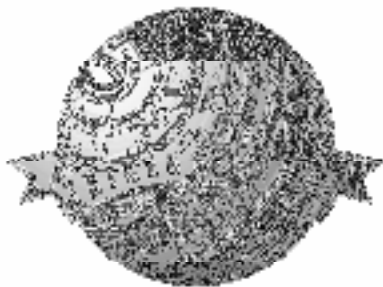


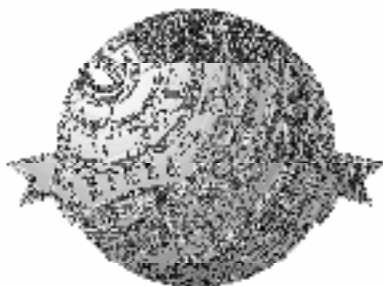
FOLLOW-UP OF

**CITY MANAGEMENT OF THE HISTORIC DISTRICT
IMPROVEMENT COMPANY MASTER
DEVELOPMENT AGREEMENT**

REPORT NO. 06-01-106CITY



**City of Albuquerque
Office of Internal Audit and Investigations**



City of Albuquerque
Office of Internal Audit and Investigations
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

October 2, 2006

Accountability in Government Oversight Committee
City of Albuquerque
Albuquerque, New Mexico

Follow-Up: CITY MANAGEMENT OF THE HISTORIC DISTRICT IMPROVEMENT
COMPANY MASTER DEVELOPMENT AGREEMENT
06-01-106CITY

FINAL

INTRODUCTION

The Office of Internal Audit and Investigations (OIAI) performed a Follow-up of Audit No. 01-106CITY, The Historic District Improvement Company Master Development Agreement. The audit report was issued on September 23, 2004. The purpose of our follow-up is to report on the progress made by management in addressing our findings and recommendations.

In 1998 the City of Albuquerque (City) designated the Alvarado Transportation Center Metropolitan Redevelopment Area located in Downtown Albuquerque as a blighted area and issued requests for proposals for developers wishing to develop this area. The Historic District Improvement Company, LLC (HDIC) was chosen to prepare a Master Plan for redevelopment of this area. In October 1999, City Council and the Mayor approved the Master Plan and Master Development Agreement (Agreement) with HDIC and authorized the appropriation of funds from the sale of gross receipts tax revenue bonds for the project, which included parking and infrastructure improvements, land, and a seven year tax abatement of individual projects.

The Agreement between the City and HDIC allowed for the rehabilitation and revitalization of the redevelopment area through the assembly, acquisition, disposition and development of real estate properties within the redevelopment area. The development included urban and affordable housing, educational and cultural spaces, as well as retail, entertainment, and offices to enhance the living and working conditions of the area.

As the Master Developer, HDIC may enter into contracts with third party entities in order to form a "Building Developer" to implement the projects. For example, HDIC Theater Block, LLC (Theater Block) was formed on November 16, 2000, by the HDIC and other parties as a "Building Developer" to purchase, own, develop, operate, lease, sell and otherwise deal with real property related to the Agreement. HDIC Gold Avenue, LLC (Gold Lofts) was formed to build a high-end residential project. Gold Lofts is owned by HDIC and was built on property conveyed by the City.

As part of the Agreement, the City conveyed some of the parcels of real property in the Downtown redevelopment area to HDIC. The parcels were recorded by HDIC as members' capital. As part of the Agreement HDIC must maintain records of the City's capital account which consists of the fair market value of each City parcel conveyed to HDIC, the amounts of HDIC tax abatements, the infrastructure costs paid by the City under the agreement, and the amount of any operating deficit for a parking structure incurred as a result of the guarantee of parking spaces. The Agreement specifies the profit distribution the City will receive over the next 25 years.

A City Council Resolution also established the Alvarado Transportation Center Project Task Force (Task Force), which was charged with reviewing all aspects of the project and making recommendations to the City Council on the Alvarado Transportation Center Projects. Albuquerque Development Services, a division of the Planning Department, performed some contract administration functions relating to the Master Development Agreement between the City and HDIC.

SCOPE, OBJECTIVES, AND METHODOLOGY

Our follow-up procedures consist of inquires of City personnel and review and verification of applicable documentation to assess the status of our audit recommendations. Our follow-up is substantially less in scope than an audit. Our objective is to ensure management has taken meaningful and effective corrective action in regards to our findings and recommendations. The audit was conducted in accordance with Government Auditing Standards, except Standard 3.49, requiring an external quality review.

The scope of the Follow-up was limited to activities that have occurred since the audit report was issued through April 4, 2006.

RECOMMENDATION NO. 1:

According to Albuquerque Development Services personnel, there was confusion regarding who was responsible for the regular monitoring of the agreement with HDIC. Many of the documents and reports required by the Agreement were not provided to the City prior to the start of our audit. The Agreement requires that HDIC provide the City with financial information regarding the projects.

However, Albuquerque Development Services did not have personnel who were qualified to review and analyze the financial statements of HDIC in order to ensure that the City's interests were protected.

The audit recommended that the Task Force ensure that responsibility for administration and monitoring of the Agreement be clarified. The audit also recommended that in order to ensure that the City's interests were protected the Task Force should ensure that the City personnel who review and analyze the HDIC financial information have in-depth knowledge of real estate development financing and accounting.

The Task Force responded that the City would identify a contract recorder and charge the contract recorder, ADS, and DFAS with the responsibility for monitoring and administering the Agreement. The Task Force agreed to work with the Administration to identify funding to provide contractual assistance for a Financial Auditor as necessary to support the Internal Audit department in assessing and analyzing HDIC financial information and projects.

ACTION TAKEN

The original audit recommendations have been partially implemented.

The Task Force adopted a resolution on October 20, 2004, that assigned the duties related to the administration of the Agreement. The City identified the Contract Administrator in DFAS as the contract recorder. The resolution made the Metropolitan Redevelopment Agency (MRA) in the Planning Department responsible to administer the City's rights and obligations under the Agreement, and the Director of DFAS took on the responsibility of monitoring the City's capital account and providing the data necessary for the annual calculation.

The Director worked with the MRA on all aspects of administration of the Agreement, and chose not to assign the duties of the contract recorder to the Contract Administrator. The Director retired in December, 2005 and it appears that there was not a sufficient transition on these responsibilities. The Chief Administrative Officer (CFO) stated that the hiring and retention of appropriate financial staff to monitor the Agreement (MDA) in the Planning Department was a challenge. The present DFAS Director is developing a positive working relationship with the MRA to ensure an adequate level of review.

Consequently, the audit recommendation that City personnel who review and analyze the HDIC financial information have in-depth knowledge of real estate development financing and accounting has not been implemented. When the previous Director of DFAS left, there

was not adequate coordination to ensure that the contract monitoring process was not interrupted.

RECOMMENDATION

DFAS should ensure that a specific employee continues to work with the MRA on all aspects of administration of the MDA, and that these responsibilities are not discontinued or interrupted when personnel change.

RESPONSE FROM DFAS

“DFAS agrees with the recommendation. The Director of DFAS regrets the lapse with the change in staffing and will take steps to ensure a specific employee is assigned the responsibility of working with the MRA on administration of the MDA.”

RECOMMENDATION NO. 2:

HDIC is required by the Agreement to maintain records of the City’s Capital Account. The 2002 HDIC financial statements for the Theater Block disclosed the City's Capital Account, but only included the \$1.37 million of land transferred in 2002 as the City's capital account. In February 2004, because of an audit request, HDIC provided the City with an estimate of the value of the City’s capital account as of July 1, 2003, of \$1,765,455. Albuquerque Development Services personnel also prepared an estimate of the City’s capital account in the amount of \$1,820,596. However, the audit determined that the City and HDIC had both understated the City’s Capital Account by more than \$75,161 for utility work performed on a transformer vault.

On June 25, 2004, HDIC provided Internal Audit the consolidated financial statements for HDIC for the years ended December 31, 2000, 2001, 2002 and 2003. Previously, HDIC has only provided the City with financial statements for the Theater Block and the Gold Lofts projects.

The audit recommended that the Task Force formalize the requirements for maintaining the records of the City Capital Account. The arrangement should be included in either an amendment to the agreement or a Memorandum of understanding between the parties. The audit also recommended that the Task Force enforce the requirement that financial statements are provided for the Master Developer, not just the individual projects. The audit further recommended that the Task Force inform HDIC and the Department of Finance and Administrative Services that the City’s Capital Account has been understated by \$75,161.

The Task Force responded that the City Department of Finance and Administrative Services would be assigned the responsibility of maintaining the records of the City Capital Account and HDIC would continue to maintain a record of the City Capital Account for purposes of its own internal accounting. Any discrepancies between the balances at year end should be reconciled to the satisfaction of the Task Force. Procedures would be put in place by the City to ensure that an annual reconciliation of the City Capital Account is done on a timely basis and submitted to the Task Force.

ACTION TAKEN

The original audit recommendations have been partially implemented.

At a Task Force meeting on October 20, 2004, the members adopted a resolution that assigned duties for the administration of the MDA. The DFAS Director took on the responsibility of monitoring the City's capital account and providing the data necessary for the annual calculation. The Director retired in December, 2005, and the new Director was not made aware of this duty. Consequently, the audit recommendation that the requirements for maintaining the records of the City Capital Account be formalized has not been fully implemented.

A March 31, 2005, letter from HDIC to the City, regarding the City's Capital Account acknowledged that the infrastructure balance of \$311,705 did not include disputed amounts associated with the construction of a transformer vault in 2001. The CFO stated that the issue had not been resolved.

HDIC provided its Consolidated Financial Statements, Supplemental Information and Report of Independent Certified Public Accountants as of December 31, 2004 and 2003.

RECOMMENDATION

DFAS should ensure that a specific employee continues to maintain the records of the City Capital Account, and that these responsibilities are not discontinued or interrupted when personnel change.

The CAO should ensure that a specific employee is assigned the responsibility to work on resolving the dispute between the City and HDIC regarding the Capital Account.

RESPONSE FROM THE CAO & DFAS:

“The CAO will assign the DFAS Director the responsibility to ensure the recommendations are implemented.”

RECOMMENDATION NO. 3:

The Agreement requires that HDIC deliver various reports and documents to the City throughout the life of the projects. The following reports and documents were either not provided to the City at all, or were not provided within the timeframe specified in the Agreement with HDIC:

- Letters of Commitment for Construction Financing
- Financing Certifications
- Annual Progress Reports
- Insurance Certificates
- Labor Force Plan
- Reports required by the Lease Agreement between the City and HDIC Theater Block, LLC

The audit recommended that the Task Force ensure that the City Department or Division that was tasked with administration and monitoring of the Agreement and lease was cognizant of the requirements for HDIC. A system should be established to flag the due dates for the reports that are due at specified time intervals. There should be a follow-up process for reports that were not received timely. All documents submitted by HDIC should be carefully reviewed for reasonableness and compliance with the Agreement. Any questionable items should be identified and promptly resolved. Non-routine documents should be requested as events occur or as benchmarks are reached.

The Task Force responded that the designated contract recorder would be tasked with the responsibilities.

ACTION TAKEN

The audit recommendations have been partially implemented.

At a Task Force meeting on October 20, 2004, the members adopted a resolution that assigned the duties for the administration of the MDA. The City identified the Contract Administrator in DFAS as the contract recorder. The DFAS Director chose not to assign the duties of the contract recorder to the Contract Administrator. The Director retired in December, 2005 and it appears that there was not a sufficient transition on these responsibilities.

RECOMMENDATION

The CAO should ensure that a specific employee is responsible for performing the duties of the contract recorder.

RESPONSE FROM THE CAO

“The CAO will assign the DFAS Director the responsibility to ensure the recommendation is implemented.”

RECOMMENDATION NO. 4:

The City conveyed $\frac{1}{4}$ acre of land to HDIC for the Gold Lofts project in August 2003. According to the Settlement Statement, the value of the land was \$175,576. HDIC transferred the land to Gold Lofts prior to December 31, 2003. According to both the Gold Lofts and the HDIC Consolidated Financial Statements for the year ended December 31, 2003, the land was recorded at a value of \$1,100,947.

The audit recommended that the Task Force or the City department or division responsible for monitoring and administrating the Agreement determine if the method used by HDIC to record the value of the conveyed property was appropriate. The audit further recommended that the City ensure that the City’s capital account reflects the appropriate appraised value of the land.

The Task Force responded that it would carry out a review to establish how the value of the land transferred in August 2003 was determined. In conjunction with Finding 2, a review of the City’s Capital Account would be completed by November 30, 2004 and any necessary adjustments would be made to the City’s Capital Account.

ACTION TAKEN

The audit recommendations have been fully implemented.

The City’s CFO, HDIC and the DFAS Director reached agreement regarding the June 30, 2004, City Capital Account balance, which included this land at a value of \$175,576.

RECOMMENDATION NO. 5:

The financial institution that was providing construction financing for the Gold Lofts project sent a letter to the Gold Lofts project on August 22, 2003 stating that the financing has been approved

subject to several terms. However, when the City transferred the land for the Gold Lofts project to HDIC; HDIC had not met all of the pre-funding conditions of the construction lender. The CAO signed a Four Party Agreement with HDIC. When asked about it at a later date, he stated that he was unaware of the terms of the promissory note. It appears that he executed the agreement without full knowledge of the details of the agreement.

The audit recommended that the Task Force ensure that HDIC provide the City documentation that any prefunding requirements are met prior to transferring land in the future. The audit further recommended that the Task Force ensure that when City executives execute additional agreements with HDIC, full knowledge of the details of the agreement is provided to and understood by the executive prior to the execution of the agreement.

The Task Force responded that the Task Force would direct the staff at Albuquerque Development Services to ensure that no land is transferred to HDIC in the future until the City had documentation in hand assuring that any and all prefunding requirements were met. With the assistance of the contract recorder, financial auditor, and others, the Task Force will exercise greater diligence in assuring that its members have a clearer understanding of the proposals presented to them under the terms of the Agreement.

ACTION TAKEN

The audit recommendations have been fully implemented.

The November 2004 Memorandum of Understanding to the Agreement for the Alvarado Transportation Center between HDIC and the City by the implementation of the following requirement:

“**Construction Financing.** Section 303 of the Agreement is amended to provide that there shall be a joint closing of the commitment for the construction financing pertaining to the parcel to be conveyed evidencing satisfaction of all conditions for the provision of construction financing”

The City’s CFO informed OIAI that the Task Force members have become much more active in their review of proposals presented to them under the MDA. A status report on each project (Silver Court, Gold Lofts, and Hyder) is included on the agenda for every Task Force meeting.

RECOMMENDATION NO. 6:

In June 2000, Albuquerque Development Services transferred City land to the HDIC, at a value of \$1.37 million. Albuquerque Development Services personnel did not provide any information about the transfer to the City's Real Property Division or DFAS. In August 2003, another piece of property was transferred from the City to HDIC, with an assessed value of \$175,576. As of September 2003, the Real Property Division or DFAS were not aware of this second transfer of land. As a result, the City's Capital Account and the land transfer were not reflected in the City's financial records and financial statements.

The audit recommended that the CAO consider requiring all real property transactions to be processed by the Real Property Division regardless of the fund that has control of the property.

The Task Force responded that it would remind Albuquerque Development Services that all real property transactions must be processed through the Real Property Division.

ACTION TAKEN

The audit recommendations have been fully implemented.

The revised Administrative Instruction 5-3, dated August 26, 2004, implemented the following requirement:

It is the responsibility of each department director to involve the Real Property Division in every real estate transaction, from the earliest possible date.

No transaction of any type in any department involving real estate can be initiated or concluded without the involvement of the Real Property Division. A transmittal form available from the Real Property Division must be attached to all real estate documents which are presented for the Chief Administrative Officer's signature.

The City's CFO stated that there have been no land transfers from the City to HDIC subsequent to the August, 2003 transfer of the property relating to the Gold Lofts project.

RECOMMENDATION NO. 7:

The Agreement required the Master Developer to provide the City with annual financial statements approved by the Master Developer's certified public accountant. The Agreement did not require that the financial statements that were submitted by HDIC be audited. HDIC submitted financial

statements to the City that were reviewed by a certified public accountant. This provided much less assurance to the City, than audited financial statements would provide.

The audit recommended that the Task Force prepare an amendment to the Agreement to require annual audited financial statements from HDIC.

The Task Force agreed that audited, rather than reviewed, financial statements would have been a more appropriate requirement in the Agreement. The Task Force did not agree that requiring audited financial statements will necessarily reduce the risk of loss to the City, but they would provide more comprehensive information useful in the monitoring and oversight process. This was negotiated for inclusion in the Memorandum of Understanding to the Agreement for the Alvarado Transportation Center (MOU.)

ACTION TAKEN

The audit recommendations have been fully implemented.

The November 2004 MOU required that HDIC to prepare annual financial statements prepared in accordance with generally accepted accounting principles (GAAP) and audited by an independent certified public accountant with the necessary expertise in real estate transactions. Two copies of the annual audited financial statements would be provided to the Contract Recorder no later than June 30 of each year.

RECOMMENDATION NO. 8:

The Agreement states in Section 702, "Each parcel of Real Property shall be assigned a Year 1 commencement date, which shall be the date that the City issues a Section 611 certificate of completion for each such parcel." The establishment of this date is necessary because the City starts to receive monies from the master developer in the sixth year after this date. Albuquerque Development Services considers the Certificate of Occupancy that was issued by the Building Safety Division of the Planning Department to be the "Certificate of Completion." However, the Building Safety Division may not have knowledge regarding whether HDIC satisfied all of its obligations under the Agreement.

The audit recommended that the Task Force review the language in Section 611 of the Agreement and determine if the Certificate of Occupancy meets the intent of the requirement for a Certificate of Completion.

The Task Force responded that it would review the language in Section 611. It would consider if the Certificate of Occupancy imposes a higher standard and implies a different intent than the required Certificate of Completion, which starts the clock for the City to be entitled to receive compensation under the terms of the Agreement.

ACTION TAKEN

The audit recommendations have been fully implemented.

In October 2004, the Task Force approved the proposed form of a Certificate of Completion for the Theatre Block project. A Certification of Completion for the Theatre Block was signed in December 2004.

RECOMMENDATION NO. 9:

The HDIC, Theater Block, and Gold Lofts consolidated financial statements for the year ending December 31, 2003, included notes to the financial statements, which disclosed related party transactions. A related party transaction is a business deal in which an entity makes a payment to a different business entity; and there are individual(s) who are officers and/or directors in both business entities. These types of transactions are disclosed in financial statements because they are generally considered to lack the “arms-length” or un-biased characteristic, which is normal in typical business transactions. There is currently no provision in the Agreement that requires that the Master Developer disclose related party transactions, prior to entering in these business arrangements. Further, it appears that the Task Force may not be aware of the number of related party transactions related to HDIC and its principals.

The audit recommended that the Task Force amend the Agreement to require Task Force review and approval in advance of HDIC, Theater Block, Gold Lofts or subsequent projects entering into related party transactions.

The Task Force responded that this finding is still another example of the short-comings in the Agreement to allow the City to obtain all the necessary information for informed decision making with respect to the venture. The Task Force would require the submittal of this information as a condition of project approval. The Task Force was uncertain if an amendment to the Agreement would be able to achieve full and complete disclosure of related party transactions. The Task Force was negotiating with HDIC for inclusion of a related party disclosure requirement in the MOU. However, the Task Force was uncertain whether HDIC would agree to this amendment.

ACTION TAKEN

The audit recommendations have been fully implemented.

The November 2004 MOU implemented the following requirement:

Notice. Within thirty (30) days of entering into any agreement or contract, written or oral, with any person or entity that could be considered a member of an affiliated group with HDIC, HDIC shall notify the Task Force through the Central Recorder. For purposes of this paragraph, 'affiliated group' means that term as it is used in the Internal Revenue code.

RECOMMENDATION NO. 10:

In June 2000, the City transferred a piece of property with an appraised value of \$1.37 million to the HDIC. After the transfer, it was determined that the land had a very large amount of construction debris throughout the site, at depths of six to eight feet. The site could not be considered "a clean buildable site" as assumed in the appraisal. This issue went to arbitration to determine a resolution. The arbitrator awarded a judgment of \$262,340 to HDIC. The City paid \$262,340 to HDIC from the Risk Management fund, instead of taking a reduction in the City's Capital Account; as the City could have. It appears that Albuquerque Development Services personnel made the decision to pay HDIC. Albuquerque Development Services personnel did not have an explanation or documentation as to why the City made this payment instead of taking a reduction in the City's Capital Account. There is no indication that the Task Force was consulted regarding the method of payment.

The audit recommended that the Task Force approve any settlements of additional claims related to the Agreement. The audit further recommended that the Task Force instruct the department or division that is assigned the responsibility for administering the Agreement that the Task Force must approve the settlement of claims related to the agreement.

The Task Force agreed that any claim related to the Agreement should be brought to its attention by the contract recorder and Albuquerque Development Services for review and approval.

ACTION TAKEN

The audit recommendations have been fully implemented.

The Task Force implemented a requirement that any claim related to the Agreement should be brought to its attention for review and approval. The City's CFO stated that there have

been no claims related to the Agreement since the issuance of the audit on September 23, 2004.

RECOMMENDATION NO. 11:

The Agreement with HDIC stated, "The City shall provide infrastructure costs for the Project, as described in the Master Plan, up to an amount of \$500,000." HDIC directly contracted with several vendors to provide infrastructure improvements for the project, although the Agreement did not specifically provide for this action. HDIC then billed the City for these infrastructure costs. The Capital Improvements Program Division (CIP) reimbursed HDIC for these infrastructure improvement costs. The CIP Division did obtain some documentation prior to reimbursing HDIC. However, the documentation that the CIP Division was able to obtain from HDIC was not adequate to ensure that the City was paying for infrastructure improvements allowed by the Agreement with HDIC.

The audit recommended that the Task Force amend the Agreement to require documentation for reimbursement to HDIC for infrastructure costs.

The Task Force agreed that the expenditure of City funds should always be fully and completely documented. The Task Force agreed to either direct City agencies to obtain such documentation or attempt to amend the Agreement to ensure that reimbursed infrastructure costs are adequately documented.

ACTION TAKEN

The audit recommendations have been fully implemented.

The November 2004 MOU required that City infrastructure cost reimbursements under Section 606(f) of the Agreement are only be made upon the City's receipt of adequate documentation from HDIC. The MOU required the documentation to comply with the City's requirement for third party vendor infrastructure improvements.

RECOMMENDATION NO. 12:

Section II.B.8 of the "Alvarado Transportation Center Metropolitan Redevelopment Plan", which is an attachment to the Agreement, states, "Housing development in the Plan will include a minimum of 20% of the dwelling units affordable to households less than 80% of median income." HDIC stated that 10% of the housing units in the Silver Court Apartment project would be low income housing. State statute 3-60A-9 D. requires specific hearings and approvals for any proposed

modification, which substantially changes the approved plan. If the change in the percentage of low-income housing units from 20% to 10% is considered a substantial change, the modification should be the subject of public hearings and approved by the City Council.

The audit recommended that the Task Force request an opinion from the City Legal Department regarding whether or not the change in the percentage of low-income housing units is a substantial change to the Metropolitan Redevelopment Plan as defined by State Statute.

The Task Force responded that the Legal Department issued an opinion that, with respect to the Silver Court project, the 10% set-aside for low income housing was a negotiated concession on the part of the Task Force, reflecting, in part, the nature of the proposed Silver Court project. The Legal Department has further opined that the 10% set-aside for the Silver Court project was unique to the proposal from Phoenix Properties. That proposal was withdrawn by HDIC and any deviation from a 20% set-aside would again become a matter of negotiation.

ACTION TAKEN

The audit recommendation has been resolved.

The Legal Department opined that any deviation from a 20% set-aside would become a matter of negotiation. The City's CFO stated that HDIC has recently selected Romero Rose LLC, through an RFP process, to develop a proposal for the development of both the Silver Court and Greyhound properties. Romero Rose LLC made a presentation to the ATC Task Force at their regular March, 2006 meeting. HDIC and Romero Rose LLC expect the ATC Task Force to be actively involved in the review of that proposal.

RECOMMENDATION NO. 13:

In February 2004, the City and the Master Developer executed the "Third Amendment To the Master Development Agreement for the Alvarado Transportation Center." A portion of this amendment modified Section 606.d, Podium Parking/Phase II Residential, of the Agreement (dated November 29, 1999). The requirements of the 1999 Agreement indicated that this subsequent 2004 agreement, which established the cost of the parking, needed to be approved by City Council. There has apparently been no City Council approval of this subsequent agreement, as was required by the Agreement. The City Attorney confirmed that City Council approval is still needed before the City can make payments for the Podium Parking.

The audit recommended that the Task Force ensure that City Council approval is obtained prior to approving the plans for the Podium Parking.

The Task Force responded that Bill No. R-01-365 (Enactment No. 175-2001) appears to approve applying the requirement that the City pay the cost to construct podium parking spaces to the high density residential project. The high density residential project is subject to all the provisions of the Agreement and shall require review and approval of the Task Force, including, but not limited to, plans regarding the cost and number of parking spaces. The Task Force will again review Bill No. R-01-365 and other relevant documents and if additional approval from the City Council is determined to be necessary will obtain such approval.

ACTION TAKEN

The audit recommendation has been resolved.

The CFO stated that it became unnecessary for the Task Force to Review R-01-365 in 2004 because the proposal from HDIC that involved the podium parking was withdrawn.

CONCLUSION

Ten of the recommendations noted in the initial audit report have been fully implemented or resolved. Three recommendations have been partially implemented. The following items have not been implemented:

- A specific employee should continue to work with the MRA on all aspects of administration of the MDA.
- A specific employee should continue to perform the responsibility for maintaining the records of the City Capital Account and resolve any disputes between the City and HDIC regarding the Capital Account.
- A specific employee should be responsible for acting as the contract recorder.

We appreciate the assistance and cooperation of the City's Chief Financial Officer and the Department of Finance and Administrative Services personnel during the audit.

Principal Auditor

REVIEWED:

Audit Supervisor

APPROVED:

APPROVED FOR PUBLICATION:

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