



POLICY AND SERVICES COMMITTEE SUMMARY MINUTES

Regular Meeting
June 8, 2021

The Policy and Services Committee of the City of Palo Alto met on this date in virtual teleconference at 7:01 P.M.

Present: Kou, Stone, Tanaka

Absent:

Oral Communications

None

Agenda Items

1. Review and Approval of the Office of the City Auditor's Fiscal Year (FY) 2022 Task Orders.

Kyle O'Rourke, City Auditor summarized that Task 4.2 and 4.3 will be presented to the Policy and Service Committee (Committee) in August of 2021. Tasks 4.1, 4.4 and 4.6 will be presented to the Committee in September of 2021. Task 4.5 has been placed on hold and Task 4.7 and 4.8 are ongoing. Task 4.9 and 4.10 were approved by the Committee and will be presented to the Committee in the fall of 2021.

Chair Kou asked for more information regarding Task 4.10, Non-Profit Agreement Risk Management.

Mr. O'Rourke explained that the task will review how Palo Alto (City) engages with non-profit partners, their agreements and whether the agreements follow the appropriate policies. Also, Staff will review how the City financially and programmatically does its reporting and monitoring to ensure best practice.

Chair Kou inquired if Staff will be reviewing the funding for those contracts.

Mr. O'Rourke answered yes and no. Staff will be reaching out to each Member on City Council (Council) to conduct a project level risk assessment.

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Council Member Stone noted that Staff will not be looking into specific internal controls of the non-profits.

Mr. O'Rourke confirmed that is correct. The intent was to review the overarching engagement and monitoring process through the life of the non-profit agreements. He reported that Staff's recommendation was to approve the Citywide Risk Assessment, Annual Audit Plan, Financial Audit, and various other tasks. He noted that Staff will not be performing a full risk assessment.

Council Member Stone asked if the trips planned to visit the City could be consolidated.

Mr. O'Rourke answered yes and Staff will only travel when it is necessary.

MOTION: Chair Kou moved, seconded by Council Member Stone to forward the corresponding report to the City Council on the Consent Calendar and approve the following Task Orders, identified in the Audit Plan Report:

- A. FY22-001 – Citywide Risk Assessment
- B. FY22-002 – Annual Audit Plan
- C. FY22-003 – Financial Audit
- D. FY22-005 – Various Tasks (including periodic reporting, fraud/waste/abuse hotline, office administrative functions)

MOTION PASSED: 3-0

- 2. Receive an Update on Recent Race and Equity Work Since March Including an Update on a Records Management System (RMS) Contract for Police Data Collection and Provide any Recommendations on the City's Race and Equity Work.

Chantal Cotton Gaines, Deputy City Manager noted that Staff will be presenting to the Finance Committee (Committee) the status update on the directives that City Council (Council) made at the November 2020 meeting as well as upcoming events. In terms of Directive A, Council adopted a mission statement at the November 2020 meeting. Work was underway for Directive B. Staff conducted a kick off meeting for the Records Management System (RMS) with the City of Los Altos and the City of Mountain View. This allowed the Cities to meet the state requirement for the Race and Identity Profiling Act (RIPA). Staff planned to have the system up and running by November of 2021. In terms of Directive C, that work will occur upon completion of the RMS implementation. In terms of Directive D, Staff has

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made significant progress on the Psychiatric Emergency Response Team (PERT) and Mobile Crisis Response Team (MCRT). That directive was closely aligned with Directive Neighbors, which related to the Committee exploring a Crisis Assistance Helping Out on The Streets (CAHOOTS)-type program if Santa Clara County did not assign a resource to the City by 6-months. Santa Clara County heard the request by the City and added a north county site to the program. The site was centrally located between the City of Mountain View, Santa Clara County, and the City of Sunnyvale area. The State of California approved funding for the CAHOOTS program and so that program will be starting up very soon. Staff did apply for a federal earmark to create a CAHOOTS-like program and the City will know in June 2021 if the Appropriation Committee has moved forward the recommendation beyond Congresswomen Eshoo's Office. In terms of Directive E, Staff has finalized policy and workflow related to the release of records associated with investigations that qualify for public disclosure under Senate Bill (SB) 1421 and Assembly Bill (AB) 748. All incidents to date that have met the disclosure criteria have been posted online. In terms of Directive F, G, and H, Staff will be presenting the Independent Police Auditor's (IPA) contractor amendments to Council on June 14, 2021. Directive I, J, and Q has been completed. In terms of Directive M, the directive will occur in the fall of 2021 prior to negotiations. In terms of Directive M, the Palo Alto Summit on Women and Girls is scheduled for June 12, 2021. In terms of Directive P, the directive will be presented to Council on June 14, 2021.

Chair Kou asked if Staff will be addressing the Cities Association of Santa Clara County's letter.

Ms. Gaines reported that the Cities Association of Santa Clara County has put together a Task Force focused on making recommendation to Cities regarding race and equity. Those recommendations focused on housing, police reform and hate crimes against the Asian American and Pacific Islander community. They submitted seven affordable housing recommendations, one public safety reform recommendation, and recommendations regarding hate crimes. The Mayor will be attending the June 10, 2021 Cities Association of Santa Clara County meeting where the association plans to adopt the finalized recommendations. Staff will then provide an update to Council for consideration.

Robert Jonsen, Police Chief congratulated the Committee and Ms. Gaines on the work regarding race and equity.

Council Member Stone agreed that he is impressed with how quickly Staff has implemented all of the directives. He asked why the City needs to wait for the City of Los Altos to complete their old RMS data conversion.

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Mr. Jonsen noted that because the systems are connected, all of the systems must go live at the same time.

Council Member Stone pressed if there are concerns that the City of Los Altos will not be ready by January 1, 2022.

Mr. Jonsen answered no.

Council Member Stone inquired what is the level of accountability that the Police Chief was anticipating to ensure that the stop data was being properly collected.

Mr. Jonsen explained that the RMS has built into it a screen that prompts them to fill it out before they are able to advance to the next screen. He confirmed that the department has implemented that process already, so that officers are use to it when the process comes online. The screen is required to be filled out for every public contact.

Council Member Stone wanted to know if the stop data will be aggregated for the entire department or connected to individual officers.

Mr. Jonsen believed that for the Department of Justice (DOJ), the data will be collected together, but internally there are systems where the department can extract specific data.

Council Member Stone asked if the data will be forwarded to the IPA and should that scope of work be included in the new contract.

Mr. Jonsen understood that it did not need to be included in the contract.

Council Member Stone wanted to know what needs to happen to make sure that the IPA has access to the data.

Molly Stump, City Attorney noted that the IPA does in depth reviews of individualized incidents and what is being requested is very different. She suggested to let the program be implemented and monitor how it functions before adding additional work.

Ed Shikada, City Manager added that the Council will have regular opportunities to have discussions with the IPA on issues of note and request special studies. He invited Staff to explain the Stanford University Social Psychological Answers to Real-world Questions (SPARQ) Program to the Committee.

Ms. Gaines explained that SPARQ emphasized on looking at data and making solid recommendations based on what they see. Staff has been in

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conversations with the group to conduct a climate survey of the police department Staff.

Mr. Jonsen disclosed that the police department is really excited about the partnership with SPARQ.

Council Member Stone encouraged Staff to explore ways of having more oversight over the data.

Mr. Jonsen shared that the first year of data compiled by RMS will become available in 2023.

Council Member Stone wanted to know more information regarding the PERK partnership between a hired health clinician and a Palo Alto Police Department (PAPD) sworn officer.

Mr. Jonsen explained that the clinician will be hired by Santa Clara County and that clinician will be partnered with a police officer. That partnership will work 4-days a week at 10-hours per shift.

Council Member Stone inquired if the police officer will be in uniform.

Mr. Jonsen replied no and they will ride in an unmarked patrol car.

Council Member Stone wanted to understand what happens if an officer feels threatened and who is in charge in that situation.

Mr. Jonsen commented that the two-person team will work together to know who should take point on a case-by-cases basis.

Council Member Stone acknowledged that the program has a lot of potential, but he was concerned about having an armed officer in the field for those sensitive situations.

Mr. Jonsen noted that the team is one piece of the program and the program will work with the other mental health programs that are being implemented.

Ms. Gaines remarked that the team would handle the high-risk situations where as the Community Mobil Response Program (CMRT) will respond to low-risk situations which are more frequent in the community.

Council Member Stone indicated that he would have preferred to see a program that is closer to the CAHOOTS model. He asked who determines what mental health team should be sent to a situation.

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Mr. Jonsen confirmed that the police dispatcher will be making those determinations in the beginning until the other programs are up and running with their own dispatchers.

Council Member Stone did not understand how AB649 was helping to prevent displacement.

Ms. Gaines understood that AB649 was creating a state policy that supported greater access to affordable housing for underserved populations facing displacement. Also, it allowed Cities to require an anti-displacement tenant preference for affordable housing units.

Council Member Stone articulated he was disappointed that there were no funding source listed in the recommendations made by Cities Association of Santa Clara County. He supported the recommendation regarding the regional affordable housing online portal. He was concerned how long it was taking the City to find a more transparent form of complying with the DOJ's mandated Encryption Policy and he encouraged Staff to make that a priority. He thanked Staff for their advocacy regarding the Santa Clara County CMRT Program.

Council Member Tanaka asked if the City is recording incidents of hate crimes happening within the City.

Mr. Jonsen answered yes, they are documented.

Council Member Tanaka inquired if there are any trends within the past year.

Mr. Jonsen reported that in the City and Santa Clara County, reported hate crimes have been relatively low. He believed that nationally the trend was going upward.

Council Member Tanaka pressed at what level is the City at.

Mr. Jonsen reported the average has been one to two hate crimes per year. There have been four to five hate incidents.

Council Member Tanaka wanted to know how many of the incidents have there been towards Asian Americans.

Mr. Jonsen did not believe there have been any Asian American hate crimes within the City for the years 2020 and 2021.

Council Member Tanaka requested Mr. Jonsen look up if there have been any hate incidents regarding Asians Americans.

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Mr. Jonsen agreed he would provide that at a later time.

Council Member Tanaka asked if the work the police department has done regarding race and equity has impacted the police department's ability to respond to incidences.

Mr. Jonsen answered no. He mentioned one trend on the rise was property crimes.

Council Member Tanaka inquired how Palo Alto compared to other Cities in terms of property crime rates.

Mr. Jonsen articulated that Palo Alto did not have a high rate, but because stores are starting to open back up, property crimes are on the rise.

Council Member Tanaka wanted an update on the DOJ's Encryption Policy.

Mr. Jonsen noted that Staff constantly looks for options to increase transparency.

Council Member Tanaka asked if folks can access real recordings of incidents.

Mr. Jonsen noted that the radio component is not part of the equation, but there is a mapping system that will show the type of incident and their locations.

Council Member Tanaka commented that he thought there were discussions about allowing the public to hear the recordings.

Mr. Jonsen confirmed there have been discussions, but it was a matter of finding an alternative that complied with the DOJ's mandate. Per the DOJ's policy, recordings cannot be released if they included personal identifiable information.

Chair Kou appreciated all the work that Staff has done regarding the race and equity initiative. She asked if the raw data collected by RMS will be posted on the website.

Mr. Jonsen affirmed that the data will be released on the open data portal, but that will not be until January of 2023.

Chair Kou inquired for Directive E, will any videos or audio be posted on the police department's website.

Mr. Jonsen answered yes.

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Chair Kou appreciated Staff for responding quickly on the CMRT Program. She agreed with Council Member Stone regarding the Cities Association of Santa Clara County's recommendations. The only recommendation she found that could be implemented without funding was recommendation six which was to increase housing education for the diverse population. She articulated that there needed to be a way where legislation comes forward that will help folks buy their first home. She did not understand what the word affordable meant in the recommendations in terms of area median income (AMI). She asked if Mr. Jonsen had any thoughts regarding the Cities Association of Santa Clara County's recommendation regarding public safety reform.

Ms. Gaines suggested Mr. Jonsen explain the virtual reality training.

Mr. Jonsen reported that the department will be receiving a virtual reality simulator and that simulator will be available to neighboring agencies.

Ms. Gaines reported that she will provide the Mayor with the information that Council Member Stone and Chair Kou have expressed comments on.

Chair Kou suggested that Ms. Gaines include the insurance companies in recommendation six. In the Cities Association of Santa Clara County's recommendation three, she suggested they include a look within oneself.

Ms. Gaines encouraged the Committee to review the Human Relations Commission's work regarding 100 Conversations.

Chair Kou commented that if racism is used for everything, the message becomes diluted.

3. Council Retreat Referral to Discuss Possible Edits, Changes, or Updates to the City Council Procedures and Protocols Handbook.

Chantal Cotton Gaines, Deputy City Manager reported that there are six items that Staff has identified for the Policy and Services Committee (Committee) to consider. The first was looking at Section 2.4 B regarding telephonic attendance and updating that section. The second item of consideration was legislative aide assistance and Staff requested that the Committee provide feedback on how legislative aides can be incorporated into the handbook. The third consideration was Palo Alto's (City) letterhead and what type of letterhead should a Council Member use if they wish to provide a letter on a topic. The fourth consideration was to hire a consultant to cleanup of the handbook itself. The fifth consideration regarded the media and what expectations does the Mayor have as the spokesperson for the full City (Council). The last consideration pertained to City resources

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and Staff suggested the Committee consider adding language that provides clarity on expectations and future requests of Staff on specific events. Council Member Cormack had suggested that the Committee consider adopting a policy prohibiting Council Members from using electronic devices during public meetings. Mayor DuBois had recommended the Committee adopt the policy for quasi-judicial items and that there be no contact with applicants or appellants after the item has finished with the Architectural Review Board (ARB) and the Planning and Transportation Commission (PTC). He also suggested the Committee opine on the use of Staff time, that liaisons must refrain from providing personal viewpoints, finish the travel expense section of the handbook, and add clarity on the roll of elected officials with other public agencies.

Chair Kou reported that she wanted the Committee to discuss quasi-judicial items in terms of when they are placed on the Consent Calendar or not, as well as is there a reasonable dollar amount for items to be placed on the Consent Calendar, should there be two votes to remove an item from the Consent Calendar instead of three, and read out loud each Consent item. In terms of the Mayor role, she suggested the Committee suggest a rotation policy. Her last recommendations were to include the City's organizational chart in the handbook, clarify City Council liaison roles, list role clarifications regarding Number J and how should the Council Members represent the City when in a regional or state role. Also, to provide a link to the Rosenberg Rules in the handbook. Vice Mayor Burt recommended that the handbook go through a clean up with a consultant.

Council Member Stone asked if the 1-hour rule regarding Staff time is an official policy in the handbook.

Molly Stump, City Attorney answered yes, within the protocol's section.

Chair Kou noted that it is on Packet Page 76.

Council Member Stone agreed with the Vice Mayor and Staff's recommendation to hire a consultant to clean up the handbook. He requested that Staff clarify their City resources consideration.

Ed Shikada, City Manager clarified that Staff was addressing mass communications or publicizing events. He believed there are no protocols that provide guidance to what the norm could or should be for various types of communications.

Council Member Stone remarked that overall, he supported all of Staff's considerations. In terms of telecommute attendance, he agreed that the City should increase the number of times that Council Members are allowed

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to telecommute to meetings. He noted that participation by phone should be discouraged, but encourage participation via Zoom. In terms of legislative aides, he articulated that aides should not be able to speak on behalf of Council Members, but can act as a liaison between the Council Member, Staff, and the public. He supported the letterhead suggestion and that individual Council Members should be prohibited from using official City letterheads when conveying individual positions that are not supported by the full Council. In terms of the Staff's media consideration, he wanted the language to be broad enough to allow individual Council Members to speak to the media on matters of their own point of view, but to be clear they are not speaking on behalf of the entire Council. He suggested that language be refined for Colleague's Memos and what is Staff's role for Colleague's Memos. He wondered if there is a way to create a process to balance community input and allow the community ample time to rebut an applicant's claim. He agreed with the other Council Member's comments regarding clarification on liaison positions with other government agencies and he supported Mayor DuBois's suggestion on adopting a policy on quasi-judicial matters.

Chair Kou asked if Staff can create a process to balance community comments and provide equal time to rebut.

Mr. Shikada responded that it is Council's discretion on how to formulate that process. He acknowledged that there are many suggested changes to the handbook and he asked how should Staff approach all the proposed changes.

Chair Kou suggested that the Committee provide a list of items they have consensus on to the Council and then discuss the more controversial items among the Committee.

Mr. Shikada advised to have a consultant reorganize the handbook first and then modify the language.

Ms. Stump indicated that there are various legal aspects regarding several of Council Member Stone's suggestions.

Council Member Tanaka stated that the handbook needed to be simplified and is unnecessarily complex. He supported Council Member Stone's recommendation to increase the amount of times a Council Member can telecommute. He suggested that the public should be allowed to turn on their video when providing public comment. He felt that Staff has more power than the Council Members and many Cities have paid legislative aides. He encouraged the use of legislative aides which would allow more engagement with the public. He supported allowing legislative aides do

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tasks that allow the Council Members to focus more on core issues of the City. He agreed with Staff's recommendation regarding the City's letterhead. He remarked that censoring Council Members from talking to the media is a constitutional issue and he did not support that only the Mayor can talk to the media. He indicated that Council Members are elected by the public to serve the public, staff is to help instill the will of the Council, and City resources are there to facilitate the Council's decision-making process on behalf of the citizens. He did not see the concern with individual Council Members using City resources to help them be more effective and so he did not agree with Staff's consideration Number 6. He stated that Council Members should be able to use electronic devices to help inform their decisions making and he did not support a ban on all electronic devices. He advised Staff to discontinue using PDFs to facilitate easier public access. He believed there was a freedom of speech issue with the recommendation to not allow Council Member's to speak to applicants or appellants for quasi-judicial items. He supported the rule that Council Members must disclose if they had an ex parte communication. He suggested that the language read that Council Members are not allowed to speak to applicants or appellants before an ARB and PTC meeting but not prohibit afterwards. In terms of Staff time, he suggested that Staff time be tracked and published weekly. He suggested that Staff time not be limited to 1-hour only and be equal among Council Members. He was frustrated with the protocol regarding questions on the Consent Calendar. He supported having Council Members announce when they are speaking for Council and when they are speaking as an individual. He commented that the City should follow what other agencies do and allow each Council Member to have a budget that they can use to serve the City. He strongly supported Chair Kou's suggestion regarding reading off the Consent Calendar items for the public. He did not understand why multi-million-dollar items are placed on the Consent Calendar and he supported having a Mayor rotation policy.

Chair Kou noted that Section 7 in the handbook Council never voted on. The redline version in the Staff report were edits done by prior Staff. She summarized that Vice Mayor Burt's edits were made in places where there could be better clarity and formatting.

Council Member Tanaka emphasized that because he uses only electronic documents, the paper Packet Pages never sync up with the electronic version. He asked who made the edits to the review section regard meals and travel.

Chair Kou noted that Staff made the edits.

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Council Member Tanaka asked why there is a section regarding travel in the handbook.

Mr. Shikada recalled that the section was to provide clarity and address fairness.

Council Member Tanaka suggested that the Council Members should have the same rules and requirements as employees. He advised that the Committee remove that section entirely.

Chair Kou suggested the Committee follow Mr. Shikada's suggestion to have the handbook formatted first by a consultant.

Council Member Tanaka advised the Committee to make fundamental agreements before sending the handbook to a consultant.

Chair Kou noted that the cleanup pertained to formatting. It was not a proposal to rewrite the protocols and procedures. Once the handbook has been reformatted, then the Committee should discuss the individual components of it.

Ms. Gaines expressed that having the handbook cleaned up first would be helpful to Staff and that the cleanup would not prohibit the Committee from editing the document further.

Chair Kou asked Council Member Tanaka what format would he like to see the handbook be in after it is reformatted.

Council Member Tanaka answered a word document.

Mr. Shikada agreed that Staff can provide a word document. In terms of organization, he suggested that a consultant clean up the format and in parallel, the Committee discuss any items that are low hanging fruit and forward those to Council.

MOTION: Chair Kou moved, seconded by Council Member Stone to recommend that the City Council hires a consultant to cleanup and reformat the handbook to improve readability and ease of use for City Council Members, Staff, and the public.

Council Member Tanaka supported having the Committee work in parallel. He could not support having the document formatted twice.

Ms. Gaines reported that the estimated cost to reformat the handbook was \$3,500.

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Chair Kou agreed that the Committee should work in parallel and do the heavy lifting.

Mr. Shikada mentioned that Staff envisioned having the document formatted once and then Staff will draft any revised content into the document.

MOTION PASSED: 2-1 Tanaka no

Future Meetings and Agendas

Chantal Cotton Gaines, Deputy City Manager announced for the August Policy and Services Committee (Committee) meeting, the Committee will be reviewing the quarterly audit, receive a legislative recap, and review the Tree Protection Ordinance. For the September meeting, there will be an update on the race and equity work and a follow-up on the Council's Protocols and Procedure Handbook.

Adjournment: The meeting was adjourned at 9:18 P.M.