MEMORANDUM

To: Board of County Commissioners
From: Dr. Scott Hopes, County Administrator
Date: March 25th, 2022
Subject: Manatee County Building and Development Services/Code Enforcement Division Investigation Progress Report


That report follows an investigation completed in November 2021 from Brown Law and Consulting that also looked into claims of favoritism and misconduct in the department.

In September 2021, the Code Enforcement Division was organizationally moved from the Building and Development Services Department (BADS), to the Public Safety Department.

The following fifteen (15) recommendations and corrective actions were provided by the Inspector General in the Investigation Report provided to the Manatee County Board of County Commissioners, County Administration, County Attorney and Department Directors. This progress report will outline the measures taken by the Code Enforcement Division and the newly-named Development Services (DS) department to conduct a gap analysis and implement corrective actions based on those findings.

1. Develop and distribute formal policies and procedures to Development Services Department employees for all processes and functions within the Department. Document all requirements for services (ex. permits, permit exemptions), and ensure the information is provided to staff and made available to customers requesting services. Ensure that the information specifies when signed and sealed permits are required.

At the time of the reorganization and move of the Code Enforcement Division to the Public Safety Department, an immediate review of all documented policies and procedures were initiated and management began updating and issuing standard operating procedures to all staff, utilizing the PowerDMS (Data Management System) application for electronic review and assignment. To date, Code Enforcement is continuously working on updating a master list of SOPs and have provided multiple instances of direction through memo’s, emails, and general orders. This process will be ongoing and will continue to evolve. The division has drafted a 5-year strategic plan which includes national agency accreditation, and a professional training enhancement plan.
Under new leadership effective January 2022, Development Services has been undergoing a reorganization and rebranding to include streamlining processes, establishment of best practices, and development/review of standard operating procedures within each division. They are in the early stages of implementation, but process improvements will be ongoing. A virtual library (Development Services Document Library) will be created to store all established department processes and procedures. The Temporary Use and Special Use Permit Application processes are under review and the responsibility of processing these is transitioning from the Building Department (which is primarily governed by the Florida Building Code) to the Planning Department. In addition, the Planning Department is working on a Development Review Checklist to clearly define requirements for planning services. These checklists will include when signed and sealed permits are required.

2. **Provide training to all Development Services Department employees regarding current policies, procedures, rules, and laws to ensure consistency in the work performed and information provided to customers.**

Development Services staff participates in regular division meetings, as well as monthly All Hands calls, where organizational and procedural updates are addressed. Policies, procedures, and best practices documents will be communicated via our Team Development Services channel on MS Teams and stored in our Development Services Document Library. Municode sends out supplements for LDC, Comprehensive Plan, and Code of Ordinance amendments on a routine basis. Development Services will partner with HR to identify additional training opportunities in records keeping/maintenance, etc.

Code Enforcement staff was provided training on how to access PowerDMS to review policy updates and are continuously coached and provided training through monthly officer meetings where necessary topics are addressed. A complete review of the County Policies and Procedures was conducted. The Division was able to schedule the Florida Association of Code Enforcement to provide code enforcement specific, fundamental training, via a 40-hour certification class that will be held at the Public Safety Center, April 25th – 29th.

3. **Implement and document periodic quality control reviews of Development Services Department processes to ensure compliance with policies, procedures, rules, and laws.**

Development Services will establish quarterly quality control reviews on a random sampling of Building, Planning, and Code Enhancement records. The results will be communicated to staff and maintained within the Development Services Document Library.

Code Enforcement Supervisors have begun periodic reviews and follow up of officer inspections and a formal policy outlining this process is in development at the time of this report.

4. **Ensure temporary use permits are only issued when they meet the requirements of the LDC. Evaluate the use of temporary use permits for model homes, and determine whether alternate options exist, which meet the needs and interests of both the builders and Manatee County.**
Temporary Use (TU) Permit processing is transitioning from the Building Division to the Planning Division. Doing this will ensure that employees who evaluate applications are properly educated on LDC requirements. The Planning Division Manager will continually evaluate/review each use requiring a TU Permit to ensure the requirements meet the needs of both the County and the applicant. Recommended amendments will be submitted to the Department Director when required.

5. **Develop formal procedures to ensure that decisions made using management’s discretion are adequately supported with explanations and documentation.**

Formal procedures are under development in Development Services – and Code Enforcement. These procedures will include a best practice that Development Services staff leverage technology (Accela is our primary management system) to maintain application records/logs. Fields are available for detailed explanations (to include date, time, rational, circumstance, etc.) on decision making.

6. **Develop formal procedures for documenting support for the final resolution of permits and plans in instances where staff and/or management disagree on the outcome.**

Development Services staff will continue to use Accela to maintain application records/logs. As required, a detailed explanation as to how the decision was formalized and concluded shall be included in the record.

7. **Develop formal procedures requiring Development Services Department staff and management to document and report when conflicts of interest exist, such as personal/professional relationships with applicants. Document the oversight mechanisms used to ensure the proper processing of permits and plans involving conflicts of interest.**

Development Services staff will document the potential conflict of interest within the Accela record, in addition to notifying their immediate Supervisor. Immediately upon notification, the Supervisor will confirm the record has been updated and will reassign the record to another team member.

8. **Clarify procedures regarding what constitutes sufficient evidentiary support for the final resolution of Code Enforcement cases. Ensure officers understand what information must be obtained and documented to adequately support their investigations and determinations.**

Formal procedures for Code Enforcement are currently in development.

Development Services has recently established a Code **Enhancement** division, which will primarily focus on Code Enforcement issues related to the Land Development Code (LDC). Code Enforcement will be transferring their LDC-related cases to Code Enhancement over the next few months. A Code Enhancement manual is under development. This manual will be shared on the MS Teams channel as well as in the Development Services Document Library.
9. **Implement periodic quality control reviews of Code Enforcement cases by management to ensure staff are thoroughly investigating and documenting cases. Ensure the information included in Accela supports the determinations made regarding potential violations and/or cases deemed to be in compliance.**

Code Enforcement Supervisors have begun periodic reviews and follow up of officer inspections and a formal policy outlining this process is in development at the time of this report.

Development Services will establish quarterly quality control reviews on a random sampling of Building, Planning, and Code Enhancement records. The results will be communicated to staff and maintained within the Development Services Document Library.

10. **Develop procedures requiring Code Enforcement staff and management to document and report when conflicts of interest exist, such as personal/professional relationships with property owners and/or complainants. Document the oversight mechanisms used to ensure the proper processing of cases involving conflicts of interest.**

Development Services staff will document the potential conflict of interest within the Accela record, in addition to notifying their immediate Supervisor. Immediately upon notification, the Supervisor will confirm the record has been updated and will reassign the record to another team member. Code Enhancement will manage conflicts of interest in the same manner.

Formal procedures for Code Enforcement are in development at the time of this report.

11. **Revisit the Code Enforcement cases and permits that were determined to be mishandled, including the floodplain issues noted for the storage containers and RV on the Mallaranny property. Ensure any outstanding code violations and/or permitting issues are addressed.**

Cases are being reviewed and inspected for compliance and/or follow up where necessary.

12. **Consider obtaining agricultural classification/Greenbelt status for a property directly from the MCPAO to ensure approvals and determinations are based on current and accurate information.**

This has been completed in the Code Enforcement Division. Development Services will consider this recommendation as the Special Use and Temporary Use Permit processes are currently under review.

13. **Evaluate the current practice of employees using personal devices for County business. Consider developing a policy to address the use and retention of the related records, including, but not limited to, call logs, text messages, and emails.**
Compliance with this is in progress. County policy does exist to support this, and staff has been directed as such; in process of developing divisional orders to address. All County employees will be required to complete IT Policy training on an annual basis.

14. Provide additional training to County employees on the permissible uses of the County’s email and Jabber messaging systems, and record retention rules and laws.

In progress, county policy does exist to support this, and staff has been directed as such; in process of developing divisional orders to address. All County employees will be required to complete IT Policy training on an annual basis. IT training will address email, jabber messaging, and record retention policies.

15. Take appropriate disciplinary action with employees found to have violated County policies.

Initially, six employees were placed on Administrative Leave while the investigations took place. Human Resources retained an independent law firm to review all employee allegations. One employee has retired and five have returned to work under the new structure and protocols.

Human Resources and the Manatee County Attorney’s Office (CAO) are currently reviewing findings regarding personnel who are still employed by the County.

The on-going compliance and cooperation of employees is important.

Continued management oversight and review will ensure potential conflicts of interest are identified and documented. In addition, training sessions on diversity, inclusion and anti-harassment policies are being rolled out to all levels of staff throughout the organization.

Summary

We did not wait for the Office of Inspector General Report to do our own investigation and take action. As you can see from the detailed action plan presented, many of the recommendations have already been implemented. Training on rules and policies has been reinforced to eliminate ambiguity. The development of formal procedures and standard operating policies have increased accountability. That Accountability – along with Civility and Ethics – form the cornerstones of our organization-wide credo known as ACE.

Continued support of management – including codified oversight and review systems -- will ensure potential conflicts of interest are identified and documented.

We have addressed the concerns effectively. We will continue to refine the policies and procedures to enhance accountability.

Thank you for your encouragement and inspiration as we continue to support positive change and cooperation in our organization.