterior violations.

Target Area Inspections: Each year specific areas of the City are targeted for clean-up programs to promote community service and to instill a sense of neighborhood pride for the residents. Citizens who live in these target areas can have work performed without cost to the Citizen in an effort to correct any issues on their property. For example, dilapidated outbuildings can be demolished, dead trees removed; tires and inoperable vehicles can be removed from the target area.

If a violation is found during an inspection, the CEO will create a Notice of Violation (NOV) which is posted conspicuously at the property as well as mailed to the owner of the property per PVA records which gives the owner notice of the violation as well as a chance to correct the violation without any fee. The CEO has the option of issuing the NOV or directly issuing a citation at their discretion, but in practice most violations are

given a NOV so the owner has time to remedy the violation without penalty. If the owner fails to correct the violation within the stated time, the CEO will re-inspect the property and issue a citation with the corresponding fee amount. The owner has seven (7) days to either pay the citation or request an appeal in writing to be heard by the Code Enforcement Board (CEB). If the citizen does not respond in writing within seven (7) days, then they have in effect waived their right to a hearing and the citation is affirmed by the CEB at the next scheduled meeting and enforcement proceedings can occur. The Code Enforcement Division also administers the annual demolition and hazardous material vendor's bid contracts. They coordinate vendors for lawn mowing, vehicle removal, general clean-up and hauling, and tree removal for properties in which the owner has not corrected their violation within the stated time frame.

Once the CEB decides on an appeal, the citizen has 30 days to appeal the decision with District Court. If the decision is not appealed within 30 days and remains unpaid, the City's Law Department can file a lien on the property. The Treasury Division of the Department of Finance enters all code enforcement related fees, adjustments and animal control related fees within the City's financial software; as well as mails monthly invoices and receives payment for any code enforcement, animal control or parking citation fee.

**Related Statistics**

**Code Enforcement Cases Created within CE Division\***

| <b>January 1 through December 31</b> | <b>2008</b>  | <b>2007</b>  |
|--------------------------------------|--------------|--------------|
| Adjacent Properties                  | 223          | 578          |
| Complaints                           | 1,029        | 912          |
| Enterprise Community Rehab           | 3            | 7            |
| Fire Runs                            | 44           | 69           |
| Joint BGF/D/BGCE Inspections         | 23           | 0            |
| Mobile Home Parks                    | 33           | 34           |
| Demolition                           | 0            | 7            |
| Roaming                              | 1,072        | 1,502        |
| Section 8                            | 943          | 228          |
| Summer Strolls                       | 12           | 24           |
| Target Area                          | 2,140        | 2,752        |
| University District Org.             | 24           | 20           |
| <b>Total Cases Created</b>           | <b>5,546</b> | <b>6,133</b> |
| Proactive Cases                      | 3,506        | 4,904        |
| Reactive Cases                       | 2,040        | 1,229        |
| Inspections                          | 6,393        | 8,663        |
| Notice of Violations mailed          | 1,744        | 2,309        |
| Citations Issued                     | 221          | 363          |
| Records Closed                       | 5,127        | 5,818        |

\*as reported by the Code Enforcement Division



**Uncontested citations that were approved by the Code Enforcement Board\***

| CEB Meeting Date | Citation Dates Approved | Approved Fees/Citations | Total Dollar Amount |
|------------------|-------------------------|-------------------------|---------------------|
| 4/24/07          | 10/18/06-4/16/07        | 108                     | 24,423.56           |
| 5/22/07          | 4/17/07-5/14/07         | 77                      | 11,926.54           |
| 6/26/07          | 5/15/2007-6/19/07       | 56                      | 9,066.89            |
| 7/24/07          | 6/20/07-7/16/07         | 41                      | 17,082.79           |
| 8/28/07          | 6/20/07-8/21/07         | 58                      | 14,821.63           |
| 9/25/07          | 8/22/07-9/18/07         | 17                      | 1,917.73            |
| 10/23/07         | 9/19/07-10/16/07        | 16                      | 2,483.22            |
| 11/27/07         | 10/17/07-11/20/07       | 10                      | 1,297.47            |
| 1/22/08          | 11/21/07-1/14/08        | 17                      | 2,339.99            |
| 2/26/08          | 1/15/08-2/19/08         | 9                       | 987.1               |
| 3/25/08          | 2/20/08-3/12/08         | 2                       | 285.42              |
| 4/22/08          | 3/13/08-4/20/08         | 12                      | 10,280.89           |
| 5/27/08          | 4/16/08-5/20/08         | 52                      | 7,950.82            |
| 6/24/08          | 5/21/08-6/16/08         | 47                      | 7,087.71            |
| 7/22/08          | 6/17/08-7/14/08         | 17                      | 4,010.12            |
| 8/26/08          | 7/15/08-8/19/08         | 30                      | 5,395.92            |
| 9/23/08          | 8/20/08-9/16/08         | 7                       | 1,131.41            |
| 10/23/08         | 9/17/08-10/20/08        | 11                      | 1,233.41            |
| 11/25/08         | 10/21/08-11/17/08       | 6                       | 685.96              |
| <b>Totals</b>    |                         | <b>593</b>              | <b>\$124,408.58</b> |

\* As reported in the approved Code Enforcement Board minutes

|                  | <b>Appeals Brought to the Code Enforcement Board*</b> |  |             |  |   |
|------------------|---|--|-------------|--|---|
|                  | <b>2007</b>   |  | <b>2008</b> |  | <b>2009</b>                               |
| <b>January</b>   |   |  | 12          |  | 0   |
| <b>February</b>  |   |  | 2           |  | 7   |
| <b>March</b>     |   |  | 9           |  | 5   |
| <b>April</b>     |   |  | 5           |  | 2   |
| <b>May</b>       |   |  | 2           |  | 5   |
| <b>June</b>      |   |  | 1           |  | 12 + 21 = 33                              |
| <b>July</b>      |   |  | 3           |  | Special Call Meeting plus regular meeting |
| <b>August</b>    | 14  |  | 2           |  |   |
| <b>September</b> | 5   |  | 7           |  |   |
| <b>October</b>   | 8   |  | 3           |  |   |
| <b>November</b>  | 11  |  | 2           |  |   |
| <b>December</b>  | 1   |  | 0           |  |   |
| <b>TOTALS</b>    | <b>38</b>   |  | <b>37</b>   |  | <b>40</b>                                 |
|                  |   |  |             |  | <b>GRAND TOTAL</b>                        |
|                  |   |  |             |  | <b>115</b>                                |

\*As reported by City Central

**Total Number of Code Enforcement Complaints Taken by City Central**

| Date Range of Complaints | Number of Complaints |
|--------------------------|----------------------|
| 8/1/2007-12/31/2007      | 241                  |
| 1/1/2008-12/31/2008      | 938                  |
| 1/1/2009-6/30/2009       | 670                  |

\*As reported by City Central

**Code Enforcement Board Decisions on Code Citations\*\***

|  |               |
|--|---------------|
| 2007 Total Dismissed/Waived              | \$105,875.93* |
| *(including a \$91,500.00 waived appeal) |               |
| 2007 Total Upheld Fees                   | \$ 60,459.43  |
| 2008 Total Dismissed/Waived              | \$27,569.86   |
| 2008 Total Upheld Fees                   | \$26,277.50   |

\*\*As calculated by Auditor

**Objective**

The objective of this audit was to 1.) determine if current policy and procedures provide reasonable assurance that citations and their related fines are accurately accounted for and collected; 2.) ensure that the Code Enforcement Board obtains timely information and that their decisions are recorded and enforced appropriately and 3.) determine if actions are responsive to citizen complaints.

**Scope**

The scope of this audit included Code Enforcement operations from January 1, 2007 thru December 31, 2008.

**Methodology**

This audit was based on documented policies and procedures, as well as general best business practices. The audit was conducted in accordance with generally accepted governmental auditing standards which requires planning and performing the audit to afford a reasonable basis for judgments and conclusions regarding the organization, program, activity or function under audit. An audit also includes assessments of applicable internal controls, compliance requirements under the law and regulations when necessary to satisfy the audit objectives.

To address the audit objectives and as part of the assessment of risk I:

- Interviewed City staff and management who are involved in code enforcement activities including Code Enforcement, Section 8, City Central, Legal, Police, and Treasury;
- Obtained and reviewed *Procedures for Code Enforcement*, related KRS statutes, as well as City Ordinances pertaining to the creation of the Code Enforcement Board and Citation Officers;
- Conducted a ride-along with a Code Enforcement Officer;
- Attended a regularly scheduled Code Enforcement Board meeting;

- Reviewed Blackbear (code enforcement software) information;
- Compared Blackbear information to the City’s financial software;
- Examined records, files and available reports;
- Created citizen satisfaction survey and mailed to all citizens who had called in a complaint in 2008 and provided their mailing address information;
- Reconciled 2007 and 2008 Animal Control citations;
- Attempted to trace 2008 Parking Citations to the financial software, which was not possible with the current process, as well as testing for vehicles with multiple outstanding citations;
- Met with representatives from Western Kentucky University for a demonstration of their parking citation software and collection process; and
- Exported code enforcement data to create spreadsheets to quantify timing between record date, assignment date to staff, closed date and CEB decision date of the record;
- Reviewed calendar year 2007 and 2008 Code Enforcement Board minutes and analyzed them for consistency; and
- Traced sample decisions back to the applicable software systems.

### **Observations and Recommendations**

- 1. The Police Department should implement an accurate system to track and enforce parking citations.**

#### **Observation**

The Bowling Green Police Department (BYPD) routinely monitors parking in Bowling Green and will issue citations for improper parking such as “over the time” parking in specified zones, non-permitted parking in designated handicap spots or parking in front of a fire hydrant. BYPD utilizes cadets and volunteers to issue the majority of these citations. The current citation is a paper citation with a carbon layer to provide the original to the owner of the vehicle and a carbon copy for the BYPD. The citations are pre-numbered and list the various violations and their corresponding fees. Once a citation is written, the carbon copy is sent to the Treasury Division of the Department of Finance for tracking and payment. The BYPD has the authority to impound a vehicle once there are more than five outstanding citations on a particular license plate. Officers on light duty restriction would periodically ask for a report from Treasury to search for multiple offenders in an effort to collect on the amounts due and identify vehicles that should be impounded for nonpayment of multiple citations. This system appears to have been working properly while the KVS financial software system was being utilized.

However, over the past two (2) years the tracking of parking tickets has greatly diminished. When the City converted to the new enterprise software system (Logos) in 2007, the City did not purchase the citation tracking module of the software. This inadvertently made the entry of parking tickets much more time consuming. The Logos system requires the ticket to be placed in the miscellaneous receipts portion of the system. This takes roughly ten minutes per ticket, according to Treasury staff. The Treasury staff continued to key in all parking tickets until June 2008, which was when

management decided that it was too cumbersome of a process and changed the procedures to where the only time parking tickets were entered into the system was upon payment. The original carbon copy parking tickets were still maintained on file in Treasury so BGPD could search for multiple violations attached to the same vehicle, however, they would be required to sit in Treasury and sort through the original paper documents.

This change in procedure created a similar time issue where citizens would have to stand and wait for roughly ten minutes while the Treasury staff keyed in the parking ticket and set them up as a customer in order to accept payment, which is most often between ten and fifty dollars. Therefore, beginning January 2009, management directed Treasury staff to simply enter the receipt in as a miscellaneous receipt without keying in the individual parking ticket information. It was entered this way in order to make the process quicker and more convenient for citizens. This change in procedure made it impossible to track who had paid their parking ticket and which vehicles still had multiple citations unpaid. Therefore, BGPD cannot currently enforce the citations by impounding because they cannot prove who still has outstanding citations.

Out of the 858 carbon citations reviewed, 147 had been voided for various reasons such as:

- 91 of the voided citations occurred from a handicap parking citation where the citizen later showed proof of a handicap placard;
- 29 were voided by the issuing officer while being written for reasons such as the car being moved or they were unable to find the model;
- 11 were voided with no documented reason for the void and only one (1) of the 11 had a BGPD officer number provided;
- 5 were voided by Sheriff Jerry Gaines or his staff for tickets written to employees of the Warren County Sheriff's Department;
- 2 were voided through e-mailed requests from the CEB Clerk;
- 2 voided citations list a specific name as the reason for voiding;
- 1 citation was voided due to a "Cardinals of KY ABWA meeting at Preb. Church";
- 2 were voided because they were issued to a "courtworker"; and
- 4 had unique reasons including official tag, deceased, proof of court ordered meeting attached or vehicle disabled and later towed.

Also, out of the 858 citations reviewed, eight (8) vehicle plate numbers had more than five (5) outstanding parking citations from the information available. The following number of vehicles could be subject to vehicle impounding; however, with no monitoring or tracking system available, enforcement is not currently possible:

- Three vehicle plates with 6 outstanding citations each
- One vehicle plate with 7 outstanding citations
- One vehicle plate with 8 outstanding citations
- One vehicle plate with 12 outstanding citations
- One vehicle plate with 14 outstanding citations
- One vehicle plate with 18 outstanding citations

Due to the inability to track and enforce parking citations, the revenues for these citations has also diminished. In calendar year 2007, the last full year tracked in the system, \$77,610 worth of parking citations were issued with \$43,110 of that amount paid and a remaining balance of \$34,500. January through June of 2008 is the only portion of 2008 in which the parking citations were entered into the system with a total of \$33,985 written and only \$9,455 of those citations are listed as paid, leaving a balance of \$24,530 for the respective citations. After June 2008, only revenues were recorded, but for the entire FY2008/2009 only \$15,714.50 was collected.

### **Risk**

Without proper accounting procedures to track the issuance and corresponding payment or voiding of parking citations, the BGPD is restricted from being able to enforce the law and impound vehicles resulting in loss of revenue to the City as well as a lack of concern for parking laws.

### **Recommendation**

The BGPD should take advantage of advances in technology and implement an electronic ticketing process. There are multiple vendors that sell handheld parking citation equipment which would allow staff to electronically create citations and potentially update live to our financial system utilizing the wireless network already in place within the City. Many of these handheld devices also take photos which can be attached to the record to add additional documentation of the violation. According to staff within the City's Information Technology Department, the City already has language within the contract with Logos software to create a link between the Logos system and an electronic parking citation system which would streamline the process and make it more accountable and more efficient.

The collection of the citations could be outsourced to a third party vendor, but I would recommend a thorough evaluation, with the input of Treasury's collection expertise, of the potential vendor's processes and fees prior to signing a contract for collection services.

In addition, it should be clarified throughout the organization exactly who has the authority to void citations and the specific reasons allowable for voiding.

### **Police Department Management Response**

The Police Department, along with the Finance and Legal Departments are working together to improve the "Parking Ticket" enforcement process. In doing so, the following issues are being explored and/or considered:

1. Review all City Ordinances and Policies related to the issuing of parking tickets, parties authorized to void parking tickets, towing of vehicles associated with parking violations, parking ticket fine structure and the collection of parking ticket fines.

2. Explore the feasibility of contracting with a third party service provider to manage both the record keeping for parking tickets as well as the collection of parking ticket fines - both current and past due.
3. Explore options related to hardware/software required to issue parking tickets digitally with a handheld digital device.

### **Citizens and Information Assistance Management Response**

Treasury has referred to the Code Enforcement Board Clerk people who received a parking ticket and later presented a valid handicapped placard; the Clerk has voided such tickets. The CEB Clerk has been instructed not to void any more tickets, pending a decision on who will have the authority to do so.

2. **City Central should require that all appeals are written in accordance with the *City of Bowling Green Code of Ordinances and Kentucky Revised Statutes (KRS)*.**

### **Observation**

According to KRS 65.8825(5):

*When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation was issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the code enforcement board to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.*

In order to test compliance with this statute, I statistically pulled a sample of twenty appeals directly from the Code Enforcement Board minutes and tested them for the following:

1. Was the appeal request in a written format?
2. If the appeal was not in a written format, how was it received?
3. Did the citizen request an appeal within seven (7) days of the citation?

Of the twenty (20) appeals that were tested, only six (6) requests contained documentation of a written request as required by KRS. Two (2) citations indicated that the request for appeal was made in person, twelve (12) had no documentation to support the request for appeal and fourteen (14) had no documentation that supported the date of the request.

### **Risk**

Without requiring that all requests for appeals are in writing and contain a proper responded date, the Code Enforcement Board may be hearing appeals that are not valid in addition to not following KRS as required.

### **Recommendation**

All requests should only be accepted by the CEB Clerk in writing with an accurate responding date as well as the received date. The Blackbear software does allow the attachment of documents to the official record so I also recommend that City Central staff update their procedures to include scanning the written appeal request into the record which would electronically document the request for appeal. This would allow Code Enforcement Officers to better prepare for the CEB meetings by having knowledge of what the citizen was actually appealing.

### **Noteworthy Accomplishment**

Code Enforcement staff immediately created an appeal form that prints to the back of every citation so that every citizen will clearly know exactly what information the City needs in order to properly address their request for appeal, if they choose to appeal. The form was created (see Attachment A) and put in use within less than a week after discussing the issue.

### **Citizens Information and Assistance Management Response**

In the past, the Code Enforcement Board Clerk has accepted verbal requests for an appeal, especially for parking citations. However, effective mid-August when the draft report began circulation, the Clerk stopped accepting any verbal requests. As noted, the Code Enforcement staff has already created an appeal form that prints on the back of the citation, which gives the appellant an easier means of submitting a written appeal. The Clerk has requested that CE staff make certain changes to the form to help her with processing. City Central staff has also created a similar form that will be made available to appellants of other code issues such as parking citations and animal control violations, and walk-ins who want to appeal a code enforcement citation. There are occasionally other miscellaneous Public Works-related code violations (erosion control, drainage) that would require similar documentation for appeals. This form requests the citation number, contact information, and date of appeal, and will be made available in the office, via mail, and via the City's website.

The written appeal will be scanned into the electronic record to document the request for appeal. When an appeal is received by mail, the Clerk will keep the envelope showing postmark and scan it in as well.

- 3. A standardized and timely method of recording adjustments to fees should be created in order to ensure accurate amounts are charged and collected from citizens.**

### **Observation**

Once an initial citation is created, many changes can occur to the record including work order fees to allow the property be brought into compliance with the code, additional fees imposed by the CEB, fees that are waived by the CEB, as well as liens that are recorded or released against the property. I pulled multiple record samples to test changes that relate to work orders and fees either added or removed by the CEB. I did not test liens recorded or released because the Law Department is admittedly very far behind on

processing liens, so I have scheduled a separate audit of the lien process in the FY2010 Audit Plan. I am hopeful that the improvements within the Code Enforcement process will make the lien process less time consuming and make it possible to process liens in a more efficient and effective manner.

Of the twenty-five (25) records sampled, which included a billable work order (entered by Code Enforcement staff) within Blackbear, six (6) of the Blackbear amounts did not match the amount entered into the financial software. In addition, eight (8) of the total fees associated with the sampled records did not match between Blackbear and the financial software.

Twenty (20) additional records were sampled directly from decisions contained within the CEB meeting minutes. Of the twenty (20) records, one was a parking citation which is not entered into any system; one Blackbear record received a payment seven (7) days after the fine was waived by the board, and the other eighteen (18) within the sample averaged 190 days from CEB decision to entry within Blackbear (based on a 360DAYS per year calculation within Excel). Only one of the tested decisions was recorded in Blackbear within 30 days. Seven (7) of the records could not be found within the financial software due to a missing invoice or customer name, it being a parking ticket, or the record did not include the decision of the CEB.

### **Risk**

Without a standardized method of recording adjustments, the City is losing revenues because the fee amounts are not correctly recorded when approved. Also, when waived fees are not adjusted within the financial software, customers continue to receive invoices for fines waived by the CEB. The lien process is also affected when decisions are not entered timely within the systems.

### **Recommendation**

A standardized form or system should be created that would allow all divisions related to Code Enforcement to document all approved fee changes, their respective entry into Blackbear, and for submittal to Treasury for entry into the financial system. This would provide Treasury with a consistent source document to enter fee changes as well as a consistent way to document that the same changes were entered into Blackbear.

The CEB clerk should also create a standardized follow-up process for all CEB meetings to ensure that:

- all decisions are entered into Blackbear the following business day and submitted to Treasury within three business days of CEB meetings;
- the minutes reflect consistent and timely data to include dollar amounts for each decision whether upheld or waived;
- all record numbers are included within the minutes;
- agendas and approved minutes are timely posted to the City website; and
- any additional related follow-up work is performed on a consistent and timely basis.



### **Noteworthy Accomplishment**

Once I held a follow-up meeting with staff, they worked quickly to create a Code Fee Change Form (seen in Attachment B) to provide consistent fee changes to the Treasury Division. In addition, Code Enforcement staff began directly inputting applicable work orders directly into the Logos financial system to ensure that the amount charged to the citizen for work order fees are accurate.

### **Citizens Information and Assistance Management Response**

- a. A procedures timeline will be established whereby actions that must be taken as a result of the Code Enforcement Board meeting are prioritized and completed in a timely manner, including board decisions entered in Blackbear, orders completed and distributed, draft minutes prepared and distributed, follow-up work, and adopted minutes posted on the website. The City Central Coordinator will monitor compliance with the procedures timeline.
- b. In order to have the board meeting minutes reflect record numbers and dollar amounts for each decision, whether upheld or waived, the agenda item will include the record number and current fee amount. The code enforcement officer or board member making the motion will be asked to reference the record number and respective fee amount in their statement or motion so that it can be noted in the minutes. Any amount changed by the board will also be referenced.
- c. As noted in the draft report, staff has developed a Fee Change Form to consistently notify Treasury about fee changes that occur. This can come from HCD, Legal, or the CEB Clerk. The CEB Clerk will submit changes resulting from board action to Treasury within three business days.
- d. With regard to the sample of 25 Blackbear billable work orders, the CEB Clerk does not enter the work orders or the amount in the financial software, thus City Central has no response to the issues described.
- e. 20 additional records were sampled directly from decisions contained with the CEB meeting minutes. The audit indicated that based on the records in Blackbear, most decisions were entered several months after the board meeting with an average of 190 days. In fact, the records show that 16 of the 20 were entered over a period of four work days in August-September 2008.

Financial records are being maintained in two systems until the Community Development module in NewWorld is implemented. As noted above regarding billable work orders, records in the two systems do not always match. The CEB Clerk and the Treasury Associate, responsible for maintaining related financial data in NewWorld, met over several days in late August and early September 2008 to reconcile the numbers in the two systems. The CEB Clerk had been entering amounts regarding board actions in a Blackbear field called "Receipts." She was later told that this was the incorrect field, that she should enter the amount under the "Fee" field, which is the same field used by code inspectors when they initially

enter the fee. As the CEB Clerk and Treasury Associate reconciled the records, the Clerk deleted the amount entered under Receipts and re-entered the amount under Fee. This is the primary reason why many records from several months show an entry date within a short period of time. If original information was deleted, there is no easy means to know when the record was originally entered. The Treasury Associate confirmed to the Internal Auditor that she and the CEB Clerk went line by line to correct fee amounts in the two software systems, and that entries in the Receipt field were deleted because the wrong field was used, and entries put under the Fee field. However, she did confirm that there were some cases where a decision had not been originally recorded.

According to the Treasury Associate who worked with the CEB Clerk on reconciling records, staff was initially told to enter dismissals as Receipts to maintain the original fee records intact. The Treasury Associate does not recall who specifically gave them that direction, but that dismissals were entered as Receipts so as not to delete the fees in an effort to show what had been done in the record. However, the City's external auditor said if no cash is received, staff should zero out the bill in another manner. Therefore the "negative fee" was implemented to record dismissals. Treasury does occasionally find a fee that needs to be added or subtracted due to various staff in three departments having access to change fees as necessary. The Treasury Associate said that most fee changes result in work order amounts increasing and are later backdated to original billing; therefore they are never put on a report. She believes that these issues should be corrected once all billing is under one system. She said it is difficult to achieve 100% accuracy when the various parties field dozens of telephone calls and interruptions to their work.

The Blackbear screen does not actually show a final date action was taken by the board, it shows when the item was first filed with the CEB. Action can be delayed some months or the board can meet multiple times on an issue. This does not directly address the result of the audit but is a contributing factor to incomplete data.

- f. In order to make sure that all desired fields in Blackbear are completed by the CEB Clerk, the City Central Coordinator has asked representatives of Code Enforcement and Law to clarify those fields they need completed.
- g. There are presently no Blackbear records for Animal Control or Parking Citations. While not referenced in the audit, the CEB Clerk will start entering into Blackbear the appeals that are acted on by the CE Board in order to track them. The current software does not provide an option to enter a fee amount other than established code enforcement fees supplied by a drop down menu.
- h. The Code Enforcement Clerk has prepared a detailed response dated August 28, 2009, explaining the procedures and methods related to the entry of receipts into the Blackbear tracking system. It is attached to this Management Response along with

several referenced attachments with the hope that it will be inserted as another appendix in the final report. (See Attachment F)

**4. The Code Enforcement Board should require citizens to appear before the board in order to hear their appeal in accordance with KRS and City Code.**

**Observation**

According to KRS 65.8828(1):

*Any person requesting a hearing before the code enforcement board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final.*

City of Bowling Green Code of Ordinances Chapter 2, subchapter 23.10(c) states:

*Any person requesting a hearing before the Board who fails to appear at the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final.*

The Code also states in 2-23.10(d):

*All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer, the alleged violator and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.*

While reviewing CEB agendas, it came to my attention that the clerk for the board was occasionally representing citizens and reading their written appeal on their behalf when the citizen was not going to be present at the hearing. This creates a conflict of interest to have the CEB Clerk, who is a City employee, representing a citizen against her fellow Code Enforcement staff to the CEB in which she assists. The KRS and City Code of Ordinances are clear that if the citizen violator fails to appear, the citation should stand.

**Risk**

Allowing written appeal statements to be read without representation from the citizen is in violation of KRS and City Code of Ordinances, and creates a conflict of interest as well as not allowing the testimony to be taken under oath and recorded. This hampers the CEB process by hearing appeals that should not be heard, as well as limiting the discussion because neither the CEB or the Code Enforcement staff have the opportunity to ask follow-up questions when a citizen violator fails to appear as is required.

**Recommendation**

All citizens who wish to appeal their citation must appear before the CEB. If they are not able to attend the scheduled meeting due to extenuating circumstances, a representative such as a close family member, friend, or attorney that is knowledgeable of the circumstances could appear on their behalf with their permission. If there is not someone whom the citizen violator wishes to send on their behalf, then the appeal could also be

postponed to the next month's meeting. If someone wants to appeal their citation, but refuses to appear before the board, then their appeal should not be considered and the citation should stand.

### **Citizens Information and Assistance Management Response**

In the past, the board had allowed the Clerk to read the appellant's statement when the appellant could not be there so that their appeal could be heard. However, effective beginning with the August 25 board meeting, the Clerk will no longer read an appellant's response/appeal. If an appellant cannot attend the board meeting, they will be advised to send a representative. If they request a delay until the next meeting, that request will be presented to the board for action. The board will decide when it has allowed enough postponements if the appellant continues to request them but does not appear at the meeting.

- 5. There should be a follow-up procedure implemented that responds to complainants in order to inform them of actions taken, if applicable, to remedy their complaint and increase citizen satisfaction.**

### **Observation**

Citizens who have a code complaint can contact the City by calling the City Central Division or by e-mailing their complaint through the City's website. I created a simple citizen satisfaction survey (see Attachment C) and sent it out to 157 citizens who had contacted City Central with a complaint and provided their contact information. Some citizens prefer to submit their complaint anonymously or did not provide addresses so I could not include them in this survey. Out of the 157 surveys mailed, 23 were returned from an undeliverable address and 67 were completed and returned for a 50% completion rate (157 mailed - 23 returned or 134 assumed delivered / 67 completed). A summary of the results for each question can be found in Attachment C.

Overall, the survey results were good. The City Central staff were consistently rated Excellent and Good on being courteous, helpful, and quickly taking citizen's information. I did receive many written comments, listed in Attachment D, as well as numerous phone calls and even a stack of photographs from one citizen. The main issue that kept being repeated to me was that when the citizen complained, they felt as if the City did nothing if their complaint wasn't immediately and noticeably corrected because they did not receive any direct follow-up. City Central currently sends out a contact card (see Attachment E) which includes the City's record number for the complaint in order for the complainant to call in again and request an update to their complaint. However, only 22 of the respondents indicated that they received a contact card, 36 stated that they did not receive a card, and 9 did not respond to the question.

There are numerous reasons why a complaint is not immediately and noticeably addressed to the citizen, but without a standard follow-up procedure, the citizen assumes that the City staff ignored their complaint. The majority of the time, from my review, the complaint is about something that is not a citable violation as the City Code of Ordinances is currently written. The Code Enforcement staff is assigned each complaint

and must drive out to the site and inspect it on a timely basis, usually 1-3 days. If there is no violation, then a note is placed in the record and it is closed. If there is a violation, a “Notice of Violation” is sent to the property owner and if the problem is not corrected within the stated time frame, an official “Citation” is written on the property. In addition, there are occasions when Public Works related complaints such as drainage issues are inspected and put on the work plan, but may take a while for the staff to get to that issue on the list or for the funding to allow the work to be completed. These are just two of the multiple reasons why complaints may not be immediately and noticeably addressed.

### **Risk**

Citizens will assume that the City is not responsive to their complaints, without a proper follow-up procedure, which will cause citizens to become unsatisfied with City services. Frustrated citizens could take issues into their own hands causing Police to become involved, which has happened in the past, or discouraged citizens could eventually relocate outside of the City.

### **Recommendation**

I recommend replacing the current contact card with a follow-up procedure that will give specific information to the complainant about their issue, inform them of the steps that City staff has taken, and reasons which prevent staff from acting on the complaint. This could be accomplished by redesigning the card to allow comments to be placed on it about the steps that staff has taken to look into the citizen’s complaint and a timeline for correction if applicable. However, if the card was replaced by a follow-up letter, it would allow for more detail to be provided to the citizen including information as to why their complaint could not be addressed whether from budget restrictions, current Code of Ordinances and KRS, or any other applicable reason for no action.

This letter could be attached to the record electronically to further document the steps that City staff has taken in an effort to address citizen complaints. This would require the responding staff member to provide information to City Central so that a letter could be sent out in response to their inspection. Code Enforcement, Public Works and any other complaint responding department should work with City Central to develop a method that would consistently provide the information to City Central so the follow-up letter could be sent out in a timely manner.

### **Citizens Information and Assistance Management Response**

As noted in the report, City Central sends callers a postcard with the complaint number and contact information so that the complainant can call back in to check the status of the complaint. This works when the caller provides their contact information and does not wish to be anonymous. City Central would like to continue to use the card so that callers know how to easily follow up on their complaint if they wish to. All Call Center staff has been instructed to use the postcard. In addition, Code Enforcement staff has worked out a means of producing a letter from Blackbear which will notify the complainant of actions taken regarding their complaint, including when and who inspected it and the final action. Call Center staff will run a report daily showing code enforcement cases that have been closed. Staff will have to differentiate between cases that were generated by

City staff versus an outside complainant. A letter will then be generated and mailed to the complainant. City Central plans to go back to all cases closed on or after July 1, 2009 and generate and mail letters to those complainants.

While this will respond to the recommendation/observation regarding code enforcement complaints, Public Works Engineering and Operations staff must also enter the same status information and close date on complaints forwarded to Public Works so that Call Center staff can generate and send letters pertaining those to complaints.

# Attachment A

# CITATION APPEAL FORM

**Type of Citation:**

- 1) Code Enforcement \_\_\_\_\_
- 2) Parking Ticket \_\_\_\_\_
- 3) Animal Control \_\_\_\_\_
- 4) Public Works \_\_\_\_\_

Today's Date: \_\_\_\_\_

Citation Number: \_\_\_\_\_

Date of Citation \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Reason for appeal:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

---

*NOTE: According to KRS 65.8825(5): When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation was issued by either paying the civil fine set forth in the citation or requesting, in writing, a hearing before the code enforcement board to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be considered final. In this event, the board shall enter a final order determining that the violation was committed and imposing the civil fine set forth in the citation.*

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**Submit this form to:** City Central, P.O. Box 430, Bowling Green, KY 42102-0430 or fax to 270-393-3077 or e-mail to: [cebclerk@bgky.org](mailto:cebclerk@bgky.org)

Direct any question to the Code Board Clerk at (270) 393 - 3656

Form must be received or postmarked by September 23, 2009 in order to be placed on the agenda for a hearing.

---

Office Use Only:

CDEF Number: \_\_\_\_\_

CEB Hearing Date: \_\_\_\_\_

Notified Appeal Hearing Date By:

In-Person \_\_\_\_\_  
Date \_\_\_\_\_

Letter \_\_\_\_\_  
Date \_\_\_\_\_



# Attachment B

# CODE FEE CHANGE

**CDEF Number:** \_\_\_\_\_

**FEE Number:** \_\_\_\_\_

**PROPERTY ADDRESS:** \_\_\_\_\_

\_\_\_\_\_  
City State Zip

**AMOUNT:** \$ \_\_\_\_\_ \$ \_\_\_\_\_  
Increase Decrease

**REASON:**

\_\_\_\_\_ *HCD Code Enforcement*

\_\_\_\_\_ *Work Order Change* \_\_\_\_\_

\_\_\_\_\_ *Other* \_\_\_\_\_

\_\_\_\_\_ **Legal**

\_\_\_\_\_ *Master Commissioner Sale* \_\_\_\_\_ *Uncollectible*

\_\_\_\_\_ *Bank Foreclosure* \_\_\_\_\_ *Tax Foreclosure*

\_\_\_\_\_ *Incorrect Property Owner Cited*

\_\_\_\_\_ *Other:* \_\_\_\_\_

\_\_\_\_\_ **Code Enforcement Board** \_\_\_\_\_  
Month of

\_\_\_\_\_ *Waive / Dismiss Citation and or Fine*

\_\_\_\_\_ *Per Day Fine Accrual* \_\_\_\_\_ *Incorrect Property Owner Cited*

\_\_\_\_\_ *Other:* \_\_\_\_\_

**SENT TO:** \_\_\_\_\_ *Alex Ebling / Finance* \_\_\_\_\_ *Tammy Wethington / Legal*

\_\_\_\_\_ *Tabitha Joiner / HCD Code Enforcement* \_\_\_\_\_ *Betsy Bartsch / CEB Clerk*

\_\_\_\_\_ *Other* \_\_\_\_\_

**ENTERED INTO BLACKBEAR:** \_\_\_\_\_  
Signature Date

**ENTERED INTO NWS:** \_\_\_\_\_  
Signature Date

# Attachment C

**City Central Customer Satisfaction Survey**

1. Why did you contact City Central?
  - Overgrown lawn / weeds
  - Junk, trash, debris (including inoperable vehicles)
  - Street maintenance Issue (pothole, traffic issue)
  - Other \_\_\_\_\_
  
2. How did you contact City Central?
  - Called main City line and was directly transferred to City Central
  - Called main City line and was transferred multiple times to reach City Central
  - Contacted City Central through customer service link on City's website
  - Found City Central's number on a pamphlet, advertising material, or phone book
  - Other \_\_\_\_\_
  
3. How would you rate City Central staff on being courteous? Would you say ...?
  - Excellent
  - Good
  - Fair
  - Poor
  
4. How would you rate the City Central staff on helpfulness, in other words, a willingness to assist you? Would you say ...?
  - Excellent
  - Good
  - Fair
  - Poor
  
5. What would best describe your call to City Central (if applicable)?
  - Representative quickly took my information or routed me to the right person
  - I was kept waiting on hold
  - I had to explain my problem several times
  - Representative didn't know how to handle my problem
  - Representative had to ask others
  - Other \_\_\_\_\_
  - Not applicable

**City Central Customer Satisfaction Survey**

6. Did you receive a follow-up contact card in the mail that provided a request number for future follow-up if desired?

- Yes
- No

7. Was your issue/complaint resolved?

- Yes
- No

8. Overall, how satisfied were you with your contact with City Central?

- Very Satisfied
- Satisfied
- Dissatisfied
- Very Dissatisfied

9. Overall, how satisfied were you with the way your issue/complaint was resolved?

- Very Satisfied
- Satisfied
- Dissatisfied
- Very Dissatisfied

10. What changes, if any, can we make to improve our customer service?

# Attachment D

## City Central Customer Survey Results

157 Mailed  
67 Completed  
23 Returned  
67 Unknown

**Question #**

| 1 | Why did you contact City Central?                   | Answers |
|---|---|---------|
|   | Overgrown lawn / weeds                              | 22      |
|   | Junk, trash. Debris (including inoperable vehicles) | 17      |
|   | Street maintenance issue (pothole, traffic issue)   | 12      |
|   | Other   | 38      |
|   | <i>Did not answer</i>                               | 0       |

| 2 | How did you contact City Central?  | Answers |
|---|--|---------|
|   | Called main City line and was directly transferred to City Central             | 29      |
|   | Called main City line and was transferred multiple time to reach City Central  | 8       |
|   | Contacted City Central through customer service link on City website           | 10      |
|   | Found City Central's number on a pamphlet, advertising material, or phone book | 10      |
|   | Other  | 13      |
|   | <i>Did not answer</i>  | 4       |

| 3 | How would you rate City Central staff on being courteous? Would you say...? | Answers |
|---|---|---------|
|   | Excellent   | 32      |
|   | Good  | 26      |
|   | Fair  | 6       |
|   | Poor  | 1       |
|   | <i>Did not answer</i>   | 2       |

| 4 | How would you rate City Central staff on helpfulness, in other words, a willingness to assist you? Would you say...? | Answers |
|---|--|---------|
|   | Excellent  | 27      |
|   | Good   | 20      |
|   | Fair   | 11      |
|   | Poor   | 7       |
|   | <i>Did not answer</i>  | 2       |

| 5 | What would best describe your call to City Central (if applicable)?        | Answers |
|---|--|---------|
|   | Representative quickly took my information or routed me to the right place | 38      |
|   | I was kept waiting on hold   | 3       |

|  |   |   |
|--|---|---|
|  | I had to explain my problem several times           | 9 |
|  | Representative didn't know how to handle my problem | 3 |
|  | Representative had to ask others                    | 1 |
|  | Other   | 8 |
|  | Not applicable                                      | 6 |
|  | <i>Did not answer</i>                               | 4 |

|          |   |    |
|----------|---|----|
| <b>6</b> | <b>Did you receive a follow-up contact card in the mail that provided a request number for future follow-up if desired?</b> |    |
|          | Yes   | 22 |
|          | No  | 36 |
|          | <i>Did not answer</i>   | 9  |

|          |   |    |
|----------|---|----|
| <b>7</b> | <b>Was your issue/complaint resolved?</b> |    |
|          | Yes                                       | 38 |
|          | No  | 26 |
|          | <i>Did not answer</i>                     | 5  |

|          |   |    |
|----------|---|----|
| <b>8</b> | <b>Overall, how satisfied were your with you contact with City Central?</b> |    |
|          | Very Satisfied  | 25 |
|          | Satisfied   | 21 |
|          | Dissatisfied  | 12 |
|          | Very Dissatisfied   | 10 |
|          | <i>Did not answer</i>   | 2  |

|          |  |    |
|----------|--|----|
| <b>9</b> | <b>Overall, how satisfied were you with the way your issue/complaint was resolved?</b> |    |
|          | Very Satisfied   | 27 |
|          | Satisfied  | 14 |
|          | Dissatisfied   | 8  |
|          | Very Dissatisfied  | 16 |
|          | <i>Did not answer</i>  | 3  |



Note: In compliance with KRS61.878 (1) (a), personal identifying information was redacted from the responses.

Answers to question 10

- 1 The issue related to a vinyl fence at [REDACTED] which diverted water during heavy rain. The fence satisfied code but not the ponding of water in several lots
- 2 I appreciate the quick response to the overgrown property  
[REDACTED] has trash in the yard, weeds, tall grass, buckets of water in the backyard (breeding mosquitoes). Her garage is full of combustible materials (trash, newspapers, and dog food bags). I believe it has vermin in it, but the code enforcement will not check it. I believe the code enforcers are afraid of this woman because she has threatened them with a harassment suit. I also believe that she is causing substantial diminution of value to my property and my other neighbors. \* listed the following codes stagnant water page 27-6 K property code page 27-6 Q page 27-6 27-6.03 \*\*photos were also submitted with the survey form
- 3  
4 Resolve the problem. Property and yard is a health hazard and really degrading to our neighborhood. Very badly need to be taken care of immediately. I am wondering if city is afraid of the lady and also wonder what she carries in the purse she never comes in the yard without it \* Regarding to above complaint for [REDACTED]
- 5 [REDACTED] a city dump 72+ empty flower pots. Garbage of all kinds in the yard. This is a disgrace to our subdivision. Lawn hasn't been mowed for 4 weeks. Have not contacted this agency, but others in the neighborhood did, with no response. We live in a very nice area and this property is a breeding ground for mosquitoes, rats and any other varmints around. It is not an enhancement to the value of our property. What will it take to get this mess cleaned up \* Regarding to above complaint for [REDACTED]
- 6 Respond to the complaint and contact the homeowner that reported the problem. We still own the house on [REDACTED] and have it rented at this time. I was there last week and the problem has grown back.
- 7 I called about a traffic issue. Quickly, counters appeared on my street. This was months ago. I never heard anything concerning this. In fact, the rope of one counter is still across our street. There was no follow up.
- 8 Follow up  
9 Actually I have never heard of city central. I had spoken to Mayor Walker about the sink hole and she took care of the sink hole. Since our really bad storm that went over last March. We had two more pine trees that blew over the fence that surrounds the hole. I think they should cut down all of the trees in the sink hole. The lawn in back has been maintained well. People just leave the fallen trees lying across the fence. Little trees are beginning to come up around the sink hole at the bottom. My thinking and writing are not what it used to be. Our area is clean looking. Though there are a few exceptions.

- 10 Elected officials need to implement ordinances on rental property, because some of the customer services given depend on your ordinances. Also, the single family residence issue needs to be addressed. College kids saying they are all related to get out of a potential fee, etc. is pathetic. This goes back to the notion of having better codes.
- 11 Fix sidewalk in front of house rain runs in yard [REDACTED]
- 12 You can fix my problem with water drainage. Water drainage which is from the street. My mother/father bought this property in 1972 and the problem still exists with me as of 5-6-09. The problem is fixable in a number of ways, then I ask myself what is the problem Mayor Jones? However, I do feel this problem is gonna be fixed pretty soon...
- 13 The code enforcer was very helpful and caring. He helped with the problem and with doing that my issue was quickly resolved Thanks!
- 14 Improve your customer service and resolve problems once they are called in especially more than once.
- 15 Changes need to be made concerning "resolving the complaint" more than trying to be customer friendly. If my complaint had been handled correctly the first, second, or third time that my wife and I contacted city central, then customer service would have been a second thought. Our complaint was not handled efficiently, timely, or seriously until I contacted Commissioner Bruce Wilkerson with our problem. Mr. Wilkerson contacted the appropriate personnel and our complaint got investigated and resolved in less than one week. Prior to Mr. Wilkerson getting involved, this complaint had not been acted on nor been resolved for four weeks. Thank goodness for Commissioner Wilkerson.
- 16 Takes our property values down. Very much an eye sore. Thank you for the opportunity to voice my concerns. I feel the code "as it is" at present, does not protect "the homeowners rights" His dog pen never gets cut and the dog is infected and breeds fleas, ticks, etc. The overlay comes into my yard and living area. I have spent over \$1000.00 on my health and my own pets because of this being allowed to occur
- 17 The two houses directly across the street from [REDACTED] were not rented to single families as required by ordinance, inspectors never followed up. Several people looking to purchase a home were put off
- 18 I wish mowing problem could be maintained on a regular basis without having to call regularly
- 19 The problem was not resolved for various reasons. My complaint and dissatisfaction was the lack of suggestions to resolve issue. No help whatsoever.
- 20 If there was follow up I could have reported there was still water coming up through the street

21 Would make no changes! City central staff is pleasant, courteous and very helpful. Mrs. Bobbi Jo Sexton, in particular, deserves my pointing out, because of her helpfulness and determination to provide excellent service with results.

22 Specifically with code enforcement. I believe consistency needs to be addressed. We have been written up while performing active restoration on our home, whereas other structures, including a small city building up the street has remained in disrepair for over three years with broken glass and peeling paint. However, when we have had a complaint, critics, City central staff is easy to contact.

23 For over 3 years we have contacted about our alley. Almost all alleys around us have been repaired and/or paved except ours. There are pot hole issues, weed issues, junk issues and especially drainage issues that have been reported. The only response has been an in-house repair that began to disintegrate the day it was done. We called again when [REDACTED] and [REDACTED] were being worked but told that there was no money for alleys and streets are a different budget. It would assist out satisfaction if on a long-term issue we could see personal follow through and exactly why we are not being repaired and maintained like those around us.

24 Keep up the great work!

25 I have lived here [REDACTED] for almost 50 years. My kids grew up on this street with a lot of other who are grown and gone. There are almost 3-4 houses that are rental that are owned by [REDACTED] who lives on [REDACTED]. He has rented one not too long ago and the yard needs mowing curtains aren't up some of neighbors called me and we just wish the owners would not rent to just anyone until they keep it clean etc. He is just after the money but it ruins our neighborhood. I know you all have your hands full-but I think so often about selling my home and moving to Florida since I'm retired. Bruce and Joe are great commissioners. PS I work hard to keep them elected every time they run.

26 Follow up

27 Follow up I called in January with concern. No one called back and the problem went unsolved. I called back in April and lady said "Oh you called in January" I said yes and she asked me if anyone had called or if the problem had been taken care of. I said no, she said she would take care of it. That has been three weeks ago. Part of the problem has been taken care of but no one called me to tell me why the rest of problem was not resolved.

28 Never resolved

29 The people with whom I spoke were courteous and seemed concerned. However, I never received an explanation of how the complaint was resolved. A neighbor erected a tall fence in his front yard. The resolution was to hack off the excess height of the fence. It looked better before the "resolution" Also, I never heard about the construction debris I complained about.

30 Please get public works to help people with there issues. I have been working with public works for 5 years and still have the same problem, You can contact me at 270-[REDACTED]

31 I am unsure if city is following through with adjoining property owner regarding remaining issues.

32 The man that I spoke to found it hard to come over here to look at it. He then filled the drop-off with gravel and grass. It took care of the problem. I can't remember the man's name. As for the telephone representative she/he was courteous

33 My yard was washed throughout backyard. It was only partially fixed. The drainage ditch has been corrected and hasn't washed out since.

34 Your doing a great job

35 In my opinion the city inspectors are doing their job while inspecting because they sometimes stop but most of the time drive by. The city manager told me to read the city ordinance to find the violations with the property in question that should be the job of the city. If the city would check their records both code department and city police and court records you would know the neighborhood has an individual that is quite difficult and refuses to comply. The property is overgrown at present and the city personnel have driven by with no action as to the condition. My question why have these ordinances and the records of calls.

36 I contacted the city in 2004 about our drainage problem which caused deep ruts in our back yard 2 ft in places. The project was removed needless to say our situation became worse. I called once again on April 1 2008 I highly recommend Matt Powell. Our situation became worse because the city waited so long to make repairs. We are now pleased with the work done.

37 [REDACTED] traffic cut through. We have requested a street to be closed, as subdivision was designed originally. We deal with obnoxious traffic that cuts through. A wreck in 2 homes resulting in 1 death and a near fatality in the other. At the best they throw and litter our yards yet nothing is done after repeated requests If you are concerned please contact [REDACTED] 270-[REDACTED]

38 Follow the leash law. Too many dogs and cats running free. Customer service at city central is excellent.

39 Take action to resolve issues hold city employees or services responsible for damage they create. If postal service is not responsible for what they did and they said the city is responsible our only question is who decides us were responsible? All we ever asked was for someone to say "It's my fault & I'll fix what I messed up"

40 Traffic in the [REDACTED] is still a huge issue. Not only for me but most of the neighbors also complain. People throw trash in our yards drive too fast, have crashed into 2 homes and resulted in a death. Still nothing has happened to resolve this issue. The city put up poles that were ugly and did nothing to stop the problem then removed them and placed 10 stop signs and again this has not resolved the issue. The city must close the cut through and that is what will work yet they will not do so. The original plan for this subdivision was a closed neighborhood. Please do so. Thanks

41 The last time someone came out the Mayor said it didn't appear to be a violation. I doubt she would want to live next to [REDACTED]. I know the code, as it is does not protect, we as homeowners, I live next door to the dog pen which the grass is never cut. The dog is infected with ticks and fleas the smell is terrible. There is a hedge on his property which he never cuts and it is overlapping so my lawn care person cannot get between it and my house to mow. Our neighborhood should not have someone living in it who never takes care of his home!

# Attachment E



City of Bowling Green  
1001 College Street  
Bowling Green, Kentucky 42101-0430  
www.bgky.org

Thank you for contacting City Central. Your concern is important to us. We have forwarded your information to the appropriate department for review. For an update on your request, please contact us after

---

So that we may assist your inquiry more efficiently, please refer to request number

---

We look forward to serving you!

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City Central 270.393.3444

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Sign up to receive City news electronically!  
Register at [www.bgky.org](http://www.bgky.org)  
Click on City e-News and follow directions.

Photos taken by Josh Foster and Laura Harris, Public Information Office

**City of Bowling Green  
City Central Division  
1001 College St. PO BOX 430  
Bowling Green KY 42102-0430**



8/18/2009

Ref:

JOHN DOE  
123 CHESTNUT ST  
BOWLING GREEN, KY 42101

CITIZEN'S REQUEST DATE: 6/1/2009  
CASE # CDEF2009-3814  
CASE ADDRESS 1204 VINE ST  
CASE STATUS: CITATION APPEALED

In response to the Citizens Request that you filed with the City of Bowling Green; the following actions were taken.

| Action #       | Date Action Performed | Inspector           | Action Type                      | Status           |
|----------------|-----------------------|---------------------|----------------------------------|------------------|
| INSP2009-11094 | 7/14/2009             | MELISSA CHRISTERSON | 3300 CODE ENF INITIAL INSPECTION | IN VIOLATION     |
| INSP2009-12044 | 7/27/2009             | MELISSA CHRISTERSON | 3305 NOV FOLLOW-UP INSPECTION    | IN VIOLATION     |
| INSP2009-12047 | 7/30/2009             | MELISSA CHRISTERSON | 3307 CITATION POSTED             | IN VIOLATION     |
| INSP2009-12861 | 8/10/2009             | MELISSA CHRISTERSON | 3306 CITATION FOLLOWUP INSPECT   | IN COMPLIANCE    |
| INSP2009-13511 | 8/18/2009             | PIA YALLAPRAGADA    | 3310 COMPLAINANT NOTIFIED        | NOTIFIED BY MAIL |

If you have questions on this service notification please call one of our associates in the City Central Division at 270-393-3444 or Fax 270-393-3077.

Request for specific information on this case will require an Open Records Request form to be submitted. This is required by state law for you to obtain this public information. The form is available on our website [www.bgky.org](http://www.bgky.org).

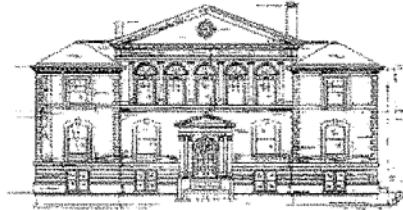
Respectfully submitted,

*Bobbi Jo Sexton*

Bobbi Jo Sexton  
City Central Coordinator  
City of Bowling Green



# Attachment F



**CITY OF BOWLING GREEN**  
F O U N D E D 1 7 9 8

**BOBBI JO SEXTON**  
City Central Coordinator  
Phone: 270.393.3641  
Email: Bobbijo.Sexton@bgky.org

**BETSY BARTSCH**  
Assistant City Central Coordinator  
Phone: 270.393.3656  
Email: Betsy.Bartsch@bgky.org

**To: Mike Grubbs, CIA Director**

**From: Betsy Bartsch, Assistant City Central Coordinator  
Code Enforcement Board Clerk**

**Date: August 28, 2009**

**Re: Code Audit Response  
Specifically Observation # 3**

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Attached please find some back up information regarding the procedures and methods related to the entry of receipts into the BlackBear tracking system. I hope it is sufficient to explain the process and why it appears that fees or receipts were having an average entry time of 190 days.

Should you have any questions, please feel free to contact me.

DEPARTMENT OF CITIZEN INFORMATION AND ASSISTANCE  
1001 COLLEGE STREET  
POST OFFICE BOX 430 • BOWLING GREEN • KY • 42102-0403  
270.393.3000 • TDD PHONE NUMBER 1.800.648.6056 EXTENSION 330  
FAX 270.393.3077 • www.bgky.org

Historically, and currently, as Code Enforcement Board Clerk, when a property, parcel or case is brought before the Code Enforcement Board and an action is taken on that case that involves an increase, decrease, change or any adjustment to an existing fee, I am tasked with making the appropriate change or adjustment in the case record. The case record includes the fee module. <sup>1</sup>

As attachment 1 shows, there is the option to add a fee, remove a fee, add a receipt, or remove a receipt.<sup>2</sup> By selecting one of the first four options listed, a user will then be prompted to add additional information. <sup>3</sup>

As Board Clerk, when a fee was to be adjusted due to a Board order, recommendation or action, I would go into the appropriate record(s) and then to fee tab to make the necessary adjustments to reflect the Board's order. <sup>4</sup>

As a matter of procedure prior to September 2008, I would take the following steps:

- Click on "add receipt" (see attachment 1)
- I enter the necessary specifics (see attachment 3)
- The receipt number is automatically generated by the system
- I would enter that days current date (see attachment 4)
- Reference number is automatically dropped in to reflect the record that it being changed
- In the "received from" field, I would put the appropriate date of the Code Enforcement Board meeting.
- In the amount field, I would put the necessary amount to reflect the Boards order
- The received from field is automatically populated to "bartb13" which identifies me based on my initial logging into the system
- Status is a drop down field. Most of the entries would be either dismissed or Citation upheld/CEB waived fine (see attachments 5 and 6)
- I would then have the option of putting additional information in the memo field (see attachment 3)
- I then click "OK" and that particular screen is closed and it goes back to the fee tab (see attachment 2)
- The balance is updated to reflect the entry just made.

Please note that when I needed to add a fee, for a per day fine accrual, certified delivery notice cost etc., I followed the same procedures and methods by entering the necessary data into the add fee portion of the fee's tab. (see attachment 4)

The above steps were the standard procedure I used for entering the Code Enforcement Board orders from the inception of the use of the BlackBear system until mid - 2008.

It was brought to my attention, via the City auditors thru the Finance Department, that the Blackbear fees and the New World System code billings and revenue amounts and figures were not balancing and that they were off by several tens of thousands of dollars. <sup>5</sup>

<sup>1</sup> I do not enter any fees unless there has been an order by the Board or the case has been presented to the Board for some action. In other words, I do not enter fees for initial citation penalties, work orders costs, miscellaneous costs or fees, etc. (Attachment # 1 shows a shot of the screen where fees are manually entered by those who initially assess them)

<sup>2</sup> as well as inquiring about any of the previous four options listed by hi-liting the selected entry then hitting" go to fee/receipt"

<sup>3</sup> See attachment # 2 for an example of further fee entry inquiry and see attachment # 3 for an example of further receipt entry. As you can see from attachments 2 and 3, you can toggle between fees and receipts within a record

<sup>4</sup> Please note that a majority portion of their orders involved the waiving or dismissal of a fee

<sup>5</sup> the majority of the figure of several tens of thousands of dollars was comprised of approximately seven years of my method of fee reduction per Code Board order. I do know that several of them were large amounts mostly due to dismissal of some very large per day fine accruals.

Further examination into this issue gleaned that a large portion of the difference was that when I entered a **receipt** into the BlackBear system (in order to either dismiss out an entire or partial balance), the amount or figure that was being placed in that respective field, irrespective to any status that was on the record, (see attachment 6) was being perceived as collected revenue that the city should be able to account for. It was not revenue that was actually collected but instead written off by either being waived or dismissed by the Code Enforcement Board.

With that information in hand, I knew a large number of records were going to need to be accessed and amended going back to 2002.

Starting back at the inception of the CEB, utilizing the Board's monthly minutes, I made a list of all case numbers and parcel addresses where all or a portion of any fine was dismissed or waived. I knew that those were the records I would need to change first. I did that over the better part of several days in late August 2008 and early September 2008.

In an effort to show the balance on the record to reflect a zero balance (or a reduced amount if that was the case), I was advised to delete the receipt I had entered that showed the initial Boards order and instead put that amount in as a negative fee. By doing that it would bring the amount to a 'zero" (or a reduced amount if that was the case) while still keeping the initial fee information. I used the actual date that I made those changes which were late August and early September 2008.

Of the twenty sample cases the auditor chose, sixteen of them showed an entry date of August 27 to September 2, 2008. That is the exact timeframe in which I made the changes due to the circumstances and issues listed above. The specific records are listed below. 6

To address the other four sample records, please see below.

**2006 – 5917** – Twenty one days from date of Board meeting to entry of receipt

**2006-3821** – appears that fine was dismissed at the January 23, 2007 Code Board meeting but respondent paid it on January 30, 3007. (I will need to follow up on this)

**BG 102838** – this is a parking ticket. They are not entered into BlackBear and I have no access to the system in which they may have or are currently being tracked.

**2007-858** – system shows thirty seven days from code board meeting to date of receipt entry Please note that the Boards order at the April 24, 2007 Board meeting stipulated the citation to be upheld but the fine waived if compliance was sought by Friday, April 27, 2007. When orders such as that are rendered, I have to either be notified by the inspector if compliance was achieved (or follow up with the inspector myself) before entering the Board's order. The earliest I could have been notified by the inspector was Monday April 30, 2007. I made the entry on June 1, 2007 – 31 days after the Board meeting.

<sup>6</sup> 2002-372; 2007-1414; 2005-3543; 2008-338; 2008-1516; 2006-4805; 2006-2989; 2007-3821; 2006-828; 2007-4125; 2007-3881; 2007-1052; 2007-1071; 2007-1541; 2007-3084; 2006-5045

It is not an uncommon situation for the Board to extend compliance time in their order.

To address the issue at hand of this audit observation, given the above parameters in which the system allows us to work under and given the information above showing how to change any record brought before the Code Enforcement Board where a monetary transaction took place, an audit comparing the date of a Code Board hearing versus the date that a fee, receipt or any entry is made for that matter, can not be an accurate comparison.

Coupled with that, comparisons of any sort in BlackBear, by its very design, is flawed due the fact that any user can access any record and make any entries, modifications, additions or deletions of any part of the record regardless if it is a fee, work order, note, inspection up to and including the complete record .

I hope that this addresses the perception that adjustments were not being made in a timely fashion.

**Code Enforcement**

General Information | Parcel | Violator | Violations | Inspections | Additional Information

Fees | Complainant | Conditions | Graphics

**Fees**

| Fee Number | Fee Type | Date | Amount | Account Description | Paid?                    |
|------------|----------|------|--------|---------------------|--------------------------|
|            |          |      |        |                     | <input type="checkbox"/> |

**Receipts**

| Receipt Number | Date | Amount | Received By | Received From |
|----------------|------|--------|-------------|---------------|
|                |      |        |             |               |

Total Fees: **LabFee**      Total Receipts: **LabRcpt**      Amount Due: **LabDue**

No Records       Use Single Line for Tab Bar      09/25/2009 3:17 PM

## Attachment #1

**32 Fees & Receipts**

File Edit View Tools Database Navigation Help

Fees | Additional Information for Fees | Receipts | Additional Information for Receipts

Fee #:  # Date:  # Reference #:  #

Fee Type:  # Units:  # Amount:

Charged To:  Charged By:

Account #:

Receipt #:  #  Paid?

Status:

Comments:

No Records 09/25/2009 3:20 PM

**Attachment #2**

**32 Fees & Receipts**

Receipt #:  Date:  Reference #:

Received From:  Amount:

Received By:  Status:

Comments:

| Account Code | Account Description | Amount | Fees Paid | Amount |
|--------------|---------------------|--------|-----------|--------|
|              |                     |        |           |        |

Acct Total: **\$0.00**      Fee Total: **\$0.00**

No Records 09/25/2009 3:21 PM

### Attachment #3



32 Receipt: RCPT2009-2 -

October, 2009

|    | Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|----|-----|-----|-----|-----|-----|-----|-----|
| 39 | 27  | 28  | 29  | 30  | 1   | 2   | 3   |
| 40 | 4   | 5   | 6   | 7   | 8   | 9   | 10  |
| 41 | 11  | 12  | 13  | 14  | 15  | 16  | 17  |
| 42 | 18  | 19  | 20  | 21  | 22  | 23  | 24  |
| 43 | 25  | 26  | 27  | 28  | 29  | 30  | 31  |
| 44 | 1   | 2   | 3   | 4   | 5   | 6   | 7   |

Today: 10/02/2009

Receipt #: RCPT2009-2    Date:    Reference #:    Amount:    Received By: Supervisor    Status:    Comments:

| Account Code | Account Description | Amount | Fees Paid | Amount |
|--------------|---------------------|--------|-----------|--------|
|              |                     |        |           |        |

Acct Total: \$0.00    Fee Total: \$0.00

Add Account    Remove Account    Charge Contractor    Assign Fee    Remove Fee

Record 2 of 2    10/02/2009 2:53 PM

### Attachment #4

**Add Receipt** [X]

General Information | Additional Information

Receipt #:  Date:  Reference #:

Received From:

Received By:  Status:

Amount:

Comments:

| Account Code | Account Description | Amount | Fees Paid | Amount |
|--------------|---------------------|--------|-----------|--------|
|              |                     |        |           |        |

Acct Total: **\$0.00** Fee Total: **\$0.00**

## Attachment #5

**Add Receipt** [X]

General Information | Additional Information

Receipt #: RCPT2009-1      Date: 09/25/2009 [Calendar]      Reference #: CDEF2009-1

Received From: [Text Box]      Amount: [Text Box] [Calculator]

Received By: Supervisor [Dropdown]      Status: CITATION UPHELD/CEB WAIVED FINE [Dropdown]

Comments: [Text Box] [New Document]

| Account Code | Account Description | Amount | Fees Paid | Amount |
|--------------|---------------------|--------|-----------|--------|
|              |                     |        |           |        |

Acct Total: \$0.00      Fee Total: \$0.00

Add Account   
 Remove Account   
 Assign Fee   
 Remove Fee

Auto Distribute   
 Borrow   
 OK   
 Cancel   
 Help

## Attachment #6