OFFICE OF INSPECTOR GENERAL JEFFERSON PARISH



FOLLOW-UP OF JEFFERSON PARISH LEASED PROPERTIES

2013-0013

FOLLOW-UP AUDIT ISSUED 3/16/2022



OFFICE OF INSPECTOR GENERAL JEFFERSON PARISH

DAVID N. MCCLINTOCK INSPECTOR GENERAL



03/16/2022

To: Honorable Cynthia Lee-Sheng, Parish President Chairman Ricky J. Templet, At-Large "A" Councilman Scott Walker, At-Large "B" Councilman Marion F. Edwards Councilman Deano Bonano Councilman Byron Lee Councilman Dominick Impastato Councilwoman Jennifer Van Vrancken Peggy Barton, Parish Attorney

From: David McClintock, Inspector General

Re: Follow-up Audit #2013-0013 - Jefferson Parish Leased Property

Honorable Parish President and Honorable Council Members,

In January of 2021, the Jefferson Parish Office of Inspector General (JPOIG) initiated a **follow-up audit** of Jefferson Parish Leased Property, case # 2013-0013, originally issued publicly to the Parish on 11/30/2017. This office's follow-up efforts monitor the status of recommendations made as a result of previously issued public audit reports.

During the course of the follow-up audit, the JPOIG met with the Parish Attorney's Office, which handled the Parish leased property management function. Since that time, the Parish Attorney's Office (PAO) and representatives of the Parish Administration requested additional time to consider the matter and provide support related to some of the recommendations. The JPOIG agreed to and extension of time to continue working on this matter.

The JPOIG has made 10 recommendations, including the centralization or consolidation of the leasing function under a single Parish Department. A centralized management process could include tracking and collection of rents due, maximizing and maintaining lease revenue streams, or escalating activity on lease accounts where rental payments have fallen behind. The 2013 audit report of Jefferson Parish Leased Property resulted in ten (10) recommendations as depicted in the table below.

Pursuant to information made available to the JPOIG on 3/16/2022 by the Parish President, the JPOIG determined that recommendation #3, recommendation #5, recommendation #6, and recommendation #7 have been resolved. Recommendation #2, recommendation #9, and recommendations #10 have been resolved-in-part. However, recommendation #1, recommendation #4, and recommendation #8 remain unresolved.

	Follow-Up Summary				
Finding	Торіс	Items Reviewed	Resolved	Unresolved	Resolved, in part
#1	Lost Revenue - Zero – Dollar Leases			 ✓ 	
#2	Lack of Inflationary Adjustments				 ✓
#3	Failure to Verify the Current Use of CPZs		~		
#4	Occupancy Shortfall, Bucktown Marina			✓	
#5	Appraisals		✓		
#6	Inefficient Rent Collection System		✓		
#7	Lack of a Cost/Benefit Analysis on Zero- Dollar Leases		~		
#8	Lack of Policies and Procedures			✓	
#9	Lease Tracking System				✓
#10	Lack of Standardized Lease Contracts				✓

The status of the findings and recommendations in the follow-up report reflected what the JPOIG determined to be the status of the recommendations as of the date of the report. I would encourage the Parish Administration to continue its work in this area and to report meaningful changes to JPOIG management, so that we can accurately record corrective actions.

Respectfully,

David M' Chinlert

David McClintock

Attachment: Letter from Parish President

cc: Commissioner Howard G. Maestri, Chairman Commissioner Warren R. Bourgeois III, M.D. Commissioner Dolores C. Hall Commissioner Cherie' Kay LaRocca Commissioner Laura J. Donnaway Jerry Sullivan, Attorney to the Ethics and Compliance Commission



JEFFERSON PARISH

OFFICE OF THE PARISH PRESIDENT

CYNTHIA LEE SHENG Parish President

March 16, 2022

Via Electronic Mail

David N. McClintock Jefferson Parish Inspector General 990 N. Corporate Drive, Suite 300 Jefferson, LA 70123

Re: Administration Response to Office of Inspector General-Jefferson Parish- 2013-0013-Follow-Up of Jefferson Parish Leased Properties

Mr. McClintock:

In accordance with Jefferson Parish Code Section 2-155.10(9), the Administration respectfully submits this response to JPOIG Follow-Up 2013-0013. In connection with the above-referenced matter, my staff, including the Department of Finance and Parish Attorney's Office ("PAO") met with you last September to discuss your Follow-Up. I am providing this written response to memorialize the clarifications that the Administration discussed.

The findings identified in the draft audit are addressed in detail below.

Finding No. 1: Lost Revenue- Zero- Dollar Leases.

The Administration is committed to continuing to ensure that the Parish receives Fair Market Value ("FMV") for all leases. Alternatively, all leases below FMV shall articulate a clear public purpose as required in the State Constitution.

Finding No. 2: Lack of Inflationary Adjustments.

The Administration is committed to including a CPI adjustment clause in all leases that do not already contain such clauses, where appropriate. As current leases expire, we are committed to including CPI increases in any lease renewals.

Finding No. 3: Failure to Verify the Current Use of CPZs.

In Summer 2014, the Council amended the Pay Plan for the Classified Service to add a landscape architect whose responsibilities include verification of CPZ lease usage. Additionally, the PAO and Planning Department reviews the uses through inspections and the planning review process.

JOSEPH S. YENNI BUILDING-1221 ELMWOOD PARK BLVD - SUITE 1002 - JEFFERSON, LA 70123 - PO BOX 10242 JEFFERSON, LA 70181-0242 OFFICE 504.736.6400

Finding No. 4: Occupancy Shortfall, Bucktown Marina.

Currently, 30 of 40 slips are leased. Although the Bucktown Marina Advisory Board recommended against offering slips on a transient basis, the Administration is committed to assisting the Parks and Recreation Department in promoting the availability of slips at the marina.

Finding No. 5: Appraisals.

As previously provided, appraisals are completed by the PAO for all new leases. Those leases that already contain CPI increase clauses do not require an additional appraisal.

Finding No. 6: Inefficient Rent Collection System.

Department of Finance will implement a centralized lease collection system in 2022.

Finding No. 7: Lack of a Cost/Benefit Analysis on Zero-Dollar Leases

See response to Finding No. 1.

Finding No. 8: Lack of Policies and Procedures.

The Administration is committed to determining the feasibility of policies and procedures for Parish leasing functions that do not conflict with those matters already set forth in the Code of Ordinances, specifically relating to the lease of immovables.

Finding No. 9: Lease Tracking System.

The PAO maintains and regularly updates a lease tracking system within which lease documents are attached. The Administration is committed to continuing to update and improve this tracking system.

Finding No. 10: Lack of Standardized Lease Contracts.

The PAO utilizes standard lease forms for the variety of different types of leases. In certain circumstances, however, the Parish is required to use a State or local official's lease form. Additionally, in some instances the Parish's cooperative endeavor agreement form authorizes the use of Parish property.

In conclusion, the Administration has already taken corrective measures and is committed to continued discussion with and input from your Office regarding these measures so that prospective and existing policies and procedures are followed.

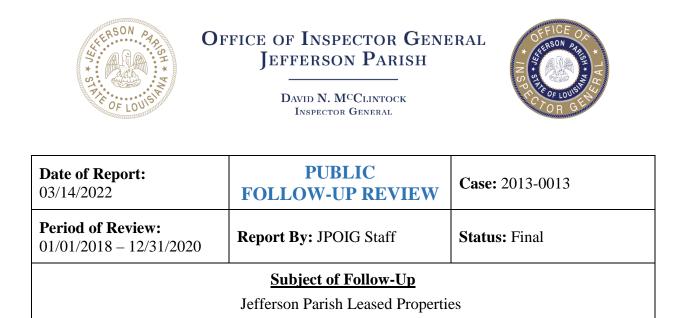
Thank you for your assistance, and for providing us an opportunity to respond.

If you have any questions, please contact me at your earliest convenience.

Sincerely,

Cynthia Lee Sheng Parish President

cc: Mr. Steve LaChute, Chief Operating Officer Ms. Valerie Brolin, Deputy Chief Operating Officer Honorable Ricky Templet, Councilman at Large, Div. A Honorable Scott Walker, Councilman at Large, Div. B Honorable Marion Edwards, Councilman, Dist. 1 Honorable Deano Bonano, Councilman, Dist. 2 Honorable Byron Lee, Councilman, Dist. 3 Honorable Dominick Impastato, Councilman, Dist. 4 Honorable Jennifer Van Vrancken, Councilwoman, Dist. 5 Ms. Peggy Barton, Parish Attorney Mr. David Courcelle, Deputy Parish Attorney



STANDARDS

Pursuant to the Jefferson Parish Code of Ordinances (JPCO) §2-155.10(11) (a), the Jefferson Parish Office of Inspector General (JPOIG) initiated a follow-up review of JPOIG's audit report #2013-0013, dated 11/30/2017. The follow-up audit was performed in accordance with the code of ethics and standards of the International Professional Practices Framework (IPPF), promulgated by the Institute of Internal Auditors (IIA).

ACRONYMS

The following acronyms appear in the document:

CEA CPZ	Cooperative Endeavor Agreement Commercial Parkway Overlay Zones	JPOIG Finance	Jefferson Parish Office of Inspector General Jefferson Parish Finance Department
Parish	Jefferson Parish Government	PAO	Parish Attorney's Office
FMV	Fair Market Value	Parks & Rec	Department of Parks and Recreation
IGA	Intergovernmental Agreement	JPCO	Jefferson Parish Code of Ordinances

INTRODUCTION

The Jefferson Parish Office of Inspector General (JPOIG) performed an audit of the Parish's procedures, methods, and practices surrounding the management of Parish leased property. The Parish owns various types of properties that generate or could generate, income from rental or use. The property types vary considerably and include office space, billboards, parking, neutral ground, right of ways, boat slips, and water towers used for the placement of cell towers.

BACKGROUND

On 11/14/2017, the JPOIG issued a public report titled, "Jefferson Parish Leased Property," which included a response by the Parish Administration. A copy of the full report can be located at JPOIG.net. The audit resulted in ten (10) findings. The JPOIG observed that the collective process the Parish utilized to manage potential revenue-generating parish assets was neither coordinated nor centralized. While there are various approaches to a more purposeful management structure, the JPOIG recommended consideration be given to developing a dedicated "enterprise" management function. The function could have been located within existing departments or structured as a stand-alone entity with support from the Parish Attorney's Office, the Finance Department, and the Department of General Services. Please note, follow-up reports do not initiate findings or recommendations.

OBJECTIVES, SCOPE, AND METHODOLOGY

Objective

The primary objective of the follow-up review is to determine if the Parish had effectively implemented the recommendations in the JPOIG's original audit. The JPOIG also assessed the status of the actions that were committed during the original response, as well as, any other corrective measures are taken that impacted the original report's findings and recommendations.

Scope and Methodology

To accomplish the above objectives, the JPOIG performed the following procedures:

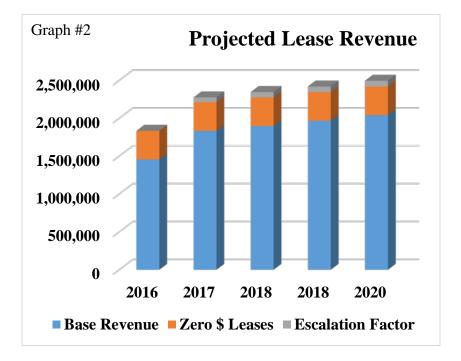
- Conducted interviews with the Parish Attorney's Office, the Finance Department, the Parks & Recreations Department, and the Department of General Services to determine their respective roles, request written policies and procedures, and determine if a centralized payment system had been established for all lease revenues.
- Analyzed rent payment amounts over time to determine if any market rate adjustments were made throughout the lease term.
- Reviewed new lease agreements to determine if any of the report's recommendations had been implemented subsequent to the report issuance.
- Analyzed the lease revenue and supporting documentation for rental payments received.
- Reviewed a sample of lease accounts to determine if the information in the tracking system was accurate.

Graph # 1 at right illustrates total lease revenues over time from when the audit was initiated in 2013 to 2020.¹ As indicated, lease revenues vary from year-to-year; however, no analysis is performed by the PAO or Finance to assess lease revenue. The lease revenue collected by the Parish has ranged from \$1.4 million to \$1.6 million annually. To date, Cell Tower Leases and Commercial Parkway Overlay Zones (CPZ) are the only lease types that contain language regarding lease escalation clauses.

¹ Source, Parish financial management system (AS400) reports. Hospital lease revenues are not included as this activity is beyond the scope of this follow up report.



The next graph illustrates the relationship between lease revenues received from the parish and projected lease revenue if the Parish eliminated the zero dollar value leases and added an escalation clause in all lease types. The University of New Orleans publishes a real estate market analysis for the New Orleans metro region each year. The JPOIG calculated the actual percent of increase based upon reported current market values per square foot for Jefferson Parish.² The result of this calculation was an annual market escalation factor of 3.75% each year since 2016. Graph #2, indicates lease revenue could potentially grow to nearly **\$2.5 million** per year by eliminating zero dollar value leases and by implementing a market escalation factor in all commercial office space leases.



The JPOIG performed a number of tests to determine if the parish addressed the recommendations issued in the previous full audit. The JPOIG determined that 8 of the 10 recommendations were unresolved, 2 recommendations were resolved-in-part. A discussion of

² Price per sq. ft. for office space in 2020 less price per sq.ft. office space in 2016 percentage change divided by 4 years. (\$18.96 less \$16.48=\$2.48 divided by \$16.48=15.04 % increase, divided by 4 years= 3.75 %)

each recommendation is detailed in the "Follow-up Results" section. Table # 1 below summarizes the results of the JPOIG follow-up audit by finding. Some findings have multiple recommendation elements:

Table 1	Table 1Follow-Up Summary				
Finding	Торіс	Items Reviewed	Resolved	Unresolved	Resolved, in part
#1	Lost Revenue - Zero – Dollar Leases			✓	
#2	Lack of Inflationary Adjustments				\checkmark
#3	Failure to Verify the Current Use of CPZs			√	
#4	Occupancy Shortfall, Bucktown Marina			✓	
#5	Appraisals			✓	
#6	Inefficient Rent Collection System			✓	
#7	Lack of a Cost/Benefit Analysis on Zero- Dollar Leases			~	
#8	Lack of Policies and Procedures			\checkmark	
#9	Lease Tracking System				\checkmark
#10	Lack of Standardized Lease Contracts			\checkmark	

Table # 2 below summarizes the testing performed on each of the recommendations made in the original JPOIG report.

Table	Table 2 Follow Up Testing Statistics						
#	Recommendation	# Tested	Dollars Tested	Status	# Exceptions	Exception Dollars (where applicable)	Exception %
1	Zero-Dollar Leases	3	\$0.00	New zero \$ leases	3	\$0.00	100%
2	Escalation to Market Value	45	\$0.00	No escalation clause	33	\$0.00	73%
3	CPZ Validation	33	\$0.00	No validation	33	\$0.00	100%
4	Bucktown Occupancy	40	\$104,480.00	Poor occupancy Rate	11	\$35,920.00	28%
5	Current Appraisals	48	\$145,467.70	No appraisals	40	\$126,093.34	83%
6	Rent Collection System	1	N/A	No centralized collection	1	N/A	100%
7	Zero-Dollar Lease Law/Policy	30	\$8,589.25	No law or policy implemented.	30	\$8,589.25	100%
9	Lease Tracking System	294	N/A	Not implemented	294	N/A	100%
10	Standard Lease Models	294	N/A	No standard lease model	294	N/A	100%

CONCLUSION

At the time the original audit report was issued on 11/14/2017 The Parish Attorney's Office (PAO) had assumed the brunt of the management of property leases, although there was no stated obligation for them to do so. At the time of the follow-up, not much has changed. While the legalities of lease drafting, preparation, modification, interpretation, and enforcement seem a logical fit for the PAO; leased property management, separate from the aforementioned processes, has landed within the PAO's purview by default for a number of years.

It is clear that the Parish's purpose and objectives are to provide needed services to the citizens. Part and parcel of that function is the stewardship of the public's resources. A portion of this stewardship involves ensuring that properties with revenue potential are fully maximized. Pursuing this process purposely is often done through dedicated management of revenueproducing assets sometimes referred to as enterprise management.

Through the course of the follow-up, the JPOIG expected to observe a more comprehensive revision of asset management practices as outlined in the initial audit report's findings and recommendations. Although the Parish agreed with 8 of the 10 findings, none of the recommendations made were implemented. The JPOIG did observe that two of the recommendations were partially resolved.

FOLLOW-UP RESULTS

The three (3) potential categories of corrective action are:

- 1. <u>Resolved</u> The Department/Parish/Entity has implemented actions that have, or should if implemented; resolve the core findings/concerns noted in the original report.
- 2. <u>Resolved, in part</u> The Department/Parish/Entity has implemented actions in response to the audit but the actions do not fully address the findings/concerns raised in the original report.
- 3. <u>Unresolved</u> The Department/Parish/Entity has not implemented actions that resolve the core findings/concerns noted in the original report and/or rejected the recommendation in the original report.

For each finding in the JPOIG's original audit report, below is a summation of each of the original recommendations, including the Parish's response, and the JPOIG validation results.

Finding #1

JPOIG Recommendation

The Parish should ensure it seeks FMV rents based on current appraisals; when not prohibited by law, and that associated services such as utilities and custodial costs are adequately compensated.

Lost Revenue – Zero – Dollar Leases

Administration's Response

"We agree that the Parish should explore a more equitable arrangement which should include some monetary compensation component for use of the public space upon termination of the present leases"

Validation Results

At the time of the original audit, numerous leases contained either a \$1 lease or a \$0 lease. In the Parish's response dated 11/13/17, the parish stated that they agreed that the parish should explore a more equitable arrangement that should include monetary compensation for the use of public spaces upon the termination of the present leases. Since the audit, the Parish entered into 3 additional zero-dollar leases. The Parish did not state the FMV in their lease agreements and recent appraisals were not conducted. The Parish has not shown that the services provided adequately cover the loss of potential revenue from the lease of property. Currently, there are a total of 38 zero-dollar leases.

Finding #2

Lack of Inflationary Adjustments

Resolved in Part

JPOIG Recommendation

The JPOIG recommends that all standard Parish lease agreements include a cost of living adjustment. The rental amounts for all lease terms in excess of one year should reflect or approximate the FMV of the leased property.

Administration's Response

"The Administration agrees that all commercial leases entered into by the Parish should include language which provides for cost of living adjustments"

Validation Results

The JPOIG testing results revealed that the Parish continues to enter into commercial leases for office space without the benefit of a market escalation clause. In the testing performed, the JPOIG did observe that Cell Tower leases included annual increases, and CPZ properties include languages concerning increases for either every 3 years or every 5 years. A majority of the additional revenues that could be generated involve commercial office lease space market values, which have consistently increased year over year.

Finding #3

JPOIG Recommendation

The JPOIG recommends that the PAO verify the current use of all CPZ properties. Potential methods may include lessee's certifying on their annual billing how the property is being used, or staggered inspections over time.

Administration's Response

"By definition, verification of the current use of CPZ properties would require a physical inspection of each property, and the PAO is not the proper department to do so. An on-site inspection is more suited to a Parish department which includes field personnel, who would require appropriate training."

Validation Results

The JPOIG interviewed David Coursel and Nicole Tomba to determine how the CPZ properties are currently maintained. There are approximately 170 CPZ properties in the Parish. CPZ lease payments are made on an annual basis each year. JPOIG reviewed the annual lease revenue for CPZ properties and there were noticeable fluctuations in annual lease revenue that can be attributable to a lack of on-time payments, lack of consistent valuation increases, and a failure to validate the use of the CPZs. The Parish Attorney's Office does not currently have a periodic review and validation process regarding CPZ land usage.

Finding #4

Occupancy Shortfall, Bucktown Marina

Unresolved

JPOIG Recommendation

Market the existing opportunities more effectively through advertisements in marine-oriented material, social media, and the internet. Consider the implementation of transient slip offerings for daily use and the further development of the marina's facilities and services.

Administration's Response

"At the time of this response, 90% of the available slips at the Marina are under lease. It is extremely doubtful whether such a pro-active program as suggested would offset the cost of the program"

Validation Results

The JPOIG interviewed the Department of Parks & Recreation to discuss the Marina leasing process and record keeping. The JPOIG also reviewed the lease tracking information provided by Parks & Rec. The JPOIG reviewed the marina occupancy list and as of 01/27/2020, the marina had an occupancy rate of 72.5%.

Inefficient Rent Collection System

The JPOIG requested a copy of all the appraisals conducted after January 1, 2018. The PAO sent the JPOIG a total of 8 appraisals. The JPOIG compared the appraisals to the leases in the lease tracking system. The lease tracking system had 48 leases with start dates dated after January 1, 2018. Only 8 signed leases or 9% had relevant appraisals.

"In all instances where a lease of public immovable property is initially considered, the PAO has always required an appraisal for the purpose of establishing a baseline rental. Existing leases are

Based upon the Parish's choice of corrective action methodologies, the relevant department

not reappraised unless/until the lease is about to expire and the lessee wishes to renew."

should initiate and implement a policy that requires periodic property appraisals.

JPOIG Recommendation

Validation Results

Finding #5

JPOIG Recommendation

Administration's Response

All rent revenue collections should be centralized by the Finance Department (Finance). Lease agreements should indicate the method and place of payment. The use of specifically tasked staff for the collection and reporting of lease payments owing, remitted, and outstanding would enhance accountability.

The production of a comprehensive monthly report by Finance to the PAO on rental collections and aged lease receivable would permit timely evaluation and application of legal remedies.

Administration's Response

"Without reference to any specific instances which lead to this finding, it is difficult to respond. It is noted, however, that in many instances the rentals generated must be credited to the department which controls the property. This is particularly true for departments which are funded by millage rates, but the Administration will certainly explore a more streamlined method for collection of rentals in the future."

Validation Results

There are still disparate methods for the collection and receipt of lease payments. The Parish Attorney's Office, the Finance Department, and Parks & Rec all receive lease payments. The Parish has not taken any action to streamline or promote a more efficient process for the collection and recording of lease payments.

Finding #6

Unresolved

Finding #7

The Parish should adopt law and policy to ensure that FMV be attained monetarily or an equivalent non-revenue value is adequately documented.

Lack of a Cost/Benefit Analysis on Zero-Dollar Leases

Administration's Response

JPOIG Recommendation

"Aside from the fact that this finding is apparently based upon the legal opinion of the Inspector General's Office, the Administration generally agrees that simply stating that there is a reasonable expectation of receiving a quid pro quo return does not necessarily make it so. This issue, however, would be more properly addressed by the Council."

Validation Results

The Parish has not adopted a written law or policy to ensure that the FMV is attained monetarily or by an equivalent non-revenue value. No analysis is performed on zero-dollar leases to ensure that the Parish receives a fair exchange in return for the Parish-owned space provided to the named tenant.

Finding #8

Lack of Policies and Procedures

JPOIG Recommendation

The PAO or another designated Parish department should develop and disseminate written policies and procedures for the Parish-wide leasing function. At a minimum, these policies and procedures should also address both the lease initiation process and the collection of lease rental payments, including the monitoring and collection of delinquent rents.

Administration's Response

"Ideally the policies and procedures to be applied to leases of Parish property should be codified in the Code of Ordinances. Presently only franchise agreements are regulated in the Code. The Administration would be receptive to any suggestions regarding the nature and extent of such regulation provided it would be uniformly applied in all instances."

Validation Results

To date, the Parish Attorney Office has not developed and disseminated written policies and procedures for the Parish-wide leasing function. Furthermore, the Parish Council has not initiated an ordinance governing the leased property.

Unresolved

The JPOIG reviewed the 48 newly executed leases and noted that no standard parish-wide leasing
agreement exists. The parish follows similar lease formatting for different leases types i.e. CEAs,
or IGAs. However, lease formats still differ within a given lease type. In 2020, the Parish has
implemented a certification letter and cover sheet for all parish contractual agreements. These
forms are a good starting point for the formation of a standardized lease agreement with specific
required components that conform to industry norms and standard business practices. This is
especially important for the commercial office space leases which comprise the majority of the

Complete the implementation of the centralized lease tracking system with document management capabilities to ensure that all Parish lease agreements are properly tracked and recorded. The leases should be supported with valid signed contracts, Council approval documents, current appraisals, and insurance certificates.

Administration's Response

JPOIG Recommendation

"The Administration agrees with this finding, although complete implementation could prove to be a daunting task and would probably require the permanent designation of a department and individuals within that department to maintain such a system."

Validation Results

Finding #9

The Parish Attorney's Office has constructed a centralized lease tracking system with document management capabilities. However, documents such as current appraisals, insurance certificates, and council-approved documents are not maintained in the tracking system. Information within the tracking system was sometimes incomplete and in some instances, there were no documents attached to a lease file. In 2 instances the documents uploaded did not match the information within the tracking system. The lease tracking system cannot generate detailed reports. The PAO staff still relies on an excel spreadsheet to track Parish leased property, and the new lease tracking system is not always used. As a result, the information on the tracking system is redundant and does not achieve the intended result as described in the JPOIG recommendation.

Finding #10

Lack of Standardized Lease Contracts

Unresolved

JPOIG Recommendation

The PAO should develop standardized lease models (e.g., CEA, CPZ, standard property lease, etc.) that address the life of the lease cost elements and enhance the Parish's ability to maintain rents that represent FMV.

Administration's Response

lease revenue collected by the Parish.

"The PAO has endeavored to standardized lease contracts according to the subject matter of the lease, but the Council ultimately has the final say over the contract language."

Validation Results