

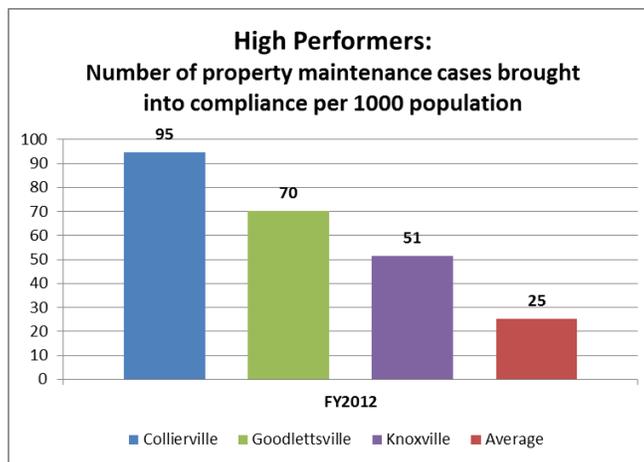
TMBP AND THE SEARCH FOR “BEST PRACTICES”

Much of municipal performance management research focuses on the need to identify “best practices” in service delivery. Identification of best practices is important because of their potential to improve performance if implemented in other cities. Discovery of best practices through performance measurement research aids city leaders to make better management decisions in their operations.

That which constitutes a “best practice” should be well defined. Too often elected and hired city officials think of best practices very generally, simply as solutions that appeared to work in one city which might produce similar results if implemented in another. Noted performance management experts contend that a “best practice” should be supported by a significant body of research findings across a range of contexts, with general consensus among a wide community of experts that this practice is superior or state of the art.¹ Practices which appear to have worked successfully in *some* city operations according to *some* research are more accurately labeled as “emerging practices.” These show promise in improving service delivery across a variety of cities, but are not yet recognized widely enough to be regarded as “best practices”.

LOOKING FOR PERFORMANCE OUTCOMES IN TMBP PROPERTY MAINTENANCE CODES DATA

In FY2012, the TMBP began tracking the number of property maintenance cases brought into compliance per 1,000 population. The chart below shows the three highest compliance rates as compared to the TMBP All-Cities average. The cities of Collierville, Goodlettsville, and Knoxville emerged as three cities with compliance totals above the average.



¹ Martin, Larry, Ph.D. April 24, 2013. “How to Identify Best Practices.” Presentation made at the Florida Benchmarking Consortium Conference. Winter Park, Florida.

This is our earliest attempt to track performance outcomes through this measure, and our findings are admittedly preliminary. To some degree the benchmark tracks workload, rather than effective outcomes. Cities reporting fewer violations will necessarily have lower numbers of cases brought into compliance, because they have lower numbers of cases to begin with. Moreover, this is the first year of tracking compliance outcomes, so we do not yet have the benefit of historical data to measure how such outcomes improve or degrade over time. Nonetheless, the measure does reveal cities with the highest frequencies of codes violations that were brought into compliance, and it standardizes these outcomes by accounting for population of the cities. In other words, these three cities are the TMBP participants producing the most examples of successful codes resolution *once violations have occurred*.

The measure uncovers three high-performing cities with varying characteristics. Collierville, population 45,550, is an affluent suburb of the Memphis metro area. Goodlettsville, population 15,921, is a middle-income suburb of Nashville. Knoxville, population 178,874, has one of the lower median household incomes in our project. The cities are located in three different regions of the state. Their Codes staffs range in size, and the structure of their departments vary. Identification of practices shared among these very different cities would suggest that they could be applied successfully across a range of cities to improve servicing.

Since the measure is new and our findings on practices used by these cities have not yet been subjected to evaluation by a wider community of experts, we choose to refer to these processes as “emerging practices”. We will continue to track these practices and refine the measures which assess them as the project moves forward for indication of “best practice” status.

SHARED PRACTICES OF TMBP LEAD CITIES IN PROPERTY MAINTENANCE CODES COMPLIANCE

To uncover emerging practices of these high performing cities, TMBP staff interviewed the Property Codes Enforcement representatives from each municipality. Interviewers asked the codes staff pre-planned, opened-ended questions. Cities gave differing responses, but common themes became apparent. Below is a summary of some of the practices shared among our three exemplar cities.

Enforceable Codes Ordinance

All three municipalities indicated that their municipalities utilized a clear, enforceable ordinance, which empowered codes officers to do their job effectively. In each city property maintenance officers were armed with the ability to write citations for offenders to appear in court, with clear directions on how the alleged violator could comply to avoid this last resort. Cities cited the possibility of tough penalties as an effective means of securing higher compliance rates. For instance, Knoxville Mayor Madeline Rogero worked with City Council to pass an ordinance allowing the levy of a daily, *recurrent* \$50 fine for dilapidated structure violations. In Collierville the municipal judge has criminal court jurisdiction, and thus has discretion to assess a daily fine, as well as the authority to jail repeat offenders. Although Collierville Codes staff report that this is an avenue rarely exercised by the judge, the possibility is there, which communicates to offenders that the municipal government takes its ordinance seriously and will toughly enforce it when needed. These no-nonsense, “we mean business” approaches to enforcement activities empower codes officers in our high-performing cities and aid in more effective servicing.

Face-to-face, Officer-initiated Contact

While stringent enforcement is important in the three cities, more positive communication through officer-initiated contact is also valued by our high performers. Goodlettsville and Collierville indicate that step one of their notice procedures involve hand delivery of the citation by the officer, who provides a verbal explanation of compliance options to the property owner, when at all possible. Many cases are handled immediately due to this face-to-face contact. In Collierville officers generally exercise some flexibility in dealing with particular “hardship” cases, such as those which involve the elderly, demonstrating that the Town is willing to work with citizens, helping to avoid defensive reactions

from offenders. Collierville's Codes staff participated in training earlier this year with an outside consultant to enhance their skills in using non-confrontational methods to secure cooperation from citizens.

In both Collierville and Knoxville officers engage in regularized monitoring of city neighborhoods. Collierville reports that 90% of its cases are officer-initiated, partly due to its assignment of three officers to monitor historical problem areas. The Town has also recently hired a seasonal employee to handle all high-grass violations, allowing regular codes officers to devote their time to pro-active monitoring of other codes issues. In Knoxville, nine Codes Officers are each assigned to monitor a city zone, with the expectation that they will traverse all streets in their zone every two weeks. This has resulted in a great deal of pro-active enforcement and ensures that Knoxville's residents know there is a regular City presence providing service to their neighborhood.

Relationships with Courts and Police

All three cities indicated that good department coordination between the Codes staffs, police, and court systems contributed to effective compliance rates. In Collierville, police provide back-up as needed in hostile cases, as well as after-hours enforcement when Codes Staff is not available. In Knoxville and Goodlettsville police also assist in delivery of late-night or hostile citations. Knoxville's Codes Staff includes a former police officer, and many of its staff members have been employed for a long time at the City, allowing them time to develop a positive relationship with police officers.

Both Knoxville and Collierville report having a dedicated municipal court judge, who can focus more energy on codes cases than is typical in cities which must rely on a county judge to address codes cases. Knoxville's staff members report that its judge has always been a vigorous enforcer of codes cases, and Collierville's judge has the power and will jail violators as a last resort. Collierville's prosecutor and judge are very knowledgeable about the Codes staff's enforcement tactics, which greatly assists in the processing of courts cases.

Engagement with the Public and Neighborhood Associations

Both Knoxville and Collierville operate user-friendly systems which allow the public to report codes complaints and nuisances to the city. Knoxville's 311 system is a call center operation staffed regularly throughout the week which handles citizen complaints for all codes and refuse issues. 311 also tracks a wide range of performance data to assist the city in evaluating the effectiveness of its operations, including customer satisfaction polling on the timeliness of handling codes complaints. Knoxville 311 staff sets a high target goal of 90% satisfaction, and recent survey results show satisfaction at nearly 87%. 311 data reveal that two years after the establishment of the call center time to close out a lot complaint was reduced by 30%. The Town of Collierville operates a system called the Mayor's Action Center, which allows citizens to report complaints anonymously on-line. The Town also uses a phone-based system for complaint reporting.

Both Collierville and Knoxville highlighted their outreach efforts with neighborhood groups as helpful in achieving high levels of property maintenance codes compliance, but for slightly different reasons. In Collierville, the Codes staff engage in education efforts with area home owner associations (HOAs) to stress their legal obligation to maintain common areas. Codes staff remind HOAs that common area maintenance is not voluntary, but is lawfully required, and also secures home-owners' individual interests, since maintaining neighborhood spaces sustains housing values. Knoxville's engagement efforts stress the positive role that volunteering in neighborhood associations can play in beautifying and cleaning-up communities, and the City has recently created the Neighborhood Advocate Program. Neighborhood Advocates agree to regularly attend neighborhood association meetings and report back to 311 about codes issues raised there, in addition to informing their associations about service request status from 311. Neighborhood Advocates have also been instrumental in organizing community clean-ups through the City-sponsored "Neighborhood Sweeps" program. Knoxville codes staff report that these efforts have had real impact in bringing outstanding cases into compliance, which has reduced workload for the department.

Adoption of New Procedures to Reduce Time of the Code Enforcement Process

A couple of noteworthy practices discussed during our interviews were mentioned by only one out of the three high performing cities. While it is too early to tell if these success stories can be generalizable outside the city referencing them, we believe these practices deserve an “Honorable Mention” in our report.

Goodlettsville has recently implemented the Administrator Hearing Officer (AHO) program, with training provided by MTAS, to secure greater codes compliance for particularly difficult property maintenance codes cases. Under Tennessee law, municipal court fines for daily codes violations are restricted to \$50. Because the AHO program is not a court action but an administrative function, it is not limited to accessing a \$50 max fine. Still, the AHO program ultimately aims to secure compliance by giving offenders a chance to correct violations to avoid paying the heavier penalties. Goodlettsville’s staff reports that of the six cases brought through the program, all were brought into compliance before the final hearing by the AHO. Knoxville is also moving to implement the AHO program, though results from it are not yet known.

In Knoxville, Mayor Rogero’s administration championed the addition of a new step in the dilapidated building complaint procedure, instituted by ordinance adopted under authority granted by the Slum Clearance Act, which expedited decision-making. The former process used a 5-member citizen body known as the Better Building Board (BBB) as the pre-court outlet for conducting a citizen hearing. The new process utilizes a single Public Hearing Officer as the initial hearing route, who can deliver a decision quicker than the multi-member board. The BBB still exists as an appeals route for decisions made by the Public Hearing Officer, but its caseload has been reduced. Knoxville’s Codes staff estimates that the Public Hearing Officer can process cases in half the time that the Better Building Board was able to do so.

CONCLUSION

Establishment of a strong ordinance which gives officers substantial enforcement power is the most important element of high performing Codes Enforcement operations. TMBP’s high performers also utilize a variety of enforcement practices to ensure excellence such as officer-initiated monitoring, forging strong relationships with the courts and police, and outreach efforts through community groups. We believe that these emerging practices show promise for other TMBP participant cities in helping to address and improve codes compliance rates in their own operations. We encourage codes representatives in our project to reach out to those who provided source material for this brief to discuss these practices in more depth. Those individuals were:

Collierville

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Goodlettsville

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Knoxville

Robert Moyers, Neighborhood Codes Enforcement Manager
Russ Jensen, Director of 311

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