



AUDIT REPORT



To preserve the public trust as guardians of the people's records and assets

DATE March 24, 2023

NO. 2023-002

FOLLOW-UP COMMUNITY DEVELOPMENT - CODE COMPLIANCE

(ORIGINAL REPORT NO. 2020-001 ISSUED APRIL 22, 2020)

INTERNAL AUDIT DIVISION
ROGER D. EATON
CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER
CHARLOTTE COUNTY FLORIDA



ROGER D. EATON
Clerk of the Circuit Court and County Comptroller

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To: The Honorable Roger D. Eaton, Charlotte County Clerk of the Circuit Court and County Comptroller

From: Dan Revallo, Internal Audit Director

Date: March 24, 2023

Subject: Community Development – Code Compliance Follow-Up Audit

Honorable Clerk Eaton,

The Internal Audit Division has completed a follow-up audit of the Charlotte County Community Development – Code Compliance. Misti Payette Internal Auditor II conducted this review.

The audit client's response is attached to this report. We would like to thank client management and staff for their cooperation and assistance in the completion of this audit.

The report will be posted to the Clerk of Courts website, charlotteclerk.com, under Internal Audit, Audit Reports. A link to this report has been sent to the appropriate parties.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Daniel Revallo". The signature is written in a cursive style with a long horizontal stroke at the end.

Dan Revallo, CIA, CFE
Internal Audit Director
Charlotte County Clerk of the Circuit Court and County Comptroller

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EXECUTIVE SUMMARY

The Internal Audit Division performed a follow-up audit of the Community Development – Planning and Zoning Division’s Code Compliance process. Follow-up audits are limited to the comments and recommendations made in the Community Development Code Compliance Audit Report dated April 22, 2020. This follow-up considers the responses documented and any subsequent, corrective actions taken or delegated.

This follow-up audit report will conclude the original audit, as it pertains to the Community Development – Planning and Zoning Division’s Code Compliance process.

The status of any corrective actions will be assigned as follows:

OPEN – Corrective action has not been taken to adequately address the original audit comment.

OPEN/PARTIALLY COMPLETED – Corrective action has started but has not adequately addressed the original audit comment.

CLOSED – Corrective action has been taken to adequately address the original audit comment.

Original Audit Comments and Status of Corrective Actions

OPEN/PARTIALLY COMPLETED

- No Conflict of Interest Statements or Procedures
- Citation Disclosures are not Scanned

CLOSED

- Need for Increased Internal Control over Board of County Commissioner (BOCC) Website Publications
- Code Compliance Officers (CCOs) are making Excessive Site Visits/Follow-ups
- Inconsistent Photo Evidence
- Inconsistent Case Details Input
- Incomplete or Missing Documents/Notices, etc.

BACKGROUND

The Code Compliance section of the *Community Development -Planning and Zoning Division* is responsible for investigating reports of possible code violations, including:

- Junk-Like Conditions
- Abandoned Motor Vehicles or Watercraft
- Tall Grass (except on vacant lots, which is not a violation)
- Setback Requirements
- Fence Inspections

- Landscape Inspections (Commercial and Residential)
- Sign Inspections
- Commercial Change of Occupancy
- Expired Permits / No Permits

Code Compliance personnel exercise oversight and enforcement of the Charlotte County Code and applicable Florida Statutes, etc. Enforcement personnel are designated as “Code Compliance Officers” (CCO) and receive professional certification through the Florida Association of Code Enforcement (FACE).

Code Compliance is largely complaint-driven. Complaints may be reported online, by phone or e-mail, or in-person.

Complaints received are typically investigated within three (3) business days of receipt. If valid, the assigned Code Compliance Officer will perform an initial inspection and issue a “Courtesy Letter” in the form of a Code Compliance Request (“CCR”) or Warning Letter, etc. If non-compliance continues beyond the allotted timeframe provided, formal notices are made pursuant to F.S. Chapter 162.

There is a separate procedure for issuing a Notice of Public Nuisance (NPN) for tall-grass complaints, which routinely includes abatement procedures and attaching a property lien.

Code case details are recorded and maintained electronically within the Department’s Accela Automation Program. Accela Automation is a software-based application. The cashing and recording of any fines and/or fees ordered by the Code Enforcement Special Magistrate (CESM) is a mechanized process that uses desktop computers. The information generated by the Accela Automation Program is then used to post to the County’s Eden general ledger.

Code Compliance case information can also be found on the Charlotte County Citizen Access Portal (CAP), unless restricted.

On average, we noted an approximate 4,600 code compliance cases initiated each year. Junk-like conditions and unpermitted work combined accounted for approximately 53%. Tall-grass complaints accounted for another estimated 14%. Less than 1% related to citations issued.

We discussed the citation process; however, other than tree-related violations at this point, CCOs have not had any situations that would warrant the issuance of a citation over the regular code compliance process.

We noted approximately 1,933 open code compliance cases within the Accela Automation Program as of year-to-date, March 31, 2019. Tall-grass complaints accounted for approximately 280. Open cases dated as far back as the year 2007. Code cases can remain unresolved for many years, depending on adjudication.

AUDIT OBJECTIVES

The purpose of the follow-up audit was to determine if the proposed corrective actions documented in response to the seven (7) comments and/or recommendations reported, within the Community Development Code Compliance Audit Report No. 2020-001 dated April 22, 2020, were adequately and timely implemented and/or resolved.

SCOPE AND METHODOLOGY

The follow-up audit included inquiry of key personnel as well as review of any standard operating procedures (SOPs) created since last audited, and a sampled review of open code compliance cases and citations, and related documentation and support, as determined appropriate and necessary to meet objectives.

COMMENTS AND RECOMMENDATIONS AND FOLLOW-UP AUDIT RESULTS

1. Need for Increased Internal Control over Board of County Commissioner (BOCC) Website Publications

We recommend that increased controls governing the publication of documents on the BOCC website be established and implemented accordingly.

Original Response:

“The outdated item noted on the website has been removed and CESM minutes are up-to-date on the website. Additionally, a Standard Operating Procedure (SOP) has been developed to give clear direction as to the timeframes within which minutes should be uploaded to the website along with guidance for regular reviews of website content.”

Status of Corrective Action: CLOSED

2. Code Compliance Officers (CCOs) are making Excessive Site Visits/Follow-ups

We recommend compliance with Florida Statutes regarding site visits and written notices. Although code compliance is considered a fluid process, and there is a need for case-by-case considerations, minimal standards ***should be established*** to keep a steady progression if violators do not respond to courtesy letters, follow-up inspections, etc. A general timeline should be established to provide ample guidance and consistency among CCOs. Acceptable guidelines for extensions should also be addressed.

Original Response:

“An SOP has been developed to give guidance to the CCO’s on standard time frames. In addition, the SOP also instructs CCO’s to ensure proper documentation should a situation warrant a timeframe be exceeded.”

Status of Corrective Action: CLOSED

3. Inconsistent Photo Evidence

We recommend establishing policies and procedures for photo retention guidelines. For example, it should be established when photo evidence is required and how/where it is stored to ensure a level of consistency among the CCOs and cases, etc. It may also be helpful to include a “No photo evidence required” comment to ensure photos are not simply missing or overlooked.

Original Response:

“An SOP has been developed giving clarification of when a photo is required – at a minimum, a photo is required for all inspections unless the violation is such that a photo would not add value to the case – in which case, the lack of a photo should be explained as part of the inspection.

Additionally, the Accela system automatically tracks the date and time a photo was taken – even if this is not visible on the photo itself, there is always a record if the photo is taken using the land management software. The SOP includes capturing the photo within the land management software.”

Status of Corrective Action: CLOSED

4. No Conflict of Interest Statements or Procedures

We recommend that conflict of interest statements be completed by CCOs to ensure any known conflicts are identified and documented, as appropriate. Documentation should be maintained for each employee file.

Original Response:

“A statement will be added to the departments internal “Code of Ethical Conduct” which all departmental employees are required to sign on an annual basis. After this statement is added, all departmental staff will be required to sign the document and it will be placed in their employee files.”

Status of Corrective Action: OPEN/PARTIALLY COMPLETED

Auditor Comments: A Conflict of Interest statement was added to the *Code of Ethical Conduct for the Department of Community Development* document and signed acknowledgements were provided for the five (5) sampled employees. The most recent acknowledgements provided were dated as of August and November 2020. The department was not able to provide any subsequent, signed acknowledgements.

5. Inconsistent Case Details Input

We recommend that policies and procedures be established for case data input. For example, it should be established what details are required to be entered into the Accela Automation Program, at a minimum, to ensure a level of consistency among the code compliance cases.

Original Response:

“An SOP has been developed to ensure all fields in Accela are completed. In addition, some fields will be made mandatory to ensure they are not skipped.”

Status of Corrective Action: CLOSED

6. Citation disclosures are not scanned

We recommend that formal, written procedures that describe the process for scanning all code compliance documents, including citations, be implemented and followed by personnel accordingly. Both sides of the citation form should be scanned to document compliance with Florida Statute, Chapter 162.

Original Response:

“An SOP has been developed to ensure both sides of any applicable document are scanned into the system.”

Status of Corrective Action: OPEN/PARTIALLY COMPLETED

Auditor Comments: An SOP was developed; however, all seven (7) citation files sampled included document scans of the front side of the citation form only.

7. Incomplete or Missing Documents/Notices, etc.

We recommend that personnel be reminded of form completeness, as well as policies and procedures be implemented and followed to ensure pertinent documents/required notices are uploaded, as appropriate.

Original Response:

“An SOP has been developed that ensures that all documents associated with each case are attached to the Accela record. The Accela record should be the complete record and although staff may have paper files for their own use as they are working the case, all pertinent documents forming the complete case history should be attached to Accela.”

Status of Corrective Action: CLOSED

ACKNOWLEDGEMENT

We would like to thank the Community Development – Planning and Zoning Division for their time and assistance in the completion of this follow-up audit.

Audit performed by:

Misti Payette, CIA, CRMA, CGAP

Internal Auditor II

Charlotte County Clerk of Circuit Court and County Comptroller



MEMORANDUM

Date: 2/24/2023

To: Dan Revallo, Internal Audit Director
Misti Payette, Internal Auditor, Charlotte County Clerk of Courts and Comptroller

From: Shawn Horton, Code Compliance and Licensing Manager 

Through: Ben Bailey, Community Development Director 

Subject: Response to Code Compliance Audit Follow-Up

We have reviewed the draft audit follow-up report of the Code Compliance Audit from 2019 and our response to the remaining items marked "Partially Closed" are as follows:

4) No Conflict-of-Interest Statements or Procedures

Response: Moving forward all employees will sign a "Code of Ethical Conduct" statement on an annual basis.

6) Citation disclosures are not scanned.

Response: Staff will be reminded that it is imperative to scan both sides of the citation as it is required under Florida Statute 162.



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