

Municipality
of
Anchorage



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Rick Mystrom, Mayor

OFFICE OF THE INTERNAL AUDITOR

November 9, 1995

Internal Audit Report 95-18
Private Enforcement Actions

Introduction. Assembly Ordinance (AO) 93-124 (S3) provides for the initiation of code enforcement actions by private citizens. The ordinance also requires that the Internal Auditor complete a performance audit of the effectiveness and efficiency of private enforcement actions brought under the ordinance and present findings and recommendations to the Assembly.

Scope. Our audit objective was to determine the effectiveness and efficiency of private enforcement actions brought under AO 93-124 (S3). The audit included tests of records and other procedures as we considered necessary in the circumstances. The audit was required by AO 93-124 (S3).

Summary of Findings. In our opinion the private enforcement action program has not been effective. Since April of 1994, only five private enforcement actions were filed with the Code Enforcement Officer and Administrative Hearings Officer. Hearings were scheduled and held for three of the five complaints. The other two complaints, which dealt with quasi-institutional facilities, were dismissed by agreement of the parties and resolved by other means. In contrast, from April 1994 through August 1995 Code Enforcement received more than 1,700 other code

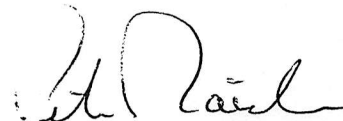
enforcement complaints. Although resources were increased in Code Enforcement and the Administrative Hearings Office was established during this time frame, these increases were not solely for the purpose of handling private enforcement actions. The Administrative Hearings Office handled more than 2,000 DWI and Title 14 cases during this time frame. Therefore, evaluating whether resources were used in the most efficient manner for private enforcement actions was difficult to determine since the same resources were used to perform other functions. Although a survey of citizens was not performed, we believe there are a variety of reasons why more private enforcement actions have not been filed. These reasons include citizens not knowing that the program exists, not wanting to confront the alleged violator, and not wanting to risk the loss of up to \$1,100.

Our review of the five private enforcement actions filed revealed that all were not processed timely. Specifically, Code Enforcement personnel did not initiate service on the five complaints within 10 days of the complaint being filed as required by the Anchorage Municipal Code (AMC). Further, the then incumbent Administrative Hearings Officer did not issue final orders for 2 of the 3 applicable complaints within 45 days of the hearing as required by the AMC.

Recommendation. The Assembly should reconsider the ordinance providing for the initiation of code enforcement actions by private citizens. If this concept is still considered to be valid, actions should be taken to communicate the program to citizens.

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Discussion With Responsible Officials. The results of this audit were discussed with appropriate Municipal officials on November 8, 1995.



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