



# EAST PALO ALTO CITY COUNCIL REGULAR SESSION AGENDA

Tuesday, September 17, 2024, 6:30 PM  
EPA Government Center  
2415 University Avenue, First Floor  
East Palo Alto, CA 94303

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## NOTICE

This meeting will be held virtually and in-person at the Council Chambers located on 2415 University Ave, First Floor East Palo Alto, CA 94303. The virtual portion of this City Council meeting will be conducted in accordance with City of East Palo Alto Resolution adopted pursuant to Assembly Bill 361.

The public may participate in the City Council Meeting via Zoom Meeting or by attending in-person in the Council Chambers at 2415 University Ave, First Floor East Palo Alto, CA 94303. Community members may provide comments by emailing [cityclerk@cityofepa.org](mailto:cityclerk@cityofepa.org), submitting a speaker card at the meeting, or using the **RAISE HAND** feature when the Mayor or City Clerk call for public comment. Emailed comments should include the specific agenda item on which you are commenting.

Please click this URL to join

<https://us06web.zoom.us/j/85676615324>

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Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or  
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+ 1 253 215 8782 or  
+ 1 312 626 6799 or  
+ 1 929 205 6099 or  
+ 1 301 715 8592

Webinar ID: 856 7661 5324

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1. **CALL TO ORDER AND ROLL CALL**

2. **APPROVAL OF THE AGENDA**

3. **APPROVAL OF CONSENT CALENDAR**

3.1 **Response to Grand Jury report regarding assessment and reporting of internal controls**

**Recommendation:**

Adopt a resolution:

1. Accepting San Mateo County Grand Jury report regarding findings and recommendations related to assessment and reporting of City's internal controls (attachment 2) and;
2. Approving City's response to the report.

3.2 **City's Response to the San Mateo County's Grand Jury Report Titled "Restaurant Exteriors – The Neglected Space"**

**Recommendation:**

Adopt a resolution:

1. Approving the City's response to the San Mateo County's Civil Grand Jury report titled "Restaurant Exteriors – The Neglected Space"; and
2. Authorizing the City Manager to submit the City's response on behalf of the City to the San Mateo Superior Court.

3.3 **Increase the shared \$200,000 Not-to-Exceed (NTE) to \$350,000 Not-to-Exceed (NTE) with an additional two annual extensions at the City Manager's discretion with Regional Government Services (RGS), Muchmore than Consulting, LLC, and CPS HR Consulting for Human Resources (HR) Support**

**Recommendation:**

Adopt a resolution to increase the collective not-to-exceed (NTE) amounts for previously approved Human Resources (HR) support contracts with Regional Government Services (RGS), Muchmore Than Consulting, LLC, and CPS HR Consulting from \$200,000 to \$350,000, and adding two annual extensions at the City Manager's discretion.

3.4 **Ratification of Application for the Partnership for the Bay's Future Policy Fund Grant**

**Recommendation:** Adopt a resolution ratifying the City Manager's application

to the Partnership for the Bay's Future ("PBF") the Policy Fund Grant.

### **3.5 Reproductive Freedom Defender Resolution**

**Recommendation:** Adopt the Resolution Declaring the City a Defender for Reproductive Freedom.

### **3.6 City Council Meeting Minutes**

**Recommendation:** Adopt the September 3, 2024, City Council Meeting Minutes.

## **4. CLOSED SESSION**

## **5. PUBLIC COMMENT**

## **6. INFORMATIONAL REPORTS**

### **6.1 Informational Report on Ending Temporary Reductions in Water Rates Effective October 1, 2024, and Implementing the Water Rates Effective as of July 1, 2023**

**Recommendation:**

Receive informational report on ending temporary reductions in water rates effective October 1, 2024, and implementing the water rates effective as of July 01, 2023

## **7. SPECIAL PRESENTATIONS**

## **8. PUBLIC HEARINGS**

## **9. POLICY AND ACTION**

### **9.1**

### **Use of Surveillance Cameras and Automated License Plate Recognition Systems for Enhanced Public Safety**

**Recommendation:** Adopt a resolution:

1. Authorizing the City Manager to install surveillance cameras at all City buildings, pedestrian/bicycle overcrossings and City parks to enhance public safety;
2. Authorizing a one-year automated license plate reader (ALPR) pilot program by directing the City Manager to enter a one-year contract with Flock Technology to install fixed automated license plate reader (ALPR) systems at strategic locations to enhance public safety ; and
3. Waiving the formal bid procedure pursuant to East Palo Alto Municipal Code Section 2.84.070(D).

### **9.2 Compassionate Clearance of Homeless Encampments**

**Recommendation:**

Adopt a resolution directing staff:

1. to compassionately clear homeless encampments where there are dire risks to health and safety;
2. to collaborate with neighboring jurisdictions and other community partners (including with the County of San Mateo) in sharing resources toward this goal;
3. to provide updates on actions taken to compassionately clear encampments; and
4. to provide FY 25-26 budgetary suggestions needed toward this effort.

**10. COUNCIL REPORTS**

**10.1 Potential Reconsideration of Public Works and Transportation Commission's April 17, 2024 Decision on EPACENTER's request for a loading zone**

**Recommendation:**

Decide whether to reconsider the Public Works and Transportation Commission's April 17, 2024 decision denying EPACENTER's request for a loading zone.

**10.2 Recommendation to form Measure HH Evaluation Subcommittee**

**Recommendation:** Appoint two Councilmembers to a subcommittee tasked with collaborating with staff and a contractor to develop an evaluation tool for Measure HH, and to present their recommendations to the full City Council.

**11. ADJOURNMENT**

**Upcoming meetings:**

|                 |                    |         |
|-----------------|--------------------|---------|
| Study Session   | September 24, 2024 | 6:00 PM |
| Regular Meeting | October 1, 2024    | 6:30 PM |
| Regular Meeting | October 15, 2024   | 6:30 PM |

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This AGENDA is posted in accordance with Government Code Section 54954.2(a)

***This Notice of Availability of Public Records: All public records relating to an open session item which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to the majority of the City Council will be available for public inspection at the City Clerk's Office, 2415 University Avenue, East Palo Alto, CA at the same time that the public records are distributed or made available to the City Council. Such documents may also be available on the East Palo Alto website [www.cityofepa.org](http://www.cityofepa.org) subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (650) 853-3100.***

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This Notice is posted in accordance with Government Code §54954.2(a) or §54956. Members of the public can view electronic agendas and staff reports by accessing the City website. Under penalty of perjury, this Agenda was posted to the public at least 72 hours prior to the meeting.

POSTED: September 10, 2024

ATTEST:

***James Colin***

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City Clerk



# **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

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**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**BY:** Tomohito Oku, Finance Director

**SUBJECT:** Response to Grand Jury report regarding assessment and reporting of internal controls

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## **Recommendation**

Adopt a resolution:

1. Accepting San Mateo County Grand Jury report regarding findings and recommendations related to assessment and reporting of City's internal controls (attachment 2) and;
2. Approving City's response to the report.

## **Alignment with City Council Strategic Plan**

This recommendation is primarily aligned with:

Priority: Ensure Our Financial and Organizational Health

## **Background**

Following recent news reports alleging a lack of or failed internal controls within agencies throughout San Mateo County, the San Mateo County Civil Grand Jury issued a report titled "Assessing and reporting internal controls in San Mateo County Agencies and School Districts" (attachment 2), which contains findings and recommendations regarding assessment and reporting of the agencies' internal controls. The Grand Jury conducted a survey regarding status of internal control implementation for 75 entities including municipalities, school districts, independent special districts and joint power authorities within the County. Responses were received from 54 entities, including from the City of East Palo Alto. Subsequently, 28 entities were selected and interviewed confirming survey responses. The City of East Palo Alto was one of the 28 agencies selected. The Civil Grand Jury learned from survey respondents that all

## **CONSENT ITEM 3.1**

of them do have established internal controls and publish external audit reports. Most of them, however, do not assess internal controls and do not communicate with governing boards or the public regarding management of internal controls. Of the few entities that do assess internal controls, they do not report those results.

The Civil Grand Jury recommends timely and documented assessments of internal controls with clear, appropriate reports from management to governing boards and to the public to reduce the risk of failed internal controls, to enhance public confidence in our government and to improve the efficiency of external audits.

Selected agencies must submit comments within 90 days to the Grand Jury, which is due no later than September 25, 2024.

The purpose of this report is to have the Council accept the Civil Grand Jury report and approve City's response to the findings and recommendations in the report.

### **Analysis**

"The Green Book," which refers to the *U.S. Government Accountability Office (GAO) Standards for Internal Control in the Federal Government*, provides a comprehensive framework for establishing and maintaining an effective internal control system within federal agencies. It outlines the standards and principles that organizations should follow to ensure their operations are efficient, effective, and compliant with applicable laws and regulations. While it's primarily used by federal agencies, the principles and guidelines can also be applied in other sectors, including State and local governments, as well as private organizations, to improve their internal controls and financial management practices.

Key aspects of the Green Book include:

1. **Control Environment:** The foundation for all other components of internal control, setting the tone at the top and influencing the control consciousness of the organization.
2. **Risk Assessment:** The process of identifying and analyzing risks to achieving the entity's objectives, forming a basis for determining how the risks should be managed.
3. **Control Activities:** The actions established through policies and procedures that help ensure that management's directives to mitigate risks are carried out.
4. **Information and Communication:** The systems that support the identification, capture, and exchange of information in a form and time frame that enable people to carry out their responsibilities.
5. **Monitoring:** Activities to assess the quality of internal control performance over time and ensure that the findings of audits and other reviews are promptly resolved.

The Green Book is used to ensure that organizations establish a system of internal controls that

## **CONSENT ITEM 3.1**

is sound and effective, thus safeguarding assets, ensuring accuracy in financial reporting, and promoting operational efficiency.

The Grand Jury focused on the control environment, information and communication and monitoring principles of internal control, seeking information about:

- *Control Environment Principle* - how governing boards oversee internal controls, such as a review of management's report on its assessment of internal controls.
- *Information and Communication Principle* - how management reports to the governing board regarding its assessment of internal control and how management's assessment of internal controls is communicated to the public, such as through an agenda item in a public meeting of the governing board.
- *Monitoring Principle* - information about how management monitors its internal control systems, such as management's assessment of internal controls.

Accordingly, the Grand Jury provided the following findings and recommendations in connection with the above focused components:

### Findings

1. When an entity does not have a process to identify organizational risks, and the entity does not demonstrate how its internal controls address identified risks, the likelihood of a failure in internal controls that results in fraud or waste increases.
2. When an entity does not periodically assess its internal controls and the entity cannot demonstrate that it is monitoring its internal controls, the likelihood of a failure in internal controls that results in fraud or waste increases.
3. When management does not report the results of its assessments of internal controls to its governing board and the entity has not communicated externally, the likelihood that others see this as an opportunity to commit fraud or waste increases.

### Recommendations

1. Beginning by no later than December 31, 2024 and at least annually thereafter, each entity will document its organizational risks and address those risks in its annual Assessment of Internal Controls.
2. Beginning by no later than March 31, 2025 and at least annually thereafter, each governing board will require its management to complete its annual assessments of internal controls.
3. Beginning by no later than June 30, 2025 and annually thereafter, each governing board will require management to report the results of its annual assessment of the entity's internal controls.

### Response Requirements

## **CONSENT ITEM 3.1**

California Penal Code Section 933.05 provides: For purposes of subdivision of Section 933, as to each Civil Grand Jury finding, the responding person or entity shall report one of the following:

- 1) The respondent agrees with the finding.
- 2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the disputed finding and shall include an explanation of the reasons.

For purposes of subdivision of Section 933, as to each Civil Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- 1) The recommendation has been implemented, with a summary regarding the implemented action.
- 2) The recommendation has not yet to be implemented but will be implemented in the future, with a timeframe for implementation.
- 3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall be at most six months from the Civil Grand Jury report's publication date.
- 4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Each entity must respond to certain findings and recommendations, as listed in the Grand Jury's report. The City of East Palo Alto must respond to Findings 1 and 2 as well as Recommendations 1 and 2, listed above.

### City's Response

The City agrees with Findings 1 and 2 above.

For the recommendations, the City reports the following action for each of the recommendations below:

*Recommendation#1* - The recommendation has not yet to be implemented. Given that there are just over two months left in 2024, the City of East Palo Alto will document its organizational risks and address those risks in its annual Assessment of Internal Controls beginning by no later than December 31, 2025 (and annually thereafter).

*Recommendation#2* - The recommendation has not yet to be implemented. Given that there are just over two months left in 2024, the City Council of the City of East Palo Alto will require its management to complete its annual assessments of internal controls beginning by no later than March 31, 2026 (and annually thereafter).

### Fiscal Impact

None.

### Public Notice

## **CONSENT ITEM 3.1**

The public was provided notice by making the agenda and report available on the City's website and on bulletin boards located at (1) City Hall: 2415 University Avenue, East Palo Alto, (2) Library: 2415 University Avenue, East Palo Alto, and (3) 1960 Tate Street, East Palo Alto

### **Environmental**

The action being considered does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

### **Government Code § 84308**

**Applicability of Levine Act:** No as the proposed action does not involve an entitlement.

**Analysis of Levine Act Compliance:** Not applicable.

### **Attachments**

1. Resolution
2. Civil Grand Jury Report - Assessing and reporting internal controls in San Mateo County Agencies and School Districts

**RESOLUTION NO. XX– 2025**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EAST PALO ALTO**

**ADOPT A RESOLUTION ACCEPTING SAN MATEO COUNTY GRAND JURY REPORT  
REGARDING FINDINGS AND RECOMMENDATIONS RELATED TO ASSESSMENT AND  
REPORTING OF CITY’S INTERNAL CONTROLS AND APPROVING CITY’S RESPONSE TO  
THE REPORT**

**WHEREAS**, the San Mateo County Civil Grand Jury issued a report, “Assessing and reporting internal controls in San Mateo County Agencies and School Districts,” in response to recent news alleging a lack of or failed internal controls within agencies throughout San Mateo County; and

**WHEREAS**, the Civil Grand Jury conducted a survey regarding status of internal control implementation for 75 entities including municipalities, school districts, independent special districts and joint power authorities within the County; and

**WHEREAS**, responses were received from 54 entities, including from the City of East Palo Alto. Subsequently, 28 entities were selected and interviewed confirming survey responses. The City of East Palo Alto was one of the 28 agencies selected; and

**WHEREAS**, the Civil Grand Jury learned from survey respondents that all of them do have established internal controls and publish external audit reports. Most of them, however, do not assess internal controls and do not communicate with governing boards or the public regarding management of internal controls. Of the few entities that do assess internal controls, they do not report those results; and

**WHEREAS**, the Civil Grand Jury recommends timely and documented assessments of internal controls with clear, appropriate reports from management to governing boards and to the public to reduce the risk of failed internal controls, to enhance public confidence in our government and to improve the efficiency of external audits; and

**WHEREAS**, the Civil Grand Jury provided findings and recommendations based on the survey and interviews conducted and selected agencies must submit comments within 90 days to the Civil Grand Jury, which is due no later than September 25, 2024.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:**

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action.
2. Accepts the San Mateo County Grand Jury report related to assessment and reporting of City’s internal controls.
3. Each entity must respond to certain findings and recommendations, as listed in the Grand Jury’s report. The City of East Palo Alto must respond to Findings 1 and 2 as well as Recommendations 1 and 2.

4. The City agrees with the first two findings in the report, which state:

- F1: When an entity does not have a process to identify organizational risks, and the entity does not demonstrate how its internal controls address identified risks, the likelihood of a failure in internal controls that results in fraud or waste increases.
- F2: When an entity does not periodically assess its internal controls and the entity cannot demonstrate that it is monitoring its internal controls, the likelihood of a failure in internal controls that results in fraud or waste increases.

5. For the recommendations, the City reports the following action for each of the recommendations below:

- Recommendation#1 - The recommendation has not yet to be implemented. Given that there are just over two months left in 2024, the City of East Palo Alto will document its organizational risks and address those risks in its annual Assessment of Internal Controls beginning by no later than December 31, 2025 (and annually thereafter).
- Recommendation#2 - The recommendation has not yet to be implemented. Given that there are just over two months left in 2024, the City Council of the City of East Palo Alto will require its management to complete its annual assessments of internal controls beginning by no later than March 31, 2026 (and annually thereafter).

**PASSED AND ADOPTED** this 17th day of September 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Antonio D. Lopez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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James Colin, City Clerk

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John D. Lê, City Attorney



## **Assessing and Reporting Internal Controls in San Mateo County Agencies and School Districts**

**“FAILURE OF ANY CONTRIBUTES TO PUBLIC DISTRUST OF ALL”**

### **ISSUE**

San Mateo County, Cities, Special Districts, Joint Power Authorities, or Schools are not assessing internal controls and are not reporting the results of assessments to governing boards and the public.

### **SUMMARY**

Our government faces risks, including fraud and waste.

Internal controls are put in place by an entity's oversight body, management, and other personnel to provide reasonable assurance that the entity will achieve its objectives. Internal controls in our government are key to ensuring that goals are met without fraud and waste and are critical to the public trust. An example of an internal control is having separate people approve a transaction before paying the bill for that transaction.

Internal controls hit the public eye back in the 1990s, after the scandals at Enron, WorldCom and other organizations, all of which served as examples of fraud and waste. The United States Congress reacted in 2002 by enacting the laws known as Sarbanes–Oxley that impact publicly-traded companies. In 2015, the State of California issued “Internal Control Guidelines - California Local Agencies” covering the need for internal controls in government entities.

Given the enormity of the challenge of reviewing individual controls at any one agency, the Civil Grand Jury looked into the way government entities in San Mateo County assess their internal controls and how the results of those assessments are reported to governing boards and to the public. Assessments and reporting should follow the State of California guidelines and the underlying referenced guidelines from the Green Book and the Committee of Sponsoring Corporations. Management’s assessment of internal controls and communication, both internally within an entity and externally to the entity’s constituents, are key principles of internal controls.

Too many examples of lack of or failed internal controls exist, including recent news stories about taxpayer money used for constructing personal residences in train stations in Burlingame and San Mateo that are referenced in the attached Appendix.

The Civil Grand Jury learned from survey respondents that all of them do have established internal controls and publish external audit reports. Most of them, however, do not assess internal controls and do not communicate with governing boards or the public regarding management of internal controls. Of the few entities that do assess internal controls, they do not report those results.

The Civil Grand Jury recommends timely and documented assessments of internal controls with clear, appropriate reports from management to governing boards and to the public to reduce the risk of failed internal controls, to enhance public confidence in our government and to improve the efficiency of external audits.

By rule of the Civil Grand Jury, the recommendations included in this report can only be sent to entities that participated in interviews with the Civil Grand Jury. While the Civil Grand Jury could not efficiently interview all entities that participated in surveys, common sense suggests that these recommendations are applicable to all entities within San Mateo County. The current Civil Grand Jury encourages future civil grand juries to investigate the recommendations in this report as appropriate, to help optimize trust in the integrity of internal controls in San Mateo County government.

## **GLOSSARY**

### **Assessment and Evaluation**

Assessment for the purpose of this report is defined in the Green Book as follows: “To determine if an internal control system is effective, management assesses the design, implementation, and operating effectiveness of the five components and 17 principles.” Examples in an internal control assessment include to confirm and document that all requisitions are properly approved and that payments for goods or services are made by authorized individuals. This process helps management and stakeholders have confidence in the reliability of financial reporting, compliance with laws and regulations, and the overall integrity of the organization's operations. In general, Assessment and evaluation can be used interchangeably.

### **Committee of Sponsoring Organizations of the Treadway Commission (COSO)**

The Committee of Sponsoring Organizations of the Treadway Commission (COSO) is an organization that develops guidelines for businesses to evaluate internal controls, risk management, and fraud deterrence.

### **Enterprise Risk Management (ERM)**

Enterprise risk management is an entity-wide strategy to identify and prepare for hazards with the entity's finances, operations, and objectives.

**Entity**

An Entity for this report is San Mateo County, Cities, Special Districts, Joint Power Authorities, or Schools.

**External Auditor**

An external auditor is a public accountant who conducts audits, reviews, and other work for its clients. An external auditor is independent, and so is in a good position to make an impartial evaluation of the financial statements and systems of internal controls of those clients.

**Green Book**

Standards for internal control in the Federal Government issued by the General Accounting Office of the U.S. Government.

**Internal Auditor**

An internal auditor is responsible for reviewing a company's processes, identifying anomalies, and reporting any issues found to management. An internal auditor is an employee of a company, so is not independent of the company.

**Internal Controls**

A process effected by those charged with governance, management, and other personnel that is designed to provide reasonable assurance about the achievement of the entity's objectives with regard to the reliability of financial reporting, effectiveness and efficiency of operations, and compliance with applicable laws and regulations. Internal control over safeguarding of assets against unauthorized acquisition, use or disposition may include controls relating to financial reporting and operations objectives.

**Management**

Management consists of those individuals directly responsible for all activities of an entity, including design, implementation and operation of an internal control system.

**Oversight Body**

The oversight body is the group responsible for overseeing the strategic direction of the entity and obligations related to the accountability of the entity, including management's design, implementation and operation of an internal control system. The oversight body may include elected or appointed officials and employees of the Entity.

**BACKGROUND**

Internal controls help an entity's management achieve its objectives. Also, internal controls help an entity run its operations efficiently and effectively, report reliable information about its operations and comply with applicable laws and regulations.

The need for internal controls applies to all entities, regardless of size. Large complex entities have different risk profiles than small, less-complex entities. All entities seek to control risk appropriate for its operations, designing and implementing internal controls for its own particular risk profile. Even small, less-complex entities face risks that demand related internal controls.

Whether an internal control is followed or not is not a matter of materiality. A failure in what might seem to someone to be a trivial control is the same as a failure in what everyone might consider to be a very important control. There are no big or small controls, just controls. Failure in any contributes to public distrust of all.

The Green Book, which sets the standards for an effective internal control system for federal agencies, identifies five components of an internal control system:

- Control Environment
- Risk Assessment
- Control Activities
- Information and Communication
- Monitoring

Each of these components applies to different levels of an organizational structure, such as a Parks and Recreation Department within a City Government.

The Green Book summarizes 17 Principles of Internal Control for these five components as:

#### Control Environment

1. The oversight body and management should demonstrate a commitment to integrity and ethical values.
2. The oversight body should oversee the entity's internal control system.
3. Management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives.
4. Management should demonstrate a commitment to recruit, develop, and retain competent individuals.
5. Management should evaluate performance and hold individuals accountable for their internal control responsibilities.

#### Risk Assessment

6. Management should define objectives clearly to enable the identification of risks and define risk tolerances.
7. Management should identify, analyze, and respond to risks related to achieving the defined objectives.
8. Management should consider the potential for fraud when identifying, analyzing, and responding to risks.
9. Management should identify, analyze, and respond to significant changes that could impact the internal control system.

Source: GAO. | GAO-14-704G

#### Control Activities

10. Management should design control activities to achieve objectives and respond to risks.
11. Management should design the entity's information system and related control activities to achieve objectives and respond to risks.
12. Management should implement control activities through policies.

#### Information and Communication

13. Management should use quality information to achieve the entity's objectives.
14. Management should internally communicate the necessary quality information to achieve the entity's objectives.
15. Management should externally communicate the necessary quality information to achieve the entity's objectives.

#### Monitoring

16. Management should establish and operate monitoring activities to monitor the internal control system and evaluate the results.
17. Management should remediate identified internal control deficiencies on a timely basis.

Each entity's oversight body is specifically responsible for oversight of internal control. Each entity's management is responsible for the design, implementation and maintenance of internal controls.

Each entity's internal controls are its own – no one would expect all entities to have the same internal controls, because all entities are different.

The Civil Grand Jury found examples of fraud and waste in government listed in the appendix. Each of these examples likely reflects a failure of internal controls to prevent or detect fraud and waste. In other words, you ordinarily can't have a problem with fraud and waste without a failure in internal controls.

### **Focus on the Control Environment, Information and Communication and Monitoring principles**

The Civil Grand Jury focused on the control environment, information and communication and monitoring principles of internal control, seeking information about:

- *Control Environment Principle* - how governing boards oversee internal controls, such as a review of management's report on its assessment of internal controls.
- *Information and Communication Principle* - how management reports to the governing board regarding its assessment of internal control and how management's assessment of internal controls is communicated to the public, such as through an agenda item in a public meeting of the governing board.
- *Monitoring Principle* - information about how management monitors its internal control systems, such as management's assessment of internal controls.

It is of note that this investigation did not evaluate the quality of any entity's internal control or the effectiveness of an entity's internal controls.

The Civil Grand Jury sent a survey, received responses and confirmed survey responses via interviews with the 28 entities from whom it requests responses. However, common sense suggests each of the recommendations included in this report apply to all entities in the County.

The Civil Grand Jury recognizes that for a variety of reasons, management may not want to publicly report its controls and results of investigations. For example, an internal report might include details of needs for improving controls that might be considered a roadmap for fraud until the improvements are in place. Management reports available to the public through public release or materials for a public meeting could exclude such details, while the report available to the public could include an appropriate summary of information from an assessment.

## **METHODOLOGY**

### **Preliminary Research**

The Civil Grand Jury reviewed the websites of San Mateo County public entities and public media related to fraud and waste in government.

### **Preliminary Interview**

To better understand, as a baseline, how the County Controller's Office oversees its internal controls, the Civil Grand Jury interviewed the Controller's Office of the County of San Mateo.

## **Survey and Survey Response Analysis**

The Civil Grand Jury designed a survey focused on an entity's assessment of its internal controls, reporting, training and risk evaluation. See Appendix A for the survey. The Civil Grand Jury sent the survey to 75 entities.

The Civil Grand Jury reviewed and analyzed the responses.

## **Interviews with Entities**

By rule, the Civil Grand Jury must interview an entity to use that entity's responses to a survey as a matter of fact. The Civil Grand Jury interviewed 28 entities, mostly focusing on entities that did not conduct an assessment of its internal controls in the last 18 months.

The Civil Grand Jury also interviewed a Certified Public Accountant with experience serving as external auditor of entities within San Mateo County.

## **DISCUSSION**

### **Regulatory History**

In 2013, our California Assembly approved Bill No. 1248, to require the state controller to establish internal controls for California local agencies. Bill No. 1248 applies to the County of San Mateo and the cities, special districts and other local government entities, except school districts. Bill No.1248 appears in the California Government Code section 12422.5.

In 2014, The General Accounting Office (GAO) of the U.S. Government issued the Green Book. The U.S. Comptroller General prescribes internal control standards in the Green Book for the federal government. The Green Book says that state, local and quasi-governmental agencies and not-for-profit organizations may adopt the Green Book as a framework for an internal control system.

In 2015, the California State Controller's Office issued "Internal Control Guidelines - California Local Agencies" to comply with California Government Code section 12422.5. The State Guidelines refer to the Green Book, among other resources.

The State Guidelines refer to the same structure of internal controls in the Green Book as well as the Committee of Sponsoring Organizations of the Treadway Commission (COSO) publications, both of which refer to the Governing Board's responsibility to ensure completion of periodic risk assessments and to oversee internal controls.

Schools in San Mateo County are governed by the California Education Code (EDC). The county superintendent of schools may review or audit internal controls of any school district in its county per the California Education Code section 1241.5. The guidance in the Green Book and the State Guidelines naturally apply.

## Tone at the Top

The oversight body and management set the tone at the top and throughout the organization by its example. Tone at the top is fundamental to effective internal controls. The tone at the top helps ensure:

- the entity's risk identification is complete
- risk responses are appropriate
- control activities are appropriately designed or implemented
- information and communication are effective
- results of monitoring are understood and acted upon.

## Accountability for Performance

The State Guidelines include a section on Accountability for Performance, including:

- establishing mechanisms for holding individuals accountable for internal control responsibilities, which naturally include the oversight body and management
- establishing performance measures for all levels of the organization
- performing timely evaluations and aligning incentives with the fulfillment of internal control responsibilities.

All governing bodies and its management have basic responsibilities regarding internal controls, even if the State Guidelines do not specifically refer to those basic responsibilities. Those responsibilities naturally include:

- Oversight boards must demonstrate its oversight of management's internal controls, such as clear and timely reporting on its review of internal controls
- Management's reports on internal controls should be clearly and readily available to the public
- Management must be evaluated for its assessments of internal controls and its external reporting.

## Role of the External Auditor

External auditors are not considered a part of an entity's internal controls. While management may look into and use recommendations by external auditors, management owns the entity's internal controls. Management may communicate with and get quality information from its external auditors as it monitors and maintains internal controls.

Management may hire an external service provider to conduct assessments of internal controls. Data from these assessments can aid management ensuring that the entity's internal controls are appropriate for that entity. In conducting an audit, external auditors may rely on these assessments, which could result in a more efficient and less expensive external audit.

The Civil Grand Jury found through its research **that audits uncover only about 4% of fraud.**

Several entities we interviewed stated that they rely on or interact with its external auditors as part of its internal controls. Comments from respondents included:

- We have been using the external auditors and have been reviewing the internal controls with them annually.
- This is done with the regular annual audit. We do not have reasons to justify an additional assessment.
- Annually, the internal controls are updated as part of our external audit, not separately from the external audit process.

The reports from external auditors include limitations on the results of its review of internal controls they conduct in connection with an audit. These limitations include statements like “we did not identify any deficiencies in internal control that we consider to be material weaknesses” and “material weaknesses may exist that have not been identified.” The external auditor reports are clear that they do not express an opinion on the effectiveness of internal controls.

The Civil Grand Jury interviewed a Certified Public Accountant who audits local governments and agencies and confirmed that management should assess its internal controls independently of the external auditor’s work, noting management can separately refer to the independent auditor’s work in its report to its governing board regarding internal controls.

Furthermore, the Certified Public Accountant and interviewees generally agreed that if management performed its own assessment of its internal controls, the results of that assessment can be shared with the external auditor and the auditor may use those results in designing audit work, increasing efficiency. Increases in efficiency in external audits likely at least partially offset any incremental staff work in conducting management’s assessment.

## **Survey Responses**

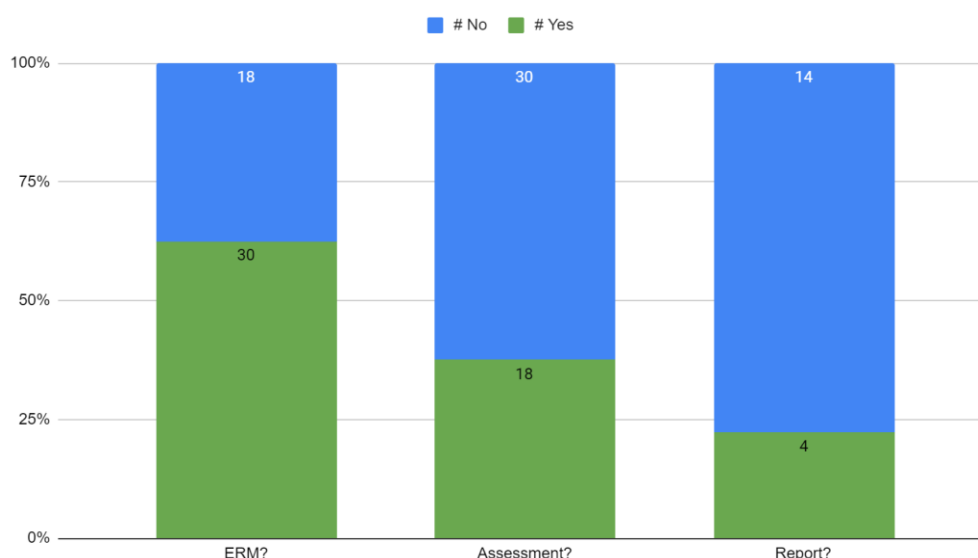
Survey requests were sent to 75 entities, including municipalities, school districts, independent special districts and joint power authorities. Responses were received from 54 entities.

Given the enormity of the challenge of reviewing individual controls at any one agency, the Civil Grand Jury looked into the way government entities in San Mateo County assess its internal controls and how the results of those assessments are reported to governing boards and to the public. This assessment and reporting should follow the State of California guidelines and the underlying referenced guidelines from the Green Book and the Committee of Sponsoring Corporations. Management’s assessment of its internal controls and communication, both internally within an entity and externally to the entity’s constituents, are key principles of internal controls.

The Civil Grand Jury focused on responses to three questions from the survey:

1. Do you have an established process in place to identify organizational risks (also known as Enterprise Risk Management, or ERM)? The tables below refer to this question as ‘ERM?’.
2. Other than outside audits of your organization's financial statements, have you or your organization performed an assessment of your organization's "internal controls" within the last 18 months? The tables below refer to this as ‘Assessment?’.
3. Was a written report of the assessment produced? The tables below refer to this as ‘Report?’.

All Responses to Survey



Identifying risks to an entity is a critical part of effective internal controls. See Principle 7 in the Green Book Principles of Internal Controls Table above.

Eighteen entities responded that they had performed an assessment of internal controls in the prior 18 months. Each entity must assess its internal controls. State guidelines require established mechanisms to hold management responsible for internal control responsibilities and to align incentives with the fulfillment of internal control responsibilities.

Four entities responded that they prepared a report regarding assessments of internal controls. Each governing board must oversee its entity's internal controls. State guidelines require established mechanisms to hold management responsible for internal control responsibilities and to align incentives with goals and objectives. Management should both internally and externally communicate the results of its assessments of internal controls. If management does not communicate the results of its assessments of internal controls, others may see this as an opportunity to commit fraud or waste government assets. Management should communicate the results of its assessments of internal controls in writing to its governing board.

These data led the Civil Grand Jury to conduct interviews with selected entities that responded to the survey.

### Interviews with Selected Entities

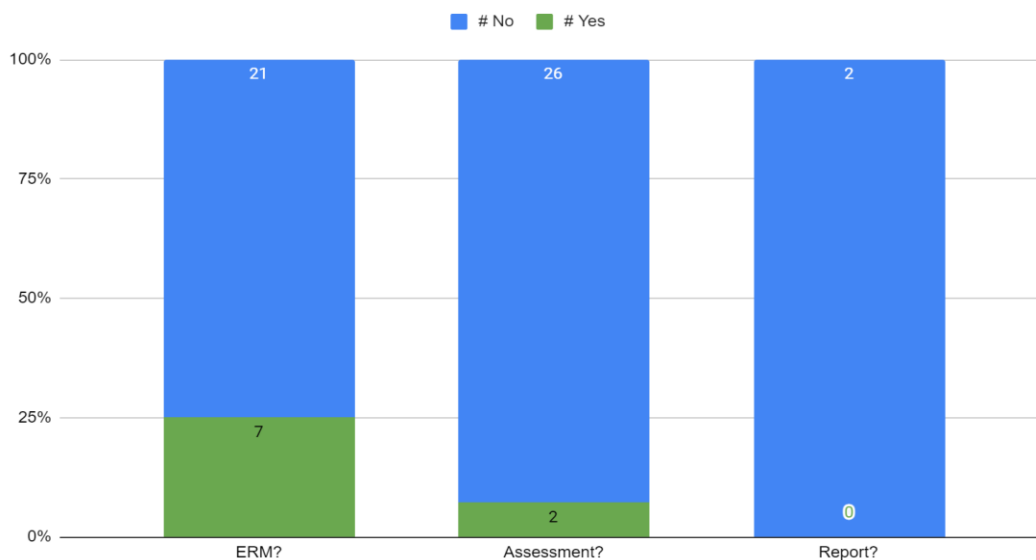
By rule of the Civil Grand Jury, the findings and recommendations included in this report can only be sent to entities that responded to the survey and participated in interviews with the Civil Grand Jury. In other words, the survey responses do not suffice to be considered a matter of fact and be used to come to a conclusion or make a recommendation.

The 28 Entities we interviewed are listed below in the section titled “Request for Responses.”

Of the Entities interviewed to confirm survey responses:

- Seven Entities reported that they did not have an established process in place to identify organizational risks.
- Twenty-six entities reported that, other than outside audits, its organization had not performed an assessment of its internal controls in the last 18 months.
- Two entities that did perform an assessment of its internal controls did not produce a written report of its assessment.

Survey Responses Confirmed by Interview



### Identifying risks

Identifying risks in an organization is a critical part of effective internal controls - see Principle 7 in the Green Book Principles of Internal Controls (Table above).

When an entity does not have a process to identify organizational risks, the entity does not demonstrate how its internal controls address identified risks, and the likelihood of a failure in internal controls that results in fraud or waste increases.

### *Assessing Internal Controls*

Entities must assess its internal controls. State guidelines require established mechanisms to hold management responsible for internal control responsibilities and to align incentives with the fulfillment of internal control responsibilities.

When an entity does not periodically assess its internal controls, the entity cannot demonstrate that they are monitoring its internal controls, and the likelihood of a failure in internal controls that results in fraud or waste increases.

### *Reporting Results of Assessments*

Each governing board must oversee its entity's internal controls. State guidelines require established mechanisms to hold management responsible for internal control responsibilities and to align incentives with goals and objectives.

Management should both internally and externally communicate the results of its assessments of internal controls. If management does not communicate the results of its assessments of internal controls, others may see this as an opportunity to commit fraud or waste government assets.

Management should communicate the results of its assessments of internal controls in writing to its governing board.

When management does not report the results of its assessments of internal controls to its governing board and the entity has not communicated externally, the likelihood that others may see this as an opportunity to commit fraud or avoid waste increases.

## **FINDINGS**

- F1. When an entity does not have a process to identify organizational risks, and the entity does not demonstrate how its internal controls address identified risks, the likelihood of a failure in internal controls that results in fraud or waste increases.
- F2. When an entity does not periodically assess its internal controls and the entity cannot demonstrate that it is monitoring its internal controls, the likelihood of a failure in internal controls that results in fraud or waste increases.
- F3. When management does not report the results of its assessments of internal controls to its governing board and the entity has not communicated externally, the likelihood that others see this as an opportunity to commit fraud or waste increases.

## RECOMMENDATIONS

- R1. Beginning by no later than December 31, 2024 and at least annually thereafter, each entity will document its organizational risks and address those risks in its annual Assessment of Internal Controls.
- R2. Beginning by no later than March 31, 2025 and at least annually thereafter, each governing board will require its management to complete its annual assessments of internal controls.
- R3. Beginning by no later than June 30, 2025 and annually thereafter, each governing board will require management to report the results of its annual assessment of the entity's internal controls.

## REQUEST FOR RESPONSES

The following responses from governing bodies are required pursuant to Penal Code sections 933 and 933.05:

| <u>Entity</u>                        | <u>Findings</u> | <u>Recommendations</u> |
|--------------------------------------|-----------------|------------------------|
| Belmont-Redwood Shores SD            | F1, F2, F3      | R1, R2, R3             |
| Brisbane School District             | F1, F2, F3      | R1, R2, R3             |
| City of Burlingame                   | F1, F2, F3      | R1, R2, R3             |
| City of East Palo Alto               | F1, F2          | R1, R2                 |
| City of Half Moon Bay                | F1, F2, F3      | R1, R2, R3             |
| City of Menlo Park                   | F1, F2, F3      | R1, R2, R3             |
| City of Redwood City                 | F2, F3          | R2, R3                 |
| Coastside Fire Protection District   | F1, F2, F3      | R1, R2, R3             |
| Colma Fire Protection District       | F1, F2, F3      | R1, R2, R3             |
| Jefferson Union High School District | F1, F2, F3      | R1, R2, R3             |
| La Honda-Pescadero USD               | F1, F2, F3      | R1, R2, R3             |
| Menlo Park City School District      | F2, F3          | R2, R3                 |
| Menlo Park Fire Protection District  | F1, F2, F3      | R1, R2, R3             |
| Mid-Peninsula Water District         | F2, F3          | R2, R3                 |
| North Coast County Water District    | F1, F2, F3      | R1, R2, R3             |
| Pacifica School District             | F1, F2, F3      | R1, R2, R3             |
| Portola Valley School District       | F1, F2, F3      | R1, R2, R3             |
| Ravenswood City School District      | F1, F2, F3      | R1, R2, R3             |
| Redwood City School District         | F1, F2, F3      | R1, R2, R3             |

|                                          |            |            |
|------------------------------------------|------------|------------|
| San Mateo County Libraries               | F1, F2, F3 | R1, R2, R3 |
| San Mateo Foster City School District    | F1, F2, F3 | R1, R2, R3 |
| San Mateo Union High School District     | F1, F2, F3 | R1, R2, R3 |
| Sequoia Healthcare District              | F2         | R2         |
| Silicon Valley Clean Water               | F2, F3     | R2, R3     |
| South Bayside Waste Management Authority | F1, F2, F3 | R1, R2, R3 |
| Town of Atherton                         | F2, F3     | R2, R3     |
| West Bay Sanitary District               | F1, F2, F3 | R1, R2, R3 |
| Woodside School District                 | F1, F2, F3 | R1, R2, R3 |

## RESPONSE REQUIREMENTS

California Penal Code Section 933.05 provides: For purposes of subdivision of Section 933, as to each Civil Grand Jury finding, the responding person or entity shall report one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the portion of the disputed finding and shall include an explanation of the reasons.

For purposes of subdivision of Section 933, as to each Civil Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has yet to be implemented but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall be at most six months from the Civil Grand Jury report's publication date.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

## **APPENDIXES**

Appendix A - Form of Survey

Appendix B - Examples of Fraud and Waste

### Form of Survey

1. Please list your name, title and organization
2. Other than outside audits of your organization's financial statements, have you or your organization performed an assessment of your organization's "internal controls" within the last 18 months? (Yes/No)
3. If your organization has not performed an assessment of its internal controls or has not completed one in the last 18 months, why?
4. What was the date of your internal controls assessment?
5. What type of tool was used to assess your internal controls? If "Other", please provide a brief description of the tool. (Checklist/Guided questions/Other)
6. Was a written report of the assessment produced? (Yes/No)
7. Was this assessment report shared with your governing board? (Shared/Not shared/Written assessment report was not produced)
8. Does your governing board require or suggest that your organization periodically review its internal controls?
9. Have the personnel in your organization received training specific to building effective internal controls?
10. If your organization has received training in building effective internal controls, who provided the training?
11. Do you have an established process in place to identify organizational risks (also known as Enterprise Risk Management or "ERM")?
12. When substantial risks are identified, does your process require changes or improvements to the applicable internal controls?
13. Have you shared the organizational risk assessment findings with your governing board?
14. Internal controls assessment tool:
15. Internal controls assessment report:
16. Risk assessment report:
17. Other links, please describe and include link(s):

**Examples of Alleged Fraud and Waste**

Broadmoor Police Protection District Fraud

<https://www.chronline.com/stories/outrageous-pension-double-dipping-triggers-criminal-investigation-into-california-cops,281359>

San Mateo County Pay to Play Prosecution

<https://www.almanacnews.com/news/2023/02/10/community-college-district-lawsuit-alleges-pay-to-play-in-construction-projects-under-former-chancellor/>

Reporting of Personal Residences paid for with government funds.

<https://www.nbcbayarea.com/news/local/former-caltrain-manager-secret-apartments-bay-area-train-stations/3496068/>

Release Date: June 27, 2024  
2023-2024 San Mateo County Civil Grand Jury



# **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

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**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**BY:** Humza Javed, Public Works Director

**SUBJECT:** City's Response to the San Mateo County's Grand Jury Report Titled "Restaurant Exteriors – The Neglected Space"

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## **Recommendation**

Adopt a resolution:

1. Approving the City's response to the San Mateo County's Civil Grand Jury report titled "Restaurant Exteriors – The Neglected Space"; and
2. Authorizing the City Manager to submit the City's response on behalf of the City to the San Mateo Superior Court.

## **Alignment with City Council Strategic Plan**

This recommendation is primarily aligned with:

Priority No. 1: Enhance Public Safety and Emergency Preparedness

Priority No. 4: Improve Public Facilities and Infrastructure

Priority No. 6: Create a Healthy and Safe Community

## **Background**

The San Mateo County Civil Grand Jury is an independent judicial body composed of 19 citizens. The San Mateo County Grand Jury is a fact-finding body that makes specific recommendations to a wide range of topics to help improve local government operations.

## **CONSENT ITEM 3.2**

On July 9, 2024, the San Mateo County Civil Grand Jury issued a report titled “Restaurant Exteriors – The Neglected Space” included as Attachment 3.

The City of East Palo Alto, like other jurisdictions in the County of San Mateo, is required to submit comments on the findings and recommendations pertaining to the matters over which it has some decision-making authority within 90 days, according to Penal Code 933.

On July 9, 2024, the San Mateo Grand Jury issued a report titled “Restaurant Exteriors: The Neglected Space” (the “Report”). The City Council’s response (“Response”) to the Report is due no later than October 7, 2024. The Response must be approved by the City Council at a public meeting.

The City is required to respond to the Grand Jury Report in a manner prescribed by Penal Code 933.05.

The Report discusses restaurant exterior waste storage and parklets with deficient, unsanitary and odorous conditions. In order to address some of these concerns, the Report provides recommendations for a more proactive approach to handling the garbage and parklet sanitation problems around restaurant exteriors in San Mateo County.

### **Analysis**

The Grand Jury made 7 findings and 4 recommendations in its Report. Page 8 of the Report requests that cities and towns respond to Findings 1 through 6 and Recommendation 4 only. The City of East Palo Alto’s Response to the relevant Grand Jury findings and recommendations are included in Attachment 2.

### **Fiscal Impact**

No fiscal impact is associated with this action.

### **Public Notice**

The public was provided notice of this agenda item by posting the City Council agenda on the City’s official bulletin board outside City Hall and making the agenda and staff report available at the City’s website and at the San Mateo County Library located at 2415 University Avenue, East Palo Alto.

### **Environmental**

The action being considered does not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

### **Government Code § 84308**

## **CONSENT ITEM 3.2**

**Applicability of Levine Act:** No, as the proposed action does not involve an entitlement.

**Analysis of Levine Act Compliance:** Not applicable.

### **Attachments:**

1. Resolution
2. City of East Palo Alto's Grand Jury Response
3. Grand Jury report titled "Restaurant Exteriors – The Neglected Space"

**RESOLUTION NO. XX – 2024**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EAST PALO ALTO**

**APPROVING THE CITY’S RESPONSE TO THE SAN MATEO COUNTY’S CIVIL GRAND JURY  
REPORT TITLED “RESTAURANT EXTERIORS: THE NEGLECTED SPACE” AND AUTHORIZING  
THE CITY MANAGER TO SUBMIT THE RESPONSE TO THE SAN MATEO SUPERIOR COURT**

**WHEREAS**, on July 9, 2024, the San Mateo County Civil Grand Jury issued a report titled “Restaurant Exteriors: The Neglected Space”; and

**WHEREAS**, the City of East Palo Alto (“City”), like other jurisdictions in the County of San Mateo, is required to submit comments on Findings 1 through 6 and Recommendation 4 on the report by October 7, 2024; and

**WHEREAS**, the report addresses restaurant exterior space and parklets in San Mateo County; and

**WHEREAS**, the City has prepared a response letter to the San Mateo County Civil Grand Jury report.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST  
PALO ALTO HEREBY:**

1. Approves the City’s response to San Mateo County’s Civil Grand Jury Report “Restaurant Exteriors: The Neglected Space”; and
2. Authorizes the City Manager to submit the City’s response on behalf of the City, attached hereto as Exhibit A and incorporated herein by this reference, to the San Mateo Superior Court.

**PASSED AND ADOPTED** this 17th day of September 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Antonio D. Lopez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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James Colin, City Clerk

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John D. Lê, City Attorney



The Honorable Judge Amarra A. Lee  
Judge of the Superior Court  
c/o Bianca Fasuescu  
Hall of Justice  
400 County Center; 2nd Floor  
Redwood City, CA 94063-1655

Dear Honorable Judge Amarra A. Lee:

Thank you for the opportunity to review and comment on the San Mateo County Civil Grand Jury Report titled: *"Restaurant Exteriors: The Neglected Space"* released on July 9, 2024 ("Report"). The City Council of the City of East Palo Alto approved the following response to the Report at its September 17, 2024, meeting.

**The City of East Palo Alto's Response to Each Relevant Finding:**

**F1.** Sanitary conditions of the exterior of restaurant facilities fall outside current inspections of the County Health Department. The varying unsatisfactory conditions in the waste removal areas of the facilities shows something is lacking in the regulatory process.

**City of East Palo Alto:** Partially disagree, based on our review of the complaints received by Code Enforcement and Public Works, this falls outside County jurisdiction.

**F2.** Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

**City of East Palo Alto:** Partially disagree. County Health and Vector Control may or may not inspect parklets in the City's public right of way; the City is unaware of and therefore defers to the County as to its authority in this area. At this time, the City of East Palo Alto does not have any sanctioned parklets related to restaurants.

**F3.** Sanitary conditions of exterior areas used for waste storage and disposal fall outside current inspections by local jurisdictions; local jurisdictions are, by and large, only reactive to an actual complaint.

**City of East Palo Alto:** Partially disagree. The City inspects commercial businesses including restaurants for waste storage and disposal to ensure best management practices are observed in accordance with the National Pollutant Discharge Elimination System (NPDES) program.

**F4.** Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

**City of East Palo Alto:** Agree. Most restaurant exteriors are “out of sight.” Often times enclosures are required to be screened and covered from view of the public for esthetic and regulatory reasons.

**F5.** Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

**City of East Palo Alto:** Partially disagree. Much of the oversight is based on complaints, but local jurisdictions are required to inspect based on the NPDES requirements.

**F6.** Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

**City of East Palo Alto:** Agree. If the City’s trash enclosure standard is met, wastewater flow into the storm drain system would be minimized.

**City of East Palo Alto Response to the Relevant Recommendation:**

**R4.** By June 30, 2025, inspectors for all jurisdictions with restaurants should be empowered to require owners/operators to add receptacles or increase the frequency of pick-ups.

**City of East Palo Alto:** The recommendation has been implemented. East Palo Alto Municipal Code section 8.32.060A includes this requirement for commercial businesses including restaurants.

If you have further questions, please contact Humza Javed, Public Works Director at [hjaved@cityofepa.org](mailto:hjaved@cityofepa.org).

Sincerely,

Melvin E. Gaines, City Manager  
City of East Palo Alto



## RESTAURANT EXTERIORS: THE NEGLECTED SPACE

### ISSUE

The exterior trash areas of food service businesses are often unsightly and unsanitary. How can this issue be addressed?

### SUMMARY

Restaurant garbage and food waste is not always contained in designated exterior bins, and may overflow, attracting animals and other undesirable pests. While restaurant interiors are subject to County of San Mateo Health System standards and inspections, restaurant building exteriors are subject to a variety of standards and inspection programs, because each local jurisdiction has its own regulations for sanitation and safety for exteriors. For restaurant exteriors, responsibility for enforcement of local code and for inspection schedules varies from city to city. Generally, inspections are done when complaints are received. The extent of the issues may vary based on the municipality or district, day of the week (garbage collection day), or whether the building backs are visible to the public.

Grand Jury members conducted interviews with County officials, city officials, and waste handlers and performed their own spot checks (admittedly not scientific). A written survey (Appendix B) was sent to all twenty cities and towns in the County.

The Grand Jury found a significant number of restaurant exterior waste storage areas and areas below parklets had clearly deficient, unsanitary, unsightly and odorous conditions. The investigation found that the “standards” for these areas, *i.e.*, how these conditions were monitored, and how codes and policies were enforced, to be inconsistent at best and non-existent in some instances. A quantification of the waste storage area problem proved difficult as many sites and their condition were dependent on the day of the week and their garbage pick-up days.

This Grand Jury report includes recommendations for a more proactive approach to handling the garbage and parklet sanitation problems around restaurant exteriors in San Mateo County, and suggestions for preventive maintenance.

## BACKGROUND

People spent 20.7% more money at restaurants than on groceries in 2022. That figure rose to 29.5% in the first two months of 2023 according to Commerce Department data.<sup>1</sup> This significant increase in use of restaurants and “micro” and “mobile” food services, not surprisingly, resulted in an increase in organic (food stuff) waste, paper, glass and general garbage.

Members of the Civil Grand Jury initiated this review of the health and safety conditions surrounding the immediate areas designated for waste removal after observing an increase in rodents around parklets. Initial walkthroughs behind restaurants determined that the problem related to waste management in general as well as to the parklets. Photos contained in Appendix A depict some of the disturbing findings.

The Grand Jury found a significant number of restaurant exterior waste storage areas and areas below parklets had clearly deficient, unsanitary, unsightly and odorous conditions. The investigation found that the “standards” for these areas, *i.e.*, how these conditions were monitored, and how codes and policies were enforced, to be inconsistent at best and non-existent in some instances. A quantification of the waste storage area problem proved difficult as many sites and their condition were dependent on the day of the week and their garbage pick-up days.

This Grand Jury report includes recommendations for a more proactive approach to handling the garbage and parklet sanitation problems around restaurant exteriors in San Mateo County, and suggestions for preventive maintenance.

## REGULATORY FRAMEWORK

California Health & Safety Code, Chapter 7 known as the “Retail Food Code” regulates, at the State level, the protections required for public health and safety of a “Food Facility”.<sup>2</sup> The Code

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<sup>1</sup> [https://www.census.gov/retail/marts/www/marts\\_current.pdf](https://www.census.gov/retail/marts/www/marts_current.pdf)

<sup>2</sup> H&S Code 113789 (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

- (1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
- (2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.
- (b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:
  - (1) Public and private school cafeterias.
  - (2) Restricted food service facilities.
  - (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
  - (4) Commissaries.
  - (5) Mobile food facilities.
  - (6) Mobile support units.
  - (7) Temporary food facilities.
  - (8) Vending machines.
  - (9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.

has extensive requirements for the handling of food, preparation and service of patrons. They can best be described as affecting the “inside” of the Food Facility.

The exterior or waste disposal areas are only mentioned in Article 4, Section 114245.4. “If provided, an outdoor storage area or enclosure used for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be easily cleanable, durable and sloped to drain.”<sup>3</sup> Refer to Appendix C for the California Health & Safety Code Article 4.

The enforcement of these State Regulations is assigned to “Enforcement Officers”<sup>4</sup> of an “Enforcement Agency”<sup>5</sup> which is delegated to more local organizations at the county or other local level. Section 114390<sup>6</sup> gives the power to inspect facilities, take samples and prepare a written report of deficiencies.

## HEALTH DEPARTMENT INSPECTIONS

The San Mateo County Health Department is primarily responsible for the inspection of restaurants and enforcement of the Health Codes related to them. The Inspection checklist (Appendix D) has 60 categories for inspection and only one (FO42) relates to waste disposal or garbage. In interviews, the Grand Jury found the Health Inspector does not generally inspect the areas behind the facility and does not inspect areas not immediately adjacent to the facility at all. The County relies on the individual cities for enforcement of their nuisance laws in these areas.

As part of its Municipal Code, each City or jurisdiction maintains provisions for enforcement actions against properties (and operators) that maintain unhealthy, noxious, or dangerous conditions under their police powers to abate public nuisances. (See Bibliography)

## LAND USE / USE PERMITS

It is beyond the scope of this investigation to analyze the municipal codes of each of the twenty jurisdictions in San Mateo County which have restaurant uses. Most cities require “use permits”

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(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen’s markets.

<sup>3</sup> Sections 114244 to 114245.3 inclusive speak only to the Food Facility which is defined as the interior of the facility.

<sup>4</sup> **113774.** “Enforcement officer” means the director, agents, or environmental health specialists appointed by the Director of Health Services, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

<sup>5</sup> **113773.** “Enforcement agency” means the department or the local health agency having jurisdiction over the food facility.

<sup>6</sup> **114390 :**

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=HSC&division=104.&title=&part=7.&chapter=13.&article=2](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=104.&title=&part=7.&chapter=13.&article=2)

(conditional or otherwise) for restaurants in certain locations. As part of the building permit process, cities have the ability to require and specify the type, location, and frequency of waste disposal. More importantly, all have a general requirement that these areas be maintained at the owner/operator expense in a good and sanitary manner.

## **WASTE HAULERS / SANITATION COMPANIES**

By far the biggest recipient of waste and disposal in the County is Recology San Mateo County serving the cities of Belmont, Burlingame, East Palo Alto, Foster City, Menlo Park, Redwood City, San Carlos, and San Mateo, the town of Hillsborough, County of San Mateo, North Fair Oaks, and West Bay Sanitary District. Recology of the Coast provides service to Pacifica. GreenWaste provides service to the town of Atherton.

South San Francisco Scavenger Company (SSFSC) serves businesses and residents in South San Francisco, Millbrae, Brisbane and San Francisco International Airport. Half Moon Bay, Daly City and the unincorporated North County has an agreement with Republic Services, Inc. to provide recycling, compost and garbage collection services.

Each hauler negotiates independently on rates and pick-up policy. The Grand Jury reviewed the Franchise Agreement used by Recology. The agreement provides that the hauler shall replace or repair bins, dumpsters and other containers as needed or upon request.

## **DISCUSSION**

### **SURVEY**

The Grand Jury sent a survey to twenty jurisdictions (see Appendix B). Five jurisdictions relied solely on the County Health Department for enforcement of regulations related to restaurant waste facilities; two inspected and enforced only at the permit renewal stage; and nine assigned the duty to their code enforcement mechanism generally through Planning, Public Works or dedicated Code Enforcement personnel. Only three of the jurisdictions conducted inspections independent of a complaint. The majority, nine of fourteen, only inspected upon receipt of a complaint. (See Appendix B for the tabulated Survey results).

In summary, survey responses demonstrate that the Cities rely on the County Health Department for inspections of restaurant interiors and, in general, only respond to exterior conditions upon receipt of a complaint.

### **OBSERVATIONS**

The condition at any one site is dependent on the frequency of trash removal. The site may be fine right after removal but, as the week goes on, the situation worsens. There does not appear to be any site-specific requirements (or at least any that are enforced) for residual cleaning such as power washing. Few sites inspected had any method of controlling wash down or steam cleaning waste from flowing into the storm sewers. The type of restaurant also impacts its output, *e.g.*, some generate grease, oil and animal fat, which require special containers.

The current requirements for trash enclosures by local jurisdictions are applied only to new applications, resulting in many outdated, legacy facilities and, without regular inspection, there is no monitoring of maintenance or repair. These areas are high impact areas and the enclosures and bins, dumpsters and cans are subject to heavy use. The Grand Jury found many bins, dumpsters and cans to be in damaged and filthy condition.

Economic forces impact maintenance and overflow conditions. An operator of a restaurant pays for disposal service by volume (size and number of containers) and frequency (number of pick-ups in one week). Increases in business generate higher volumes so what was working in the past may not be sufficient for the current or future situation. It is logical that operators of food facilities would see added frequency of pickups or added containers as a negative and an expense. This is a financial impact question.

## IMPACTS ON THE COMMUNITY

Normal sanitation issues apply; smell, unsightliness and vermin<sup>7</sup>. Vector Control does not inspect trash or similar areas unless specifically requested. The Grand Jury interviews revealed instances of the presence of rats, mice and raccoons in trash areas and parklets. Insect infestation is also of concern. All this presents a health hazard to the public, the workers at these restaurants, and the trash collectors.

## ENFORCEMENT OF EXISTING REQUIREMENTS

The County Health Department inspections do not include the areas outside of the building. The enforcement of the nuisance provisions by local jurisdictions is reactive and only called into play upon a complaint. Oversight of the condition of receptacles (dumpsters, bins, cans) is minimal, at best, and often non-existent.

## SPECIAL CASES

**Mobile Food Facilities (Food Trucks):** The Permit Checklist for food trucks does not mention waste disposal. Food Truck regulation is an evolving body of regulation and should be reviewed at a later date.

[https://www.smchealth.org/sites/main/files/file-attachments/20170915\\_mff\\_selfinspectionchecklist.pdf?1536778880](https://www.smchealth.org/sites/main/files/file-attachments/20170915_mff_selfinspectionchecklist.pdf?1536778880)

**Farmer's Markets:** Several markets were visited by Jurors. Only the Farmer's Market in San Carlos was the subject of an interview. This particular market occurs on a Sunday. It is organized

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<sup>7</sup> **H&S Code 113939.** "Vermin" means cockroaches, mice, rats, and similar pests that carry disease.

**H&S Code 13939.1.** "Vermin infestation" means the presence of vermin within the food facility as evidenced by actual live bodies, fresh droppings or vomitus, urine stains, or gnaw marks, that could result in contamination to the food, equipment, packaging, or utensils.

by a private company (a community-based organization, CBO) which recruits and manages the individual Farmers and Vendors. The company polices the area at the breakdown of the Market on Sunday afternoon. The city of San Carlos has a street sweeper go over the area on Monday morning. These actions appear to be sufficient as the area was observed to be clean and free from refuse.

**Parklets:** Like Food Trucks, parklet regulation is evolving and should be reviewed in more detail at a later date. There are currently no separate inspection line items for parklets in the County Health Department checklist. Parklets increased significantly as a result of the Covid-19 pandemic, which have proven efficient and desirable in many areas. At the outset, their construction was not heavily regulated and there were no specific building code requirements for inspection and cleaning under floors. As these facilities have become permanent, building permit requirements have increased. Problem areas identified in our investigation are:

1. Open floor segments can permit food and other waste falling under the floor of the parklet to the street;
2. Many have open side(s) permitting vermin to go under the parklet to feed on scraps;
3. Street drainage (from road crown and gutter flow) can exacerbate the problems of waste under the floor, including leaves and other refuse.

## METHODOLOGY

The Jurors made several site visits over a period of eight months and took photographs. The Grand Jury conducted interviews with some officials of some cities and with several San Mateo County officials including the Health Department and Vector Control. A survey was sent to each city/town in San Mateo County.

## FINDINGS

F1: Sanitary conditions of the exterior of restaurant facilities fall outside current inspections of the County Health Department. The varying unsatisfactory conditions in the waste removal areas of the facilities shows something is lacking in the regulatory process.

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

F3: Sanitary conditions of exterior areas used for waste storage and disposal fall outside current inspections by local jurisdictions; local jurisdictions are, by and large, only reactive to an actual complaint.

F4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

F7. Effective inspection of parklet sanitation can be severely hampered by closed skirting and lack of under floor access. Spacing between planking and lack of solid flooring can lead to accumulation of organic debris and possible infestation by vermin.

## RECOMMENDATIONS

R1. By June 30, 2025, the County should amend its Food Facility Checklist to include the condition of trash area flooring, bins, dumpsters and enclosures, and note any needed repair, replacement or cleaning.

R2. By June 30, 2025, the County should amend its Food Facility Checklist to include the entire exterior waste storage area, retention areas and parklets, including flooring and underfloor areas.

R3. By June 30, 2025, the County should require operators/owners of restaurants to have a written diagram of their approved waste storage/retention area posted so the inspector can evaluate the condition of the facilities.

R4. By June 30, 2025, inspectors for all jurisdictions with restaurants should be empowered to require owners/operators to add receptacles or increase the frequency of pick-ups.

Note: The Grand Jury is not able to recommend changes to building codes or planning criteria to cities or the County. However, in our review we did find the City of Palo Alto has a publication with clear and comprehensive regulations/recommendations for these areas.

*“Comprehensive Guidelines for Commercial Trash Enclosures:*

*<https://www.cityofpaloalto.org/files/assets/public/v/1/planning-amp-development-services/palo-alto-trash-enclosure-area-guidelines-march-2017.pdf>”*

## REQUEST FOR RESPONSE

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

From the San Mateo County Board of Supervisors, to all Findings and Recommendations.

From the councils for all 20 cities and towns in the County, to Findings 1, 2, 3, 4, 5, and 6 and Recommendation 4.

The governing bodies indicated above should be aware that the comment or response of each governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

## RESPONSE REQUIREMENTS

California Penal Code Section 933.05 provides (emphasis added):

- (a) For purposes of each subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following:
  - (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the port of the finding that is disputed and shall include an explanation of the reasons, therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation, therefore.

## BIBLIOGRAPHY

California Health and Safety Code:

<https://leginfo.ca.gov/faces/codesTOCSelected.xhtml?tocCode=HSC&tocTitle=+Health+and+Safety+Code+-+HSC>

The following is a representative selection of Municipal Codes relevant to the investigation:

- Daly City: [https://library.municode.com/ca/daly\\_city/codes/code\\_of\\_ordinances?nodeId=TIT8HESA](https://library.municode.com/ca/daly_city/codes/code_of_ordinances?nodeId=TIT8HESA)
- Belmont: [https://library.municode.com/ca/belmont/codes/code\\_of\\_ordinances?nodeId=CICO\\_CH11HESA](https://library.municode.com/ca/belmont/codes/code_of_ordinances?nodeId=CICO_CH11HESA)
- Hillsborough: [https://library.municode.com/ca/hillsborough/codes/code\\_of\\_ordinances?nodeId=TIT8HESA](https://library.municode.com/ca/hillsborough/codes/code_of_ordinances?nodeId=TIT8HESA)
- San Mateo (City): <https://law.cityofsanmateo.org/us/ca/cities/san-mateo/code/7>
- East Palo Alto Code Enforcement: <https://www.cityofepa.org/building/page/code-enforcement>

- San Carlos:  
<https://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos08/SanCarlos0827.html#8.27>
- South San Francisco:  
[https://library.qcode.us/lib/south\\_san\\_francisco\\_ca/pub/municipal\\_code/item/title\\_8-chapter\\_8\\_16](https://library.qcode.us/lib/south_san_francisco_ca/pub/municipal_code/item/title_8-chapter_8_16) and  
[https://library.qcode.us/lib/south\\_san\\_francisco\\_ca/pub/municipal\\_code/item/title\\_8](https://library.qcode.us/lib/south_san_francisco_ca/pub/municipal_code/item/title_8)
- Burlingame: [https://library.qcode.us/lib/burlingame\\_ca/pub/municipal\\_code/item/title\\_8](https://library.qcode.us/lib/burlingame_ca/pub/municipal_code/item/title_8)
- Pacifica Food Establishments:  
[https://library.municode.com/ca/pacifica/codes/code\\_of\\_ordinances?nodeId=TIT6SAHE\\_CH5GACORE](https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT6SAHE_CH5GACORE)
- Pacifica Garbage:  
[https://library.municode.com/ca/pacifica/codes/code\\_of\\_ordinances?nodeId=TIT6SAHE\\_CH5GACORE\\_ART1GACO](https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT6SAHE_CH5GACORE_ART1GACO)
- Redwood City: RWC has multiple segments of their code that would apply to this topic. The link to the Code in General is:  
[https://library.municode.com/ca/redwood\\_city/codes/city\\_code?nodeId=REDWOOD\\_CALIFORNIAMUCO](https://library.municode.com/ca/redwood_city/codes/city_code?nodeId=REDWOOD_CALIFORNIAMUCO)

## APPENDIX A

### Photographs of exteriors



Figure 1: San Mateo, September 2023



Figure 2: Millbrae, September 2023



Figure 3: Millbrae, September 2023



Figure 4: Millbrae, September 2023



Figure 5: Millbrae, September 2023



Figure 6: Millbrae, September 2023



Figure 7: San Carlos, December 2023



Figure 8: San Carlos, November 2023



Figure 9: San Carlos, December 2023



Figure 11: San Carlos, October 2023

## APPENDIX B

### Survey

1. Please list your name, title or job description and the city/town you represent.

Surveys were sent to managers of the twenty cities and towns in San Mateo County. Responses were as follows:

| City/Town           | Response Received |
|---------------------|-------------------|
| Atherton            | No                |
| Belmont             | Yes               |
| Brisbane            | No                |
| Burlingame          | Yes               |
| Colma               | No                |
| Daly City           | Yes               |
| East Palo Alto      | Yes               |
| Foster City         | Yes               |
| Half Moon Bay       | No                |
| Hillsborough        | Yes               |
| Menlo Park          | Yes               |
| Millbrae            | No                |
| Pacifica            | Yes               |
| Portola Valley      | No                |
| Redwood City        | Yes               |
| San Bruno           | Yes               |
| San Carlos          | Yes               |
| San Mateo           | No                |
| South San Francisco | Yes               |
| Woodside            | Yes               |

2. What sanitation standards are applied to the garbage/trash areas of restaurants, bars and food services?

Respondents cited the County ordinance code and various municipal codes and standards. One entity had no response and another responded their city/town has no restaurants.

3. What standards are applied to sanitation, trash and street cleaning related to the "parklets" or other outdoor areas used for food service?

Most respondents cited state, county or municipal standards. One city noted they have specific regulations for parklets. Another city said they have no standards because parklets are the responsibility of restaurants.

4. What department(s) of the City enforce these standards?

Enforcement of standards may be done by:

- County Health
- Building/Fire/Public Works
- Planning & Building, Dept of Water & Wastewater Resources
- Planning
- Public Works
- Police, Code Enforcement
- Engineering Division
- Community & Economic Development. Department

5. Are regular inspections made or is inquiry only made upon complaint?

Most responded inspections are complaint-based. A few municipalities conduct regular, periodic inspections.

6. Upon inquiry by the City (either by inspection or complaint) what standards are applied to determination of a violation, or recommendation to an owner?

Standards listed included:

- County Health
- Parklet Standards
- Municipal Codes
- California Building Code, California Fire Code, Americans with Disabilities Act (ADA)

7. What agencies or organizations outside of the City are involved in maintaining standards, such as Recology, Republic Services or South San Francisco Scavenger?
- Recology
  - Recology of the Coast
  - Greenwaste Recovery
  - Republic
  - County Health
  - No response, but noted there is a city contract with a power washing service and that information is made available to parklet owners

## APPENDIX C

### California Health & Safety Code Article 4

Health and Safety Code - HSC, DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] , PART 7. CALIFORNIA RETAIL FOOD CODE [113700 - 114437] , CHAPTER 7. Water, Plumbing, and Waste [114189 - 114245.7]  
[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=HSC&division=104.&title=&part=7.&chapter=7.&article=4](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=104.&title=&part=7.&chapter=7.&article=4)

#### ARTICLE 4. REFUSE

##### 114244.

- (a) Each food facility shall be provided with any facilities and equipment necessary to store or dispose of all waste material.
- (b) Waste receptacles shall be provided for use by consumers.
- (c) A receptacle shall be provided in each area of the food facility or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

##### 114245

- (a) An area designated for refuse, recyclables, returnables, and a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.
- (b) Receptacles and waste handling units for refuse, recyclables, and returnables shall not be located so as to create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

##### 114245.1

- (a) All refuse, recyclables, and returnables shall be kept in nonabsorbent, durable, cleanable, leakproof, and rodent proof containers and shall be contained so as to minimize odor and insect development by covering with close-fitting lids or placement in a disposable bag that is impervious to moisture and then sealed.
- (b) Refuse containers inside a food facility need not be covered during periods of operation.
- (c) All refuse shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.
- (d) Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.
- (e) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

114245.2. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be

stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

114245.3. If located within the food facility, a storage area for refuse, recyclables, and returnables shall meet the requirements for floors, walls, ceilings, and vermin exclusion as specified in this part.

114245.4. If provided, an outdoor storage area or enclosure used for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be easily cleanable, durable, and sloped to drain.

114245.5. Receptacles and waste handling units for refuse and recyclables shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

114245.6.

(a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and wastewater shall be disposed of as specified under Section 114241.

(b) Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

114245.7.

(a) Except as specified in subdivision (b), suitable cleaning implements and supplies such as high-pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

(b) If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

## APPENDIX D

### San Mateo County Inspection Checklist

<https://www.smchealth.org/sites/main/files/file-attachments/297097foodestab.pdf>



**COUNTY OF SAN MATEO**  
HEALTH SYSTEM

Environmental Health  
Services Food Program  
2000 Alameda  
de las Pulgas  
Suite #100  
San Mateo,  
CA 94403  
(650) 372-6200 FAX  
(650) 627-8244  
[smchealth.org/food](https://www.smchealth.org/food)

### FOOD FACILITY CHECKLIST

The goal of food safety is to promote health and prevent food-borne disease through education, training and regulation. This checklist reflects areas that are evaluated during a routine inspection. Use this as a guide to improve your facility's sanitation and compliance with the requirements from the California Retail Food Code.

| FOOD RECEIVING                                                                                                                                      | YES | NO | N/A |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| Raw or frozen raw molluscan shellfish (e.g. clams, mussels, scallops, oysters) properly labeled and labels maintained on site for at least 90 days. |     |    |     |
| Temperature of live molluscan shellfish at or below 45°F.                                                                                           |     |    |     |
| Food only from approved sources.                                                                                                                    |     |    |     |
| Potentially hazardous foods delivered at a temperature of 41°F                                                                                      |     |    |     |
| Frozen foods delivered in frozen condition with no evidence of thawing or refreezing.                                                               |     |    |     |
| Food at improper temperature or in unacceptable condition rejected.                                                                                 |     |    |     |
| Foods, especially refrigerated and frozen foods, placed in proper storage locations promptly.                                                       |     |    |     |
| FOOD STORAGE                                                                                                                                        | YES | NO | N/A |
| Foods protected from contamination, dirt, vermin, insects, chemicals, etc.                                                                          |     |    |     |
| Prepackaged and bulk foods properly labeled.                                                                                                        |     |    |     |
| Food stored at least 6 inches above floor in approved locations within the facility.                                                                |     |    |     |
| Returned and damaged goods stored separate from other items.                                                                                        |     |    |     |
| Raw meat and fish inside refrigerators and freezers stored below and away from ready-to-eat foods (e.g. salads, produce, beverages).                |     |    |     |
| Foods kept covered while in storage.                                                                                                                |     |    |     |
| Food which becomes contaminated or adulterated is discarded.                                                                                        |     |    |     |
|                                                                                                                                                     |     |    |     |

| <b>FOOD PREPARATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|------------|
| Frozen foods thawed by one of the following methods: <ul style="list-style-type: none"> <li>• Under cold running water</li> <li>• In a refrigerator</li> <li>• In a microwave</li> <li>• As part of the cooking process</li> </ul>                                                                                                                                                                                                                        |            |           |            |
| Hot potentially hazardous foods cooled as quickly as possible by one or more of the following methods prior to placement in a refrigerator or freezer: <ul style="list-style-type: none"> <li>• In an ice bath with stirring</li> <li>• With a rapid cool stirring device</li> <li>• In a blast chiller</li> <li>• By adding ice</li> <li>• In shallow heat conducting pans on ice</li> <li>• Separating food into smaller or thinner portions</li> </ul> |            |           |            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|------------|
| Food preparation sinks used only for preparation activities, and not hand washing, janitorial activities, or other uses.                                                                                                                                                                                                                                                                                                                                                                                                  |            |           |            |
| Sulfites not added to potentially hazardous foods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |           |            |
| Potentially hazardous foods shall be thoroughly cooked to a minimum internal temperature of: <ul style="list-style-type: none"> <li>• 165°F for poultry, comminuted poultry, game birds, stuffed meats, stuffed pasta, and reheated foods.</li> <li>• 157°F for ground beef, other comminuted meats, and foods containing comminuted meat. (Or 155°F for a minimum of 15 seconds)</li> <li>• 155°F for pork.</li> <li>• 145°F for eggs, food containing raw eggs, and other cooked potentially hazardous food.</li> </ul> |            |           |            |
| <b>FOOD SERVING</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
| Prepackaged foods properly labeled with common name, list of ingredients, net weight, name and address of manufacturer, etc.                                                                                                                                                                                                                                                                                                                                                                                              |            |           |            |
| Uneaten food returned from customer is discarded and not reused or reserved.                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |           |            |
| Self-serve buffets, salad bars, snack counters, bulk food dispensers, and self-serve units. Provide adequate protection for food and utensils from contamination by customers (e.g. sneezing, coughing, and handling).                                                                                                                                                                                                                                                                                                    |            |           |            |
| Tongs, ladles, spoons, etc. used for food service rather than direct contact with hands.                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |           |            |

| <b>TEMPERATURE CONTROL/THERMOMETERS</b>                                                                                                                                                                                                                                                                                                                                                                                               | YES | NO | N/A |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| Potentially hazardous foods kept at or below 41°F, or at or above 135°F.                                                                                                                                                                                                                                                                                                                                                              |     |    |     |
| When cooling or heating potentially hazardous foods, the time spent in the <b>DANGER ZONE</b> (41 °F - 135°F) is kept to a minimum.                                                                                                                                                                                                                                                                                                   |     |    |     |
| Easily readable thermometers (accurate to $\pm 2^{\circ}\text{F}$ ) in the warmest part of each refrigeration and freezer unit.                                                                                                                                                                                                                                                                                                       |     |    |     |
| Metal probe-type thermometer on premise if potentially hazardous food served.                                                                                                                                                                                                                                                                                                                                                         |     |    |     |
| Thermometers are sanitized before and after use, and periodically calibrated. (Employees should be able to demonstrate that they know how to calibrate a probe thermometer)                                                                                                                                                                                                                                                           |     |    |     |
| <b>UTENSIL WASHING/STORAGE</b>                                                                                                                                                                                                                                                                                                                                                                                                        | YES | NO | N/A |
| Utensils protected from contamination, dirt, vermin, insects, chemicals, etc.                                                                                                                                                                                                                                                                                                                                                         |     |    |     |
| Multi-service customer utensils (e.g. plates, glasses, silverware) sanitized by mechanical dish machine as per manufacturer specifications, or if manually washed, sanitized by one of the following methods: <ul style="list-style-type: none"> <li>• 100 ppm chlorine for 30 seconds</li> <li>• 25 ppm iodine for 60 seconds</li> <li>• 200 ppm quaternary ammonium for 60 seconds</li> <li>• 180°F water for 30 seconds</li> </ul> |     |    |     |
| Test strips or thermometer available for measuring the method of sanitizing utensils.                                                                                                                                                                                                                                                                                                                                                 |     |    |     |

|                                                                                                                                                                                                         | YES | NO | N/A |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| Three- compartment sink with dual integral drain boards available for utensil washing (except where 2 compartment exemptions is applicable).                                                            |     |    |     |
| Compartments are large enough to accommodate the largest utensil in use.                                                                                                                                |     |    |     |
| Utensils are clean and in good repair.                                                                                                                                                                  |     |    |     |
| Kitchen and serving utensils are routinely cleaned and sanitized.                                                                                                                                       |     |    |     |
| Utensils are commercial-grade and meet applicable National Sanitation Foundation (NSF) at CAL CODE standards.                                                                                           |     |    |     |
| All mechanical dishwashers are provided with dual integral drain boards.                                                                                                                                |     |    |     |
| Proper sanitizer and chemical levels, and temperature maintained at all times during operation of dish machines.                                                                                        |     |    |     |
| Single-service customer utensils used only once and disposed of in a sanitary manner.                                                                                                                   |     |    |     |
| Serving utensils (e.g. scoops, spoons, ladles, etc.) for potentially hazardous foods, while in use are kept at or below 41°F or above 135°F, or in a dipper well continually provided with clean water. |     |    |     |
| <b>TOILET FACILITIES</b>                                                                                                                                                                                | YES | NO | N/A |
| Employee toilet facilities provided.                                                                                                                                                                    |     |    |     |
| Customer toilet facilities provided where required.                                                                                                                                                     |     |    |     |

|                                                                                                                                                                                 |     |    |     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| Tight-fitting self-closing doors provided.                                                                                                                                      |     |    |     |
| Food, utensils, equipment, supplies, etc., not stored in toilet facilities.                                                                                                     |     |    |     |
| Toilet paper, single-use sanitary towels (or air dryer) and hand cleanser provided from approved dispensers.                                                                    |     |    |     |
| Hot and cold water, under pressure, provided from a mixing faucet (or combination faucet) at hand sink.                                                                         |     |    |     |
| Ventilation provided.                                                                                                                                                           |     |    |     |
| <b>HANDWASHING FACILITIES</b>                                                                                                                                                   | YES | NO | N/A |
| Within or adjacent to restrooms and kitchens.                                                                                                                                   |     |    |     |
| Provided with single service sanitary towels (or air dryers) and hand cleanser from and approved dispensers.                                                                    |     |    |     |
| Hot and cold water, under pressure, provided from a mixing faucet (or combination faucet) at hand sink.                                                                         |     |    |     |
| Kept readily accessible at <b>all</b> times                                                                                                                                     |     |    |     |
| Facilities provided exclusively for hand washing in food prep areas that are sufficient in number and conveniently located. (construction/remodels on or after January 1, 1996) |     |    |     |
| <b>CHEMICALS/PESTICIDES</b>                                                                                                                                                     | YES | NO | N/A |
| Properly labeled.                                                                                                                                                               |     |    |     |
| Stored away from food and utensils. Stored in separate enclosure if stored in food preparation area.                                                                            |     |    |     |
| Pesticides specifically approved for use within food facilities.                                                                                                                |     |    |     |
| Chemicals, pesticides, hazardous materials properly used. MSDS data available for employees.                                                                                    |     |    |     |

|                                                                                                                                                                  |     |    |     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| <b>JANITORIAL FACILITIES</b>                                                                                                                                     | YES | NO | N/A |
| Area provided for storage of cleaning supplies and equipment which is separate from food preparation, food storage, utensil cleaning, and utensil storage areas. |     |    |     |
| Janitorial sink or basin provided with hot and cold water.                                                                                                       |     |    |     |
| Backflow prevention device provided for sink.                                                                                                                    |     |    |     |
| Cleaning equipment (e.g. mops, buckets, brooms, etc.) kept away from food and utensils.                                                                          |     |    |     |
| <b>LIGHTING</b>                                                                                                                                                  | YES | NO | N/A |
| Minimum intensity of 20 foot-candles (ftc) in food preparation and utensil cleaning areas.                                                                       |     |    |     |
| Minimum intensity of 10ftc elsewhere but intensity of at least 20 ftc available during cleaning operations.                                                      |     |    |     |
| Shatter-proof light covers in food preparation, food storage (except where food is in unopened, original containers), and utensil cleaning areas.                |     |    |     |

| <b>VERMIN/INSECTS</b>                                                                                                                                                                                                                                                   | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|------------|
| Facility free of rodents and insects.                                                                                                                                                                                                                                   |            |           |            |
| Harborage and entrances eliminated. Droppings and dead insects cleaned up.                                                                                                                                                                                              |            |           |            |
| Facility kept fully enclosed. Entrances protected by tight-fitting, self-closing doors or air curtains. Openable windows protected by screens.                                                                                                                          |            |           |            |
| Pest control performed by <b>licensed</b> pest control operator.                                                                                                                                                                                                        |            |           |            |
| <b>GARBAGE/REFUSE DISPOSAL</b>                                                                                                                                                                                                                                          | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
| Facilities provided for garbage disposal and storage.                                                                                                                                                                                                                   |            |           |            |
| Containers are leak proof and rodent proof with tight-fitting lids.                                                                                                                                                                                                     |            |           |            |
| Garbage placed in securely fastened plastic bags before placement in dumpster.                                                                                                                                                                                          |            |           |            |
| Garbage removed frequently.                                                                                                                                                                                                                                             |            |           |            |
| <b>WATER SUPPLY</b>                                                                                                                                                                                                                                                     | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
| Water supply from an approved source.                                                                                                                                                                                                                                   |            |           |            |
| Hot and cold water provided in adequate amounts.                                                                                                                                                                                                                        |            |           |            |
| <b>EMPLOYEE HABITS</b>                                                                                                                                                                                                                                                  | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
| Employees wash hands before beginning work, between working with raw food and ready-to-eat foods, after coughing or sneezing, after touching soiled equipment or utensils, after using restrooms, and after engaging in any other activity that contaminates the hands. |            |           |            |
| Employees wear clean garments or uniforms.                                                                                                                                                                                                                              |            |           |            |
| Employees do not use tobacco products where food is prepared, served, or stored, or where utensils are cleaned or stored.                                                                                                                                               |            |           |            |
| Employees do not work if ill.                                                                                                                                                                                                                                           |            |           |            |
| Employees have been instructed in safe food handling practices.                                                                                                                                                                                                         |            |           |            |
| Employees routinely check temperatures of potentially hazardous foods during storage, preparation and serving, and check utensil cleaning chemical levels, water temperatures, and water pressures.                                                                     |            |           |            |

| <b>EMPLOYEE CHANGE/STORAGE FACILITIES</b>                                                                                                                                                                                                                                                                          | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|------------|
| Area provided for employee changing which is separate from toilets, food storage, food preparation, utensil cleaning, and utensil storage areas.                                                                                                                                                                   |            |           |            |
| <b>PLUMBING</b>                                                                                                                                                                                                                                                                                                    | <b>YES</b> | <b>NO</b> | <b>N/A</b> |
| All sewage and wastewater disposed of to an approved sewer or septic system.                                                                                                                                                                                                                                       |            |           |            |
| Indirect waste drainage via a floor sink or funnel drain provided for all equipment that discharges wastes (e.g. prep sinks, utensil sinks, steam tables, salad bars, Chinese ranges, ice machines, ice storage bins, beverage machines, steam-jacketed kettles, display cases, refrigeration/freezer units, etc.) |            |           |            |
| Indirect waste receptacles <b>readily accessible</b> for cleaning and inspection, and not located inside cabinets.                                                                                                                                                                                                 |            |           |            |

|                                                                                                                                                                                                                                                                                                                                                                                                                     |     |    |     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| Floor drains absent from food storage areas.                                                                                                                                                                                                                                                                                                                                                                        |     |    |     |
| Plumbing kept clean, fully operative, and in good repair.                                                                                                                                                                                                                                                                                                                                                           |     |    |     |
| Grease interceptors and septic tanks regularly cleaned out by <b>licensed</b> plumbers.                                                                                                                                                                                                                                                                                                                             |     |    |     |
| <b>EQUIPMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                    | YES | NO | N/A |
| Equipment clean and in good repair.                                                                                                                                                                                                                                                                                                                                                                                 |     |    |     |
| Equipment easily cleanable and meets applicable NSF and the California Retail Food Code standards.                                                                                                                                                                                                                                                                                                                  |     |    |     |
| Unused equipment removed from premises.                                                                                                                                                                                                                                                                                                                                                                             |     |    |     |
| Approved ventilation/exhaust equipment provided over cooking equipment and high temperature dish machines.                                                                                                                                                                                                                                                                                                          |     |    |     |
| <b>WALLS, FLOORS, CEILINGS</b>                                                                                                                                                                                                                                                                                                                                                                                      | YES | NO | N/A |
| Floors are smooth, durable, non-absorbent, and easily cleanable in areas where: <ul style="list-style-type: none"> <li>• food prepared, packaged, or stored;</li> <li>• where utensils are cleaned or stored;</li> <li>• where garbage is stored;</li> <li>• where janitorial facilities are located;</li> <li>• in toilet and hand washing facilities;</li> <li>• in employee change and storage areas.</li> </ul> |     |    |     |
| Floor material extends up the walls and toe kicks at least 4 inches with a minimum of 3/8 inch radius at the wall/floor and wall/toe-kick junctures in all areas mentioned above except where exempted (e.g. where foods are stored in their <b>unopened</b> original containers.                                                                                                                                   |     |    |     |
| Walls and ceilings smooth must be durable, non-absorbent, and easily cleanable in all areas except where exempted (e.g. dining areas, closed food storage areas, and certain portions of bar areas).                                                                                                                                                                                                                |     |    |     |
| Walls and ceiling finishes light colored in food preparation, utensil cleaning areas, and inside walk-in refrigeration units.                                                                                                                                                                                                                                                                                       |     |    |     |
| <b>SIGNS</b>                                                                                                                                                                                                                                                                                                                                                                                                        | YES | NO | N/A |
| Official Food Placard must be posted and clearly visible at the entrance of facility.                                                                                                                                                                                                                                                                                                                               |     |    |     |
| Valid health permit posted in a conspicuous location.                                                                                                                                                                                                                                                                                                                                                               |     |    |     |
| <i>No Smoking</i> signs posted in food preparation, food storage, utensil cleaning, and utensil storage areas.                                                                                                                                                                                                                                                                                                      |     |    |     |

|                                                                                                                      |     |    |     |
|----------------------------------------------------------------------------------------------------------------------|-----|----|-----|
|                                                                                                                      | YES | NO | N/A |
| Hand washing signs posted in toilet rooms.                                                                           |     |    |     |
| If facility has sit-down dining, <i>Choking First Aid</i> poster placed where it is readily accessible to employees. |     |    |     |
|                                                                                                                      |     |    |     |

| ADDITIONAL INFORMATION                                                                                                                             | YES | NO | N/A |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| Any construction, remodeling, alterations, and the installation of new equipment must be approved by the Health Department before commencing work. |     |    |     |
| Applicable building and fire codes are met.                                                                                                        |     |    |     |
| Manager certification/ Food handler certifications are available on site.                                                                          |     |    |     |
| Tobacco permit available if applicable                                                                                                             |     |    |     |
|                                                                                                                                                    |     |    |     |
|                                                                                                                                                    |     |    |     |
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|                                                                                                                                                    |     |    |     |
| COMMENTS/OBSERVATIONS:                                                                                                                             |     |    |     |
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# **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

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**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**BY:** Ana Maria Torres-Mondragon, Human Resources Manager

**SUBJECT:** Increase the shared \$200,000 Not-to-Exceed (NTE) to \$350,000 Not-to-Exceed (NTE) with an additional two annual extensions at the City Manager's discretion with Regional Government Services (RGS), Muchmore than Consulting, LLC, and CPS HR Consulting for Human Resources (HR) Support

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## **Recommendation**

Adopt a resolution to increase the collective not-to-exceed (NTE) amounts for previously approved Human Resources (HR) support contracts with Regional Government Services (RGS), Muchmore Than Consulting, LLC, and CPS HR Consulting from \$200,000 to \$350,000, and adding two annual extensions at the City Manager's discretion.

## **Alignment with City Council Strategic Plan**

This recommendation is primarily aligned with:

Priority: Ensure Our Financial and Organizational Health

## **Background**

On September 5, 2023, City Council authorized the City Manager to award, negotiate and execute Agreements with Regional Government Services (RGS), Muchmore than Consulting, LLC, and CPS HR Consulting, in a form approved by the City Attorney, sharing a total not-to-exceed (NTE) amount of \$200,000 and a term through June 30, 2024, with two (2) annual extensions at the City Manager's discretion, following a competitively bid process (RFP).

The purpose of the request was to quickly boost the City's capacity to create, implement, and evaluate programs that were currently beyond our capacity. The approval of these contracts has

## **CONSENT ITEM 3.3**

been key to helping the Human Resources (HR) Division provide more citywide support in various programs and enhanced capacity to take on major initiatives that have significantly benefited the City of East Palo Alto. A few major accomplishments include managing three-year memorandum of understanding (MOU) bargaining agreements, improving and implementing a comprehensive Disability Leave Management Program, meticulously documenting and improving the City's recruitment and selection processes, and implementing a quarterly Wellness and Training Program.

These efforts have also allowed the City to conduct multiple concurrent recruitments, which has successfully reduced our vacancies. This is a major milestone for the City. The City is attracting and retaining highly qualified candidates by providing ongoing training opportunities throughout the year and by actively promoting our health and wellness initiatives. These achievements would not have been possible without the HR support contracts that City Council graciously approved.

### **Analysis**

We are returning to City Council to request an increase to the shared not-to-exceed (NTE) amount of \$200,000 to \$350,000 on a contract that had previously been competitively bid one year ago. The continued availability of these resources is vital to sustain the momentum we have built, ensuring continuity of programs, and ensuring that HR can continue to deliver quality citywide support to our hard working and dedicated City staff. HR currently has 2.0 permanent FTEs, and with this augmentation, is able to provide the level of support of a 5.0 FTE team. If further resources are needed, staff will prepare another RFP to capture the additional scope of work. One goal of the HR Division is to gain as much internal knowledge, expertise, and capacity to better support our staff in-house and lessen our reliance on outside vendors where applicable. Notwithstanding, when and if a particular issue arises beyond our expertise, we reach out to experts in the field for support.

City Council's commitment to invest in our workforce is not only helping us achieve our current goals but is also laying a strong foundation for future successes.

### **Fiscal Impact**

Staff is not asking for additional appropriation at this time. We will only use funds approved in regular budget process.

### **Public Notice**

The public was provided notice by making the agenda and report available on the City's website and on a bulletin, board located at City Hall: 2415 University Avenue, East Palo Alto.

**Environmental**

The action being considered does not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

**Government Code § 84308**

**Applicability of Levine Act:** No, as the proposed action is an amendment to a competitively bid contract.

**Analysis of Levine Act Compliance:** Not applicable.

**Attachments**

1. Resolution.

## RESOLUTION NO.

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO

**AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS (IN A FORM APPROVED BY THE CITY ATTORNEY) TO THE EXISTING CONTRACTS WITH REGIONAL GOVERNMENT SERVICES (RGS), MUCHMORE THAN CONSULTING, LLC, AND CPS HR CONSULTING FOR AS-NEEDED HUMAN RESOURCES (HR) SUPPORT, INCREASING THE COLLECTIVE NOT-TO-EXCEED AMOUNT OF THOSE CONTRACTS FROM \$200,000 TO \$350,000 AND ADDING TWO ANNUAL EXTENSIONS AT THE CITY MANAGER'S DISCRETION.**

**WHEREAS**, recognizing the City's commitment to operational excellence, the potential to bolster efficiency within our municipality through the engagement of HR support services is evident; and

**WHEREAS**, on September 5, 2023, City Council authorized the City Manager to award, negotiate and execute Agreements with Regional Government Services (RGS), Muchmore than Consulting, LLC, and CPS HR Consulting; and

**WHEREAS**, a few major accomplishments include managing three-year memorandum of understanding (MOU) bargaining agreements, improving and implementing a comprehensive disability leave management program, meticulously documenting and improving the City's recruitment and selection processes, and implementing a quarterly Wellness and Training Program; and

**WHEREAS**, staff is returning to City Council to request an increase to the shared not-to-exceed (NTE) amount of \$200,000 to \$350,000, on a set of agreements that were competitively bid one year ago; and

**WHEREAS**, the continued availability of these resources is vital to sustain the momentum we have built, ensuring continuity of programs, and ensuring that HR can continue to deliver quality citywide support to our hard working and dedicated City staff.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:**

1. Finds the foregoing recitals true and correct and incorporated by reference into this action;
2. Authorizes the City Manager to execute amendments to contracts with Regional Government Services (RGS), Muchmore Than Consulting, LLC, and CPS HR Consulting, increasing the collective not-to-exceed (NTE) amount from \$200,000 to \$350,000 and adding two annual extensions at the City Manager's discretion; and
3. Finds that the action taken action does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of September 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Antonio D. Lopez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James Colin, City Clerk

\_\_\_\_\_  
John D. Lê, City Attorney



# **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

---

**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**BY:** Karen Camacho, Housing and Economic Development Manager  
Amy Chen, Community and Economic Development Director

**SUBJECT:** Ratification of Application for the Partnership for the Bay's Future Policy Fund Grant

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## **Recommendation**

Adopt a resolution ratifying the City Manager's application to the Partnership for the Bay's Future ("PBF") the Policy Fund Grant.

## **Executive Summary**

If awarded, the PBF Policy Fund Grant will place a fellow in the City of East Palo Alto to provide expertise and capacity, and facilitate collaboration between government and community, on three key policy areas: rent registry, local preference, and preservation funding and projects.

## **Alignment with City Council Strategic Plan**

This recommendation is primarily aligned with:

Priority: Promote Housing, Economic and Workforce Development

## **Background**

### **Partnership for the Bay's Future**

The Partnership for the Bay's Future ("PBF") is a public-private partnership established in 2019 to address the Bay Area housing crisis through a unique dual approach: in collaborating with partners, 1) working to advance policy changes that protect residents and improve affordability, and 2) investing in building new and rehabilitating existing affordable homes – always through a lens of racial equity and economic inclusion.

## **CONSENT ITEM 3.4**

PBF maintains a family of loan funds, managed by Local Initiatives Support Corporation (LISC), which increases housing supply through responsive and creative financing. The PBF Policy Fund, administered by the San Francisco Foundation, supports a capacity-building grant program. The City has applied for and was awarded the Challenge Grant and Breakthrough Grant in previous funding cycles as further described below.

### City of East Palo Alto 2019-2021 Challenge Grant

In August 2019, in partnership with East Palo Alto Community Alliance and Neighborhood Development Organization (“EPACANDO”), Preserving Affordable Housing Assets Long Term, Inc. (“PAHALI”), Youth United for Community Action (“YUCA”), and Community Legal Services in East Palo Alto (“CLSEPA”), the City was selected to be one of the ten jurisdictions in the inaugural Challenge Grant cohort in fall 2019 (“Cohort 1”).

As a Challenge Grant jurisdiction, the City was responsible for supervision of the Challenge Grant Fellow and for developing and adopting the policy proposed in its Challenge Grant application. The City’s PBF Challenge Grant Fellow, Karen Camacho, joined the City in February 2020 and later was hired on as full-time staff with the Housing Division in 2022.

The City received no direct funding as a Challenge Grant jurisdiction. The four partner organizations received a total of \$110,000 per year as follows:

| Year 1              | Year 2              |
|---------------------|---------------------|
| \$36,000 - YUCA     | \$37,000 - YUCA     |
| \$36,000 - CLSEPA   | \$37,000 - CLSEPA   |
| \$24,000 - PAHALI   | \$24,000 - PAHALI   |
| \$14,000 - EPACANDO | \$12,000 - EPACANDO |
| Total \$110,000     | Total \$110,000     |

### City of East Palo Alto 2022-2024 Breakthrough Grant

The City applied for the Breakthrough Grant again in July 2021, in partnership with the same community organizations, and was selected to be one of the eleven jurisdictions in fall 2021 (“Cohort 2”).

The Breakthrough Grant followed the model of the PBF Challenge Grants, a capacity-building program that supports housing policy development in Bay Area jurisdictions and is focused on protecting renters and preserving existing affordable housing. The main distinction between the two grant programs was the additional focus of the Breakthrough Grants on housing production.

Similar to the Challenge Grant, the City received no direct funding award, but instead received a mid-career PBF Fellow, Benjamin Toney, who joined the City in May 2022 for a two-year period. The four partner organizations received a total of \$110,000 per year. Breakthrough Grant jurisdictions received ongoing technical assistance and cohort support from the San Francisco Foundation for the duration of the grant. After finishing his fellowship, Mr. Toney returned to the University of Southern California to complete his PhD in Urban Planning and Development.

### City of East Palo Alto 2025-2027 Policy Fund Grant Application

In June 2024, PBF launched the third round of the Policy Fund Grant and accepted applications through August 30, 2024 (see Request for Proposal and Application in Attachment 2). The Policy Fund will select a cohort of site teams (“Cohort 3”) that propose the highest impact, yet realistically achievable policy plans, from development to implementation, to be a part of the cohort. Within the two-year grant period, each of the Policy Fund Grant site teams will receive two years of capacity building, community engagement, and tailored technical assistance support from the Policy Fund.

### **Analysis**

The City of East Palo Alto proposes the following activities for the Cohort 3 scope, which help advance the goals, objectives, policies and programs the City Council set in its 2024-2028 Affordable Housing Strategy and 2023-2031 Housing Element:<sup>1</sup>

1. **Rent Registry:** The establishment and implementation of a rental registry to proactively monitor and maintain housing standards without tenant displacement;<sup>2</sup>
2. **Local Preference:** The refinement and execution of a local preference policy that prioritizes affordable housing access for current residents, particularly for vulnerable populations at risk of displacement;<sup>3</sup>
3. **Preservation Fund:** The development and administration of a Preservation Fund to support the acquisition, rehabilitation, and long-term preservation of affordable housing units.<sup>4</sup>

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<sup>1</sup> The 2024-2028 Affordable Housing Strategy (“AHS”) is available at: <https://www.cityofepa.org/housing/page/affordable-housing-strategy>. The 2023-2031 Housing Element is available at: <https://www.cityofepa.org/housing/page/housing-element-update-1>.

<sup>2</sup> See AHS **Goal 3: Preserve Existing Affordable and Rent Stabilized Housing**, with the objective to “Improve data on the affordability of the City’s rental housing stock outside of the Rent Stabilized portfolio,” and **Program 3.2:** “With the allocated City Council funding, implement the rent registry program.”

<sup>3</sup> See AHS **Goal 3** objective to “Ensure that the City’s deed-restricted affordable housing and Below Market-Rate (BMR) portfolio remains well-maintained and monitored,” and **Program 3.1:** “Continue working with the BMR Administrator on the existing BMR Program contract and draft Request for Proposals (RFP) for next phase of BMR Program management, including additional rental and for-sale inclusionary housing units, and evaluating, as needed, the Local Preference Guidelines.” Also see AHS **Goal 4: Present Displacement of East Palo Alto Residents**, with the objective to “Implement an effective and fair housing compliant Local Preference Policy,” and **Policy 4.13:** “Complete and enforce guidelines on the City’s existing Local Preference Policy for inclusionary housing for-sale and rental units. Periodically evaluate the guidelines and adjust as needed.”

<sup>4</sup> See AHS **Goal 1: Create More Housing that is Affordable to East Palo Alto Residents**, with the objective to “Develop long-term, sustainable funding sources that are flexible and may be used for affordable housing production and preservation and to prevent displacement and homelessness.” Also see AHS **Goal 4** with the objective to “Promote the preservation of existing housing stock and rehabilitation of housing that is at-risk due to age, structural deficiencies, etc.,” and in particular, **Policies 4.3, 4.4, 4.5, and 4.6**. Also see objective to “Support housing stability of existing lower-income homeowners and enable the community’s seniors to age in place,” with **Program 4.7** and **Policies 4.8 and 4.9**.

## **CONSENT ITEM 3.4**

The potential roles and responsibilities of the partner organizations in Cohort 3 include:

- EPACANDO: Convene partners, project management, operations, and technical and administrative support
- YUCA: Tenant organization, community outreach and rapid response to housing crises
- CLSEPA: Technical assistance, policy development and implementation

The Policy Fund Grant application consists largely of a narrative describing the need for the proposed policies and their intended impacts. Applicants must also outline how they will engage the community in the policy development process, with a specific emphasis on engaging low-income people and communities of color. The application narrative must also include a preliminary timeline with key activities, stakeholders, and plans for implementation.

The application package consists of an online application that must be submitted by the jurisdiction in addition to letters of support from the lead community partner, the Mayor and/or a Councilmember, and the City Manager. To not miss the deadline before the end of City Council's August recess, staff have completed and submitted the online application by the deadline of August 30, 2024, and are now seeking City Council ratification of that submission. If awarded, staff will return to City Council with a staff report and resolution to accept the grant/fellowship award.

### **Fiscal Impact**

There is no fiscal impact for this item. PBF Grant awards consist of a two-year fellowship with no direct funding to the jurisdiction.

### **Public Notice**

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

### **Environmental**

The action being considered does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

### **Government Code § 84308**

**Applicability of Levine Act:** No, as the proposed action does not involve an entitlement.

**Analysis of Levine Act Compliance:** Not applicable.

## **CONSENT ITEM 3.4**

### **Attachments**

1. Resolution
2. Policy Fund Grant RFP for Cohort 3

**RESOLUTION NO. XX- 2024**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EAST PALO ALTO**

**AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION  
JOINTLY WITH COMMUNITY PARTNERS TO THE PARTNERSHIP FOR THE BAY'S FUTURE  
POLICY FUND GRANT**

**WHEREAS**, in June 2024, the Partnership for the Bay's Future ("PBF"), a regional public-private partnership, released a Policy Fund Grants Request for Proposal and Application; and

**WHEREAS**, the stated goal of PBF is to bring together Bay Area local governments and community partners to catalyze equitable policy innovation in tenant protection and to build and preserve affordable housing in local communities; and

**WHEREAS**, the City of East Palo Alto ("City") was a recipient of the 2019 PBF Challenge Grant for Housing Protection and Preservation ("Cohort 1"), a two-year capacity-building grant that included a Challenge Grant PBF Fellow placed at the City and funding and technical assistance for community partners to design and implement a preservation model built around a community land trust and a future Tenant Opportunity to Purchase Act/Community Opportunity to Purchase Act ("TOPA/COPA"); and

**WHEREAS**, the City was a recipient of the 2021 PBF Breakthrough Grant for Housing Production and Preservation ("Cohort 2"), a two-year capacity-building grant that included a Breakthrough Grant PBF fellow placed at the City and funding and technical assistance for community partners to continue the design and implementation of a preservation model built around a community land trust and a future Tenant Opportunity to Purchase Act/Community Opportunity to Purchase Act ("TOPA/COPA"); and

**WHEREAS**, in June 2024, PBF released a Request for Proposal and Application for a third round of the PBF Policy Fund Grant, a competitive grants program of the Policy Fund that follows the model of providing a two-year fellow, funding for community partners, and technical assistance to Bay Area jurisdictions that propose innovative policies in tenant protection and in building and preserving affordable housing; and

**WHEREAS**, City staff proposes applying to participate in Cohort 3 of the Policy Fund Grant with community partners East Palo Alto Community Alliance and Neighborhood Development Organization ("EPACANDO"), Youth United for Community Action ("YUCA"), and Community Legal Services in East Palo Alto ("CLSEPA"), to work on three key policy areas: 1) rent registry, 2) local preference, and 3) preservation fund; and

**WHEREAS**, the aforementioned policy areas help City staff implement the 2024-2031 Affordable Housing Strategy and 2023-2031 Housing Element adopted by City Council in early 2024; and

**WHEREAS**, the City was required to submit the joint proposal and application with the aforementioned community partners on or before August 30, 2024, and City staff did so apply to ensure timely filing.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:**

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;
2. Ratifies the City Manager’s action of submitting to the Partnership for the Bay’s Future a Policy Fund Grant application;
3. Ratifies the Mayor, Councilmember(s), and City Manager’s submissions of letters of support as part of the application package;
4. Authorizes the City Manager to execute all necessary agreements and ancillary documents required to participate in the PBF Policy Fund Grant program if the City is selected to participate; and
5. Finds that the proposed action does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect changes in the environment.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of September 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Antonio D. Lopez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

---

James Colin, City Clerk

---

John D. Lê, City Attorney

# Policy Fund Grants

PARTNERSHIP FOR  
**THE BAY'S  
FUTURE**

## Request for Proposal and Application



June 2024

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# What Is Partnership for the Bay's Future?



The Partnership for the Bay's Future helps make homes more affordable across the Bay Area with a unique dual approach: in collaboration with partners, we 1) work to advance policy changes that protect residents and improve affordability, and 2) invest in building new and rehabilitating existing affordable homes – always through a lens of racial equity and economic inclusion. We bring this two-pronged strategy to life through the

- **Policy Fund**, which supports policy solutions to stem the tide of displacement, and preserve and produce housing, and
- **Family of Loan Funds**, which increases housing supply through responsive and creative financing.

## Policy Fund



The Policy Fund is the key policy arm of the Partnership for the Bay's Future and recognizes that bold policy change is needed to address our housing shortage and affordability challenges. Managed by the San Francisco Foundation, the Policy Fund builds the capacity and networks required for equitable local policy change by working with community groups to help them bring the voices of renters, low-income residents, and people of color into the local and regional policy process and by helping local governments create and successfully implement policies that enable more Bay Area residents to remain in their communities.

The Policy Fund administers grant programs that are designed to:

- **Increase racial and economic equity across the region** by increasing affordable housing production, preserving existing affordable housing, and stemming displacement of people of color and other marginalized communities from across the Bay Area
- **Develop a robust regional network and a community of practice** made up of housing advocates in local government and community-based organizations
- **Support the rise of new government and community leaders** that can support the region's housing and tenant protection efforts long-term
- **Provide models for change** that inspire other local governments to follow suit
- **Connect with aligned change efforts** across the region that amplify impact





## Family of Loan Funds



The Family of Loan Funds, one of the nation's largest-ever private-sector housing funds, supports the production and preservation of affordable homes in five Bay Area counties. Managed by the Local Initiatives Support Corporation (LISC), these funds are designed to address the lack of affordable homes – a reality that disproportionately impacts households of color – by bridging funding gaps throughout the region's rental housing market.



## What Are the Policy Fund Grants?



PBF is launching the 3rd round of the Policy Fund Grant, a program to bring together Bay Area local governments and catalyze policy innovation in tenant protection as well as building and preserving affordable housing in local communities. The Policy Fund will select a cohort of site teams that propose the highest-impact, yet realistically achievable policy plans, from development to implementation, to be a part of the cohort.

The cohort will be made up of local site teams working collaboratively to advance housing production, preservation, and protection policy across the Bay Area. A site team will consist of local government staff (Government Partners) who work closely with their PBF Fellow and a local community partner organization (Community Partner). This "inside-outside" partnership ensures community input and support for local policy research, development, and implementation and provides essential capacity to move the work forward.



Within the two-year grant period, each of the Policy Fund Grant site teams will receive two years of capacity building, community engagement, and tailored technical assistance support from the Policy Fund. After the grant period, participants will become part of the Policy Fund alumni program, and continue to have access to the Partnership network and other supports.

Chosen jurisdictions will be expected to pass and/or implement a package of affordable housing production, protection and preservation policies in collaboration with their community partners. If your jurisdiction is interested in applying and is not sure who might be a suitable community partner, contact the Policy Fund to discuss options.

## Why Apply?



The Policy Fund Grants are designed to have a transformative effect on how local governments approach housing through community-driven policy. Through increased capacity and tailored technical assistance, these grants will support breakthroughs in local housing initiatives by moving local policies forward.

Over a two-year time frame, Policy Fund sites will receive a capacity building and technical assistance package to pass and implement production, preservation, and protection policies. The package will include:

- A full-time PBF Fellow placed in the local government's office dedicated to moving Policy Fund Grant work forward. The fellow also serves as a liaison between the local government and the community partner.
- Funding and support for community partners to work in partnership with the local government by helping in developing and building community support for the proposed policies. Community Partners ensure that community voice is part of the policy process and will receive grants from the Policy Fund.
- Peer cohorts that meet regularly throughout the grant period to exchange ideas and problem-solve in real time. These meetings will include training and leadership development for PBF Fellows, Community Partners, and Government Partners.
- Access to tailored technical assistance, including technical assistance funds, to boost capacity in areas such as messaging and communications, data analysis, polling and public opinion, and policy and budget strategy, as well as technical analyses needed to inform policy development or implementation.



## Who Is Eligible to Apply?



Policy Grants are open to local governments (towns, cities, and counties) that are currently experiencing—or at risk of experiencing—displacement or exclusion of low-income people and communities of color. The Policy Fund will accept applications from local governments in the following counties:

- Alameda
- Contra Costa
- Marin
- San Francisco
- San Mateo
- Santa Clara

Successful applications will explain how the local government will adopt and/or implement its proposed policy package to advance tenant protection, homelessness prevention, affordable housing production and preservation in collaboration with a chosen Community Partner. See below for a list of potential policy projects.

*Site teams that have previously received a Policy Fund Grant are eligible to apply.*

## What Support Is There to Help Interested Local Governments Apply?



The Policy Fund is offering support to site teams who need support in developing their proposals. Local governments may request a grant by applying for an **Application Grant**. These grants will provide funding to a site team to work with consultants or cover staff time required to develop a competitive grant proposal.

If your local government is interested in applying for this opportunity but is not sure who might be a suitable Community Partner, contact the Ella Zimbalist, [ezimbalist@ff.org](mailto:ezimbalist@ff.org), to discuss options.

*The Application Grant is an optional support that the Policy Fund is pleased to offer applicants. Local governments do not need an Application Grant to pursue a Policy Fund Grant.*



## Past Grantee Policy Projects



You may find it helpful to review previous site teams' policy collaborations to get a sense of what makes a compelling project.

Previous grantees and policy projects are listed and described here:

- [Cohort 1 \(2020-2022\)](#)
- [Cohort 2 \(2022-2024\)](#)
- [Blog posts](#)
- [Evaluation reports](#)

Other PBF highlights:

- [Community-Driven Housing Solutions in Antioch](#)
- [Opportunity to Purchase Playbook](#)
- [Tangled Roots: An Oral History of Community in Las Deltas](#)

Additionally, we have found over the course of two cohorts that the successful site teams show the following characteristics:

- Government Partners are prepared to supervise and empower the PBF Fellow to bring community voice into the policy process
- Government Partners and Community Partners build trusting, authentic relationships by learning from each other and meeting regularly
- The proposed policies are a high priority for the whole team and the team is prepared to adapt to changing circumstances together
- Each team member is supportive of each other's role and power, and ready to leverage each other's strengths to advance policy goals

## Your Commitment



**Selected Government Partners commit to:**

- Designate a staff member to supervise the PBF Fellow for the two-year grant period, providing onboarding, performance feedback, daily guidance, and ensuring the Fellow has an onsite workspace with access to necessary systems and tools.
- Ensure staff attend regular PBF meetings, including one in-person meeting and one virtual Government Partner meeting per quarter.
- Collaborate closely with the Community Partner, participating in regular site team meetings.
- Commit to fully implementing policies beyond the two-year grant period, if applicable.
- Share key information (updates, briefings, reports) with the Policy Fund and work with the Policy Fund evaluation team to measure outcomes.

### Selected Community Partners commit to:

- Designate a staff member to support and guide the PBF Fellow during the two-year grant period, providing guidance, orientation, introductions, and access to key stakeholders.
- Ensure staff attend one in-person convening and one virtual Community Partner meeting per quarter.
- Collaborate closely with the Government Partner, participating in regular site team meetings.
- Support the implementation of policies beyond the two-year grant period, if applicable.
- Share key information (updates, briefings, reports) with the Policy Fund and work with the Policy Fund evaluation team to measure outcomes.



# How Do I Apply for a Policy Fund Grant?

## How Will Applications Be Evaluated?



The Policy Fund will evaluate applications based on the following criteria:

1. **Proposed policy solutions backed by community engagement that advance racial and economic equity and facilitate innovative approaches.** Successful applications will identify the displacement and exclusion impacts within your local government and propose policy changes that address affordable housing production, tenant protection and/or preservation. Applicant local governments will need to identify a strong community organization to serve as lead partner in community engagement and share a strong community partnership plan. Proposed policy should be grounded in what is most strategic and impactful for your local government.
2. **Foster an enabling environment for equitable production, preservation and tenant protection wins.** The Policy Fund recognizes that policy change does not occur overnight. While an ideal outcome would include the passage and implementation of new affordable housing production, tenant protection and preservation policies, mapping out and taking significant strides to facilitate longer-term policy goals are also acceptable.
3. **Develop and share scalable workplans and outcomes for significant impact.** Proposals should demonstrate high impact in producing and preserving affordable housing. The selection committee will also give strong consideration to applications that propose innovative policies that have yet to be tested, but show great promise, or groundbreaking policies that catalyze change in a local government with few to no affordable housing production or preservation policies.
4. **Facilitate a robust regional network of housing justice champions in local government and community-based organizations.** The Policy Grants are geared towards local governments with the willingness to engage deeply with community to develop policy solutions that meet local needs. Strong applicants will also have capacity and interest in engaging in regional efforts. Applicant site teams will need to identify a strong community-based organization to serve as lead partner in community engagement and share a strong community partnership plan. This group may have even had a contentious relationship with the lead local government agency in the past but remains well-positioned to empower local communities and shape the policy-making process. Local governments may select more than one community partner to advance community engagement work.
5. **Demonstrate buy-in for the core values and approach of PBF.** Both government and community partners must demonstrate understanding and commitment to engaging community in the policy process, and an interest in utilizing an inside/outside strategy to accomplish policy goals. All institutions engaged in your site team are committed to advancing the shared goals even if contexts change.
6. **Ability to be an active participant in the PBF network.** Proposals should demonstrate a commitment to being active members of the PBF network, including attending quarterly convenings. Applications should ensure strong institutional and individual buy-in from both Government Partners and Community Partners. To form maximize impact, applicants should also indicate interest and ability to supervise and support the PBF Fellow.

## Application and Selection Timeline

### June 2024

- Policy Grant application is released. Applications will be accepted on a rolling basis.
- Applicants who are seeking technical assistance in putting together their applications should apply for an [Application Grant](#).

### July 2024

- July 9, 1-2pm: Information session. [Register here](#).
- July 16, 12-1pm: Information session. [Register here](#).

### August 30, 2024

- Policy Grant proposals due

### September 2024

- Applications reviewed by the Policy Fund and applicants interviewed

### October 2024

- Policy Fund Grant finalists interviewed
- Fellow interviews and site team matching

### November 2024

- Site teams announced

### January 2025

- Grant and fellowship launch

*Please note that dates are subject to change.*



## How Can I Learn More About the Policy Fund and Application?



Join us for an informational webinar:

- July 9, 1-2pm. [Register here](#)
- July 16, 12-1pm. [Register here](#)

For more information or any questions you might have about the Policy Grants, contact Ella Zimbalist at [ezimbalist@sff.org](mailto:ezimbalist@sff.org).

# Policy Fund Grant Application

**Open:** Friday, June 21, 2024

**Close:** Friday, August 30th, 2024 at 11:59 PM PST

Below is the application. When ready to submit, please email your document to Ella Zimbalist at [ezimbalist@sff.org](mailto:ezimbalist@sff.org).

### Application

Welcome to the 2025-2027 Policy Fund Grant Application. Thank you for your interest in this opportunity to advance equitable housing solutions in the Bay Area.

The application is meant to help us get to know your site team and better understand your approach and vision for change.

The application is due on Friday, August 30th, 2024. Finalists will be announced in September. Finalists will participate in a site team interview and in the interview and matching process for the PBF Fellows. The awards will be announced in early November and will begin in January 2025.

Need help applying? The Policy Fund is offering Application Grants to local governments who need support in developing their Policy Fund Grant applications. Local government may request an [Application Grant here](#).

### I. Basic information

Name of Local Government:

Name of staff contact person for application:

Title:

Government Department:

Email:

Phone Number:

# Policy Fund Grant Application

Name of person providing direct supervision to fellow:

Title:

Government Department:

Email:

Phone number:

Address:

Secondary person providing direct supervision to fellow (in the event the primary person is unavailable), if applicable:

Title:

Government Department:

Email:

Phone number:

Address:

## II. Proposal

Please submit a proposal describing the following. Note that there is no minimum or maximum length required. *3 pages should be sufficient but there will be no penalty for going over or under this length.*

1. **Vision, policy priorities, and impact:** Please describe your vision, policy priorities, and anticipated impact. Share why you have chosen to advance these particular policies and whether they are part of a new or continuing effort. Please include whether and how the proposed policies are related to your local government's Housing Element.
2. **Focus on equity:** Please describe how your proposal will improve racial and economic equity in your jurisdiction.
3. **Past efforts:** Please describe the most significant affordable housing preservation and/or production policies or work towards these policies that your city/town has passed in the past 2-5 years. If you have not made significant policy progress, please describe your obstacles.
4. **Stakeholders and community partnership:** Please share your plan to engage your community in the policy process, with a specific emphasis on engaging low-income people and communities of color. Describe the community group that will serve as your lead partner and, if your application is successful, will receive two years of grant funding from the Policy Fund. Identify the key point person as well as a back-up plan in case of any unexpected transition.
5. **Local government leadership and contribution to success of effort:** Please describe what your local government will contribute to ensure the success of this effort. This could include your city/town's track record of equitable housing policies, particular community context, available resources to advance the proposed policy package, or key team members (like staff or electeds) who will support this work. Please also describe how your team sees engaging community as a strategy and asset to advance your specific policy goals. Identify the key point person as well as a back-up plan in case of any unexpected transition.

# Policy Fund Grant Application

## III. Approach and Key Milestones

Please explain your approach to passing and beginning successful implementation of your policy package, including: *2 pages should be sufficient but there will be no penalty for going over or under this length. There are no formatting requirements.*

- Key activities and timeline for policy development, passage and implementation, including semi-annual milestones
- Key stakeholders for policy development, passage and implementation
- Your plans for implementing these policies once they are adopted, including timeline, responsible departments/staff and budget

## IV. Letters of Support

Please include short letters (no longer than one page) of support for your proposal from the following:

- Your lead community partner: This letter should acknowledge that your community partnership plan was crafted with their input
- Your mayor (if a city) and/or a councilmember
- Your city manager or county administrator
- Optional: Additional key supporting partners who will be part of the Policy Grant effort, such as a key affordable housing developer



# **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

---

**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**BY:** Shiri Klima, Assistant City Manager

**SUBJECT:** Resolution Declaring the City a Defender for Reproductive Freedom

---

## **Recommendation**

Adopt a resolution declaring the City a defender for reproductive freedom.

## **Attachments**

1. Resolution

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EAST PALO ALTO**

**DECLARING THE CITY OF EAST PALO ALTO A DEFENDER FOR REPRODUCTIVE FREEDOM**

**WHEREAS**, California has worked to make reproductive freedom a fundamental right for all Californians by guaranteeing privacy regarding reproductive decisions and protecting a person's right to bodily autonomy, access to abortion, and to make independent reproductive choices, including whether to terminate a pregnancy; and

**WHEREAS**, reproductive rights are under attack in this country as states enact laws that restrict or ban abortion with serious implications for reproductive freedom in communities across the country; and

**WHEREAS**, abortion restrictions, bans, and limitations to reproductive freedom disproportionately impact populations that already face barriers to accessing care including communities of color, individuals with low income, immigrant communities, youth, and rural communities; and

**WHEREAS**, autonomy and agency in reproductive matters are central to secure gender, economic, and racial equity in all aspects of life; and

**WHEREAS**, sufficient access to reproductive care is central to an individual's ability to retain autonomy over his or her body, to protect his or her choice on whether to have children, and to parent the children he or she has in a safe and sustainable community; and

**WHEREAS**, abortion is health care and is a safe and common procedure, with one in four women obtaining an abortion by age 45; and

**WHEREAS**, in 2019 Governor Gavin Newsom issued the California Proclamation on Reproductive Freedom to educate Californians on their reproductive rights under the State constitution and laws and affirm California's commitment to reproductive freedom; and

**WHEREAS**, as states around the country enact abortion restrictions and outright bans to abortions, the City of East Palo Alto can serve as a model and commit to defend and fight for reproductive freedom and welcome all those seeking to fully exercise their reproductive rights and access safe legal abortion as prescribed in *Roe v. Wade*.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:**

1. Declares that the City of East Palo Alto is hereby a champion and defender of health equity and reproductive freedom for all, so that anyone may have access to the reproductive services he or she needs, when he or she needs them; and
2. Calls on the United States Congress to protect reproductive freedom nationwide by enacting legislation to protect access to abortion and other reproductive care without government interference.

**PASSED AND APPROVED this 17th day of September, 2024, by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Antonio D. Lopez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

---

James Colin, City Clerk

---

John D. Lê, City Attorney



# **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

---

**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**BY:** James Colin, City Clerk

**SUBJECT:** City Council Meeting Minutes

---

## **Recommendation**

Adopt the September 3, 2024, City Council Meeting Minutes.

## **Attachments**

1. September 3, 2024, Minutes.



## EAST PALO ALTO CITY COUNCIL REGULAR SESSION AGENDA

Tuesday, September 3, 2024, 6:30 PM  
EPA Government Center  
2415 University Avenue, First Floor  
East Palo Alto, CA 94303

### 1. **CALL TO ORDER AND ROLL CALL**

The City Council meeting was called to order by Mayor Lopez at 6:31 PM.

| Attendee Name   | Title         | Status  | Arrived |
|-----------------|---------------|---------|---------|
| Antonio Lopez   | Mayor         | Present |         |
| Martha Barragan | Vice Mayor    | Late    | 6:34 PM |
| Carlos Romero   | Councilmember | Absent  |         |
| Ruben Abrica    | Councilmember | Present |         |
| Lisa Gauthier   | Councilmember | Present |         |

### 2. **APPROVAL OF THE AGENDA**

A motion to approve the agenda was made by Councilmember Gauthier, seconded by Councilmember Romero, and passed unanimously.

### 3. **APPROVAL OF CONSENT CALENDAR**

Councilmember Romero requested that item 3.11 be pulled for discussion and Mayor Lopez requested that item 3.1 be pulled for discussion. A motion to approve the consent calendar except for item 3.1 and 3.11 was made by Mayor Lopez, seconded by Councilmember Romero, and passed unanimously.

#### **3.1 Proclamation Honoring Appollonia "Mama Dee" Grey Uhilamelangi**

All members of the council expressed their condolences to the Uhilamelangi family and commemorated Mama Dee's accomplishments in the community.

The following speakers provided public comment:

- Olatunde Sobomehin
- Tiffany Hautau
- Tonga Victoria
- Mike Uhila

- Senita Uhilamelangi

A motion to approve item 3.1 was made by Mayor Lopez, seconded by Councilmember Gauthier and passed unanimously.

**3.2 Grant Application for TA Cycle 7 Bike/Ped Program Funding the East Bayshore Pedestrian and Cyclist Safety Improvements Project**

**3.3 Adoption of Ordinance Amending the Salary for Members of the East Palo Alto City Council**

**3.4 Cancer Awareness Month Proclamation**

**3.5 FY 2023-24 Fourth Quarter Treasury Report**

**3.6 Monthly Cash Treasury Report for July 2024**

**3.7 Latino/a Culture and History Month Proclamation**

**3.8 Suicide Prevention Day Proclamation**

**3.9 American Muslim Appreciation & Awareness Month Proclamation**

**3.10 Police Vehicle Purchases**

**3.11 Fiscal Year 2023-24 City Council Strategic Priorities Final Status Update**

Councilmember Romero pulled item 3.11 for discussion and asked clarifying questions to staff.

A motion to approve item 3.11 was made by Councilmember Romero, seconded by Councilmember Gauthier and passed unanimously.

**3.12 Minutes of the August 20, 2024, Meeting**

**3.13 Chapter 2.12 (City Manager) Amendment regarding Sanitary District**

**4. CLOSED SESSION**

**5. PUBLIC COMMENT**

**6. INFORMATIONAL REPORTS**

**7. SPECIAL PRESENTATIONS**

**8. ADJOURN CITY COUNCIL REGULAR MEETING TO THE JOINT SUCCESSOR AGENCY BOARD SPECIAL MEETING**

**9. JOINT SUCCESSOR AGENCY BOARD SPECIAL MEETING**

**9.1 Approval of San Mateo County Community College District Obligation**

Tomo Oku, Finance Director, provided a presentation regarding the San Mateo County Community College District Obligation.

A motion to approve item 9.1 was made by Councilmember Romero, seconded by Councilmember Gauthier and passed unanimously.

**10. ADJOURN JOINT SUCCESSOR AGENCY BOARD SPECIAL MEETING  
AND RECONVENE CITY COUNCIL REGULAR MEETING**

**11. PUBLIC HEARINGS**

**12. POLICY AND ACTION**

**12.1 City Manager Salary Increase and second contract amendment**

Ana Torres, Human Resources Manager presented on item 12.1.

A motion to approve item 12.1 was made by Councilmember Gauthier, seconded by Councilmember Romero and passed unanimously.

**12.2 City Attorney Salary Increase and second contract amendment**

Ana Torres, Human Resources Manager presented on item 12.2.

A motion to approve item 12.2 was made by Councilmember Abrica, seconded by Councilmember Gauthier and passed unanimously.

**12.3 Senior Advisory Committee Appointments**

James Colin, City Clerk, presented on item 12.3. Court Skinner and Maria Teresa Fernandez interviewed for two open positions for the Senior Advisory Committee. Both Mr. Skinner and Mrs. Fernandez were selected to be on the board.

Adrienne Bryant provided public comment regarding item 12.3.

A motion to approve item 12.3 was made by Vice Mayor Martha Barragan, seconded by Councilmember Gauthier and passed unanimously.

**12.4 Measure HH Pilot Workforce Development Program Updates and Contract Extension Recommendations**

Karen Camacho, Housing and Economic Development Manager presented on item 12.4.

The following organizations presented in front of Council and answered questions posed by the Councilmembers:

- Olatunde Sobomehin and Juanita presented on behalf of Street Code Academy.
- Laura Gross presented on behalf of Live in Peace.
- Kwanée Price presented on behalf of JobTrain.
- Evan Gatozzi presented on behalf of Informing Change.

The following speakers provided public comment:

- Ravneel Chaudhary
- Adrienne Bryant
- Bryson Washington

A motion to approve item 12.4 resolution a. was made by Councilmember Gauthier, seconded by Vice Mayor Barragan and passed unanimously.

A motion to approve item 12.4 resolution b. was made by Councilmember Romero, seconded by Vice Mayor Barragan and passed unanimously.

A motion to approve item 12.4 resolution c. was made by Councilmember Romero, seconded by Vice Mayor Barragan and passed unanimously with Councilmember Gauthier abstaining.

### **13. COUNCIL REPORTS**

Vice Mayor Barragan reported on the Montessori School repayment. Councilmember Abrica reported on the community calendar for Latino Culture Month.

### **14. ADJOURNMENT**

The meeting was adjourned at 10:06 PM in honor of Appollonia "Mama Dee" Grey Uhilamelangi.



## **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

---

**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**BY:** Fatima Khan, Environmental Services Aide / Management Analyst  
Richard Perez, Utility Manager  
Humza Javed, Public Works Director

**SUBJECT:** October 1, 2024, End of Temporary Water Rate Reduction, Implementation of Adopted Water Rate with July 1, 2023 Effective Date

---

### **Recommendation**

Receive informational report about October 1, 2024 end of temporary water rate reductions and implementation of adopted water rate with July 1, 2023 effective date.

### **Alignment with City Council Strategic Plan**

This recommendation is primarily aligned with:

Priority: Promote Health & Public Safety

Priority: Ensure Our Financial and Organizational Health

Priority: Improve the City's Water Infrastructure

### **Background**

The City's water system, previously operated by American Water Enterprises (AWE), is now managed by Veolia Water through a long-term lease that expires in April 2026. The system serves about 93% of the city, with most of its water supplied by the San Francisco Public Utilities Commission (SFPUC). Veolia handles the system's operations, maintenance, customer service, and billing.

Under the lease, Veolia can request water rate increases to recover reasonable costs. The City agrees to set water rates in compliance with State Law to meet these needs.

## STAFF INFORMATIONAL REPORT ITEM 6.1

Water usage is measured in centum cubic feet (ccf), with one ccf equal to 748 gallons. The SFPUC provides water to the City of East Palo Alto and other agencies charging a wholesale water rate. The California Government Code section 53756 allows the City to adjust the retail water rate charged to customers as needed to “pass-through” the cost increase of the wholesale water without a Proposition 218 rate-setting process. For every one-cent increase in the wholesale water price per ccf, the City's increases the retail rate by 1.2 cents.

In July 2019, via resolution 5154, the City adopted a 5-year water rate schedule through a Proposition 218 process. This schedule includes a variable rate for water usage and fixed meter and other charges. The City initially hiked water rates in 2019 by 18%, followed by annual inflationary increases of 1.5% to 2% in fixed meter and other charges. In 2022, the City implemented a temporary rate reduction which it has not reversed. However, the SFPUC has raised its wholesale water rates from \$4.10 per ccf in 2019 to \$5.67 per ccf currently. Due to increase wholesale water rates and water system operational costs, the City needs to remove temporary rate reductions and increase the water rate to customers.

### Analysis

In 2019, 2020, and 2021, the City increased water rates based on the adopted 5-year schedule. During that period, the SFPUC kept its wholesale rate at \$4.10 per ccf, keeping rates stable for customers. However, beginning in fiscal year 2022-2023, the City adjusted its rates as follows:

- **July 1, 2022:** Increased base water usage fee by \$0.78/ccf from \$7.77/ccf to \$8.55/ccf due to a rise in SFPUC's wholesale rate from \$4.10 to \$4.75 per ccf.
- **November 1, 2022:** Temporarily reduced the base rate by \$0.79/ccf to \$7.76/ccf.
- **April 1, 2023:** Further reduced the base rate by \$0.02/ccf to \$7.74/ccf due to a refund from the Bay Area Water Supply and Conservation Agency (BAWSCA).

The adjustment to base water usage charges effective July 1, 2022, were enacted through the pass-through provision authorized by Resolution 5154 in response to the SFPUC's wholesale water rate increase from \$4.10/ccf to \$4.75/ccf.

Wholesale water is the City's largest variable water system expense. SFPUC's rates have increased from \$4.10 per ccf (2017-2022) to \$5.67 per ccf (2024-2025). Veolia has reported that the water system operations are currently running a deficit, largely due to these increases. Below is a table of the SFPUC wholesale water usage rates since 2017:

| Year      | Rate           | Percent Increase |
|-----------|----------------|------------------|
| 2017-2022 | \$4.10 per ccf |                  |
| 2022-2023 | \$4.75 per ccf | 15.85%           |
| 2023-2024 | \$5.21 per ccf | 9.68%            |
| 2024-2025 | \$5.67 per ccf | 8.82%            |

The temporary reductions were based on lower operational costs after switching from AWE to Veolia. However, rising wholesale water prices and new data from Veolia indicate the need to end these

## STAFF INFORMATIONAL REPORT ITEM 6.1

reductions and restore rates to those established in 2019 through Resolution 5154 and amended by Resolution 66-2022 (the 2022 SFPUC “pass-through adjustment”) to be effective July 1, 2023. The City will end the temporary reductions and implement the 2019 adopted water rates on October 1, 2024. This will increase the current rate of \$7.74/ccf by \$0.93/ccf to \$8.67/ccf. Soon, Veolia is expected to request further rate relief, which will require a new rate study and Proposition 218 process. The table below shows the rates that will be implemented October 1, 2024, compared to the current rates.

|                                                             | Current | Effective<br>July 1<br>2023 |
|-------------------------------------------------------------|---------|-----------------------------|
| <b>Water Usage Charges (\$ per ccf)</b>                     |         |                             |
| Base                                                        | \$7.74  | \$8.67                      |
| <b>Monthly Single Family Residential Meter Chart</b>        |         |                             |
| 5/8" - 1"                                                   | \$18.06 | \$18.33                     |
| <b>Monthly All Other Meter Charge</b>                       |         |                             |
| 5/8"                                                        | \$26.63 | \$27.03                     |
| 3/4"                                                        | 39.94   | 40.54                       |
| 1"                                                          | 66.58   | 67.58                       |
| 1-1/2"                                                      | 133.16  | 135.16                      |
| 2"                                                          | 213.06  | 216.26                      |
| 3"                                                          | 399.47  | 405.46                      |
| 4" & large                                                  | 665.78  | 675.77                      |
| <b>Monthly Fire Service &amp; Emergency Intertie Charge</b> |         |                             |
| 5/8"                                                        | \$5.33  | \$5.41                      |
| 3/4"                                                        | 7.99    | 8.11                        |
| 1"                                                          | 13.32   | 13.52                       |
| 1-1/2"                                                      | 26.63   | 27.03                       |
| 2"                                                          | 42.61   | 43.25                       |
| 3"                                                          | 79.89   | 81.09                       |
| 4" & larger                                                 | 133.15  | 135.15                      |

### **Fiscal Impact**

The City pays for water in the same manner as customers of the water system. The City’s variable water usage charge will increase 12%, and fixed meter and other charges will increase 1.5% effective October 1, 2024.

## **STAFF INFORMATIONAL REPORT ITEM 6.1**

### **Public Notice**

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

### **Environmental**

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" pursuant to 15378(b)(4) because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

### **Government Code § 84308**

**Applicability of Levine Act:** No, as the proposed action does not involve an entitlement.

**Analysis of Levine Act Compliance:** Not applicable.

### **Attachments**

1. Resolution 5154
2. Resolution 66-2022

**RESOLUTION NO. 66 – 2022**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EAST PALO ALTO**

**AUTHORIZING THE PASS-THROUGH INCREASE OF \$0.78, TO BE EFFECTIVE JULY 1, 2022, TO THE WATER USAGE CHARGES IN THE RATE SCHEDULE ADOPTED VIA RESOLUTION 5154 AND DIRECTING STAFF TO ISSUE A NOTICE OF THE CHANGE TO ALL WATER SERVICE CUSTOMERS WITHIN THE CITY OF EAST PALO ALTO WATER SYSTEM NO LESS THAN 30-DAY PRIOR TO INCREASE**

**WHEREAS**, on May 10, 2022 the San Francisco Public Utility Commission (SFPUC) approved an increase in the wholesale water rate from \$4.10 to \$4.75; and

**WHEREAS**, the City Council adopted a pass-through provision in Resolution 5154 increasing the approved Water Usage Charge by 1.2 cents for each 1 cent increase in the wholesale rate over \$4.10; and

**WHEREAS**, before the pass-through rates will be effective, the City will follow the pass-through requirements as described in Government Code §53756.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY** authorizes the pass-through increase of \$0.78, to be effective July 1, 2022, to the water usage charges in the rate schedule adopted via Resolution 5154 and direct staff to issue a notice of the change to all water service customers within the City of East Palo Alto water system no less than 30-day prior to increase.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of May 2022, by the following vote:

**AYES:** Romero, Abrica, and López

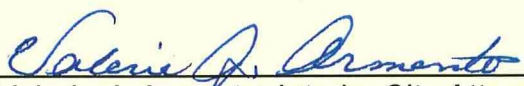
**NOES:**

**ABSENT:** Wallace-Jones and Gauthier

**ABSTAIN:**

  
\_\_\_\_\_  
Ruben Abrica, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
James Colin, Acting City Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Valerie J. Armento, Interim City Attorney

## **RESOLUTION NO. 5154**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO INCREASING WATER SERVICE RATES ON JULY 16, 2019 AND THEREAFTER EACH JULY 1<sup>ST</sup> THROUGH JULY 1, 2023, FOR ALL WATER SERVICE CUSTOMERS WITHIN THE CITY OF EAST PALO ALTO SERVICE SYSTEM**

**WHEREAS**, American Water Enterprises leases the City of East Palo Alto's water system pursuant to a Lease Agreement with the City of East Palo Alto; and

**WHEREAS**, the 2018 Rate Relief Request reflects that American Water Enterprise incurred an estimated shortfall of the contractually-agreed upon target return of \$433,000 in Fiscal Year 2017-18, and is estimated to result in a shortfall of \$525,000 in Fiscal Year 2018-19, thus supporting the need to increase water rates; and

**WHEREAS**, the proposed rate changes will help ensure that AWE and the City meet the requirements under the Lease Agreement and that water rates are set at appropriate levels to fund the water system operations, and such operational costs were reviewed by staff and the rate consultant Bartle Wells; and

**WHEREAS**, the rate increases will help ensure the health and safety of the community while protecting the City's financial health; and

**WHEREAS**, the City Council followed the procedural requirements of Proposition 218, Article XIID, Section 6 of the California Constitution.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY** accepts the foregoing and following recitals as true and correct:

1. The City Council hereby initiated proceedings to adopt a schedule of water rates through July 2023;
2. The City Clerk provided a notice of the proposed water rate increases in conformity with Proposition 218 on May 16, 2019;
3. The City Council agendized a Public Hearing on the proposed water rate increases to take place at the July 2, 2019 Council meeting, commencing at 7:30 pm, in the City Council Chambers of City Hall, located at 2415 University Avenue, East Palo Alto California, but continued the matter to the July 16, 2019 City Council meeting;
4. The City Council held a Public Hearing on the proposed water rate increases on July 16, 2019 at 7:30 pm, in the City Council Chambers of City Hall, located at 2415 University Avenue, East Palo Alto California;

5. The City Council considered all objections or protests, if any, to the proposed water rate increases, and all persons have been permitted to present written or oral testimony;
6. At the conclusion of the Public Hearing, all protests submitted were tabulated in conformity with the City's tabulation guidelines found in Exhibit A; and
7. At the conclusion of the Public Hearing, the City Council confirmed that a majority protest, that is written protests submitted in opposition to the proposed water rates by a majority (50% plus 1) of service customers, does not exist to warrant suspension of the proposed water service rates.
8. The City Staff Report dated and presented to the City Council on May 7, 2019, including the Bartle Wells report with the Notice and analysis therein, support the City Council's action to increase the water rates as set forth in this Resolution.

**BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY ADOPTS:**

1. The following water service rate schedule; and

|                                                  | Current | Projected Water Rates Effective |                |                |                |                |
|--------------------------------------------------|---------|---------------------------------|----------------|----------------|----------------|----------------|
|                                                  |         | July 16<br>2019                 | July 1<br>2020 | July 1<br>2021 | July 1<br>2022 | July 1<br>2023 |
| WATER USAGE CHARGES (\$ per ccf)                 |         |                                 |                |                |                |                |
| Base                                             | \$6.16  | \$7.40                          | \$7.55         | \$7.66         | \$7.77         | \$7.89         |
| FIXED MONTHLY METER CHARGES                      |         |                                 |                |                |                |                |
| Single Family Residential                        |         |                                 |                |                |                |                |
| 5/8" - 1"                                        | \$15.37 | \$17.19                         | \$17.53        | \$17.79        | \$18.06        | \$18.33        |
| All Other                                        |         |                                 |                |                |                |                |
| 5/8"                                             | \$23.82 | \$25.34                         | \$25.85        | \$26.24        | \$26.63        | \$27.03        |
| 3/4"                                             | 35.81   | 38.01                           | 38.77          | 39.35          | 39.94          | 40.54          |
| 1"                                               | 59.64   | 63.36                           | 64.63          | 65.60          | 66.58          | 67.58          |
| 1-1/2"                                           | 119.12  | 126.72                          | 129.25         | 131.19         | 133.16         | 135.16         |
| 2"                                               | 190.59  | 202.75                          | 206.81         | 209.91         | 213.06         | 216.26         |
| 3"                                               | 357.35  | 380.15                          | 387.75         | 393.57         | 399.47         | 405.46         |
| 4" & larger                                      | 595.59  | 633.58                          | 646.25         | 655.94         | 665.78         | 675.77         |
| MONTHLY FIRE SERVICE & EMERGENCY INTERTIE CHARGE |         |                                 |                |                |                |                |
| 5/8"                                             | \$4.76  | \$5.07                          | \$5.17         | \$5.25         | \$5.33         | \$5.41         |
| 3/4"                                             | 7.16    | 7.60                            | 7.76           | 7.87           | 7.99           | 8.11           |
| 1"                                               | 11.93   | 12.67                           | 12.93          | 13.12          | 13.32          | 13.52          |
| 1-1/2"                                           | 23.82   | 25.34                           | 25.85          | 26.24          | 26.63          | 27.03          |
| 2"                                               | 38.12   | 40.54                           | 41.36          | 41.98          | 42.61          | 43.25          |
| 3"                                               | 71.47   | 76.02                           | 77.55          | 78.72          | 79.89          | 81.09          |
| 4" & larger                                      | 119.12  | 126.70                          | 129.25         | 131.20         | 133.15         | 135.15         |

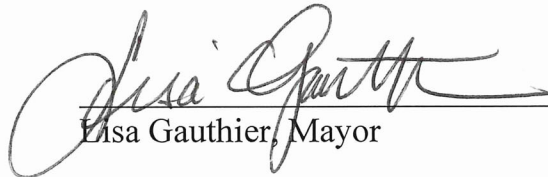
*Note: SFPUC Pass-Through Adjustment to be applied in future years based on actual SFPUC rate increases.*

2. Automatic Wholesale Water Cost Pass-through Adjustments of 1.2 cents per each 1.0 cents increase in San Francisco Public Utilities Commission wholesale water rates, if any, over the current \$4.10 through June 30, 2024.

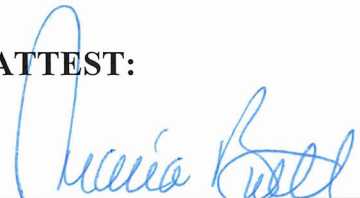
**PASSED AND ADOPTED this 16th day of July 2019, by the following vote:**

**AYES: MOODY, ABRICA, ROMERO**  
**NOES: NONE**  
**ABSENT: GAUTHIER**  
**ABSTAIN: NONE**  
**RECUSED: WALLACE-JONES**

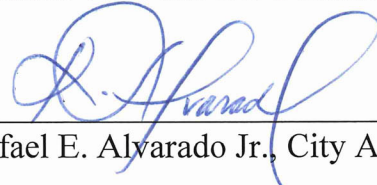
**SIGNED:**

  
\_\_\_\_\_  
Lisa Gauthier, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Maria Buell, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Rafael E. Alvarado Jr., City Attorney



## POLICY AND ACTION ITEM 9.1

# EAST PALO ALTO CITY COUNCIL STAFF REPORT

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**Date:** September 17, 2024

**To:** Honorable Mayor and Members of the City Council

**Via:** Melvin E. Gaines, City Manager

**From:** Jeff Liu, Chief of Police

**Subject:** Use of Surveillance Cameras and Automated License Plate Recognition Systems for Enhanced Public Safety

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### **Recommendation**

Adopt a resolution:

1. Authorizing the City Manager to install surveillance cameras at all City buildings, pedestrian/bicycle overcrossings and City parks to enhance public safety;
2. Authorizing a one-year automated license plate reader (ALPR) pilot program by directing the City Manager to enter a one-year contract with Flock Technology to install fixed automated license plate reader (ALPR) systems at strategic locations to enhance public safety; and
3. Waiving the formal bid procedure pursuant to East Palo Alto Municipal Code Section 2.84.070(D).

### **Alignment with City Council Strategic Plan**

This recommendation is primarily aligned with:

Priority No. 1: Enhance Public Safety and Emergency Preparedness

## **POLICY AND ACTION ITEM 9.1**

### **Background**

In 2022, following City Council direction, the City began installing surveillance cameras to enhance public safety at Jack Farrell Park, Martin Luther King Jr. (MLK Jr.) Park and on the US 101 bicycle/pedestrian overcrossing. Initially, temporary cameras were installed at the two parks. The City later installed long-term surveillance cameras at Jack Farrell Park and is working with a technology company called Juganu to pilot the use of smart fixtures with lighting, WiFi/5G, video, and other capabilities at MLK Jr. Park and on the US 101 overcrossing. Installation of the Juganu system at MLK Jr. Park is expected to be completed by September 20, 2024. Installation of the Juganu system on the US 101 overcrossing is expected to be completed by February 2025.

The City Council has not provided direction or authorization to install cameras at other locations throughout the City.

In addition to surveillance cameras, the City would like to explore the use of automated license plate reader (ALPR) systems as an investigative tool for the Police Department. For reasons outlined below, the City proposes to launch a one-year ALPR pilot program using Flock technology.

This report outlines the utility of surveillance cameras and ALPRs, potential arguments against the use of such technologies, and a proposed approach to the City using surveillance cameras and ALPRs. Ultimately, this report recommends that the City Council authorize the use of surveillance cameras at City facilities, parks, and overcrossings. It also recommends that the City Council authorize a one-year pilot program in which the City would use ALPRs at strategic locations throughout the City.

### **Analysis**

#### **The Utility of Surveillance Cameras**

The use of surveillance cameras has become an integral component of public safety strategies in municipalities across the country. As the East Palo Alto Police Department (EPAPD) continues to explore innovative ways to enhance public safety, the deployment of surveillance cameras in strategic locations throughout the city could be a critical tool.

EPAPD has experienced a good amount of success investigating violent crimes in our community through community relationships and community members sharing privately-owned surveillance video footage for police investigative purposes. While privately owned surveillance cameras have helped solve crimes, they have significant limitations. These cameras are scattered, often lacking comprehensive coverage of public areas, leading to gaps in critical evidence. Footage quality varies, with poor resolution and lighting sometimes rendering it unusable for investigations. Additionally, frequent

## **POLICY AND ACTION ITEM 9.1**

malfunctions due to poor maintenance reduce their reliability. Access to footage is also challenging, as it requires owner consent or a court order. These issues highlight the need for a more reliable and cohesive surveillance system to better support law enforcement.

The presence of surveillance cameras act as a deterrent to criminal activity. Research shows that security cameras can help reduce crime in public areas. Security cameras have been shown to decrease crime rates by about 24%, particularly for car theft, burglary, and drug-related offenses. The knowledge that actions are being recorded could deter potential criminals from engaging in illegal activities, thereby enhancing overall community safety.

In addition to being a crime deterrent, surveillance cameras are vital to police investigations, providing law enforcement with crucial evidence to identify suspects, witnesses, and the sequence of events surrounding a crime. This evidence is often instrumental in both solving crimes and securing convictions in court. Moreover, the ability to reconstruct events through video footage can lead to more accurate and efficient investigations, ultimately contributing to a safer community.

The lack of witnesses and corroborating evidence presents major challenges to law enforcement investigations of major crimes. In many cases, crucial evidence is either missing or insufficient, hindering the progress of investigations and the ability to apprehend suspects swiftly. Surveillance data is an effective means for providing information necessary for investigating and justly solving cases efficiently and effectively.

The use of surveillance cameras can also enhance community trust in law enforcement. When employed with transparency and accountability, these systems serve as a safeguard for both the public and police officers, ensuring that interactions are documented and that both parties are protected. This transparency is crucial in fostering a sense of security and trust within the community.

### City of East Palo Alto Public Surveillance Cameras

In 2022, a violent gun battle erupted in Jack Farrell Park, where over 30 rounds were fired by multiple gunmen resulting in three injuries, one of which was fatal. The only video evidence available was recorded on a smart phone by a young girl who was playing in the park. The young girl only captured a small portion of the shooting, as she was running for her life. The investigation of this incident was particularly challenging as witnesses either refused to provide information or denied having any information. Investigators were fortunate enough to have collected enough forensic evidence to present an actionable case to the District Attorney's Office. Surveillance cameras, had they been installed and operational, could have fully captured the incident and facilitated the comprehensive determination of how the incident occurred and identified the people responsible for the shooting.

Public parks, City facilities, and pedestrian/bicycle overcrossing bridges are high-priority locations for the installation of surveillance cameras. These areas are particularly vulnerable to criminal activities due to their open and accessible nature and the lack of



## **POLICY AND ACTION ITEM 9.1**

surveillance has made it difficult to monitor and deter such activities.

As mentioned earlier, following City Council direction, the City has installed, or is in the process of installing, surveillance cameras to enhance public safety at Jack Farrell Park, Martin Luther King Jr. (MLK Jr.) Park and on the US 101 bicycle/pedestrian overcrossing. The City also has facility security systems with cameras installed at the Corporation Yard on Tara Road, at Cooley Landing, at the Gloria Way Well, and at 1960 Tate Street. These cameras are only focused on security of the buildings, not surveillance of public areas.

Parks are frequented by residents, visitors, and families. They must be safe spaces in our community and free of criminal activity, so they are available for their intended purpose, a safe outdoor space for families.

The current pedestrian overcrossing bridge is a vital thoroughfare for pedestrians. Unfortunately, its remote location makes it susceptible to criminal activities. The Council authorized installation of surveillance cameras on the existing bridge; however, it has not directed staff to install cameras on the new bridge. Staff therefore requests direction from the City Council to authorize installation of cameras on the new bridge that is scheduled to open in late 2025. This would enhance public safety by deterring crime and serving as a vital investigative tool for law enforcement, increasing the safety of those who use it daily.

Staff recommends that the Council further authorize the installation of surveillance cameras at all City parks and facilities as well as on bicycle/pedestrian overcrossings. If so authorized, staff will explore options for installing surveillance cameras and return to council for any necessary funding.

The installation of surveillance cameras in these areas would not only aid in solving crimes by providing crucial evidence but also serve as a deterrent to potential offenders, creating a feeling of safety and security for those intending to enjoy our parks for healthy activities and travel safely across US 101.

### The Utility of Automated License Plate Recognition (ALPR) Technology

Automated License Plate Recognition (ALPR) technology has proven to be a vital investigative tool for law enforcement agencies when conducting criminal investigations. ALPR cameras, whether installed at fixed locations or placed on a vehicle, record vehicle description data, location, and date / time. This technology is as objective and unbiased, only recording this descriptive detail and nothing about the personal characteristics or identifying information of drivers or pedestrians within camera view.

Once this information is collected by the system, the automated system checks the license plate data against the same state databases that police officers use to check vehicle license plates. This includes stolen vehicles and other crime related vehicles listed in the database connected to crimes, missing persons related vehicles, and other “stop requests” that law enforcement agencies have placed in the system. Any license plates matching law enforcement identified vehicles are relayed to officers and

## **POLICY AND ACTION ITEM 9.1**

dispatchers monitoring the system as an alert. Time permitting, officers may attempt to locate vehicles related to alerts. Every alert would ultimately be confirmed with the originating agency, and the officer receiving the alert must confirm the information, when practicable, through the California Law Enforcement Telecommunications System (CLETS) before taking any enforcement action.

In most cases, the data collected by the ALPR system is stored in remote servers owned by the vendor, and accessible through their online platform for a period, which is determined by the client. When the data is considered evidence in a criminal investigation, the data will be downloaded and entered into evidence in accordance with established evidence procedures.

The City does not currently have ALPR systems installed, but believes ALPRs would be a vital investigative tool for identifying vehicles associated with criminal investigations. In 2023, a young man was lying down on Kavanaugh wearing dark clothing when a vehicle drove over him, causing fatal injuries. A private surveillance camera recorded the side of the responsible vehicle, but not the license plate. A witness watched as the responsible driver continued driving on Kavanaugh toward University, stopping for a stop sign and a red light at University Avenue before turning eastbound toward the Dumbarton Bridge.

Investigators accessed every surveillance camera system available to them and scoured the neighborhood seeking witnesses but were ultimately unable to determine the vehicle's license plate number. Had ALPR cameras been deployed on University Avenue near the city limit, the license plate of the suspect vehicle could have been captured, giving investigators the investigative lead necessary to identify the driver of the vehicle.

In 2024, a man was attacked by a knife-wielding assailant at the corner of University Avenue and Bell Street. The man suffered fatal injuries. Grainy surveillance footage from the Shell gas station showed a witness vehicle stop on University Avenue, back up, then pull over to watch, and possibly video record the attack. The occupants of the vehicle are eyewitnesses to the murder. Their statements and possible evidence are vital to the investigation and prosecution of the crime. Despite numerous attempts to solicit information from our community about the vehicle and witnesses in the vehicle, including broadcasting the video footage through the media, they remain unidentified to this day. Had ALPR cameras been deployed, the vehicle's license plate would likely have been captured, and investigators would have the investigative lead needed to identify key witnesses in the case.

High visibility surveillance cameras and cameras equipped with ALPR technology would likely increase public safety and undoubtedly provide investigators with a robust investigative tool for use during criminal investigations.

### Arguments Against the Use of ALPR Technology

While the City believes ALPR technology would be beneficial, there are concerns that community members may have. Arguments against ALPR technology are typically



## POLICY AND ACTION ITEM 9.1

rooted in concerns about privacy, civil liberties, data security, and potential misuse. Below, these concerns are further discussed in light of ways the City would mitigate such concerns.

1. **Privacy Concerns:** ALPRs can track the movements of individuals by recording the locations and times of their vehicles. Critics argue that this mass surveillance infringes on the right to privacy, especially when data is collected indiscriminately and retained for long periods.

**Mitigation:** Flock technology is designed for users to search the database at a later time for valid investigative reasons with audit trails to curb abuse. The City would conduct monthly audits to ensure the system is being used appropriately. Any abuse of the system will expose the user to disciplinary action as it would constitute an act of dishonesty or conduct unbecoming of a sworn officer.

2. **Potential for Abuse:** There is a risk that ALPR data could be used for purposes beyond its original intent, such as tracking individuals without a warrant, targeting specific groups, or being sold to private companies. Without strict oversight, this data could be misused by authorities or hackers.

**Mitigation:** The monthly audits of user activity would ensure the system is not being used for anything outside its original intent.

3. **Chilling Effect:** The widespread use of ALPRs may lead to a "chilling effect," where individuals alter their behavior due to the fear of being constantly monitored. This could deter people from participating in lawful activities, such as attending protests or visiting sensitive locations like counseling centers.

**Mitigation:** Again, Flock technology would be used by the City for investigations of criminal activity only, not to monitor individuals engaged in lawful or constitutionally protected activity. The City could do some outreach to make this clear to allay concerns of oversurveillance and thereby head off the chilling effect of its use.

4. **Data Security Risks:** The vast amount of data collected by ALPRs is vulnerable to breaches. If hacked, this information could be used for malicious purposes, including identity theft, stalking, or other crimes. Ensuring the security of such data is a significant concern.

**Mitigation:** All images and metadata are encrypted from on-device to storage in the cloud using industry standards for encryption for internet communications. Flock Safety uses Amazon Web Services cloud storage and KMS-based encryption, limiting access to the encryption keys. All CJIS data is stored in the AWS GovCloud and is only available to Law Enforcement agencies. No CJIS data is shared with non-Law Enforcement Flock Safety Customers. Flock Safety reports no breaches to their cloud-based storage.

Data collected by Flock cameras in our jurisdiction would be owned by our agency and would never be sold or shared by Flock to any private entities. The information collected by flock cameras, is available on Flock's server for 30 days.



## POLICY AND ACTION ITEM 9.1

After 30 days, it is automatically deleted from Flock's secure server.

5. **Lack of Regulation and Oversight:** In many places, there is insufficient regulation governing the use of ALPRs. Critics argue that without clear rules on how data should be collected, stored, and shared, there is a risk of abuse and overreach by law enforcement or other entities.

**Mitigation:** If the City agrees to use Flock ALPR technology, the City would adopt a Lexipol policy governing the use of the technology and ensure compliance with the policy via monthly audits. A copy of the unrevised Lexipol draft policy is attached for reference. The City would also, as part of our agreement with Flock, set up and maintain a transparency portal webpage similar to transparency portals already in existence in other agencies. The transparency portal would include a description of the technology as well as data showing vehicles detected, hot list hits, and investigative searches by officers over their most recent 30 days. Any member of the public with internet access may query our usage. (<https://www.flocksafety.com/faq#privacy>) at any time.

6. **Disproportionate Impact on Marginalized Communities:** There are concerns that ALPRs could disproportionately target marginalized communities, either intentionally or as a result of biased policing practices. This could exacerbate existing inequalities and lead to further discrimination.

**Mitigation:** The City, including EPAPD, values community trust and ensuring all members of our multicultural community are treated fairly and with respect. EPAPD has a long-established history of community building and establishing relationships with community members. The City's use of ALPRs would not target any group, but would be used as an investigative tool to help solve crimes. The ALPR camera does not identify any individual or access their personal information through its analysis of license plate numbers. The data captured by the ALPR system is completely anonymous. There is no personally identifiable information (PII) contained in an ALPR record and the authorized user can only determine the registered owner of a vehicle by querying a separate law enforcement DMV database of vehicle license plate records, which is restricted, controlled, and audited.

7. **Erosion of Anonymity:** ALPRs contribute to the erosion of anonymity in public spaces, making it increasingly difficult for individuals to move about without being tracked.

**Mitigation:** Cell phones, private security cameras, private ALPRs, and many other technologies diminish public anonymity. The City's use of ALPRs would only be used as a law enforcement tool in response to legitimate law enforcement purposes such as criminal cases or investigations.

Proposed One-Year Pilot Program Using Flock ALPR Technology

## **POLICY AND ACTION ITEM 9.1**

Staff believes that ALPR technology would be a beneficial police investigative tool, and that it can be deployed and managed strategically to mitigate concerns that people may have. To determine if ALPR Technology, specifically Flock, would be a viable investigative tool for the East Palo Alto community, the Police Chief convened a meeting of the Chief's Advisory Team, a body consisting of six (6) community members representing different generations and backgrounds. The team received a presentation from Flock then engaged in a question-and-answer period with Flock and department personnel. These community members raised many of the concerns which have been discussed above.

Ultimately, the Advisory Team felt a one-year trial period with Flock would give our community an opportunity to assess the benefits of the technology as well as the extent of privacy concerns. During this pilot period, the Police Department would provide quarterly updates to the City Council that describe the Department's use of the technology and any complaints the City may have received. At the end of the pilot program, staff would seek council direction on whether to continue use of ALPR technology in East Palo Alto.

### Sole Source Acquisition of Flock Technology for Pilot Program

Staff recommends that the City waive formal bidding and proceed with a sole-source procurement for Flock technology for a number of reasons. 1) Flock technology is used by many agencies in neighboring jurisdictions, as well as private entities in East Palo Alto including the retail center, which allows the City to receive and share information with other jurisdictions, expanding the tools investigative capacity. This functionality would be optimized if the City used Flock technology given the nature of the software and prevalence of use by neighboring jurisdictions. As such, staff believes this provides an unique capability that other technologies would not provide. 2) The Chief's community advisory team has previewed Flock technology and provided feedback which has shaped the Department's approach toward its use, described above, including opinions about privacy concerns. 3.) Flock technology is being proposed on a pilot basis, thereby alleviating concerns about robust procurement.

### More about Flock Technology

Flock Safety (Flock) began its technology company in 2017 as a more efficient and less expensive alternative to the ALPR technology available at the time. The company quickly grew in capability and coverage, and over the past several years, ALPR cameras using Flock have become vital law enforcement investigative resources throughout the San Francisco Bay Area. Flock's closed network of 80+ Bay Area law enforcement agencies creates a robust database of shared information that greatly expands each law enforcement agency's investigative ability. The City can only access this closed database through the use of Flock technology. Access to this database is only available to Flock customers.

In fact, Flock's technology is consistently used by other agencies throughout the Bay Area to locate and apprehend wanted vehicles and subjects in connection with violent



## **POLICY AND ACTION ITEM 9.1**

crimes that occurred in East Palo Alto, when their vehicles had been entered into the wanted vehicle system.

Fixed Flock ALPR cameras are designed to photograph the rear of vehicles passing in camera view. The photos are stored on the Flock server for a period determined by the client. In our case, staff is seeking a retention period of 30 days. Flock's technology reads the individual license plate numbers and allows users to search for license plate numbers or vehicle descriptions in a particular location when needed for criminal investigations. Additionally, Flock technology uses "fingerprint" technology that can track a vehicle based on unique characteristics (bumper stickers, roof racks, etc) and movements like which cameras the car is hitting off of. At the conclusion of 30 days, the photo and license plate number would be automatically and permanently deleted from the server. Essentially, Flock's technology is a searchable temporary database containing photos of the back of vehicles. Flock's technology is incapable of conducting DMV queries of license plates. Investigators accessing Flock must conduct separate searches through existing databases to determine more information about the registered owner.

Personnel who access the Flock system would be assigned individual access accounts with built in audit trails to document use of the technology to curb abuse. To access Flock data, users are required to enter the case number assigned to their criminal investigation. If the Flock query resulted in evidence of a crime, the data can be downloaded as evidence and attached to the criminal investigation.

Flock allows data to be shared with partner agencies on a case-by-case basis. All users must follow the same access rules. Violations of the rules can result in agencies being suspended from accessing the data.

Flock offers a transparency portal for each agency on their website which shows updated information including how many vehicles had been scanned, how many wanted vehicle hits, and how many queries had been conducted. The East Palo Alto Police Department will make the link to the portal accessible on our website.

Flock prohibits the use of any ALPR data to be used for immigration purposes. Additionally, California law prohibits law enforcement agencies from sharing data with agencies outside the State of California. Further, data collected by the Flock system is owned by the client, and never sold.

### **Fiscal Impact**

The installation of 25 fixed ALPRs will require an initial expense of \$82,750 for one year of service. While this item was not included in the Fiscal Year 2024-2025 police department budget, sufficient savings within the budget are available to cover the cost, eliminating the need for any additional appropriation.



## **POLICY AND ACTION ITEM 9.1**

Staff is recommending a one-year subscription to Flock Technology, during which staff would evaluate the effectiveness of the ALPR technology. Prior to the completion of the year subscription, staff will report to City Council on the effectiveness of the technology and either seek council authority to issue an RFP for ALPR technology, enter a longer-term contract with Flock, or terminate the use of ALPR technology.

### **Public Notice**

The public was provided notice of this agenda item by posting the City Council agenda on the City's official bulletin outside City Hall and making the agenda and report available at the City's website and the San Mateo County Library at 2415 University Avenue.

### **Environmental**

The action being considered does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

### **Government Code § 84308**

**Applicability of Levine Act:** No, as the proposed action does not involve an entitlement.

**Analysis of Levine Act Compliance:** Not applicable.

### **Attachments**

1. Flock Safety quote
2. Resolution
3. Draft Lexipol ALPR Policy

## RESOLUTION NO. XX – 2024

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO

#### SURVEILLANCE CAMERAS AND LICENSE PLATE READERS

**WHEREAS**, the use of surveillance systems have become an integral component of public safety strategies in municipalities across the country; and

**WHEREAS**, the presence of surveillance cameras act as a strong deterrent to criminal activity and have been shown to reduce crime; and

**WHEREAS**, surveillance systems are vital to criminal investigations; and

**WHEREAS**, staff has evaluated the viability of fixed Flock Safety License Plate Reader technology; and

**WHEREAS**, the Chief's Advisory Team, comprised of East Palo Alto community members and stakeholders, evaluated Flock and recommended a one-year trial period; and

**WHEREAS**, staff recommended waiving formal bidding and proceeding on a "sole-source" basis for a number of reason, including 1) Flock technology is used by many agencies in neighboring jurisdictions, as well as private entities in East Palo Alto including the retail center, which allows the City to receive and share information with other jurisdictions, expanding the tools investigative capacity. This functionality would be optimized if the City used Flock technology given the nature of the software and prevalence of use by neighboring jurisdictions. As such, it provides an unique capability that other technologies would not provide. 2) The Chief's community advisory team has previewed Flock technology and provided feedback which has shaped the Department's approach toward its use, described above, including opinions about privacy concerns. 3.) Flock technology is being proposed on a pilot basis, thereby alleviating concerns about robust procurement.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:**

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;
2. Authorizes the City Manager to install surveillance cameras at all City buildings, pedestrian/bicycle overcrossings and City parks to enhance public safety;
3. Authorizes a one-year automated license plate reader (ALPR) pilot program by directing the City Manager to enter a one-year contract with Flock Technology to install fixed automated license plate reader (ALPR) systems at strategic locations to enhance public safety;
4. Waives the formal bid procedure pursuant to East Palo Alto Municipal Code Section 2.84.070(D); and
5. Finds the foregoing actions do not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.

**PASSED AND ADOPTED** this 17th day of September 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Antonio D. Lopez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James Colin, City Clerk

\_\_\_\_\_  
John D. Lê, City Attorney

## Automated License Plate Readers (ALPRs)

### 428.1 PURPOSE AND SCOPE

#### Best Practice

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

### 428.2 ADMINISTRATION

#### Best Practice

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the East Palo Alto Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### 428.2.1 ALPR ADMINISTRATOR

##### State

The Administration Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

### 428.3 OPERATIONS

#### State

# East Palo Alto Police Department

East Palo Alto Police Department

## *Automated License Plate Readers (ALPRs)*

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Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

### **428.4 DATA COLLECTION AND RETENTION**

#### **Best Practice**

The Administration Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

### **428.5 ACCOUNTABILITY**

#### **State**

All data will be closely safeguarded and protected by both procedural and technological means. The East Palo Alto Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

# East Palo Alto Police Department

East Palo Alto Police Department

## *Automated License Plate Readers (ALPRs)*

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- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

### **428.6 TRAINING**

State MODIFIED

The Training Officer should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

### **428.7 POLICY**

Best Practice MODIFIED

The policy of the East Palo Alto Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

### **428.8 RELEASING ALPR DATA**

Best Practice MODIFIED

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
  - 1. The name of the agency.
  - 2. The name of the person requesting.
  - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).



## **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

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**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**BY:** Shiri Klima, Assistant City Manager

**SUBJECT:** Compassionate Clearance of Homeless Encampments

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### **Recommendation**

Adopt a resolution directing staff:

1. to compassionately clear homeless encampments where there are dire risks to health and safety;
2. to collaborate with neighboring jurisdictions and other community partners (including with the County of San Mateo) in sharing resources toward this goal;
3. to provide updates on actions taken to compassionately clear encampments; and
4. to provide FY 25-26 budgetary suggestions needed toward this effort.

### **Alignment with City Council Strategic Plan**

This recommendation is primarily aligned with:

Priority: Promote Housing, Economic and Workforce Development  
Priority: Promote Health & Public Safety

### **Background**

Homeless encampments are plagued by fire risks, unsanitary conditions, public safety hazards, and environmental degradation, and are therefore generally unsafe and unhealthy for individuals living in them. For the same reasons, they also make surrounding communities less safe and less healthy. However, in the fall and winter, with inclement weather and the potential for fires, flooding, and environmental hazards, homeless encampments become even greater health and safety hazards.

## POLICY AND ACTION ITEM 9.2

On February 13, 2023, the San Mateo County Board of Supervisors adopted the Hopeful Horizons: Empowering Lives Initiative Ordinance, which sets forth a process to remove encampments and offer those experiencing homelessness access to services, supports, and shelter. This County ordinance prohibits encampments on all public property anywhere in the unincorporated area of the County, and a violation of the ordinance, after at least two written warnings, is deemed a misdemeanor.

Local government previously had constitutional restrictions imposed on its inherent authority to clear encampments and criminalize such behavior. In *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019), the Ninth Circuit held that cities enforcing criminal sanctions on public camping by individuals facing homelessness without offering access to adequate temporary shelter constituted cruel and unusual punishment. The County's ordinance references the *Boise* case and makes clear that, regardless of how case law evolved, the County would continue to offer many permanent and temporary living spaces for the individuals facing homelessness. Later, on June 28, 2024, the United States Supreme Court held in *City of Grants Pass v. Johnson* that local government ordinances with civil and criminal penalties for camping on public land do not constitute cruel and unusual punishment of individuals facing homelessness and are thus permissible.

Following the *Grants Pass* decision, on July 25, 2024, Governor Gavin Newsom issued Executive Order N-1-24, ordering State agencies and departments to adopt policies to address encampments on State property. This Executive Order also encouraged local governments to adopt similar policies and "to use all available resources and infrastructure, including resources provided by the State's historic investments in housing and intervention programs where appropriate and available, to take action with the urgency this crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them."

Maintenance staff, alongside the Environmental Services Division, have worked over the past year to clear encampments located in areas of the City that either pose risk to the individuals in the encampments or to essential City infrastructure. A majority of these cases are within and on the edge of San Francisquito Creek. As a first measure, when an encampment in such an area is observed, staff work with the County's Homelessness Outreach Teams (HOT) to ensure they either have a pending case or open a new case on the situation. HOT typically makes regular attempts to make contact with the individuals living in the encampments to offer shelter, health care, and food over the course of several weeks to months. Staff then post the encampment for removal in accordance with HOT's encampment removal guidelines, allocating a minimum number of weeks based on the size of the encampment for the teams to continue their outreach and for the individuals experiencing homelessness to find shelter.

### **Analysis**

Given the recent decision in *Grants Pass* and Governor's Executive Order, and given the impending winter flooding of Weeks Street near the Bay trail and rising waters within the San Francisquito Creek, the Mayor approached staff about passing an ordinance similar to the

## **POLICY AND ACTION ITEM 9.2**

County. However, the Mayor did not want to allow for citations or misdemeanors, which he deemed unconstructive in that they do not actually tackle the root problem of why a particular person is unhoused. He preferred to focus on serious outreach efforts and engagement; coordination with neighboring jurisdictions and other community partners; as well as wrap-around services, funding or other resources provided to ensure success. Recognizing such efforts would entail robust resources and planning, the Mayor suggested staff do what it can currently but also come forth in the spring with Fiscal Year 2025-26 budget enhancement proposals. This resolution is the result of the Mayor's request, followed by staff's evaluation. This resolution is consistent with what staff is already doing but gives us clear direction to assertively proceed.

The attached resolution declares that all East Palo Alto residents should have access to safe, healthy, and dignified shelter. It then gives staff direction in four areas. First, it directs staff to compassionately clear encampments where there is a dire risk to health and safety, including but not limited to risks related to flooding, fires, inclement weather or environmental hazards. In this resolution, clearing an encampment "compassionately" entails: City staff continuing to work with the County as it provides individuals and families experiencing homelessness access to services, programs, benefits and information (including but not limited to housing, mental health services, childcare, and addiction services) in a manner that empowers those individuals and families, is sensitive to trauma, and is available in multiple languages; and City staff continuing to follow City policy, which allows for due process, regarding any movement or disposal of personal belongings. Second, the resolution directs City staff to collaborate, as much as possible, with neighboring jurisdictions and other community partners, including with the County of San Mateo, in sharing resources compassionately clear encampments. Third, the resolution directs staff to report at a public City Council meeting each time staff compassionately clears an encampment or takes other significant steps related to providing services to individuals and families experiencing homelessness, such that the Council and the public may stay apprised of such efforts. Fourth, the resolution directs staff to provide suggestions in the spring of 2025, as it prepares the City Manager's recommended budget for Fiscal Year 2025-26, as to budgetary enhancements, including staff additions, that would allow the City to provide better services in compassionately clearing encampments.

### **Fiscal Impact**

There is no fiscal impact for this item. In FY24-25, staff is directed to compassionately clear encampments, collaborate with neighboring jurisdictions and other community partners, and report at a public City Council meeting each time staff compassionately clears an encampment, but there is no additional funding being provided so staff must stay within its current budgetary limits. In anticipation of FY25-26, the Council directs staff to provide suggestions as to budgetary enhancements for these goals, which will be reviewed with the FY25-26 Budget.

### **Public Notice**

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

## **POLICY AND ACTION ITEM 9.2**

### **Environmental**

The action being considered by the City Council, which is a policy directive, is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” pursuant to 15378(b)(4) and (b)(5). The directive is a governmental fiscal, organizational or administrative activity that does not involve any commitment to any specific project, and thus this directive will not in itself result in a potentially significant impact on the environment.

### **Government Code § 84308**

**Applicability of Levine Act:** No, as the proposed action does not involve an entitlement.

**Analysis of Levine Act Compliance:** Not applicable.

### **Attachments**

1. Resolution.

**RESOLUTION NO. XX-2024**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EAST PALO ALTO**

**DIRECTING STAFF TO COMPASSIONATELY CLEAR HOMELESS ENCAMPMENTS WHERE THERE IS A DIRE RISK TO HEALTH AND SAFETY; TO COLLABORATE WITH NEIGHBORING JURISDICTIONS AND OTHER COMMUNITY PARTNERS (INCLUDING WITH THE COUNTY) IN SHARING RESOURCES TOWARD THIS GOAL; TO PROVIDE UPDATES ON ACTIONS TAKEN TO COMPASSIONATELY CLEAR ENCAMPMENTS; AND TO PROVIDE FISCAL YEAR 2025-26 BUDGETARY SUGGESTIONS NEEDED TOWARD THIS EFFORT**

**WHEREAS**, homeless encampments, which are plagued by fire risks, unsanitary conditions, public safety hazards, and environmental degradation, are unsafe and unhealthy for individuals living in them and make surrounding communities less safe and less healthy; and

**WHEREAS**, the City has made efforts to connect unhoused individuals and families living in areas where there is a risk to health and safety with resources to find shelter, food, and medical care and used the County's Encampment Response Tool Kit when removing encampments; and

**WHEREAS**, on February 13, 2023, the San Mateo County Board of Supervisors adopted the Hopeful Horizons: Empowering Lives Initiative Ordinance, which sets forth a process to remove encampments and offer those experiencing homelessness access to services, supports, and shelter; and

**WHEREAS**, the City worked extensively with the County's outreach teams in the spring and summer of 2024 to connect houseless individuals and families living in encampments, including in the San Francisquito Creek Area, with resources to prepare for the removal of encampments placed in harmful locations in and along the creek bed; and

**WHEREAS**, the City previously had constitutional restrictions imposed on its inherent authority to clear encampments and criminalize such behavior. In *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019), the Ninth Circuit held that cities that enforce criminal sanctions on public camping by individuals facing homelessness without offering access to adequate temporary shelter constituted cruel and unusual punishment; and

**WHEREAS**, on June 28, 2024, the United States Supreme Court held in *City of Grants Pass v. Johnson* that local government ordinances with civil and criminal penalties for camping on public land do not constitute cruel and unusual punishment of individuals facing homelessness, and are thus permissible; and

**WHEREAS**, on July 25, 2024, Governor Gavin Newsom issued Executive Order N-1-24, ordering State agencies and departments to adopt policies to address encampments on State property and encouraging local governments to adopt similar policies and "to use all available resources and infrastructure, including resources provided by the State's historic investments in housing and intervention programs where appropriate and available, to take action with the urgency this crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them."

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:**

1. Finds the foregoing recitals are true and correct, and are incorporated by this reference into this action;
2. Declares that all East Palo Alto residents should have safe, healthy, and dignified shelter;
3. Directs City staff to compassionately clear encampments where there is a dire risk to health and safety, including but not limited to risks related to flooding, fires, inclement weather or environmental hazards, and explains that clearing an encampment “compassionately” entails a) continuing to work with the County as it provides individuals and families experiencing homelessness access to services, programs, benefits and information (including but not limited to housing, mental health services, childcare, and addiction services) in a manner that empowers those individuals and families, is sensitive to trauma, and is available in multiple languages, and b) continuing to follow City policy, which allows for due process, regarding any movement or disposal of personal belongings;
4. Directs City staff to collaborate, as much as possible, with neighboring jurisdictions and other community partners (including with the County of San Mateo) in sharing resources compassionately clear encampments;
5. Directs staff to report at a Council meeting each time staff compassionately clears an encampment or takes other significant steps related to providing services to individuals and families experiencing homelessness, such that the Council and the public may stay apprised of such efforts;
6. Directs staff to provide suggestions in the spring of 2025, as it prepares the City Manager’s recommended budget for Fiscal Year 2025-26, as to budgetary enhancements, including staff additions, that would allow the City to provide better services in compassionately clearing encampments; and
7. Finds that the proposed action does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) and (5) in that it is a governmental fiscal, organizational or administrative activity that will not result in direct or indirect changes in the environment.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of September 2024, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Antonio D. Lopez, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James Colin, City Clerk

\_\_\_\_\_  
John D. Lê, City Attorney



# **EAST PALO ALTO CITY COUNCIL STAFF REPORT**

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**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**SUBJECT:** Potential Reconsideration of Public Works and Transportation Commission's April 17, 2024 Decision on EPACENTER's request for a loading zone

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## **Recommendation**

Decide whether to reconsider the Public Works and Transportation Commission's April 17, 2024 decision denying EPACENTER's request for a loading zone.

## **Alignment with City Council Strategic Plan**

This recommendation is primarily aligned with:

Priority: Promote Health & Public Safety

## **Background**

The Public Works and Transportation Commission (PWTC) reviewed EPACENTER's request for a loading zone on April 17, 2024 ([Agenda](#) [\(granicus\\_production\\_attachments.s3.amazonaws.com\)](#)).

1. Staff recommended the creation of a 60-foot loading zone on Pulgas. But the PWTC denied the request.
2. Commissioner Makoni stated that creation of a loading zone would be premature (fearing it would "create a precedence (sic)" any time "there is an inconvenience").
3. Commissioner Kao (who lives in the neighborhood) was "mildly" in favor of it, but with potential changes. Commissioner Kao also thought it was a cost concern and safety concern. The latter point he thinks is fair given that sometimes unhoused individuals are sometimes there. He didn't think overnight parking makes sense and that this would take away parking spots.
4. Commissioner Dinan (who lives in the neighborhood) raised concerns. He stated

## COUNCIL REPORTS ITEM 10.1

- that the existing parking lot is enough (not a big ask). He recommended modifying the request to make it smaller (20 feet) and limit to when they needed (not overnight).
5. Commissioner Wilkerson also agreed that EPACENTER is not that busy, implying loading zone is not necessary.
  6. Commissioner Gray agreed. He said the area is dangerous, but thought that EPACENTER should utilize the parking lot for drop off first.
  7. **Motion:** Commissioner Kao moved to not approve recommendation. Seconded by Makoni. The PWTC voted unanimously approved the motion to deny the parking restriction.

EPACENTER discussed a desire for an appeal with Councilmember Abrica, and he has requested that the City Council consider EPACENTER's proposal instead of the PWTC.

### **Analysis**

The Council may choose to either reconsider the PWTC's decision at the Council level or direct the PWTC to revisit the matter. Should the Council decide to hear the appeal themselves, the item will be scheduled for the October 1 or October 15 Council meeting, contingent upon the guidance of the Agenda Committee in consultation with the City Manager and City Attorney.

### **Fiscal Impact**

There is no fiscal impact for this item.

### **Public Notice**

The public was provided notice by making the agenda and report available on the City's website and on a bulletin board located at City Hall: 2415 University Avenue, East Palo Alto.

### **Environmental**

The action being considered does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline section 15378 (b)(5), in that it is a government administrative activity that will not result in direct or indirect changes in the environment.



## COUNCIL REPORTS ITEM 10.2

# EAST PALO ALTO CITY COUNCIL STAFF REPORT

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**DATE:** September 17, 2024

**TO:** Honorable Mayor and Members of the City Council

**VIA:** Melvin E. Gaines, City Manager

**SUBJECT:** Recommendation to form Measure HH Evaluation Subcommittee

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### **Recommendation**

Appoint two Councilmembers to a subcommittee tasked with collaborating with staff and a contractor to develop an evaluation tool for Measure HH, and to present their recommendations to the full City Council.