Lakewood Rental Inspection Program (RIP)
17 December 2015

I had attended two previous meetings seeking stakeholder input to a revised Lakewood RIPon 29 October and 5 November 2015. I was surprised that the lead for both these meetings was the City Attorney, Heidi Wachter and not the Assistant City Manager for Community Development, David Bugher where I would think it belongs. Compounding the apparent misplacement of the topic organizationally was what appeared to be a presentation run backwards from a legal perspective into other cities' programs, then what a Lakewood program might look like, then a discussion of housing in Lakewood and finally a request for attendee reaction.

Something didn't seem right with either the apparent responsibility for the topic or the reverse order in which it appeared to be presented. This apprehension was confirmed in the 14 December 2015 Council study packet which similarly had Wachter in the lead and cover subjects in the order of legalities, other cities' program as options, design of Lakewood's program, attendee feedback and lastly Community developments pitch on Lakewood's housing situation. Unfortunately this is a bottoms up approach to RIP which deals first and foremost with a very small consideration at the tactical level, legalities, and pays scant attention to higher decision levels. It's like letting a bunch of 2nd Lieutenants tell the General how an operation is going to be planned and executed from their tiny perspective. Here's my take on the different decision process that should have been used. Instead of bottom up, it should have been driven top down as explained below. It's based upon a systemic view coming from systems science regarding organizations and groups of people using the hierarchy of Values, Principles, Strategic, Operational and Tactical goals. Clearly the current approach is being driven in the opposite direction.

Values: what's important to the city's citizens and what can government do about it. This is clearly a definition of needs/problem statement which only Community development can answer in terms of quality (red line which establishes minimum standards for all properties) and quantitatively (how many of rentals and owner occupied properties fall below that line). This aspect of need is missing from the Community Development briefing when pushed off at the end of the current presentation when it should be at the very beginning. You know the standards applied to abatements and the numbers historically of abated properties. If you can't establish the need then everything else it moot. If in fact there were a significant number of rentals that fell below the qualitative line compared to owner occupied properties then a tweaking of the current abatement program might be warranted. If rental properties greatly exceeded that qualitative line then a new program might be warranted…….but not until then.

Principles: how the city operates (standard operating procedures). I applaud the city's outreach to stake holders but it needs to be considered as #2 right behind Values and not #4 next to last. Governments are elected to represent their citizens and that citizen input into the process takes precedence to anything the city bureaucracy thinks is appropriate. The safe guard against a city manager and staff becoming "a law unto themselves" is supposed to be the elected City Council. They are the ones who have to elevate the importance of what the people say over what the staff wants. But it is also incumbent for the staff to

present issues like this in an order and with the appropriate responsible lead in a manner which makes the Council's job easier rather than the staff's easier. To do otherwise is akin to speaking Chinese to someone from Brooklyn (like me): we can't decipher the meaning or rearrange the process as presented and are likely to just go along to get along much to the chagrin of those we are supposed to represent.

Strategic goal: Long term goal expressed as a direction the city is headed towards. This aspect is addressed as several potential components of a Lakewood RIP that might take place. However the discussion is not necessarily aimed at solving a real problem with insights coming from stakeholders but rather what other cities have done and gotten away with from a legal perspective. That's what happens when you start at the wrong end of the process and work backwards instead of the right end and work backwards. As a result you wind up with a lot of uncertainty of what the Lakewood RIP could look like looking towards the below operational and tactical levels while paying scant attention to the higher principle and values levels. There a many many things that may be legal but most of them will not solve the alleged problem or necessarily incorporate the input from citizens.

Operational goal: The intermediate options available as paths along a strategic direction. This is currently addressed as what other cities have done to institute similar RIPs that passed legal muster. However there is no mention whatever of why their particular need (Values), input (Principles) or Strategic Goals (program direction) resulted in their "legal" RIP. To not consider this is to be guilty of "monkey see-monkey do" simple because someone else did it and didn't get taken to court. Is not the purpose of government to see how much they can get away with simply because some other municipality got away with it. Granted if you can make the connection between similar values, principles and strategic goals which are similar in other cities, then you could make the case that adoption of some of their RIP could be adopted to facilitate achievement your Lakewood's RIP strategic goals. However that has not been done and the only yardstick to date appears to be legal sufficiency.

Tactical goal: The short term tasks and skills necessary to accomplish operational options along a strategic direction. There are a myriad of things we have to do to accomplish higher order goals. Determining cost, fitting into the budget process, man power requirements, staff training, crafting legislation and regulations, community outreach and feedback are among the many tactical skills to make this whole RIP work. Oh by the way: a review of legal sufficiency is but just one of these many tactical skills. It is what it is and should not be the central issue driving this process: a case of the tail wagging the dog. Without competence in these areas the best laid plans come to naught. So while they may be low on the hierarchy they support everything above them.

Now I don't want to be presumptuous but based upon the reverse order the city has taken on this subject and the apparent lead in it all, I am forced (from a systems analytical perspective) to ask why? I think there are several potential answers and/or combinations thereof.

> Perhaps Community Development doesn't have the data to support a new program need. If that were the case the entire RIP discussion would collapse in on itself.

Perhaps the City Manager sees the easiest victory on Council to be one of accepting the premise that we needed the program in the first place because there was an existing one previously (which failed legal muster) and simply make it a tactical issue of legal word-smithing to make it stick. Unfortunately, if you accept a false premise and use perfect logic you must come to a false conclusion. It's the premise…..the need….that has to be demonstrated first not legal sufficiency.

Another possibility is that the staff doesn't think the Council understands the problem and would drag it out with all kinds of work for them to justify needs when a nice short discussion count sidestep all the essential questions and go directly to a legal solution.

It's important to note that in the two meetings I attended, the reason for the Seattle (and Lakewood) RIP legal failure was never mentioned (using government inspectors violated privacy rights). Nor was it mentioned how Seattle (and Lakewood's proposed RIP) got around that illegality by requiring instead that the landlords personally hire and pay for private inspectors to do the certification. Nor was it documented why, when or how Council allegedly rejected the earlier RIP proposals made to them during their February 2015 retreat: it's not in the minutes of that meeting. There was a shock which reverberated amongst the attendees on 5 November 2015 when I let the cat out of the bag at the end of the meeting. I might add that one of the principles of governance is to be transparent and in this case Lakewood's government was not and for them, good reason. I think a lot more needs to be done at the Community Development Value and Principle end of the spectrum before any determination is made about what Lakewood's RIP looks like, who we mimic and whether it's legal.

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