



SPECIAL MEETING AGENDA – AMENDED
CONTAINS CONTINUED ITEMS FROM JULY 14, 2020

Date: 7/16/2020

Time: 5:00 p.m.

Special Meeting Location: Joinwebinar.com – ID# 825-412-675

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentJuly16*
 - Record a comment or request a call-back when an agenda topic is under consideration:
 Dial 650-474-5071*
 - Access the special meeting real-time online at:
joinwebinar.com – Special Meeting ID 825-412-675
 *Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.
- Watch special meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
 Channel 26
 - Online:
menlopark.org/streaming

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

CONTAINS CONTINUED ITEMS FROM JULY 14, 2020

Special Session ([Joinwebinar.com](https://www.joinwebinar.com) – ID# 825-412-675)

A. Call To Order

B. Roll Call

C. ~~Public Comment~~ – completed on July 14, 2020

D. Study Session

D1. Provide direction to select Transportation Management Association models for further study ([Staff Report #20-148-CC](#)) – **continued from July 14, 2020**

E. ~~Consent Calendar~~ – completed on July 14, 2020

F. Regular Business

F2. Add institutionalized bias reform as a top priority for City staff in 2020-21 and provide input to staff on how to address police ([Staff Report #20-150-CC](#)) – **continued from July 14, 2020** – ([Supplemental](#))

[Web form public comment received on item F2.](#)

F3. Update and consideration of modifications to the Downtown street closure and temporary outdoor use permit pilot program ([Staff Report #20-153-CC](#))

G. Informational Items

G1. City Council agenda topics: July 2020 to September 2020 ([Staff Report #20-142-CC](#)) – **continued from July 14, 2020**

H. ~~City Manager's Report~~ – completed on July 14, 2020

I. ~~City Councilmember Reports~~ – completed on July 14, 2020

J. Adjournment

At every regular meeting of the City Council, in addition to the public comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Council on any item listed on the agenda at a time designated by the chair, either before or during the City Council's consideration of the item.

At every special meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.org. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 7/15/2020)



STAFF REPORT

City Council

Meeting Date:

~~7/14/2020~~ 7/16/2020

Staff Report Number:

20-148-CC

Study Session:

Provide direction to select Transportation Management Association models for further study

Recommendation

Staff recommends that the City Council provide direction to select two options for Transportation Management Association (TMA) models for further review and development. While the five options evaluated to date are summarized later in the report, staff recommends the City Council select the citywide and regional/sub-regional models.

Policy Issues

The development of a TMA supports the City's Transportation Demand Management (TDM) program guidelines and is listed as program CIRC-6.B in the 2016 general plan circulation element to "assist local residents, employees, students, and other community members in identifying and taking advantage of travel options between employment centers and rail connections, downtown and nearby cities."

Background

The development of a TMA was identified as one of the City Council's priorities in the 2019 work plan, and is a strategy in the adopted 2009 climate action plan. On February 25, staff provided an informational update (Attachment A) on the status of the TMA feasibility study being prepared by Steer Group and a summary of the Phase 1 work noting that staff and consultant would return to City Council in March to present potential TMA models for Menlo Park. However due to the COVID-19 virus and shelter-in-place that presentation was postponed until July.

Analysis

As shared February 25, Phase 1 included collecting data on the existing business and their travel behavior. The City was divided into four study zones based on geographic boundaries and the natural clustering of businesses:

- Northern Menlo Park: businesses near U.S. 101
- Central Menlo Park: businesses such as the VA Medical Center, SRI, City Hall
- Downtown: businesses along Santa Cruz Avenue and nearby
- Southern Menlo Park: businesses near the Sand Hill Road corridor

The data collection and study zones described in Phase 1 enabled Steer Group to complete Phase 2. Phase 2 entailed conducting background research into various TMAs (Attachment B,) along with identifying options for TMA models (Attachment C) for City Council to narrow for further research and development of

an implementation plan. This staff report serves as an introduction to a detailed presentation that the project team will provide to the City Council for the July 14, study session.

Phase 2 of the TMA feasibility study encompasses background research of TMAs, and combining that research with knowledge gained during Phase 1 to recommend five potential TMA models for the City of Menlo Park. With over 125 TMAs in the United States, research yielded seven common attributes that all TMAs generally have. These seven attributes are shared as commonalities or distinguish TMAs from one another: organizational goals, market segmentation, market share, geography, operating budgets, governance/operational structure, and funding.

A detailed breakdown of these seven TMA attributes, along with case studies, are included as Attachment B. These common attributes allow identification of the benefits and challenges with potential Menlo Park TMA models. When layered with the research and outreach conducted in Phase 1, context-specific benefits and challenges begin to appear with each of the five options outlined in Attachment C. Additionally, the use of StreetLight data is useful for analyzing origin and destination (O&D) trips. StreetLight data is powerful as it draws from data pulled from GPS-enabled devices, such as mobile phones. Filtered data, such as O&D from StreetLight, can pull from a larger audience than typical manual surveys and are more current to better track commuting trends. These O&D data can assist with guiding best practices for a potential TMA, such as identifying programs to best address how to mobilize members and employees while not putting additional burden on the transportations networks.

In order to begin Phase 3 – the analysis of operational details of Menlo Park TMA models – staff is requesting that City Council provide direction by identifying two options that will best serve the City. By focusing on two TMA models, the project team will next analyze the details of the narrowed options and develop implementation plans. Implementation plans include operational and viability details of each TMA model, such as governance, funding and programs offered. At the end of Phase 3, the project team will return to City Council tentatively in fall 2020 with a final recommendation for a TMA model to pursue in Menlo Park.

The options under consideration (numbers 2 through 5) are summarized below, which would then be compared to option 1 (status quo).

1. Status quo: This model would see no change in TDM programming in Menlo Park. Employers would continue to operate their independent programs according to Development Agreements or other requirements from the City.
2. Sub-regional TMA/Alliance: This model involves working closely with outside stakeholders (likely including neighboring cities, Joint Venture's Manzanita Talks, and/or Commute.org) to develop a regional or sub-regional TMA *instead of* developing a City-specific organization. Of note, a TMA created based on models 3-5 below could still participate in a regional or sub-regional alliance of TMAs.
3. Large employer/organization TMA: This model focuses on large employers or developments, many of which already have their own TDM programs.
4. Small employer/organization TMA: This model would focus on smaller employers who likely do not have their own TDM programs.
5. Citywide TMA: This model would serve both small and large employers/organizations across the City.

Additional details on the benefits and challenges for these five models are listed in Table 1. Each TMA model has benefits and risks; therefore, the purpose of Table 1 is to disclose these attributes to best achieve the desired goals for the City's TMA.

Table 1: Benefits and risks of various TMA models		
Model	Benefits	Risks and challenges
Status quo	<ul style="list-style-type: none"> • Potentially requires the least involvement for the City. • Does not require change or a knowledge curve/learning period for City employers or other potential participants. 	<ul style="list-style-type: none"> • Current TDM requirements are not consistent across all of Menlo Park • May result in inconsistent TDM programming and sub-par transportation advocacy on behalf of employers.
Regional or sub-regional TMA	<ul style="list-style-type: none"> • Congestion and emissions are not caused solely by trips that both start and end in Menlo Park. • A regional or sub-regional TMA should be able to better address inter-city travel. • A regional or sub-regional TMA would likely be able to better advocate for improved transit service with agencies. • This model can easily fit in with the Manzanita Talks model recently discussed. 	<ul style="list-style-type: none"> • The City and its employers would have less control over this model. • Service offerings, membership dues, leadership, etc. may be conducted in the best interest of the region without addressing city-specific issues. • Any budget and staffing deficiencies may lead to insufficient bandwidth or capacity for providing sufficient support to Menlo Park employers. • E.g., the Manzanita Talks had many stakeholders and opinions with eight cities and multiple private employers.
Small employer TMA	<ul style="list-style-type: none"> • Small employers likely do not have their own TDM programs currently, so this TMA would be providing service where there is none, potentially creating significant mode shift. • A focus on downtown employers would allow Menlo Park to align TMA initiatives with parking management. • Drop-in interviews found a high number of short trips small business employees, so a TMA focused on small employers may have success encouraging active transportation. 	<ul style="list-style-type: none"> • Serving more employers requires more time dedicated to administration (e.g., membership recruitment, dues collection) and outreach to cover potentially fewer employees. • Small businesses have smaller budgets and may be less likely to be able to afford a paid TMA membership. • Small employers may not understand TDM, and may not see the benefit of participating in a TMA if they only have a few employees for whom alternative commutes are not an option.
Large employer TMA	<ul style="list-style-type: none"> • Focusing on large employers or organizations is the easiest way to capture large pools of employees with less administration and outreach time required. • Large employers likely understand the concept of TDM and may already be providing services to their employees. • Some organizations (VA, property managers on Sand Hill Road) may fall into this model but do not currently offer much TDM service. • Building relationships with large employers who provide private shuttle services. 	<ul style="list-style-type: none"> • If employers are already offering their own programs, a TMA would need to provide something different in order to realize any significant immediate mode shift. • Employers with TDM programs may not want to promote TMA services if it pushes a separate 'brand' or confuses employees.
Citywide TMA	<ul style="list-style-type: none"> • Generally a successfully operated Citywide TMA would be able to reap benefits outlined for both the small and large employer models. • There are potentially mitigated/shared risks. 	<ul style="list-style-type: none"> • Likely the most expensive option as it will require the most TMA staff involvement to coordinate everyday operational logistics. • May run into complications with finding balance in dues structures or levels of service provided to small versus large employers.

Staff recommendations

Staff recommends that City Council pursue the Citywide and the Regional/sub-regional models for further study. Although these models may have higher start up and/or employer operating expenses, long term they will have greater reach and impact and can incrementally be scaled up if there are budget constraints.

The Citywide model will allow both large and small employers to participate in a TMA, creating benefits for employers of all sizes. Currently, only employers with greater employee numbers or the budgets can have the economies of scale to offer more robust TDM programs. In a Citywide model, integrating smaller employers will allow democratization of TDM, enabling them to share in the cost savings and benefits of TDM that only larger employers typically enjoy. With a Citywide TMA, centralized TDM will offer savings to larger employers by eliminating overlap and redundancies, while also offering TDM benefits to smaller employers that would not have been able to achieve them in a cost-efficient manner.

The Regional/sub-regional model takes advantage of regional collaboration already in progress, such as the Manzanita Talks. The potential for joining with seven other cities in southern San Mateo County and northern Santa Clara County creates even greater economies of scale and reach. Staff envisions this model tracking one of two ways depending on how long partner cities take to develop the regional/sub-regional model. The first way is that Menlo Park would create its own TMA independently, such as a Citywide model, which would then be later integrated into or join as a federation of TMAs. The second way is that Menlo Park joins a regional TMA without creating its own beforehand. This is based on if timing works out amongst the partners, and to ease logistical integration issues involved with a multi-jurisdictional, regional TMA.

Considerations for next steps

This item was originally intended for City Council in March 2020, however it was postponed due to the COVID-19 pandemic. A shelter-in-place regulation was enacted in six Bay Area counties March 17, 2020 (and the remaining three Bay Area counties and California soon after.) This was in effect until early June, when the San Mateo County Health Officer modified the shelter-in-place order to allow the gradual reopening of nonessential businesses and activities to align with the state of California. At the height of shelter-in-place, vehicular traffic and transit usage had plummeted up to 90 percent due to restrictions on travel only for essential workers and essential trips such as for groceries.

In response, many Bay Area transit agencies, such as SamTrans and Caltrain, have reduced services to essential routes and/or to minimal headways every 30 to 60 minutes. The rise of teleconferencing, the ability to work-from-home, and uncertainty of returning to normal conditions adds a new dynamic and uncertainty as Steer Group investigates the details for various TMA structures and travel in general:

- Is there a return to old ways, or will there be a new normal?
- Transit ridership and the need for social distancing: will commuters prefer to drive now?
- Will there be enough work-from-home that reduces vehicular traffic and/or transit usage?
- Will declining transit usage necessitate service cuts that will limit future alternative options to driving?
- May vehicular traffic drop enough to create an ability to add more bus-only lanes and/or bicycle lanes where they might not have been possible before?

Staff will continue to consider these issues as the study progresses and recommendations for a TMA in Menlo Park. However, it is most prudent to be proactive and address congestion while it is light rather than be reactive once the congestion returns and potentially is worse due to increased driving.

Next steps and schedule

Following this presentation to City Council, Steer Group would conduct further research into the TMA options as directed by the City Council. With the conclusion of Phase 2, Table 2 shows that Phase 3 would

begin in July 2020 and is expected to be completed in October 2020. As a part of Phase 3, the option(s) would be investigated thoroughly with an emphasis on TMA governance, cost benefit analysis, funding, programs offered, and a final recommendation on framework for a TMA and the City’s future role in both the short-term and long-term.

Table 2: Next steps and schedule	
Completion of tasks	Schedule
Phase 2: specific TMA model analyses	March 2020
City Council meeting Deliverable: TMA model analysis memo	July 14, 2020
Phase 3: cost benefit analysis	September 2020
Phase 3: final recommendations	October 2020
City Council meeting Deliverable: final report	Late 2020

Impact on City Resources

There is no new impact to City resources associated with this study session. This feasibility study was funded by a \$100,000 Facebook contribution required as part of the campus expansion project development agreement. Potential impacts to City resources of the recommended TMA model options will be evaluated as the study progresses to the next phase.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Hyperlink – TMA feasibility study, February 25, City Council staff report:
menlopark.org/DocumentCenter/View/24328/F5-20200225-CC-TMA-Status-Update?bidId=
- B. TMA background research report
- C. Options analysis for Menlo Park TMA models

Report prepared by:
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Report reviewed by:
Kristiann Choy, Acting Transportation Manager

To	City of Menlo Park	Background Research Memo	
From	Steer		
Date	11 March 2020		
Project	Menlo Park TMA Status	Project No.	236421

TMA Background Research Memo

Introduction

Transportation Management Organizations and Associations (referred to as TMAs in this report) exist with the primary purpose of providing and promoting transportation options for commuters that help improve mobility and decrease congestion. TMAs were originally developed in the late 1980s and early 1990s as membership organizations, typically based on public-private partnerships between businesses, municipalities and institutes to reduce commute-based trips by promoting alternative transportation modes such as carpooling, transit and walking or cycling. Since this time, TMAs have continued to develop and evolve, operating with a range of funding and operational structures and service a range of different user groups.

Today, there are more than 125 TMAs in the United States ranging from small membership organizations to large, multi-partnership organizations. TMAs can deliver a series of benefits to the area in which they operate, including by:

- Decreasing traffic congestion and improving mobility across the region for people, goods, and services;
- Facilitating local economic development and acting as a link between communities and local businesses;
- Developing local transportation infrastructure, services, and programs; and
- Reducing emissions generated through single-occupancy vehicle (SOV) use to improve air quality and the environment.

Purpose of this Memo

This memo is intended to provide background research on good practice in the establishment of a TMA, based on insights drawn from local, regional and national TMA models, to support the development of alternative options to consider as part of the City of Menlo Park TMA study work which is currently being undertaken.

As the City of Menlo Park considers its options to develop a TMA, it is beneficial to identify lessons from other TMA structures operating throughout the country. This report outlines a series of unique attributes which contribute to decisions made on the structure and operation of TMAs, as follows:

Recognizing that the effectiveness of a TMA's structure is determined by a range of factors, this report outlines how and when various structures are most successful, drawing on case studies of other TMAs operating in the country where applicable to inform the development of an appropriate TMA structure.

Table 1: TMAs Structural/Organizational Attributes

Attribute	Description	Table
Organizational Goals	The ultimate mission and objectives of the TMA, which may include focussing on issues such as mobility or sustainability	2
Service Provision	The services which are provided by the TMA	3
Market Segmentation	The major TMA user groups, such as employees, students and community members and subgroups within those such as types of employees or demographics of residents, if available	4
Market Share	The share of potential members or users involved in the TMA	5
Geography	The level of density and access to multi-modal choices within the TMA geography	6
Operating Budget	The size of the TMA’s operating budget and its impact on operations	7
Governance and Operational Structure	The governance, management and operational structure of the TMA	8
Funding	The funding arrangements of the TMA	9

Table 1 describes the organization of the remainder of the memo. Each section will focus on an essential attribute that should be considered prior to the establishment of a TMA.

Organizational Goals

While many TMAs share common attributes, its organizational goals and overall mission are likely to be determined by a range of factors, such as existing challenges and opportunities in each area, other activities/initiatives being delivered in the area, willingness for partnership involvement and funding availability and constraints. The ultimate mission and organizational goals of a TMA are reflected in the services it offers, its defined objectives and associated performance measures, and the scale of funding/resource committed to the TMA. Examples of typical TMA organizational goals include:

- Improving mobility and enhancing transportation options and services in an area;
- Reducing high automotive use, alleviating congestion levels and parking supply constraints to improve commuter travel times;
- Establishing sustainable transportation options that contribute to a sustainable environment;
- Generating financial savings for businesses, commuters and the community at large; and/or
- Advocating for land use planning and community development that emphasizes more accessible and resource-efficient transportation.

Organizational goals should be results-oriented and grounded in the problem(s) being addressed, as well as specific, measurable, achievable, realistic and time-bound (SMART objectives). Organizational goals may influence the TMA’s approach to engagement, advocacy and collaboration with stakeholders and partners and may be grounded in a problem, an opportunity or a combination of both. **Table 2** describes the three general ‘buckets’ that Organizational Goals fall within, and summarizes the advantages and disadvantages of each and makes recommendations for where these typically work best.

Table 2: Organizational Goals Attribute Comparisons

Organizational Goal			
	Focus: Mobility	Focus: Sustainability	Focus: Benefits Provision
Goal	TMA seeks to improve multi-modal mobility options and access for network users.	TMA seeks to reduce drive-alone vehicle trips and increase alternative mode use to reduce greenhouse gas emissions.	TMA seeks to increase awareness and participation of transportation-related benefits.
Performance Measure	Performance is often measured by participation rates, user satisfaction and mode share.	Performance is often measured by mode share and VMT.	Performance is often measured by user satisfaction and participation.
Advantages	<ul style="list-style-type: none"> Benefits are clearly tangible and easily sold to beneficiaries Presents a strong case for piloting/testing new mobility options/ technologies 	<ul style="list-style-type: none"> Objectives may align with wider policy and community objectives, which may include clearly defined goals, targets, and metrics 	<ul style="list-style-type: none"> Benefits are often easier to sell to employers/ developers as an amenity to attract talent and business Benefits can be tailored to the TMA's budget and partnerships
Disadvantages	<ul style="list-style-type: none"> Local planning amendments may be required Infrastructure challenges may be presented 	<ul style="list-style-type: none"> Benefits are less tangible and may be harder to sell to beneficiaries, requiring more engagement/advocacy Performance measurement may be more intensive 	<ul style="list-style-type: none"> Program requires a critical mass of adoption to be effective Requires sustained engagement/advocacy
Examples	<ul style="list-style-type: none"> GoSaMo TMO (Santa Monica, CA) 	<ul style="list-style-type: none"> Commute.org (San Mateo County, CA) 	<ul style="list-style-type: none"> Spectrumotion (Irvine, CA)
Recommended for	TMA's in areas where congestion and traffic issues persist and where multi-modal mobility options can viably operate	TMA's with a strong community focus and motivation to improve environmental sustainability	TMA's with narrow market segmentation, focused on audiences who must meet specific regulations (e.g., transportation-benefits laws)

To determine the most appropriate Organizational Goals for a potential TMA, several questions need to be answered:

- What are the focus area's most pressing challenges and opportunities?
- Are there relevant city or regional policies that should be taken into consideration?
- Who are our target audience?
- What are the potential funding sources?

Key takeaways for City of Menlo Park

Answering these questions will help guide a TMA's focus and help them to determine their target audience. For example, if regional coordination across multiple TDM efforts is a priority for the City, the TMA's goal could be to integrate the various local initiatives, helping to manage disparate programs under the TMA umbrella.

Through stakeholder outreach, several key priorities for the TMA emerged, including:

- Generating greater efficiencies through economies of scale by streamlining and consolidating TMA initiatives;
- Supporting the advancement of objectives outlined in City-wide policies, including reducing emissions generated through high car use (Climate Action Plan) and helping to better connect residents and businesses in Menlo Park (Connect Menlo).

The organizational goals of a TMA, such as to reduce congestion with transportation demand management initiatives and promote the use of non-single occupant vehicle trips, should then be used to guide the organization's strategy and provide a mandate and focus for activity.

Service Provision

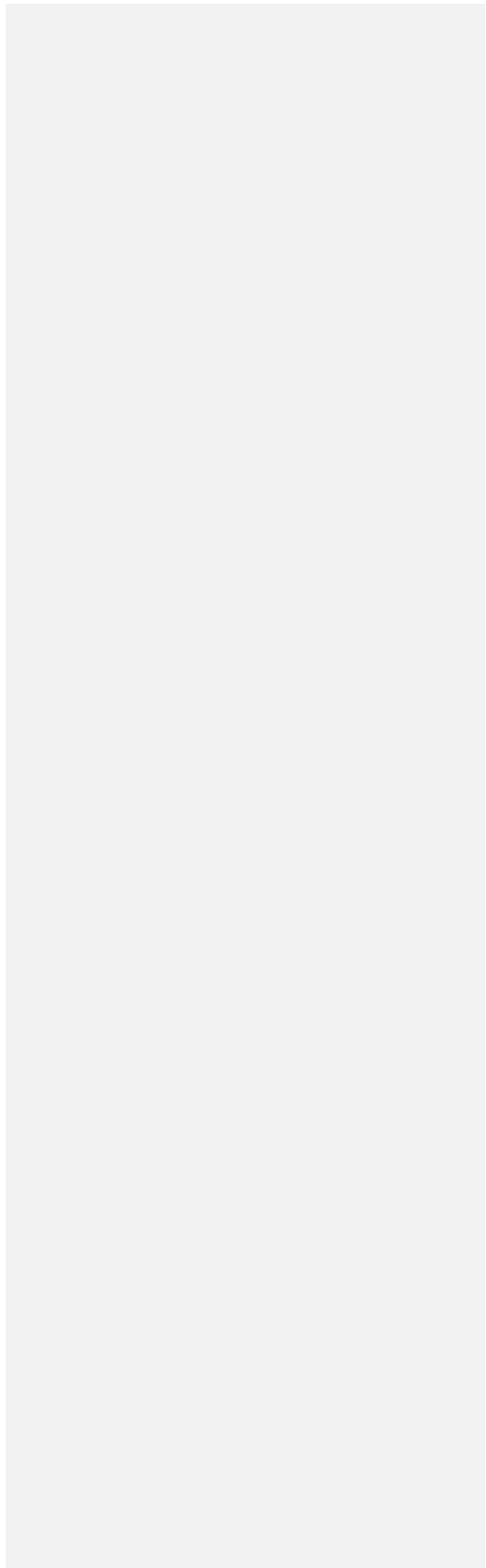
TMAs commonly provide a range of services that are tailored to their specific area needs and opportunities. TMAs may choose to provide specific programs and services to their members (or non-members), directly, indirectly or through third parties, and at cost, at a higher price than cost or simply to cover their overheads.

TMAs may choose to be service promoters, brokers, providers and even owner/operators (for example, operating shuttle services). Decisions on which services a TMA provides are influenced by a range of factors, including funding availability, organizational objectives, membership composition and the levels and types of authority the TMA's leadership has. Common services which are provided by TMAs across the US include:

- Working with the business community to address commuting, work travel, and parking issues;
- Supporting rideshare matching for commuters and visitors;
- Offering guaranteed ride home and other centralized incentives/benefits for commuters;
- Transportation education and marketing/promoting multi-modal transportation options;
- Transportation demand analysis to support policy development; and/or
- Advocating for transportation services in communities on behalf of members.

Table 3 provides examples of three services and summarizes the respective advantages and disadvantages. These services are some of the most common services provided by TMAs across the US – shuttle services; incentive mechanisms; and marketing and education activities. It is important to note that these services are not mutually exclusive and are often combined as part of the wider services which a TMA provides, but they are separated here for analysis purposes.

Table 3: Service Provision



	Key Service 1: Shuttle Service Provision	Key Service 2: Incentive Provision	Key Service 3: Marketing and Education
D e s c r i p t i o n	TMA typically provides first/last mile services (though this can also involve long-haul services such as vanpool services)	TMA offers financial or other incentives for alternative commutes, which may take various formats including: <ul style="list-style-type: none"> • Regular (per trip rewards) • Start-up (\$ per week for your first month trying a new mode) • Raffle-based 	TMA connects members to transportation options via: <ul style="list-style-type: none"> • Events/campaigns • Web and print marketing • Programs that make transit more accessible such as carpool matching, vanpool coordination • One-on-one support
A d v a n t a g e s	<ul style="list-style-type: none"> • Built in mechanism to measure VMT and GHG emissions changes • Most effective at generating buy-in from members, if necessary • Helps with accessibility issues which may exist in the local area 	<ul style="list-style-type: none"> • With effective data collection, possible to estimate VMT impact 	<ul style="list-style-type: none"> • Cost-effective • Evidence shows these incentives prove useful in influencing behavioral changes
D i s a d v a n t a g e s	<ul style="list-style-type: none"> • More expensive to implement due to operating cost requirements 	<ul style="list-style-type: none"> • May be expensive to deliver, depending on levels of demand for the services • May not be able to influence 'behavior change' but instead just be rewarding good behavior 	<ul style="list-style-type: none"> • Hard-to-measure impacts of these incentives
E x a m p l e s	<ul style="list-style-type: none"> • Commute.org (San Mateo County, CA) 	<ul style="list-style-type: none"> • Palo Alto TMA (Palo Alto, CA) 	<ul style="list-style-type: none"> • Warner Connects (Warner Center, Los Angeles, CA)

R e c o m m e n d e d f o r	<ul style="list-style-type: none"> TMA's with large stable budgets where shuttle services can help extend existing transit options 	<ul style="list-style-type: none"> TMA's with stable funding sources TMA's which exist in areas with reasonable alternatives to driving alone or those who want to encourage use of one particular mode (i.e. carpooling in rural areas) 	<ul style="list-style-type: none"> TMA's with smaller budgets TMA's in areas with lots of transit or alternative options which can help members navigate system
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Once the TMA's Organizational Goal has been determined, the next step is to identify the services that the TMA will provide. TMA's are not just restricted to the three services described in the **Table 3**; the services can vary depending on the organization's objectives, community priorities, and budget. In addition, TMA's often provide multiple services and expand on them over time to support all their constituent needs. For example, the Burbank TMO traditionally provides marketing and education to Burbank employees working in the Downtown and Media Center areas but recently ran a Waze Carpool promotion to incentivize carpooling into and out of the City. By adding to their services, they were able to meet requests from their members to explore emerging mobility options.

Key takeaways for City of Menlo Park

Services provided by a Menlo Park TMA would vary depending on the TMA model that is ultimately chosen (four TMA models and a Status Quo option have been analyzed in the accompanying Options Analysis Report). As TDM services exist in Menlo Park through programs at the site, city and regional levels, it is crucial that a TMA complement or replace, rather than duplicate, existing services.

Market Segmentation

Traditionally, TMA's were established to work with employers in an area to provide options for employees to get to and from work without depending on a car. However, today many TMA's are established to work with a range of members, from residential developers, property managers, to communities themselves to service a wider audience including visitors and tourists. Market segmentation refers to the user groups that are served by the TMA and can include employees, students, residents, and/or visitors.

Decisions around the types of market segments that will be served by a TMA structure may impact the levels of funding achieved to support the successful operation of the TMA, for example based on the level of membership dues that can be realized, as well as eligibility criteria for targeted grant funding from the public sector. In addition, decisions on market segmentation impact the staff capacity requirements and available mechanisms for connecting with the chosen user groups. **Table 4** compares the three most common target audiences for TMA's and discusses the advantages and disadvantages of each.

Table 4: Market Segmentation Attribute Comparisons

	Market 1: Employers Only	Market 2: Employers and Residential Developers	Market 3: Employers, Students, Residents and Visitors
D e s c r i p t i o n	TMA membership is entirely comprised of employers and their constituents	TMA membership comprises of both employers and property owners and their managers.	TMA membership includes the entire community.
T a r g e t A u d i e n c e	Employees	Employees and residents.	Employees, residents, visitors.
A d v a n t a g e s	<ul style="list-style-type: none"> TMA membership can offer highly specialized programs for commute trips Presents ease of communication with employees and ease of performance tracking (i.e. through commuter survey(s)) 	<ul style="list-style-type: none"> TMA membership can still run a relatively specialized suite of services to influence commute and non-work trips. 	<ul style="list-style-type: none"> TMA programming captures the range of trips made in and out of the service area, which may have a greater impact.

D i s a d v a n t a g e s	<ul style="list-style-type: none"> TMA resources are spread among different user types which may require more staff time and budget. This makes it more difficult to engage and influence residents. 	<ul style="list-style-type: none"> TMA resources are spread among different user types, which may require more staff time and budget, or, with smaller budgets programs may be too broad to be effective. It may be difficult to track performance for some of these groups 	
E x a m p l e s	<ul style="list-style-type: none"> TMASF Connects (San Francisco, CA) 	<ul style="list-style-type: none"> BTMO (Burbank, CA) 	<ul style="list-style-type: none"> GoSaMo TMO (Santa Monica, CA)
R e c o m m e n d e d f o r	Member-based TMAs that assist employers with regulatory compliance, or areas with clusters of mid-large sized businesses with similar access to transit or mobility options	Member-based TMAs that assist employers, property owners, and their designees with regulatory compliance. Areas with clusters of mid-large business or office parks with multiple tenants.	Government funded or hybrid TMAs whose goals are focused on the community.

As seen in **Table 4**, the TMA’s market segmentation determines its potential reach across different audiences and impact on key objectives. For example, a TMA which services only employers and their constituents may be able to develop an effective streamlined process of employee engagement but are likely to be restricted in the degree to which they can influence behaviors of a wider range of travelers. Conversely, TMAs which serve a wider range of user groups may have a great impact on behavioral decisions but are likely to require more staff time and budget, which may not be achievable based on financial availability and access with funding. Examples of different approaches to market segmentation among peer TMAs are provided as follows:

Focus on employer engagement – Burbank Transportation Management Organization (BTMO), located in Southern California, aims to reduce dependency on single-occupancy automobile travel and encourage the use of public transit, carpooling, vanpooling, walking, telecommuting, biking, and scooting to work. The TMO is a private sector, non-profit organization which works to bring together

employers, developers and building owners to address local transportation and air quality issues. BTMO focusses specifically on engaging employers; the city requires all employers in two specific plan areas with more than 25 employees to join the organization.

Focusing on tenant engagement – Directly south of Burbank, Go Glendale, the TMA for the City of Glendale (also located in Southern California), is a membership-based non-profit organization working with local employers and property managers to reduce traffic congestion, improve air quality, accessibility and mobility in the city. In addition to serving some of the largest employers in Glendale, this TMA focuses its effort on serving the area’s residents by engaging with both employers and locally-based residential and commercial property managers by making it easy for their tenants to use alternative modes and reducing demand for parking. In Glendale’s case, the City requires that developments of a certain size join the TMA; this has allowed Go Glendale to begin supporting residential groups as well as employers.

Key takeaways for City of Menlo Park

For the City of Menlo Park, a TMA which works with large employers in specific districts could:

- Prove to be the easiest way to capture a large pool of employees;
- Enable collaboration between employers with existing resources and understanding of TDM to invest in current programs to drive more mode shift; and
- Focus in one area which is the largest generator of trips.

However, adopting this approach may result in less immediate change to behavior being achieved as programs are already being offered in this space by employers. In addition, branding and engagement must be coordinated and clearly defined in order to avoid causing confusion to existing members/beneficiaries.

If the City were to adopt an approach to engaging with smaller-sized employers (for example, those based in the downtown area), this could extend new programs to beneficiaries who are currently not served and help to address existing parking challenges in downtown Menlo Park. However, this may require new incentives to be delivered (which may prove costly) and would have impacts on funding availability. A hybrid approach could be taken (serving both market segments), however this would likely require the most resources and input requirement and would require a well thought out strategy for delivery.

Market segmentation considerations specific to Menlo Park are explored in more detail in the Options Analysis Report.

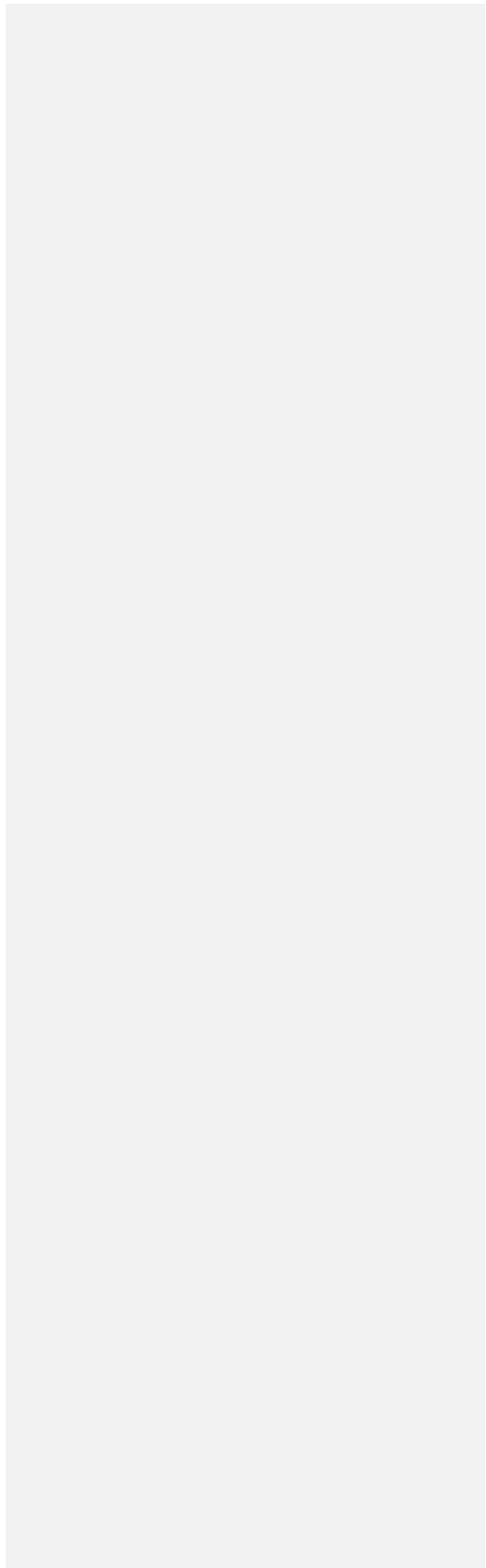
Market Share

The extent of coverage provided by a TMA is a strategic decision that will not only determines the potential levels of membership dues that can be achieved by the TMA, but also the staff resources required to engage a larger number of potential members. The total market share objective of a TMA refers to the proportion of its membership or users engaged as a portion of the total market that could be served. For example, for a TMA that works only with businesses, its market share refers to the percentage of eligible businesses in the area who are active members.

Whether they employ a relatively large or small number of workers, eligible businesses, development projects and organizations within the market area are stakeholders that could potentially fall under a TMA’s purview. Generally, stakeholders with plenty of centralized workers or residents do not require substantially larger administrative and outreach efforts in order to provide meaningful services because they allow the TMA to engage with a high concentration of commuters at a single location. In this sense, administrative costs associated with TMA operation are informed more by the number of stakeholders or market share served rather than the total number of workers or residents within stakeholder businesses or organizations.

While it is clear that the more members that are engaged with the TMA, the higher the membership dues collected, it is important to recognize that TMAs may have more impact if a targeted focus is taken to engage with a smaller number of key members or users, rather than a large number of less strategically important members of users. In this way, staff resources and operating budgets can be focused on targeting successful program implementation and administration. **Table 5** describes three possible market share scenarios and compares the advantages and disadvantages of each.

Table 5: Market Share Attribute Comparisons



	Market Share 1: 50%+ of stakeholders are engaged	Market Share 2: 25-50% of stakeholders are engaged	Market Share 3: <25% of stakeholders are engaged
D e s c r i p t i o n	TMAs collect more than half of its potential dues based on its current dues structure.	Roughly a quarter to half of potential dues are collected.	Only a quarter or less of potential dues are collected.
A d v a n t a g e s	<ul style="list-style-type: none"> Can result in more funding and better engagement among members. Can also mean larger impact on the community. 	<ul style="list-style-type: none"> Can still result in strong levels of funding and engagement. 	<ul style="list-style-type: none"> TMAs can provide a higher quality service to a few engaged members with less administrative costs.
D i s a d v a n t a g e s	<ul style="list-style-type: none"> May require substantial staff resources to provide quality services and a larger operating budget. 	<ul style="list-style-type: none"> Requires dedicated staff resources and budget. Less impact in the community. 	<ul style="list-style-type: none"> Less impact in the community and may result in greater difficulty meeting sustainability or trip reduction targets.
E x a m p l e s	<ul style="list-style-type: none"> Go SaMo TMO 	<ul style="list-style-type: none"> BTMO (Burbank, CA) 	<ul style="list-style-type: none"> Go Glendale (Glendale, CA)

R e c o m m e n d e d f o r	Areas with strong regulatory environments that require or complement trip reduction programs.	TMA's who want to make change within a few large Members or audience targets	Areas with less regulation or with few large 'targets'
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Below is an example of a how a TMA could effective target a subset of stakeholders to prioritize resources where they are needed most:

Targeting small businesses – Palo Alto TMA, the TMA for Palo Alto, which is located to the south of Menlo Park in Santa Clara County, works to reduce traffic and demand for parking by improving commuting and focusing on small businesses located in its downtown to enact positive change. Formed in 2015, the TMA is a non-profit organization made up of local businesses and institutions that provide funding for and management of transportation programs and focuses specifically on small employers in the downtown area of Palo Alto. The program of activity is innovative for the region as it focuses on downtown workers – rather than large office park employees – and has benefits for traffic and parking reduction, and social equity by improving the commutes of low-income workers. However, this approach requires more intensive outreach work and administrative resources to be effective.

Key takeaways for City of Menlo Park

The market share that could be captured by a TMA in Menlo Park would be influenced by the available funding and resources that could be secured by the City of Menlo Park and/or the. The amount of staff resources which the City can provide to the program will determine what market share could be captured. More administrative resources will be required (for example, on recruitment, invoicing, maintenance, etc.) if more members are sought, whereas the City could influence the behaviour of a large number of employees by targeting fewer large members. If the TMA mandate is to engage large businesses in the area it may be possible to engage a high percentage as members. However, this may be more difficult if it is envisaged that small businesses will be members (due to the volume of small businesses operating in Menlo Park).

Geography

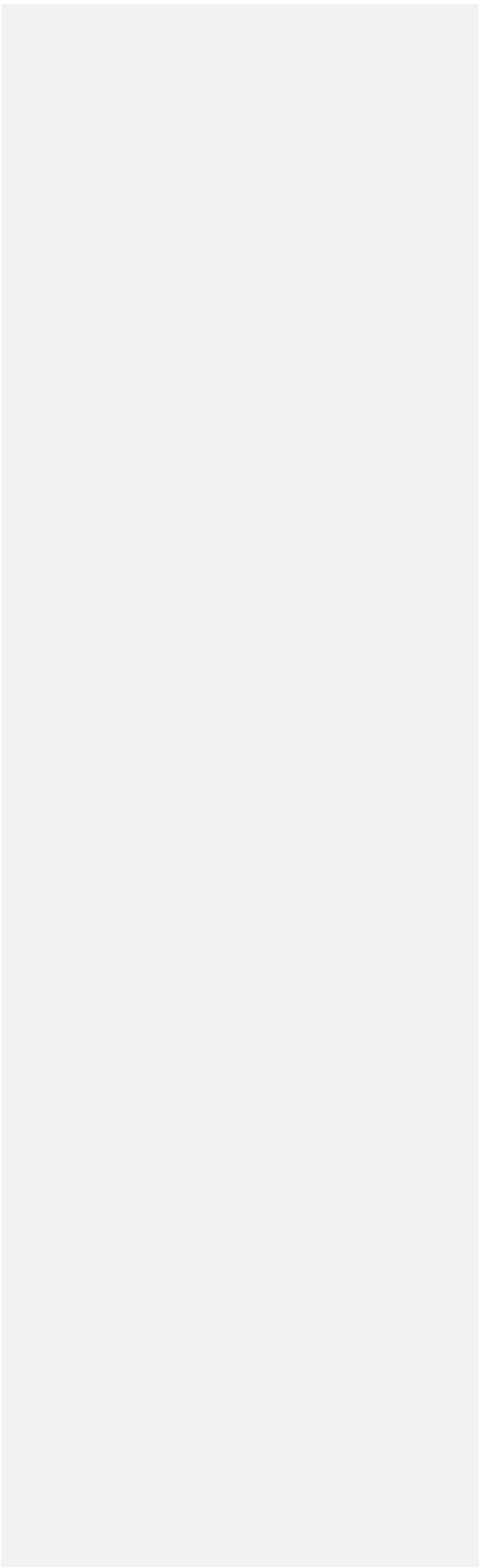
Geographical characteristics are a defining characteristic in how a TMA can function and operation. TMAs are appropriate for any geographic area where there are multiple employers or businesses clustered together, which can benefit from cooperative transportation management program. In this context, geographical factors that can influence a TMA's operation include:

- The density and urban form of an area and, linked to the above;
- The presence of multi-modal transport options

In general, areas with a high preponderance of mixed-use or high-density urban forms (such as cities) are more likely to provide a range of transit options and commonly score high on walkability indices. Conversely, areas where land use patterns are more dispersed (for example, in suburban and rural areas, or areas with a high proportion of residential housing) typically rely much more on the road network as a means by which to move people around the area. While the geographic characteristics of a place are, to a greater extent, inherent characteristics with limited ability to be changed (particularly in the short- to medium-term), it is important for the TMA to acknowledge these characteristics and develop objectives and operations accordingly.

For example, high-density areas typically experience issues relating to congestion and restricted parking options, which make transit a more attractive and desirable choice. Conversely, TMAs operating in less dense areas may have to employ more creative measures in order to meet their objectives and influence behavioral change. However, they have the potential to target local communities most in need of improved transportation options and deliver a series of successes which, while small in isolation, can have a large impact as a package. **Table 6** compares different geographic conditions and how they inform the TMA operations.

Table 6: Geography Attribute Comparisons



	Geographic Characteristic 1: High density, multi-modal access	Geographic Characteristic 2: Medium density, multi-modal access	Geographic Characteristic 3: Low density, multi-modal access
D e s c r i p t i o n	TMA service areas have high density and excellent multi-modal access.	TMA service areas have medium or mixed density and/or reasonably good multi-modal access.	TMA service areas with low density, with a majority of single-family residential use and low multi-modal access.
A d v a n t a g e s	<ul style="list-style-type: none"> TMA service areas have multiple options with which to influence behavior change. 	<ul style="list-style-type: none"> TMA service areas have a higher potential to impact the community through advocacy for delivery of increased multi-modal access. 	<ul style="list-style-type: none"> TMA service areas have the potential to target communities in the most need of better options, and 'small' wins can make a large impact.
D i s a d v a n t a g e s	<ul style="list-style-type: none"> Alternative mode users are often firmly established, so while programmatic engagement may be high, behavior change can still be a struggle. 	<ul style="list-style-type: none"> Imbalances in multi-modal transportation coverage and land use may make programming less uniform among members. There may be pockets with very poor mobility options so programs and services may only work for portion of audience. 	<ul style="list-style-type: none"> Land use patterns and accessibility may deter people from using certain modes (walking, biking and transit) and less congested roads with easily accessible parking will encourage drive-alone travel.
E x a m p l e s	<ul style="list-style-type: none"> GoSaMo TMO (Santa Monica, CA) 	<ul style="list-style-type: none"> Spectrumotion, (Irvine, CA) 	<ul style="list-style-type: none"> Commute Options (Bend, OR)

R e c o m m e n d e d f o r	Programs that encourage transit, shared mobility, walking, biking	Best for all modes	Carpool vanpool and shuttle or flexible bus service
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Key takeaways for City of Menlo Park

Menlo Park plays an important role in the strength of the regional economy, with a large percentage of its highly educated and affluent resident population and its employee base working in high value sectors which form one of the world’s most innovative business clusters. The City is a net importer of workers from other areas within the wider Bay Area, given its proximity to US 101 and the Dumbarton Bridge.

In terms of land use, there are a number of unique areas of the City, including:

- Downtown Menlo Park, which is well served by transit and is supportive of pedestrian and cycling;
- The Sharon Heights area, which features a number of office parks which are not well served by walking or transit; and
- The area north of the Dumbarton Corridor, which is primarily campus-style office parks. While not well served by multi-modal transit options, it is well-served by private employer-provided shuttles.

These geographical characteristics mean that the City’s roads are the lifeblood of its connectivity (and resulting economic prosperity) and any behavioral change program should not impact the City’s economy. Therefore, rather than restrictions and disincentives, targeted incentives to deter single occupancy vehicle (SOV) should be built into the TMA’s mandate.

Operating Budget

The size of a TMA’s operating budget is directly linked with the volume and quality of services which can be provided as well as the span of coverage in each area. The operating budget is key to ensuring the TMA can operate effectively and typically includes administrative staff time, overheads (i.e. office space, IT and equipment), as well as programming and marketing costs.

Research from other TMAs shows that the size of the operating budget influences the level of services provided. Particularly:

- **TMAs with operating budgets of \$100,000 per annum** typically have a limited service package and cannot accommodate a large service area or market, and typically service smaller areas;
- **TMAs with operating budgets between \$100,000 and \$500,000 per annum** typically serve a small-to-medium service area and can support traditional programming, but typically have to sacrifice resources such as office space or events;

Commented [NNH1]: Maybe change this reference to north of Dumbarton corridor – since north of US 101 also includes Belle Haven residential neighborhood and commercial corridor on Willow Rd (not served by private shuttles).

- **TMAs with operating budgets of more than \$500,000 per annum** are typically able to support traditional programming and services, offer incentives and run expanded programs to advocate for behavioral change (i.e. marketing campaigns), and typically serve medium to large service areas. These kinds of TMAs invariably offer actual transit services, such as shuttle services.

The composition of membership, which informs the TMA's operating budget, will vary depending on the size of the members. Generally, TMA members will pay membership dues commensurate with the number of individuals they are responsible for, such that larger members are paying more than smaller ones. Minimum membership dues are typically established to ensure that membership dues cover the base cost of administrative tasks associated with each individual member, however; TMAs often also set a maximum payment cap because larger members allow for a greater number of individuals to be reached without requiring additional substantial investment. Maximum caps tend to be between \$10,000 and \$20,000 for the largest members.

It is important to note that the total operating budget does not necessarily determine the TMA's impact. Many TMAs have demonstrable experience of operating successful trip-reduction programs with limited function by deploying strategic, targeted solutions tailored to specific user groups. Whilst operating budgets can vary significantly, research suggests a notional split of operating budget of 50% for staffing, 20% on member services and 30% on marketing and operations. However, in instances where the TMA provides shuttle services, this element can require up to 50% of the operating budget to deliver. Therefore, a TMA looking into providing its own transit service should carefully consider the potential operational costs when determining the appropriate membership payment structure. **Table 7** summarizes the advantages and disadvantages of TMAs with different Operating Budgets.

While some operating budgets are comprised solely of membership dues, others are subsidized by public funding, developer fees, and fee for service consulting work. These options are covered below under the "Funding Sources" Section.

Table 7: Operating Budget Attribute Comparisons

	Budget Type 1: Less than \$100,000	Budget Type 2: \$100,000-500,000	Budget Type 3: \$500,000+
Description	TMA operating budget is \$100,000 or less.	TMA operating budget is between \$100,00 and \$500,000 annually.	TMA operating budget is \$500,000 or more.
Advantages	<ul style="list-style-type: none"> Tight budgets often encourage prioritization of truly effective and impactful programs and services. 	<ul style="list-style-type: none"> Can support traditional programming and services without having to sacrifice typical resources such as office space. 	<ul style="list-style-type: none"> Can support traditional programming and services, as well as expand programs for advocacy or regional economic development, solidifying role of organization in larger regional landscape.
Disadvantages	<ul style="list-style-type: none"> Limited service package. Cannot accommodate a large service or a diverse market. 	<ul style="list-style-type: none"> Service package with maximums, limited on-site events. 	<ul style="list-style-type: none"> May generate additional share of administrative and overhead costs.
Examples	<ul style="list-style-type: none"> Go Glendale (Glendale, CA) 	<ul style="list-style-type: none"> GoSaMo TMO (Santa Monica, CA) 	<ul style="list-style-type: none"> Greater Valley Forge TMA (King of Prussia, PA)
Recommended for	Smaller service areas, membership-funded TMAs, employer-only TMAs.	Medium to small service area, smaller market share or segmentation.	Medium to large service areas with larger market share and/or segmentation.

Examples of peer TMAs with different operating budgets (and the impact on the services provided) are provided as follows:

- Operating a range of services with a large budget** – Greater Valley Forge TMA (GVFTMA), based in King of Prussia, PA, is a transportation management association which operates with an annual budget of over \$1.25m comprised of a variety of public and private funding sources. Its operating budget enables the TMA to operate with a staff of 6 employees who serve a membership base of more than 130 employers and provides a wide range of services, including shuttle management, commuter analysis, marketing & educational services, social media engagement, and partnerships with organizations to provide TDM education, advocacy for improved mobility, events and coalitions to improve networks. GVF has established multiple coalitions in the King of Prussia area, convening both public and private agencies to improve mobility along specific corridors or micro-regions. They have also established a separate Foundation focused on education and community engagement surrounding transportation issues.
- Focused activity with a smaller budget** – Warner Connects is a membership-based TMO operating in the Warner Center area of Los Angeles which focuses on reducing drive-alone trips and encouraging use of alternative modes such as biking, walking, riding transit, or ridesharing. With a comparatively small budget of \$200,000, the TMO employs two part-time staff and its programming is primarily focused on education, information and marketing with technological tools such as mode share surveys and mobile pedestrian conditions reporting.

Key takeaways for City of Menlo Park

The operating budget for a TMA in the City of Menlo Park will be largely determined by its market segment and what services it expects to provide.

Governance and Operational Structure

Governance and management arrangements of TMAs are key considerations in the successful establishment of a TMA and are a prerequisite to successful operations. These arrangements may be determined by the source of funding available to manage and operate the TMA. Most TMA structures have some amount of dedicated staffing resource, a governance board and some may hire external consultants for support with web development, graphic design, studies/research, transit operations and marketing development.

For example, some TMA structures are merely an extension of local government departments and as such, may be resourced by staff whose roles may not be solely dedicated to transportation demand management policy. Other TMA structures operate as not-for-profit organizations and are fully comprised of, and managed by, private sector organizations, which will require establishing by-laws and incorporating the TMA as a not-for-profit organization. In many instances, members of the business or residential community will volunteer their time to serve on an Executive Board or equivalent governing body. Hybrid models sometimes consist of government agency staff, guided by an outside Advisory Board.

Establishing governance and operational structures that enable success requires planning. Typically, the TMA will elect the TMA Board (establishing a voting/decision-making structure, for example one vote per member company). The number of Board members are usually specified in the organizations by-laws. Regularity of meetings varied across TMAs but it is widely accepted that the group should meet on a regular basis (at least bi-monthly). An example of a TMA which is run by the City is outlined as follows:

Delivering City-wide goals through public governance – Go SaMo TMO, located in Santa Monica, California, serves residents, employees and visitors in Santa Monica. Instead of maintaining a paying membership base, all employers and residential buildings have access to TMO services, as the organization is funded completely by the City. This allows the TMO to work closely with employers, who are required to comply with local TDM regulations while also providing outreach to the community through events and campaigns. The City fully funds the organization as it sees value in offering this assistance free of charge to the employers. As a result, TMO staff are able to spend the majority of their time and efforts developing and implementing programming rather than working to recruit and retain members to maintain a budget.

While this structure provides the organization with more flexibility than many TMOs, it also creates some unique challenges. The organization was developed to help the City reach trip reduction goals and is evaluated in part by progress toward them. While the TMO is meant to serve the entire community, they do need to prioritize groups, such as large employers, where their impact will be most measurable.

Table 8 summarizes the advantages and disadvantages of TMAs with different Governance and Operational Structure arrangements.

Table 8: Leadership Attribute Comparisons

	Leadership Structure 1: Government Staff	Leadership Structure 2: Executive Board	Leadership Structure 3: Government Staff and Advisory Board
Description	TMA are extensions of local government and therefore managed by the public agency or government staff.	TMA are managed by an Executive Director and Board with financial control, or exist as part of a larger, non-governmental agency with its own Board.	TMA is managed by an Executive Director in cooperation with local government. An Advisory Board provides guidance but may not have control over the operating budget.
Advantages	<ul style="list-style-type: none"> The government or public agency retains control of the mission and goals of the organization and can align programming with other goals and objectives. 	<ul style="list-style-type: none"> Executive Board of membership signifies larger buy-in among user groups. TMA may have a stronger influence over the business community. 	<ul style="list-style-type: none"> The government and private sector can collaborate on common goals.
Disadvantages	<ul style="list-style-type: none"> Staffing may include staff who have additional unrelated responsibilities. Lack of dedicated staff can impact coverage and quality of services. 	<ul style="list-style-type: none"> Requires time and commitment from members of the community. 	<ul style="list-style-type: none"> It may be harder to achieve consensus on important issues, and TMA may see less investment from an Advisory Board with less official decision-making power.
Examples	<ul style="list-style-type: none"> Yolo Commute (Sacramento, CA) 	<ul style="list-style-type: none"> TMA SF Connects (San Francisco, CA) 	<ul style="list-style-type: none"> Go SaMo TMO (Santa Monica, CA)
Recommended for	TMA operating in highly regulated environments, with trip reduction goals closely tied to other sustainability or climate action programs.	TMA operating in areas with less regulation or with a highly engaged business community.	TMA operating in a regulatory environment with broad market segmentation.

Key takeaways for City of Menlo Park

The governance and organizational structure adopted by the TMA will be in part determined by the type of funding sources and partners. Substantial involvement in decision-making by the City would likely require the City to provide a significant portion of the funding to deliver the program.

Alternatively, a formal non-profit organization could be created and allow the City to hold a permanent seat on the governance board through the creation/amendment of by-laws. However, a formal relationship between the City and the non-profit organization is likely to be a more prudent option as this will provide resilience to the TMA should change occur (i.e. Board/staff turnover).

Funding Sources

Funding is crucial to ensuring the TMA can operate sustainably. The way a TMA is funded may vary, however typically these are funded through any combination of:

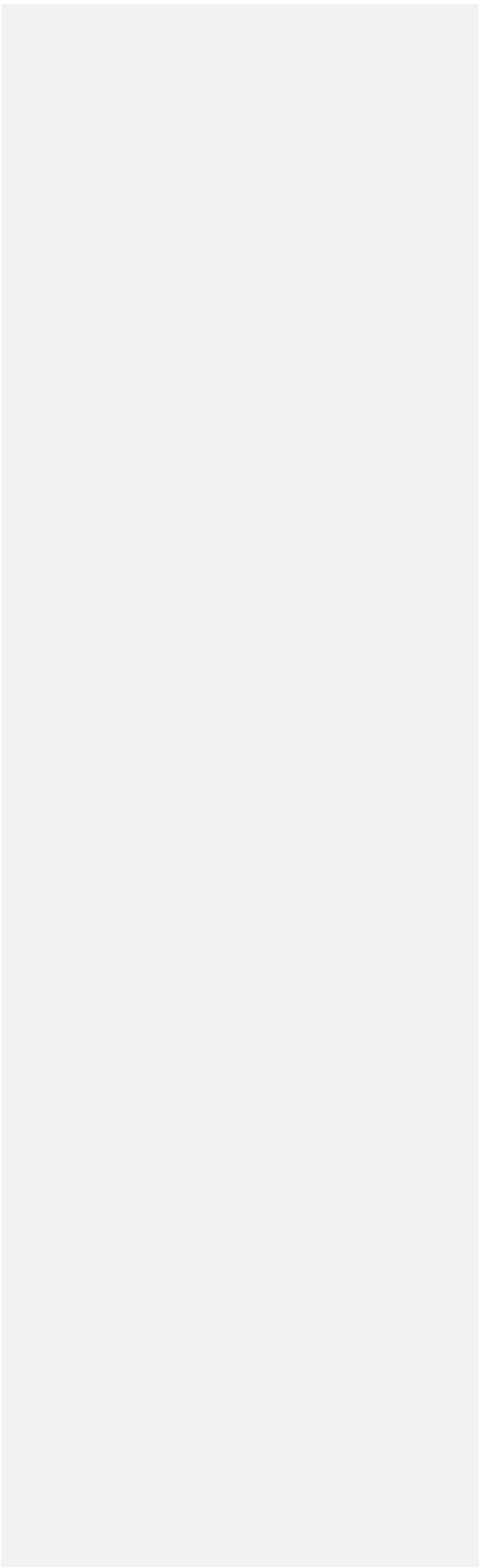
- Membership dues (usually on an annual basis);
- Dedicated public sector funds;
- Competitive grant funds;
- Property developer fees; and/or
- Fee-for service work.

Funding availability directly impacts the operating budget of a TMA and share the scope of programming, activities and coverage. Certain funding sources, particularly funds received through federal or state grant funding, may place an administrative burden in the form of performance monitoring and reporting.

Research shows that member employer dues form the basis of most TMAs' operational funding. Government grants are typically awarded on a case-by-case basis, potentially leaving TMAs with challenges to maintain service levels. TMAs whose funding source is solely through local or regional public funding may be less flexible with how their operating budget is used but may benefit from strong political support. Meanwhile, TMAs which are funded by membership dues may be self-sustaining, however require significant membership engagement to secure funding. A hybrid funding model (consisting of a public private partnership funding model) typically provide additional security of funds but may require additional administrative resource to maintain budgets and financial accounting.

While many TMAs are funded with a 'hybrid' model, or a combination of public and private sources, some do receive funding from one exclusive source. **Table 9** summarizes the advantages and disadvantages of TMAs with different Funding arrangements.

Table 9: Funding Attribute Comparisons



	Funding Type 1: Publicly Funded	Funding Type 2: Membership Funded	Funding Type 3: Hybrid Model
D e s c r i p t i o n	TMA's sole revenue source is from local and/or regional government.	TMA's operate solely on revenue received from dues charged to (usually private sector) Members.	TMA's receive revenue from both public and private funding streams.
A d v a n t a g e s	<ul style="list-style-type: none"> Funding is guaranteed as long as Government agrees to be invested. 	<ul style="list-style-type: none"> TMA's are self-sustaining, which allow them to be flexible with budget and spending. 	<ul style="list-style-type: none"> Multiple funding streams provide a level of security, as a loss in one stream may be less damaging.
D i s a d v a n t a g e s	<ul style="list-style-type: none"> TMA's may be less flexible with how they can operate their budget. 	<ul style="list-style-type: none"> Funding requires private sector engagement, with no guarantees. Programming will be determined by levels of Membership and may be limited. 	<ul style="list-style-type: none"> Increased administrative load from accounting, budget management and documentation.
E x a m p l e s	<ul style="list-style-type: none"> Commuter Seattle (Seattle, WA) 	<ul style="list-style-type: none"> North Shore TMA (Salem, MA) 	<ul style="list-style-type: none"> Sacramento TMA (Sacramento, CA)

R e c o m m e n d e d f o r	TMA's operating in environments with strong local policy, political support, or limited membership base.	TMA's operating in environments with many private partnership opportunities, a local compliance regime, or a strong membership base.	TMA's with both local support and strong, active membership bases that serve a wider range of users.
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Examples of TMA's with different funding models are provided as follows:

Publicly-funded TMA operations – formed in 1999, North Natomas Jibe (known as Jibe), is a non-profit organization based in Sacramento, CA, which is entirely funded by local property taxes. Jibe operates to foster transportation behaviors that enhance our community through advocacy, programs, placemaking, education, and services. The organization focuses on operating several shuttle routes in the North Natomas area.

Privately-funded TMA operations – formed to assist commuters and residents to find ways to commute to work in the Irvine Spectrum district on the southeast of Irvine, CA, Spectrumotion is a free, non-profit organization supported solely by Irvine Spectrum-based property owners. The TMA's deed stipulations require all Irvine Spectrum business park property owners to financially support the TMA through property assessments – the same funding mechanism as a homeowners association. This enables Spectrumotion to offer its services for free to commuters, employers and property managers and provides employer- and property manager-specific services and incentives for travelers such as promotional transit passes, and carpool and vanpooling incentives.

TMA's with hybrid funding models – several TMA's operate with hybrid funding models, such as:

- Membership-funded organizations that seek or regularly receive public grant funding
- Membership-funded organizations that include public agencies who serve as members or representatives from public agencies who serve on Boards of Directors.
- Membership-funded organizations that are supported by local regulation requiring that employers or property owners join the TMA. For example, Burbank Transportation Management Organization is an entirely privately-run TMA but which operates under requirements set by the City of Burbank.

Hybrid funding models allow municipalities or other public organizations varying levels of control over TMA services, reporting, or functions.

Key takeaways for City of Menlo Park

The City of Menlo Park may have a range of options to consider when determining how the TMA will be funded. Funding choices and options will also determine the governance and operational structure that is implemented, as the two are intrinsically linked. The City could consider the following options for funding:

- The City could decide to fund the operations of the TMA in its entirety;
- The TMA could be primarily privately funded, but the City could adopt policies that either encourage or require TMA membership; and/or
- The City could decide to not be involved in funding the TMA at all, however in practice this option could be more difficult to deliver.

For the latter two options, the City would need to consider current requirements and whether these should be lifted or amended so that members do not pay for duplicative services (i.e. employers). The City could consider the grant funding environment to support its funding, though this is unlikely to be a viable solution for long-term funding of the TMA.

Conclusions & Implications for Next Steps

This Background Research Memo provides an overview of the different aspects that guide the establishment of a TMA and notes that while TMAs share many similar attributes and characteristics, there are a number of attributes which are distinct to each TMA and which have been influenced by the context in which each TMA has been set up.

As the City of Menlo Park considers its options to develop a TMA, there are a series of unique attributes which will influence how the TMA should be structured and how operations should be decided, including how the TMA operates in a Menlo Park specific context, informed by its organization goals, geography, prospective market segments and existing activity being undertaken.

Menlo Park Transportation Management Association Options Analysis

Client: City of Menlo Park
March 2020
Our ref: 23642101



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TMA Models

The study has analyzed five models for Transportation Management Associations (TMAs) in Menlo Park:

Status Quo	Regional/Sub-regional TMA	Large Employer TMA	Small Employer TMA	Citywide TMA
<p>The Status Quo option does not develop a TMA in Menlo Park. Instead, TDM requirements through Development Agreements will continue to result in TDM programming, delivered on a case-by-case basis across the City.</p> <p>This model is used as the baseline across this report, and assumes engagement with current large employers and no additional cost.</p>	<p>Rather than develop a TMA specific to Menlo Park, City staff will work with neighboring municipalities to become involved in a regional or sub-regional organization. This model is based on the current understanding of the ongoing “Manzanita Talks,” which are still evolving.</p>	<p>The City will set up a TMA that will serve large employers and multi-tenant properties with 250 or more employees.</p> <p>In many cases in Menlo Park, these sites currently offer at least some level of TDM programming to their employees and tenants.</p>	<p>The City will set up a TMA that will serve small employers and organizations across the City. The TMA will prioritize downtown businesses where there is currently little TDM programming offered.</p> <p>It is expected that through this model, the TMA will serve employers under 250 employees across the City.</p>	<p>The City will set up a TMA meant to serve both small and large employers and organizations across the entire City.</p>

Evaluation Methodology

Each model was evaluated in three categories, using the “Status Quo” option as a baseline:

Estimated Impact

Employees Engaged: number of potential employees TMA services could reach

Stakeholders Engaged: number of employers who would potentially receive TMA services

Mode Share: likelihood of reducing percentage of engaged population that drives alone.

Vehicle Miles Travelled (VMT): potential for reducing vehicle miles traveled based on travel data

Estimated Cost

Start Up Cost: what it will likely cost to launch the TMA

Ongoing Costs: expected ongoing costs to operate the TMA

Membership Potential: how much of total operating cost of the TMA could likely be paid by members vs. what would need to be subsidized by the City.

City Role and Alignment with Goals

Each of the four TMA models (not including the Status Quo baseline) can operate with or without City direction and involvement. This report describes how each model may best align with city involvement and goals but does not quantitatively score each model based on these factors.

Evaluation Methodology

For both Estimated Impact and Estimated Cost, each factor was scored 1-3, as outlined below:

Estimated Impact: Status Quo scored at 0 across all factors:			
Factor	Based on:	1 (lowest possible score)	3 (highest possible score)
Employees Engaged	Employee count numbers provided by Menlo Park Business License list, as well as reported numbers from large Menlo Park employers.	Fewest employees engaged	Most employees engaged
Stakeholders Engaged	Employee count numbers provided by Menlo Park Business License list	Fewest stakeholders engaged	Most stakeholders engaged
Mode Share	Current access of potential employees and stakeholders to TDM services	Most current access to TDM services	Least current access to TDM services
Vehicle Miles Traveled	Trip counts and distances provided by StreetLight Data Index.	Fewest reported vehicle miles traveled coming into potential engagement sites	Most reported vehicle miles traveled coming into potential engagement sites
Estimated Cost: Status Quo scored at 4 across all factors:			
Factor	Based on:	1 (lowest possible score)	3 (highest possible score)
Start Up Cost	Expected cost to launch a TMA	Highest expected start up cost	Lowest expected start up cost
Ongoing Costs	Expected total administrative cost to operate the TMA on an ongoing basis	Highest expected ongoing cost	Lowest expected ongoing cost
Membership Potential	Based on potential members' expected capability to afford to support the TMA	Potential members would be least likely to be able to support a TMA	Potential members would be most likely to support a TMA

Regional/Sub-regional TMA

Impact

The current discussions surrounding regional and sub-regional TMAs have most strongly engaged large employers who primarily already provide TDM programming to their employees. A regional or sub-regional TMA will likely engage Menlo Park employees above the current Status Quo baseline, but seems focused on engaging with and soliciting feedback from only a few major stakeholders. This diminishes the potential for reductions in drive alone rates, as these employees likely already have some exposure to TDM and transportation alternative education. The potential for VMT reduction is high in this model, however, due to the assumption that a regional TMA will be able to address more long distance trips across the region.

Cost

Though cost for this model may vary depending on its ultimate structure, it is assumed that cost share across the region will reduce both the start up and operating cost that might be required for a city-specific TMA. Additionally, private stakeholders may contribute more to long-term costs, offsetting ongoing costs to the City.

Regional TMA Impact Factor Scores

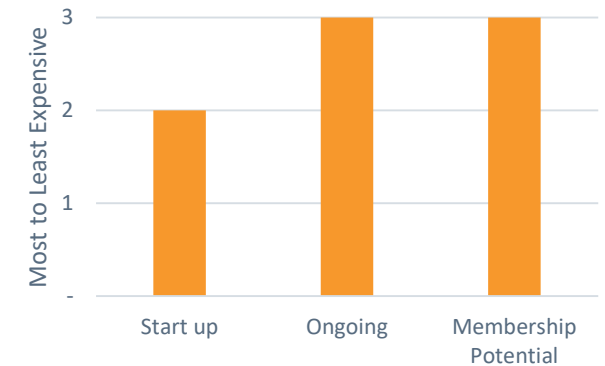
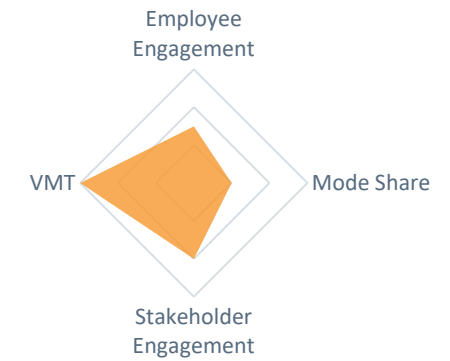
Estimated Impact Factor	Score (1-3)
Employees engaged	1.5
Stakeholders engaged	2
Mode share potential	1
VMT reduction potential	3

Overall Impact Ranking: 1.9

Regional TMA Cost Factor Scores

Estimated Cost Factor	Score (1-3)
Start up cost	2
Ongoing cost	3
Membership potential	3

Overall Cost Ranking: 2.7



City Role and Alignment with Goals

City staff would need to remain involved in a regional or sub-regional TMA in order to ensure the TMA is providing an appropriate level of service to Menlo Park commuters. This would help them engage in regional discussions surrounding larger issues such as transit service gaps and housing availability for Menlo Park and bay area employees.

Large Employer TMA

Impact

Focusing efforts on a smaller number of large worksites (including both single employer and multi-tenant sites) will allow TMA staff to engage with a larger number of employees more easily. The potential to reduce the share of drive-alone commuters is lower because many of the employees who would be targeted are currently exposed to TDM programming. However, the potential for VMT reduction ranks higher due to the aggregate trip miles (per the StreetLight Data O-D index) traveled into the areas within the City where large employers are located.

Cost

The cost of starting up a TMA focused on large employers should be lower due to the fact that the City's TMA study will have been completed, and many large employers already provide TDM services that can help guide TMA programming. Ongoing cost will also be relatively low as fewer administrative resources are needed to serve the population of employees across just a few worksites. It is also assumed that, with a worthwhile level of service, large employers and property managers will have the budget to financially support a TMA.

Large Employer TMA Impact Factor Scores

Estimated Impact Factor	Score (1-3)
Employees engaged	2
Stakeholders engaged	2
Mode share potential	1
VMT reduction potential	3

Overall Impact Ranking: 2.0

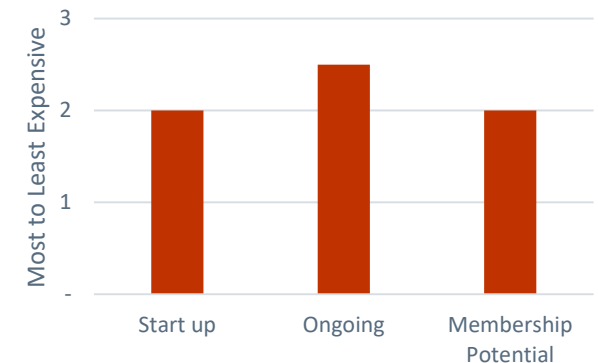
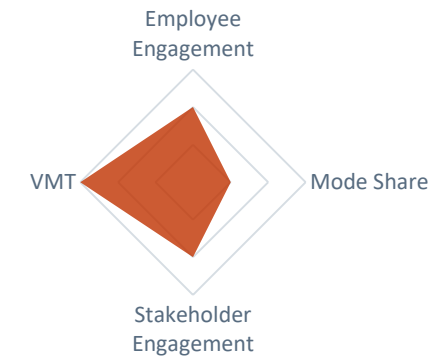
Large Employer TMA Cost Factor Scores

Estimated Cost Factor	Score (1-3)
Start up cost	2
Ongoing cost	2.5
Membership potential	2

Overall Cost Ranking: 2.2

City Role and Alignment with Goals

Focusing on large employers across the City allows the TMA to most easily reach concentrated groups of commuters to enact change. If coordinated along with a review of City TDM requirements, a TMA with a focus on large employers may be able to relieve City staff of administrative work. This model would also work closely with the City's largest and most prominent stakeholders, potentially providing the City with an additional connection to these groups.



Small Employer TMA

Impact

A TMA focused on supporting small employers (likely in the downtown area) would be able to engage with a high number of stakeholders, but fewer employees overall, as these employees are spread across multiple sites. Because most of these employers do not currently offer TDM programming to their employees, this model has the potential to influence a high level of mode shift, though the potential for VMT reduction may be smaller as StreetLight Data shows that trips into the downtown area are on average two miles shorter than trips into Menlo Park as a whole, with far fewer commute trips coming into downtown than to places such as the Bayfront area.

Cost

This model will need to be relatively resource-heavy, particularly on an ongoing basis, as more staff time will be required to cover general administrative work and outreach to multiple sites. While the organization would need to serve a higher number of members, it is likely that many small employers will be unwilling to pay for membership, and therefore this model might need larger financial involvement from the City.

Small Employer TMA Impact Factor Scores

Estimated Impact Factor	Score (1-3)
Employees engaged	1
Stakeholders engaged	3
Mode share potential	2.5
VMT reduction potential	1

Overall Impact Ranking: 1.9

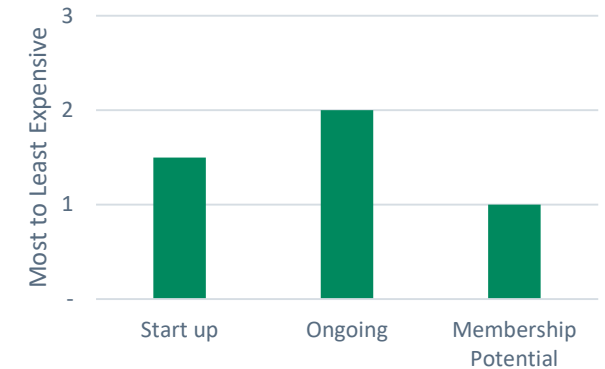
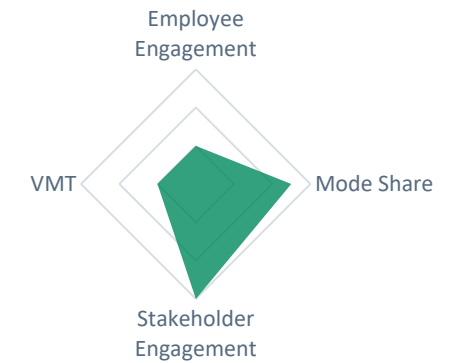
Small Employer TMA Cost Factor Scores

Estimated Cost Factor	Score (1-3)
Start up cost	1.5
Ongoing cost	2
Membership potential	1

Overall Cost Ranking: 1.5

City Role and Alignment with Goals

While a model focused on small employers may require more resources and involvement from the City, it would support reducing drive-alone trips from a group that may not have considered alternative travel and might make also employment in downtown more accessible to those without cars. A focus on reducing car trips to Downtown Menlo Park would also make that area more attractive to shoppers, diners and other visitors, helping to continue to grow economic activity in the area.



Citywide TMA

Impact

A Citywide TMA would be able to engage the highest number of employees and employers. This model offers the most potential for initial reductions in drive-alone rates by offering TDM services to a new and presently unserved group of commuters. Like the large employer model, the Citywide TMA also has the potential for high VMT reduction through work with high-volume employers. The ability to work with both small and large employers also eliminates some risk, because as situations change across the City the TMA is able to shift focus toward providing the most impactful service.

Cost

The Citywide TMA model would be the most expensive of four options, particularly when considering ongoing cost. However, a hybrid scenario allows the TMA to set dues in a manner that can help large employers subsidize the cost for small employers, which ultimately may mean the City does not need to take on additional burden.

Citywide TMA Impact Factor Scores

Estimated Impact Factor	Score (1-3)
Employees engaged	3
Stakeholders engaged	3
Mode share potential	2
VMT reduction potential	3

Overall Impact Ranking: 2.75

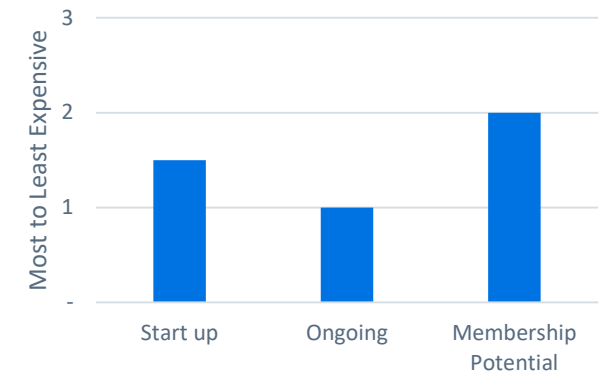
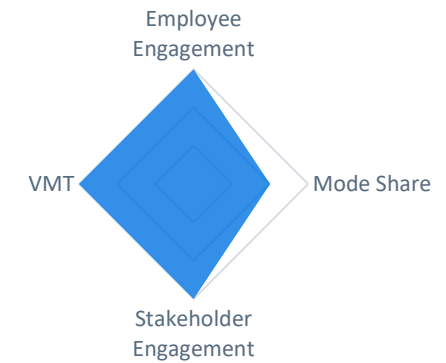
Citywide TMA Cost Factor Scores

Estimated Cost Factor	Score (1-3)
Start up cost	1.5
Ongoing cost	1
Membership potential	2

Overall Cost Ranking: 1.5

City Role and Alignment with Goals

Though this option is the most expensive overall, if executed correctly it could provide the most impact to the City. It would allow the City to support increased access to employment sites that aren't large enough to provide their own shuttles, but would do so while continuing to engage and coordinate services offered by major stakeholders. Current citywide programs such as a "safe routes to work" program would be best managed by a TMA if extended to the whole city. This model would also best serve residents.



Impact Analysis

Engagement

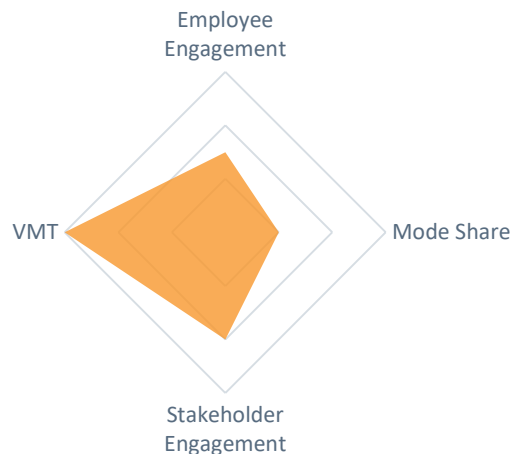
The engagement scores are based on the total number of employees and stakeholders (employers) with whom a potential TMA could interact. Scores were assigned based on a list of issued Business Licenses in the City¹, with the assumption that the current Status Quo baseline already engages a large portion of employees at the largest sites across the city. As shown to the right, the Citywide TMA model would engage the largest number of employees and stakeholders. The Small Employer model would be able to engage a similar number stakeholders, but through those interactions would be exposed to far fewer employees.

Mode Share and Vehicle Miles Travelled (VMT)

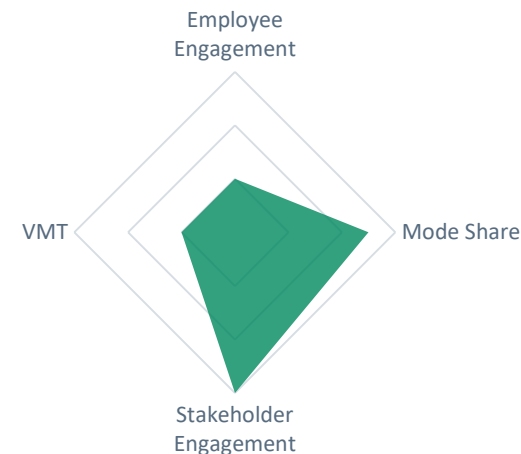
Mode Share refers to the reduction in percentage of drive-alone trips across the TMA's service groups. Mode share potential is highest in the Citywide and Small Employer models because target groups are not currently exposed to TMA programming, whereas employees at Menlo Park's largest employers are. The potential for reduction in VMT is based on reports pulled from StreetLight Data indicating number (through a comparative index) and length of trips into various zones across the City. The zones where large employers are located see both a higher volume and longer average trip distances during commute hours.

¹ Source: Steer analysis of Business License data provided by Menlo Park

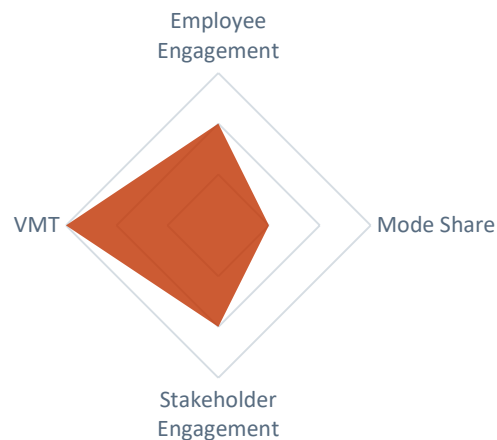
Regional/Sub-Regional TMA: Estimated Impact



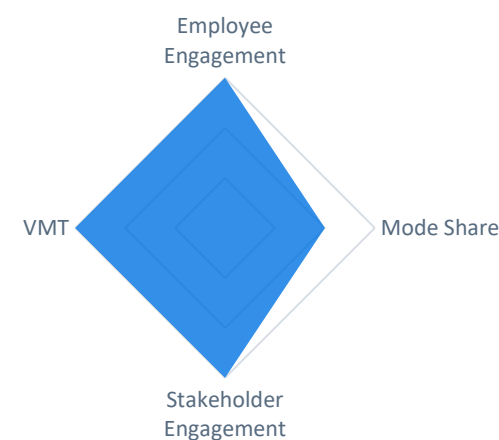
Small Employer TMA: Estimated Impact



Large Employer TMA: Estimated Impact



Citywide TMA: Estimated Impact



Cost Analysis

Start Up Cost

Start up cost describes the funding necessary to initiate a TMA: policy review, stakeholder engagement, website development, etc. It is assumed at this stage that the City would cover these costs, but City staff could also secure outside funding through grants or the private sector. Some start up costs would be offset by work conducted during this study. Start up cost for a Regional TMA could be reduced due to cost-share opportunities with other jurisdictions.

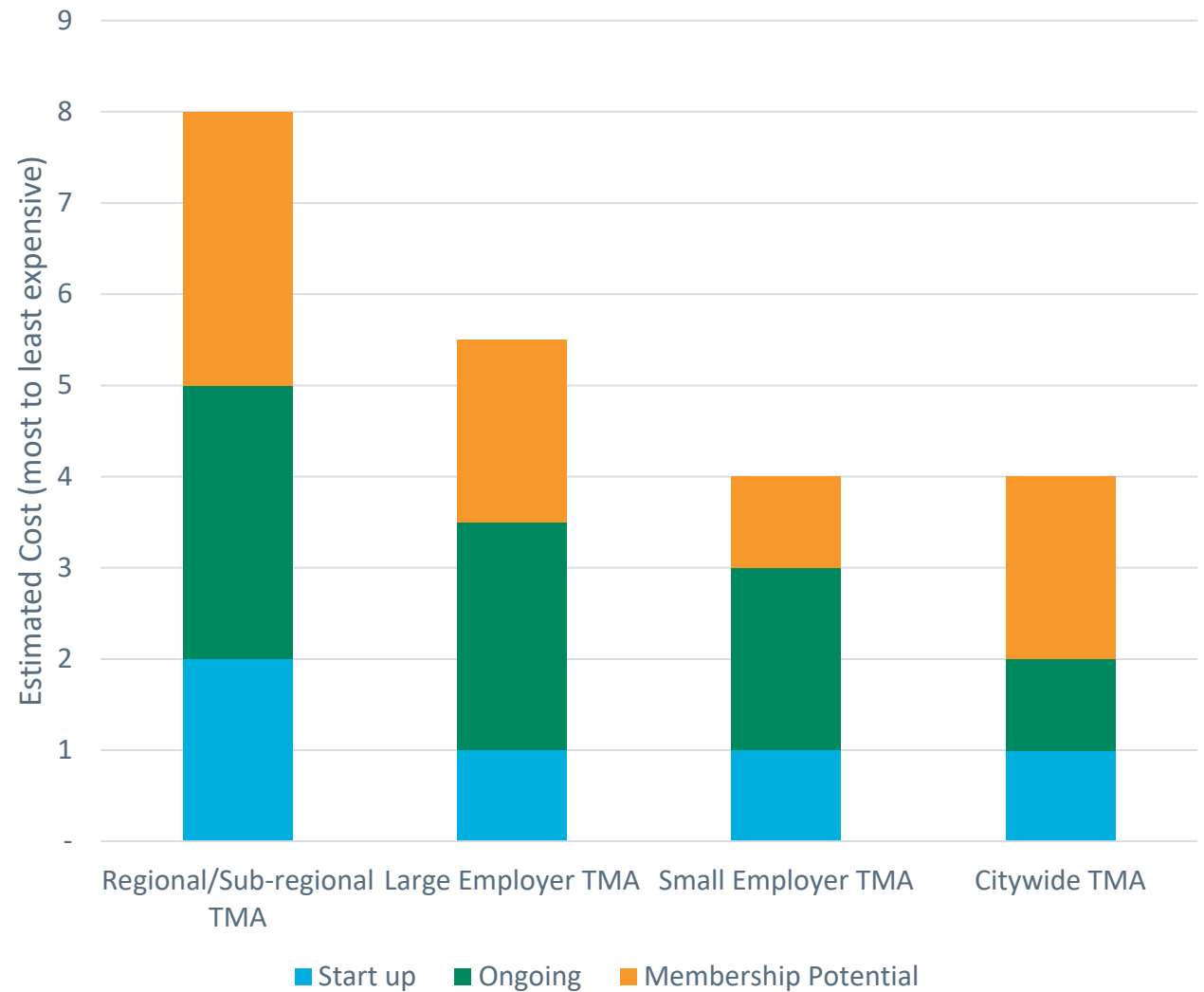
Overall Ongoing Cost

Ongoing costs are based on an equal level of service across all four models. This would be most expensive in the citywide and small employer models, as more administrative work is required to serve a higher number of worksites, and least expensive in a Regional or Sub-regional model where cost is shared across other cities and partners.

Membership Potential (City share)

Membership potential describes the likelihood that TMA member organizations and employers would financially support a TMA. This likelihood is smallest with the Small Employer model, and largest in the Regional/Sub-Regional model which appears to be working closely with large private stakeholders.

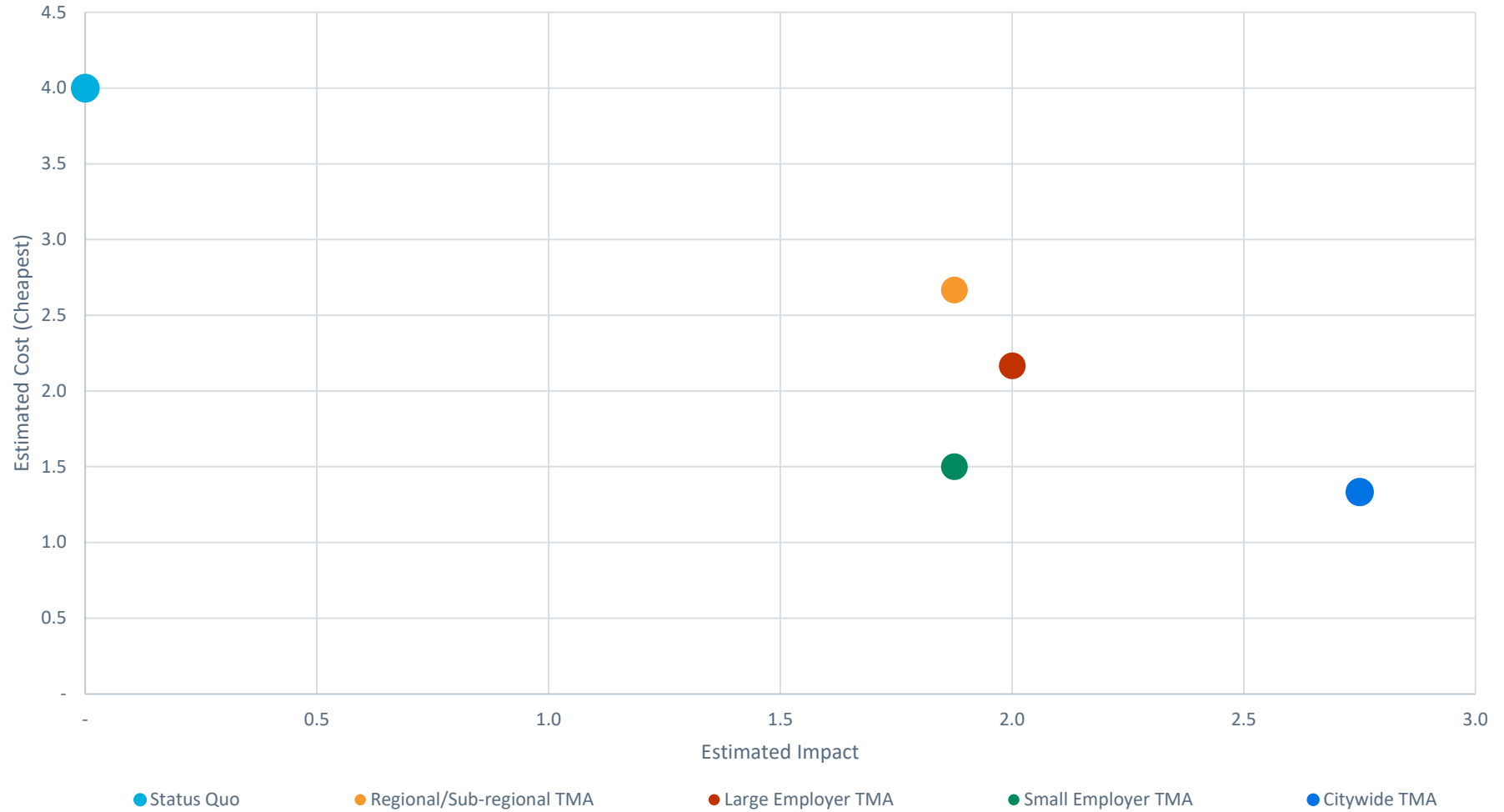
Estimated Cost Across All Models



Cost vs Impact Analysis

The chart below compares each model (including the Status Quo) by estimated cost (y-axis) and impact (x-axis). The Citywide TMA model is the most impactful and the most expensive and the status quote is the least impactful and least expensive.

Estimated Cost vs. Estimated Impact for All Models and Status Quo



Next Steps:

Based on this analysis of TMA models along with the City Council will select **two** models with which to move forward.

Task 1:

The project team will then complete a **Cost Benefit Analysis** and **Service Analysis** for each of the selected models. This will include, for each model, an in-depth review of funding, services and staff resources required for each to be successful.



Funding	Staff Resources	Services
<ul style="list-style-type: none">• Market share• Market segmentation (membership)• Public funding sources	<ul style="list-style-type: none">• TMA Staff• City Staff Support	<ul style="list-style-type: none">• Types of services• Total number of services• Level of service per member

Based on this, the City (with support from the Project Team) will choose a final model with which to move forward.

Task 2:

The Project Team will propose a framework for TMA development and operations.

This will include:

- A proposed governance structure;
- A proposed membership dues structure, as well as suggestions for non-membership funding sources;
- An guide to inform membership recruitment across the targeted groups; and
- Suggestions for long-term performance monitoring by TMA staff.

Task 3:

Once this has been established, the Project Team and City staff will work together to determine lay the groundwork for the City's long-term involvement in the TMA.

The Project Team will deliver a final report inclusive of the work in Tasks 1 through 3.

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STAFF REPORT

City Council

Meeting Date:

~~7/14/2020~~ 7/16/2020

Staff Report Number:

20-150-CC

Regular Business:

Add institutionalized bias reform as a top priority for City staff in 2020-21 and provide input to staff on how to address police

Recommendation

Staff recommends the City Council add institutionalized bias reform as a top priority for City staff in 2020-21.

Policy Issues

Menlo Park municipal code section 2.08 delegates daily operations of City services to the city manager. The City Council has received numerous requests to explore police reform, inequity in provision of City services, discriminatory zoning regulations among other forms of institutionalized discrimination against both residents and non-residents. While the concerns have overlap, they all require dedication of resources currently devoted to other services, projects or City Council top priorities.

Background

The City Council's top priorities, based on action taken in 2019 and January 28 to update priorities based on Facebook's offer to build a new community center and library, include Transportation master plan, Chilco Street improvement project, Middle Avenue pedestrian and bicycle rail crossing planning, Heritage tree ordinance update, and the Belle Haven community center and library project. Before the COVID-19 pandemic local emergency, the City Council initiated its annual goal setting process; however, it was not concluded.

Analysis

Staff seeks City Council direction on a new top priority project to improve the lives of residents and non-residents in Menlo Park when interacting with the City Council, senior leadership and employees. Options identified include:

Elevate the conversation on racial equity

Prior to the COVID-19 pandemic local emergency, the City Council initiated its annual goal setting process; however, it was not concluded. In that process the staff summarized the following actions to operationalize racial equity efforts identified by City Councilmembers and community members.

Elevate the conversation on racial equity:

- Year 1 – mandatory training all executive and management staff, City Council, city attorney
- Year 2 – mandatory training all commissioners, new City Councilmember(s), new executive and management staff members; operational equity self-assessment;
- Years 3-5 – continued training, process reengineering and organizational change.

As outlined above, the initial focus includes training and organizational equity self-assessment. The Government Alliance on Race and Equity (GARE) is one organization commonly referenced as a resource in this effort. An affiliate of GARE, Race Forward, recently launched a series of online training titled "Building Racial Equity." The program is in high demand, and training costs \$400 per registrant. Staff is attempting to obtain a quote for a dedicated Menlo Park training for City Council consideration.

Police reform

As discussed in Attachment A, the City Council may consider prioritizing a police reform framework in response to lived experiences shared by community members, visitors, and tragic events in police departments outside of Menlo Park.

In addition to Attachment A, June 16, Vice Mayor Combs and City Councilmember Mueller requested the addition of the following items for the City Council agenda as soon as is practicable.

- A. For City Council consideration, direction to the City Management to agendize for City Council discussion and to report in detail on the City website, the Menlo Park Police Department's progress with goals identified in the 8cantwait campaign (Attachment B:)
 - Require de-escalation
 - Duty to intervene
 - Require warning before shooting
 - Exhaust all other means before shooting
 - Require comprehensive reporting
 - Ban chokeholds and strangleholds
 - Ban shooting at moving vehicles
 - Require use of force continuum
- B. For City Council consideration, direction to the city manager to draft a support letter to legislature on behalf of the City Council, for the Mayor's signature on behalf of the City Council, in support of California SB 1392 - Peace Officer Decertification (Sen. Bradford.) SB 1392 would create a statewide process to automatically revoke the certification of a peace officer following the conviction of certain serious crimes or termination from employment for cause or misconduct. (See SB 1392 Fact Sheet Attached, text of the Bill has been amended by the Author. A request has been made of current text for city council consideration.) Additionally, should the City Council support the text of the bill upon review, we would propose the City Council consider direction to the city manager for a letter from the City Council soliciting support for SB 1392 to other cities in San Mateo County.
- C. For City Council consideration and discussion, review of the policy concerning and restricting the use of rubber bullets by the Menlo Park police department.

Institutionalized bias reform

Institutionalized bias is defined as "practices, scripts, or procedures that work to systematically give advantage to certain groups or agendas over others. Institutionalized bias is built into the fabric of institutions."¹ Often, the adverse impacts on those who are not advantaged by the biases are invisible to the individual inflicting the bias. For example, a generally accepted bias is providing residents with priority registration in library and community services classes. The extent to which other policies may not be acceptable is unknown at this time. The City does not have an anti-bias policy. Absent a policy that

¹ Source: <https://www.britannica.com/topic/institutionalized-bias>

establishes a common language and metrics to measure compliance; there is limited ability to hold the City Council, senior leadership and employees accountable.

To affect long-lasting organizational change, staff recommends that the City Council designate institutionalized bias reform a top priority project for 2020-21. As a top priority, the city manager has the discretion to strategically realign resources to meet key milestones in the project plan. The realignment of resources may prolong the delivery of lower priority projects or impact public service levels. If approved, staff will develop a project plan that begins with an anti-bias policy and assess the resources required to identify institutionalized bias. Staff will seek City Council approval of the plan August 11. Staff will also work with the Interim police chief, once appointed, to develop a plan to assess institutionalized bias reform specific to Menlo Park's police department.

Impact on City Resources

City Council direction on this item has not been budgeted and will require additional analysis to assess costs, both direct and indirect.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Staff report from Interim City Attorney Cara Silver: "City Council discussion and direction regarding City response and action to residents and visitors' requests for local police reform"
- B. Hyperlink – 8cantwait website: 8cantwait.org

Report prepared by:
Nick Pegueros, Assistant City Manager



STAFF REPORT

City Council
Meeting Date: 7/14/2020
Staff Report Number: 20-151-CC

Regular Business: **City Council discussion and direction regarding City response and action to residents and visitors' requests for local police reform**

Recommendation

Staff recommends the City Council provide direction to staff on which police reform activities to study and pursue with the Menlo Park police department (MPPD) and how to prioritize such initiatives.

Policy Issues

This report follows up on a series of discussions the City Council has had related to residents and visitors' requests for local police reform.

Background

The nation is in the midst of a public outcry for police reform since George Floyd was murdered by police in Minneapolis. Peaceful demonstrations have occurred throughout the country, including Menlo Park. Protestors are not simply asking for piecemeal or incremental reform among police departments. People are also asking for systemic changes. They want to reimagine policing.

On June 4, the Mayor and police chief conducted a Town Hall to answer community questions regarding policing practices. On June 18, the City of Menlo Park conducted a Town Hall and follow up City Council discussion on residents' concerns over local policing. Residents voiced concerns about overpolicing in Belle Haven, calls for reforms in policing and criminal justice, increased reporting of citizen complaints and use of force; reallocation of police officers; requests for racial and ethnic breakdown analysis of people arrested, warned or otherwise stopped; diversity recruitment and increased funding for education, homeless, mental health and other social services.

Staff believe these are critical public policy concerns to study and address with the MPPD and other relevant staff, and also acknowledge that meaningful engagement is substantially more challenging in light of the current public health crisis.

Implementing new policies

In the past couple of years, the California legislature has adopted a few bills dealing with police reform. A summary of recent reform measures and MPPD's response to those measures is included in Attachment A. Key reform bills introduced this legislative session are also included in Attachment A.

Statewide legislation can be difficult to pass for several reasons. In California, police officers have protection under the Public Safety Officers Procedural Bill of Rights Act (POBR.)¹ POBR shields most police personnel records from public disclosure, imposes a regimented process for investigation police misconduct and imposing discipline and provides police officers with a civil cause of action against the City for POBR violations. That said, recent legislation SB 1421 (see Attachment A) now requires disclosure of some police personnel documents. Any local ordinances requiring disclosure of police personnel records must comply with State law.

Menlo Park police officers are represented by local police unions and officers' terms of employment are established by union contracts. If police reforms involve "wages, hours, and other terms and conditions of employment," the City must go through a negotiating process before imposing such reforms. On the other hand, some reforms, such as use-of-force policies fall outside the scope of representation and the City can impose new policies without negotiating with the police union.² New policies should be studied and discussed with the MPPD and other relevant staff members.

Analysis

Policing and racial equity issues can require different approaches to community dialogue as many residents have indicated they fear retaliation and desire confidentiality. On the other hand, it is important to distinguish comments on local experiences from experiences with non-Menlo Park law enforcement. The MPPD publishes a year-end review showing the number of citizen complaints received as well as the number of internal affairs investigations the department has initiated on its own. (See Attachment B for the latest report covering 2019.) As part of the community's ongoing effort to learn more about institutional bias and racism, it is important to recognize that many complaints may go unreported. It is also important to study and learn what policies the MPPD is currently implementing to address these concerns and what further action should be explored and implemented. This dialogue is also challenging when traditional forums are unavailable due to social distancing protocols and staffing resources are limited. Finding the appropriate forums for conducting outreach will be a continuing process for the City. The City anticipates employing a series of approaches, including telephone town halls, facilitated conversations and community forums.

Continuing to receive feedback and involve the community in the planning stages is imperative. The City Council has also expressed a desire to develop a work plan that prioritizes actions. To assist in framing this policy discussion, staff has begun to categorize some of the suggestions heard to date into immediate, medium and longer-term action items.

The below list is not intended to be comprehensive, but illustrates the range of initiatives that could be discussed or explored.

1. Immediate action
 - A. Recruit interim police chief to replace retiring Chief Bertini. It is hoped that the interim police chief will assist the City in studying and implementing some of the immediate and medium term initiatives.

¹ POBR is codified at Government Code Section 3300 *et seq.*

² *San Francisco Police Officers' Association v. San Francisco Police Commission* (2018) 27 Cal.App.5th 676. However, the City may be required to meet and confer over any negotiable impacts or effects of the policy change identified by the union.

- B. Retain police reform consultant to assist City staff and interim chief in reviewing and implementing overall reforms. This may also include specialized outside legal services.
 - C. Cancel the order for the mobile operation command center vehicle. The City Council directed staff to take this action June 23 and MPPD is in the process of completing.
 - D. Mayor and City Council to endorse the Obama Foundation Mayor's Pledge. This pledge was created by the Obama Foundation. It asks mayors and city councils to promise to review their police department policies and make reforms if needed after getting feedback from the community. The Mayor's Pledge calls for the following steps:
 - 1. REVIEW your police use of force policies.
 - 2. ENGAGE your communities by including a diverse range of input, experiences and stories in your review.
 - 3. REPORT the findings of your review to your community and seek feedback.
 - 4. REFORM your community's police use of force policies.
 - E. Disclose and describe how police department policies address the recommendations of "Eight Can't Wait."
 - F. Increase frequency of racial and cultural diversity training. MPPD currently participates in bi-annual racial and cultural diversity training through POST.
2. Medium term actions (July – September 2020)
- A. Begin recruitment for permanent police chief.
 - B. Meet with community stakeholders regarding concerns, objectives and future community engagement.
 - C. Based on feedback received in these meetings and feedback received regarding other community forums, develop additional listening opportunities for City Council and staff to hear from residents their concerns about racism and policing and alternative service delivery models.
 - D. Analyze mutual aid issues.
 - E. Refine use of force policy language in advance of state law which will become effective January 2021. MPPD has already updated Policy 300 to conform to law, but additional updates may be explored.
 - F. Increase information easily available to the public on police use of force, complaints against officers, and demographic reporting on both consensual encounters as well as all stops, detentions and arrests. New State legislation that goes into effect as to smaller cities, such as Menlo Park, in 2023 will require extensive reporting designed to address racial profiling. MPPD has begun to implement this new legislation. (See Attachment A for summary of legislation and Attachment C for list of reporting requirements.)
 - G. Explore re-allocation of some or all of the Facebook development agreement funds designated for "safety" toward other uses. Attachment D contains an audit of the safety funds used to date as requested by the Mayor and City Council.
 - H. Explore additional ways to make the Neighborhood Services Center more accessible for community policing.
3. Longer term additional action (October 2020 and beyond)
- A. Consider establishing an independent policy advisory commission and adopt implementing ordinance. The city manager and interim city attorney have had discussions with the National Association for Civilian Oversight of Law Enforcement (NACOLE), a nonprofit organization that works to enhance accountability and transparency in policing and build community trust through civilian oversight. NACOLE's FAQ's on civilian oversight commissions is included as Attachment E. Also, a survey conducted by NACOLE of different types of existing oversight commissions and models is included as Attachment F. Note many oversight boards are structured to review police misconduct and recent reform advocates have emphasized the need to also focus on preventing

- misconduct through review of policies and other actions (Attachment G.)
- B. Explore available models for re-allocating police resources toward social services, such as Eugene, Oregon's CAHOOTS (Crisis Assistance Helping out on the Streets) program, where a duo of a mental health professional and a medic respond to help people in mental crisis situations.
 - C. Explore models for re-organizing the police department as a public safety department, such as Sunnyvale and Rhonert Park's combined police, fire and EMT department where officers rotate duties.
 - D. In developing modifications to the fiscal year 2020/21 City budget consider allocating resources to support racial, education, housing and health and safety equity across the city. These efforts would also strengthen the City's commitment to diversity, equity and inclusion within the City organization and in the provision of City services.

Impact on City Resources

There have been significant financial impacts resulting from the federal, state and local emergencies, both in terms of revenue losses and additional expenditures.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Summary of recent police reform legislation and MPPD's response
- B. MPPD's 2019 year-end review
- C. RIPA reporting requirements
- D. Audit of Facebook development agreement safety funds
- E. NACOLE's FAQ's on independent oversight commissions
- F. NACOLE's survey of independent oversight commission models
- G. Hyperlink – [cnn.com/2020/06/25/us/police-reform-civilian-oversight-invs/index.html](https://www.cnn.com/2020/06/25/us/police-reform-civilian-oversight-invs/index.html)

Report prepared by:

Nick Pegueros, Assistant City Manager

Dave Bertini, Police Chief

Cara Silver, Interim City Attorney

Summary of Recently Enacted and Currently Pending Police Reform Legislation
Updated July 1, 2020

Recent Police Legislation

The State legislature has passed several recent bills pertaining to police reform. Below is a summary of the key legislation and MPPD's response if applicable.

Use of Force

On August 19, 2019, Governor Newsom signed AB 392 which redefines the circumstances under which the use of lethal force by a peace officer is considered justifiable. The law is intended to encourage law enforcement to increasingly rely on alternative methods such as less-lethal force or de-escalation techniques. Under the new law, lethal force by a peace officer is only justifiable "when necessary in defense of human life." This law went into effect on January 1, 2020. While generally viewed as positive reform, some criticize this legislation as not adequately defining "defense of human life."

MPPD updated Policy 300 "Use of Force" in January 2020.

On September 12, 2019, the Governor signed SB 230 which requires law enforcement agencies to have a policy regarding a minimum standard for peace officer use of force. Each agency's policy shall include, among other things: the use of de-escalation techniques and other alternatives to force; when to apply deadly force; factors for reporting, evaluating, and reviewing all use-of-force incidents; and when officers may draw a firearm.

Under the new law, agencies must implement their use-of-force policies by January 1, 2021 as well as make them accessible to the public. MPPD has made Policy 300 "Use of Force" available on the City's website and is currently implementing in advance of the 2021 timeframe.

Training

AB 392 requires the Commission on Peace Officer Standards and Training (POST) to implement courses for the regular and periodic training of law enforcement officers in the use of force. The new law also requires the Commission to develop uniform, minimum guidelines that law enforcement agencies can use to develop their own use of force policies as required above.

MPPD's police officers participate in all required POST trainings and the department has developed its own series of briefings training.

Internal Affairs Investigations

The personnel files of public entity employees are confidential under California law. For police officers, personnel information and internal affairs (IA) investigations are protected from disclosure under State law¹ and only disclosable through mandated motion procedure in a civil or criminal case. Recently, there have been several reforms in this area making certain types of records disclosable in response to a Public Records Act request. The most significant is SB

¹ The Public Safety Officers Procedural Bill of Rights Act is codified at Government Code 8300 *et seq.*

1421 (effective January 1, 2019) which requires disclosure of three different categories of officer misconduct:

- Officer-involved shootings and certain uses of force;
- Sustained findings of sexual assault by officer; and
- Sustained findings of certain types of dishonesty.

Following passage of SB 1421, the City received numerous media requests and requests from residents for this information. The City Attorney's Office prepared the responsive records (i.e. redacted personnel information of victims and witnesses) and disclosed the records, which included two officer involved shootings, which occurred in 2006 and 2014, one use of force involving a bean bag gun that occurred in 2017, and one IA investigation concerning an officer's investigation report.

MPPD discloses the number of citizen complaints and internal affairs conducted each year in its year-end review forwarded to the Council. (The latest report is included as Attachment B.) MPPD is not large enough to have its own IA department, although every sergeant and command staff member is trained in conducting internal affairs investigations along with Skelly and POBR. The Administrative Sergeant is assigned to conduct IAs. Most of MPPD's IA investigations are conducted internally, although for larger investigations MPPD has used an outside law firm (Liebert Cassidy Whitmore) and an outside investigator (Bradley Zook, retired Palo Alto Police Department Captain) with special IA training. Under the police union memorandum of understanding with the City, police officers are entitled to appeal termination or discipline to "binding arbitration." Advocates of police reform criticize "binding arbitration" provisions as they have traditionally resulted in the overturning or reduction of discipline. However, because these provisions are contained in existing union contracts, they are difficult to remove.

Racial Profiling Data

In 2015, AB 953 (The Racial and Identity Profiling Act sometimes referred to as RIPA) was passed. In addition to requiring the collection of data regarding citizen complaints that allege racial or identity profiling, AB 953 requires all law enforcement agencies in California to collect perceived demographic² and other detailed data regarding pedestrian and traffic stops. A reporting template is included in Attachment C. Large police departments (called Wave 1 agencies) began reporting requirements in July 2018. Smaller agencies (including Menlo Park) do not start reporting until 2023, the practical reason being that California is attempting to test the record keeping software and perfect it before full implementation. The current reporting requirements are quite cumbersome and it is hoped that the Wave 1 agencies will devise more streamlined procedures that will assist smaller agencies. It is important to note that the current RIPA law only mandates demographic reporting of police arrests or detentions/citations. The reporting does not apply to "consensual" encounters.³ Some of the community concern voiced

² The legislation requires officers to record "perceived" demographic data, including race/ethnicity, in an effort to address racial profiling. As driver licenses do not contain race/ethnicity, this legislation relies on officers' ability to "perceive" race/ethnicity.

³ There are three types of police/citizen encounters: (1) Consensual encounters which do not require reasonable suspicion or probable cause as long as a reasonable person would feel free to leave or decline to speak with the police; (2) investigatory detentions which authorize the police to briefly detain a

at town halls related to consensual encounter which would not be covered by the new RIPA legislation.

In anticipation of this reporting requirement, the MPPD has established an internal RIPA committee in January of 2020, with members from all levels of the organization to explore the process for accomplishing these new requirements. A special module in the Computer Aided Dispatch (CAD) and Records Information Management System (RIMS) was purchased to collect this data. The committee is also exploring the manner in which larger departments are collecting this “real-time” data from officers who are not assigned to a patrol vehicle which have installed mobile computers (motorcycle officers, detectives, etc). The department was in the process of beta testing the process starting in July of 2021 (1.5 years prior to the legal mandate), but are now exploring beginning the data collection as soon as January 2021.

AB 953 also mandated that the state create the Racial Identity and Profiling (RIPA) Board, to provide public reports with the objective of eliminating racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement. As mandated by law, each year, California’s RIPA Board must produce a report on the past and current status of racial and identity profiling with policy recommendations for eliminating it. The first report was issued in 2020 using 2018 data.⁴ More information on AB 953 is here: <https://oag.ca.gov/ab953>. Since Menlo Park’s reporting requirement does not occur until 2023, these reports do not contain Menlo-Park specific data.

Pending State Legislation

State Sen. Steven Bradford, D-Gardena, introduced SB 731, which would create a process for the state to decertify law enforcement officers convicted of certain crimes or terminated for misconduct. Currently, California is one of five states without some form of de-certification process for crimes and serious misconduct. The City Attorney’s Office is monitoring this legislation.

AB 1299 would require law enforcement agencies to complete misconduct investigations of their officers and notify the state’s Commission on Peace Officer Standards and Training so the findings can be reviewed by any department that next hires the police officer. Specifically, it is designed to address a “loophole” where the officer voluntarily resigns to avoid an unfavorable investigation finding. Under the proposed legislation, misconduct includes complaints that would likely result in the termination, demotion or suspension of an officer for 30 days or more, if the charges were sustained. The City Attorney’s Office is monitoring this legislation.

Sen. Nancy Skinner, D-Berkeley, the author of SB 1421, continues to work to broaden and revise the 2018 law, discussed above. The City Attorney’s Office is monitoring this legislation.

person for further investigation where the officer has reasonable suspicion to believe the person stopped is involved in criminal activity; and (3) an arrest which must be supported by probable cause.

⁴ The records include data on the demographic information of the stopped individuals as perceived by the officer. The demographic information includes race/ethnicity, gender, LGBT identity, age, disability status, and English fluency, as well as a range of descriptive information designed to provide context for the reason for the stop, what occurred during the stop, and the resolution of the stop. The purpose of collecting this data is to attempt to systematically document and analyze detentions and/or searches of all individuals to determine whether disparities occur depending on race and/or identity.

News Flash Home

The original item was published from 1/27/2020 8:52:00 PM to 2/28/2020 12:00:01 AM.

Posted on: January 27, 2020

[ARCHIVED] 2019 in review: Police release annual crime statistics and complaint data

The Police Department continues to work with our community partners, residents and businesses toward the goal of a safer city. The Police Department releases its annual crime statistics and complaint data on its website and the city's open data portal.

Police officers contact the public in several ways, including response to calls received by the dispatch center, flag downs or requests made in public, along with officer initiated activities (which range from traffic to pedestrian stops). Not all service calls result in written reports or citations. Officers use their discretion, experience, knowledge of laws/policies and communication skills to resolve situations.

All department employees (sworn officers and professional staff) working in the community have been wearing body cameras since 2014 in an effort to strengthen staff's performance and accountability, enhance department transparency, document encounters with the public, and investigate and resolve complaints and staff-involved incidents.

In 2019, the Police Department responded to nearly 24,000 calls for service, conducted over 10,000 traffic stops, over 8,000 pedestrian and bicycle stops, wrote more than 3,500 reports and arrested 1,130 individuals. The calls for service do not reflect the thousands of walk-ins to the police lobby and phone calls where professional staff, including administration, records and parking, provides services directly to the public (i.e., police report copies, vehicle releases, parking enforcement/permits, media inquiries, general questions, property/evidence, etc.).

The 2019 crime statistics show an increase in reported violent crime (homicide, rape, robbery and aggravated assault); 47 incidents in 2019 over 40 reported in 2018. This increase can be partially attributed to an increase in reported rapes from seven in 2018 to 14 reported in 2019 along with a change in reporting criteria for sexual assaults, and 13 robberies in 2019 compared to eight in 2018. There were no reported homicides in 2019 and clearance rates for violent crimes (the percentage of crimes that are solved) increased from 70 percent in 2018 to 74 percent in 2019.

Property crimes (burglary, larceny, auto theft and arson) rose 27 percent in comparison to 2018. The increase in property crimes has effected the entire State of California due to a thriving economy along with changes in legislation dealing with property crimes and narcotic violations, which have lessened penalties and the ability to incarcerate offenders.

The Police Department investigated 10 internal affairs cases, six of which were based on complaints and 4 of which were department initiated. It should be noted that the six complaints are out of 42,338, or 0.01 percent of contacts with the public. This is over a 50 percent decrease from 2018 where 17 internal affairs investigations were conducted. When reviewing internal and personnel complaints, it is important to look at the number and types of service calls officers

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respond to within the evaluated period. It is inevitable that with 42,338 public contacts, there will be situations where a member of the public is not satisfied with the service received and has the right to file a complaint.

The top cause for internal investigation in 2019 was for conduct (4 investigations). Out of the 10 internal affairs investigations:

- One was sustained
- One was not sustained
- Two were exonerated
- Three are pending
- Two concluded with no finding
- One was unfounded
- None were found to be frivolous
- No complaints were withdrawn

A "sustained" finding means that evidence from the internal investigation indicated the complaint was founded. The sustained complaint in 2019 was for a policy violation.

A "not sustained" finding means the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation(s).

For a complaint to be "exonerated" there must be proof that the officer's actions were consistent with department policies and protocols. This occurs quite frequently since all employees working in the community now wear body cameras.

A complaint is considered "pending" when the complainant is facing criminal charges and laws prohibit police personnel from questioning the complainant until the charges are adjudicated.



A complaint is "closed with no finding" when the complainant fails to disclose promised information needed to further the investigation, the complainant is no longer available or the department member is no longer employed by the department.

For a complaint to be determined "unfounded," it must be demonstrated that the alleged actions did not occur or did not involve our personnel.

A finding of "frivolous" is reached when, the investigation found that the complaint is one that is "totally and completely without merit" or is taken "for the sole purpose of harassing the officer."

A finding of "withdrawn" is reached when the complainant affirmatively indicated the desire to withdraw the complaint.

The use of body cameras has allowed supervisors to review incidents mentioned by complainants immediately. This review allows for an examination of a situation as it happened based upon the facts, as opposed to recollection.

With all this factored into the equation, 10 internal affairs investigations per year is an acceptable number, but we will always strive toward zero.

[Contact Police Chief Dave Bertini](#)



AB 953: TEMPLATE BASED ON THE FINAL REGULATIONS

Additional data values for the stop of a student in a K-12 public school are listed in red.

1. **Originating Agency Identifier** (prepopulated field)
2. **Date, Time, and Duration of Stop**
 Date: (e.g., 01/01/19)
 Start Time (approx.): (e.g. 1530)
 Duration of Stop (approx.): (e.g. 30 min.)
3. **Location**
 - Report one (listed in order of preference): block number and street name; closest intersection; highway and closest highway exit. If none of these are available, the officer may report a road marker, landmark, or other description, except cannot report street address if location is a residence.
 - City: _____
 - Check here to indicate stop is of a student at K-12 public school: _____
 - Name of -12 Public School _____
4. **Perceived Race or Ethnicity of Person Stopped** (select all that apply)
 - Asian
 - Black/African American
 - Hispanic/Latino(a)
 - Middle Eastern or South Asian
 - Native American
 - Pacific Islander
 - White
5. **Perceived Gender of Person Stopped** (may select one from options 1-4 AND option 5, if applicable, or just option 5)
 1. Male
 2. Female
 3. Transgender man/boy
 4. Transgender woman/girl
 5. Gender nonconforming
6. **Person Stopped Perceived to be LGBT (Yes/No)** (“Yes” must be selected if “Transgender” was selected for “Perceived Gender”)
7. **Perceived Age of Person Stopped** (input the perceived, approximate age)
8. **Person Stopped Has Limited or No English Fluency (check here if Yes _____)**
9. **Perceived or Known Disability of Person Stopped** (select all that apply)
 - Deafness or difficulty hearing
 - Speech impairment or limited use of language
 - Blind or limited vision
 - Mental health condition
 - Intellectual or developmental disability, including dementia
 - Disability related to hyperactivity or impulsive behavior
 - Other disability
 - None

AB 953: TEMPLATE BASED ON THE FINAL REGULATIONS

Additional data values for the stop of a student in a K-12 public school are in listed in red.

10. Reason for Stop (select one - the primary reason for the stop only)

- Traffic violation
 - Specific code (CJIS offense table; select drop down) and
 - Type of violation (select one)
 - Moving violation
 - Equipment violation
 - Non-moving violation, including registration violation
- Reasonable suspicion that person was engaged in criminal activity
 - Specific Code (drop down; select primary if known) and
 - Basis (select all applicable)
 - Officer witnessed commission of a crime
 - Matched suspect description
 - Witness or victim identification of suspect at the scene
 - Carrying suspicious object
 - Actions indicative of casing a victim or location
 - Suspected of acting as a lookout
 - Actions indicative of a drug transaction
 - Actions indicative of engaging in a violent crime
 - Other reasonable suspicion of a crime
- Known to be on parole/probation/PRCS/mandatory supervision
- Knowledge of outstanding arrest warrant/wanted person
- Investigation to determine whether person was truant
- Consensual encounter resulting in search
- Possible conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 (select specific Educ. Code section & subdivision)
- Determine whether student violated school policy

A brief explanation is required regarding the reason for the stop and must provide additional detail beyond the general data values selected (250-character maximum).

11. Stop Made in Response to a Call for Service (Yes/No) (Select “Yes” only if stop was made in response to call for service, radio call, or dispatch)

12A. Actions Taken by Officer(s) During Stop (select all that apply)

- Person removed from vehicle by order
- Person removed from vehicle by physical contact
- Field sobriety test conducted
- Curbside detention
- Handcuffed or flex cuffed
- Patrol car detention
- Canine removed from vehicle or used to search
- Firearm pointed at person
- Firearm discharged or used
- Electronic control device used
- Impact projectile discharged or used (e.g. blunt impact projectile, rubber bullets or bean bags)
- Canine bit or held person
- Baton or other impact weapon used
- Chemical spray used (e.g. pepper spray, mace, tear gas, or other chemical irritants)
- Other physical or vehicle contact
- Person photographed

AB 953: TEMPLATE BASED ON THE FINAL REGULATIONS

Additional data values for the stop of a student in a K-12 public school are in listed in red.

- Asked for consent to search person
 - Consent given
 - Consent not given
- Search of person was conducted
- Asked for consent to search property
 - Consent given
 - Consent not given
- Search of property was conducted
- Property was seized
- Vehicle impound
- Admission or written statement obtained from student
- None

12B. Basis for Search (if search of person/property/both was conducted; select all that apply)

- Consent given
- Officer safety/safety of others
- Search warrant
- Condition of parole/probation/PRCS/mandatory supervision
- Suspected weapons
- Visible contraband
- Odor of contraband
- Canine detection
- Evidence of crime
- Incident to arrest
- Exigent circumstances/emergency
- Vehicle inventory (for search of property only)
- Suspected violation of school policy

A brief explanation is required regarding the basis for the search and must provide additional detail beyond the general data values selected (250-character maximum). This field is not required if basis for search is “condition of parole/probation/PRCS/mandatory supervision.”

12C. Contraband or Evidence Discovered, if any (during search/in plain view; select all that apply)

- None
- Firearm(s)
- Ammunition
- Weapon(s) other than a firearm
- Drugs/narcotics
- Alcohol
- Money
- Drug paraphernalia
- Suspected stolen property
- Cell phone(s) or electronic device(s)
- Other contraband or evidence

12D. Basis for Property Seizure (if property was seized; select all that apply)

- Safekeeping as allowed by law/statute
- Contraband
- Evidence
- Impound of vehicle

AB 953: TEMPLATE BASED ON THE FINAL REGULATIONS

Additional data values for the stop of a student in a K-12 public school are in listed in red.

- Abandoned property
- Suspected violation of school policy

Type of Property Seized (select all that apply)

- Firearm(s)
- Ammunition
- Weapon(s) other than a firearm
- Drugs/narcotics
- Alcohol
- Money
- Drug paraphernalia
- Suspected stolen property
- Cell phone(s) or electronic device(s)
- Vehicle
- Other contraband or evidence

13. Result of Stop (select all that apply)

- No action
- Warning (verbal or written): Code/ordinance cited (drop down)
- Citation for infraction: Code/ordinance cited (drop down)
- In-field cite and release: Code/ordinance cited (drop down)
- Custodial arrest pursuant to outstanding warrant
- Custodial arrest without warrant: Code/ordinance cited (drop down)
- Field Interview Card completed
- Noncriminal transport or caretaking transport (including transport by officer, transport by ambulance, or transport by another agency)
- Contacted parent/legal guardian or other person responsible for the minor
- Psychiatric hold (Welfare & Inst. Code, §§ 5150, 5585.20.)
- Referred to U.S. Department of Homeland Security (e.g., ICE, CBP)
- Referral to school administrator
- Referral to school counselor or other support staff

14. Officer's Identification (I.D.) Number (prepopulated field)

15. Officer's Years of Experience (total number of years worked as a peace officer)

16. Type of Assignment of Officer (select one)

- Patrol, traffic enforcement, field operations
- Gang enforcement
- Compliance check (e.g. parole/PRCS/probation/mandatory supervision)
- Special events (e.g. sports, concerts, protests)
- Roadblock or DUI sobriety checkpoint
- Narcotics/vice
- Task force
- K-12 public school, including school resource officer or school police officer
- Investigative/detective
- Other (manually specify type of assignment)



July 8, 2020

To: Menlo Park Mayor and City Council

From: Starla L. Jerome-Robinson, City Manager
Cara E. Silver, Interim City Attorney

Subject: Financial Accounting of General Fund Expenditure of Facebook “City Services” Funds

Introduction

At the budget hearings, the City Council requested an accounting of the city services funds made by Facebook and allocated to police service. This report serves as this accounting. In summary, Facebook has currently paid a total of \$4,578,750 in city services funds to the City, the City has expended \$1,933,687 in connection with the Community Response Team and there remains a balance of \$2,645,063 funds. In addition, under the Amended Development Agreement, Facebook owes the City an additional \$2,315,250 in city services funds as of July 1, 2020. Facebook’s final two payments under the Amended Development Agreement are due on July 1, 2021 and July 1, 2022.

Development Agreement Terms

On November 1, 2016, the City Council approved the Facebook Campus Expansion Project and the Development Agreement by introducing Ordinance No. 1021 (“Enacting Ordinance”). The City Council conducted a second reading and adopted the Enacting Ordinance on November 15, 2016, making it effective on December 16, 2016. The Development Agreement was recorded on December 16, 2016, in the Official Records of the County of San Mateo.

On February 7, 2017, Applicant applied for modifications to the approved Facebook Campus Expansion Project, including but not limited to, changes to the design and the height of buildings and changes to the location of the parking (“Revised Project”). As part of the Revised Project, Facebook requested an Amendment to the Development Agreement.

On November 7, 2017, the City Council reviewed the Revised Project, and voted to approve the project and introduce the ordinance adopting the Amendment to the Development Agreement. On November 14, 2017, the City Council conducted a second reading on the ordinance approving the Amendment to the Development Agreement, making it effective on December 15, 2017.

The Amendment to the Development Agreement includes additional revenue (\$11.25 Million present value) for city services that benefit the safety of the community, and the use of the funds would be in the sole discretion of the City. This payment would be made in five equal installments of \$2,250,000, adjusted by the Consumer Price Index. The language provides:

4. In addition to the local community benefits to be provided by Facebook pursuant to Section 9 of the Development Agreement, Facebook shall contribute a total of Eleven Million Two Hundred Fifty Thousand Dollars (\$11,250,000) to the City's general fund to be spent on services that benefit the safety of local community but otherwise in the sole discretion of the City (the "City Services Contribution"). Payment of the City Services Contribution shall occur in five equal installments over a five-year period (i.e., \$2,250,000 per year for five years). The annual payments shall be payable on July 1 of the City's fiscal year, and the first payment will be payable on July 1, 2018. The amount of the payment each fiscal year shall be adjusted based upon the Consumer Price Index for All Urban Consumers for San Francisco-Oakland-San Jose as measured from February to February (<https://data.bls.gov/cgi-bin/surveymost>). The City agrees to provide an annual update to Facebook regarding the City's use of the City Services Contribution as part of the annual review process required by Section 12.1 of the Development Agreement. The City Services Contribution shall not be payable if Facebook elects to terminate this Amendment pursuant to Section 6 of this Amendment.

At the time the Amendment to the Development Agreement was approved, the parties contemplated that these funds would be used for the police department's community response team (sometimes referred to as CRT or Beat 4). However, the Amendment language does not require the City to use these funds for police services. Instead, it simply requires the funds to "be spent on services that benefit the safety of local community" and clarifies the City shall have "sole discretion" over such expenditures.

Use of City Service Contribution to Date

Included as Attachments 1 and 2 to this report are accountings of the funds used in FY 2018-19 and FY 2019-20. In summary, in FY 2018-19, \$2,250,000 was received from Facebook and \$195,853 expended leaving a balance of \$2,054,147. In FY 2019-20, \$2,328,750 was received and 1,737,834 expended leaving a balance of \$590,916. Attachments 1 and 2 show the detail on the expenditures which were related to assembling and funding the CRT team. Thus, the City has a total unexpended balance of \$2,645,063 to date. Note that the expenditures in the first fiscal year were low as the City was in the process of onboarding new police officers to staff the CRT team. Further, vehicles for these officers were not purchased until the following year, reducing the first fiscal year and increasing the second year expenditures. The expenditures for FY 2019-20 are just estimates as this fiscal year has not yet been closed out and audited.

The balance remaining in this fund will be earmarked in the general fund for uses approved under the Amended Development Agreement. As discussed above, such funds can be used in the Council's sole discretion for continued funding of the CRT or for other qualifying services benefiting the safety of the local community.

Attachments

- 1: FY 2018-19 Accounting of Facebook Funds
- 2: FY 2019-20 Accounting of Facebook Funds

Cc: Nick Pegueros, Assistant City Manager
Justin Murphy, Deputy City Manager

20/07/07-08:33 * * * * * -- CITY OF MENLO PARK FY 2019 (CF PROD) FY 2019 -- * * * * * * July 07 2020			
GL787 Facebook - 0010027 Report Format 109		GL Period* 13 ending June 30, 2019 Transaction status 3	
Prj 0010027 FB - Community Response Team		Ending Balance	
Total Revenues		-2,250,000	
Acc 510 SALARIES AND WAGES		131,249	
Acc 520 FRINGE BENEFITS		62,504	
Acc 530 OPERATING EXPENSE		2,100	
Total Expenses		<u>195,853</u>	
Excess of Revenue		-2,054,147	
Prj 0010027 FB - Community Response Team			
Carry Over to FY 19/20		-2,054,147	

20/07/07-08:33 * * * * * -- CITY OF MENLO PARK FY 2019 (CF PROD) FY 2019 -- * * * * * July 07 2020			
GL787 Facebook - 0010027 Report Format 109		GL Period* 13 ending June 30, 2019 Transaction status 3	
		Ending Balance	
Prj 0010027 FB - Community Response Team			
100 10101100271793 Reimbursement Revenue		-2,250,000	
Total Revenues		-2,250,000	
Acc 510 SALARIES AND WAGES			
100 10101100275101 Salaries - Regular		90,038	
100 10101100275102 Salaries - Overtime		17,392	
100 10101100275105 Comp Time		229	
100 10101100275107 Vacation Paid		4,887	
100 10101100275110 Special Pay		1,108	
100 10101100275120 Sick Leave		259	
100 10101100275123 Holiday		1,224	
100 10101100275124 School		138	
100 10101100275125 Floating Holiday		2,463	
100 10101100275133 Special Merit		5,220	
100 10101100275134 Post Incentive		8,029	
100 10101100275151 Uniform Allowance		260	
Acc 510 SALARIES AND WAGES		131,249	
Acc 520 FRINGE BENEFITS			
100 10101100275211 Retirement (Pers)		43,432	
100 10101100275212 Health Insurance		13,002	
100 10101100275214 Dental Insurance		2,209	
100 10101100275215 Medicare & FICA		1,887	
100 10101100275216 Life Insurance & Disability		845	
100 10101100275218 Excess Medical		1,129	
Acc 520 FRINGE BENEFITS		62,504	
Acc 530 OPERATING EXPENSE			
100 10401100275322 Employee Training		2,100	
Acc 530 OPERATING EXPENSE		2,100	
Total Expenses		195,853	
Prj 0010027 FB - Community Response Team		-2,054,147 <--what's left from 2018/19	
Carry Over to FY 19/20		-2,054,147	

20/07/07-08:47 * * * * * -- CITY OF MENLO PARK FY 2020 (CF PROD) FY 2020 -- * * * * * July 07 2020			
GL787 Facebook - 0010027 Report Format 109		GL Period* 13 ending June 30, 2020	Transaction status 1
			Ending Balance
Prj 0010027 FB - Community Response Team			
Carry over from FY: 18/19			-2,054,147
Total Revenues - 19/20			-2,328,750
Acc 510 SALARIES AND WAGES			908,058
Acc 520 FRINGE BENEFITS			446,376
Acc 530 OPERATING EXPENSE			89,984
Acc 560 FIXED ASSETS & CAPITAL OUTLAY			237,499
Acc 580 REPAIRS & MAINTENANCE			55,917
Total Expenses			<u>1,737,834</u>
Excess of Revenue FY: 19-20			-590,916
Prj 0010027 FB - Community Response Team Current available fund			-2,645,063 **
<i>**FY 19-20 is not closed; additional expenditures wil decrease the available fund</i>			

20/07/07-08:47 * * * * * -- CITY OF MENLO PARK FY 2020 (CF PROD) FY 2020 -- * * * * * July 07 2020			
GL787 Facebook - 0010027 Report Format 109		GL Period* 13 ending June 30, 2020	Transaction status 1
			Ending Balance
Prj 0010027 FB - Community Response Team			
Carry over from FY: 18/19			(2,054,147)
100 10101100271793 Reimbursement Revenue			(2,328,750)
Total Revenues			(2,328,750)
Acc 510 SALARIES AND WAGES			
100 10101100275101 Salaries - Regular			623,662
100 10101100275102 Salaries - Overtime			99,975
100 10101100275104 Salaries - Temp Help			388
100 10101100275105 Comp Time			6,063
100 10101100275107 Vacation Paid			35,548
100 10101100275111 Night/Weekend Differential			34
100 10101100275112 Bilingual			1,575
100 10101100275116 Out of Class			1,895
100 10101100275120 Sick Leave			9,096
100 10101100275123 Holiday			42,407
100 10101100275124 School			112
100 10101100275133 Special Merit			41,180
100 10101100275134 Post Incentive			39,723
100 10101100275137 Cafeteria Plan			180
100 10101100275151 Uniform Allowance			6,220
Acc 510 SALARIES AND WAGES			908,058
Acc 520 FRINGE BENEFITS			
100 10101100275211 Retirement (Pers)			281,782
100 10101100275212 Health Insurance			80,644
100 10101100275214 Dental Insurance			14,755
100 10101100275215 Medicare & FICA			14,055
100 10101100275216 Life Insurance & Disability			5,777
100 10101100275218 Excess Medical			8,572
100 10101100275291 Workers Comp Internal Svc Chrg			23,850
100 10101100275292 OPEB Internal Svc Chrg			16,940
Acc 520 FRINGE BENEFITS			446,376
Acc 530 OPERATING EXPENSE			
100 10101100275318 Police Dept Supplies			7,294
100 10101100275322 Employee Training			25,200
100 10101100275343 General Liability Internal Svc			21,438
100 10101100275391 Miscellaneous			50
100 10401100275318 Police Dept Supplies			9,002
100 10401100275322 Employee Training			27,000
Acc 530 OPERATING EXPENSE			89,984
Acc 560 FIXED ASSETS & CAPITAL OUTLAY			
100 10101100275651 Vehicles			237,499
Acc 560 FIXED ASSETS & CAPITAL OUTLAY			237,499
Acc 580 REPAIRS & MAINTENANCE			

100 10101100275831 Communications Maintenance				55,917	
Acc 580 REPAIRS & MAINTENANCE				55,917	
Total Expenses				1,737,834	
Excess of Revenues - FY 19/20				(590,916)	
Prj 0010027 FB - Community Response Team Current available fund				(2,645,063)	**
<i>**FY 19-20 is not closed; additional expenditures wil decrease the available fund</i>					

National Association for Civilian Oversight of Law Enforcement

Building Public Trust Through Law Enforcement Accountability and Transparency



- What are the benefits of police oversight?
- Oversight Models: Is one model better than another?
- What are the features of an effective police oversight body?
- What are the steps a community should take in establishing effective police oversight?
- How can NACOLE help community members/city officials implement or improve oversight?
- What should the qualifications and training be for oversight practitioners?
- What types of complaints should be accepted?
- Is it necessary for an oversight authority to conduct investigations?
- Who should make the final determination as to whether the allegations in a complaint should be sustained and what corrective actions, or disciplinary measures should be imposed?
- Should the oversight entity have subpoena power?

FAQs

Didn't find the answer you were looking for below? Contact Us

What are the benefits of police oversight?

A: Police oversight can benefit not only the individual complainant, but also the larger community, police and sheriff's departments, and even elected or appointed officials. The actual benefits that occur depend on how well the involved groups work together and the type of model implemented. Some potential benefits are:

1. Complainants are given a place to voice concerns outside of the law enforcement agency.
2. Oversight can help hold the police or sheriff's department accountable for officer's actions.
3. Oversight agencies can help improve the quality of the department's internal investigations of alleged misconduct.
4. The community at large can be reassured that discipline is being imposed when appropriate, while also increasing the transparency of the disciplinary process.
5. When the oversight agency confirms a complainant's allegation(s), complainants may feel validated.
6. And similarly, when the oversight agency exonerates the officer, the officer may feel vindicated.
7. Oversight agencies can help improve community relations by fostering communication between the community and police agency.
8. Oversight agencies can help reduce public concern about high profile incidents.
9. Oversight agencies can help increase the public's understanding of law enforcement policies and procedures.
10. Oversight agencies can improve department policies and procedures. Policy recommendations can prevent issues by identifying areas of concern and subsequently offering options to improve policing.
11. Oversight agencies can assist a jurisdiction in liability management and reduce the likelihood of costly litigation by identifying problems and proposing corrective measures before a lawsuit is filed.
12. Mediation has multiple benefits to both citizens and police officers. If the oversight agency provides mediated solutions, it can help complainants feel satisfied through being able to express their concerns to the specific police officer in a neutral environment. Mediation can also help police officers better understand how their words, behaviors and attitudes can unknowingly affect public perceptions.
13. By establishing an oversight system, public officials are provided the opportunity to demonstrate their desire for increased police accountability and the need to eliminate misconduct.

All of these potential benefits help to support the goals of community-oriented policing, which seeks to utilize problem solving techniques to work in a cooperative effort with the community to proactively address concerns.

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Oversight Models: Is one model better than another?

A:

Oversight systems can take a wide variety of forms and operate under a wide range of authorities. [1]

Each jurisdiction will have to carefully assess the needs of the community and the cost-benefits of the oversight program they adopt. The key question is whether the oversight system is sufficiently independent—in terms of political, professional and financial independence and authority—to do what is needed and what is asked of it.

It is helpful to think in terms of the goals of the community and what is being asked of the local oversight system. Specifically, what level of funding and how much authority should be given to the oversight agency in order to shoulder its identified tasks and succeed. The oversight agency's mission should bear some relationship to the size of the police department, the department's funding levels, and the level of trust or mistrust within the community—particularly among those segments of the community that historically have been the subjects of over-policing or bias-based policing.

1. Ongoing Monitoring/Auditing Authorities: Typically these systems allow for the oversight agency to be actively engaged in each, if not all, of the steps related to the complaint process.

1. Caution: When communities adopt language referring to an oversight “monitor,” it should be distinguished from monitors created as the result of federal consent decrees or court ordered monitoring through litigation brought by the US Department of Justice to end “patterns and practices” of unconstitutional policing under federal law.

More accurately, programs stemming from the adoption of a local ordinance or charter amendment to establish a “monitoring” program typically provide some form of ongoing *review or audit* of the complaint process. Communities should not think that calling the director of a local civilian oversight program a “monitor” will lead to the same broad powers and complex programs that make up the components of federal consent decrees.

To add to the confusion, the title of auditor is often assigned to the director of an oversight program even though few people in this role conduct audits in the technical sense of the word. Likewise, the title *ombudsperson* can be misleading as the heads of oversight programs are not advocates for complainants or the public but rather advocate for and work to forward a system that results in improved police performance and accountability. Increasingly, new oversight agencies simply refer to the executive directors of the programs as directors or executive directors.

1. How it Works: The work of monitors, auditors or ombudspersons in the context of locally adopted civilian oversight typically results in a process that is *ongoing* and engaged with each, if not all, of the steps involved in when a person in the community complains about the

conduct of a police employee or employees in a particular situation. A full range of authorities under this type of system would result in engagement with each of the following steps.

1. Complaint intake—the monitor/auditor/ombudsman/director oversees the process for ensuring:

i. Complaints are able to be received from a wide variety of sources—including in-person, telephonically, electronically, anonymously and through third persons with sufficient knowledge of the underlying circumstances;

ii. That the system is accessible through a variety of means (including in person, telephone, electronically);

iii. Individuals with limited English proficiency or special needs have access to the system;

iv. That complainants are not discouraged from filing a report and are free from retaliation;

v. The individuals receiving and screening complaints are well trained in conducting what is essentially an initial investigation;

1. Complaint classification—i.e., if proven would the alleged facts result in a finding of misconduct on the part of the named officer in violation of a specific policy or policies?

2. Investigation—assignment, plan, interviews, gathering evidence (reports, phone records, CCT, in-car, ECW or body-camera videos, medical records, etc. And requiring further investigation if information is incomplete.

3. Report Writing—reviewing the investigative reports to determine whether the investigation was timely, thorough and objective.

4. Analysis—after the investigation is complete:

i. Analyzing information to determine whether facts are sufficient to prove (the usual standard is preponderance of evidence) the policy was violated,

ii. Identify issues of supervision or training.

iii. If there is authority to weigh in on or recommend corrective or disciplinary measures, the monitor may assess whether these measures were imposed in an even-handed manner consistent with the department's disciplinary matrix.

iv. Alternative Dispute Resolution—the oversight program may be involved in administering or coordinating mediation programs.

1. **Strengths:** These types of agencies can be effective in identifying strengths and weaknesses in how complaints are handled, identifying areas of weakness—particularly bias—in investigations, spotting gaps in training, policy and supervision within the police department, providing opportunities for dialogue and understanding between the police and individuals and groups within the community, assessing the effectiveness of early warning systems and determining whether discipline is consistent and fair.
2. **Weaknesses:** These systems are often charged with collecting data and reporting trends. Because they are almost always complaint driven, it often takes many months to collect data that is reflective of a “trend.” Problems that exist within the police department may be systemic but are underreported because the police conduct affects people unlikely to complain—including disabled, people whose socio-economic status leaves them vulnerable and isolated. Other groups such as individuals working in sex trades or involved in gangs are not likely to report even the most egregious police misconduct. When members of marginalized groups do complain, the problem may appear to be an aberration when it is actually commonplace. Unless there is the staff and time to track the outcomes of criminal prosecutions, the oversight agency may not be aware of cases that are not filed, are dismissed or where evidence is suppressed due to police misconduct. Such data can be of use in effecting better training, clearer policy and reducing risk and liability related to the police department.
3. **Review Systems:**
 1. These systems typically allow the oversight body to review only cases that are closed.
 2. **How it Works:** An individual or a Board / Commission is authorized to review Internal Affairs (IA) investigations of complaints, find them adequate or not, and state whether it agrees or disagrees with the IA findings. Often such boards may recommend further investigation and/or make policy and training recommendations.
 - i. Oversight agencies with professional staff typically review all of the IA investigations and provide feedback. This includes reviewing interviews, recordings, evidence and IA reports checking to insure the IA investigation was thorough, timely and unbiased.
 - ii. Smaller agencies or volunteer review agencies may only be able to provide full review of selected cases.
 - iii. In some instances, agencies have the authority to require additional investigation but unless there is adequate time to review and return it to the department, it may be too late to have any practical effect on the outcome.

iv. Review boards frequently hold their meetings in public. How these meetings are conducted and what can be made public depends to a great extent on state law and union contracts.

1. Strengths: These systems can provide greater transparency and an additional layer of civilian and greater involvement by the community. When they make recommendations, the department may be more inclined to take action.
2. Weaknesses: These systems sometimes lack the independence they need to be effective. If the review board is all-volunteer, they can review only a limited number of cases. The time commitment can be overwhelming as all members not only need to review cases, they need to go through systematic training. Attendance at NACOLE conferences and workshops can be helpful. Local attorneys and civil rights or advocacy groups may provide training opportunities. But each and every review board member needs to be trained and this is expensive in terms of both time and money. It is often tempting to rely primarily on the police department to provide the training. The review board may become too dependent on the police department and recognized as such by the larger community.

1. Investigative Authority:

1. This allows for investigations to be conducted by the oversight agency and does not rely on investigators from within the police department. This can be particularly effective when the local police department has lost the confidence of the community to investigate itself.

In some instances, authority may be granted to monitoring type agencies or review agencies to contract with outside investigators to conduct investigation of complaints as needed. This usually occurs under a prescribed set of circumstances—typically when it is clear the general public would have no confidence in law enforcement investigators being impartial in the specific matter.

1. How it Works: An Oversight Agency or a Board/Commission is authorized to investigate the class of complaints and allegations identified in its establishing authority. Once the complaint is lodged and identified as being under the jurisdiction of the oversight agency, the oversight agency may:

- i. Identify the relevant police policy or policies that, if supported by evidence, constitute the basis of the complaint and allegations.

- ii. Conduct interviews of witnesses including civilian witnesses, police witnesses.

iii. Gather evidence including photographs, sound and video recordings, receipts, and documents relevant to the complaint.

iv. Prepare an investigative report identifying the witnesses interviewed and summaries of their testimonies; weigh the evidence and credibility; identify any gaps in the investigation due to lost or unavailable documents, unavailable or uncooperative witnesses, etc.

v. Make recommendations or findings as to whether the evidence supports the allegation(s). In some oversight systems, the agency has the authority to recommend and/or impose discipline.

1. Who Conducts the Investigations:

i. Trained, skilled investigators that work within the specific oversight agencies or commissions should perform the work.

ii. It is not necessary, or even desirable, that the investigators be formally trained law enforcement officers. What is necessary is that the investigators be well trained. There are certified investigation programs within the US; for example, civilian investigators frequently work for public defenders at the state and federal level. It is important that they receive ongoing training.

iii. Agencies that rely on volunteers should not attempt conducting investigations.

1. Strengths:

i. This system can help rebuild the trust of the community-particularly in communities in which confidence in the police department's ability to investigate itself has been compromised by a history of lackluster or inadequate investigations.

ii. This system avoids conflicts inherent in many internal affairs departments in which investigators are rotated from, then back into, other units such as patrol, SWAT, or investigations.

1. Weaknesses:

i. It adds to the size of the staff and thus costs to run the program; however, the city/county has to pay for investigators regardless of whether they are within the oversight agency or within the police department's internal affairs program.

ii. Police departments are often resistant to having non-police investigators conducting investigations.

iii. Working through the necessary administrative changes and possible challenges by local police unions may take additional time and political will.

iv. As with all oversight programs this authority will only address issues related to specific, individual complaints and may not help identify systemic issues.

1. Hearings Boards

1. Some oversight systems conduct hearings, hearing testimony or argument and rendering decisions.

i. Evidentiary Hearings: Some larger review boards have the authority to hold evidentiary hearings on complaints. This requires support staff to organize materials, forums and assist with findings and report writing

ii. Appeals: Some larger review boards have the authority to hear appeals filed by either the named officer or the complainant and overturn any decision made by the Chief of Police or other command staff responsible for making decisions based on the IA reports and recommendations.

1. Strengths: These boards and functions can be effective in keeping the complaint system from being, or appearing to be, a closed system in which only police command staff and officers have any direct responsibility or control over the outcome of complaints from community members.

2. Weaknesses: They require additional professional and support staff. Review board members will require specific training on conducting hearings that guarantee the procedural and substantive rights of all sides.

3. Administrative Prosecutorial Units

1. This is a fairly new development that has found success in the city of New York. It involves a special unit of attorneys and investigators responsible for investigating and prosecuting administrative complaints against police department employees.

2. How it Works: Allegations are investigated and based on the outcome of the investigation, the case is dismissed or moves forward to an evidentiary hearing before an administrative law judge. The judge's findings and conclusions are forwarded to a police executive for a final determination.

3. Strengths: Unlike most oversight systems addressing the complaint process, this system is highly independent from the police department and the standards for objectivity and thoroughness are high. The percentage of sustained allegations is over 85%, far above the norm for other oversight systems.

4. **Weaknesses:** This system is being employed by one of the largest cities in the nation. The resources are beyond the reach of most communities. Counties or regions might find pooling resources a worthwhile investment.
4. Systemic Audits of High Risk Police Programs
 1. A few metropolitan areas have adopted a program of conducting systemic audits of high-risk police activities such as stops, arrests, and searches and high risk programs including property units, SWAT, vice and gang units. These audits are conducted according to Generally Accepted Government Accountability Standards (GAGAS).
 2. Oversight agencies or Inspectors General establish a schedule for auditing the performance specific divisions and programs much the same a financial auditor audits the procedures and policies of a business, non-profit or government agency. Within the police context these audits can uncover unconstitutional policing, problems with supervision and weaknesses in police training and existing policies.
 3. **Strengths:** Auditing programs are efficient in detecting trends and common practices and are statistically reliable. They can be done using in-house resources or by contract with outside agencies. Audits are useful in confirming strengths within a program or department and can accurately measure progress over time. Unlike oversight agencies that concentrate on how complaints are handled, audits can be used to establish the level of professional, constitutionally based policing throughout the department.
 4. **Weaknesses:** Auditing programs require special training and significant independence.
1. HYBRID SYSTEMS
 1. Most communities now realize that oversight is not a one-size-fits-all proposition. Many oversight practitioners are finding that it is less useful to talk about models and more useful to talk about options of authority.
 2. The powers and authorities granted to an oversight agency can be combined in any manner that works best for each individual community. While a volunteer review board may not have the resources to insure each complaint and investigation is handled in a manner that guarantees transparency and accountability, it does add an important layer of involvement, communication and trust building. Review of closed cases might be frustrating for some, while other communities may choose to commit resources that are adequate to insure each review is thorough and the opportunity for feedback and change is genuine.

Is one form of oversight better than another?

1. Many oversight agencies have merged features from the different systems to address their specific needs.
2. As with any oversight systems or any combination of authorities, it can be an uphill battle to empower civilians to engage in processes that have traditionally been entirely within the bailiwick of the police. Accusations of “meddlesome amateurs,” “interfering with the police,” and “Monday morning quarterbacking,” may be among the kindest responses policy makers face from critics of civilian oversight. If systems are too weak to be effective they will fail or simply wither before healthy change in police culture can be achieved.
3. One of the first questions to consider is whether the oversight system will focus on the traditional realm of complaints or if the community sees a broader role for oversight.
4. Communities may find they are better off granting authority that may never need to be used than they would be in withholding authority that may be needed at a critical time.
5. Diluted systems should be avoided. Inadequate funding, lack of independence and the lack of access to critical information will make a skeptical public even more skeptical and will not result in the cultural change in policing the oversight system was created to address.
6. If the investment is made and pays off in improved police performance, it should help identify high-risk law enforcement employees, reduce litigation against the city or county and lower the amount of damage awards. In short the program may help pay for itself.
7. Greater confidence in law enforcement also pays off in reduced crime and safer communities, as more people are willing to report crime and testify in criminal cases.
8. Each model derives its authority and powers from the implementing law(s), ordinance(s), and/or charter of its jurisdiction (typically its city or county). A charter amendment may be desirable to ensure the oversight program becomes a permanent part of local government and cannot be eliminated without another charter amendment.
9. All oversight bodies have limited authority and civilian oversight alone cannot ensure police accountability. Genuine change must be seen as desired by law enforcement leadership. And oversight must be seen as contributing to the solution.

Additional internal and external mechanisms will be needed. Consider characteristics of the population, law enforcement agency, statutes, and collective bargaining agreements when deciding what type of system will best suit your community’s unique needs and resources.

[1] A detailed study was conducted in 2005 by the Police Assessment Resource Center, PARC, this information while highly relevant is 10 years old and with the increased number of federal consent decrees, cities have found

ways to strengthen their oversight systems. <https://www.parc.info/.../Review-of-National-Police-Oversight-Models-Feb-...>

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What are the features of an effective police oversight body?

A: There is no right answer as to what an effective police oversight body “must” look like. As many of the FAQ’s point out, flexibility is key. You can still get to the right outcome through different mechanisms. However, here are some features, some tangible, some not, which are key to effective police oversight:

1. Independence. The oversight body must be separate from all groups in order to garner trust by being unbiased.
2. Adequate funding. Oversight bodies must have enough funding and spending authority to fulfill the duties set forth in the enabling legislation. This includes enough money for adequate staff and money to train that staff.
3. Access to all critical pieces. This includes access to all necessary information and evidence in an investigation, but it also means access to decision makers in both the law enforcement agency and elected officials.
4. Rapport. The talent, fairness, dedication, and flexibility of the key participants- in particular the oversight director, chief elected official, police chief or sheriff, and union president. The rapport between the chief players can be far more important to the success of the oversight system than the systems structure. [1]
5. Ample authority. Whatever the oversight model chosen, it must have enough authority to be able to accomplish those goals.
6. Ability to review police policies, training and other systematic issues. Many see this as one of the most important roles an effective oversight agency can have. This ability shifts the focus on being reactive to past events to proactive with the possibility to resolve issues before they begin.
7. Community/Stakeholder Support and Outreach. Maintaining community interest is important for sustaining an agency through difficult times when cities or government jurisdictions may need to cut services for budget reasons. [2]
8. Transparency. Systematic reporting provides transparency and accountability to the community, and typically includes complaint analysis and other observations about the law enforcement organization and its practices. Reporting also increases public confidence in the oversight agency, as much of the work related to complaint investigations may be confidential and protected from public disclosure.[3]

[1] [1] Peter Finn. [Citizen Review of Police: Approaches and Implementation](#), p. xi (Nat'l Institute of Justice 2001).

[2] <http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf>

[3] <http://nacole.org/wp-content/uploads/Oversight-in-the-United-States-Attard-and-Olson-2013.pdf>

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What are the steps a community should take in establishing effective police oversight?

- A:** 1) You must first have a core group of citizens who are sufficiently concerned about the issue and who are willing to unite and work together over an extended period of time. This core group should seek out training and support resources prior to the establishment of a formal planning or advisory committee. If not, the voice of the community risks being marginalized once professional stakeholders become involved in the process.
- 2) Begin by framing the public discussion and inviting public input. Emphasize that the purpose is to improve trust between police and the community by ensuring public confidence in the agency through accountability and transparency. The end goal is to deliver the most professional and effective police services possible to the community. Invite police officials and union representatives to be a part of the conversation from the start. Get their input and make it clear to them that their suggestions and concerns are valuable to the process.
1. Acquire/develop and publicize data that clearly demonstrates a local need for civilian oversight (costs of past lawsuits, history of injuries, high ratio of use of force to arrest, lack of public confidence in policing agency, etc.).
- 3) Establish a planning or advisory committee composed of elected officials, legal advisors, police officials, police union representation and community advocates. Begin to meet regularly to educate the group on the pros and cons of various oversight models, legal requirements, collective bargaining limitations, etc.
1. Identify sources of resistance and issues of contention and begin to address the concerns or neutralize the resistance.
 2. A skilled negotiator or professional mediator may be helpful if communication becomes difficult or begins to break down.

4) Identify sources of technical assistance such as NACOLE, the Department of Justice, local bar associations and practitioners of civilian oversight in other jurisdictions. Visit oversight agencies in other jurisdictions to learn from their staff and observe their procedures.

5) Identify the proposed agency's objectives and scope.

1. What type of complaints will be accepted? How many complaints do you expect annually? Will the agency make both disciplinary and policy/training recommendations? Who shall be the final decision maker for complaint disposition? What should happen when there is a disagreement between the police department and the oversight agency? What will be the public reporting requirements for the oversight agency? Will the agency offer mediation? Will the agency have subpoena authority? How will the agency's effectiveness be measured? How will elected officials hold the oversight agency accountable?

6) Based upon the agreed objectives and scope, select an agency structure:

1. Citizen Review Board model with or without independent investigative authority and mandate for policy recommendations.
2. Monitor, Auditor, Ombudsman or Inspector General model with or without independent investigative authority and mandate for policy recommendations.

7) Determine whether the oversight agency will be created by ordinance or within the municipal charter. Generally, it is better to have it created within the city charter, as a municipal ordinance is typically easier to overturn.

8) Identify staffing needs

1. Decide on type and number of staff

1.

i.

Administrator/ombudsman/monitor/IG

1. How will the director be selected and what are the director's terms and qualifications of employment?

2. How can the director be reappointed or removed?

3.

ii. Volunteer board members

1. If the agency will be volunteer based, how many volunteer hours per week/month will it take for a volunteer to perform competently?

2. How will the volunteer board members be selected?

3. What are the qualifications (and disqualifications) for being a board member?

4.

iii. Administrative assistant(s)

5.

iv. Investigators

6.
 - v. Legal counsel
(Corporation Counsel or outside legal counsel)
2. Consider how training and development will be regularly provided to agency staff and/or volunteers.
- 9) Develop a specific and detailed budget estimate and work to secure political support of elected officials for full funding.
- 10) Present the proposal to the public and allow time for public input and feedback. Work with community advocacy organizations to build public support for the proposal to ensure its passage.

In the end, you should advocate for the most effective structure possible that can be created within the current local political context, but recognize that compromises may have to be made to secure its initial passage. Revisions to the law that would strengthen the agency can be proposed at a subsequent point in time when the political context may be more amenable.

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How can NACOLE help community members/city officials implement or improve oversight?

- A:** The mission NACOLE is to enhance fair and professional law enforcement responsive to community needs. NACOLE also:
1. Provides for the establishment, development, education, and technical assistance of/for the civilian oversight of law enforcement.
 2. Develops a national forum to provide an informational and educational clearinghouse and a publication resource of educational information for the public and organizations in the field of civilian oversight of law enforcement.
 3. Encourages the highest ethical standards in organizations that help oversee law enforcement.
 4. Educates the public by developing mechanisms to enhance police and community relations, educate law enforcement agencies, and encourage law enforcement to respond with sensitivity to citizens' issues and complaints.
 5. Provides, for a reasonable fee, consulting services to states, counties, cities and towns to assist in the design or refinement of oversight mechanisms.
 6. Provides training to staff members and volunteers of oversight agencies.
 7. Provides technical assistance and advice to jurisdictions that are considering the creation or revitalization of oversight bodies.

8. Identifies best practices as they emerge from the experiences of members.
9. Encourages networking, communication and information-sharing to counter the isolation inherent in the profession.
10. Furnishes information to government officials and community representatives that will support their advocacy of oversight in their states, counties, cities and towns.
11. Educates members by organizing an annual training conference that highlights best practices in the rapidly evolving world of citizen oversight through a program featuring guest speakers, panel discussions and workshops.

Connects members to one another through informal and formal networks of people who freely share their expertise and experiences in citizen oversight.

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What should the qualifications and training be for oversight practitioners?

A: Being a practitioner in civilian oversight of law enforcement requires one to meet certain qualification standards and to receive ongoing training. However, training and work qualifications are different for directors, investigators, supervisors, and board members. The NACOLE website provides a list of training topics and qualifications for full time practitioners and volunteer board members [create links to relevant NACOLE pages].

For agency directors (including auditors, monitors, and ombudsmen), NACOLE recommends at minimum a Bachelor's degree in a related field, but a Master's degree, Juris Doctorate, or PhD is highly desirable. At least four years of legal or administrative experience are recommended, along with prior supervisory or managerial experience. An agency director must be innovative and possess good judgment, objectivity and integrity. An agency director must be able to work effectively with a wide array of professional and elected stakeholders as well as with a multicultural community. An agency director should have exceptional communication skills and the ability to address both community and institutional concerns. The agency director must be able to manage people and organizations by setting goals, developing and implementing programs, supervising and managing personnel, and developing and managing a budget. An agency director must be resilient and possess strong diplomatic skills. A director must also possess knowledge of general legal principals and statutory law as well as practices and procedures related to conducting investigations and administrative hearings. A director of a civilian oversight agency should have

strong knowledge of the rules and regulations governing police operations, organization and administration.

A supervisory investigator should have a Bachelor's degree and at least five years of experience conducting civil, criminal or factual investigations. Supervisory investigators should possess the ability to plan, conduct and supervise complex investigations and provide training and supervision for other investigators. A supervisory investigator must have the ability to review and edit the work of other investigators to ensure that an investigation is thorough and the factual findings and analyses are sound. Supervisory investigators must have knowledge of criminal justice procedures and the ability to establish investigative procedures and standards consistent with best practices in civilian oversight. A supervisory investigator should also possess a commitment to civilian oversight and strong communication skills.

First line investigators for civilian oversight agencies should have a Bachelor's degree in a related field and three years of experience conducting civil, criminal or factual investigations. Oversight investigators should have knowledge of investigative techniques and procedures and the ability to conduct detailed factual interviews with aggrieved individuals, witnesses and police officers. Investigators should possess knowledge of evidence handling and preservation procedures, of skip-tracing techniques to locate witnesses and of legal and criminal justice procedures. Investigators must have the ability to conduct investigations in an objective and independent manner. Investigators must be able to produce clear, concise, well-organized and thorough investigative reports and communicate professionally and courteously with individuals from a wide variety of cultural and socio-economic backgrounds. Investigators must be resourceful and demonstrate sound judgment in collecting and developing facts and have the ability to analyze and apply relevant laws and regulations to the facts of a case.

For an oversight agency to be perceived as credible and legitimate, board or commission members must also acquire the knowledge and skills necessary to perform their assignment responsibly. The types and depth of relevant training depend on the role, duties and authority of the board or commission. Each agency must critically assess the tasks and functions its members will perform and determine the skills, expertise or training they need to acquire in order to perform their duties.

Board and commission members should receive an initial orientation to civilian oversight including a review of the variety of models of civilian oversight. Members should be provided with an historical account of the establishment of their oversight agency and receive training on the charter, ordinance, or municipal code which established the oversight agency. Members should also be informed of the expectations the local community and government stakeholders have of the oversight agency. Additional education should include laws governing public records and public meetings;

confidentiality requirements; state and local laws that affect an officer's rights and privacy; case law on stops and detentions, search and seizure and the rights of an arrestee; as well as the steps in the criminal justice process including arrest, booking, arraignment, bail, hearings, and trial.

Members should receive information on the history, organization and evolution of the local law enforcement agency and should be exposed to police training on a wide variety of police practices and procedures, including: patrol; rules of conduct; procedures for detention, arrest, booking, transport, and provision of medical care; use of force guidelines including defensive tactics, takedown and pain compliance maneuvers, handcuffing techniques, baton use, use of less lethal and restraint devices, and use of firearms. Members should receive training on procedures for the investigation and review of shootings and in-custody deaths, first amendment activities, and policies for dealing with mentally disturbed individuals and people under the influence of drugs or alcohol. Members should also become familiar with the history, culture, and concerns of the communities served by the law enforcement agency, in particular the public's potential concern with biased based policing and racial profiling.

Finally, members should receive specific training on their oversight agency's operations and procedures including complaint intake, investigation, mediation and disciplinary procedures; evaluating credibility, reaching findings and due diligence requirements; procedures for hearings and meetings; and developing policy recommendations. Ride-alongs with members of the local police agency should also be provided to board and commission members.

See the NACOLE webpage [here](#) [create link] for potential sources for training.

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What types of complaints should be accepted?

A: Filing a complaint against a police officer should be relatively easy with as many access points as possible. The types of complaints that an agency chooses to accept will have major implications on staffing needs, system costs, and case processing delays. A lot will depend on the nature and level of distrust of police and/or a lack of confidence in the ability of the police to treat complaints objectively and take their complaints seriously. When determining what complaints will be accepted, the following factors, along with the authority/jurisdiction of the oversight agency must be considered:

1. I. **Form**

A. Readily-accessible complaint forms will likely be available at the oversight agency, local police station, or online. The complaint process usually begins with the complainant submitting a complaint form or making a verbal complaint against an officer. Citizens can also call the agency and request that a form be mailed to them. Complaint forms can also be submitted via fax, hand delivery, or email.

B. Under some Investigative models, anonymous complaints are not always accepted where specific incidents are investigated and a complainant's identity can be crucial during the investigation. A complainant's identity may also be required at the conclusion of an investigation if the complainant is needed to testify at an adversarial hearing. Anonymous complaints are more commonly accepted under the function of an Auditor/Monitor/Ombudsman model, where the identity of the complainant is not necessarily required to review broad policies and practices.

C. Complaint forms may require a signature under the penalty of perjury. This may have a chilling effect on a person's willingness to file a complaint. The reason for the language is to deter false allegations against the police. One way to minimize the chilling effect while still minimizing the number of false allegations is to not have the language on the initial complaint form, but an agency might choose to include it if/when the complainant provides a sworn statement to the oversight agency. Caution: it should be remembered that complainants and witnesses are usually not trained observers. What they observe and experience represents an individual, and therefore potentially limited, perspective on events. Statistically, most people do not like to complain and they encouraged what they experienced from their perspective without the worry of being punished if a formal investigation results in a finding that they were mistaken as to some of the facts.

D. Requiring complainants and witnesses to be Mirandized before submitting a formal complaint is discouraged because it is often associated with being in police custody and/or being arrested on the suspicion of committing a crime. Such a practice could have a chilling effect on individuals coming forward to file complaints.

1. II. Initial Intake

A. Who Does the Civilian Complain to? Civilian oversight agencies often foster a greater sense of trust among citizens with regards to how complaints against the police will be resolved. Some jurisdictions require that copies of all initial complaints (that fall within the agency's jurisdiction) are forwarded to the oversight agency, while other jurisdictions permit the law enforcement agency to receive and investigate complaints and forward their findings to the oversight agency for review. There are also jurisdictions where the police department and the oversight agency both independently investigate the same allegations of misconduct, sometimes concurrently.

B. Thus, during the initial intake of a formal complaint form, the oversight agency will likely have a classification process by which the subject matter jurisdiction of a complaint can be evaluated. This assessment may also include a determination of whether the nature of the complaint is suitable for mediation or other non-investigative options such as conciliation, or rapid resolution.

1. What should an agency do when it receives information regarding allegations not within its jurisdiction?

- 1) Refer the entire complaint to internal affairs?
- 2) Only refer the allegations that are not within its jurisdiction and investigate the rest of the complaint?
- 3) Should the agency have authority to investigate the entire complaint if it has jurisdiction over at least one of the allegations?

Regardless of the particular intake process, oversight agencies are often required to notify the police department of the complaint when it is received and provide copies of materials gathered in the initial intake process. Similarly, police departments are expected to forward complaint information to the oversight agency. Protocols for sharing information and accessing data must be established to foster transparency and accountability. Professional data bases are recommended as they ensure data are collected and stored and can be analyzed efficiently.

1. III. Subject Matter

A. The types of complaints that should be investigated include allegations that, if proven true, would represent misconduct under the police department's policies and procedures. For example, this may include use of unnecessary or excessive force; unlawful arrests; searches and seizures; theft or destruction of property; first amendment violations; dishonesty; violation of local, state, or federal laws and police regulations; failure to provide identification; failure to provide a service or allegations that bias toward the complainant or suspect was evidenced through language or behavior demonstrating a bias based factors such as race, ethnicity, immigrant status, socio economic status, age, sex, sexual orientation, gender identification.

B. Subject matter jurisdiction for each oversight agency will usually be defined in the ordinance/local statute that governs the oversight process.

1. Standing

Depending on the jurisdiction and contingent upon the oversight agency's function, a number of parties may have standing to file a complaint. As mentioned, some jurisdictions accept anonymous complaints and third party

complaints. Other jurisdictions require each victim of police misconduct to file his or her own complaint, while others allow witnesses to file on behalf of victims who do not file their own complaint. Often times, parents may file complaints on behalf of minor children. Furthermore, some agencies can self-initiate their own investigation.

1. V. Time Restrictions

A statute of limitations is regularly put in place to ensure timely filing. Without such a restriction, an agency's ability to acquire evidence decreases after a significant period of time and witness recollections of an incident are likely to diminish. However, the need to preserve the quality of an investigation must be balanced with the need to ensure that complainants are not overly constricted in their ability to file a complaint. Exceptions to the time restrictions may be made when a complainant has been incarcerated or hospitalized.

Oversight agencies therefore may establish a reasonable timeline that clearly defines how long a citizen has to file a complaint, when the agency must complete the investigation, and when potential discipline of the officer must be imposed. One year is commonly allowed for citizens to file complaints. However, oversight agencies may be granted discretion to extend the time frame for a complainant's non-availability based on circumstances beyond his/her control.

Many agencies have a 180-day rule for the time to complete an investigation. Exceptions for this rule may be given for factors such as a showing of "good cause," i.e., complexity, number of witnesses, staffing shortages, etc. Like jurisdiction, time restrictions, if there are any, are usually written into the ordinance/local statute governing the oversight process.

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Is it necessary for an oversight authority to conduct investigations?

A: A. In the world of civilian oversight, oversight systems come in a wide variety of shapes and sizes—much depends on what the community is hoping to achieve through oversight and what it can invest in the new agency. Many civilian oversight agencies are hybrids with a variety of features that may or may not include the ability to conduct investigations that are independent from the law enforcement agencies that seek to improve (create a link to [FAQ #2](#)). To varying degrees, an oversight agency can be structured for a specific function: investigating, reviewing, or auditing.

B. The investigative function tends to be implemented when there is a high level of community mistrust in the local law enforcement agency's ability or

willingness to conduct thorough and impartial investigations. Under this model, the oversight agency is specifically empowered to conduct independent investigations and must have access to the relevant documents, files, and electronic databases of the law enforcement agency. Ideally, an oversight agency with investigative authority should employ specially trained investigators to conduct interviews, acquire evidence, and write reports. Therefore, the funding necessary to hire a qualified investigator should be made available in the oversight agency's annual budget. Qualification standards for oversight investigators can be found here [create link to Wechtner's guidelines]. In addition to independently collecting evidence and interviewing complainants and witnesses, an oversight agency with an investigative function should have direct access to officers for the purpose of conducting interviews or the ability to sit in on an interview and ask questions during the officer's interview with internal affairs.

C. Under the review systems of civilian oversight, sworn officers from inside the policing agency conduct the investigation and submit the closed investigative files and report to the oversight body which then analyzes the quality of the investigation and may then make recommendations or request further investigation. Agencies based solely on the review model typically do not have independent investigative authority nor the capacity or resources to conduct independent investigations.

D. Similarly, agencies that feature ongoing auditing may or may not include investigative authority. In some situations an oversight agency has investigative powers when needed, but it is not necessary for the oversight authority to conduct separate investigations for every complaint. An oversight agency's mission usually involves tracking a complaint from intake to outcome to identify troubling or unconstitutional patterns and practices for the purpose of recommending policies and training that will correct the problem. Sometimes, simply examining relevant data provided by the policing agency can identify a problem. In some instances, separate and independent investigations may be required to ensure the accuracy of the data being analyzed or when public confidence in the police to investigate themselves in a specific matter is absent. In some cases, an oversight agency may find it necessary to construct an investigative method that acquires or produces new information that the policing agency does not have or is unwilling to release to the oversight agency.

E. What is necessary in any investigation is that it is, and is perceived to be, timely, objective, unbiased and thorough.

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Who should make the final determination as to whether the allegations in a complaint should be sustained and what corrective actions, or disciplinary measures should be imposed?

A. Oversight Agencies With Authority Over the Final Outcome: Within the current oversight landscape, few existing oversight agencies have the authority to make final determinations as to the outcome of an investigation. This authority is more common in oversight agencies that have developed within the context of the city being under a federal consent decree to reform its police department. However, there are also some well-established agencies that have the authority to make these final, binding determinations without having received the authority through consent decree requirements. These can take the form of hearing boards that take evidence and testimony and render findings of facts and conclusions of law and determine whether the allegations within the complaint should be sustained or dismissed after weight the relevant evidence. These oversight systems, such as in Portland, Oregon, also have an appeals process in which either the complainant or the officer may appeal the decision.

B. A New Trend? In the city of New York, a specialized prosecutorial unit is in place that investigates cases and presents their case to a specialized administrative judge—at the same time, the officers' right to counsel is also preserved and they are defended in front of the same judge. After receiving the recommendation of these special administrative courts, a ranking police executive either accepts or rejects the recommendations of the court. In this system, well over 80% of the allegations are sustained.

C. Oversight Agencies that Make Non-Binding Recommendations: The majority of oversight agencies are limited to making recommendations to the police department as to what the outcome should be based on a review of the evidence that has been collected, presented and analyzed.

i. The imposition of corrective measures (such as training) or discipline (typically based on a disciplinary matrix that ensures discipline is consistent and even-handed) is left to the police department itself and usually falls to the chief of police, commissioners or a command staff executive.

ii. A police executive or body having the authority to reject the findings of an investigative oversight agency may lead to a number of foreseeable problems. This type of authority may be seen as undermining the oversight process and may result in a lack of the community's support for, and cooperation with, the police department. Thought should be given as to whether the police executive or commission with the authority to reject oversight recommendations should justify his or her decision in writing as the absence of a well-reasoned justification raises issues of bias and a possible lack of respect for the oversight process and the community. What will always

be problematic and possibly frustrating is when the oversight agency and the police department can review the same evidence and come up with divergent conclusions. The police department's should rest with the Chief, Command Staff executive or Commissioner--recommendations should not be the result of a popularity contest with supervisors and separate levels of command staff weighing in on the outcome.

iii. Some agencies are governed by rules similar to those in Washington D.C. In that community, the police chief is bound by the findings of the Office of Police Complaints, but retains the discretion to determine the discipline to be imposed. Under the D.C. system, if the Office of Police Complaints investigates an allegation of misconduct and dismisses it, the department cannot discipline the officer for that allegation.

iv. Oversight agencies that make recommendations may find it useful to track the number of cases in which its recommendations are rejected and report this information to policy makers and to the public.

v. The oversight agency that performs reviews of investigations may also use information used in the review process to make recommendations as to policy changes or training programs that are needed. Enabling legislation can establish the level to which such recommendations are binding on the police department and what exemptions, if any, are necessary or allowed.

vi. In all instances, a realistic analysis of budget and training must be part of the process of setting up the system and determining the scope of its authority. Few members of volunteer boards have the time to devote to review detailed reports, conduct hearings, and draft findings and or orders. In jurisdictions in which review boards select only a sample of cases to review, it will be difficult to ensure that all civilian complaints receive equal treatment.

1. Police Commissions with broad powers: A police commission, composed of civilians, that has absolute authority to hire, fire, demote, suspend, and terminate officers can work well in larger communities that can afford to compensate commissioners for what are full-time positions. Establishing an effective oversight system that engages civilians will be only of their many duties.

i. The commission will be responsible for setting up a civilian complaint system and ensuring it has sufficient independence from the police department, involves civilians in meaningful ways that allow the program to function effectively and free from pressure from the police department. This includes determining what role oversight will take in complaint intake, investigating, adjudicating, recommending corrective measures and making policy and training recommendations.

ii. In general terms it may be necessary to remove disciplinary power from the chief of police if community trust is so eroded as to make confidence in the department's ability to investigate and discipline its officers impossible. The ultimate goal is to restore community trust and foster healthy relationships between the community and law enforcement. Depending on the level of trust that exists, removing some powers from the chief of police may be a necessary, but hopefully temporary, measure to ensure accountability.

Each community will have to make these decisions based on their specific needs and what they deem as necessary to transform police departments into open and accountable parts of local government. Some communities choose to allow a chief of police to retain broad discretion; the community then relies on the transformational effects of providing the chief with additional information from non-police sources and publicizing the chief's record in taking appropriate disciplinary and corrective measures. Other communities have come to the conclusion that where a pattern of overlooking or condoning misconduct has been established, placing the disciplinary authority outside the police department may speed the process of promoting consistency and fairness.

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Should the oversight entity have subpoena power?

A:

1. Independent oversight agencies need the ability to obtain necessary information in order to be an effective overseer. Depending on the enabling legislation, this may include compelling testimony or evidence. However, access to this information from the police department may be achieved through either organizational structure or subpoena power or both. Police departments can, and often do, issue a general order compelling full cooperation with administrative investigations.
2. Where subpoena power is often most useful is to compel information from witnesses outside the police department. For example, a thorough investigation may require compelling the production of CCT video at or near the site of an incident. Such evidence often proves dispositive.
3. Some Internal Affairs departments may refuse to subpoena evidence from police officers they are investigating. This limitation can severely impact an investigation and result in an unnecessarily inconclusive outcome. For example identified police officers may have used their personal cell phones in the process of violating policies and procedures—obtaining these records is necessary if the investigation is to be thorough and objective.

4. Subpoena power is only one of many tools in the toolbox and many older oversight agencies do not have it. [1] Furthermore, obtaining subpoena power and issuing subpoenas do not come without challenges and also require the ability to be able to take the matter to a court of law to enforce the subpoena. It is important to note, that if you are unable to obtain subpoena power, you may simply have to work around the barrier and obtain information through other sources.
5. Trying to secure subpoena power by the oversight entity can involve lengthy negotiations or even court battles with officers' unions or police agencies that consume significant time and cost. Some even question whether having subpoena power serves any useful purpose[2]. In order to protect the rights of police officers, federal courts limit who can force officers to testify and when that testimony can be taken[3]. If the oversight agency lacks the ability to compel officer testimony, subpoena power often adds nothing. Moreover, in some jurisdictions, state courts further curtail subpoena power, which has limited some agencies power to issue administrative subpoenas to those issued by approval of a court[4]. Make sure to check your own jurisdiction to see whether there are any additional limits in place.
6. If you are able include subpoena power in the agency's enabling legislation, by all means, include it. If you are unable to, this is not a roadblock to effective civilian oversight.

[1] Peter Finn. Citizen Review of Police: Approaches and Implementation, 99-100 (Nat'l Institute of Justice 2001).

[2] Id.

[3] *Garrity v. New York*, 385 U.S. 493 (1967)

[4] See *State v. Miles*, 160 Wn. 2d 376 (2006).

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STAFF REPORT

City Council
Meeting Date: 7/16/2020
Staff Report Number: 20-151-CC

Regular Business: City Council discussion and direction regarding City response and action to residents and visitors' requests for local police reform.

Recommendation

Staff recommends that the City Council direct the Mayor to sign letters of support in connection with the following four pending California bills relative to police reform.

Analysis

The following four bills relating to police reform are currently pending in the California legislature and have a fairly good chance of making their way to the Governor this legislative season. This list and the current status was assembled with the assistance of Council Member Carlton who serves on the League of California Cities Public Safety Legislative Committee.

SB 731 (formally SB 1392) Bradford Kenneth Ross Jr. Police Decertification Act of 2020

Status: passed Senate unanimously and referred to Assembly Committee.

Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum. It authorizes the commission to cancel a certificate that was awarded in error or obtained through misrepresentation or fraud, but otherwise prohibits the commission from canceling a certificate that has properly been issued.

This bill would:

- declare certificates awarded by the commission to be property of the commission and would authorize the commission to revoke a certificate on specified grounds, including the use of excessive force, sexual assault, making a false arrest, engaging in unprofessional conduct, or any act or omission indicative of bad moral character.
- grant the commission the power to investigate and determine the fitness of any person to serve as a peace officer, and require the commission to refer grounds for decertification to the Civil Rights Enforcement Section of the Department of Justice for investigation, which would then determine whether the certification should be denied or revoked, as specified.
- would make all records related to the revocation of a certificate public and would require that records of an investigation be retained for 30 years.
- would require an agency employing peace officers to report to the commission the employment, appointment, or separation from employment of a peace officer, any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to revocation, findings by civil oversight entities, and civil judgements that could affect the officer's certification.
- in case of a separation from employment or appointment, the bill would require each agency to execute an affidavit-of-separation form describing the reason for separation.

- would require the commission to report annually on the number of applications for certification, the events reported, the number of investigations conducted, and the number of certificates revoked.

Existing law requires minimum training requirements and prescribes minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental condition, and disqualifying factors for a person to be employed as a peace officer, including a felony conviction.

This bill would:

- disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of specified crimes against public justice, including the falsification of records, bribery, or perjury.
- disqualify any person who has been issued a certificate by the Commission on Peace Officer Standards and Training and had that certificate revoked by the commission, has voluntarily surrendered the certificate, or was denied issuance of a certificate.
- require a law enforcement employing peace officers to employ only individuals with a current, valid certification or pending certification.

SB 776 Skinner Peace officers: release of records

Status: passed Senate and referred to Assembly Committee on public safety

Existing law:

- makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery.
- sets forth policy exceptions, including records relating to incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer.
- makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure
- requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act.

This bill would:

- make every incident involving use of force subject to disclosure.
- remove the requirement that a complaint relating to sexual assault or dishonesty be found to be sustained following an investigation in order to be subject to disclosure.
- require records relating to sustained findings of wrongful arrests and wrongful searches to be subject to disclosure.
- require the disclosure of records relating to an incident involving discrimination or prejudice on the basis of specified protected classes.
- require the retention of all complaints currently in the possession of a department or agency.
- require that records relating to an incident in which an officer resigned before an investigation is completed to also be subject to release.
- prohibit assertion of the attorney-client privilege, for purposes of releasing records, to limit the disclosure of factual information provided by the public entity to its attorney, factual information discovered by any investigation done by the public entity's attorney, or billing records related to the work done by the attorney.

- impose a \$1,000 civil fine per day for each day beyond 30 days that records subject to disclosure are not disclosed.
- entitle a member of the public who successfully files suit for the release of records to twice the party's reasonable costs and attorney's fees.

Existing law requires an agency or department employing peace officers to make a record of any investigations of misconduct and requires a peace officer seeking employment with a department or agency to give written permission to the hiring agency or department to view that file.

This bill would:

- require each department/ agency to request and review that file prior to hiring a peace officer.
- require every person employed as a peace officer to immediately report all uses of force by the officer to the officer's department or agency. By imposing additional duties on local law enforcement, this bill would impose a state-mandated local program.

Existing law requires a court, in determining the relevance of evidence, to exclude from trial any information consisting of complaints concerning peace officer conduct that is more than 5 years older than the subject of the litigation.

This bill would delete that provision.

AB 1299 Salas - Bi-partisan principal co-authors Grove, Hurtado Peace officer employment

Status: passed Assembly and referred to Senate Committee on Public Safety

Existing laws:

- defines persons who are peace officers and the entities authorized to appoint them.
- requires certain minimum training requirements for peace officers
- prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental conditions, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction.
- establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum.

This bill would:

- require any agency that employs peace officers to notify the commission when a peace officer separates from employment, including details of any termination or resignation in lieu of termination.
- require an agency to notify the commission if an officer leaves the agency with a complaint, charge, or investigation pending, and would require the agency to complete the investigation and notify the commission of its findings.
- would require the commission to include this information in an officer's profile and make that information available to specified parties including any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile.

SB 733 Skinner Emergencies: State 911 Advisory Board

Status: passed Senate and referred to Assembly Committee on Governmental Organization

Existing law:

The Warren-911-Emergency Assistance Act establishes the State 911 Advisory Board to advise the Office of Emergency Services on specified subjects relating to the state's 911 emergency telephone response system. The board is comprised of 11 members from various stakeholder groups, including law enforcement, and is appointed by the Governor.

This bill would:

- establish an advisory board to look at how local 911 systems can shift to relying on social services personnel to respond to non-violent calls.
- Modify composition of advisory board to include one representative of the California Welfare Directors Association, one county public guardian, and one county mental health professional.

Report prepared by:

Cara E. Silver, Interim City Attorney

Agenda item F2
Julie Shanson, resident

Dear Esteemed Council Members,

Please continue to talk about uncomfortable issues on the dias. Tonight's continuing discussion of Institutional Bias will not end racism in Menlo Park. And I hope it will be a productive discussion.

Audits of city government and subsequent action to change the way we employ, promote, and discharge or ignore people of color won't eliminate bias in our city government. And it will be a good step toward a better city.

Audits of our city expenditures for racial bias and a marked change to how we spend and who we hire won't eliminate what's come before. And it will be a wonderful step toward a better city.

Outside help, to see what's been overlooked, is desperately needed. Both for our law enforcement and for our city government. Bringing in experts won't eliminate the pain residents have felt for decades. And still, it will help us more forward.

Be brave, councilmembers. The 400 year old issue of racial equity is one worth tackling.



STAFF REPORT

City Council
Meeting Date: 7/16/2020
Staff Report Number: 20-153-CC

Regular Business: Update and consideration of modifications to the Downtown street closure and temporary outdoor use permit pilot program

Recommendation

Staff recommends that the City Council consider the feedback received on the Downtown street closure and temporary outdoor use permit pilot program and provide staff with direction for any modifications to the program. At this time, staff recommends that the pilot program should remain as originally adopted under the urgency ordinance.

Policy Issues

Businesses in Menlo Park have experienced substantial financial losses since the stay-at-home order was enacted March 16. As the COVID-19 pandemic continues to force people to change the way they interact with businesses, many local jurisdictions are considering how to increase the viability of those businesses in this new environment.

Background

On June 4, the San Mateo County health officer revised the stay-at-home order to allow outdoor dining with safety measures and other restrictions to ensure social distancing. This order went into effect June 6. On June 17, the San Mateo County health officer issued a new order that aligns the County with the State's schedule for reopening. The new order, which took effect immediately, allowed for dine-in restaurants to reopen. However, the State has since suspended indoor dining due to a rising positivity rate and number of cases. Regardless of the rapidly changing rules for dining, the need for safety measures, protocols, and distancing is expected to be needed indefinitely until the pandemic subsides. Businesses will need to continue to comply with County and State safety measures, such as sanitation protocols and the spacing of tables to provide proper social distancing. As a result, many nearby cities are reimagining how to use their public spaces to support outdoor dining while providing a safe and comfortable environment to enjoy.

On June 16, staff presented a proposal from the Menlo Park Chamber of Commerce to the City Council for a partial closure of Santa Cruz Avenue in Downtown. Staff sought direction from the City Council on the form that a closure should take as well as input on streamlining the process for businesses to obtain temporary space outdoors for expanded operations. The City Council directed staff to develop a pilot program that follows the Chamber's Santa Cruz Avenue partial closure proposal, streamlines permits for the usage of outdoor spaces, and waives all fees associated with those permits. Additionally, City Council requested that the pilot program be evaluated after 45 days for its performance in areas such as usage,

aesthetics and safety. On June 19, the City Council adopted an urgency ordinance (Attachment A) that allowed staff to close the street and implement the temporary outdoor use program.

On July 7, the Menlo Park Chamber of Commerce proposed a modification to the street closure plan (Attachment B) based on feedback received from Downtown merchants. The revised plan would allow some of the blocked portions of Santa Cruz Avenue to reopen with one-way traffic. On July 12, City Councilmembers Nash and Mueller requested that a review of the pilot program and consideration of the Chamber's proposal be conducted at the July 16 City Council meeting.

Analysis

The Downtown street closure and temporary outdoor use permit pilot program was adopted with the understanding that it was both temporary and would need to be assessed and possibly adjusted during the term in order to be successful. The City Council built in a 45-day check-in to allow for such adjustments. However, the most recent proposal for modifications to the program from the Chamber has accelerated that timeline and brought the pilot program back to the City Council for review after less than 30 days. The Chamber of Commerce has been a proponent of the program, an advocate for businesses, and is trying to find a plan that balances a variety of interests. Below is a review of the status of the program along with feedback from businesses on it. Staff will also summarize the Chamber proposal and introduce other potential modifications to the program for consideration by the City Council.

Program review

Following the adoption of the urgency ordinance June 19, Santa Cruz Avenue has been partially closed in accordance with the original proposal from the Chamber of Commerce since June 24. The City utilized concrete k-rail on loan from the Menlo Park Fire Protection District (MPFPD) to close off the traffic lanes and purchased cedar trees to place behind them for aesthetics per the direction of the Council. The trees will be planted in City parks at the expiration of the pilot program. The City has also provided barricades using a combination of rented concrete k-rail and City-owned and borrowed (from Facebook) concrete planters to the following locations:

- Four parking spaces in front of Stacks and Color Me Mine on Santa Cruz Avenue;
- Five parking spaces in front of Art Ventures Gallery and Amici's on Santa Cruz Avenue;
- Four parking spaces in front of Camper on University Drive; and
- Three parking spaces in front of Refuge on Crane Street.

While the planters were either on hand or procured at no cost, the concrete k-rail for parking spaces cost are being rented. The City Council authorized staff the ability use funding from the Downtown Streetscape capital improvement program to help fund the cost of the pilot program.

The other component of the pilot program is the temporary outdoor use permit. Using input from public works, community development, police and the city attorney, staff was able to develop an application and review process for the temporary permit and implement it June 25. Staff has seen strong interest in the permits from Downtown restaurants but moderate to low interest from retail establishments. Additionally, interest in the permit outside the Downtown core has also been relatively low up to this point. Table 1 summarizes applications received by location and use.

Table 1: Temporary outdoor use permit applications			
Use	Downtown core	Outside downtown core	
Dining	8		1
Retail	4		0
Total	12		1

The City has also received feedback from residents and businesses that are not participating in the program. Since adoption, the City has received negative feedback on the street closure from at least eight businesses in the Downtown and four residents. Nearly all negative feedback the City has received from businesses has been from retailers. Negative feedback has centered on the elimination of in drive-by traffic leading to a reduction in customers and sales for retail businesses. Generally, retailers are against the street closure, but understanding of the expanded use of parking spaces. Some resident feedback is in line with that of retail businesses, and also point out that the empty space in traffic lanes has left the Downtown with a deserted look and feel.

Street closure modifications

Staff has identified three viable alternatives for the street closure going forward. First, City Council could maintain the closure as is, which serves as the staff recommendation. Second, the Chamber has proposed a modification to the street closure to allow for a couple one-way lanes of travel to be reopened. Finally, the City Council could consider re-opening all travel lanes but closing off the majority of on-street parking Downtown for temporary outdoor use permits.

In response to feedback received to date, the Chamber of Commerce is proposing changes to the pilot program to address concerns and implement modifications for the remainder of the 90-day pilot program. The Chamber is proposing that two existing closed areas be opened to traffic. The first is southbound from Doyle through Curtis Street; the second is northbound from Crane Street to Chestnut Street. This would only open half of the street in these areas as the northbound lane from Curtis Street to Doyle Street and the southbound lane from Chestnut Street to Crane Street would remain closed. The Chamber suggests that this change would replenish some on-street parking for retail and services, aid retail walk-in trade, and mask some of the larger vacancies Downtown. Staff is concerned that this different traffic pattern may confuse people and may impact the ability to adequately assess the success of the pilot program.

In addition to the Chamber’s proposal, staff believes a another option to consider is to reopen all travel lanes along Santa Cruz Avenue while continuing to keep on-street parking primarily closed to allow for expanded business services. With this modification, restaurants or retailers could continue to request the usage of public right of way areas such as sidewalks and parking spaces. Additionally, the current program guidelines require an applicant to get the approval of a neighboring business before expanding into public right of way fronting their space. This would give merchants the means by which to deny neighboring businesses the use of parking spaces in front of their business if they deem the parking to be more valuable to them than any potential boost to their business from usage by another business. Staff believes this proposal could also achieve similar outcomes as the Chamber of Commerce’s proposal while providing potentially more clarity to the street configuration and vehicular circulation. The potential downsides include businesses and/or City may need to procure additional barricades at a time when k-rail is scarce and the loss of open space in the traffic lanes for pedestrian social distancing. Staff has received complaints about confused drivers on Santa Cruz Avenue with the current closure and believes that further changes may

introduce additional confusion.

Temporary outdoor use permit modifications

In addition to potential changes to the street closure pattern, staff has also heard from tenants and residents about how the space is used. The City Council may wish to consider to expand the allowed uses for the temporary outdoor use permit. Currently, the ordinance allows only restaurants and retailers to apply for expanded business operations through the temporary outdoor use permit. As regulations begin to tighten regarding indoor use, businesses will be considering how to modify and adapt their services. The Downtown has a number of personal services and private recreation uses (fitness studios) in the Downtown, but are currently limited to indoor operations.

Assuming portions of the street remain fully closed, the City Council may also wish to consider whether to allow operations to expand into the travel lanes. A couple of businesses already put in applications for space in those areas before becoming aware that it was not available for use under the program. The hope would be that increased use of the traffic lanes by businesses may lead to increased pedestrian traffic downtown that would offset the lost vehicular traffic that retailers have indicated is needed for their survival.

Indemnification of MPFPD

I In addition to the potential modifications, the MPFPD is requesting that they be indemnified in the event of any accident resulting from the k-rail associated with the pilot program since they provided the k-rail that was used to close off portions of Santa Cruz Avenue. MPFPD made this request after offering the k-rail and after some of the permits had already been issued.

Impact on City Resources

The impact on City resources will depend on the modification selected by the City Council if a modification is desired. Any modification will impact staff time and progress on other projects as the program will continue to be a high priority in both the public works and community development departments.

The City Council made \$300,000 in the downtown streetscape capital improvement fund available for any unexpected expenses related to the closure of Santa Cruz and implementation of the temporary outdoor use permit process. Those funds have been used in the procurement of trees and concrete k-rail additional to that which was provided by MPFPD. Staff will continue to utilize those funds on unexpected expenses related to the program.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the meeting.

Attachments

- A. Hyperlink – June 19 Staff Report #20-131-CC and Ordinance No. 1070:
menlopark.org/DocumentCenter/View/25471/C1-20200619-CC--Santa-Cruz-closure-Ord
- B. Chamber of Commerce proposed modification

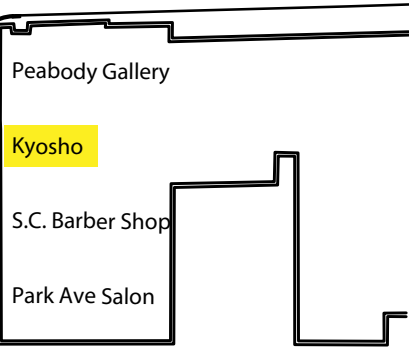
Report prepared by:
John Passmann, Management Analyst II

Report reviewed by:
Deanna Chow, Assistant Community Development Director

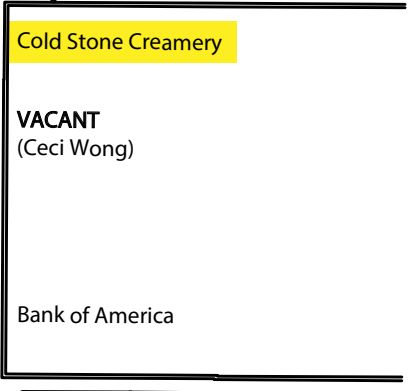
Color Key

-  Roadblocks
-  Street Closures
-  Restaurants
-  Cafe Dining (existing)
-  Outdoor Expansion (as requested)
-  Bicycle Parking Zone
-  Directional Traffic Pattern

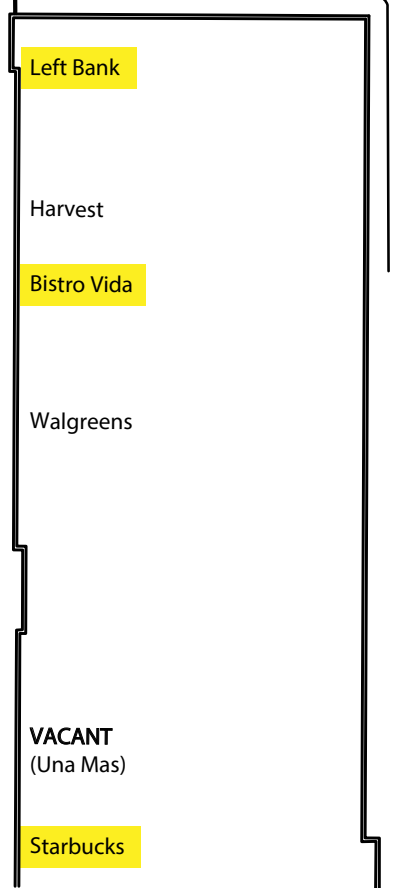
EL CAMINO REAL



JOHNSON LN



DOYLE ST



MALONEY

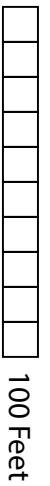
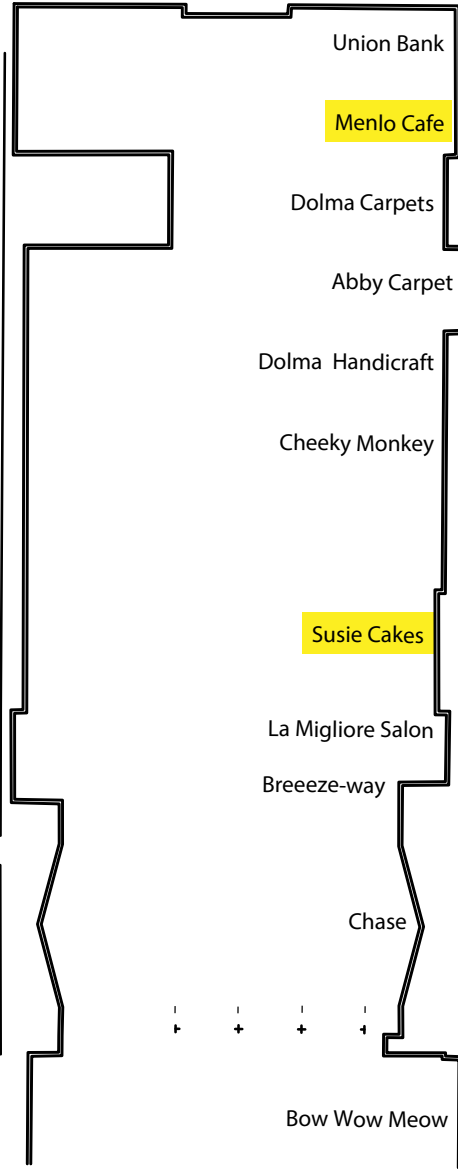


PLATE 1 South

North

Match Line

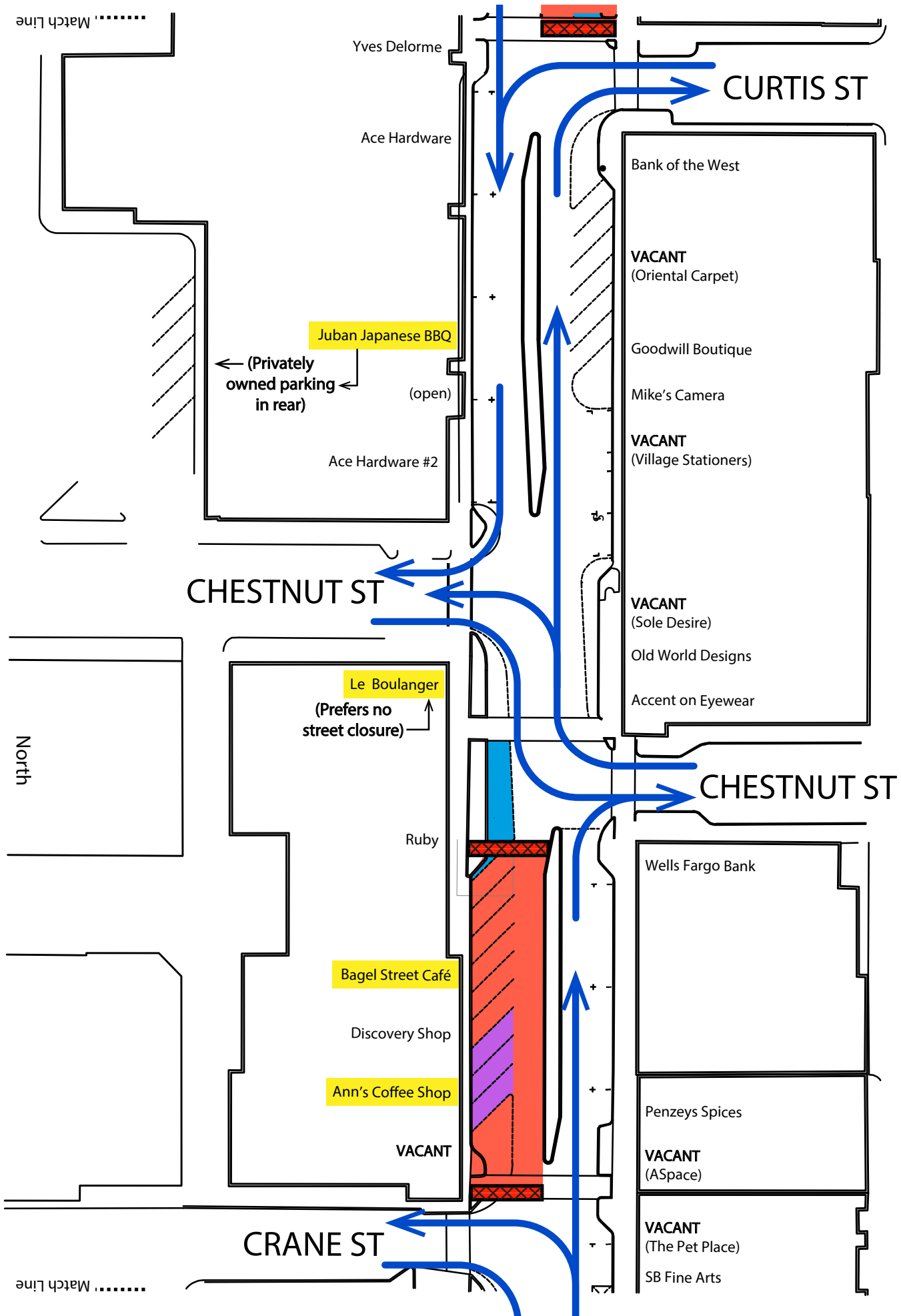
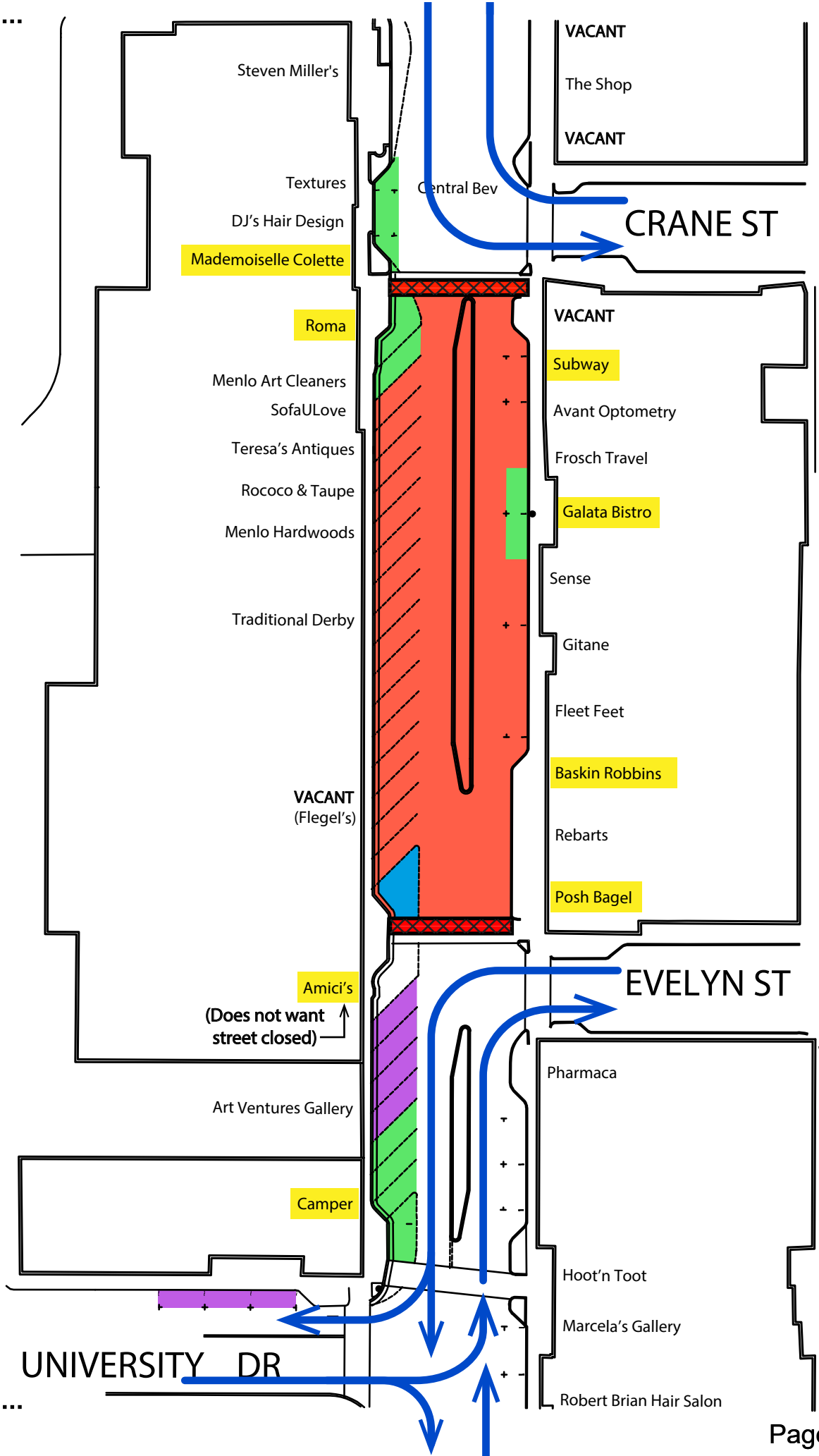


PLATE 2 South

..... Match Line

North

..... Match Line



VACANT

The Shop

VACANT

Central Bev

CRANE ST

VACANT

Subway

Avant Optometry

Frosch Travel

Galata Bistro

Sense

Gitane

Fleet Feet

Baskin Robbins

Rebarts

Posh Bagel

VACANT
(Flegel's)

EVELYN ST

Amici's

(Does not want street closed)

Pharmaca

Art Ventures Gallery

Camper

12
Restaurants
in closed
area;
3 not

Hoot'n Toot

Marcela's Gallery

Robert Brian Hair Salon

UNIVERSITY DR

PLATE 3 South



STAFF REPORT

City Council

Meeting Date:

~~7/14/2020~~ 7/16/2020

Staff Report Number:

20-142-CC

Informational Item:

City Council agenda topics: July 2020 to September 2020

Recommendation

The purpose of this informational item is to provide the City Council and members of the public access to the anticipated agenda items that will be presented to the City Council. The mayor and city manager set the City Council agenda so there is no action required of the City Council as a result of this informational item.

Policy Issues

In accordance with the City Council procedures manual, the mayor and city manager set the agenda for City Council meetings.

Analysis

In an effort to provide greater access to the City Council's future agenda items, staff has compiled a listing of anticipated agenda items, Attachment A, through September 8. The topics are arranged by department to help identify the work group most impacted by the agenda item.

Specific dates are not provided in the attachment due to a number of factors that influence the City Council agenda preparation process. In their agenda management, the mayor and city manager strive to compile an agenda that is most responsive to the City Council's adopted priorities and work plan while also balancing the business needs of the organization. Certain agenda items, such as appeals or State mandated reporting, must be scheduled by a certain date to ensure compliance. In addition, the meeting agendas are managed to allow the greatest opportunity for public input while also allowing the meeting to conclude around 11 p.m. Every effort is made to avoid scheduling two matters that may be contentious to allow the City Council sufficient time to fully discuss the matter before the City Council.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. City Council agenda topics: July 2020 to September 2020

Report prepared by:

Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type
1	Previous years' salary schedule amendments	ASD	Regular
2	City Council Policy #CC-01-1996 as recommended by the City Council Community Funding sub-committee, approve revisions	ASD	Consent
3	Award 2020 street preventative maintenance contract	CDD	Consent
4	School is first related to prop 13	CDD	Consent
5	123 Independence Dr EIR contract authorization	CDD	Consent
6	BAE inclusionary study	CDD	Regular
7	Check-in on Santa Cruz Closure	CDD	Informational
8	Short term rental regulation recommendation	CDD	Regular
9	USGS property information	CDD	Informational
10	Y-Plan Presentation (FB study)	CDD	Presentation
11	Adoption of a resolution to make changes to the Community Zero Waste Plan strategies and implementation timelines	CMO	Regular
12	City Council Priorities	CMO	Regular
13	Conflict of interest code update, resolution adoption	CMO	Consent
14	Adopt Climate Action Plan 2030	CMO	Regular
15	BHCCL Update	CMO	Informational
16	Community electronic vehicle infrastructure policy and program analysis	CMO	Study Session
17	Proclamation: RethinkWaste trash to art contest winners	CMO	Proclamation
18	Solid waste rates	CMO	Study Session
19	CDC grant report	LCS	Informational
20	CDE contract for FY20/21	LCS	Consent
21	700-800 El Camino Real, purchase and sale agreement	PW	Closed Session
22	Adopt the 2020-21 capital improvement plan	PW	Regular
23	Authorize the City Manager to enter into an agreement with SZS Engineering for the ADA Self Evaluation and Transition Plan	PW	Consent
24	Provide an update on the water system operations and capital projects since COVID-19	PW	Study Session
25	Approval of Bayfront Canal Drainage Easement	PW, CA	Regular
26	Approval of MOU with FSLR re Flood Control project	PW, CA	Regular