



City of Cape Coral
Development Services Department



Final Report and Recommendations



Executive Summary

Tenzinga was requested to make a site visit to the Development Services Division (DSD) of the City of Cape Coral to conduct an assessment regarding the permitting processes and issues related to the implementation of the EnerGov software program. On September 6 and 7, 2022, Bob Norton Founder/Owner and Mark Foulks Senior Leadership Consultant met with Development Services Department Director Vincent Cautero, Division Managers, and multiple supervisors and staff. Following this initial assessment, Tenzinga was requested and subsequently contracted to provide project and process management services for the Development Services Department primarily on permitting and EnerGov.

Senior Leadership Consultant Mark Foulks began providing these services primarily on-site in the Development Services Division on September 12, 2022. This was interrupted following September 22 due to Hurricane Ian, with services resuming on October 24th. During the initial six-week contract an extension was requested and subsequently approved by the City Council. The contract was later extended a second time by the City Council with an amended scope of work to include more involvement in the Code Compliance Division.

While most of the time spent has involved working with the permitting workflow and EnerGov software reconfigurations/improvements, work has been performed in each of the divisions of Development Services and with on other issues such as legislative, compliance, customer relations, etc. Observations, analysis, and recommendations are provided in the body of this report.

General Observations and Analysis

Cape Coral is one of the fastest growing cities in the United States and has an unbelievable amount of development opportunities still to come as just over half of the developable land has currently been built upon. This growth is not likely to slow down any time soon, which means the workload on the Development Services Department will continue and will likely increase. The implementation of the EnerGov permitting software in February 2022 presented incredible challenges to each division within the department due to increased workflows and extremely sluggish software performance. This is especially true in the Permitting Division. In addition to the pressures of the growth and EnerGov implementation, Hurricane Ian recovery has increased the workload on the department by more than double. The employees of the department have realized a tremendous amount of pressure and workload due to the factors listed above and have performed admirably during this entire timeframe.

The division managers have done an incredible job of both leading and managing their divisions in the face of staffing shortages, EnerGov configuration and performance issues, increased workloads, and external pressures from the contracting community and in some cases City Council. The managers appear to be committed, competent, and they care immensely for the community, the department, and their employees.

The city has worked diligently during this time to work with and understand the challenges facing the contracting community, this includes the Cape Coral Construction Industry Association, the Building Industry Association, contractors, permit runners, etc. While most of this community have been supportive and have wanted to help solve issues in a constructive way, a very vocal minority have consistently worked to undermine the progress and continuously complain to staff, management, and elected officials. In some cases, the extreme derogatory treatment of staff has been appalling. As stated above this is a small group of people



and usually is the same people continuously complaining and causing issues for the Development Services Department time and time again.

Accomplishments

Numerous noteworthy accomplishments have occurred in the past ten months. Many but not all of the accomplishments are detailed below by division.

Permitting/EnerGov:

- Reorganized and rebranded the Customer Service Division into the Permitting Services Division:
 - o Developed and implemented new position classifications within Permitting Services.
 - o Established a new division organization structure.
 - o Implemented workflow changes to maximize efficiency and permit processing.
 - o Provided training to Permitting Service personnel.
- Developed and implemented new workflows for permit processing:
 - o Classified permits by type and work class.
 - o Developed and implemented "Push-button" permits.
 - o Researched and documented statutory timelines for permitting process.
 - o Implemented new workflow configurations in EnerGov.
- Developed Change (Solution) Management process:
 - o Process for proposed changes to EnerGov configuration.
 - o Enhanced EnerGov related communications between divisions and other departments.
 - o Provides framework and prioritization for configuration changes/enhancements.
- Licensure adjustments and verification:
 - o Amended contractor licensing processes in EnerGov.
 - o Initiated automated state license validations.
 - o Initiated transitional license for former Cape Coral license specialty contractors to now require state certification.
 - o Made numerous configuration changes to permits to accommodate new licensing requirements.

Code Compliance:

- Contractor Licensing Modifications:
 - o City Council passed an ordinance eliminating the licensing of contractors through the City of Cape Coral to comply with Florida legislature House Bill 735.
 - o Produced licensing crosswalk, provided information via the city website, and initiated multiple notifications to contractors regarding contractor licensing changes.
 - o Established a transitional licensing procedure for contractors that are required to now have a state certification for their particular specialty.
 - o Conducted webinar with the Cape Coral Construction Industry Association regarding the licensing changes.
 - o Transitioned two former "Licensing" staff in the Code Compliance Division to the Planning/Zoning Division to perform Business Tax Registration (BTR) responsibilities.
- Commercial Code Compliance:
 - o Established Commercial Compliance Task Force.



- Conducted initial task force meeting to organize and develop priorities for the task force.
- Initial priorities are:
 - Research to identify land development and maintenance agreements that pertain to particular commercial properties.
 - Conduct initial assessment of commercial corridors.
 - Identify what division or city department has responsibility for compliance issues.
 - Educate property owners, tenants, City Council, and other stakeholders on property requirements.
 - Develop new land development and maintenance agreements with property owners as needed.
- Hosted the Florida Association of Code Enforcement at the Westin Cape Coral Resort

Planning/Zoning:

- Implemented new Planning Review Technician positions.
 - Perform reviews and approve all marine permits.
 - Conduct planning and zoning ordinance reviews on permits.
- Integrated former licensing staff from the Codes Division into the Business Tax Receipt/Zoning workflow.

Building:

- Implemented plan to address SB-4 Condominium Inspection Bill
 - Identified all properties subject to inspection.
 - Made initial notification to the Condominium Associations and Property Managers.
 - Developed and produced web page to address condominium inspections.
 - Developed schedule for statutory notifications.
- Inspections
 - Completed an incredible number of inspections (volume due to influx of Hurricane Ian recovery permits).
- Plans Examination
 - Completed an incredible number of plan reviews including reviews of engineer letters for final inspection status.

Findings and Recommendations

Divisions:

Building

Finding: Organization of Division

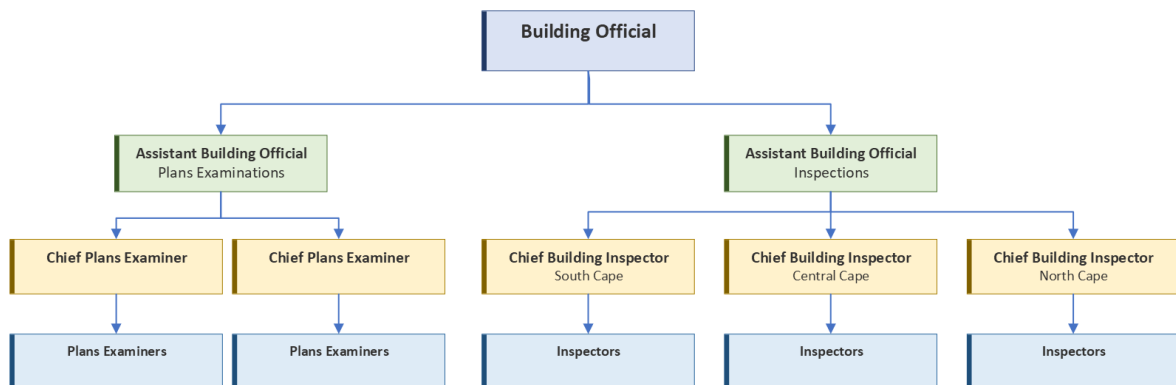
The Building Division is not currently organized in a manner that is conducive to maximum productivity and accountability. There are essentially two branches within the Building Division: plans examinations and inspections. Currently the two branches have only one supervisor, a Chief Plans Examiner and a Chief Inspector. There is also a Building Official position and an Assistant Building Official position, the Assistant Building Official position is currently vacant. The span of control within both branches is not



adequate to effectively supervise the personnel of the division and does not offer needed efficiencies that would be realized with more effective supervision.

Recommendations:

- This is the recommended structure for the Building Division. This offers a distinct workflow and span of control for all personnel within the division. The geographical nature of the assigned inspections necessitates that the Chief Building Inspectors and their subordinates be assigned to a specific geographical area. Due to the way that the city is configured; south, central, and north zones make the most sense.
- Additionally, it is recommended that requirements be put in place for all personnel promoted or hired into the Assistant Building Official roles to become certified within a specified timeframe to enable them to function in the role of Building Official.



Finding: Plans Examination Practices

There appears to be an inordinate number of rejections during the plans review process. In fact, I heard the Chief Plans Examiner state that three percent of all received submittals make it through the entire process without being rejected. Additionally, it appears that the mindset of the examiners is that the submittals must be 100% perfect. The purpose of the plans examination process is to ensure that the citizens and business owners receive a safe and livable/usable building and that the project meets the overall standards and spirit of the Florida Building Code. Unneeded rejections often result in project delays and complaints from the building community.

Recommendations:

- Utilize approval conditions that will allow the permit to be approved and commencement of the project while the design professional provides minor corrections or additional information that is needed. This keeps the permit flowing through the system and more importantly allows the contractors to commence with the project. Checks and balances exist within the inspection processes that will prevent a project from proceeding beyond the desired point without the condition being met.
- Train and provide coaching for the plans examiners to enable a course correction from requiring perfect plans to requiring sufficient plans.
- Resist mandating inefficient requirements on the entire building community because a few design professionals or contractors send in inadequate submittals.

Finding: Inspection personnel utilizing full version of software in the field.



The decision was made when EnerGov was purchased not to utilize the field applications that were available to perform inspections in the field. Instead, the full version of the software runs on laptop computers that are in all inspector's trucks. Due to connectivity and other issues with running the full version of EnerGov, there have been multiple issues with the field operations of the software, system speed and processing capabilities being the primary issues.

Recommendation:

- Implement the use of iInspect field application by Monday October 2, 2023. The application has already been field tested by inspectors in the field and all issues with the application will be resolved with the EnerGov software update scheduled for September 14, 2023.

Finding: Implementation of the condominium inspection program.

Florida Senate Bill 4D of 2022 created Florida Statute § 553.899 which mandates inspections of all condominium buildings three-stories or greater in height. This legislation also places the responsibility of ensuring that inspections are conducted and needed repairs are undertaken on the Building Official for each municipality or county in the state. All condominiums requiring inspections have been identified in the City of Cape Coral and initial outreach has been conducted to both the condominium associations and property managers.

Recommendations:

- Ensure that statutorily required notifications (certified mail) are made to all condominium associations and property managers within 180 days of the required inspection due date.
- Utilize the EnerGov software to set notification dates and to electronically store all resulted inspections.
- Ensure that follow-up is conducted on inspections that have findings and require Phase 2 inspections and/or structural repairs.

Code Compliance

Finding: Code Compliance Officer Safety

Code compliance officers are charged with enforcement of the codes within the City of Cape Coral and are often giving bad news to homeowners or renters at properties that are violating the code in various manners. Often the offender's reactions to issuance or even notice of a code violation can range from hostile to aggressive anger toward the code officers. Code compliance officers lack essential communication mechanisms that would make the environment in which they work much safer.

Recommendations:

- Enact alert notifications into the EnerGov system that will give notification to code officers or a previously hostile or aggressive citizen at the location of the code violation.
- Purchase and enact portable radios for all code officers that will allow communications with the Cape Coral Emergency Communications Center. The radios should have both officer identification and location information capabilities and emergency distress notification capabilities.
- Restore supervisor's ability to view GPS locations of Code Compliance vehicles. This will add an additional layer of situational awareness for supervisors of the code officer's potential location.



Finding: Solid Waste Compliance Issues

The preponderance of residential code violations relate in some way to solid waste issues. Often the code conflicts with what the residents are instructed to do by the solid waste contractor and/or timelines that are not adhered to by the solid waste provider. As an example, if a resident's waste cart needs repair, the resident is told to leave the waste cart at the street and a contract service technician will repair the waste cart. These repairs are often not conducted in a timely manner resulting in the waste cart being left at the street for an extended period of time which is a code violation.

Additionally, residents are given detailed instructions of how to place bulk waste at the street so that it is compliant for pick-up by the contractor. Often the contractor is delayed in picking up the bulk waste and the pile becomes scattered or is people pick through them making the bulk pile non-compliant which results in delayed pick-up and charges to the resident. Due to the side slope on some residential properties, it is often difficult for residents to place the waste cart at the side of the house due to the fact that the cart falls over and rolls down into the yard or the adjoining property.

Recommendations:

- Stop holding residents accountable for the ineptitude of the solid waste contractor. This begins with the reporting of violations of the solid waste contractor to the Solid Waste Division and not issuing notices of violation to residents for issues that are completely out of their control.
- Consider amending the ordinance regarding waste cart placement at residential properties. The idea is to have the waste carts close to the residence and not consistently at the street or on the extended parts of the driveway or yard. Changing the ordinance to allow the waste cart storage to be located within three to five feet of the residence would result in far fewer code violations.
- Hold the solid waste contractor accountable for failing to meet timelines regarding bulk waste pick-up and waste cart repair.

Finding: Inefficient addressing of construction-related building code issues and non-compliance with property maintenance requirements.

Code compliance officers are often requested to address construction site violations by inspectors who have been conducting inspections on-site and witness a violation. These are issues that can often be handled by the inspector at the time of witnessed violation. The same is true for violations that are noted by the horticulture inspector related to commercial property maintenance code.

Recommendation:

- Building inspectors and horticulture inspectors and others within the Development Services Department have the ability to issue stop work orders on job sites and other development activities. All employees of the department should utilize this ability to immediately address the observed violation instead of "passing the buck" to a code compliance officer. This will result in greater efficiencies and decrease the workload of the code officers.

Finding: Commercial Code Compliance

Commercial code compliance issues and perceived commercial code issues are a major part of the code compliance dynamic in the City of Cape Coral. Commercial occupancies have been constructed at various times throughout the existence of the city and have had varying zoning and planning requirements on the properties depending on exactly when the property was constructed. Also, the



property maintenance agreements vary depending on when the property was constructed and the land development code that it was developed under. This often leads to extreme variables in the site development characteristics and requirements for the properties, resulting in perceived code violations that are not actually code violations but variances in the requirements for properties. Additionally, the codes compliance division is often contacted with regards to commercial property violations and the issues are not code related whatsoever but instead involve parking issues (police), fire lane issues (fire), or other issues that are under the perusal of other departments.

Recommendations:

- Solidify the already developed Commercial Compliance Task Force. This task force can address numerous issues related to commercial property compliance including research on presiding land development and maintenance agreements for commercial properties, education on the requirements for particular properties to City Council and the residents, education to the property owners regarding their particular maintenance requirements, and development of new agreements with property owners for more consistent requirements to the current land use code.
- Develop commercial corridor inspection schedules to ensure that property maintenance is being performed.
- Develop, obtain approval, and implement new land use codes and maintenance agreements that are more consistent with desired aesthetics for the city.
- Utilize both EnerGov and GIS to create inspection schedules and maps for commercial properties and corridors within the City.

Finding: iGEnforce application

During the configuration and implementation of the EnerGov system the decision was made to not utilize an available field application that is designed for efficiency in the field for compliance officers. In fact, the decision was made to implement the full version of the EnerGov system for field operations utilizing computers mounted in the code compliance trucks. The iGEnforce application is designed to run on an iOS platform and simplifies field tasks including the taking of pictures for code cases.

Recommendations:

- Implement the iGEnforce field application as soon as practical.
- Continue to work with the Information Technology Department and Tyler technologies to solve some of the issues related to notes and activities within the application.
- Continue the use of computers in the field for needs that the application can't provide with the goal of 90% of field operations being conducted on the application not the EnerGov program.

Land Development

Finding: Lack of follow-up for commercial site development maintenance requirements.



As prescribed by the Land Development Code Section 5.5.16. – Landscape maintenance. New commercial projects are required to be inspected by the city within two years of completion and periodically thereafter to assure compliance with the approved landscape plan. Lack of staff to conduct the reinspection of commercial properties has been cited as the reason for lack of follow-up.

Recommendations:

- Establish a bi-annual commercial site inspection program to ensure that commercial properties are being maintained in compliance with the approved landscape plans.
- Inspections could be set up in EnerGov like the recurring Fire Department inspections of commercial properties.
- Working in conjunction with Code Compliance staff and the new Beatification Task Force on a regular basis could speed up the process of accomplishing the landscape compliance reinspection.

Finding: Inconsistent follow-up on the one-year warranty inspections for right of way improvements installed by commercial property developers.

Recommendations:

- Establish a commercial site reinspection program to ensure that commercial projects that have turned installed improvements over to the city are being inspected for warranty issues prior to the expiration of the one-year warranty.
- Inspections should be set up in EnerGov like the recurring Fire Department inspections of commercial properties.

Finding: Inconsistent utilization of electronic application processes between departments.

The Utility Department review and signoff on Florida Division of Environmental Protection (FDEP) permitting conducted by commercial developers for water and sewer main extensions has been handled as a separate submittal and review process directly by the Utility Department staff. Likewise, the clearance process at completion of those improvements (to place the improvements into service) is also conducted directly by the Utility Department staff. This process was handled in this manner to assure the Utility Department had signed and sealed paper copies of all plans and application documents required for the city utility main extensions. FDEP has now moved to electronic permitting and recorded keeping accepting digital signatures on application documents.

Recommendation:

- The FDEP permitting and clearance processes should be incorporated into the Site Development Plan (SDP) and Subdivision Construction Plan (SCP) permitting processes. This will eliminate paper plan review, make the permitting process more efficient for the applicants, and will reduce the time of permit approval and clearance.
- Utilize EnerGov to reduce inefficiencies between departments and enhance SDP and SCP access across multiple departments.



- The Utility Department should also move to a complete digital process to maximize efficiencies.

Permitting

Finding: Permit workflow

Current workflow through the EnerGov software dictates that all permit technicians and specialists receive every permit application in their workflow. Supervisors and/or Permit Specialists then create spreadsheets of workflows so that the employees of the division will know which workflow items that they need to complete each day. This creates several issues, primarily extreme inefficiencies regarding utilizing workflow processes within the software. Additionally, the software is not designed to have so many tasks in all employees' workflows and this is critically affecting software performance.

Recommendations:

- Ensure the continued integration of the team workflow approach in which each particular permit type is directed through the software to a small team that will handle the processing of those particular permits from initial application through the closing of the permit.
- Ensure that the software upgrade and reconfiguration slated for mid-September is completed and that the team development aspect of the reconfiguration is prioritized.
- Discontinue the use of "work arounds" such as spreadsheets, email, and other processes and utilize the software to dictate workflow processes.
- Utilize "Manage My Review" processes in the software, such as certificate of occupancy requests, to streamline workflows and ensure maximum efficiencies.
- Utilize conditions instead of rejecting the permit, whenever practical, to keep the permit moving through the process while giving the applicant the opportunity to satisfy the deficiency.

Finding: Customer Service

Customer service is an extremely important component of the permitting process but it should be understood that customer service does not equal a concierge type of service in which all aspects of the application process are completed for the applicant. Many solutions have been enacted to reduce the amount of time that it takes to process permits including all electronic submittals for applications and plans, which has greatly reduced the customer service workload at the counter. Other aspects of customer service include telephone calls and emails.

Recommendations:

- Continue with efforts to reduce customer service traffic at the counter utilizing electronic permitting whenever possible and by continuing appointment scheduling for applicants that truly need to be seen in person.
- Utilize an integrated "smart" phone system that will direct callers to the appropriate solutions and will emphasize the ability to check permit status on the EnerGov customer self-service portal.
- Ensure that the personnel assigned to the customer service team are not processing permits but are only assisting applicants through the permitting process.



Finding: Notice of Commencements

Currently Florida Statute requires the permitting authority to require a Notice of Commencement (NOC) on the permit application and requires the permitting authority to review each NOC for accuracy and validity. The document is also required to be recorded with the county of record on the parcel. The NOC is a legal document between the contractor and the fee owner of the property and allows the contractor to enact a lien on the property if necessary due to non-payment by the fee owner. The review of this document by the permitting authority is an unnecessary step due to the fact that the NOC is also required to be posted or available at the construction site prior to the first inspection. Additionally, in a high-volume permitting environment, the NOC review is often backlogged and creates delays in permit processing and inspections. Post Hurricane Ian the Florida Department of Emergency Management (FDEM) exempted the required review of NOCs by the permitting authority which helped improve permit processing times immensely.

Recommendations:

- Continue to utilize the exemption from NOC review until the exemption is terminated by FDEM or the Governor's Office.
- Pursue, through legislation, the permanent removal from statute of the requirement to require or review NOCs during the permit application process.

Finding: Continuous Staffing issues with the Permitting Services Division

Despite the efforts of reclassification in the Permitting Services Division there is still a tremendous amount of turnover in the division. The cause of the turnover appears to be multi—faceted and includes low pay related to highly technical aspects of the work versus other “entry-level” positions, lack of classifications of permits within EnerGov, and need for automatic advancement opportunities once time and certification requirements are met.

Recommendations:

- Raise the pay ranges within the Permitting Services Division consistent with the technical level of work performed by the employees in the division.
- Enact the teams environment so that employees better understand the work that they will be doing each day and that the tasks are more organized.
- Enact automatic advancement to Permit Specialist for Permit Technicians that have met the time requirement, the certification requirement, and are performing well.

Finding: EnerGov testing requirements

Consistent testing of software reconfigurations and updates is a required component of the EnerGov software system. The testing must be performed for multiple positions and across various divisions depending on the update or configuration. This testing is at times very cumbersome and is always very time intensive. Staffing levels present significant challenges in being able to dedicate staff to perform



the needed testing. Although the testing involves multiple divisions the Permitting Services Division is the most impacted division. This is due to the fact that essentially all permits are in some fashion handled by the permitting division thus testing is typically required in the permitting division regardless of the type of configuration change.

Recommendations:

- Ensure that the previously approved Business System Analyst position is filled and utilized to the maximum capability. This position will perform testing across numerous positions and divisions.
- Ensure appropriate testing is conducted prior to “live” implementation of configurations or updates.
- Position should report to the Permitting Services Division Manager.

Planning

Finding: Lack of easily accessible Land Development Code interpretations and administrative amendments.

Written interpretations and administrative amendments are often needed to provide clarity and conciseness to the Land Development Code. Other divisions within Development Services and the contracting community have voiced frustration over the lack of accessible documentation for the interpretations and administrative amendments.

Recommendation:

- Establish a readily accessible knowledge base for distribution of Land Development Code interpretations and administrative amendments. This could be accomplished by placing this information on either the Development Services Department website or for registered users of the Customer Self-Service portal.

Software Systems

EnerGov

Finding: EnerGov testing requirements

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Recommendations:



- Ensure that the previously approved Business System Analyst position is filled and utilized to the maximum capability. This position will perform testing across numerous positions and divisions.
- Ensure appropriate testing is conducted prior to “live” implementation of configurations or updates.
- Position should report to the Permitting Services Manager.

Finding: Slow processing times within the EnerGov software.

The EnerGov software has had extremely slow or lagging processing times since its integration and go-live date. It is especially slow in Review Coordinator. Server performance has been reviewed and does not appear to be the issue with the slow performance. The issues seem to revolve around the configuration of the system primarily regarding distribution of permit application to the permitting staff.

Recommendations:

- Continue efforts to reduce storage in the system of outdated permits and to close permits that have not been acted upon in the past year.
- Continue efforts to distribute permits by permit type to small teams of permitting staff to better distribute the workload in the EnerGov system.

Finding: EnerGov software performance limitations.

The configuration and software updates that are being implemented in September, implementation of iGEnforce and iGInspect are essentially the final improvements that can be made in an effort to improve software. These improvements offer the last opportunity for the software to perform adequately for Development Services Department operations.

Recommendations:

- Adequate time should be allocated to evaluate the performance of the above-mentioned improvements. Approximately four to six months should provide enough time to make adjustments and identify whether the software is going to be acceptable.
- If after this period of time the software is still not performing at an acceptable level, the city should pursue a different software vendor whose software is capable of meeting the needs of the Development Services Department.

Bluebeam

Finding: Issues with computer-based licensing.

Current Bluebeam software versions utilize computer-based licenses that are installed on most computers in Development Services. Those license packages do not provide training opportunities like the new version (Revu21) provides. The Revu21 version is based on individual licenses instead of computer-based licenses and provides training opportunities for the licensees.

Recommendation:



- At the earliest opportunity upgrade to Revu21 version of Bluebeam.

Administration and Leadership

Political Issues

Finding: Involvement of elected officials

The Division Managers and staff are at times required to prioritize permit processing for political officials or “connected contractors”. This places the department staff in a precarious position of extending permit process times for those who do not receive prioritization. Additionally, elected officials directly contact code compliance personnel or direct action to be taken regarding perceived code violations. Elected officials have become involved in the day-to-day operations of multiple divisions in the Development Services Department.

Recommendations:

- Elected officials should refrain from requesting prioritization of permits to city administrators, leadership, or department employees.
- Elected officials should report code violation complaints through the same channels as all other citizens.
- Elected officials should not become directly involved in the day-to-day operations of the department but should instead set policy, direction, and enact ordinances.

Finding: A few contractors having chronic issues with various aspects of the Development Services Department.

The vast majority of contractors and the contracting community as a whole do everything they are required to do without complaint and have been very supportive even in the midst of issues with the software changeover and other issues within Development Services. Some contractors are chronic complainers and are extremely unsupportive of essentially every aspect of Development Services. A vast amount of time is spent by Development Services staff attempting to address complaints that are often illegitimate complaints. This takes time away from performing normal job responsibilities and often causes delays with processes. These contractors represent an extremely small percentage of the contracting community and are very vocal in effort to pursue their own self-interest.

Recommendations:

- Ignore the contractors that are chronically complaining about what relate non-issues or false complaints.
- City administration and elected officials also should not give credence to these individuals and support the Development Services staff.

Development Services Administration



Finding: Inadequate training at multiple levels of the Development Services Department.

Onboarding training for new employees is woefully inadequate. The amount of time that new employees are trained is inadequate and the initial training programs for new employees is lacking in every division. Supervisory and leadership training for newly promoted and incumbent supervisors is essentially non-existent. Employees that are great employees and highly technically competent that get promoted to supervisory positions are provided very little to no training in how to effectively supervise subordinates.

Recommendations:

- The Human Resources Department in conjunction with Development Services administration should develop and implement training plans for the onboarding of new employees.
- The Human Resources Department in conjunction with Development Services administration should develop and implement training plans for supervisors, both new and incumbent supervisors.
- The Human Resources Department in conjunction with Development Services administration should develop annual in-service training programs for supervisors and for other positions within the department.

Finding: Communication and coordination issues at the administrative level of Development Services.

Managers and other administrative personnel voice major frustration with being left out of the loop on important issues within the department and within the city administration in general. Additionally, coordination between the divisions is often inadequate for department-wide issues or projects. While the managers seem to do an adequate job of communicating with their staff, communication from the director level regarding items such as budget, ordinances, etc. is significantly lacking. Managers often learn information from managers or directors of other departments. Managers have voiced that they feel the interim director withholds information from managers in an effort to exert power or dominance over them.

Recommendations:

- The director should share information more effectively coming from the City Manager's office, construction industry associations, etc.
- Information regarding budget timelines, city-side initiatives, etc. should be shared and shared in a timelier manner.
- The interim director should refrain from intentionally withholding information from managers in an effort to exert power or dominance over them.
- Manager's meetings should allow for much more two-way communication and collaboration.

Finding: Inadequate delineation of roles at the upper administrative level of Development Services.

The current hierarchy of a Director, Deputy Director, and then Managers often results in confusion, conflicting directives, miscommunication, etc. Managers are often caught in the conundrum of who



they report/answer to. The Deputy Director is often unaware of directives that the Director has given to the Managers.

Recommendations:

- With only five divisions in the department the span of control is such that all Managers could be directly supervised by the Director of the department and that should be the case within the department.
- The Deputy Director position should perform more as a Chief of Staff to the Director. This position would not have any direct reports but would coordinate major projects and communications within the department. This position could also coordinate items that must be performed within timelines such as budget development, performance evaluations, training, etc. This position could also function as the acting director should he/she be on leave or unavailable. Consideration should be given to a formal name change of the positions.

Finding: Inadequate and ineffective leadership from the Interim Director.

In March, Juan Guerra was appointed as Interim Director of Development Services. Within the first week, and prior to meeting with any staff, he sent an email to all managers and supervisors espousing a leadership acronym and leadership principles. He later sent a directive via memorandum that all employees would memorize and at request recite the P.R.E.C.E.P.T acronym and that the employee's performance evaluation would be directly tied to the ability to memorize and cite the acronym. This was received very poorly by essentially all leadership and employees of the department. Prior to issuing the email and directive Guerra failed to take any time to understand the circumstances within any division of the department, failed to offer opportunities for collaboration and buy-in from stakeholders, and later deceived the staff by stating in writing that the Managers collaborated and developed the acronym.

Guerra has seemed to develop good relationships with the City Council and with the building community, but this seems to have been done at the detriment of the department managers and staff. Managers have reported that Guerra makes promises to the external stakeholders and then comes to the managers to make those promises happen. Often the managers cannot make good on the promises because they conflict with existing ordinance, codes, or policy. In other situations, Guerra insists that the Managers and staff prioritize permits for certain contractors or at the request of an elected official. Managers and staff are presented with the ethical dilemma of following the directives of their director or performing in a manner consistent with ordinances, codes, and equitable practices.

Additionally, Guerra has been pushing staff to nearly immediately pursue and achieve accreditation for the Development Services Department. While accreditation is a worthwhile pursuit and should be pursued in due time, the timing of such a demand is perilous. As aforementioned, over the past three years and especially over the past year and a half, all divisions of the Development Services Department have experienced tremendous hardships. This includes an unprecedented volume of work, configuration and integration of a new software program, implementation of completely new processes in the permitting services division, and tremendous workforce turnover. Attempting to pursue an accreditation process presents another very difficult challenge to the department.



Sentiment among managers and staff is that many of Guerra's pursuits and demands are more directed at self-promotion and not so much for the benefit of the department.

Recommendations:

- Conduct a national search for a permanent Director of Development Services.
- Pursue a director that is a capable collaborator and team builder. The department managers are very competent and committed to the department. The new director should empower them to perform their duties in a proper and equitable manner.
- Understand that a new director should not be required to have particular certifications, degrees, or experience in any particular discipline of the department. While it is a bonus to have experience within disciplines of the department, it is essential that the new director be a collaborative style leader.
- Ensure that department leadership and staff are not placed in legal or ethical peril by being directed to give preferential treatment based on political or industry demands or directives.
- Conduct a strategic planning process for the department that included development of a vision statement, a mission statement, core values, and strategic initiatives based on internal and external collaboration. This will ensure buy-in from management, staff, and external stakeholders.

Summary

The Development Services Department is performing very well considering all of the challenges that it has faced over the last three years. There are very few if any cities in the United States that are experiencing the amount of growth that the City of Cape Coral is experiencing. That fact along with Hurricane Ian recovery related permits and code compliance issues equate to departmental volume that is unrivaled in any other city that we are aware of. All recommendations offered above are intended to improve multiple aspects of the division and reduce negative external impacts.