

Memorandum

- Requesting Audit of Salaries & Benefits charged to Tree Trust Fund from FY 2009 – 2019 and Repayment to Tree Trust Fund of All Salaries and Benefits charged Exceeding the Restrictions in §158-66(a) of Atlanta Tree Protection Ordinance
- Requesting Enhanced Oversight of the Tree Trust Fund by Department of City Planning
- Requesting Allocation to Tree Trust Fund of its Proportionate Share of Interest Earned by Trust Fund 7701 from City of Atlanta's Cash Pool and an Accounting of City's spending of 7701 Trust Fund Interest from FY 2009 – 2019

MEMORANDUM

From: Brian G. Smooke and Edgar Acosta

Re: Request for Tree Trust Fund (Account 600013) Comprehensive Audit, Allocation of Proportionate Share of Cash Pool Interest, and Enhanced Oversight of Department of City Planning Tree Trust Fund Account 600013

Date: March 18, 2020

BRIEF CONCLUSIONS

A. Audit of Salaries and Benefits. Salaries and benefits permitted to be charged by the Department of City Planning (“DCP”)¹ and the Department of Parks and Recreation (“PRC”)² to the Tree Trust Fund³ are restricted by statute.⁴ The maximum amount that DCP may charge to the Tree Trust Fund in salaries and benefits during any one fiscal year⁵ is \$170,000.⁶ The maximum amount that PRC may charge to the Tree Trust Fund in salaries and benefits during any one fiscal year is \$275,000.⁷

The general ledger detail provided by the Department of Finance (“Finance”), however, reveals a chronic disregard by both PRC and DCP of these statutory limitations. Both DCP and PRC have repeatedly charged the Tree Trust Fund for annual salaries and benefits materially in excess of their statutorily permitted amounts.

Based on the data we’ve analyzed, PRC has overcharged the Tree Trust Fund more than \$900,000 in salaries and benefits since 2014; while DCP has overcharged the Tree Trust Fund more than \$2,400,000 in salaries and benefits between 2009 -2019⁸, with close to \$1,500,000 of this amount attributable to a series of ill-conceived 2014 reclassification journal entries charging the Tree Trust Fund’s budget with salaries and benefits for fiscal years 2009 – 2013 that were originally charged to and paid by DCP Commissioner and DCP Director of Buildings.

¹ FKA, Department of Planning and Community Development. For purposes of this memorandum, DCP encompasses Department 250101, Department of the Commissioner, and Department 250201, Director of Buildings. Unless the context indicates otherwise, references in this Memorandum to DCP refer to Department 250101.

² FKA, Department of PRC, Recreation and Cultural Affairs.

³ References in this Memorandum to the Tree Trust Fund refer, unless expressly indicated to the contrary, solely refer to Account 600013, also known as Tree Removal and Protection.

⁴ See Section 158-66(a) of the Atlanta Tree Protection Ordinance, which is circumscribed within the Atlanta City Code, Chapter 158 (“Vegetation”), Article II (the “Atlanta Tree Protection Ordinance”), Division 2 (“Tree Conservation Commission”), Section 158-66 (“Tree Trust Fund”). For purposes of this Memorandum, references to Section / § 158-66 refer to the Tree Trust Fund. References to “statute” mean Section 158-66(a).

⁵ This memorandum uses the term “fiscal year” and “year” interchangeably and refers to the City of Atlanta’s fiscal year starting on July 1 and ending on June 30. The reference to a specific year (e.g., 2014), means fiscal year 2014.

⁶ Tree Trust Fund §158-66(a).

⁷ Tree Trust Fund §158-66(a).

⁸ More than half of this amount stems from a series of 2014 journal entries that retroactively reclassified from DCP salaries and benefits incurred during fiscal years 2009 – 2013.

This Memorandum and the attached documents⁹ raise legitimate, material concerns about DCP's oversight of Tree Trust Fund expenditures and the habitual unauthorized charging of salaries and benefits to the Tree Trust Fund by DCP and PRC in contravention of the governing statute.

We believe the evidence in this Memorandum compels the City of Atlanta to initiate an audit of salaries and benefits impermissibly charged by PRC and DCP to Tree Trust Fund Account 600013 during each fiscal year, commencing with Fiscal Year 2009 and running through, and inclusive of, Fiscal Year 2020

Upon conclusion of this audit, all salaries and benefits determined to have been impermissibly charged by PRC and DCP to the Tree Trust Fund in contravention of the salary and benefit limitations in Section 158-66(a), as well as other charges determined to have been impermissibly charged by PRC and DCP, should be restored to the Tree Trust Fund, as promptly as possible, with appropriate interest.

B. Tree Trust Fund Share of Cash Pool Interest. The Tree Trust Fund's assets typically constitute more than 25% of the assets in Trust Fund 7701. Trust Fund 7701 has earned more than \$2,000,000 over the last 5 years from the Cash Pool but does not credit any of that interest to its participant funds, including the Tree Trust Fund, which would otherwise have received \$500,000 of earnings from its assets. There is no compelling reason why the City cannot allocate to the Tree Trust Fund its proportionate share of interest earned by Trust Fund 7701.¹⁰ The City needs to disclose how it spends the interest earned by Trust Fund 7701 from the Cash Pool.

C. Enhanced Oversight. To prevent the Tree Trust Fund being further encroached upon for salaries, benefits, or other expenditures not specifically authorized by City Ordinances, we urge the City to adopt meaningful changes to its oversight, including appropriate community engagement, to increase transparency and inspire public confidence that the Tree Trust Fund is being administered and operated in a manner consistent with its intended purpose.

BACKGROUND

Article II Chapter 158 of the Atlanta City Code contains the Atlanta Tree Protection Ordinance ("ATPO"). The Tree Trust Fund was established pursuant to Section 158-66 of the ATPO for the protection, maintenance and regeneration of the trees and other

⁹ Attachments or attached documents referred to in this Memorandum are included in the digital binder, prepared of even date herewith, entitled "Atlanta Tree Trust Fund Account 600013, Analysis of Salaries and Benefits charged by the Department of Parks and Recreation & Department of City Planning."

¹⁰ Less reasonable expenses for costs of administration.

forest resources of Atlanta. The statutory provisions governing administration of the Tree Trust fund are delineated in Section 158-66(a) of the ATPO.¹¹

Section 158-66(a) permits the Tree Trust Fund to pay salaries and benefits for specific job positions within the departments of DCP and PRC. The job positions permitted to be paid and their corresponding salaries and benefits are as follows:

With Respect to Parks and Recreation:

A senior arborist position, not to exceed \$75,000 of salary and benefits.¹²

A 3-person tree trimming crew consisting of a forestry crew supervisor, a tree trimmer senior and a tree trimmer, whose collective salaries and benefits may not exceed \$200,000.¹³

With Respect to Department of City Planning:

Two arborist positions, whose salaries and benefits may not exceed \$110,000 in the aggregate.¹⁴

A Tree Commission Administrative Analyst, whose salary and benefits may not exceed \$60,000.¹⁵

Hence, the maximum amount that DCP may charge to the Tree Trust Fund in salaries and benefits during any one fiscal year is \$170,000.¹⁶ The maximum amount that PRC may charge to the Tree Trust Fund in salaries and benefits during any one fiscal year is \$275,000.

We have reviewed all Ordinances affecting the Tree Trust Fund, including (a) Ordinances amending the statute and incorporated into the ATPO, (b) Ordinances authorizing one-

¹¹ References in this Memorandum to Section 158-66(a) shall refer to Section 158-66(a) of the ATPO. The timeline of Section 158-66(a) is depicted in Exhibit 1. The City of Atlanta has divided the Tree Trust Fund into two administration accounts. Tree Trust Fund Account 600013 governs budgeting, revenue and expenditures for Tree Removal and Protection. Tree Trust Fund Account 600307 governs budgeting, revenue and expenditures for Education Outreach. This memorandum does not address the propriety of any salaries and benefits charged to Account 600307.

¹² ATPO Section 158-66(a), first un-indented paragraph. This position was added to the Tree Trust Fund per Ordinance 08-O-1716 on October 14, 2008. It became the first PRC job position chargeable to the Tree Trust Fund.

¹³ These three positions were added to the Tree Trust Fund provision per Ordinance 11-O-0901, effective FY 2011, increasing to four the number of positions permitted to be charged by PRC to the Tree Trust Fund.

ATPO §158-66(a), final paragraph.

¹⁴ Section 158-66(a), second un-indented paragraph.

¹⁵ Any amount in excess of \$60,000 may be paid from the Tree Trust Fund Education Account (Account 600307), which is not the subject of this Memorandum.

¹⁶ For fiscal years 2009 and 2010 the Department of Planning was permitted to borrow money from the Tree Trust Fund by charging the Tree Trust Fund for certain job positions that would otherwise have been charged to the general fund. For 2011 only, the Department of Planning was permitted to charge the Tree Trust Fund an amount not to exceed \$277,785 for four specific job positions that would otherwise have been charged to the general fund. Both transactions are discussed in the Memorandum.

time charges to the Tree Trust Fund, and (c) Ordinances transferring funds from the Tree Trust Fund budget for matters directly furthering the purpose of the Tree Trust Fund, which constitute the majority of Tree Trust Fund related Ordinances.

We found only two Ordinances permitting salary and benefits to be charged to the Tree Trust Fund in excess of the limitations delineated in Section 158-66(a). Both instances pertain solely to DCP, and were applicable only to fiscal years 2009, 2010 and 2011.¹⁷

DISCUSSION AND ANALYSIS

The principal goal of this Memorandum is to detail the unauthorized salaries and benefits charged habitually, and without fail, to the Tree Trust Fund by PRC and DCP.

Attached to this Memorandum are spreadsheets¹⁸ itemizing by fiscal year the amount of salaries and benefits¹⁹ charged from 2009 – 2019 by DCP and PRC to the Tree Trust Fund. The financial data presented is culled from general ledger detail²⁰ received from Finance in response to open record requests.²¹ We extracted the data into Excel so it could be sorted and presented by relevant accounts (e.g., Account 5111001 Salaries Regular).

The following five (5) spreadsheets are attached to this Memorandum:

1. PRC salaries and benefits charged to the Tree Trust Fund before the FY2014 reclass journal entries.
2. DCP salaries and benefits charged to the Tree Trust Fund before the FY2014 reclass journal entries.
3. Details of FY2009-2013 salaries and benefits reclassified by DCP to the Tree Trust Fund in FY2014.
4. FY2009-2019 salaries and benefits charged to the Tree Trust Fund after application of the 2014 reclass journal entries.
5. PRC and DCP salaries and benefits charged to the Tree Trust Fund from FY2009-2019, after giving effect to the FY2014 reclass journal entries.

¹⁷ These Ordinances – 08-O-0993, 09-O-1005, 10-O-0950 – are discussed later in the Memorandum and are attached hereto for easy reference.

¹⁸ These spreadsheets are included in Section 5 of the digital binder.

¹⁹ Though the term “salaries and benefits” does not appear to be defined by the Atlanta City Code, transactions reviewed indicate that this term encompasses salaries (regular), salaries extra help, retention bonuses, overtime expense, holiday pay, life insurance, health insurance, pension fund, defined contributions, Medicare, and deferred compensation.

²⁰ These amounts comport with the annual budget statements provided by Finance.

²¹ The PRC general ledger detail for Account 600013 was received in notepad text format on November 20, 2019. The DCP general ledger detail for Account 600013 was received in PDF format on September 24, 2019. After completion of this Memorandum, the PRC general ledger was made available to us for Fiscal Years 2015 through 2019. The final numbers differed immaterially from the numbers we used in the spreadsheets and, therefore, have not been changed.

I. The Department of Parks and Recreation.

Spreadsheet 1 itemizes salaries and benefits charged to the Tree Trust Fund for fiscal years 2012 – 2019.²² Section 158-66(a) permits a maximum of \$275,000 in salaries and benefits per fiscal year to be paid from the Tree Trust Fund on behalf of four specific job positions. Compiled from general ledger detail provided by Finance, Table 1 compares aggregate salaries and benefits charged since 2014 to the Tree Trust Fund by PRC with the amount allowed by Section 158-66(a).

Table 1

Fiscal Year	Salaries and Benefits Actually Charged	Salaries and Benefits Permitted	Overcharge of Salaries and Benefits
2014	378,868	275,000	103,868
2015	361,635	275,000	86,635
2016	472,617	275,000	197,617
2017	472,397	275,000	197,397
2018	404,275	275,000	129,275
2019	494,522	275,000	219,522
		Total Overcharge	934,314
		2014 - 2019	

The data in Table 1 is derived from the City’s own financial records. It demonstrates that from Fiscal Years 2014 – 2019 PRC continuously charged the Tree Trust Fund with salaries and benefits in excess of the amount legally permissible under Section 158-66(a), with cumulative overcharges exceeding \$900,000 by the end of fiscal year 2019.

Our analysis above assumes that \$275,000 is permissible, as that is the aggregate maximum annual salaries and benefits PRC may charge the Tree Trust Fund. Section 158-66(a) sets a ceiling of \$75,000 in salaries and benefits for a single senior arborist, and authorizes a maximum of \$200,000 in salaries and benefits for a three-person tree trimming crew, permitting only three discrete job positions to be counted towards the \$200,000 limitation: one forestry crew supervisor, one tree trimmer senior, and one tree trimmer.

We do not possess definitive knowledge of the job positions being charged by PRC to the Tree Trust Fund, nor the amount of salaries and benefits being paid to the employees serving in these positions. It is quite possible that upon further scrutiny the job positions permitted to be charged to the Tree Trust Fund and the corresponding salaries and

²² Finance only provided the first half of Fiscal Year 2019 (July through December) Department of Parks and Recreation salaries and benefits charged to the Tree Trust Fund. Until the balance of the data can be obtained, we assumed for 2019 that the salaries and benefits for the entire fiscal year would be double the amount of the first half of the fiscal year.

benefits authorized for those positions do not aggregate \$275,000 and, if borne out, would require PRC to restore additional funds to the Tree Trust Fund.²³

II. The Department of City Planning.

DCP has overcharged salaries and benefits to the Tree Trust Fund every fiscal year between 2009 – 2019. Because journal entries recorded in 2014²⁴ reclassifying 2009 – 2013 salaries and benefits from the general fund to the Tree Trust Fund represent a disproportionate share of the excessive charges, our analysis of DCP’s overcharging of salaries and benefits is divided into several segments.²⁵

A. Fiscal Years 2016 – 2019. Spreadsheet 2 itemizes salaries and benefits charged to the Tree Trust Fund for Fiscal Years 2009 – 2019. Section 158-66(a) permits an annual maximum of \$170,000 in salaries and benefits to be paid from the Tree Trust Fund on behalf of three specific DCP job positions. Compiled from the general ledger detail, Table 2 compares aggregate salaries and benefits charged since 2016 by DCP to the Tree Trust Fund with the amount allowed by Section 158-66(a).

Table 2

Fiscal Year	Salaries and Benefits Actually Charged	Salaries and Benefits Permitted	Overcharge of Salaries and Benefits
2016	290,525	170,000	120,525
2017	346,819	170,000	176,819
2018	384,689	170,000	214,689
2019	314,630	170,000	144,630
		Total Overcharge	656,663
		2016 - 2019	

The data in Table 2 is derived from the City’s own financial records. It demonstrates that from Fiscal Year 2016 – 2019 DCP has continuously charged the Tree Trust Fund with salaries and benefits in excess of the amount legally permissible under Section 158-66(a), with cumulative overcharges exceeding \$650,000 by the end of fiscal year 2019.

As was comparably noted above with respect to PRC, the \$170,000 assumes the only salaries and benefits being charged are for the job positions specified in Section 158-

²³ For example, data received from the DCP Customer Relationship Manager, which is attached, shows that in fiscal year 2016 PRC charged the Tree Trust Fund with the salaries and benefits of (a) a senior arborist, (b) a tree trimmer senior and a tree trimmer, and (c) three other arborists; while the statute, on the other hand, authorizes charging the Tree Trust fund for only one arborist, the senior arborist position.

²⁴ Discussed at length later in the Memorandum.

²⁵ The impact, by discrete salary and benefit accounts, of the journal entries reclassifying salaries and benefits to the Tree Trust Fund retrospectively are described in Spreadsheet 3.

66(a) and only for the dollar amounts statutorily authorized. A closer scrutiny may reveal otherwise.

B. Fiscal Years 2009 – 2014.

(1) Part I: 2014

The following table shows salaries and benefits charged to the Tree Trust Fund solely for fiscal year 2014 derived from general ledger data provided by the Department of Finance.

Table 3			
Fiscal Year	Salaries and Benefits Actually Charged	Salaries and Benefits Permitted	Overcharge of Salaries and Benefits
2014	1,981,686	170,000	1,811,686

The amount of 2014 salaries and benefits burdened on the Tree Trust Fund is staggering.²⁶ The 2014 salaries and benefits are more than twice the amount of any other fiscal year, leading us to question whether they were reported in error; but the 2014 profit and loss statement received from Finance – which we think is less reliable than the general ledger - indicated over \$2,600,000 in salaries and benefits were charged to the Tree Trust Fund.²⁷

Our analysis of what created this extreme variation in salaries and benefits from historical norms is explained in Part II. In short, however, the evidence shows that more than \$1,400,000 was impermissibly charged to the Tree Trust Fund in 2014 for prior fiscal year salaries originally charged to the DCP general fund.²⁸

²⁶ It should be noted that the actual amount of salaries and benefits charged was \$2,328,897 rather than \$1,981,686. However, \$347,211 of the amount originally charged pertaining to defined contributions was reversed in 2015. We deducted the reversed amount to avoid confusion.

²⁷ See Section 7 of the digital binder, which compares fiscal year total expenditures for account 600013, as reported by (a) profit and loss reports, (b) general ledger detail reports, and (c) “funds available” summaries from the City’s Oracle Accounting System. While the general ledger detail reports and Oracle Accounting reports have a total disparity, after an 11-year period, of less than .05%, the profit and loss reports are without correlation.

²⁸ It should be noted that over \$300,000 of the excess salaries and benefits charged by DCP were attributable to reclasses from Technology Reserve Account 600375 from the DCP: Buildings. These occurred with no explanation as to the nexus between Technology and the Tree Trust Fund that would warrant salaries and benefits of Technology employees being reclassified to the Tree Trust Fund. We note that none of the Ordinances making temporary exceptions to the constraints of Section 158-66(a) mentioned employees working in Technology. In fact, all the one-off Ordinances refer only to Department 250101 and never mention Department 250201.

(2) Part II: The Journal Entries

In our review of the 2014 Tree Trust Fund general ledger, we discovered a series of journal entries reclassifying and charging the Tree Trust Fund with more than \$1,700,000 of Fiscal Year 2009 – 2013 salaries and benefits originally charged to the DCP general fund. These reclassifications increased the actual 2014 expenditures charged by an equivalent amount and unilaterally expropriated close to 20% of the Tree Trust Fund's entire budget. We have attached all reclassifying journal entries to this Memorandum.²⁹

These reclassification journal entries were unprecedented, replete with errors, and devoid of any meaningful transparency. Their flaws are elaborated upon at the end of this Memorandum.

To test the permissibility of DCP's charging the Tree Trust Fund with retrospective salaries and benefits, we aggregated (a) the salary and benefit amounts actually charged during the specific fiscal year per general ledger detail provided by the Department of Finance, with (b) the retrospective salary and benefits reclassified to the Tree Trust Fund in 2014.³⁰

Table 4, shown on the following page, illustrates the consequences of the 2014 journal entries on the total salaries and benefits attributed by DCP to the Tree Trust Fund during Fiscal Years 2009 -2013. The post-reclassification salaries and benefits charged against the Tree Trust Fund are then compared to the salaries and benefits Section 158-66(a) permits DCP to charge the Tree Trust Fund.

²⁹ Journal Entries JE_14-1104, JE_14-1105, JE_14-1106, JE_14-1107, JE_14-1108, JE_14-1390, JE_14-3259 and, for its impact on the dollar amount charged to the Tree Trust Fund in 2014 and 2015, JE_15-1106. It should be noted that when Finance emailed the journal entries, they erroneously identified two journal entries with the same number (i.e., JE_14-1106). One of those journal entries is identified in the general ledger as JE_14-1107.

³⁰ Spreadsheet 4 shows the salaries and benefits charged by the Department of Planning to the Tree Trust Fund as if the 2014 journal entries had been recorded in the fiscal year during which they were incurred.

Table 4

Fiscal Year	Salaries and Benefits in Fiscal Year GL's	2014 Journal Entry Adjustments	Salaries and Benefits After Reclasses	Amount Permitted	Overcharge
2009	157,437	637,885	795,322	170,000	625,322
2010	191,494	313,757	505,251	447,785 **	57,466
2011	164,902	344,123	509,025	170,000	339,025
2012	240,923	183,297	424,220	170,000	254,220
2013	256,892	235,499	492,391	170,000	322,391
2014	2,328,897	(2,061,772)	267,125	170,000	97,125
Total Overcharge 2009 - 2013					1,695,549

** Relates to Ordinance 10-O-0950, discussed later. Not all 447,785 may be permitted.

As Table 4 demonstrates, in every fiscal year *before* the 2014 reclassification journal entries, DCP had already charged the Tree Trust Fund the maximum statutorily permitted charge of \$170,000 (or nearly \$170,000) in salaries and benefits. Accordingly, unless DCP had a legal basis for reclassifying salaries and benefits to prior fiscal years, nearly every dollar of these reclassifications blatantly contravened Section 158-66(a).

Because the general ledger entries detail debits to the Tree Trust Fund salary and benefit accounts but contain no corresponding credits, we submitted an ORR request to Finance seeking all debits and credits corresponding to the 2014 journal entries and requested an explanation of the basis for the journal entries; i.e., why was the Tree Trust Fund being charged in 2014 for prior year salaries and benefits?

On December 5, 2019 we received a detail of the debits and credits for the journal entries. We were informed that all documents supporting the journal entries were erased in a cyber-attack.³¹ As to the basis for the journal entries, according to Finance “[t]he NCT Fund operates on a cash basis just like a checking account. The Entries were made to correct prior errors where employees failed to enter the Tree Trust Project number in the accounting string.”³²

The employees in question may have failed to enter the Tree Trust Project number in the accounting string for five consecutive years, as Finance asserts, but the pertinent question is whether any legal authority existed to charge DCP employees to the Tree Trust Fund during fiscal years 2009 – 2013?³³

³¹ This fact prevents us from determining the specific employees whose salaries and benefits were retroactively charged to the Tree Trust Fund. According to Finance, the City of Atlanta Government experienced a ransomware cyber incident on March 22, 2018 which significantly impacted City services and deleted all documents supporting the journal entries.

³² Finance places responsibility on the employees, rather than their supervisor, for allowing employees to charge time to the wrong account for five consecutive years.

³³ We have already demonstrated that there is no legislative or statutory basis for the retroactive charging to the Tree Trust Fund of 2012 or 2013 salaries and benefits relating to Planning employees.

Because of unique facts, we present our analysis of whether the reclassification journal entries were appropriate in discrete fiscal year segments.

A. Fiscal Years 2012-2013. It is immediately discernible from Table 4 that the amount charged to the Tree Trust Fund in 2012 and 2013, ***even before accounting for the charge of retrospective salaries and benefits effected in 2014***, exceeds the statutory permissible amount.

No Ordinance exists permitting DCP to charge the Tree Trust Fund with 2012 or 2013 additional job positions or the corresponding salaries and benefits. As DCP already exceeded the statutory salary and benefit constraints imposed by Section 158-66(a) before the reclassification, the journal entries were a patent violation of law. The 2012 and 2013 salaries and benefits charged against the Tree Trust Fund in 2014 essentially constituted a unilateral, unauthorized borrowing and should be repaid from the DCP general fund, with appropriate interest.

B. Fiscal Year 2009. As Table 4 above indicates, more than \$637,000 of 2009 salaries and benefits were reclassified and charged against the Tree Trust Fund in 2014. During 2009, DCP charged the Tree Trust Fund with \$157,437 of salaries and benefits. After the reclassification, the aggregate 2009 salaries and benefits charged by DCP to the Tree Trust Fund was almost \$800,000, which is more than \$625,000 above the \$170,000 ceiling imposed by Section 158-66(a).³⁴

This substantial overage may relate to Ordinance 08-O-0993, which was adopted in June 2008. Ordinance 08-O-0993, permitted, in pertinent part, DCP to fund the salaries and benefits of nine Arborist Division positions for both Fiscal Year 2009 and Fiscal Year 2010³⁵ from the Tree Trust in an amount not to exceed \$700,000 per fiscal year. Any amount charged to the Tree Trust Fund under this provision for either of the fiscal years was specifically denominated as a loan that would need to be repaid from the general fund, with 3% interest, no later than June 30, 2013.

As noted, the 2009 reclassification journal entry included \$637,000 of salaries and benefits. As the \$637,000 of 2009 salaries and benefits charged to the Tree Trust Fund in 2014 bears more than a passing resemblance to the \$700,000 amount Ordinance 08-O-0993 permitted to be treated as a loan, there is a decent possibility that Ordinance 08-O-0993 formed the basis for the reclassification of 2009 salaries.³⁶

³⁴ The \$637,000 may be understated, as an additional \$64,000 was reclassified in 2014 from DCP's Division of Planning (Department 250403) to the Tree Trust Fund as a 2009 consulting fee. We believe this may have been mischaracterized and are seeking the underlying details in an open records request. Other 2014 expenses reclassified by DCP as Tree Trust Fund 2009 business-related expenses, including training and travel. These fees, presumably incurred on behalf of personnel whose salaries and benefits are being charged to the Tree Trust Fund, should, to the extent the underlying salary and benefits reclasses are deemed impermissible, also be repaid to the Tree Trust Fund.

³⁵ 2010 is discussed separately in the memorandum.

³⁶ And perhaps bled into other fiscal years as well.

In response to an Open Records Request (“ORR”), the DCP informed us it possessed no record indicating that any of the 9 positions allowed for in Ordinance 08-O-0993 were paid from the Tree Trust Fund in 2009 or 2010.

This may be technically true because the DCP did not actually charge the Tree Trust Fund with 2009 and 2010 salaries and benefits until the reclassifying journal entries in 2014; but, in that case, the 9 positions, or such of them actually being charged in 2014 with respect to 2009, should be retrievable from the general fund payroll records.³⁷

Nevertheless, we believe it more likely that not that the \$637,000 retrospectively reclassified in 2014 is linked to the \$700,000 permitted to be charged to and borrowed from the Tree Trust Fund in 2009.

This seems the only reasonable inference, given that the magnitude of the reclassification resulted in more salaries and benefits being charged by DCP to the Tree Trust Fund in 2009 than in any other fiscal year since the Tree Trust Fund was established. Further, because there existed no legal basis other than Ordinance 08-O-0993 for the DCP to charge the Tree Trust Fund with a single dollar of 2009 salaries and benefits above the amount authorized in Section 158-66(a), connecting the \$637,000 in reclassified salaries and benefits with the 2009 loan offers a potential explanation for DCP believing justification existed for charging the Tree Trust Fund with 2009 salaries and benefits.

Even if our hypothesis is correct, it does not justify charging the Tree Trust Fund in 2014 for salaries and benefits that were permitted to be borrowed by the general fund in 2009. Not only would implementing a loan 5-years after its authorization be legally dubious, but as we’ve already noted, any loan occurring under the auspices of Ordinance 08-O-0993 was required to be repaid with 3% interest by June 30, 2013; ergo, any amount borrowed in 2009 (or deemed borrowed in 2009) would have been required to be repaid by DCP *before* the 2014 journal entry was even recorded.

The act of recording this journal entry in 2014 seems ill-conceived; it’s as though, whether by luck or diligence, someone discovered DCP had authority to charge the Tree Trust Fund for salaries and benefits paid from the general fund in 2009, authorized the reclassification journal entry, but wasn’t circumspect enough to discern that retroactively charging the 2009 loan in 2014 violated the very Ordinance authorizing the loan in the first place.

We suggest that by making the 2014 journal entry reclassifying 2009 salaries and benefits and thereby depleting the Tree Trust Fund of at least \$637,000, the DCP

³⁷ The specific 9 job positions and their corresponding class titles and class codes are enumerated in Ordinance 08-O-0993.

exceeded its legal authority and is required to repay, with interest, the funds it transferred to the general fund.

C. Fiscal Year 2010. As noted above, Ordinance 08-O-0993 permitted DCP to fund the cost of 9 Arborist Division positions for Fiscal Year 2010 by borrowing a maximum of \$700,000 from the Tree Trust Fund, with repayment, including 3% interest, due by June 30, 2013. A year later, however, Ordinance 09-O-1005 was adopted transferring budget responsibility for 8 of the same 9 Arborist Division positions (all positions except for 1 Senior Arborist) from the Tree Trust Fund to DCP, effective the first day of Fiscal Year 2010.

Therefore, in Fiscal Year 2010 there was only a single Arborist Division position permitted to be charged to the Tree Trust Fund. Any other Fiscal Year 2010 salaries and benefits charged were precluded by Ordinance 09-O-1005 and in violation of the limitations in Section 158-66(a).

In 2014, there were \$313,757 of 2010 salaries and benefits of DCP employees reclassified to the Tree Trust Fund. Clearly, this amount included salaries and benefits for more than 1 senior arborist and, to that extent was, per se, in violation of law. Regardless, as is the case with the 2009 reclassifications, any 2014 retrospective reclassification was in violation of Ordinance 08-O-0993, which required repayment by June 30, 2013 of any amount borrowed from the Tree Trust Fund.

As the amount of DCP salaries and benefits charged to the Tree Trust Fund in 2010 exceeded the \$170,000 limitation in Section 158-66(a) before the reclassification journal entry was recorded, no portion of the amount charged in 2014 to the Tree Trust Fund for 2010 DCP salaries was legally permissible, and all funds transferred to the general fund should be repaid to the Tree Trust Fund, with interest.

D. Fiscal Year 2011. While we have articulated the outright impermissibility of the 2014 reclassification to the Tree Trust Fund of DCP salaries and benefits for fiscal years 2009-2010 and 2012-2013, a portion of the reclassification pertaining to fiscal year 2011 may be permissible.

In June 2010, Ordinance 10-O-0950 was enacted into law. Section 1 of Ordinance 10-O-0950 permitted DCP, on a one-time basis, to fund the salaries and benefits of 4 Arborist Division positions from the Tree Trust Fund. The maximum amount permitted to be charged to the Tree Trust Fund was capped at \$277,785.³⁸

Ordinance 10-O-0950 did not provide a blanket authorization of \$277,785 but pertained to 4 discrete job positions: 2 Arborists, an Arboricultural Manager and a Senior

³⁸ This was not a blanket authorization but pertained to four discrete job positions: 2 Arborists, an Arboricultural Manager and a Senior Administrative Analyst. These positions were further identified by a position number and class code.

Administrative Analyst. These positions were further identified by a position number and class code.

Table 4 indicates that \$344,123 of DCP salaries and benefits incurred in 2011 were reclassified in 2014 and charged to the Tree Trust Fund. It is possible that some portion of this amount relates to one or more of the 4 positions enumerated in Ordinance 10-O-0950. This is speculation on our part.

Given the careless wholesale charging of prior fiscal year salaries and benefits of DCP employees to the Tree Trust Fund via the 2014 reclassification journal entries, we assert it is incumbent upon DCP to demonstrate which positions charged to the Tree Trust Fund, if any, are covered by Ordinance 10-O-0950 and the amount of salaries and benefits pertaining to those positions. In any event, the \$344,213 of salaries and benefits pertaining to 2011 charged to the Tree Trust Fund exceeds the \$277,785 that was authorized per Ordinance 10-O-0950.

E. Fiscal Year 2015 Reclassification of Defined Contributions. The Journal Entry section at the end of this Memorandum describes how the Tree Trust Fund was erroneously charged \$347,211 in defined contributions in Fiscal Year 2104, with that amount then being reversed in Fiscal Year 2015. Because the reversal did not occur in the same fiscal year, the Tree Trust Fund defined contributions in the Tree Trust Fund 2014 and 2015 financial statements are distorted. Spreadsheet 2 shows this distortion: \$402,637 of defined contributions for Fiscal Year 2014, and (\$339,283) of defined contributions in Fiscal Year 2015.

Spreadsheet 3 includes the impact on defined contributions of the adjustment made by the reclassification journal entries in 2014 and 2015. Spreadsheet 4 includes the salaries and benefits, including defined contributions, for 2014 and 2015 charged by the Department of Planning to the Tree Trust Fund, as if the 2014 journal entries had been recorded in the fiscal year during which they were incurred. You will note that after effectively removing the impact on the financial statements of the erroneous defined contribution journal entry, the 2014 and 2015 defined contributions charged against the Tree Trust Fund are comparable with other years.

(3) Part III: Cumulative Impact on Tree Trust Fund.

Table 5 represents the cumulative impact on the Tree Trust Fund of salaries and benefits charged by PRC and DCP, year-by-year, from 2009 through 2019. The full details are delineated in Spreadsheet 5.

Table 5

Fiscal Year	A Total Salaries and Benefits Charged by Planning and Parks	B Lesser of Amount of Actual Salary and Benefits Charged for each Department or Statutory 158-66(a) Ceiling	C Overcharged Salaries and Benefits
2009	795,322	170,000	625,322
2010	505,251	170,000	335,251
2011	509,025	447,785	61,240
2012	532,919	278,699	254,220
2013	673,295	350,904	322,391
2014	645,993	445,000	200,993
2015	630,743	445,000	185,743
2016	763,142	445,000	318,142
2017	819,216	445,000	374,216
2018	788,964	445,000	343,964
2019	809,152	445,000	364,152
		<u>Total Overcharged</u> Salary and Benefits	3,385,633

Column A identifies the aggregate salaries and benefits charged to the Tree Trust Fund by PRC and DCP each fiscal year. Column B represents the aggregate amount allowed to be charged by PRC and DCP for each fiscal year. Though Section 158-66(a) permitted PRC to charge the Tree Trust Fund annual salaries and benefits of up to \$275,000³⁹, the actual salaries and benefits charged by PRC in 2012 and 2013 for job positions assigned to the Tree Trust Fund were less than that amount: \$108,699 and \$180,904 in 2012 and 2013, respectively.⁴⁰

Column C is the difference between Column B and Column A; i.e., the aggregate actual salaries and benefits PRC and DCP charged the Tree Trust Fund during a fiscal year, **minus**, the combined PRC and DCP salaries and benefits permitted to be charged to the Tree Trust Fund during the same year.

³⁹ Subject to the specific job positions and salary and benefit dictated by the statute.

⁴⁰ The 2011 amount includes an additional \$277,785 for 4 specific job positions that were authorized for one year pursuant to Ordinance 10-O-0950.

As Table 5 illustrates, we've ascertained salary and benefit overcharges to the Tree Trust Fund in excess of \$3,000,000.

CASH POOL INTEREST

The Tree Trust Fund (600013) is part of the City's Trust Fund (7701), which is a participant in the City's Cash Pool. Fiscal Year 2015 – 2019 cumulative interest earned by Fund 7701 from its share of the cash pool was \$2,178,423.⁴¹

On August 2, 2019⁴², we received an email from Department of City Planning's Public Information Officer regarding the Tree Trust Fund's portion of the interest earned by the Cash Pool:

"The Tree Trust is a part of the overall trust fund assets invested by the City. The City only allocates interest to the overall trust fund and not a specific project/account (600013). Therefore the interest attributable to the tree trust fund cannot be identified and has not been added to the fund balance for the tree trust account 600013."

The City may only allocate interest to the overall trust fund in the cash pool, but the method of making that allocation, which is described in the City Auditor's November 20, 2013 Performance Audit of Cash Pool, is formulaic and, therefore, the same formula could be deployed for reallocating the interest credited to Trust Fund 7701 amongst its various constituent funds, including the Tree Trust Fund. There doesn't appear to be a legal proscription against making such a reallocation.

There are over 100 participating accounts in Trust Fund 7701, so it's understandable that the City might find the process of reallocating interest income an inordinate consumption of time. However, there are typically only about 10 funds, including the Tree Trust Fund, with assets comprising more than \$1,000,000 of Trust Fund 7701's aggregate assets.

The Tree Trust Fund represents a material portion of the total assets in Trust Fund 7701. For example, in the FY 2020 budget, the Tree Trust Fund represented nearly 33% of Fund 7701's assets:

⁴¹ See email received on August 7, 2019 from Department of Finance, included in Email Correspondence.

⁴² Included in Email Correspondence.

Total Assets = \$28,765,410

Assets Attributable to Accounts 600013 and 600307 = \$9,440,000

Overall Percentage = 32.8%⁴³

If we conservatively attribute 25% of the assets in Fund 7701 to the Tree Trust Fund, then over \$500,000 of interest earned during the fiscal year 2015 – 2019 period was attributable to the Tree Trust Fund's assets.

What benefit, if any, does the Tree Trust Fund receive from its share of that interest? It's a fundamental question of fairness: why should the Tree Trust Fund, a discrete fiduciary account circumscribed within the Atlanta City Code,⁴⁴ not be able to receive a material benefit from the interest income its assets are generating?

We seek an accounting of the spending of interest income earned by Trust Fund 7701 from its share of the Cash Pool for Fiscal Years 2011 – 2019 and request the City allocate the Tree Trust Fund on an ongoing basis - in a manner reasonably related to how Cash Pool interest is allocated amongst the participating funds - its proportionate share of the income earned by Trust Fund 7701.⁴⁵

CONCLUSIONS

A. Comprehensive Audit. The evidence shows DCP and PRC have perpetually, without remission, violated Section 158-66(a) of the ATPO by charging the Tree Trust Fund for salaries and benefits of employees who should have been charged to the general fund. These violations occur every year, with complete disregard – or, perhaps ignorance - of the law and with utter indifference to the role the Tree Trust Fund is intended to serve for the City of Atlanta. The cumulative effect of these violations has stripped several million dollars from the Tree Trust Fund, an amount which exceeds 25% of the Tree Trust Fund's current budget. The DCP's role in this nonstop plundering is particularly egregious given its putative stewardship of the Tree Trust Fund.

The facts we've discovered reveal the abject failure on the part of the DCP to exercise any significant oversight of the Tree Trust Fund. For many years – over a decade in the case of DCP - salaries and benefits of general fund employees have been periodically added to the burden of the Tree Trust Fund, despite the fact that the governmental agency overseeing the Tree Trust Fund knew, or was charged by law with knowing, that

⁴³ See attached "Trust Fund" pages from Fiscal Year 2020 Budget, includes 600307 Education Outreach Account.

⁴⁴ As opposed to nearly all the other participants in Trust Fund 7701.

⁴⁵ Less reasonable administrative expenses.

a substantial portion of the salaries and benefits being charged contravened the Tree Trust Fund statute.

These actions were taken under the auspices of PRC and DCP Department officers who apparently made no effort to determine whether charging the Tree Trust Fund with additional salaries was legally permissible, not only violating the law but flouting their fiduciary responsibilities to the Tree Trust Fund and the citizens of Atlanta.⁴⁶ Regrettably, the facts demonstrate pervasive and ongoing failure by the Department of City Planning to adhere to the salary and benefit limitations in Section 158-66(a).

The evidence of excessive charging of salaries and benefits by PRC and DCP to the Tree Trust Fund is cogent and unequivocal. A comprehensive, retroactive audit of all salaries and benefits charged to the Tree Trust Fund, from 2009 up to and including 2020, is required to stanch the further unauthorized consumption by PRC and DCP of the Tree Trust Fund. All funds transferred from the Tree Trust Fund by PRC and DCP that exceeded the limitations imposed by Section 158-66(a) of the ATPO should be expeditiously restored to the Tree Trust Fund, with an appropriate interest assessment.

B. Cash Pool Interest. While Trust Fund 7701 participates in the Cash Pool and is credited with interest for its share of the Cash Pool's earnings, the Department of Finance has adopted the position that the interest earned by Trust Fund 7701 – a material portion of which relates to the Tree Trust Fund's assets - cannot be reallocated to Trust Fund 7701's constituent funds because it cannot be identified.

We suggest the interest can be identified. The City allocates interest from the Cash Pool amongst the participant funds (including Trust Fund 7701). It uses a methodology outlined in the November 20, 2013 City Auditor's Cash Pool performance audit. The City can use that same methodology to reallocate the interest earned by Trust Fund 7701 amongst its constituent funds.

We are not insensitive to the burden of reallocating interest amongst the number of constituent funds comprising Trust Fund 7701. We suggest that the City establish a threshold level of assets (perhaps \$500,000 or a \$1,000,000?) that would trigger the allocation of interest to constituent funds. If a fund hits that threshold during a fiscal year, it receives its proportionate share of interest from Trust Fund 7701; if a fund doesn't hit that threshold, the fund receives no portion of the interest Trust Fund 7701 earned from the Cash Pool. This seems a reasonable compromise for funds like the Tree Trust Fund,

⁴⁶ We are specially dismayed by the salaries and benefits retrospectively charged by Department 250201. Those charges depleted the Tree Trust Fund of more than \$300,000 and were allegedly attributable to Technology Reserve (Account 600375). A logical nexus between the Tree Trust Fund and technology services is imperceptible, so all such charges should have a documented justification.

whose assets are generating a significant part of the interest income being earned each year by Trust Fund 7701 from the Cash Pool.

For transparency and accountability, we believe the Tree Trust Fund is entitled to an accounting from Fiscal Year 2011 through Fiscal Year 2019 of the manner Trust Fund 7701 has expended the interest income it has been allocated from the City's Cash Pool.

C. Enhanced Oversight of Tree Trust Fund. Given the lack of vigilant oversight of the Tree Trust Fund by the Department of City Planning, which is exemplified by the perpetual overcharging of salaries and benefits to the Tree Trust Fund and the ill-conceived 2014 journal entries, the City of Atlanta should – in consultation with representatives of the Tree Next Door and other community tree canopy advocates – implement meaningful changes to the Tree Trust Fund oversight that will enhance statutory compliance and transparency, and hold accountable those Department of City Planning officials charged with oversight of the Tree Trust Fund. Only by taking those steps will public confidence be restored in the integrity of the City's administration and operation of the Tree Trust Fund.

2014 JOURNAL ENTRIES

This Memorandum discusses how 2009-2013 salaries and benefits incurred by DCP and originally charged to the general fund were reclassified to the Tree Trust Fund by journal entries recorded in 2014, thereby violating the salaries and benefits limitations in Section 158-66(a) of the Atlanta Tree Protection Ordinance and depleting the Tree Trust Fund's budget of more than \$1,500,000.

The journal entries were ill-conceived, full of errors, internally inconsistent, and lack transparency. They serve to further underscore the failure of DCP to exercise responsible fiduciary oversight of the Tree Trust Fund.⁴⁷

1. **JE 14-1104** entered on December 16, 2013, reclassified \$637,885 of 2009 salaries and benefits from Department 250101 to the Tree Trust Fund.
2. **JE 14-1105** entered on December 16, 2013 reclassified \$154,889 of 2010 salaries and benefits incurred from Department 250101 to the Tree Trust Fund.

⁴⁷ All the journal entries transferred salaries and benefits from the DCP general fund to the Tree Trust Fund and were part of a reclassification referred to as "zeroproj#."

The same journal entry reclassified \$139,891 in salaries and \$57,848 of benefits incurred in 2010 from DCP Department 250201 (Buildings) to Account 600375, a Technology Surcharge Trust account (“Technology”).

3. **JE 14-1106** entered on December 17, 2013 attempted to reclassify \$347,211 of 2011 salaries and benefits from Department 250101 to the Tree Trust Fund, but these were, instead, erroneously charged to the Tree Trust Fund’s defined contribution account (5124102).

The same journal attempted to reclassify \$ 91,319 of salaries and \$42,103 of benefits incurred in 2011 from Department 250201 to Technology but debited those amounts, instead, to Technology’s defined contribution account.

As an additional mistake, all the defined contributions were deemed to have been transferred from Department 250201, even the portion which was charged against the Tree Trust Fund.

4. **JE 14-1107** entered on December 17, 2013 reclassified \$158,942 of 2012 salaries and benefits from Department 250101 to the Tree Trust Fund.

This same journal entry reclassified \$24,355 in salaries and \$6,036 of benefits incurred in 2012 from Department 250201 to Technology.

5. **JE 14-1108** entered on December 18, 2013 reclassified \$135,988 of 2013 salaries and benefits from Department 250101 to the Tree Trust Fund.

The same journal entry reclassified \$99,511 of salaries and \$11,966 of benefits incurred in 2013 from Department 250201 to Technology.

6. **JE 14-1390** entered on January 14, 2014, reclassified all \$263,755 of 2010, 2012 and 2013 Technology salaries - which had just been reclassified the previous month from Department 250201 to Technology - and again reclassified those salaries, this time charging them against the Tree Trust Fund. For some unexplained reason, the journal entry transfers the salaries of the job positions allegedly pertaining to the Tree Trust Fund, but none of the corresponding benefits for those positions.

This same journal entry also transferred \$38,601 of 2014 fiscal year salaries that apparently had already been charged in 2014 to Technology to the Tree Trust Fund.⁴⁸

⁴⁸ This time the support for the journal entry is described as “FY14 recl_Tree Removal Protection.”

7. **JE 14-3259** was recorded on June 29, 2014. It was designated as correcting **JE 14-1106** which, as noted above, charged both the Tree Trust Fund and Technology with inordinate amounts of defined contributions. The defined contributions charged to the Tree Trust Fund were reclassified as 2011 salaries and benefits transferred from Department 250101.

The same correcting journal entry reclassified the erroneous Technology defined contributions and charged them as 2011 Technology salaries and benefits transferred from Department 250201.

While **JE 14-3259** effected the transferring of general fund salary and benefits to the Tree Trust Fund and Technology, instead of appropriately crediting their respective defined contribution accounts, the credits for the previously debited defined contributions were mistakenly recorded to Departments 250101 and 250201.

8. **JE 15-0361**, recorded in Fiscal Year 2015, finally credited the Tree Trust Fund's defined contribution account and reversed the erroneous Fiscal Year 2014 charge of \$347,211.⁴⁹

The conspicuous number of errors in so few journal entries is disquieting; but beyond that, the journal entries raise concerns about DCP's vigilance in its fiduciary oversight of the Tree Trust Fund and demonstrate a wholesale lack of accountability.

For example:

1. The description explaining the journal entries refers to the zero proj#. Assuming "proj" stands for project, what is the zero project #? Is it code for something? If it's somehow related to the Tree Trust Fund, couldn't a more useful reference be included in the description?
2. According to **JE 14-1390**, journal entries **14-1105**, **14-1107** and **14-1108** - which reclassified 2010, 2012 and 2014 Department of Buildings' (Department 250201) salaries and benefits to Technology - are all in error, the assertion being each journal entry should have been charged entirely against the Tree Trust Fund. Even if one were to assume this subsequent reclassification of the original reclassifications recorded merely a month earlier is correct, given the other errors identified above, it underscores the sloppiness of this entire set of journal entries.
3. Why was Technology even included in the initial journal entries? What was Technology's role vis-à-vis the Tree Trust Fund that would justify significant charging of salaries to the Tree Trust Fund? Reclassifying journal entries to trust funds without a

⁴⁹ We know this only to be true for the Tree Trust Fund. We assume a similar credit was applied against Technology's defined contribution account.

reasonable amount of due diligence is irresponsible. The person in Finance inputting the journal entries didn't independently decide to charge Technology with reclassified salaries and benefits. An agent of the City, someone with authority over initiating reclassification journal entries, instructed salaries and benefits in Department 250201 be charged to Technology.

How was it subsequently determined that the 2010, 2012 and 2013 fiscal year salaries reclassified to Technology should have, instead, been charged to the Tree Trust Fund? When such consequential transactions are occurring effecting the Tree Trust Fund – transactions that on their face arouse skepticism – there should be ample, documented justification and transparency of the decision-making process.

4. On January 14, 2014, pursuant to **JE 14-1390**, all salaries charged to Technology from Department 250201 for fiscal years 2010, 2012 and 2013 are determined to have been charged in error and instead are reclassified against the Tree Trust Fund. At the time this journal entry is recorded, 2011 salaries and benefits have not yet been charged to Technology from Department 250201 because **JE 14-1106**, which intended to charge Technology with 2011 salaries and benefits when it was recorded in December 2013, mistakenly charged the 2011 salaries and benefits to Technology's defined contribution account and was not corrected until June 29, 2014, more than five months following the reclassification from Technology to the Tree Trust Fund of all other salaries reclassified in 2014 from Department 250201 to Technology.

While we reject the notion that 2014 reclassifications to the Tree Trust Fund for prior fiscal years' salaries and benefits were appropriate or legal, whether from the general fund, Technology or otherwise, it is a veritable certainty that Department 250201 intended to charge the reclassified 2011 Technology salaries to the Tree Trust Fund, as it *actually did* for the originally reclassified 2010, 2012, 2013 salaries.

It's just another example of the careless execution of the journal entries, as despite all intent to the contrary, the 2011 salaries and benefits charged to Technology were ultimately never reclassified to the Tree Trust Fund.⁵⁰

5. Similarly, if Technology salaries are being reclassified to the Tree Trust Fund, shouldn't the benefits that corresponded to those salaries also have been reclassified by **JE 14-1390** to the Tree Trust Fund?

JE 14-1390 transferred the Technology salaries to the Tree Trust Fund but retained the corresponding employee benefits in Technology That absolutely makes no sense and raises additional concerns about the accuracy of the journal entries.

⁵⁰ We checked all subsequent fiscal year reclassification journal entries impacting the Tree Trust Fund and can confirm the 2011 Technology salaries were never reclassified.