



**THOMAS P. DiNAPOLI**  
COMPTROLLER

STATE OF NEW YORK  
**OFFICE OF THE STATE COMPTROLLER**  
110 STATE STREET  
ALBANY, NEW YORK 12236

**GABRIEL F DEYO**  
DEPUTY COMPTROLLER  
DIVISION OF LOCAL GOVERNMENT  
AND SCHOOL ACCOUNTABILITY  
Tel: (518) 474-4037 Fax: (518) 486-6479

December 2017

Lovely Warren, Mayor  
Members of the City Council  
City of Rochester  
30 Church Street  
Rochester, NY 14614

Report Number: S9-17-3

Dear Mayor Warren and Members of the City Council:

A top priority of the Office of the State Comptroller is to help local government officials manage their resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of local governments statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard assets.

In accordance with these goals, we conducted an audit of six units (one authority and five cities) throughout New York State. The objective of our audit was to determine whether municipal parking structures are regularly inspected to identify repair needs and whether municipalities are ensuring repair needs are made to ensure public safety. We included the City of Rochester (City) in this audit. Within the scope of this audit, we examined the City's process for evaluating, monitoring and repairing parking structures for the period January 1, 2015 through November 29, 2016. This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law.

This report of examination letter contains our findings and recommendations specific to the City. We discussed the findings and recommendations with City officials and considered their comments, which are included in Appendix B, in preparing this report. Except as indicated in Appendix B, City officials generally agreed with our recommendations and indicated they plan to initiate corrective action. Appendix C includes our comments on certain issues in the City's response. At the completion of our audit of the six entities, we prepared a global report that summarizes the significant issues we identified at all of the entities audited.

## **Summary of Findings**

City officials contract with an engineering firm to perform structural inspections on the eight parking structures<sup>1</sup> on a rotating biannual basis. The most recent inspections were conducted between 2014 and 2016. The inspections indicated no urgent repairs were necessary. However, there were 11 repair issues identified as high priority.<sup>2</sup> Ten identified issues were repaired or are in the process of being repaired. City officials told us the final high priority repair was deemed noncritical.

In addition, the City contracts for inspections of its 27 parking structure elevators. Within the last six months, 26 elevators were inspected: 19 elevators passed inspection, seven elevators had violations or comments on identified issues, and one elevator was closed. Finally, six elevators had 14 months in between inspections.

The City annually updates its five-year CIP based on the regular inspections.

## **Background and Methodology**

The City is located in Monroe County and has approximately 211,000 residents. The City is governed by a nine-member City Council (Council), comprising a President and eight Council members. The Council is the legislative body responsible for setting the City's governing policies. The Mayor is the chief executive officer and is responsible, along with other administrative staff, for the City's day-to-day management. The City's 2016-17 general fund budget totaled \$517 million, while the Parking budget totaled \$11.9 million. The Director of Parking oversees parking structure operations.

The City owns and operates nine parking structures with approximately 10,000 spaces (Figure 1). Parking structure revenues totaled \$6.8 million in 2016.

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<sup>1</sup> The Midtown parking structure was not included in the inspection process because City officials told us the structure was in the process of being sold.

<sup>2</sup> High priority items should be fixed as soon as possible. However, they are not considered an imminent threat.

<b>Figure 1: Parking Structures</b>		
<b>Name</b>	<b>Spaces</b>	<b>Year Built</b>
Court Street Garage	1,001	1995
East End Garage	1,282	1983
Genesee Crossroads Garage	658	1969
High Falls Garage	760	1993
Midtown Garage (Sold March 2017)	1,844	2014
Mortimer Street Garage	608	2008
Sister Cities Garage	1,001	1990
South Avenue Garage	1,800	1974
Washington Square Garage	1,137	1988

Parking structures are exposed directly to weather and other environmental conditions, such as extreme temperature changes, rain, snow, deicing salts, road grime and dampness, which directly influence their durability and have the potential to create performance problems. The potential severity of these problems will depend on the geographic location of the structure and local environmental conditions.

Municipalities have historically increased inspection mandates in response to parking structure failures. For example, in 1998, the City of Syracuse updated its Property Conservation Code to require annual inspections of parking structures in response to the MONY garage collapse of 1994. This structure failure was the result of a 115-foot portion of the second level collapsing down to the first. Prior to the 1994 collapse, a 1988 study of the garage stated the need for millions of dollars in repairs. However, these repairs were neglected and never completed. As another example, in 2009 the City of Rochester implemented a parking structure maintenance program that strives to have each City-owned parking structure inspected every two years in response to the 2006 South Avenue structure collapse. This structure failure was the result of rust within the steel cable and post system that supported the ramp.

To accomplish our audit objective, we interviewed City officials, Department of Environmental Services (DES) employees and Bureau of Parking employees. We reviewed relevant laws, inspection reports and contracts. We performed walk-throughs of City parking structures. We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). More information on the standards and the methodology used in performing this audit are included in Appendix D of this report.

### **Audit Results**

The City has implemented a parking structure maintenance program that aims to have each parking structure inspected every two years. New York State Property Maintenance Code requires elevator inspections to be performed every six months by a qualified elevator inspector. Sound business

practices include both long-term and short-term capital project planning, which serves to identify and prioritize anticipated needs based on a strategic plan.

Inspections – Officials contract with an engineering firm to provide biannual structural inspections<sup>3</sup> (four inspections annually, rotating the garages). City personnel work with the engineers to develop annual plans to prioritize findings from the inspections.

Structural reports indicated five structures did not have any urgent or high priority<sup>4</sup> issues. Three structural inspections identified no urgent issues and 11 high priority issues (Figure 2). We reviewed work contracts to determine the status of the issues; 10 identified issues were repaired or are in the process of being repaired. A DES employee told us City officials did not address the final repair item as they deemed it noncritical.

<b>Figure 2: Structural Condition Survey High Priority Issues Identified</b>		
<b>Structure</b>	<b>High Priority Issue</b>	<b>Repair Status</b>
Court Street Garage	Façade Repair	In Progress – Capital Project
Court Street Garage	Stair Nosing Replacement	In Progress – Capital Project
Mortimer Street Garage	Deck Sealing	In Progress – Capital Project
Mortimer Street Garage	Deck Sealing	In Progress – Capital Project
Mortimer Street Garage	Concrete Repair to Structural Deck/Beams/Columns/Wheel Stops	In Progress – Capital Project
Mortimer Street Garage	Deck Waterproofing	In Progress – Capital Project
Mortimer Street Garage	Mortimer West Access Entrance/Exit	Not Repaired
South Avenue Garage	Post-tension Investigation and Repair	In Progress – Capital Project
South Avenue Garage	Deck Waterproofing/Wearing Surface	In Progress – Capital Project
South Avenue Garage	Concrete Repair to Structural Deck/Beams/Columns	In Progress – Capital Project
South Avenue Garage	Expansion Joint Repair/Replacement	In Progress – Capital Project

Elevators – Elevators are required to be inspected every six months by a qualified elevator inspector. Elevator inspection reports cite elevators as having violations and comments. When an elevator has a violation that results in it failing inspection, it is shut-down. Such violations resulting in failure can include elevators that will not set in the safeties. Elevators also can have violations that do not necessarily mean they failed inspection. The inspection report could list them as a pass with violations. For example, replace hoisting ropes due to reduction diameter. Inspections can also include comments for items that need to be repaired that are not as high risk as violations. For example, oil and water on the pit floor is not an elevator violation, but can be listed on the inspection report as a comment. In the event of a failing inspection or violations, repairs should be made to ensure public safety.

Unless elevators failed inspection, the inspection reports we reviewed did not contain sufficient detail to determine which repairs listed were violations or comments. Therefore, we grouped them together. The City’s parking structures have 27 elevators, and the City contracts separately for

<sup>3</sup> The Midtown Garage is not included in the inspection plan because it is in the process of being sold.

<sup>4</sup> High priority items should be fixed as soon as possible. However, they are not considered an imminent threat.

elevator inspections and maintenance. Within the last six months, 26 elevators were inspected: 19 elevators passed inspection, seven elevators had violations or comments, and one elevator was closed. In addition, inspections did not occur every six months as required by law, at times only occurring at 14-month intervals (Appendix A, Figure 3). Officials could not provide documentation that violations or comments were repaired. The failure to monitor and enforce required elevator inspections and maintenance jeopardizes public safety.

Documenting Decisions – Decisions made by City officials about which capital projects and inspection issues should be addressed would be more transparent to the Mayor, City Council and community if the CIP contained specific project details, such as the scope of the project, and anticipated costs and timeframes. This information would help ensure a better understanding of the costs and benefits of adequately maintaining the City’s capital assets.

Annually, City engineers, along with the external engineering firm, update their CIP to address issues identified in the inspections, including prioritization of repairs and projects to address these issues. Their documentation includes a ranking for urgency, the impact of deferring maintenance work and the estimated cost of the repair. In addition, they group the repairs to achieve economies of scale. We commend officials for documenting planned work.

Capital Planning – Sound business practices include both long-term and short-term capital project planning. Such planning serves to identify and prioritize anticipated needs based on a strategic plan. Effective capital project plans establish a clear project scope accompanied by detailed estimates of costs and timelines for project phases and final completion. Such planning not only establishes an entity’s capital project needs, but helps establish overall budgetary control as well. Often, long-term capital plans range from three to five years and are supplemented by annual plans that distinguish short-term from long-term needs. Also, capital project plans should have the flexibility to address unexpected situations, including those impacting the health and safety of City staff and garage patrons.

On an annual basis, City officials prepare a five-year CIP that includes planned spending on capital projects, including parking structures. City officials told us that the recommendations from engineering inspection reports are incorporated into the CIP over typically a two-year cycle to accommodate the construction season.

## **Recommendation**

City officials should:

1. Ensure operational elevators are inspected, as required, and meet minimum code requirements.

The Council has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and forwarded to our office within 90 days, pursuant to Section 35 of General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the Council to make this plan available for public review in the Clerk’s office.

We thank the officials and staff of the City for the courtesies and cooperation extended to our auditors during this audit.

Sincerely,

Gabriel F. Deyo  
Deputy Comptroller

## APPENDIX A

**Figure 3: Elevator Inspection Results**

<b>Elevator Location</b>	<b>Most Recent Inspection Date</b>	<b>Pass or Violation or Comment</b>	<b>Prior Inspection Date</b>	<b>Pass or Violation or Comment</b>	<b>Months Between Inspections</b>	<b>Elapsed Time Since Last Inspection (Months)</b>
Court Street 1	July 2016	Pass	New Elevator	Not applicable	Not due	5
Court Street 2	November 2016	Pass	June 2016	Pass	5	1
Court Street 3	November 2016	Pass	June 2016	Pass	5	1
Court Street 4	November 2016	Pass	June 2016	Pass	5	6
East End 1	October 2016	Pass	May 2016	Pass	5	2
East End 2	October 2016	Pass	May 2016	Pass	5	2
East End 3	October 2016	Pass	May 2016	Pass	5	2
East End 4	July 2016	Pass	January 2016	Pass	6	6
East End 5	May 2016	Pass	January 2016	Pass	4	7
High Falls 1	August 2016	Pass	November 2015	Pass	9	4
High Falls 2	August 2016	Pass	New Elevator	Not Applicable	Not Due	4
Midtown	December 2016	Pass	August 2016	Pass	4	0
Mortimer 1	December 2016	Pass	August 2016	Pass	4	0
Mortimer 2	December 2016	Pass	New	Not Applicable	0	0
Sister Cities 1	November 2016	Failure - Emergency Phone	May 2016	Pass	6	1
Sister Cities 2	November 2016	Pass	May 2016	Pass	6	1
Sister Cities 3	December 2016	Pass	November 2016	Pass	1	0
Sister Cities 4	December 2016	Pass	November 2016	Pass	1	0
South Avenue 1	September 2016	Pass	July 2015	Pass	14	3
South Avenue 2	September 2016	Pass - Replace hoisting ropes due to	July 2015	Pass	14	3

**Figure 3: Elevator Inspection Results**

<b>Elevator Location</b>	<b>Most Recent Inspection Date</b>	<b>Pass or Violation or Comment</b>	<b>Prior Inspection Date</b>	<b>Pass or Violation or Comment</b>	<b>Months Between Inspections</b>	<b>Elapsed Time Since Last Inspection (Months)</b>
		reduction of diameter				
South Avenue 3	September 2016	Pass	July 2015	Pass	14	3
South Avenue 4	September 2016	Pass - Replace hoisting ropes due to reduction of diameter	July 2015	Pass - Replace hoisting ropes due to reduction of diameter	14	3
South Avenue 5	September 2016	Closed	July 2015	Pass	14	3
South Avenue 6	September 2016	Pass - Water and oil shall not be allowed to accumulate on pit floor	July 2015	Pass	14	3
Washington 1	December 2016	Pass- Remove water from elevator pit; pit lighting	August 2016	Pass - Water and oil shall not be allowed to accumulate on pit floors	4	0
Washington 2	December 2016	Pass - Remove water from elevator pit; pit lighting	August 2016	Pass - Water and oil shall not be allowed to accumulate on pit floors	4	0
Washington 3	December 2016	Pass - Remove water from elevator pit; pit lighting	August 2016	Pass - Water and oil shall not be allowed to accumulate on pit floors.	4	0



## **APPENDIX B**

### **RESPONSE FROM CITY OFFICIALS**

The City officials' response to this audit can be found on the following pages.



August 24, 2017

[REDACTED]  
Office of the State Comptroller  
State Office Building, Room 604  
207 Genesee Street  
Utica, NY 13501

Re: OSC Draft Audit Report Number S9-17-3

Dear [REDACTED]

Enclosed, please find a letter from Laura Miller, Director of the City of Rochester's Bureau of Parking, in response to the Office of the State Comptroller's Draft Audit Report Number S9-17-3.

I endorse the supplemental information that has been provided by Ms. Miller, and look forward to our continued communication on this issue.

If you have any concerns, please feel free to reach out to my office at 585-428-7045.

Sincerely,

Lovely A. Warren  
Mayor





**City of Rochester**

Department of Finance  
42 South Avenue  
Rochester, New York 14604-1794  
www.cityofrochester.gov

Parking and  
Municipal Code  
Violations Bureau

August 18, 2017

[Redacted]

Office of the State Comptroller  
State Office Building, Room 604  
207 Genesee Street  
Utica, New York 13501

RE: OSC Draft Audit Report Number S9-17-3

Dear [Redacted]

This letter is in response to the OSC's Draft Audit Report Number S9-17-3. The required Corrective Action Plan (CAP) will follow separately.

Per the State's request, City representatives met on June 27, 2017 with OSC [Redacted] to discuss the initial draft report. Concerns were expressed by the City that the information originally provided by the City to the auditors was not reflected accurately and fairly within the State's draft report. The draft report from the OSC lacked detailed information related to elevators within garages, particularly in regard to long term closures for elevator replacements and modernizations, thereby creating the appearance that the elevators in the parking garages are sorely neglected. To the contrary, City officials have been working for almost three years on an extensive elevator replacement and renovation program.

See  
Note 1  
Page 16

It was agreed upon in this meeting that a supplemental package of information would be provided by the City on July 14, 2017. The package would include a complete, detailed summary outlining all actions and inspections for each elevator during the State's two year review period along with supporting documentation. [Redacted] agreed to review additional elevator inspection and maintenance documentation. Based on this documentation, we understood that the draft report could have been revised. The State's response to this documentation was a slightly revised Appendix B, and an item on page 4 of the draft report was updated to reflect the City's reason for rescheduling work at Mortimer garage. (Secondary pedestrian access.) It is the City's belief that the revised Appendix B still does not fully represent the results of elevator inspections.

See  
Note 1  
Page 16

The City maintains as our formal audit response that the following supplemental information is accurate information relative to the audit and should be included in published documents.

**SUPPLEMENTAL INFORMATION**

*OSC's Draft Audit Report Number S9-17-3, Pg. 2: "In addition, the City contracts for inspections of its 27 parking structure elevators. Within the last six months, 26 elevators were inspected: 19 elevators passed inspection, seven elevators failed inspection, and one elevator was closed. Finally, six elevators had fourteen months in between inspections."*





Supplemental information: Please refer to the attached comprehensive table showing all inspections, inspection agencies, dates, inspection results, repairs and certificates issued, and the edited Appendix B. Elevator closures for replacements and modernizations are shown within the table to provide clarity on inspection gaps reported in the draft audit document: elevators are not inspected when they are closed for replacement and/or renovations. Elevators are certified when work is complete and placed back in service. The City intends to propose a more detailed tracking mechanism during these closure events as part of the Corrective Action Plan deliverable to OSC, so that any future review of inspection schedules will clearly show closures of a unit during the period in which inspections are due.

The City edited Appendix B to add a column that lists the "pass" or "fail" result of inspections. A separate column lists any comments made by inspectors during their inspections. Comments on an inspection report do NOT necessarily indicate whether a unit passed or failed. For example, "pit lighting" noted on an inspection report does not mean the elevator failed an inspection.

See  
Note 1  
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*OSC's Draft Audit Report Number S9-17-3, Pg. 4: "Elevators are required to be inspected every six months by a qualified elevator inspector. The City's parking structures have 27 elevators, and the City contracts separately for elevator inspections and maintenance. Within the last six months, 26 elevators were inspected: 19 elevators passed inspection, seven elevators failed inspection, and one elevator was closed. In addition, inspections did not occur every six months as required by law, at times only occurring at 14-month intervals (Appendix B, Figure 3). Officials could not provide documentation that failure items were repaired. The failure to monitor and enforce required elevator inspections and maintenance jeopardizes public safety."*

Supplemental information: Please refer to the attached comprehensive table showing all inspections, inspection agencies, dates, inspection results, repairs and certificates issued, and the edited Appendix B. Elevator closures for replacements and modernizations are shown within the table to provide clarity on inspection gaps reported in the draft audit document: elevators are not inspected when they are closed for replacement and/or renovations. Elevators are certified when work is complete and placed back in service. The City intends to propose a more detailed tracking mechanism during these closure events as part of the Corrective Action Plan deliverable to OSC, so that any future review of inspection schedules will clearly show closures of a unit during the period in which inspections are due.

See  
Note 2  
Page 16

The City edited Appendix B to add a column that lists the "pass" or "fail" result of inspections. A separate column lists any comments made by inspectors during their inspections. Comments on an inspection report do NOT necessarily indicate whether a unit passed or failed. For example, "pit lighting" noted on an inspection report does not mean the elevator failed an inspection.

See  
Note 1  
Page 16

Please refer to page 3-5.

City's revised version of Appendix B:

Figure 3: Elevator Inspection Results								
Elevator Location	Most Recent Inspection Date	Pass or Fail	Comment on Inspection	Prior Inspection Date	Pass or Fail	Comment on Inspection	Months Between Inspections	Elapsed Time Since Last Inspection (Months)
Court Street 1	July 2016	Pass		New Elevator	Not applicable	Not applicable	Not due	5
Court Street 2	November 2016	Pass		June 2016	Pass	Pass	5	1
Court Street 3	November 2016	Pass		June 2016	Pass	Pass	5	1
Court Street 4	November 2016	Pass		June 2016	Pass	Pass	5	6
East End 1	October 2016	Pass		May 2016	Pass	Pass	5	2
East End 2	October 2016	Pass		May 2016	Pass	Pass	5	2
East End 3	October 2016	Pass		May 2016	Pass	Pass	5	2
East End 4	July 2016	Pass		January 2016	Pass	Pass	6	6
East End 5	May 2016	Pass		January 2016	Pass	Pass	4	7
High Falls 1	August 2016	Pass		November 2015	Pass	Pass	9	4
High Falls 2	August 2016	Pass		New Elevator	NA	NA	Not Due	4
Midtown	December 2016	Pass		August 2016	Pass	Pass	4	0
Morimer 1	December 2016	Pass		August 2016	Pass	Pass	4	0
Morimer 2	December 2016	Pass		New	NA	NA	0	0
Sister Cities 1	November 2016	Fail	Emergency Phone	May 2016	Pass	Pass	6	1
Sister Cities 2	November 2016	Pass		May 2016	Pass	Pass	6	1
Sister Cities 3	December 2016	Pass		November 2016	Pass	Pass	1	0
Sister Cities 4	December 2016	Pass		November 2016	Pass	Pass	1	0
South Avenue 1	September 2016	Pass		July 2015	Pass	Pass	14	3
South Avenue 2	September 2016	Pass	Replace hoisting ropes due to reduction of diameter	July 2015	Pass	Pass	14	3

APPENDIX B



City's revised version of Appendix B:

Figure 3: Elevator Inspection Results								
Elevator Location	Most Recent Inspection Date	Pass or Fail	Comment on inspection	Prior Inspection Date	Pass or Fail	Comment on inspection	Months Between Inspections	Elapsed Time Since Last Inspection (Months)
South Avenue 3	September 2016	Pass		July 2015	Pass	Pass	14	3
South Avenue 4	September 2016	Pass	Replace hoisting ropes due to reduction of diameter	July 2015	Pass	Replace hoisting ropes due to reduction of diameter	14	3
South Avenue 5	September 2016	Pass		July 2015	Pass	Pass		3
South Avenue 6	September 2016	Pass	Water and oil shall not be allowed to accumulate on pit floor	July 2015	Pass	Pass	14	3
Washington 1	December 2016	Pass	Remove water from elevator pit; pit lighting	August 2016	Pass	Water and oil shall not be allowed to accumulate on pit floors	4	0
Washington 2	December 2016	Pass	Remove water from elevator pit; pit lighting	August 2016	Pass	Water and oil shall not be allowed to accumulate on pit floors	4	0
Washington 3	December 2016	Pass	Remove water from elevator pit; pit lighting	August 2016	Pass	Water and oil shall not be allowed to accumulate on pit floors.	4	0

OSC's Draft Audit Report Number S9-17-3, Pg. 5: "Decisions made by City officials about which capital projects and inspection issues should be addressed would be more transparent to the Mayor, City Council and community if the CIP contained specific project details, such as the scope of the project, and anticipated costs and timeframes. This information would help ensure a better understanding of the costs and benefits of adequately maintaining the City's capital assets."

Response: The formal CIP documents are intended to be a listing only of selected items for funding. All related inspection reports, prioritization/planning, scoping, schedules, legislative items, and design documents are available to the Mayor and City Council upon request. The City also has a FOIL process in place to accommodate all community / public requests. The information is available through these methods for the City's vast inventory of over 40 bridges, 8 garages, and over 140 buildings.

Sincerely,

Laura C. Miller, Director  
Bureau of Parking  
City of Rochester

Attachments: Garage Elevator Inspections Summary 07.12.17 PDF  
Garage Elevators Inspections – Appendix A PDF

See Note 2 Page 16
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XC: Honorable Mayor Lovely A. Warren, Esq.  
Dr. Cedric Alexander, Deputy Mayor  
Brian Curran, Corporation Counsel  
Charles Benincasa, Director of Finance  
Holly E. Barrett, P.E., Assistant City Engineer

## **APPENDIX C**

### **OSC COMMENTS ON THE CITY'S RESPONSE**

#### Note 1

At the exit discussion, we agreed to allow the City additional time to provide us with supplemental information that was not provided during audit fieldwork. We reviewed the supplemental information provided, followed-up with the elevator inspection company, and modified our report accordingly.

#### Note 2

Rochester officials attached a comprehensive table of elevator inspections and elevator inspection certificates and reports from May 2014 through December 2016. We did not include the supplemental information, as it is summarized in our report. Further, the supplemental information from May 2014 through December 2014 was outside of our audit scope.



## **APPENDIX D**

### **AUDIT METHODOLOGY AND STANDARDS**

To achieve our audit objective and obtain valid evidence, we performed the following procedures:

- We reviewed the Regulations set forth by New York State's 2010 Property Maintenance Code, General Municipal Law and the 2010 Fire Code, and applicable policies and procedures.
- We interviewed City officials and a representative from the engineering firm to determine the parking structure inspection and repair processes.
- We performed walk-through observations of parking structures. We reviewed parking structure inspection reports.
- We reviewed elevator inspection reports.
- We obtained contracts and invoices to determine whether identified repairs were made or scheduled to be repaired.
- We reviewed the 2015-16 and 2016-17 Capital Improvement Plans for reasonableness and documentation to support anticipated projects.

We conducted this performance audit in accordance with GAGAS. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.