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May 14, 2019

OFFICE OF THE MAYOR
HONORABLE CITY COUNCIL
CITY ADMINISTRATOR
RESIDENTS OF OAKLAND
OAKLAND, CALIFORNIA

RE: THE RENT ADJUSTMENT PROGRAM FOLLOW-UP REPORT

Dear Mayor Schaaf, City Council President Kaplan, Members of City Council, City Administrator Landreth, and Oakland residents:

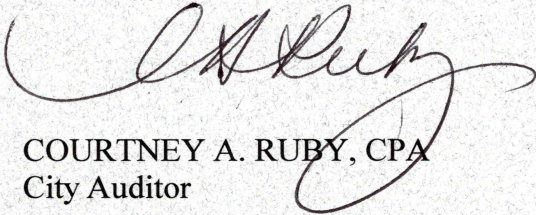
The Office of the City Auditor (Office) is required to report the status of its audit recommendations to the City Council. In June 2016, the Office released the Rent Adjustment Program Audit. The audit examined the Housing Residential Rent and Relocation Board (Rent Board) and the Program's operations. The audit's primary objective was to assess whether the Program was meeting its mission and goals.

The audit report included nine recommendations for the City Administration and one for the City Council to implement. The Office's follow-up process found that the City Council implemented its recommendation. The Administration implemented two of the recommendations, partially implemented six of the recommendations, and one recommendation was not implemented. The partially implemented recommendations include developing a content-focused training program for Rent Board members, developing and monitoring the budget in detail, and developing a public outreach communication plan. The Office recognizes the Program was hindered in fully implementing several of the recommendations as it operated without a manager for calendar year 2018.

Audits are an objective assessment of whether public resources are responsibly and effectively managed. The impact of an audit's recommendations is achieved when the responsible City parties ensure timely and proper implementation.

I want to express our appreciation to the Rent Adjustment Program management for their cooperation during this follow-up and their commitment to fully implementing all of the outstanding recommendations.

Respectfully submitted,



COURTNEY A. RUBY, CPA
City Auditor

- cc: Maraskeshia Smith, Assistant City Administrator
Maryann Leshin, Deputy Director Housing & Community Development
Chanee Minor, Rent Adjustment Program Manager
Margaret O'Brien, Revenue & Tax Administrator



CITY OF OAKLAND
Office of the City Auditor

FOLLOW-UP REPORT



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RENT ADJUSTMENT PROGRAM

May 14, 2019

Independent City Auditor. Serving Oakland With Integrity.

Oakland's City Auditor is an elected official and works for, and reports to, the residents of Oakland. The Auditor's job is to provide oversight to the City's activities. The Auditor has the authority to access City financial and administrative records, plus the policies and procedures of all City agencies and departments.

To make sure this work is done objectively and without bias, the City Auditor is not connected to any other City department and has no day-to-day financial or accounting duties for the City of Oakland. This autonomy allows for independent analyses, ensuring tax dollars and other resources serve the public interest.

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Follow-Up Report of the Rent Adjustment Program Audit

The Office of the City Auditor follows up on previous audit reports to assess the implementation status of audit report's recommendations. Follow-up reports increase accountability by ensuring audit recommendations are fully implemented.

Follow-up Objective The purpose of this follow-up report is to assess management's progress in implementing the 2016 Rent Adjustment Program (Program) audit's recommendations. To assess management's progress in implementing the recommendations, the Office of the City Auditor (Office) reviewed supporting documentation, conducted interviews, and performed on-site visits. The table below lists the criteria used to measure the implementation status of audit recommendations.

Implemented	The recommendation has been fully implemented and no additional management action is needed.
Partially Implemented	The recommendation has been partially implemented; however, part of the recommendation remains open. Further action is needed to close the recommendation.
Not Implemented	The recommendation has not been implemented.

Program Background In 1980, the Oakland City Council adopted (Municipal Code Section 8.22 (Code)) the Program and the Housing Residential Rent and Relocation Board (Rent Board) to encourage open communication and foster a climate of understanding between tenants and landlords. The Code establishes rules and regulations that tenants and landlords must follow.

City staff manage the day-to-day operations of the Program which include: accepting petitions, conducting hearings, and educating the public about the Program. The Program staff includes hearing officers and analysts to assist with hearings and provide information on the Program.

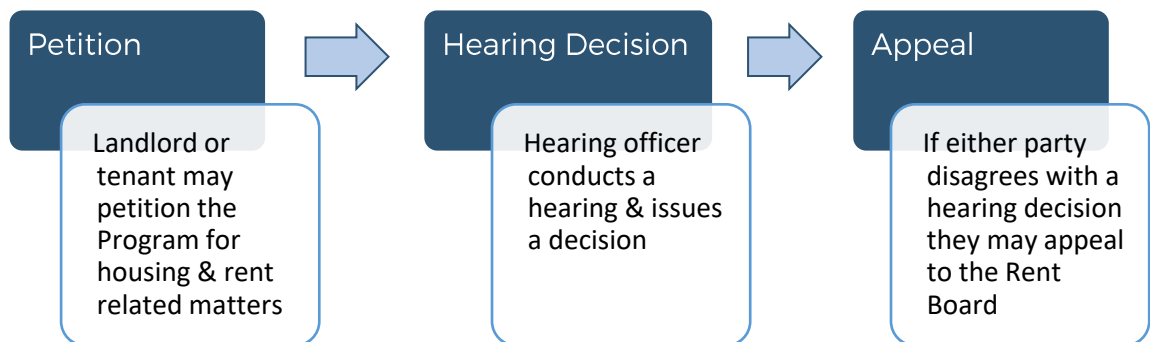
The Rent Board is comprised of seven regular members and six alternates appointed by the Mayor, and is responsible for settling appeals on the Program’s hearing decisions and recommending policy changes to the Code.

Either tenants or landlords may petition the Program on housing and rent related matters such as unallowable rent increases, loss of housing services, and exemptions from the Program. When a petition is filed, a hearing officer will meet with both parties, evaluate the case, and apply the Code’s rules and regulations to render a decision.

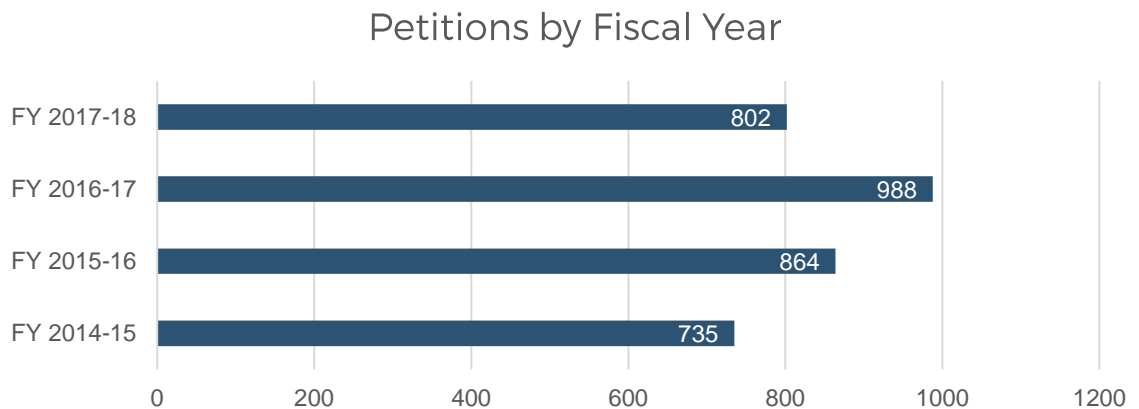
If either party disagrees with the decision, they may appeal to the Rent Board. At Rent Board meetings both parties present their case and the Rent Board decides the outcome of the appeal.

Parties can also agree to mediation as an alternative for resolving disputes. Mediation assists both parties in reaching a mutual agreement, rather than through a hearing.

The graph below illustrates the petition and appeal process.



The Program has received an average of 847 petitions annually over the last four fiscal years. The chart below shows the actual number of petitions submitted to the Program by both landlords and tenants by fiscal year.



2016 Audit Overview In June 2016, the Office issued an audit report on the Rent Adjustment Program. The audit examined the Rent Board and the Program's operations. The audit's primary objective was to assess whether the Program was meeting its mission and goals -- to promote relief to residents, by limiting rent increases, while fostering investment in residential rental housing properties. The audit report included ten recommendations to address the report's ten findings.

2016 Audit Summary The 2016 audit report noted:

- Housing disputes between tenants and landlords need to be resolved in a more timely manner. The Rent Board had a backlog of up to one year in hearing appeals. The backlog was, in part, due to 26 percent of scheduled Board meetings being cancelled because of a lack of quorum.
- The Rent Board lacked a formal training curriculum for its members.
- The Program needed to operate more efficiently, provide more transparency to the public, and broaden stakeholder outreach and education.
- The Program needed to upgrade current hearing rooms, including adding safety features.
- The Program fee was too low, due to problems with the Program's budgeting methods, and the fee was not billed to all property owners.

The 2016 audit report included ten recommendations (below) to address the findings noted above. Management agreed with the recommendations of the audit and committed to implementing them.

1. Increase the number of Rent Board alternates to provide sufficient volunteer Board members.
2. Develop a content-focused training program for Rent Board members.
3. Adopt a communication strategy for the Rent Board.
4. Post petition hearing and Rent Board decisions to the Program website or other electronic portals.
5. Address resource needs and work towards hiring temporary staffing to immediately address the caseload backlog. Permanent staffing should be planned for to fill needed positions as the workload continues to increase.

6. Implement an automated caseload system allowing the Program to track cases, store records electronically, reduce reliance on paper documents, and produce performance metrics and trend analyses used to regularly report on Program activities.
7. Formulate a strategy to develop a public outreach communication plan.
8. Design a dedicated professional office space for hearings and other public business of the Program and include standard security measures (locking doors, security cameras, etc.).
9. Conduct an audit of the residential rentals database to validate properties are appropriately assessed under the Program.
10. Develop and monitor the Program budget in detail, confirming expenditures are accurate and allocations to the Program budget are valid and add value to the Program's operations and stakeholders.

In response to the audit, Program management, other City departments, and the City Council implemented some of the recommendations, but additional steps are needed to fully address all the recommendations.

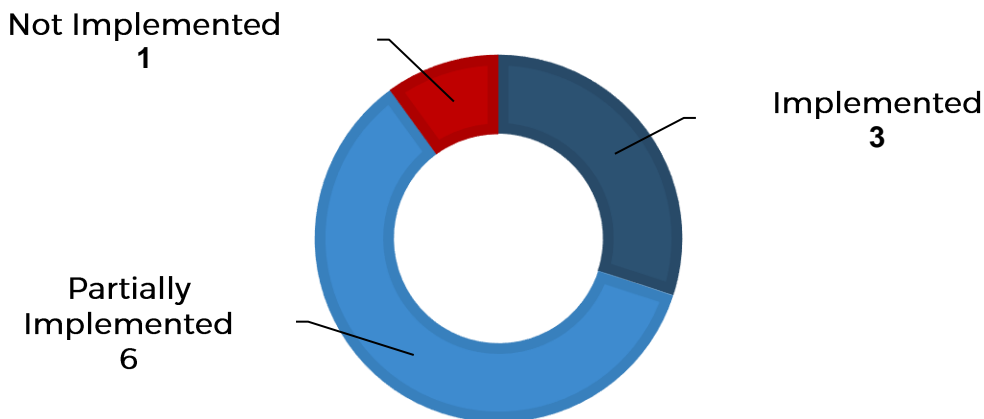
Program management implemented several operational improvements to address the report findings. For instance, Program management updated the website to allow the public to watch Rent Board meetings online. The public is now able to submit and review the status of their petitions online as well. In addition, City Council increased the number of alternate Rent Board members, allowing the Rent Board to meet more frequently.

However, the Program has not fully implemented all the recommendations in the report. Some of these include developing a content-focused training program for Rent Board members, implementing an automated case load system to manage hearings, developing a public outreach communication plan, and developing and monitoring the Program budget in detail.

The Program was hindered in implementing several of the recommendations because it operated without a manager for calendar year 2018.

**Follow-Up
Report
Summary**

Currently, three of the 2016 audit recommendations were implemented, six were partially implemented, and one was not implemented. The table below shows the status of each of the recommendations.



STATUS	RECOMMENDATION
Implemented	<ul style="list-style-type: none"> • Increase the number of Rent Board alternates • Post petition hearing and Rent Board appeal decisions to the Program website • Validate properties are appropriately assessed the annual Rent Program fee
Partially Implemented	<ul style="list-style-type: none"> • Comprehensive Rent Board training • Rent Board communication strategy • Address resource needs for the Program • Public communication outreach plan • Dedicated professional office space for public hearings and other public business • Develop and monitor the Program budget
Not Implemented	<ul style="list-style-type: none"> • Automated caseload system for hearings

Implementation Status of Recommendations

To determine the implementation status of each recommendation, the Office conducted interviews, reviewed documentation, and analyzed the Program’s actions to address the 2016 audit report’s recommendations. A status of “Implemented” means the recommendation has been fully addressed and no additional action is needed; “Partially Implemented” means the recommendation has been partially addressed and further action is needed to address the recommendation; “Not Implemented” means the recommendation has not been addressed.

	RECOMMENDATION	STATUS	EXPLANATION OF STATUS
1	Increase the number of Rent Board alternates to provide sufficient volunteer Board members.	Implemented	The City Council implemented this recommendation by revising the Code to add three additional alternates to the Rent Board. This allowed the Rent Board to increase its meeting schedule from every other week to weekly.
2	<p>A content-focused training program should be developed for Board members:</p> <ul style="list-style-type: none"> • This program should be scheduled over the course of the year with expected timeframes for completion. • The training can be presented at regular Board meetings in some cases. <p>Program management should:</p> <ul style="list-style-type: none"> • Track the progress of the training sessions 	Partially Implemented	<p>Management partially implemented this recommendation. Since the audit, the Board held only one training session for the full Board. Subjects covered in this training included the different types of petitions, appeal procedures and processes, exemptions from the Program, and the role of the Board in determining if the hearing decision is supported by substantial evidence. Training was also provided to a new Board member.</p> <p>Board training sessions are important to ensure Board members understand their roles and responsibilities in interpreting the Code. One training session for the full</p>

	<ul style="list-style-type: none"> • Include completion information and Board member attendance records in the semi-annual report to the Mayor. 		<p>Board is not sufficient. Moreover, only 6 of the 13 Board and alternate Board members attended the training.</p> <p>Board training sessions should be recorded so members unable to attend will be able to watch the training at their convenience.</p> <p>Additionally, Rent Board attendance records are now provided to the Mayor’s office on a regular basis.</p> <p>To fully implement this recommendation, the Program should develop a comprehensive training manual and content-focused training program that includes procedures for following the Roberts Rules of Order, standards of evidence, and instructions on making consistent appeal decisions. In addition, the Program needs to ensure all Board members receive regular training so they understand their roles and responsibilities.</p>
<p>3</p>	<p>A communication strategy should be adopted by the Rent Board, which will:</p> <ul style="list-style-type: none"> • Allow for ease of access and use for different types of users. • Include internet-based technology. 	<p>Partially Implemented</p>	<p>Management partially implemented this recommendation by posting case appeal packets online before Board meetings.</p> <p>Program staff continues to mail case appeal packets weekly to all Board members and alternates, as well as to residents who request these packets. Thus, Program staff must take time to print, collate, and mail out</p>

	<p>Rent Board preparation materials, including case appeal packets, should be scanned and uploaded to the Program website, rather than mailed to each Rent Board member.</p> <p>The Rent Board should formulate an accessible online public communication strategy that provides interested parties with all appropriate information in advance of the meeting and other relevant staff reports.</p>		<p>approximately 30 packets each week. These packets are generally more than 100 pages.</p> <p>To fully implement this recommendation, Program management needs to adopt and implement a strategy that reduces the number of appeal packets mailed out to Board members and residents.</p>
4	<p>Program management should post petition hearing and Rent Board decisions to the Program website or other electronic portals to make these more accessible to the public.</p>	Implemented	<p>Program management implemented this recommendation by posting petition hearing and Rent Board decisions on the Program website.</p>
5	<p>Temporary staff should be hired to facilitate reducing the backlog. Management must determine the specific resource needs and work towards filling these positions, preferably with experienced personnel, so that minimal training is required.</p> <p>Other management recommendations include:</p> <ul style="list-style-type: none"> • Review workflow processes for efficiencies and identify opportunities to leverage staff, limit document handling, and maximize consistent and secure file organization. Management should update policies and procedures accordingly. • Determine appropriate staffing levels given the current and expected workload and prepare a budget for additional full time personnel expense. 	Partially Implemented	<p>Program management partially implemented this recommendation. They added three full-time staff and one part-time inspector. The program manager developed a staff training program for analysts, which includes a quality assurance program that ensures accurate and consistent information to the public, and weekly check-ins.</p> <p>Despite budgeting a part-time Inspector, the hearing officers continued to conduct inspections.</p> <p>Program management is also working with City Attorney staff to eliminate inefficiencies that are causing delays to the appeal process.</p>

	<ul style="list-style-type: none"> • Implement a formal, routine quality assurance program to ensure conformance to set standards and compliance with the Code and regulations, and department and city procedures--a standard in legal practices. Such a program will identify errors timely and allow for prompt re-training of staff, avoiding time-consuming re-work, and standardize the quality of the work product. • Hearing officers should not conduct onsite inspections of properties. They do not have the expertise to assess non-compliance with building codes or to identify unsafe living conditions. Rather, the Program should contract professional building inspection services in the City's Planning & Building Department to perform these site inspections, allowing hearing officers to devote their time to case file preparations. • Program management should work with the City Attorney to propose changes to the Code and regulations to eliminate inefficiencies that may be creating delays in adjudicating cases. 		<p>To fully implement this recommendation, Program management needs to discontinue the practice of hearing officers conducting inspections. In addition, the Program should continue their work to analyze workflow processes and implement additional changes that will improve the efficiency of the process.</p>
6	<p>Program management should evaluate the most cost-effective type of automated caseload system given its workflow--one that will allow the Program to track cases, store records electronically, reduce reliance on paper documents, and produce performance metrics and trend analyses used to regularly report on Program activities.</p>	<p>Not Implemented</p>	<p>Program management has not implemented this recommendation.</p>

<p>7</p>	<p>Formulate a strategy to develop a public outreach communication plan.</p> <ul style="list-style-type: none"> • Develop a curriculum that is based on the current Code written in plain, clear language. • Use innovative ideas to create a broad strategic communication and education plan. • Re-design the Program website using webpage design best practices that include PDF fillable forms for online submission and links to critical information. • Coordinate social media campaigns and other similar content for widespread education of the Program (Facebook, Twitter, and Instagram). • Host information booths at City public events, housing trade fairs and other industry functions to communicate and hand out Program materials to the public. <p>Other practices that should be considered:</p> <ul style="list-style-type: none"> • Develop and distribute brochures, postcards and notices to libraries, city buildings, escrow offices and legal firms that include information on the Program. • Include direct mail inserts with the annual business tax invoice informing recipients of links and references to the Program. 	<p>Partially Implemented</p>	<p>The Program partially implemented this recommendation. Program management redesigned the website so the information is more easily understood, and allows users to complete, submit, and monitor petitions online.</p> <p>In fiscal year 2016-17, the Program conducted various outreach activities. These activities included distributing brochures and answering questions at the Oakland Art and Soul and Chinatown festivals, attending events sponsored by real estate associations, completing a direct mailing on Code changes to landlords and tenants, and conducting a workshop for tenants and landlords.</p> <p>The City contracts with a consultant to provide counseling and legal services for tenants. The Program currently does not provide similar services for landlords. However, Program management is planning to contract with a consultant to provide landlord outreach in the form of weekly workshops and seminars.</p> <p>To fully implement the recommendation, the Program needs to continue developing a marketing strategy that ties its outreach program and activities together to ensure both landlords and tenants are properly informed and educated regarding their rights and responsibilities. This strategy should also include establishing a social media presence for the Program.</p>
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<p>8</p>	<p>Design a dedicated professional office space for hearings and other public business of the Program that is appropriate for the seriousness of the matters discussed, to include standard security measures (locking doors, security cameras).</p>	<p>Partially Implemented</p>	<p>Program management partially implemented this recommendation by creating a more professional setting in the conference rooms where hearings are held and in the Housing Assistance Center (Center), where residents can obtain information on housing related issues. This was accomplished by removing excess furniture and appliances. Program management has also installed cameras in the Center and will be installing cameras in the hearing rooms for increased security. Additionally, they request security officers during hearings, as needed.</p> <p>The physical re-design of the office space is a longer-term project requiring approval and implementation by City Administration. In September 2017, the City Administration conducted a security analysis for all City buildings and issued a report. The report suggests consolidating the Program and Center on one floor and reconfiguring the layout so the public hearing rooms and the public are isolated from the City staff offices.</p> <p>To fully implement this recommendation, Program management should increase security measures by completing the camera installation project and installing panic buttons in the hearing rooms and other appropriate locations within their office space. It is important for the public and staff to feel safe and secure while at work or conducting business with the City.</p>
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<p>9</p>	<p>Conduct an audit of the residential rentals database to validate properties are appropriately assessed under the Program. Likewise, budgeted revenues should be revised to account for all valid assessments.</p>	<p>Implemented</p>	<p>The Revenue Department (Revenue) implemented this recommendation by upgrading to a new tax and fee collection software. This software allows Revenue to track the number of units registered as rental units under the Code, which helped the Program ensure accurate budget projections.</p> <p>Revenue also conducted an audit on past due Rent Program fees and sent out the past due notices to property owners with the 2019 calendar year renewal invoices.</p>
<p>10</p>	<p>Management should develop and monitor the Program budget in detail, confirming expenditures are accurate and allocations to the Program budget are valid and add value to its operations and stakeholders.</p> <p>Some steps that management should take are:</p> <ul style="list-style-type: none"> • Confirm department efficiencies are in place to provide short- and long-term savings for the City, and that resource needs are thoughtfully considered. This is consistent with a budgetary review expected of all City department managers. • Use financial planning tools such as trends, statistics, and economic forecasts to anticipate and estimate how changes in the housing market will impact the Program. 	<p>Partially Implemented</p>	<p>Program management partially implemented this recommendation. Shortly after the audit report was published, Program management conducted a financial analysis and evaluation of the revenue requirements to fund ongoing programs and services. With this information, Program management developed a budget projection that supported an increase in the annual Rent Program Service fee from \$30 to \$68 per unit. The City Council approved the fee increase, allowing the Program to hire additional staff and upgrade the website.</p> <p>To fully implement this recommendation, Program management needs to develop and implement the use of financial planning tools to forecast how changes in the housing market will impact the Program, and a reserve</p>

	<ul style="list-style-type: none">• Develop a reserve policy for management outlining the disposition of these funds including taxpayer refunds, Program enhancements, or funding future investments in the Program systems and operations.• Develop a capital investment plan to identify necessary significant investments that will reduce long-term costs.		policy and capital investment plan to ensure it develops a proper fee structure to support future operations.
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April 23, 2019

The Honorable Courtney Ruby
Oakland City Auditor
1 Frank H. Ogawa Plaza, 4th Floor
Oakland, CA 94612

Dear City Auditor Ruby,

The City Administration and Housing Department appreciate the work performed by your team on the Rent Adjustment Program Follow Up Report.

City Administration appreciates the City Auditor's recommendations which are listed in the attached matrix and includes our comments and responsibility assignments. We welcome this report as an important management tool for ensuring effective processes.

I want to thank the City Auditor and her staff for their open communication. Management was kept up to date on all progress and presented with findings of process and control improvements as they were identified.

Sincerely,

A blue ink handwritten signature, appearing to read 'Sabrina B. Landreth', with a stylized flourish.

Sabrina B. Landreth
City Administrator

CC: Maraskeshia Smith
MaryAnn Leshin

Attachment: RAP Follow-Up Report



	City Auditor's Recommendations	Management Action Plan	Responsible Party	Target Date to Complete
2	To fully implement this recommendation, the Program should develop a comprehensive training manual and content-focused training program that includes procedures for following the Roberts Rules of Order, standards of evidence, and instructions on making consistent appeal decisions. In addition, the Program needs to ensure all Board members receive regular training so they understand their roles and responsibilities.	Staff will develop a manual and organize a training for Board members once we have adequate staffing to accomplish this task. It is expected that the fee increase will pass and we will be fully staffed by August of 2019. All new board members are trained immediately upon being appointed prior to participating in a board meeting or appeals panel. After the new training manual is created we will conduct a training and continue to have bi-annual trainings thereafter.	Barbara Kong-Brown, Senior Hearing Examiner Claudette Campos, Program Analyst III, ELDE	September 2019
3	To fully implement this recommendation, Program management needs to adopt and implement a strategy that reduces the number of appeal packets mailed out to Board members and residents.	The Program will issue tablets to board members and appeals packets will be sent to the Board via email. The packet is currently uploaded to the web. We will create an email list of residents who are currently receiving packets through the mail and transition to sending a link of the electronic packet to the email list. Additionally, we will make a limited number of hard copies of the packet available to the public for pick up in our office the day of the meeting.	Claudette Campos, Program Analyst III, ELDE	July 2019



<p>5</p>	<p>To fully implement this recommendation, Program management needs to discontinue the practice of hearing officers conducting inspections. In addition, the Program should continue their work to analyze workflow processes and implement additional changes that will improve the efficiency of the process.</p>	<p>Management will train an existing Program Analyst to perform the task of inspections for hearing related matters.</p> <p>Staff is looking to hire a consultant or engage with local rent board jurisdiction to conduct a peer review of the hearing process. This will provide recommendations for modifications in the appeals process allowing for more efficiencies and a reduction in delays. Additionally, staff is working on presenting an efficiency ordinance to the Council in Fiscal Year 2019-2020.</p>	<p>Chanee Franklin Minor, Program Manager</p>	<p>October 2019</p>
<p>6</p>	<p>To implement this recommendation, program management should evaluate the type of automated caseload system that would be most cost-effective given its workflow--one that will allow the program to track cases, store records electronically, reduce reliance on paper documents, and produces performance metrics and trend analyses that can be used to regularly report on program activities.</p>	<p>Management is currently exploring relevant technology options and will make a selection once a final decision is made by City Council on the increase of the RAP fee (April 16, 2019).</p>	<p>Chanee Franklin Minor, Program Manager</p>	<p>December 2019</p>
<p>7</p>	<p>To fully implement the recommendation, the Program needs to continue developing a marketing strategy that ties its outreach Program and activities</p>	<p>Management has adopted an outreach workplan that includes increasing public workshops and seminars, increased presence at community events, 16 topical information</p>	<p>Chanee Franklin Minor, Program Manager</p>	<p>The workplan outlines the plan for the 2019-2020 fiscal year.</p>



	<p>together to ensure both landlords and tenants are properly informed and educated regarding their rights and responsibilities. This strategy should also include establishing a social media presence for the Program.</p>	<p>sheets, information sheets to be mailed to both landlords and tenants on relevant rent control issues, the development of a guide to rent control as well as tenant and landlord information packets. The workplan outlines the plan for the 2019-20 fiscal year.</p> <p>Program management has engaged a third party consultant (Housing and Economic Rights Advocates, HERA) to provide outreach, public information and other services to landlords. They will be conducting landlord drop-in hours, and assisting with workshops and seminars.</p>		<p>Several items have been completed according to the schedule.</p>
<p>8</p>	<p>To fully implement this recommendation, Program management should increase security measures by completing the camera installation project and installing panic buttons in the hearing rooms and other appropriate locations within their office space. It is important for the public and staff to feel safe and secure while at work or conducting business with the City.</p>	<p>Staff will utilize the program fund balance to provide these security measures, in addition to other programmatic space improvements. Staff from Housing & Community Development's (HCD) Residential Lending Program who possess architectural and construction backgrounds will assist in assessment of needs, planning for location of security measures, and assist with the execution of the work itself. Staff will also reach out to City Risk Management staff for advice and support.</p>	<p>Maryann Leshin, Deputy Director HCD Chanee Franklin Minor, Program Manager</p>	<p>Planning September 2019 Installation January 2020</p>



<p>10</p>	<p>To fully implement this recommendation, Program management needs to develop and implement the use of financial planning tools to forecast how changes in the housing market will impact the Program, and a reserve policy and capital investment plan to ensure it develops a proper fee structure to support future operations.</p>	<p>Staff will be reviewing the financial reports on the program on a monthly basis with HCD’s fiscal staff to assess financial position of the program in real time. In addition, HCD will be hiring a Business Analyst who will assist in ensuring that the appropriate financial planning tools are available.</p> <p>As needed, the program may engage a consultant for a short-term analysis and recommendations for development of a reserve policy and capital investment plan, as well as procedures for the long-term management of these policies and plans.</p>	<p>Maryann Leshin, Deputy Director HCD Chanee Franklin Minor, Program Manager</p>	<p>Financial review ongoing</p> <p>Confirming financial tools – by December 2019</p> <p>Consultant (if needed) for assistance with policies/procedures/plans by March 2020</p>
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