



SUMMARY MINUTES

Policy & Services Committee
Regular Meeting
September 14, 2021
Virtual Only

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

Present: Kou (Chair), Stone, Tanaka

Absent: None

Oral Communications

None

Agenda Items

1. Update on State and Federal Policy and Legislation.

Deputy City Manager Chantal Cotton-Gaines introduced David Haines, federal legislative advocate for Palo Alto (City) and Niccolo De Luca, state legislative advocate for the City.

Consultant David Haines reported that one of the hot topics in Washington D.C. is infrastructure and there are two bills for infrastructure that are being worked on. One of them was the Senate passed Infrastructure Investment and Jobs Act. The bill included \$550 billion in new federal spending for infrastructure projects. The House is scheduled to vote on the Infrastructure Investment and Jobs Act by September 27, 2021. The Human Infrastructure Package, an approximately \$3.5 trillion bill, is being worked on by the House and the Senate. The House is particularly interested in the package and currently the House Committees are drafting their bills of jurisdiction. The House is using budget reconciliation to pass the Human Infrastructure Package, but that is concerning to modern Democrats. Senate leadership is working on trying to reduce the funds from the proposed \$3.5 trillion. In terms of housing, Congress tried to continue the Federal Eviction Moratorium, but the Supreme Court deemed the act as illegal and the effort was discontinued. Administrators are currently exploring other ways to help with evictions. Another major issue that is being addressed is the appropriations.

SUMMARY MINUTES

The Government will run out of funding at the end of the fiscal year. Congress is working on a short-term Continuing Resolution (CR) to allow for work to continue for the appropriations. Staff was able to include earmarks, or community project findings, in the House Appropriation Bill and one of the projects is the Crisis Assistance Helping Out On The Streets (CAHOOT) program. The CAHOOT program has a CR, so funding for the program has not been granted, but there is a possibility for future funding at the end of the year. Also, Senator Padilla has submitted a request for \$6 million for the fire station replacement project. In terms of the debt limit, it expired at the end of July 2021, and Congress is exploring ways to raise the debt limit; or implement a mechanism that does not allow defaults on federal debt. Republicans are pushing back on that approach. In terms of the Coronavirus (COVID-19), the Occupational Safety and Health Administration (OSHA) has announced that employers with more than 100 employees must receive the vaccination or receive weekly testing. That applies to local government workers and will not be taking public input on the rule. Lastly, work continues for public safety and police reforms and other areas of interest.

Winter Dellenbach announced that this is her second time attending a Policy and Services Committee (Committee) meeting where the link to the meeting is not working. She requested that the lobbyist explain what the amendments are and how they have changed the bills. In terms of Assembly Bill (AB) 718, it appeared that the bill is not moving forward in the current session, and she wanted to know what the lobbyist predict will happen to it. She requested that the lobbyist briefly explain the bills that the City has expressed support for.

Council Member Stone asked if grants are a part of the infrastructure bills for cities.

Mr. Haines answered yes, there are federal funds available for rail grade separation projects. Also, there are discretionary programs that can be used for infrastructure projects as well as the Community Develop Block Grant (CDBG).

Council Member Stone inquired if the Human Infrastructure Bill contains earmarks.

Mr. Haines mentioned that it does not have earmarks.

Council Member Stone wanted to know if the Center for Disease Control (CDC) eviction moratorium offers additional protections beyond the state's eviction moratorium.

SUMMARY MINUTES

Mr. Haines explained that the eviction moratorium that was overturned and currently, there is no Federal Eviction Moratorium.

Council Member Stone clarified that California has a state program and he wanted to know if the Federal Eviction Moratorium that has been overturn, will that effect residents of Palo Alto.

Mr. Haines explained that the Supreme Court has ruled that the CDC does not have the ability to make the eviction moratorium. If the moratorium was going to happen on the federal front, it should have happened from Congress, but Congress did not have the votes to pass a Federal Eviction Moratorium.

Council Member Stone restated he wanted to know what the Federal Eviction Moratorium protects and what the State Eviction Moratorium protects. Also, have protections were lost when the Federal Eviction Moratorium was overturned.

Consultant Niccolo De Luca understood that the State of California's Eviction Moratorium went above and beyond the Federal Eviction Moratorium. He recalled that the City differed to Santa Clara County to secure funds for rent deferrals and landlord relief. He clarified that there was never a commercial eviction moratorium, only a residential moratorium. The Federal Government provided funding to the State of California, which then the State of California matched the funding amount to facilitate relief for renters and landlords.

Council Member Stone asked if any Palo Alto residents are receiving help under the Emergency Rental Assistance Program (ERAP).

Mr. Haines remarked that he did not have that information available.

Council Member Tanaka wanted to know how much funding Palo Alto will receive for infrastructure projects.

Mr. Haines answered that the information is not available at this time.

Council Member Tanaka pressed when will the City know how much it will be receiving.

Mr. Haines explained that there are competitive programs that are included in the infrastructure bill, but it is known at this time who will be receiving those funds. There are formula programs, but the bills could be changed, and Staff cannot speculate at this time how much the City will receive.

Council Member Tanaka inquired how much funding is coming to the district.

Mr. Haines answered that the amount is still undetermined.

SUMMARY MINUTES

Council Member Tanaka commented that it would be very interesting to know that information when it becomes available.

Mr. Haines confirmed that he will provide the information to the City as soon as it is available.

Council Member Tanaka recalled that the infrastructure policy has a component about heavily restricting and regulating cryptocurrency. He asked if that provision will be pulled out of the bill by the House.

Mr. Haines stated that there have been more and more hearings on cryptocurrency. He confirmed that the policy still contains language around cryptocurrency. Even if the provision is in the bill, Congress is exploring ways to provide more oversight, and determine what the future is of cryptocurrency. He concluded that there is a possibility that cryptocurrency provisions will make their way into future bills.

Council Member Tanaka pressed if the cryptocurrency provisions will stay in the infrastructure bill.

Mr. Haines could not provide an absolute answer, but believed there is a good chance that the language will remain in the bill.

Council Member Tanaka inquired if the cryptocurrency provision passed in the Senate Committee on Finance.

Mr. Haines answered yes.

Council Member Tanaka remarked that there are a lot of items in the infrastructure bill that is not related to infrastructure. He wanted to know the likelihood that the bill be modified at the House level.

Mr. Haines explained that the House and Senate leadership has been influencing the bills before they come out of the Committees.

Council Member Tanaka inquired what the likelihood is that the infrastructure bill will pass.

Mr. Haines stated that the bipartisan infrastructure bill has a very strong chance of passing. The Human Infrastructure Bill, in its current state, will have a very difficult time passing.

Council Member Tanaka summarized that the smaller infrastructure bill that contains the cryptocurrency provisions has a small chance of passing. He asked what benefits will the Human Infrastructure Bill provide to the City.

SUMMARY MINUTES

Mr. Haines noted that the Human Infrastructure Bill contains the CDBG Grant, other housing funding, energy efficiency, professional training in development, childcare funding, and other items.

Council Member Tanaka commented that the CDBG Grant funds are a nominal amount. He remarked that \$3.5 trillion is a large amount of money and there has to be some understanding of how the funds will be distribute among the states and cities.

Mr. Haines stated that the Committees are still formulating the plan on how to distribute the funds.

Ms. Cotton-Gaines added that if the funding is determined by a formula, the City will be held to the constraints of the formula.

Council Member Tanaka inquired what amount will be coming out of the City in the form of increased fees or taxes.

Mr. Haines answered that the bill contains built-in dynamic growth as one of the ways to pay back the funds. Besides that, the federal government continues to explore ways that the funds will be paid back.

Council Member Tanaka recalled reading an article that higher income folks will be taxed higher to help pay for the bills. He wondered if the City will be disproportionately hit because the City, as a whole, has a higher income.

Mr. Haines noted that one of the ways being explored to pay for the bill is through Individual Retirement Account (IRA) that are over a certain level. He mentioned that there is a group that is pushing for state and local tax salt to be addressed as well.

Council Member Tanaka recalled that salt means that the blue states pay a higher tax than the red states. He concurred that reducing the salt would be a good thing, but he was still concerned about what the impacts will be for Palo Alto regarding taxes, debit, or printed money. He asked if there is advocacy on the City's behalf to have tax dollars come to the City and not go out of the City.

Mr. Haines responded that there have been no breakdowns of what the taxes will look like. He confirmed that the lobbyists are advocating for additional resources for the City.

Chair Kou asked how the ERAP is applied.

Mr. De Luca recalled that Santa Clara County is the recipients of the funds and there is a process through that California Department of Housing and

SUMMARY MINUTES

Community Development (HCD) that tenants and property owners have to register for. Once registered, folks are eligible to apply for the funds. He shared that there is a process within Santa Clara County to see how many Palo Alto residents are enrolled in the ERAP program.

Chair Kou thanked Mr. Haines for his update.

Mr. De Luca reported in the State of California capital, 900 bills were sent to the Governor's desk during the prior legislation session. The Governor has until October 10, 2021 to sign or veto any of the bills. In terms of the election, 8 million out of 22 million ballots have been returned, and there is an assumption that a high majority of the 8 million are from Democrats. The Newsome Administration announced that \$2.75 billion of Home Key funding is available and they are doing a Call for Project. Home Key is the State of California's investment to mitigate homelessness and is a competitive application process. Local governments can apply and funding can be used for purchases or rehabs of hotels, motels, vacant apartment buildings and other eligible uses. The goal is to use the funds to turn 1,400-units into permanent long-term housing. Santa Clara County received approximately \$14 million as a direct allocation to address homelessness. He shared that the Transportation Trailer Bill has been put on hold until January 2021 for formal action because the Governor and legislators could not come to an agreement. The 988 Behavioral Crisis Line is coming closer to reality with Governor Newsome allocating \$20 million to the program.

Consultant Andres Ramirez shared that AB 361 has passed in both houses of the legislature and has moved to the Governor's desk for his decision. If signed into law, the bill will allow local agencies to continue with virtual meetings, but only if there is a declared State of Emergency. Currently, there is a Declared State of Emergency that does not have an expiration date attached to it. He noted that even under a State of Emergency, every 30-days a City must make the findings by majority vote before continuing with virtual meetings. He expressed that there are strong indications that the Governor will sign AB 361. With respect to AB 26, the City supported the bill, and it is now at the Governor's desk for consideration. With respect to AB 703, the bill addressed the Brown Act and teleconferencing. It is broader and more open ended as it relates to continuing augmentation Brown Act provisions than AB 361. The bill passed and will be open again for discussions in January 2022. With respect to AB 718, the bill is a public safety reform bill. The City did support it, but it has been held as a 2-year bill, and can be reconsidered in early 2022. With respect to AB 346, the bill has to do with air pollution for small off-road engines. The City supported the bill and the bill is now waiting for the Governor's decision. With respect to SB 2, the bill would create a decertification process under the Commission of Peace Officers

SUMMARY MINUTES

Standards and Training. The City supported the bill and it is now awaiting a decision from the Governor. With respect to SB 9, the bill would allow ministerial approval of lot splits and two residential units per new lot. The City voiced opposition to the bill and the bill is awaiting a decision by the Governor. With respect to SB 10, the bill has been amended down significantly from its original form. The bill would allow a City Council to zone a parcel for up to 10 residential units in an urban infill site or transportation rich area. Local jurisdictions can choose to opt in or out of SB 10. SB 16 had to do with peace officers and release of records. The City expressed support for the bill and the bill is now awaiting a decision from the Governor. SB 556 had to do with loosening the local control over the placement of small wireless facilities. The bill has been changed to allow local jurisdictions to deny the placing of small wireless facilities on utility poles. The City has expressed opposition to the bill, but the new amendments that allow local control has already been implemented. SB 591 would authorize the establishment or development of an intergenerational housing development. The bill flew through both legislative houses and is on the Governor's desk for decision. SB 765 had to do with accessory dwelling units (ADU) and setback standards. The City did support the bill, but the bill is subject to be reviewed again in 2-years. With the direction from the City Council, Townsend Staff will start working on signature and veto request letters to be sent to the Governor.

Chair Kou requested that Mr. Ramirez speak about AB 989, AB 1401, and AB 215.

Mr. Ramirez reported that AB 989 would have created an Office of Housing Appeals within HCD to review violations of the Housing Accountability Act. It was upon the request of the author, the floor sponsor, and the Senate that the bill be pulled from the floor for consideration. Staff is working on collecting information as to why the bill was pulled from the floor.

Chair Kou expressed that she is very interested in knowing the reasons why the bill was pulled.

Mr. Ramirez stated that AB 1401 prohibited local governments from imposing or enforcing a minimum parking requirement on developments near public transit. The bill was held under suspense and is no longer active. There is a possibility that the bill can be brought back in a subsequent session. SB 215, in its current form, would allow for greater control for HCD and others to review a local jurisdiction's adherence to various housing laws. With the recent amendments, there has been a large amount of push back from various jurisdictions. The bill has been moved to the Governor's desk for consideration.

SUMMARY MINUTES

Chair Kou requested that staff articulate the amendments made to SB 16.

Mr. De Luca disclosed that it would be easier to provide the City with a written summary of all the amendments that the various bills have been subject to.

Chair Kou agreed.

Mr. De Luca recalled that a commenter had asked about SB 18. The bill was put on hold in the second house, but Staff expected the bill to be reintroduced in 2022. He noted that the Senate has strongly pushed forward bills in the past that have focused on reducing greenhouse gases and climate change.

Ms. Dellenbach wanted to know more about SB 16.

Mr. De Luca answered that SB 16 is on the Governor's desk for consideration.

Ms. Dellenbach apologized and said she wanted to know more about AB 718. She appreciated the comment that Townsend will provide a written summary of the amendments.

Mr. Ramirez clarified that AB 718 is separate from SB 16. With respect to AB 718, the bill is a 2-year bill, but it may be acted upon as soon as January 2022. Townsend will investigate why the bill was held to a 2-year bill.

Council Member Tanaka found the presentation very comprehensive and detailed oriented. He inquired what the current eviction restrictions are at the state level and how those protections will be moving forward.

Mr. De Luca explained that the eviction moratorium ends at the end of September 2021. He did not foresee an extension because the legislative session is over and will not resume until January 2022.

Council Member Tanaka asked how does the current eviction moratorium work.

Mr. De Luca answered that the main goal was to ensure that landlords do not miss mortgage payments and that tenants are not evicted because they cannot pay rent.

Council Member Tanaka summarized that landlords will receive a subsidy from the state and tenants will only have to pay 25 percent of back rent due.

Mr. De Luca clarified that tenants will pay at least 25 percent of back rent now. Once state funds are received, the renter is required to pay the remaining amount with those state funds to the landlord. Folks are only eligible to use the program if they are registered with the State of California.

SUMMARY MINUTES

Council Member Tanaka wanted to know if the funds cover utilities as well.

Mr. De Luca answered just rent. In the Climate Resiliency Bill there was a provision to help pay back past payments for water bills.

Council Member Tanaka pressed if this process impacts folks credit scores.

Mr. De Luca disclosed that he did not know.

Council Member Tanaka inquired if renters have to pay back the 75 percent of rental assistant that they received from the state.

Mr. De Luca answered no.

Council Member Tanaka remarked that Townsend Staff do not foresee the Rental Assistant Program being extended.

Mr. De Luca stated that is correct.

Council Member Tanaka inquired if Townsend is conducting any type of advocacy for the eviction moratorium.

Mr. De Luca confirmed that they worked to make sure that both landlords and tenants had access to funds. They have reached out to legislator's offices to see who is interested in extending the moratorium and there was no interest in extending it.

Council Member Tanaka commented that public attendance counts have increased since the City moved to virtual meetings. Also, virtual meetings help reduce greenhouse gases and is respectful of Staff's time.

Mr. Ramirez clarified that virtual meetings can be held only under a State Authorized State of Emergency.

Council Member Tanaka remarked that the City should embrace technology and should advocate for the continued use of the technology. He emphasized that he would strongly support having only virtual meetings as an option for local jurisdictions. He inquired what is the likelihood that the state legislature will continue to allow virtual meetings as a permanent solution.

Ms. Cotton-Gaines noted that Staff has been working diligently to allow for hybrid meetings to take place.

Chair Kou declared that the discussion regarding a more permanent solution for virtual meetings is not part of the agenda topic.

SUMMARY MINUTES

Mr. Ramirez confirmed that there have been conversations around potential legislation which would enable meetings to be held virtually under any circumstance. He noted that there is not a massive appetite to have a more permanent solution of only virtual meetings because folks want to move back to a more normal setting.

Council Member Tanaka remarked that posting requirements are an archaic practice and makes no sense.

Council Member Stone observed that Congress has given up on reform qualified immunity for police officers. He asked if the state legislature is continuing to review the issue.

Mr. De Luca explained that qualified immunity was in SB 2, but was removed. He noted that qualified immunity continues to be a point of discussion.

Council Member Stone found it disappointing that it was removed. He asked if Townsend anticipates the more controversial bills to move forward once the election is over and Governor Newsom is possibly reelected.

Mr. De Luca professional believed that if reelected, Governor Newsom will sign SB 9 and SB 10. He added that with more funding available to combat homelessness, the administration will be pushing hard on performance measures and standards. He corrected his earlier statement that the rental relief program does help with utility payments.

Council Member Stone appreciated Council Member Tanaka's question regarding the eviction moratorium. He stated that it is concerning that the state legislature will not continue the eviction moratorium. He asked if there is time for Staff to draft an emergency local eviction moratorium for Council to pass prior to the state eviction moratorium expiring.

City Attorney Molly Stump confirmed that a new City initiative is not on the Committee's agenda. If several Council Members want to recommend a new initiative, a Colleague's Memo would be the appropriate mechanism to do that. Staff would have to do some research on a new emergency local eviction moratorium. Her concern was that in the absence of any similar type of activity at the county level or state level, the constitutional rights of property owners would be violated.

Council Member Stone recommended that Council explore enacting a local emergency eviction moratorium. He stated that it makes absolute sense for the City to follow-up on any available funding that can be received for housing.

SUMMARY MINUTES

Chair Kou remarked that because the State of Emergency is still in effect, the legislature should consider extending the current eviction moratorium. She thanked Townsend Staff for drafting and sending the letters to Governor Newsom on the bills that the City has supported or opposed. She proclaimed that in terms of SB 9, the bill should state that it will take roughly 3-years to split a lot and build the houses. So, in speculation, the owner will not have lived on the property for the required 3-years as outlined in SB 9. She stated that it is unlikely that a Building Official will make the finding that there is evidence that the housing is going to be affecting safety or have a physical impact. She said that finding is nonsensical. In terms of SB 10, she asked if the language that states that local City Councils will have authority to overwrite voter approved ballot initiatives still included in the bill.

Mr. Ramirez confirmed that the language is still in SB 10. The bill was amended that instead of majority vote, a super majority vote is needed to overwrite a voter approved ballot initiative against zoning. Nonetheless, there was not an appetite from the author or the other all legislature in either house to push the provision out of the bill.

Council Member Kou expressed that it is important that the Governor know that the provision is a removal of citizen's rights. She found the provision very hostile to voters and their civil rights.

NO ACTION TAKEN

2. ~~Office of the City Auditor Presentation of the IT Risk Management Audit Activity Report.~~ (This item was removed from the agenda prior to the meeting)
3. 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 to Council on the City's Race and Equity Work.

Deputy City Manager Chantel Cotton-Gaines announced that the presentation will provide an update on the work that has happened since the last update that was heard in June 2020. In November 2020, City Council (Council) assigned 17 tasks as part of the Race and Equity work. Staff has completed 11 of the 17 tasks to date. Uncompleted items included the Records Management System which is scheduled to go live in early December 2021. The second item was Stop Data reports for the Racial and Identity Profiling Act (RIPA). Staff is practicing entering the data so when the system goes live, there will be minimal human errors. The next item had to do with Santa Clara County's Psychiatric Emergency Response Team (PERT) Program, the Mobile Crisis Response Team (MCRT) and a Crisis Assistance Helping Out On The

SUMMARY MINUTES

Streets (CAHOOT)-type program. City Staff has been working with Santa Clara County Staff to have a PERT resource in Palo Alto (City). Santa Clara County has hired a clinician that will be focused in the City and Staff has chosen a local officer to work with the clinician. In terms of the CAHOOT-type Program, Santa Clara County's program is now called the Trusted Response Urgent Support Team (TRUST) and the county has sent out a Request for Proposal (RFP) for a provider to cover the three county sites. The next item was the use of force information and the regular supplement report that is submitted to Council as a cover memorandum to each Independent Police Auditor (IPA) report. Staff's plan for the comprehensive use report will be released to the public and Council in January 2022. The next item was a discussion of parameters, proposals, and strategies prior to engaging in Palo Alto Peace Officers' Association (PAPOA) negotiations. The last item was the direction to Staff to coordinate with the City's overall diversity and inclusion efforts to conduct a workforce demographic assessment. The assessment will provide a baseline of information to measure the City's workforce culture. Staff conducted a survey of all City Board, Committee, and Commission members earlier in the year. Staff received 34 responses from the survey which equated to 69 percent of all City Board, Committee, and Commission Members. Question one was how many years have you lived in Palo Alto and 71 percent answered over 21 plus years. The survey did not limit the responses to the question asking about gender but the answers indicated that it was a 50/50 split between male and female. In terms of question two asking does the respondent rent or own their home, 85 percent answered that they own their home with 12 percent answering renter. Question five asked about age and over 47 percent answered age 60 and over with 35 percent answering between ages 40-59. Question six asked about race and ethnicity. Participants were not limited to picking just one race and 71 percent answered that they are white with 9 percent Asian, 6 percent Hispanic and 3 percent multi-racial. Of the members who responded to the survey and are on a quasi-judicial Board or Commission, 73 percent answered that they have lived in Palo Alto for over 16 years, 64 percent are white, 64 percent are male, 100 percent of the respondents are homeowners, and 45 percent are above the age of 60.

Human Services Manager Minka Van Der Zwaag gave a quick overview regarding the Summit on Women and Girls that was held on June 12, 2021. The key note speaker was Lori Nishiura Mackenzie from Stanford University, there were five breakout panels, and over 70 attendees. The goal of the event was to understand what is happening to women and girls within the community. There were six key areas of need that were identified by the panelist and the attendees. The first was affordable housing as it affects women and single mothers. The next was the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Ordinance and many

SUMMARY MINUTES

attendees had a strong interest in the City adopting such an ordinance. The next was childcare and the need for quality, affordable and available childcare. Also raised was the struggle that childcare providers have due to loss of income and highly reduced enrollment. The last three areas of need included recreation and sports, representation in both elected and non-elected positions, and the challenges that Coronavirus (COVID-19) has been to teens and girls. Staff proposed areas that the Policy and Services Committee (Committee) should consider based on the feedback that was received from the Summit. With respect to affordable housing, Staff recommended that the results of the summit be shared with the City's Housing Element working group. Staff was seeking direction on additional work needed to move forward with a CEDAW Ordinance and whether the City should conduct a review of the Recreation Services Programs with the input of the Parks and Recreation Commission. Also, share with the Teen Advisory Group the information provided by the girls and teens who attended the Summit. The attendees expressed a strong interest in hosting an annual Summit for Women and Girls.

Chair Kaloma Smith presented on the 100 Community Conversations About Race initiative. He announced that the initiative was a very successful and important initiative that took place in spring of 2021. The goal of the initiative was to provide opportunities for peer-based discussions that focused on race. The initiative facilitated 33 conversations around race with 212 people participating. The conversations were roughly 1 ½ to 2-hours long. He reported that 30 percent of the participants has not had a conversation about race in Palo Alto before. Many folks expressed a sense of loss of place and belonging within the community. Moving forward, the Human Relations Commission (HRC) requests to continue to convene community partnerships and conversations. The HRC proposed Belonging as a City Priority for year 2022 to allow a deeper dive into questions such as what does it mean to belong and how is belonging manifest in a community. Participants described the conversations rich, encouraging, and profound. The HRC will be drafting an executive summary of the finds and will use that to create and drive "a changed agenda".

Chair Kou thanked the team for their work.

Cherrill Spencer, a member of the Cities for CEDAW Coalition Palo Alto branch, announced that she attended the Summit for Women and Girls. She found the event interesting and productive. She confirmed that additional work is needed to enact a CEDAW Ordinance. The Council moved in October 1, 2018 that such work should be started, but 3-years later the work has not begun. She informed the Committee that the first step in writing a CEDAW Ordinance is a workforce demographic assessment which is a remaining Staff work

SUMMARY MINUTES

assignment. She urged the Committee, Council, and Staff to begin the process.

Chair Kou suggested that the Committee discuss the Race and Equity directives first.

Council Member Stone thanked Staff for their work and advocacy on the Race and Equity work. He remarked that it has been a great frustration for himself that north Santa Clara County and Palo Alto have not been provided the level of resources that is seen elsewhere in the county. He asked if the City knows the demographics of its sworn police officers.

Ms. Cotton-Gaines confirmed that the police department is included in the survey of all Staff. In terms of timing, she announced that the first step is to refresh the information that was collected at the time a person was hired by the City.

Council Member Stone remarked that the City has been working on diversify its fire department. He asked if that same effort will be conducted with the police department.

Human Resources Director and Chief People Officer Rumi Portillo clarified that the City has been on a City-wide hiring freeze. The police and fire department has lost positions during the hiring freeze. She strongly emphasized that it is a very difficult market to recruit police and fire fighters. The Human Resources (HR) Department has made recruitment for the police and fire department a top priority.

Council Member Stone asked what purpose does the Records Management System (RMS) information serve to further equity within law enforcement.

Police Captain April Wagner informed the Committee that the current RMS is very old and outdated. The new program has better data capturing and reporting capabilities. With respect to race and equity, the RMS has a module which directly links to the Department of Justice Reporting. That module provides better accountability for better data collection on certain types of stops.

Council Member Stone wanted to know if that data will be made available to the public.

Police Captain Wagner answered that the Department of Justice is beginning the official collection of data on January 1, 2022. That information will not be available until April 1, 2023.

SUMMARY MINUTES

Council Member Stone requested a status update on police radio encryption.

Police Captain Wagner shared that the police department sent a letter in March 2021 to the Department of Justice asking if the police department could use its old method of broadcasting on an unencrypted channel. In July of 2021, a letter was received that stated that the police department cannot use the old system. The police department is complying with current laws at this time.

Ms. Cotton-Gaines added that the police department and the Information Technology (IT) Department are reviewing options to allow information to be shared that is still within in the law's parameters.

Council Member Stone inquired how many total hours a week will the PERT Program be in operator in Palo Alto.

Police Captain Wagner announced that the team will be in the field four days a week.

Council Member Stone asked if the City has control over when the team is available.

Police Captain Wagner answered that that is still to be determined but the team will be used to the best of their ability with the greatest need.

Council Member Stone wanted to know if the MCRT Program is anticipated to begin at all three locations at the beginning of 2022.

Ms. Cotton-Gaines specified that Santa Clara County intends to go live with all three locations at one time.

Council Member Stone inquired when the PERT Program will be operational.

Ms. Cotton-Gaines explained that the City needs a Memorandum of Understanding from Santa Clara County and then the program can begin.

Council Member Stone expressed excitement that Council will be reviewing proposal, parameters, and strategies prior to engaging in PAPOA negotiations. He hoped that the item will be agendized in a way that Council can have a substantive conversation on the topic. He felt that the item will be Council's last opportunity to be able to enact meaningful reform for law enforcement in the City. He urged Staff to engage Council in the process early to ensure that the union contract does not become a tool to shield officer misconduct.

Council Member Tanaka wanted to know the differences between the City-wide population, folks who have served on a City Board, Committee, or Commission, and folks who have applied.

SUMMARY MINUTES

Ms. Cotton-Gaines responded that the 2020 census data is being updated on the Census website. With respect to Boards, Committees, and Commissions, demographic information is not asked on the application.

Council Member Tanaka asked what the latest ethnicity breakdown is for the census for the City.

Ms. Cotton-Gaines stated that she would pull up the information.

Council Member Tanaka inquired how the police department is doing in tracking hate incidences.

Deputy Police Chief Andrew Binder confirmed that the police department is required to take a police report for any type of hate incident that occurs in the City. Those reports are filed under a specific heading and grouped together at a later time. He noted that because they are not happening overly frequently, senior Staff members do discuss every incident.

Council Member Tanaka pressed how many incidents have happened thus far.

Deputy Police Chief Binder explained that annually the department reports the stats to the Department of Justice. He could not recall how many incidents have been reported so far.

Chair Kou noted there is a section on the police's accountability webpage that shares that information.

Council Member Tanaka pressed if the annual report, or the website, breaks down the incidents by ethnic group.

Police Captain Wagner answered that it is not that specific.

Council Member Tanaka inquired if that is something that be done.

Police Captain Wagner expressed that some crimes are not allowed to be released to the public.

Council Member Tanaka restated he would like to know the number of incidents reported and what were the ethnic groups that were involved in the incidents.

Police Captain Wagner explained that the definition of hate crime and hate incident covers a lot of different crimes. She understood the inquiry of the data that is being requested, but it is not simple to quantify.

SUMMARY MINUTES

Ms. Cotton-Gaines restated that Council Member Tanaka had asked about the representation in terms of racial groups in Palo Alto. She reported that the 2020 Census indicates that 48 percent of the City's population identifies as white, 35 percent identifies as Asian, and 7 percent identifies as Hispanic .

Council Member Tanaka inquired if the Board, Committee and Commission survey response is bias in terms of question six

Ms. Cotton-Gaines believe that most respondents did answer question six.

Council Member Tanaka did some quick calculations and understood from the Board, Committees and Commission survey that the white population is overly represented on the City's Boards, Committees and Commission and Asians were severely under represented when compared to the Census 2020 calculations.

Ms. Cotton-Gaines agreed that the data from the Board, Committee, and Commission survey is different than the actual City's demographics.

Council Member Tanaka asked why that is.

Ms. Cotton-Gaines could not answer that question. She mentioned that as the City does its recruitments, the baseline data can be used to diversify the City's Boards, Committees, and Commissions.

Council Member Tanaka wanted to see more Asian representation on the Boards, Committees, and Commissions. He was happy to see that Hispanic representation is at an acceptable level.

Council Member Stone informed Council Member Tanaka that when he served on the City's HRC Commission in prior years. The Commission observed the same issue regarding lower representation of the Asian population. The HRC acted then to understand the reasoning as to why that is and tried to promote greater inclusion. The HRC Commissioners had a very hard time discovering the source of the problem and how to improve the problem.

Council Member Tanaka appreciated Council Member Stone's comment. He restated that he wanted to understand representation and understand where the City is in terms of tracking hate crimes. He suggested that the Council have a discussion on how to change the imbalance of representation of certain ethnic groups.

Ms. Cotton-Gaines believed that tracking the data annually will show what the changes are over time, but the data available now is only baseline data.

SUMMARY MINUTES

Council Member Tanaka emphasized that he has talked with many Asian residences and they have shared hate crimes incidents that they are aware of. He restated that he wants to understand if the incidents are being tracked and to make sure that the Asian voice is being heard.

Police Captain Wagner stated that reporting is a big issue. She recalled that only four hate crime incidents were reported in the year 2020.

Deputy Police Chief Binder responded that the police department and the HRC partnered together to discuss hate crimes and hate incidents.

Chair Smith shared that because the Asian community is insular, reports were not being made. He noted that more and more folks are reporting hate crimes and incidents now. He mentioned that there is a difference between somebody's free speech that was offensive, what is a hate incident, and what is a hate crime.

Deputy Police Chief Binder specified whether it's a hate crime or a hate incident, if it is reported, the police department does write a report, and investigates. In regards to a hate crime, there has to be an underlining crime based on a number of protected categories.

Chair Kou mentioned that Staff and the police department are working on a Town hall to differentiate hate crimes and where the line is when the police department sends the case to the District Attorney's (DA) office.

Council Member Tanaka agreed that there is an education component to the problem but he wanted to know what else can be done.

Chair Kou agreed that more work has to be done on the DA level in terms of racism, hate crimes and hate incidents.

Council Member Tanaka asked if there is something that can be done at the City level to help the DA with hate crimes and incidents.

City Attorney Molly Stump mentioned that Council can make statements and proclamations to make a formal statement as a body.

Council Member Tanaka restated what can the City and Council do help the DA investigate hate crimes further.

Ms. Stump answered that the DA is applying standards in state law. The DA assesses how the facts and evidence lines up with the elements that have been reflected in the Criminal Code. She mentioned that the City could encourage the state legislature to do more in that area.

SUMMARY MINUTES

Council Member Tanaka wanted to know if there is any action the Council can take beside proclamations and statements.

Ms. Stump asked if Council Tanaka is asking if the City can create a local Criminal Code version.

Council Member Tanaka answered yes, that is correct.

Ms. Stump explained that the City does have the ability to create municipal criminal offenses. They can only be misdemeanors because cities do not have the authority to create felony crimes.

Council Member Tanaka disclosed he is interested in having the Council explore that further.

Ms. Stump clarified that the DA does not prosecute municipal crimes. The City's Attorney's Office has the authority to do that.

Chair Kou asked if the Timing of the Records policy is available for the public to review.

Deputy Police Chief Binder answered that currently it is a procedure that is within the police department. He mentioned that he will work with Staff to prepared a public document.

Chair Kou was excited about the PERT and MCRT Program. She acknowledged Congresswoman Eshoo for her work and pushing forward with the earmark funds. In terms of the CEDAW direction, she observed that the work that has been done by Staff so far links up with the work that the HRC has done.

Ms. Van Der Zwaag confirmed that there are aspects of what would be included in a CEDAW Ordinance that Staff is or will be working on.

Chair Kou noticed that Santa Clara County has adopted a CEDAW ordinance as well as the City of San Francisco.

Ms. Van Der Zwaag confirmed that that City of San Francisco has had a CEDAW Ordinance for some time. The City of San Jose and Santa Clara County have had their ordinance for 2- to 3-years. Santa Clara County has a task force that has identified six issues and they discussion one of those six issues every 6-months in a forum. A CEDAW Ordinance uses a general template that can be formed into what the City wishes to accomplish with the ordinance based on the size and the need of the city.

Chair Kou summarized that if a CEDAW Ordinance is adopted, the ordinance would address local issues.

SUMMARY MINUTES

Ms. Van Der Zwaag confirmed that is correct.

Chair Kou supported moving forward on all the recommendations posed in the Staff report for the CEDAW Ordinance.

Council Member Stone agreed with Chair Kou in her support to move forward the five recommendations in the Staff report. He inquired if Staff has any reservations about moving forward any of the five recommendations.

Ms. Cotton-Gaines stated that there are no reservations, but Staff has to make sure that the recommendations align with other priorities.

Council Member Stone found it shocking that it has taken the City so long to progress on a CEDAW Ordinance. He recalled that the keynote speaker at the Summit for Women and Girls challenged the City to name a city street after a woman of color. He strongly supported that idea, but wanted to understand the process.

Ms. Cotton-Gaines explained that Staff would have to do more research. She understood that a name change of a street would require agreement from the property owners on the street.

Council Member Tanaka supported the five recommendations as well.

Chair Kou found the keynote speaker's suggestion about intersectionality interesting and suggested that the City explore that further.

Council Member Stone thanked Chair Smith, the HRC, and Staff for hosting the 100 Conversations on Race initiative. He agreed that the discussions are very difficult discussions to have but the community needs to have them. He inquired what the HRC needs from the Council with respect to the recommendation that the HRC convene civic and community partnerships around the four issues outlined in the recommendation.

Chair Smith clarified that HRC is requesting support from Council to proceed forward on continuing to develop and formulate the plan and dive deeper in the conversation.

Council Member Stone agreed with Chair Smith's comments and supported the HRC's request.

Council Member Tanaka agreed that the conversations were valuable.

Former Vice-Chair Valerie Stinger appreciated the support from the Committee and acknowledged that the folks who held the conversations were very brave.

SUMMARY MINUTES

Ms. Ms. Van Der Zwaag acknowledged that Former Vice-Chair Stinger did an incredible amount of work to set up the conversations and she greatly appreciated it.

Chair Smith agreed.

Chair Kou put forward a motion.

Council Member Tanaka recommended that Council explore ways to deter hate acts and crimes through criminal action that goes beyond what the state protections offer, but within the constitutional guidelines of free speech.

Ms. Stump asked if Council Member Tanaka wanted HRC to explore a broader set of possible ways to encourage and deter the behavior; or to ask Council to refer the development of a misdemeanor ordinance to the HRC.

Council Member Stone stated that both options should move forward.

Council Member Tanaka agreed.

Ms. Cotton-Gaines clarified that the recommendations one through five are Staff assignments, not HRC assignments.

Chair Kou proclaimed that HRC does not have an attorney present at their meetings and so they cannot draft an ordinance.

Ms. Stump agreed, but announced that Staff would work with the HRC to craft an ordinance. She supported that approach because the HRC can provide value to what is needed in the ordinance and what might be able to be done from a policy perspective. She stated that the motion contains a large amount of new work assignments for Staff. She requested that Council carefully think through new initiatives and balance the limited capacity of Staff. She announced that Council will have to prioritize the work at a later time.

Chair Kou agreed with Ms. Stump's comments regarding Staff time, workload, and prioritizing the list.

Council Member Tanaka proclaimed that a misdemeanor ordinance is his top priority, then sharing the findings with the City's Teen Advisory Council, and then the other items fall into line after those.

Council Member Stone asked which items Staff was most concerned about.

Ms. Stump announced that for the City Attorney's Office, a misdemeanor ordinance and a CEDAW Ordinance will require a lot of Staff time. She

SUMMARY MINUTES

acknowledged that some work has already been completed for the CEDAW Ordinance.

Ms. Cotton-Gaines confirmed that Staff has already begun exploring a CEDAW Ordinance.

Council Member Stone responded that his top priority is the misdemeanor ordinance and then the CEDAW ordinance. The others can be done concurrently as they are more minor in terms of workload.

Chair Kou asked if the misdemeanor ordinance will only be addressing hate incidents.

Ms. Stump articulated that crafting a misdemeanor ordinance will pose several challenges in terms of the formation of the ordinance.

Chair Kou prioritized the HRC's work as her top priority, then sharing the Summit notes with the various community groups, then the work with the Parks and Recreation Commission, then the CEDAW ordinance, and then the work for the misdemeanor ordinance.

Ms. Cotton-Gaines announced that the item will go to Council as an action item.

Chair Kou agreed.

Council Member Stone remarked that other than the CEDAW and misdemeanor ordinance, the other items may be able to go on the Council's Consent Calendar.

Ms. Cotton-Gaines suggested that because the items are interrelated, the Council should have the items come together as one action item.

MOTION: Council Member Kou moved, seconded by Council Member Tanaka to recommend the City Council to discuss the following 5 areas of consideration; support the HRC work regarding the 100 conversations, enable the HRC to further develop the idea of a misdemeanor ordinance and other method to deter hateful speech while complying with the constitution; and continue the City's Race and Equity Work:

- A. Should the notes from the Summit breakout sessions and Jamboard of Summit participants on affordable housing and the ways that it specifically affects women be referred to the City's Housing Element Working Group for consideration?

SUMMARY MINUTES

- B. Should the City Council initiate additional work on an ordinance addressing topics related to the United Nation's CEDAW initiative?
- C. Should the City conduct a review of the City's Recreation Division in collaboration with the Park & Recreation Commission in order to better understand programs and services equity?
- D. Should the City share the findings regarding youth with the City's Teen Advisory Council for consideration of further action including training on microaggressions and youth mentorship programs?
- E. Should the City host an annual convening through the Office of Human Services to work to address issues related to greater opportunity and equity for women and girls?

MOTION PASSED: 3-0

Chair Kou announced that the 24th United Nation Association Film Festival will be held on October 21, 2021 through October 31, 2021.

Future Meetings and Agendas

Deputy City Manager Chantel Cotton-Gaines summarized that the October 2021 Policy and Services Committee meeting agenda contains several audits.

Adjournment: The meeting was adjourned at 10:47 P.M.