



POLICY AND SERVICES COMMITTEE SUMMARY MINUTES

Special Meeting
May 9, 2023

The Policy and Services Committee of the City of Palo Alto met on this date in the Community Meeting Room and by virtual teleconference at 7:00 P.M.

Present In Person: Tanaka (Chair), Lauing, Veenker

Present Remotely:

Absent: None.

Call to Order

Chair Tanaka

Agenda Items

1. Race and Equity Quarterly Update

Deputy City Manager Chantal Cotton-Gaines offered an update on the City's recent race and equity work. In 2020, the City Council adopted a framework as well as putting together about four ad-hoc committees on the topic of race and equity. A few were related to policing specifically and one around city-wide diversity and inclusion. Through those ad-hoc committees of the City Council, the Council came up with some recommendations and took action in November 2020 with 17 assignments for staff and City Council. Of the 17 assignments, 15 had been completed and progress continued on the last 2 items. She presented slides outlining the descriptions, functions and progress of the 17 assignments.

Council Member Lauing commented that losing a staff member was an emergency in this system if there is no backup. He asked how quickly that should be moved on and if the County does it all.

Deputy City Manager Cotton-Gaines answered that this program is in partnership with Santa Clara County. The clinician is an employee of the County. The benefit of having it as a County employee is that it gives them access to some of their mental health systems and other programs that the City would not have access to if the clinician was hired directly. She stated that they have hire urgency to get the person on board and they are sharing that with the County. The funding question has come up from Santa Clara County. This program was funded

SUMMARY MINUTES

by a special grant from the state and expires at the end of June. The County wanted to know if Palo Alto would have ongoing funding to continue funding a clinician beyond June.

Police Chief Binder added that since they knew the clinician was leaving, work has been underway to replace her. He met with the Finance Committee the previous Friday and they spoke about SUMC money for funding the two PERT officers. He expressed his confidence that they would be underway in recruiting and hiring the clinicians in partnership with Behavioral Health Services in the coming months.

Council Member Lauing inquired if the Committee would be participating in the interview of these people.

Police Chief Binder answered that they did participate in the interview of the former clinician and will continue to do so.

Council Member Lauing asked if there was feedback about the reason the former clinician left.

Police Chief Binder stated there an exit interview and the former clinician said good things about her experience with PAPD. She gave good feedback moving forward that had been incorporated into the process for the two future Behavioral Health Services clinicians.

Council Member Veenker inquired why funding was not already in place if the position already existed as a County employee.

Police Chief Binder countered Chief Dennis Burns volunteered the Palo Alto PD years ago to be part of the PERT pilot program with Behavioral Health Services on a grant. The PERT clinician was part of the grant. The grant funding will come to an end the following month. There is question about whether the County will be reupping it. The prior week it was learned that the County may be incorporating some money into their budget for PERT. He desired to keep the ball moving forward to get the clinician whether it was through funds they have or the County. He added that the pilot program had one PERT officer and the current goal is to hire two in order to have coverage seven days a week.

Council Member Lauing asked if the recruitment and hiring report was the only one done since June 2021.

Deputy City Manager Cotton-Gaines answered the contract itself was the action from June 2021.

Police Chief Binder answered last IPA report was late this spring but the hope was to get it out in the coming weeks. It will be OIR's report covering the second half of 2022. The PD's report on recommendation responses to the IPA's recommendation and the Use of Force biannual report will cover that and will cover the Use of Force from the second half of 2022. The hope is to have it out before the IPA comes in front of the Council on June 12.

SUMMARY MINUTES

Council Member Veenker questioned the goal, intended audience and intended impact of the CEDAW project.

Deputy City Manager Cotton-Gaines answered that it is being drafted by the Staff and the draft would be brought to the Council.

City Attorney Molly Stump stated there have been different ways jurisdictions have signed onto, amplified and promoted the UN Convention. It is the convention on the elimination of all forms of discrimination against women. Palo Alto has a first level of endorsement of the principles of CEDAW, which was adopted by resolution a number of years ago stating their support and endorsement of these ideas and principles. There is desire in the community to take an additional step to provide more structure and more focus around the CEDAW efforts. Large major metropolitan areas have similar structured programs and have staff in city departments. That is not what is contemplated here.

Council Member Veenker asked if the IPA oversight was intended to be a one-time thing.

Deputy City Manager Cotton-Gaines answered that at the time of the recommendation, the IPA did not receive those type of cases. The City Council recommended that this committee evaluate whether to make that recommendation to the full Council and work with IPA to see what was possible so it was decided to include that in the contract scope.

Council Member Veenker wanted information about Ivy.

Deputy City Manager Cotton-Gaines answered that Ivy had worked with more private the public entities. Their approach is that everyone is trying to progress forward and make more inclusive and understanding working environments and how to infuse equity into the work done. They have worked with large corporate agencies and state agencies, not many cities. They anticipate finishing the focus groups before the end of June then will spend some of summer doing additional analytical work. They are also doing a document review so they have shared some of their recruitment and procurement documents. They are trying to see what information they have from communication standpoint and applying that equity lens to it. The work does not include the commissions. They have a senior management analyst they are starting recruitment for so will have another staff person helping to carry things forward. They are doing some work related to Boards and Commissions and have done a microaggression and implicit bias training at the end of last year and are expanding that contract with CircleUp Education to make that available for new Commission members and anybody else on staff who wants to participate in it.

Public Comment:

Winter Dellenbach urged everyone to look at the RIPA data when it was available. She felt there needed to be a way to advertise the TRUST program.

SUMMARY MINUTES

Deputy City Manager Cotton-Gaines referenced the Human Relations Commission's role in the City's work on policy changes for the Police Department. For AANHPI month, they are working on a referral that came from the Council about gaining insight on the lived experience of Asian Americans, Native Hawaiians and Pacific Islanders in Palo Alto. She asked the Committee to share the link provided in the staff report.

Council Member Tanaka inquired if there were any issues found through this work the Committee should know about.

Deputy City Manager Cotton-Gaines answered there had been a lot of interest in this conversation. They have to continue the idea of making sure everyone feels included and their policies and organization are moving in a direction to continue to advance that.

Council Member Tanaka questioned where hate crimes were tracked and the data kept.

Police Chief Binder answered hate crime data that they are allowed to publicly post is available on the Palo Alto PD page. He stated it is managed on a regular basis.

Council Member Tanaka asked for the website to be sent to the Committee to be viewed.

Deputy City Manager Cotton-Gaines provided that there was a semiannual CIP update report for information on the delays.

NO ACTION TAKEN

2. Approval of the following changes to scope, compensation, and/or time:

2A. Approval of Office of City Auditor Task Order Change - 4.20 Procurement

City Auditor Adriane McCoy explained the Procurement Task Order presented to the P&S Committee in February was approved in March by the full Council. There was discussion about expanding the scope of the procurement audit so they presented additional content to be included in the objectives. The Task Order requested a scope update based upon those requests as well as reassignment of budget to accommodate for the additional hours devoted to the audit and a timeline extension wherein the timeframe for the audit would commence on June 1 and carry them through to the end of December this year.

Council Member Lauing questioned if budgeted items were being reallocated to cover the new items and if it was decided the things not being done that budget dollars were taken away from were no longer necessary, were under budget or what the plan was.

SUMMARY MINUTES

City Auditor Adriane McCoy answered that it was simply a reallocation to accommodate for the three Task Orders. She stated there would be no time left within this fiscal year to accommodate for the two audits that had been cancelled so the amounts designated to those to the three remaining Task Orders would be reallocated to the three remaining Task Orders. After the annual risk assessment is completed and the annual audit plan is composed, these two audits will be incorporated into the FY24 Annual Audit Plan.

Council Member Tanaka stated they want to see at the end if the vendor performed as expected and inquired if there was anything in this audit around that.

City Auditor Adriane McCoy answered performance could be incorporated into the process itself of selecting the vendors. That would assume that the sample of vendors selected have had time to perform and it would be evaluated in accordance with the terms of the contract to determine their performance was acceptable.

MOTION: Council Member Veenker moved, seconded by Council Member Lauing to recommend City Council approve the change to the Task Order 4.20 Procurement Process Review.

MOTION PASSED: 3-0

2B. Approval of Office of City Auditor Task Order Change - 4.08 Public Safety Building-Construction Audit

City Auditor Adriane McCoy explained the Public Safety Building-Construction Audit consisted of conducting a monthly sample of construction activities. They learned that the construction project itself will extend beyond June 30. It has been anticipated to last until the end of December this year requiring the audit function to have time post end of year to complete its audit so this is a request for a timeline extension through March 2024 to continue conducting the monthly activities as well as a reassignment of budget from the same two audits as previously described.

Council Member Tanaka asked if the audit would cover the topic of the cause of delays.

City Auditor Adriane McCoy answered the topic of the cause of delays could be included in the ending report.

MOTION: Council Member Lauing moved, seconded by Council Member Veenker to recommend City Council approve the change to the Task Order 4.08 Public Sector Building-Construction Audit.

SUMMARY MINUTES

MOTION PASSED: 3-0

2C. Approval of Office of City Auditor Task Order Change - FY23-05 Various Reporting & City Hotline

City Auditor Adriane McCoy outlined the Various City Hotline and Ongoing Office Administrative Functions. She stated this budget audit was in need of a reassignment of budget due to the time consumption in a variety of areas. With the idea of various reporting, the tasks included in this project code included project management, coordination of audit status meetings, reporting, billing, staffing being assigned to the various audits in the annual audit plan, audit plan status reporting, hotline responses and Committee and Council meetings as well as presentations. They were in need of additional hours to be devoted to this collection of activity and would like to reassign budget for that purpose for the remainder of FY23.

Council Member Veenker asked for expansion on the reason Baker Tilly needed to spend more time on the City Hotline related activities.

City Auditor Adriane McCoy stated the activities that needed extra time spent on were not limited to the hotline but were inclusive of all of the various activities. There were restarts related to the transition made at the end of summer. A number of audit reports, a number of Task Orders and project management related to billing activities had to be done and redone so the budget was not sufficient. She did not have a history on how they arrived at the number. When hours are charged to each individual audit, those hours devoted to the execution of the plan for the audit as well as to report out on that audit and follow up are not included in the individual audit budgets but in the administrative category.

Council Member Veenker asked for a ballpark for how much additional percentage they were off.

City Auditor Adriane McCoy answered they proposed to increase the amount of time to 621 hours for the year so this covered everything from July 1 to June 30 so the increase would be 100%.

Council Member Veenker expressed confusion as to why they were off by 621 hours.

City Auditor Adriane McCoy stated she was not present when the annual year amounts were allocated. The time spent making the presentations that need to be made, ensuring all billing for the variety of topics are accurate and complete and coordinating specialized staff has been more than what was originally anticipated with a \$60,000 budget.

Council Member Veenker asked if the need for the increase was because of the personnel change or if it was just additional work that was unanticipated.

SUMMARY MINUTES

City Auditor Adriane McCoy answered it was additional work that absolutely needed to happen. She was not certain if it was anticipated accurately prior to her coming on. She added there are types of project management codes with every client they have and it is an undertaking to ensure all of those things are coordinated.

MOTION: Chair Tanaka moved, seconded by Council Member Lauing to recommend City Council approve the change to the Task Order FY23-05 Various Reporting & City Hotline.

MOTION PASSED: 3-0

3. City Council Referral to Discuss and Recommend Council Procedures and Protocols on: Annual Organization of City Council and other City Council referrals related to the City Council Procedures and Protocols

Deputy City Manager Cotton-Gaines stated they have a list of referrals from the full City Council on the Procedures and Protocols Handbook. She stated they deferred to the Committee on how they would like to organize the discussion and the agenda they wanted to set. A background, basic report and a supplemental report were provided in the packet related to this topic.

Chair Tanaka stated the focus is number one on the list.

Council Member Veenker suggested that direction might be given to the Staff as to what order they want to go through the list.

Council Member Lauing commented that it did not have to be decided on that night because it could be in Q4 or they could because the options were not going to change.

Council Member Veenker stated the code they are considering amending is also in the charter, which they could not change without a vote of the public. She believed it had to be put on the ballot to be changed so they had to consider if the change was worth the time, expense and effort to do that.

City Attorney Molly Stump confirmed that a change would require a vote of the people that would occur in November of an even-numbered year.

Chair Tanaka asked what the Committee thought of a directly-elected mayor.

Council Member Veenker believed there were pros and cons either way. She found it interesting that Sunnyvale had an interim period where they had a two-year directly-elected mayor but it was still a City Manager model. She stated in a lot of places, there are directly-elected four-year mayors. In Bloomington, Indiana, the mayor is in year eight having been elected directly to two four-year terms. She believed the two-year tenure could give continuity

SUMMARY MINUTES

for relationships with other cities, regional bodies and national organizations. She was more interested in the continuity of two years than a directly-elected mayor and not interested in changing from the City Manager system.

Council Member Lauing expressed he would like to do more research before voting on this in the voting machine. He believed there was appeal to having a directly-elected mayor. He advised staying with the city manager model.

Chair Tanaka stated he had talked to some City Councils that had gone to directly elected mayor. He felt it provided continuity and increased accountability. He expressed interest in exploring the idea.

Council Member Veenker noted that they could go to a two-year term for mayor without going to a directly-elected mayor to see how it could be done. She stated it is a lot of work to be mayor and being part-time and not paid very much, less people may be interested in doing it for two years.

Chair Tanaka felt having a directly-elected mayor gave authority to the mayor.

Council Member Lauing asked if sample sizes were available and if there were more four-year terms for directly-elected versus two years.

Council Member Veenker answered she believed that was the case but she felt it would be interesting to ease into the two-year to see how it went.

Chair Tanaka stated the motivation of going to a directly-elected mayor is that it is hard to get things done in a year, it that it gives authority to the voters and it provides continuity. He suggested asking for more data and asked for the Committee's ideas about the next step.

Council Member Lauing stated he felt they needed to pick one or two sometime this year and make a recommendation on that. His inclination was to stay with the status quo. He felt number one made sense.

Council Member Veenker concurred with not going through the time and expense of a ballot measure if they were considering other mechanisms. She asked how Staff felt they might be able to explore that. She expressed interest in having more information and a conversation about whether they want a longer term for mayor and/or a directly-elected mayor and she assumed that would require changes in the City Charter and would go to voters.

City Attorney Molly Stump answered that all of those changes would require a Charter amendment that would go on the ballot to be approved by voters in November of an even-numbered year the same time Council Members were standing for election. She felt it was a core governance issue and Staff could support with targeted research. She stated they did a survey of every city in San Mateo County and Santa Clara County and identified how the mayor was selected for baseline information about how the neighboring cities are doing this work. She

SUMMARY MINUTES

believed the Committee should make a recommendation to Council to set the issue aside for now in light of many significant other priorities and revisit the issue in early 2024, 2026 or 2028.

MOTION: Council Member Veenker moved, seconded by Chair Tanaka to request staff to bring this to City Council in the 4th quarter for City Council to evaluate whether a ballot measure should be placed before the voters to:

1. Extend the Mayoral term, and;
2. Directly elect the Mayor

MOTION PASSED: 3-0

Chair Tanaka suggested creating a to-do list regarding Miscellaneous Expenditures to include what the legal boundaries are, a survey of what Mountain View, Sunnyvale, Menlo Park and Los Altos do and a history on the funding in order to discuss at the next meeting.

Future Meetings and Agendas

Deputy City Manager Cotton-Gaines noted that with the creation of the Housing Ad-Hoc Committee, some of the items that were planned for Policy and Services that are housing related can go to that ad-hoc committee so the Staff are reconciling what those are. One was related to the Rental Registry which was slated for June. She thought it was worth getting the Board and Commission members there next month because that item probably would not come to this Committee anymore. The Quarterly Audit Status Report is the other item as of that time. She needed to check with the City Auditor to see what her anticipated items were.

Council Member Lauing mentioned garden equipment.

Deputy City Manager Cotton-Gaines stated she would follow up with Staff on the timing for the garden equipment.

Chair Tanaka asked for thoughts on streamlining the meetings to make them more efficient and smoother.

Adjournment: The meeting was adjourned at 8:50 P.M.