CITY *of* BRISBANE

City Council Meeting Agenda

Thursday, October 7, 2021 at 7:30 PM ● Virtual Meeting

This meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for the public, staff and Councilmembers, while allowing for public participation. The public may address the Council using exclusively remote public comment options. The Council may take action on any item listed in the agenda.

PUBLIC MEETING VIDEOS

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TO ADDRESS THE COUNCIL

The City Council Meeting will be an exclusively virtual meeting. The City Council agenda materials may be viewed online at www.brisbaneca.org at least 24 hours prior to a Special Meeting, and at least 72 hours prior to a Regular Meeting.

Remote Public Comments:
Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Aside from commenting while in the Zoom webinar the following email and text line will be also monitored during the meeting and public comments received will be noted for the record during Oral Communications 1 and 2 or during an Item.

Email: ipadilla@brisbaneca.org
Text: 628-219-2922
Join Zoom Webinar: zoom.us (please use the latest version: zoom.us/download)
brisbaneca.org/cc-zoom

Webinar ID: 991 9362 8666
Passcode: 123456
Call In Number: 1 (669) 900 9128

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1

1. **7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

3. **ADOPTION OF AGENDA**

4. **AWARDS AND PRESENTATIONS**

A. Volunteer of the Year Award

5. **ORAL COMMUNICATIONS NO. 1**

6. **CONSENT CALENDAR**

B. Approve Minutes of City Council Meeting of May 20, 2021

C. Approve Minutes of City Council Closed Session Meeting of June 3, 2021

D. Approve Minutes of City Council Closed Session Meeting of June 17, 2021

E. Accept Investment Report as of August 2021

F. Approve Findings and Recommendations on the Grand Jury Report: "Building Greater Trust Between the Community & Law Enforcement VIA the Racial and Identity Profiling Act."

G. Approve Findings and Recommendations on the Grand Jury Report: "San Mateo County: California's Ground Zero for Sea Level Rise"

H. Adopt Ordinance 663, waiving second reading, adding Chapter 8.25 "Mandatory Organic Waste Disposal Reduction" to the Brisbane Municipal Code

I. Adopt Ordinance 664, waiving second reading, adding Chapter 3.13 "Recovered Organic Waste and Recycled-Content Paper Procurement Policy" to the Brisbane Municipal Code

J. Approve Resolution No. 2021-67, adopting the "Second Revised and Restated Joint Exercise of Powers Agreement San Mateo County Operational Area Emergency Services Organization"

7. **NEW BUSINESS**

K. Consider Acceptance of 5 Year IT Strategic Plan from ClientFirst

L. Consider Introduction of Ordinance No. 667, waiving first reading, amending Chapter 13.04 of the Brisbane Municipal Code pertaining to "Sewer System"

M. Consider Adoption of Resolution No. 2021-68 to Participate in Peninsula Clean Energy's Public Facility Solar and Storage Procurement Process

N. Donation Policy

   (Council will determine whether to implement a donation policy for themselves and the commissions and committees)

10. STAFF REPORTS

O. City Manager's Report on upcoming activities

11. MAYOR/COUNCIL MATTERS

P. Countywide Assignments and Subcommittee Reports

Q. City Council Meeting Schedule

R. Written Communications

12. ORAL COMMUNICATIONS NO. 2

13. ADJOURNMENT

File Attachments for Item:

B. Approve Minutes of City Council Meeting of May 20, 2021

BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL MEETING AGENDA

THURSDAY, MAY 20, 2021

VIRTUAL MEETING

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Cunningham called the meeting to order at 7:35 P.M. and led the Pledge of Allegiance.

ROLL CALL

Councilmembers present: Councilmembers Davis, Lentz, Mackin, O'Connell and Mayor Cunningham
Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Assistant City Manager Schillinger, Finance Director Yuen, Public Works Deputy Director Kinser, Administrative Management Analyst Ibarra, Parks and Recreation Director Leek, Battalion Chief Powers, Police Commander Garcia, and staff of the Public Works Department

ADOPTION OF AGENDA

CM O'Connell made a motion, seconded by CM Davis to adopt the agenda as it stands. Motion was carried unanimously by all present.

Ayes: CM Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham
Noes: None
Absent: None
Abstain: None

AWARDS AND PRESENTATIONS
A. Proclamation Designating May as AAPI History Month
Mayor Cunningham read the proclamation designating May as Asian American Pacific Islander History Month.

B. Proclamation Designating May as Older Americans Month

Mayor Cunningham read the proclamation designating May as Older Americans Month.

C. Proclamation Designating May 16-22, 2021 as Public Works Week

Mayor Cunningham read the proclamation designating May 16-22, 2021 as Public Works Week. Public Works Deputy Director Kinser and staff from the Public Works Department received the proclamation and thanked the Council for their recognition.

D. Proclamation Designating May 16-22, 2021 as Emergency Medical Services Week

Mayor Cunningham read the proclamation designating May 16-22, 2021 as Emergency Medical Services Week and Battalion Chief Powers from North County Fire accepted the Proclamation and highlighted the importance of Emergency Medical Services to the community.

ORAL COMMUNICATIONS NO. 1

Tera Freedman and Ariel Cherbowsky of San Bruno Mountain Watch made a request for the importance of the maintaining the nursery space.

City Clerk Padilla noted for the record the Becky Abens of the Commission on the Status of Women and Brisbane resident thanked the Council for recognizing May as Mental Health Month.

CONSENT CALENDAR

E. Approve Minutes of City Council Meeting of April 1, 2021

F. Approve Minutes of City Council Closed Session Meeting of April 15, 2021

G. Approve Private Event in the Community Park

H. Adopt Resolution No. 2021-35 Approving an Agreement Between the County of San Mateo and the City of Brisbane for Facilitation and Coordination of Animal Control Services Within the City and Authorizing Its Execution

I. Adopt Resolution No. 2021-36 Authorizing the Execution of the 2021 Coastal Conservancy Grant Funding for Community Vegetation Fuel Reduction Modifying Roadway Egress and Ingress Vegetation

CM O'Connell made a motion, seconded by CM Davis to approve Consent Calendar Items E, F, H and I. Motion was carried unanimously by all present.

Ayes: CM Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham
Noes: None
Absent: None
Abstain: None

OLD BUSINESS

J. Consider Authorization of $150,000 for Small Business Assistance

Assistant City Manager Schillinger reported that the purpose of this item is to assist businesses in Brisbane impacted by COVID-19. Additionally, assist restaurants within Brisbane to assist with their ability to provide service to the public. It is being recommended for the Council to approve the following:
1. Allocate $50,000 to support restaurants that have applied for assistance through SAMCEDA.
2. Allocate $100,000 and direct staff to set-up a program for business assistance for the mostly severely impacted small businesses in Brisbane

After Council questions, City Clerk Padilla reported no members of the public wish to make public comment.

After Council discussion of how much more impactful it would be to direct funds to smaller business in Brisbane, Mayor Cunningham made a motion, seconded by CM Lentz to authorize $200,000 from the General Fund for Small Business Assistance as a three-tiered program prioritizing grants for the lowest tier or smallest businesses first.

Staff was directed to work with the Brisbane Chamber of Commerce to coordinate grant applications and grant distribution.

Motion was carried unanimously by all present.

Ayes: CM Davis, Lentz, Mackin, O'Connell, and Mayor Cunningham
Noes: None
Absent: None
Abstain: None

STAFF REPORTS

K. City Manager's Report on upcoming activities

City Manager Holstine reported on the latest City news and upcoming activities.

MAYOR/COUNCIL MATTERS

L. Parks and Recreation Commission Recruitment

C ity Clerk Padilla reported that on April 21, 2021, the Brisbane City Council received a letter from Lyle Covino resigning from the Parks and Recreation Commission. Mr. Covino's term was scheduled to expire in January 2022 along with the terms for Commissioners Bonnie Bologoff and Natalie Ocampo.

Council agreed with the staff recommendation of opening a recruitment for all three Parks and Recreation Commission seats later this Fall for appointments effective January 2022.

M. Countywide Assignments and Subcommittee Reports

Council reported on their countywide assignments and subcommittee meetings from previous two weeks.

N. City Council Meeting Schedule

The next City Council Meeting is scheduled on June 3, 2021

O. Written Communications

Council received the following written communication between May 7, 2021-May 20, 2021:

- Go Solar (via Isabella Sanchez) (5/10/21) Update: Sign Letter so you City can Go Solar! By May 13
- Tera Freedman (5/18/20) May 20, 2021 Council Meeting
- Ariel Cherbowsky (5/19/20) A Promising Future for the Mission Blue Nursery on the Brisbane Baylands
- Ariel Cherbowsky (5/19/20) Remote Public Comment for 5/20/21 Brisbane City Council Meeting
- Becky Abens (5/20/20) Public Comment-May as Mental Health Month Proclamation

ORAL COMMUNICATIONS NO. 2

There were no members of public wishing to make public comment during Oral Communications 2.

ADJOURNMENT

The City Council Meeting of May 20, 2021 was adjourned at 9:04 p.m.

_____
Ingrid Padilla
City Clerk

File Attachments for Item:

C. Approve Minutes of City Council Closed Session Meeting of June 3, 2021

BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL CLOSED SESSION MEETING AGENDA

THURSDAY, JUNE 3, 2021

VIRTUAL MEETING

7:00 P.M. CLOSED SESSION
A. Approval of the Closed Session Agenda

B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda

C. Adjournment into Closed Session

D. Conference with Legal Counsel--Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code, section 54956.9
Number of Cases: 1

Mayor Cunningham called the City Council Closed Session Meeting at 7:40 p.m. No public comment was made and Mayor Cunningham adjourned the meeting into Closed Session.

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that no action was taken but staff was given direction regarding Item D.

ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

_____
Ingrid Padilla, City Clerk

File Attachments for Item:

D. Approve Minutes of City Council Closed Session Meeting of June 17, 2021

BRISBANE CITY COUNCIL

ACTION MINUTES

BRISBANE CITY COUNCIL CLOSED SESSION MEETING AGENDA

THURSDAY, JUNE 17, 2021

VIRTUAL MEETING

7:00 P.M. CLOSED SESSION
A. Approval of the Closed Session Agenda

B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda

C. Adjournment into Closed Session

D. Liability Claim: Claimant Edward and Eileen Gogel, pursuant to Government Code, section 54956.95

Mayor Cunningham called the City Council Closed Session Meeting at 7:04 p.m. No public comment was received and Mayor Cunningham adjourned into Closed Session.

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that action was taken by Council and denied Liability Claim Item D.

ADJOURNMENT

The meeting was adjourned at 7:14 p.m.

_____
Ingrid Padilla, City Clerk

File Attachments for Item:

E. Accept Investment Report as of August 2021

CITY OF BRISBANE
CASH BALANCES & INVESTMENTS
SOURCE OF FUNDING
August 31, 2021

NAME OF DEPOSITORY	INVESTMENT TYPE	DATE OF INVESTMENT	FACE VALUE OF INVESTMENT	CARRY VALUE OF INVESTMENT	MARKET VALUE OF INVESTMENT	COUPON INTEREST RATE %	MATURITY DATE	RATING/ COLLATERAL
WELLS FARGO	Checking A/C		$ 5,568,886	$ 5,568,886	$ 5,568,886	0.000		
STATE FUND (LAIF)	Deposit on call	continuous	$ 14,610,495	$ 14,610,495	$ 14,610,495	0.210	on call	no rating
Other Investments								
	Capital One National Association	11/23/2016	$ 250,000	$ 250,000	$ 251,114	2.000	11/23/2021	
	Wells Fargo	11/30/2016	$ 250,000	$ 250,000	$ 251,207	2.000	11/30/2021	
	Sallie Mae Bank	5/9/2019	$ 245,000	$ 245,000	$ 249,049	2.550	05/09/2022	
	Morgan Stanley	6/6/2019	$ 245,000	$ 245,000	$ 249,475	2.550	06/06/2022	
	Comenity Capital Bank	4/28/2019	$ 248,000	$ 248,000	$ 257,896	2.650	04/28/2023	
	Morgan Stanley	5/2/2019	$ 245,000	$ 245,000	$ 254,809	2.650	05/02/2023	
	Goldman Sachs	5/1/2019	$ 246,000	$ 246,000	$ 261,211	2.750	05/01/2024	
BNY Mellon	Treasury Obligations	continuous	$ 7,906,797	$ 7,906,797	$ 7,906,797	0.010	on call	110% collateral
Sub-total			$ 9,635,797	$ 9,635,797	$ 9,681,557			
U.S. Bank	2014 BGPGA Bond (330)	Improvements	Fed Treas Obl		10031			
		Reserve Fund	Fed Treas Obl	$ 1	10032			
		Revenue Fund	Fed Treas Obl	$ -	10034			
		Expense Fund	Fed Treas Obl	$ -	10035			
		Principal	Fed Treas Obl	$ 1	10036			
		Interest Fund	Fed Treas Obl	$ 0	10037			
U.S. Bank	2015 Utility Capital (545)	Improvements	Fed Treas Obl	$ 0	10031			
		Reserve	Fed Treas Obl	$ 511,325	10032			
		Expense Fund	Fed Treas Obl	$ 0	10035			
PARS	OPEB Trust	Trust Cash	Investments	$ 4,102,680	13050			
PARS	Retirement Trust	Trust Cash	Investments	$ 1,436,446	13050			
Sub-total	Cash with Fiscal Agents			$ 6,050,452				
	Total other investments		$ 9,635,797	$ 15,686,250	$ 9,681,557			
TOTAL INVESTMENTS & CASH BALANCES			$ 29,815,179	$ 35,865,631	$ 29,860,939			

Outstanding Loans to Department Heads

	Date of loan	Amount	Amount Remaining	Interest Rate
Stuart Schillinger	4/1/2002	318,750	$ 318,750	**Based on Sales Price**
Clay Holstine (1)	7/8/2008	300,000	$ -	**Paid off 12/28/2016**
Clay Holstine (2)	9/10/2008	200,000	$ 200,000	**Secured by other funds**
Randy Breault	10/22/2001	320,000	$ 24,597	**2.47%**

FFCB - Federal Farm Credit Bank
FHLB - Federal Home Loan Bank
FHLM - Federal Home Loan Mortage Corporation
FNMA -Federal National Mortgage Association

Two year Treasury	0.20%	
Weighted Interest	0.25%	
Weighted maturity	0.08	Years

TREASURER'S CERTIFICATE

These are all the securities in which the city funds, including all trust funds and oversight agencies funds, are invested and that (excluding approved deferred compensation plans) all these investments are in securities as permitted by adopted city policy.

It is also certified that enough liquid resources (including maturities and anticipated revenues) are available to meet the next six months' cash flow.

Carolina Yuen
CITY TREASURER

File Attachments for Item:

F. Approve Findings and Recommendations on the Grand Jury Report: "Building Greater Trust Between the Community & Law Enforcement VIA the Racial and Identity Profiling Act."

CITY COUNCIL AGENDA REPORT

Meeting Date: October 7, 2021

From: Elizabeth Macias, Chief of Police

Subject: Grand Jury Report – Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act.

Community Goal/Result:

Safe Community

Purpose:

For the City Council to review the City's of Brisbane's responses to the findings and recommendations made by the SMC Civil Grand Jury of their report of July 27, 2021, "Building Greater Trust between the Community & Law Enforcement via Racial and Identity Profiling Act"

Background:

The 2020-2021 San Mateo County Civil Grand Jury filed a report on July 27, 2021, which contains findings and recommendations that pertain to whether or not the Brisbane Police Department has begun and will be able to comply with the data reporting deadline required by the California Department of Justice stated within Assembly Bill 953.

Discussion:

Staff has reviewed the Civil Grand Jury's findings and recommendations and believe they are in line with actions and recommendations already being addressed by the City. The City's responses follow each finding and recommendation from the Civil Grand Jury.

Fiscal Impact:

None

Measure of Success:

Submission of a timely response to the SMC Civil Grand Jury's report.

Attachments:

A.   Letter to Honorable Amarra A. Lee, on the City of Brisbane's response to the SMC Civil Grand Jury's findings and recommendations.

B.   SMC Civil Grand Jury Report of July 27, 2021 on "Building Greater Trust between the Community & Law Enforcement via Racial and Identity Profiling Act."

Elizabeth Macias
_____
Elizabeth Macias, Chief of Police

Clayton Holstine
_____
Clayton Holstine, City Manager

City of Brisbane

50 Park Place

Brisbane, CA 94005-1310

(415) 508-2100

(415) 467-4989 Fax

October 7, 2021

Honorable Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Hall of Justice
400 Old County Road, 2nd
Redwood City, CA 94063-1655

Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act

Dear Honorable Amarra A. Lee:

This letter is in response to the 2020/2021 San Mateo County Civil Grand Jury report of July 27, 2021, which contain findings and recommendations that pertain to the City of Brisbane. Listed below are the Jury's findings and recommendations followed by the City of Brisbane's response. The Brisbane City Council reviewed and approved the below recommendations at a public hearing on October 7, 2021.

The San Mateo County 2020-2021 Grand Jury makes the following findings to the City Councils of the cities of San Mateo County:

F1: Law Enforcement Agencies (LEA's) in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022

RESPONSE: The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.

F2: County LEA's vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting data, and the need for procedures and training to collect and report the DATA. The LEA's RIPA-preparedness correlates to their understanding of RIPA requirements.

RESPONSE: The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.

F3: Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEA's were in various stages of planning and acquiring their RIPA data collection system.

RESPONSE: The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. The Brisbane Police department has begun to send test transmission of early RIPA data collected to the Department of Justice to ensure a smooth transition for the January 1, 2022 implementation.

F4: The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment, and best practice.

RESPONSE: The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.

F5: Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

RESPONSE: The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. The Brisbane Police Department does not utilize San Mateo County Dispatch.

F6: LEAs vary in their understanding that implementing RIPA Board recommendations would build a greater trust with their communities.

RESPONSE: The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. The Brisbane Police Department believes the need for sharing RIPA Data with the community is important in building trust and transparency within the law enforcement profession.

F7. Some contracting entities were unaware of the RIPA requirements, and the RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in Spring of 2023.

RESPONSE: This finding does not apply to the Brisbane Police Department.

F8: Between now and 2022, sixteen county LEAs have plans for "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

RESPONSE: The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. The Brisbane Police Department will be reviewing and discussing the annual reports released by the California Department Justice with the City of Brisbane Inclusion, Diversity, Equity and Accountability Committee as a means of identifying any racial biases that need to be addressed.

The San Mateo County 2020-2021 Grand Jury made a number of recommendations to the cities of San Mateo County, the San Mateo Sheriff, and the San Mateo County Coroner.

R1: Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies, and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 20, 2021.

RESPONSE: The recommendation has been implemented. The Brisbane Police Department has and continues to attend roll out meetings hosted by the DOJ which has addressed all the items mentioned in R1. The Brisbane Police Department is ahead of the DOJ suggested timelines. The Brisbane Police Department will be in full compliance with AB 953 come January 1, 2022.

R2: Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 3, 3031, in order to complete testing within 30 days and to go love by January 1, 2022.

RESPONSE: The recommendation has been implemented; the Brisbane Police Department is using our current Records Management System, SunRidge Systems, as they have a platform which has a built-in feature to comply with all the mandates of DOJ. The Brisbane Police Department has already been testing since August 2021 and is now testing data live with DOJ.

R3: Each LEA must test and confirm their readiness for RPA data collection by November 30, 2021.

RESPONSE: The recommendation has been implemented. The Brisbane Police Department has been ready and testing since September 1, 2021.

R4: Each LEA should provide regular updates to their governing entities, on their progress *toward preparing* for the required RIPA data collection starting on October 15, 2021.

RESPONSE: The recommendation has been implemented. The Brisbane Police Department plans to update our City Council before the recommended deadline.

R5: Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.

RESPONSE: The recommendation has not yet been implemented. The Brisbane Police Department is working on posting a link on the police department website to the RIPA program so that the reports are readily available to the public, along with the listing of all the racial bias trainings attended by the Brisbane Police Officers.

R6: By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practice.

RESPONSE: The recommendation has not yet been implemented but the Brisbane Police Department plans to implement this recommendation within the listed deadline by having an internal management team review the RIPA data within the reports as a means of identifying any implicit biases in policing within our organization and need of future training.

R7: By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of "academics, police commissions, civilian review bodies, or advisory boards"

RESPONSE*: The Brisbane Police Department plans to implement this recommendation within the listed deadline by reviewing the annual RIPA reports with the City of Brisbane Inclusion, Diversity, Equity and Accountability Committee to identify any implicit bias policing and discuss any recommendations.*

R8: In the second quarter of 2022, each of the contracting entities should begin to request RIPA stop data for its jurisdiction, separate from the rest of the Sheriff's stop data.

RESPONSE: This does not apply to the Brisbane Police Department*.*

The Brisbane Police Department has been planning for the implementation of RIPA since its inception and has been well ahead of DOJ's timeline.

On behalf of the City of Brisbane, I would like to thank the members of the Grand Jury for their efforts.

Sincerely,

Karen Cunningham

Mayor, City of Brisbane

CC: San Mateo County Civil Grand Jury
         City Clerk

Superior Court of California, County of San Mateo

Hall of Justice and Records 400 County Center

Redwood City, CA 94063-1655

NEAL TANIGUCHI
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 261-5066
FAX (650) 261-5147
www.sanmateocourt.org

July 27, 2021

City Council
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Grand Jury Report: "Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act"

Dear Councilmembers:

The 2020-2021 Grand Jury filed a report on July 27. 2021 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Amarra A. Lee. Your agency's response is due no later than October 27, 2021. Please note that the response should indicate that it was approved by your governing body at a public meeting.

For all findings, your responding agency shall indicate one of the following:

3. The respondent agrees with the finding.

4. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

5. The recommendation has been implemented, with a summary regarding the implemented action.

6. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

7. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

8. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Kindly submit your responses in ALL of the following formats:

4. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.

    •   Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to:

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

5. Responses to be placed at the Grand Jury website.

    •   Scan response and send by e-mail to: **grandjury@sanmateocourt.org.** (Insert agency name if it is not indicated at the top of your response.)
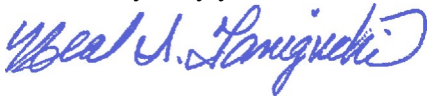
6. Responses to be placed with the clerk of your agency.

    •   File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 261-5066.

If you have any questions regarding these procedures, please do not hesitate to contact David Silberman, Chief Deputy County Counsel, at (650) 363-4749.

Very truly yours,

Neal Taniguchi
Court Executive Officer

Enclosure

cc: Hon. Amarra A. Lee
        David Silberman

BUILDING GREATER TRUST BETWEEN
THE COIˢdMUNITY & LAW ENFORCEMENT
VIA THE RACIAL AND IDENTITY PROFILING ACT

ISSUE

California enacted the Racial and Identity Profiling Act in 2015 (RIPA, Assembly Bill 953), to highlight one of the more serious problems that can obstruct effective and fair law enforcement: implicit bias and racial and identity profiling. By requiring "stop data," be documented and reported, law enforcement agencies will gain a tool to improve racial and identity awareness in law enforcement.

Are San Mateo County Law Enforcement Agencies (LEAs) ready to collect and report the RIPA stop data? Will the LEAs use the data to build trust within the community and improve their departments?

SUMMARY

Professor Paul Butler of Georgetown University Law Center in an NPR interview shared:

> In my class at Georgetown, I have a real-life police officer come and talk to my students about what it's like to be a cop in D.C. And to demonstrate how much power he has, he plays a game with the students where he invites them to come on a ride-along, sit in the back seat of his car for a night, and the game is called "Pick That Car." And he tells the student, pick any car you want on the street, and I'll stop it. He's a good cop. He waits until he finds a legal reason. But he says that he can follow any car for four or five minutes, and he'll find a reason. There are so many traffic infractions that any time you drive, you commit one. And that gives police an extraordinary amount of power, and we know that they selectively use this power against Black and brown people. [1]

Peace officers have a great deal of individual discretion on who they stop. And, as is true of all humans, they have implicit biases. Addressing implicit bias is key to addressing racism, reducing inequities in policing, and helping to eliminate needless or unwarranted peace officer-initiated

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NPR Interview with Paul Butler, April 16, 2021, https://www.npr.oru/transcripts/987956420 (emphasis added)

The terms peace officer and police officer are used interchangeably in this report. The RIPA Board prefers "peace omcer."I

shootings. [1] The connection between racism and implicit bias is well documented,[2] as is the fact that racism is present at individual and institutional levels.[3]

California's 2015 Racial and Identity Profiling Act, AB 953, seeks to address potential racial and identity profiling by peace officers. [4] RIPA requires law enforcement agencies (LEAs) to collect data on every stop [7] and capture the officer's initial perception of the people stopped. This data can help identify whether one demographic group is being stopped and searched more frequently than others due to implicit biases. The data collection requirement began in 2018 for the State's largest LEAs and expanded each year to the next largest LEAs. Every LEA in the County must collect stop data starting January l, 2022 and submit stop data to the California Department of Justice (CA DOJ) annually, starting April 1, 2023.

The   Advisory Board (RIPA Board) publishes an annual report examining the stop data and complaint data collected in the prior year. The report notes problems, shares successes, and offers informed recommendations on preventing and addressing racial and identity profiling. The report is released to the public at the end of the year or start of the next year. Thus, there is a significant lag time between the data collection and the RIPA Board report. Accordingly, the 2021 report, issued in January of this year, covers the stop data from 2019. If an LEA submits data identifying a potential problem but takes no action until the Board report is issued, it will be a reaction to the data versus a proactive response by the LEA in a timelier fashion.

For this Grand Jury report, all seventeen of the County's LEAs were surveyed and subsequently interviewed to ascertain their progress and plans for:

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[1] Racial Equity Tools, Act, Communicating, Implicit Bias
https://www.racialequitvtools.org/resources/act/communicating/implicit-bias

[2] Gaertner S, Dovidio JF. "The aversive form of racism." In: Dovidio JF, Gaertner S, editors. Prejudice, discrimination, and racism. Orlando: Academic Press; 1986. pp. 61—89

[3] Jones CP. "Levels of racism: a theoretic framework and a gardener's tale." Am J Public Health. 2000;90(8):12121215. doi:10.2105/ajph.90.8.1212

[4] RIPA definition: "' [P]eace offcer,' . . is limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions. "Peace officer," as used in this section, does not include probation officers and officers in a custodial setting." (Gov. Code, 12525.5 (g)(l).) [7] RIPA definition: "' [S]top' means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control." (Gov. Code, 12525.5 (g)(2).)

- RIPA data collection and reporting;

- using insights gained from the RIPA data to improve the operation of their departments by combating implicit bias in policing; and

- pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.

Those best practices include "community-based accountability. "8

> The Board encourages law enforcement agencies to partner with local communitybased organizations or colleges or universities to help with analyzing the data that drives the implementation of these best practices. [9]
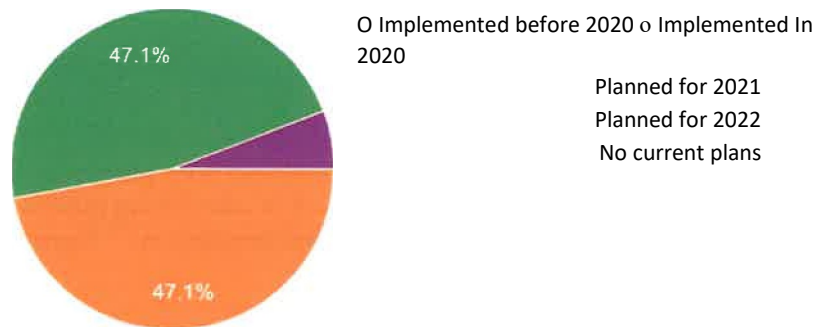
The Grand Jury found, as of the first quarter of 2021, two of the County's LEAs are ahead in preparing for RIPA data collection, others are on track and should be able to comply, and a few are lagging in implementation. The Grand Jury survey asked each LEA their "plans for RIPA recommendation: 'regularly analyze data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population. '" Their responses are summarized in the chart below:

[8]   Racial & Identity Profiling Advisory Board, 2021, "Annual Report 2021," at p. 91, https://oag.ca.gov/sites/al l/files/agweb/pdfs/ripa/ri pa-board-report-2021. pdf

[9]   2021 RIPA Report Best Practices (ca.gov) https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices2021 .pdf

What are your plans for RIPA recommendation: "regularly analyze data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

17 responses

O Implemented before 2020 o Implemented In 2020

Planned for 2021
Planned for 2022
No current plans

The Grand Jury recommends that all LEAs, in collaboration with their governing bodies:

1. finalize, implement, and test departmental systems and processes to collect and analyze RIPA stop data;

2. start collecting RIPA stop data as soon as possible, including earlier than the mandatory data collection date, to gain time to test, validate, and improve processes, and begin evaluating the collected data to identify possible signs of biased-policing;

3. plan how to analyze the RIPA stop data to improve local policing activities by "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population;" and

4. evaluate and consider RIPA Board recommendations and peer-LEA examples of community engagement and transparency to build community trust and provide bias-free policing, sought by all stakeholders. [5]

GLOSSARY

Bias — prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.[11]

Bias by proxy — "when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against. "[12] The bias starts outside the agency.

BOS — Board of Supervisors, San Mateo County.

CAD — Computer Aided Dispatch; used by public safety agencies to dispatch public safety personnel and to respond to calls.

CA DOJ — California Department of Justice.

Contracting Entities — The Sheriffs Office "provides contract law enforcement services for the cities of Half Moon Bay, Millbrae, San Carlos . . . the towns of Portola Valley and Woodside, as well as for the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District. "[13] This report restricted itself to the contracting entities that are towns and cities.

County — San Mateo County.

Implicit Bias — The RIPA Board defines implicit bias as "the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner."

LEA — Law Enforcement Agency — a police department or the County Sheriff' s Office.

POST —The California Commission on Peace Officer Standards and Training (POST), established by the Legislature in 1959.

RIPA — The Racial and Identity Profiling Act of 2015, California Assembly Bill 953. [14]

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[5] Stakeholders include local governance leaders (city/town councils, Boards of Supervisors), residents, local community leaders and organizers, to name a few.

RIPA Advisory Board — Racial and Identity Profiling Advisory Board, created by AB 953.

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[11] Unconscious Bias I diversity.ucsf.edu https://diversity.ucsf.edu/resources/unconscious-bias [12] Racial & Identity Profiling Advisory Board, "2021 Best Practices," p. 3, available at Racial and Identity Profiling Advisory Board I State of California - Department of Justice - Office of the Attorney General https://oae.ca.gov/ab953/board
[13] San Mateo County Sheriffs Office. "Patrol Services." Undated. https://www.smcsheriff.com/patrol-services
[14] An act to add Section 12525.5 to the Government Code, and to amend Sections 13012 and 13519.4 of the Penal Code, relating to racial profiling.

SDCS - stop Data Collection System, the CA DOJ RIPA data input portal.

SMC — San Mateo County.

Stop — "means (l) any detention by a peace officer of a person; or (2) any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control. "15 Stop data — the specific racial and identity data required to be collected under RIPA.

BACKGROUND

RIPA: The Racial and Identity Profiling Act (AB 953) & the RIPA Advisory Board

The 2015 Racial and Identity Profiling Act (AB 953) is designed to address potential racial and identity profiling by peace officers. Key provisions of RIPA:

1. required all LEAs in the State to collect peace officer perceived demographic and relevant data on all pedestrian and traffic stops and provide that data to the CA DOJ for public reporting and analysis purposes;

2. created the Racial and Identity Profiling Advisory Board (RIPA Board) to oversee RIPA implementation and guide LEAs on appropriate procedures, training and best practices; and

3. changed existing laws on the reporting of civilian complaints (Pen. Code, 13012) and updated POST training guidelines. [6]

This report focuses on the first two provisions. The annual data collection requirement began with the State's largest LEAs, which submitted their initial data, covering the last half of

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[6] California DOJ webinar presentation "Reporting Stop Data for the Racial & Identity Profiling Act" for the California Police Chiefs Association. October 21, 2020.

2018, to the CA DOJ in 2019. RIPA expanded each year to smaller LEAs each year. All County LEAs are required to start collecting RIPA data on January l, 2022 and to submit the data to CA DOJ by April 1, 2023. The data collection focuses on implicit bias by capturing the officer's initial perception of the person's race, sex, gender identity, sexual preference, age, physical or mental handicap, and English fluency.

Unlike existing data on traffic citations, arrests, and other interactions, the focus of the RIPA data is on the officer's observation and perception of the stopped person's race and identity. AB

[15] Cal. Govt. Code § 12525.5(g)(2)

953 [7]also expanded and clarified the definition of racial and identity profiling as "the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities „ following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.

The law specifically requires that "the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. RIPA also requires that any detention of a person by a peace officer, or any peace officer interaction with a person in which the officer conducts a search, including a consensual search, is recorded. [8] Thus, a traffic stop that only resulted in a warning also generates a RIPA data record, unlike previous practice where citations resulted in a record, but warnings did not.

In California there are two main types of local law enforcement agencies: first, police departments, which operate in cities and towns (or special districts) and are headed by a police chief. The police chief is hired by and reports to a city or town manager, who in turn are governed by a city or town council. The other LEA in a county is the county sheriff. A sheriff is elected by the county residents. The Sheriff does not report to the county board of supervisors. And a county board of supervisors is specifically barred from obstructing the

[7] https://oag.ca.gov/ab953 The entirety of the new definition can be found in Penal Code section 13519.4, subdivision (e). [18] Govt. code12525.5

[8] California DOJ webinar present3519.4Reporting Stop Data for the Racial & Identity Profiling Act" for the California Police Chiefs Association. October 21, 2020.

"constitutionally and statutorily designated investigative . . . functions of the sheriff of the county... [9]

The 19-member RIPA Board includes a wide range of stakeholders, representing law enforcement, academia, religious clergy, and the community.[10] Annually, the RIPA Board:

- analyzes the stop data information, by LEA;
- analyzes current law enforcement training;
- works in partnership with State and local law enforcement agencies to review and analyze racial/identity profiling policies/practices across geographic areas in California;
- makes policy recommendations for eliminating racial and identity profiling,[11] and
  - publishes the following three reports:
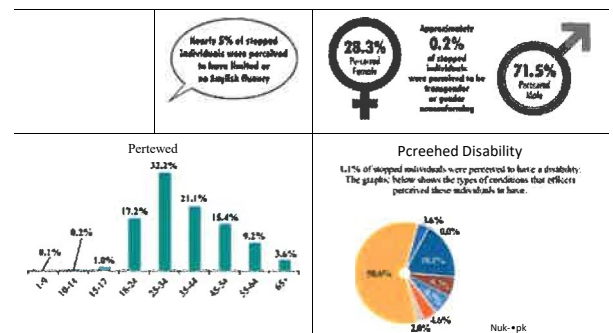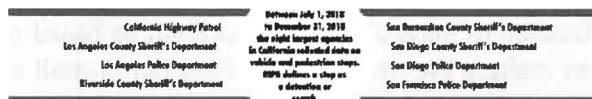
o   An Annual Report detailing the past and current status of racial and identity profiling,

o   A Quick Facts document showing a statewide summary of the stop data (see Appendices F and G), and

o   A Best Practices document[12]This Grand Jury report

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[9] California Government Code Section 25303

[10] California Penal Code Section 1

[11] California DOJ webinar presentation "Reporting Stop Data for the Racial & Identity Profiling Act"

[12] RIPA Board Reports and Videos State of California - Department of Justice - Office of the Attorney General [24] As previously mentioned, the Grand Jury is not allowed to reveal information it obtained during interviews, or via the survey, in ways that might identify the source.

examines: l) the status of local LEA preparation for compliance with the RIPA data collection and submission requirements, 2) LEA plans to use the data to improve their agency, and 3) LEA willingness to adopt RIPA

Board recommendations and peerLEA examples to build trust between their departments and the community.

To investigate their readiness to implement and utilize RIPA to identify and/or address bias and improve relationships between law enforcement and the communities it serves, the Grand Jury surveyed and

followed-up with interviews of all seventeen LEAs in SMC. The aggregate results are available in the Discussion section.24

Implicit [13]Bias

The RIPA Board defines implicit bias as "the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner."25 These biases could be favorable or unfavorable assessments, and they are activated involuntarily and without an individual's awareness or intention. Implicit biases differ from explicit biases, which are known to the individual and include biases that the individual may not be comfortable revealing.[14]

All humans have biases. Explicit bias is easier to identify and address, if people are willing to speak up and have a growth mindset.[15] Overt racism and racist comments are examples of explicit biases.[16]

Implicit bias affects our decision making, even when we are unaware of it. Multiple academic studies, dating back into the 1990s and repeated many times since, show that when an identical resume is sent to a large and diverse set of evaluators for a clearly defined job, a majority of evaluators — regardless of their own race, age, sex, etc. — offer the job to white males more often, and at a higher salary. The only difference is the candidate names on the resume. The researchers intentionally used names that are historically connected to a particular sex/gender, or race/ethnicity.[17]

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[13] RIPA Board 2021 Report, p. 23.

[14] RIPA Board 2020 Report – Best Practices; see also Eberhardt 2020 Ted Talk.

[15] Great Schools Partnership, "Glossary of Education Reform, Groyfth Mindset" August 29, 2013, https://www.edg!g»æy.org/growth-mindct(

[16] Lorie Fridell, "This Is Not Your Grandparents' Prejudice: The Implications of the Modern Science of Bias for Police Training," Translational Criminology, Fall 2013: 10-11, http://cebcp.org/wp-content/TCmagazine/TC5Fa112013

[17] Steinpreis, R.E., Anders, K.A. & Ritzke, D. The Impact of Gender on the Review of the Curricula Vitae of Job Applicants and Tenure Candidates: A National Empirical Study. Sex Roles 41, 509—528 (1999). https://doiorg.stanford.idm.oclc.org/10.1023/A:1018839203698

Similarly, orchestras that recognize the problem of implicit bias switched to curtained live auditions, thus blinding the evaluator's view of the auditioning musician's visible race or gender. The result: more women and people of color were hired into nationally renowned orchestras. [18] A pop-culture acknowledgement of the role of implicit bias is seen in the TV show "The Voice," where the coaches conduct blind auditions of contestants.[19]

Although we generally associate implicit bias in policing with racial biases, implicit bias can also be expressed in relation to non-racial factors such as gender, age, religion, or sexual orientation. As with all types of bias, implicit bias can distort one's perception and subsequent treatment either in favor of or against a given person or group. Although most police officers do not intentionally discriminate, we as a nation have been confronted with multiple episodes of officers relying on racial stereotypes in judging who to stop and search. Last year's heavily reported incidents of police violence show that implicit biases may unconsciously link African American motorists and pedestrians with crime or with a propensity towards violence or hostility. The result could explain a tendency for police to shoot unarmed black people at a higher rate than white people (per capita).[20]

What is Bias-Free Policing?

LEAs committed to bias-free policing provide services and enforce laws in a professional, nondiscriminatory, fair, and equitable manner. This keeps the community and officers safe and protected. It requires LEAs to recognize explicit and implicit biases can occur at individual and institutional levels, and a focused commitment to examining and eradicating both. This results in greater effectiveness of the LEA and builds mutual trust and respect with the diverse communities the LEAs serve.[21]

Why Stops Matter

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[18] Orchestrating Impartiality: The Impact of "Blind" Auditions on Female Musicians, Claudia Goldin and Cecilia Rouse AMERICAN ECONOMIC REVIEW VOL. 90, NO. 4, SEPTEMBER 2000 (pp. 715-741)

[19] https://en.wikipedia.org/wiWThe Voice_(American TV series)

[20] The Stanford Open Policing Project, https://openpolicing.stanford.edu

[21] RIPA Board 2020 Report – Best Practices, p.2

F.

A 2020 guidebook[22][23][24] for LEAs and stakeholders on RIPA data collection, analysis and response, prepared by New York University researchers, notes: "Despite the prominence of stops, there is much we still do not know about them, including their efficacy in achieving public safety and their impact on the public. These questions, asked by law enforcement executives and communities alike, go largely unanswered because the data needed to answer them are lacking. "[35] This research indicates that vehicle stops and pedestrian stops disproportionately burden non-white communities and the operational realities of stops—particularly vehicle stops—pose dangers both to those stopped and to law enforcement officers. [36] This research concludes that collecting and analyzing stop data can shed light on all of these issues." By embracing stop data collection and analysis in a transparent way, law enforcement can realize a range of benefits, such as:

- obtaining concrete evidence about whether stops are achieving law enforcement and public safety objectives;

- providing a better understanding of how stops impact the community and whether certain groups bear a disproportionate burden from those stops; ● permitting agencies to better assess the conduct of individual officers; and

- building community trust through improved transparency and dialogue about policing practices.

Again, the only way to answer these questions is to collect and analyze "
data.

RIPA data: What is collected? And why perceived identity information?

For each stop the officer will collect RIPA Data regarding the stop, the officer's perception of the person(s) stopped, and information about the officer. The 2021 RIPA Board report groups the information as shown in the table.[39]

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[22] Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities. " New York. https://policingequity.org/images/pdfs-doc/COPS-Guidebook Final Release Version 2-compressed.pdf [35] Pryor, Guidebook for LEAS, ibid., at 7.

[23] Pryor, Guidebook for LEAS, ibid.

[24] Pryor, Guidebook for LEAS, ibid.

Officer Reporting Requirements
In fornnation Regarding Stop
1 Date, Time, and Duration 2. Location 3. Reason for Stop 4. Was Stop in Response to Call for Service? 5. Actions Taken During Stop 6. Contraband or Evidence Discovered 7. Property Seized 8. Result of Stop
[nik)rnlation Regarding Officer's Perception of Person Stopped

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38 Ibid.

39 2021 RIPA Board Annual Report, p. 21

Officer Reporting Requirements

1. Perceived Race or Ethnicity
2. Perceived Age
3. Perceived Gender
4. Perceived to be LGBT
5. Limited or No English Fluency
6. Perceived or Known Disability

Information Regarding Officer

1. Officer's Identification Number
2. Years of Experience
3. Type of Assignment

A full list of the fields for which data is collected is available in Appendix A.

The RIPA-recorded perception is intended to be the first one the officer has of the stopped person. For example, in a traffic stop of a car with tinted windows, or at night, the officer may not see the driver until they roll down the window. The perception is the one at that moment, when the officer

first sees the driver. [25] Capturing perception allows implicit biases to be examined. It does not matter if the actual identity information differs; what counts is how the officer perceives the person and deals with them.

Data Integrity & Is Data Collection a Burden?

Any set of data is only as useful as the quality of its components. Incomplete and contradictory data must be minimized to make the data useful. Recognizing the importance of RIPA data integrity, the CADOJ produced a five-minute video on the subject in May 2019. - Data Integrity, available on YouTube. [41] A LEA that collects data without following the CA DOJ requirements will have its data rejected, requiring reexamination of the data and resubmission.42

How much time does it take to gather this valuable data? Experienced LEAs elsewhere in California have found that data collection, on average, only took three- to -five minutes per
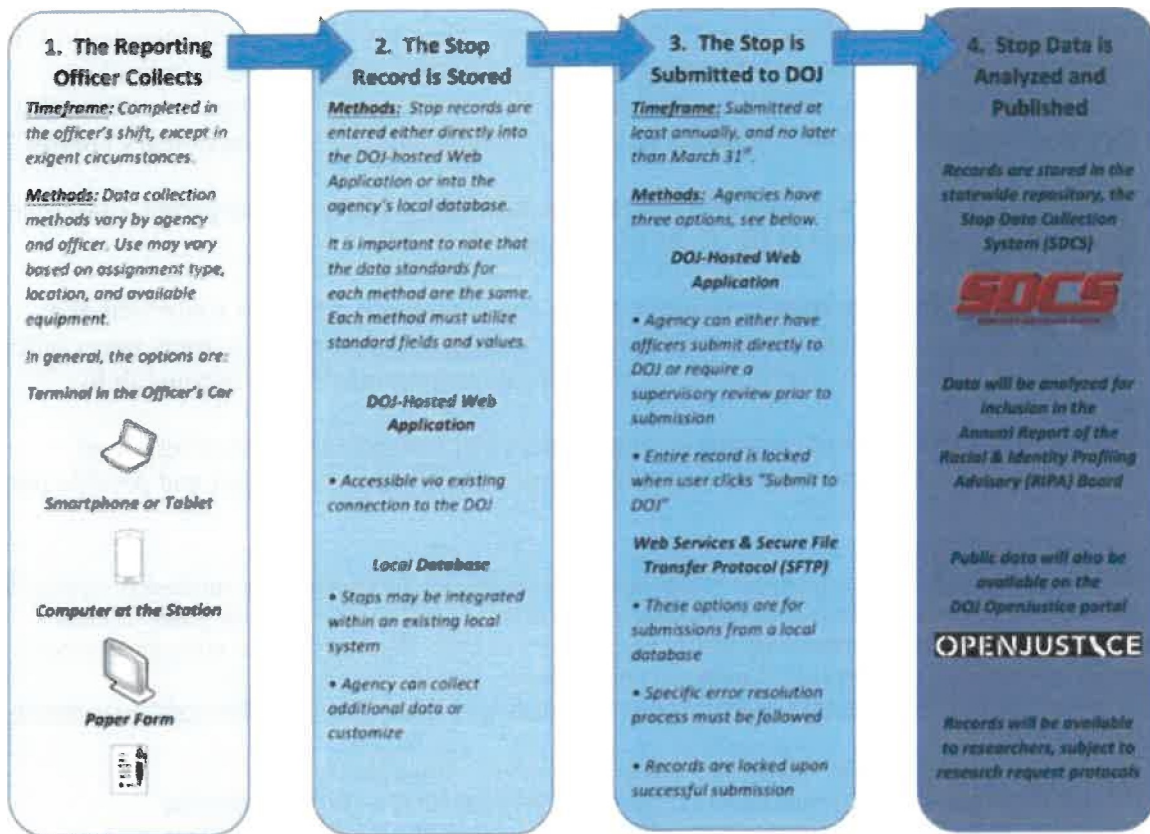
person stopped. [26] Private software vendors have created RIPA solutions for LEAs. See Appendix B for screenshots of one vendor's RIPA application.

The illustration below, from the 2019 RIPA Board report, illustrates the collection, submission, and analysis process:

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[25] DOJ webinar, "Reporting Stop Data for the Racial & Identity Profiling Act (RIPA / AB 953)", slide 42 of 111.

[41] RIPA Data Integrity, California Department of Justice, May 2, 2019, available at https://youtu.be/F2evScIOFo() [42] RIPA Stop Data Collection Stop Presentation, 2018, Slide 14 of 16

[26] Grand Jury Interviews.

1. The Reporting Officer Collects	2. The Stop Record is Stored	3. The Stop is Submitted to DOJ	4. Stop Data is Analyzed and Published
Timeframe: Completed in the officer's shift, except in exigent circumstances.	**Methods:** Stop records are entered either directly into the DOJ-hosted Web Application or into the agency's local database.	**Timeframe:** Submitted at least annually, and no later than March 31st.	Records are stored in the statewide repository, the Stop Data Collection System (SDCS)
Methods: Data collection methods vary by agency and officer. Use may vary based on assignment type, location, and available equipment.	It is important to note that the data standards for each method are the same. Each method must utilize standard fields and values.	**Methods:** Agencies have three options, see below. **DOJ-Hosted Web Application**	Data will be analyzed for inclusion in the Annual Report of the Racial & Identity Profiling Advisory (RIPA) Board
In general, the options are: Terminal in the Officer's Car	**DOJ-Hosted Web Application** • Accessible via existing connection to the DOJ	• Agency can either have officers submit directly to DOJ or require a supervisory review prior to submission • Entire record is locked when user clicks "Submit to DOJ"	Public data will also be available on the DOJ OpenJustice portal **OPENJUSTICE**
Smartphone or Tablet Computer at the Station Paper Form	**Local Database** • Stops may be integrated within an existing local system • Agency can collect additional data or customize	**Web Services & Secure File Transfer Protocol (SFTP)** • These options are for submissions from a local database • Specific error resolution process must be followed • Records are locked upon successful submission	Records will also be available to researchers, subject to research request protocols

RIPA Board Best Practices and Learning from Peer LEAs

The RIPA Board offers "policy recommendations for eliminating racial/identity profiling" via an annually published RWX Board Best Practices Report. An outline of the 2020 and 2021 Best Practices Report is available in Appendix C.

The RIPA Board Best Practices Report includes recommendations for policies, training, and interactions with the community to eliminate "racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement. 44

Many peer LEAs have begun implementing community advisory boards for community-based accountability and trust building, unrelated to RIPA. These include, but are not limited to, the University of California, Berkeley[45], Chula Vista[46], Davis[47], Walnut Creek[48], Fremont[49], Hayward [50], Salinas[51] , and others. The RIPA Board notes: "For law enforcement agencies to fully practice accountability, the community must be included in those efforts to keep

individual offcers and the agency as a whole accountable. The Board will review avenues for community involvement, including community participation in oversight, advisory, or disciplinary boards. "52

The RIPA best practices and Statewide LEA actions intended to promote transparency and trust building that are most relevant to the scope of this report include:

e Accountability practices to improve police and community relations composed of a comprehensive system which includes: data tracking and transparency, early intervention systems, supervisory oversight, clear policies, and community-based accountability. [53]

● Peer-LEA examples of community engagement and transparency, including use of community advisory boards as a mechanism to build community trust and provide bias-

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[44] Penal Code §13519.4 (j)(1)

[45] "Recommendation 15 states each campus would create independent advisory boards with representatives from the campus who can facilitate and enhance communication between the police department and the greater campus community as well as work collaboratively with the departments on issues involving campus safety and security" University of California, UC Berkeley, "Update On Campus Safety Task Force" March, 2021.
https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/campus-safety/updates-on-campussafety-task-forces. pdf

[46] Chula Vista Police Department. "Community Advisor Committee" Accessed May 2021.
hgps://www.chulavistacægpy@epartments/police-department/programs/chief-s-advisory-committee
[47] Davis Police Department, "Community Advisory Board", (board formed in 2005), Accessed May 2021. https://www.city.ofdavis.org(ci.ty,hall/police-department/administration/community-advisory-board [48] Walnut Creek, City of. "Chiefs Community Advisory Board." Undated. Accessed May 2021.
https://www.walnut-creeK.org,/government/commissions-committees/chief-s-community-advisory-board

[49] Fremont Police Department. "Community Advisory Group (CAG)." Undated.
https://www.fremontpolice.gov/about-us/offce-of-the-chief-of-police/community-advisory-group
[50] https://www.hayward-ca.gov/your-government/boards-commissions/hpd-community-advisory-panel
[51] ht!ps ://www.cit»fsalinas.gg/eur-oovement/boards-commissions/police-community-advisory-committee
[52] 52 Racial & Identity Profiling Advisory Board, 2021 Annual Report, p. 91, [53] Racial & Identity Profiling Advisory Board, 2021 Best Practices, p. 2, https ://oag. ca. gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021 .pdf?

free policing, sought by all stakeholders[27] . The 2021 RIPA Board notes: "13 of the 25 agencies surveyed indicated that they have a civilian review board. Of those agencies, five reported discussing the RIPA Board's findings with their civilian review boards "[55]

- A Stand-alone Bias-free Policing Policy which should: use clear language, including definitions of relevant terms; express the agency's responsibility to identify and eliminate racial and identity profiling; include references to relevant training that agency personnel receive on racial and identity profiling and bias; include components on encounters with the community, data analysis, accountability, and supervisory review; be easily accessible to both agency personnel and the public; and include cross references to other relevant agency policies on subjects such as civilian complaints, stops, use of force, training, and accountability. [28][29]

- Processes to Address Bias by Proxy which occurs "when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against."[57] The RIPA Board recommends that all LEAs adopt a policy to prevent bias by proxy or bias-based call by filtering out the biased information.

- Civilian Complaints practices - The RIPA Board has in- depth recommendations on how a LEA should handle complaints from members of the public so that they are not all dismissed as unfounded. [30]

- Training on Bias - The RPA Board also makes recommendations related to Racial and Identity Profiling training. In California, the Commission on Peace Officers Standards and Training (POST) creates training programs and materials for use by LEAs Statewide. The RIPA Board specifically recommends that POST training: uses stop data findings from RIPA reports to examine the disparities between racial and identity groups to identify topic areas of concern for future course development; provides courses with deeper discussions on possible officer bias that leads to a stop, how the situation evolves during the stop, and communication skills to prevent stops from escalating; provides guidance and discussion about the legal implications and

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[27] Stakeholders include local governance leaders (city/town councils, Boards of Supervisors), residents, local community leaders and organizers, to name a few. [55] RIPA Board 2021 Annual Report, p. 85

[28] RIPA Board 2021 Best Practices, supra, at p. 2

[29] RIPA Board 2021 Best Practices, supra, at p. 3

[30] RIPA Board 2021 Best Practices, supra, at p. 5

consequences of bias; connects recruitment academy training to field officer training and determines how implicit bias

and racial and identity profiling and cultural awareness training are being applied; and, ensures that field training officers have up-to-date racial and identity profiling training. [31]

RIPA Stop Data Impact on New Legislation

RIPA data has triggered the creation of new legislation. For example, early in 2021, a California assemblyman proposed a change in the State's laws regarding jaywalking (AB-1238, 2021, Ting and Friedman). [60] The bill was prompted, in part, by RIPA data showing that African Americans were four and one-half times more likely to be ticketed for jaywalking than whites. A ticket for jaywalking can escalate into a violent confrontation with law enforcement. [32] On June 2, 2021, AB-1238, passed in the Assembly, it has moved to the State Senate.

DISCUSSION

Do SMC LEAs Have a Bias Problem?

It is easy to believe that biased policing is only a problem of big cities in other counties. Los Angeles, Oakland, Sacramento, San Francisco, and San Jose have all had publicized problems with documented episodes of their respective peace officers exhibiting biases in their interactions with civilians. [33]

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[31] RIPA Board 2021 Best Practices, supra, at pp. 4-5 [60] Bill Text - AB-1238 Pedestrian access. (ca.gov) https://leginfo.legislature.ca.gov/faces/biIlTextClient.xhtml?bill id=202120220AB 1238

[32] Ting Proposes to Eliminate Jaywalking Tickets In California Official Website - Assemblymember Phil Ting Representing the 19th California Assembly District (asmdc.org) https://a19.asmdc.org/press-releases/20210325ting-proposes-eliminate-jaywalking-tickets-california

[33] Edwards, Ezekiel, "San Francisco Is a Hotbed of Illegal Race-Based Policing" San Francisco Is a Hotbed of Illegal Race-Based Policing American Civil Liberties Union (aclu.org) 2018, https://www.aclu.org/blog/criminallaw-reform/reforming-police/san-francisco-hotbed-illegal-race-based-policing ; Louie, David, (April 10, 2015) "Report: SJPD has a big problem being racially biased," ABC, KGO-TV, https://abc7news.coWsan-jose-policedepartment-sipd-report-racial-bias/649558/; Eberhardt, Jennifer, "To end racial disparities in policing, we must look beyond the data" The Guardian, April 18, 2019, https://www.theguardian.com/commentisfree/2019/apr/17/racepolicing-oakland-biased-iennifer-eberhardt; Breton, Marcos, "'Implicit bias' replaces the 'R' word. This is how we explain cops killing black men." Sacramento Bee, April 8, 2018, https://www.sacbee.com/news/local/newscolumns-blogs/marcos-breton/article208230624.htmI; Times Editorial Board, "Editorial: The more LAPD changes...", Los Angeles Times, May 28, 2021, bgpg://www.latimes.com/ppinion/story/2021-05-28/1apd-changesreform-needed ; see also FiveThirtyEight, February 4, 2021, httpy://fivethirtyeight.com/features/the-bidenadministration-wants-to-address-racial-bias-in-po_licing-what-cities-should-it-investigate/

When asked, SMC LEAs generally do not think they have a problem with biased policing, based in part, on how few public bias-complaints they get. [34] Few departments have more than a small handful of complaints annually alleging any type of bias. All have both policies and training designed to eliminate biased policing.

Analysis of data shows that speaking up or complaining to authorities such as the local police are not reliable indicators of bias-free policing. For example, in Los Angeles, from 2012 to 2014, there were 1,356 allegations of biased policing. None of the complaints were upheld. [35][36]

"AB 953 expanded the type of complaints that agencies are required to report to the Department of Justice, as well as the specific data to be reported for complaints."[65] Complaint data for the County' s LEAs shows that while there were a total of 43 racial or identity profiling complaints reported during 2016 to 2019, none were sustained. The complaints were examined and resolved by the LEAs. (See Appendix H).

Are the County's LEAs prepared for RIPA?

As previously mentioned, the RIPA timeline for County LEAs requires official data collection to begin on January l, 2022, and submission to the CA DOJ by April 1, 2023. In order to comply, each individual LEA must have processes, technology, training, and system debugging completed before the end of 2021.

Are County LEAs prepared for RIPA data collection and submission? Do they have qualified personnel to analyze and use the data? How will they use the data for greater local transparency, training, and trust building? These are the questions this investigation set out to answer. The data for all local LEAs is based on the Grand Jury's survey[66] and subsequent interviews with the leadership of all seventeen LEAs that took place in January and February 2021. The LEAs will have moved ahead with specific RIPA-related plans since the interviews.

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[34] Grand Jury Interviews.

[35] Mather, Kate. "LAPD found no bias in all 1,356 complaints filed against officers." Los Angeles Times, Dec. 15, 2015.

[36] AB 953: The Racial and Identity Profiling Act of 2015 │ State of California - Department of Justice - Office of the Attorney General ht s://oa .ca. ov/ab953.com laints [66] See Appendix D for the survey form.

The survey and interview results indicate levels of preparedness across LEAs that fall along a classic bell curve.[37] Some LEAs began collecting RIPA stop data in early 2021. The majority

have begun looking at solutions to comply, and a few are lagging and relying on other LEAs to lead the way. As of the first quarter of 2021 :

- Burlingame announced it would begin collecting RIPA data early. [38]

- Menlo Park indicated it purchased the necessary software.[39]

- Most LEAs had either decided on their technology platform for RIPA data collection or had narrowed their approach to two or three alternatives.

- A few of the LEAs had barely begun their RIPA preparations.

- At least one of the contracted entities did not know about RIPA nor that it will be able to request RIPA data from the Sheriff. [40]

- Some LEAs were confused and believed the County Dispatch System would collect the RIPA data. The dispatch system is part of the existing traffic citation writing procedure. The Grand Jury did not find any technology platforms that rely on County-level dispatch systems for RIPA data collection and question the efficacy of such a system.

- None of the LEAs had a firm plan for what personnel will be needed to ensure accurate data collection and analysis. Some thought they might add the task to the existing command group while others indicated a possible need for a data analyst. For the smaller departments, sharing one data analyst may make sense.

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[37] Grand Jury Confidentiality rules dictate that the identity of individuals interviewed is kept confidential.

[38] Walsh, Austin. "Police address policy reforms in Burlingame Chief details variety of efforts department has adopted in the wake of George Floyd's killing." The Daily Journal. December 28, 2020. https://www.smdailyjournal.com/news/local/police-address-policy-reforms-in-burlingame/article_4ff4a732-48ca1_leb-9dcf-f3b429ebbeb7.htm

[39] Menlo Park City Manager's Office. "Staff Report 20-150-CC: Add institutionalized bias reform as a top priority for City staffin 2020-21 and provide input to staff on how to address police" for July 16, 2020 meeting. https://menIopark.org/DocumentCenterNiew/25679/F2-20200714-CC-Institutionalized-bias-reform

[40] Grand Jury interviews.

While each LEA is responsible for its own RIPA compliance, the LEAs in SMC can consult each other through the San Mateo Police Chiefs & Sheriff Association. The group meets monthly and has a RIPA Subcommittee.[41]

Costs

The range of technology solutions for RIPA compliance include using existing systems without the purchase of new software or hardware, using the CA DOJ option which requires human labor, or acquiring technology for budget and time-friendly solutions.

City and town LEAs anticipated initial direct costs to range from $0 - $30,000. Some had existing systems which offer RIPA add-ons as part of the annual software fee, others expected to purchase either an add-on or standalone solution. None expressed budgetary concerns.[42]

The County's largest LEA, the Sheriffs Office, has designated patrol services for the unincorporated parts of the county. The Sheriff's Office also provides contracted law enforcement services for the cities of Half Moon Bay, Millbrae, San Carlos, for the towns of Portola Valley and Woodside, as well as for the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District. [43] Its preliminary estimate of RIPA costs range from $15,000 to $250,000, depending on the technology platform.

There are also indirect costs involved in complying with RIPA. They include:

e basic startup costs of any new program: installation of software and debugging, which may, or may not, be included in the direct costs mentioned above;
• training of officers on the use of the software, the purposes of RIPA, RIPA compliant data collection, etc.; e personnel costs to audit the data collection to ensure, at a minimum, accurate data collection and reporting; and e resources required to regularly analyze and use the data for improving bias-free policing.

Technology cost miscalculations can occur as evidenced by the experience of larger agencies. For example, a 2018 San Diego Police Department news report shared that the Peace Officers Research Association of California and the California State Sheriffs' Association had raised concerns that the RIPA requirements, which began in July 2018 for the State's

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[41] Grand Jury interviews.

[42] Grand Jury interviews.

[43] https://www.smcsheriff.com/index.pb2dp@!!QJ=sgyjces

largest agencies, would be expensive. In February 2017, then-Police Chief Shelley Zimmerman mentioned potential RIPA-related expenses to the city council. Later in May, council members budgeted an additional $200,000 to cover the cost of implementation. SDPD Lieutenant Jeff Jordon said the money was intended to pay for the development of new tools to meet the mandate, but the agency instead received a free mobile application and program from the San Diego County Sheriffs Department. Ultimately, the department spent $6,228, Jordon said, and the remaining $193,772 went back to the city's general fund at the end of the fiscal year in June, a mayor's office spokesman confirmed. [44]

To prevent such miscalculations and deliver on community and local-governance expectations, SMC LEAs would benefit from early planning and consultation with peer-LEAs that are leading in this effort.

RIPA's Bias Free Policing Opportunity

The RIPA Board recommendations map out a path for local LEAs to deliver on the aspirations of bias-free -policing. The 2020-Summer-of-Race-Reckoning and ongoing national coverage of the subject[75] reinforces the need for racial equity in policing everywhere, including San Mateo County.

The Annual RIPA Report summarizes and publishes stop data findings along with recommendations to improve bias-free-policing. Local LEAS, in collaboration with their city/town councils and residents, can review their local RIPA data. A quarterly review, engaging internal and external stakeholders, can identify opportunities for addressing potential biases and course-correcting before the Annual RIPA Report is published. The appended table below summarizes: l) legislated requirement (bold), and 2) RIPA Board intent and recommendations (italics).

RIPA Components	Understanding the RIPA Opportunity for Moving Toward **Bias-Free Policing**	Suggestions for Implementing RIPA[76]	Delivering on RIPA goal of Bias-FreePolicing

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[44] Mento, Tarryn. "SDPD Didn't Need Additional $200K To Implement New Anti-Racial Profiling Law." KPBS.
December 20, 2018. htt ://www.k bs,or news/2018/dec/20/sd -didnt-need-additional-200k-im lement-new-anti/ [75] Chang, Ailsa, Rachel Martin, Eric Marrapodi. "Summer of Racial Reckoning." KQED. August 16, 2020. https ://wwvv.npr.org/2020/08/16/902179773/summer-of-racial-reckoning -the-match-lit [76] Grand Jury Interviews

Stop Data	Collection & Reporting to CA DOJ (legislated)	Regularly analyzing RIPA data at the LEA level	Training and mentoring officers and dispatch teams; evolving policies, etc.
RIPA Components	Understanding the RIPA Opportunity for Moving Toward Bias-Free Policing	Suggestions for Implementing RIPA[76]	Delivering on RIPA goal of Bias-FreePolicing
Technology Platform	Easy plug-infor quick data collection	Ongoing and autoauditing	Sophisticated, regular reporting at LEA levelfor local management via neighborhoods, etc.
Trainingfront line officers for data collection; Training Supervisorsfor data collection & auditing	A mindset shift whereby all LEA teams understand the need to address implicit bias aka perceptions. Noting: we 're all human	Awareness via ongoing Implicit bias training and discussions. Creating safe and brave spacesfor learningfrom human frailty ofimplicit bias.	Transparency with external stakeholders on the needfor the journey to learn and grow in order to deliver bias-freepolicing
Community Engagement	Community is mvare ofstop data reports via annual RIPA Reports and easily accessible online data	LEAs engage City or Town Councils and the public on local RIPA data on a regular basis. Data should be easily accessible	Engage diverse stakeholders to advise, inform, guide collaborative biasfree-public safety

Analysis of Stop Data

The RIPA stop data will require analysis using statistical or analytical tools. The RIPA Board's annual analysis compares the stop data-breakdown by race and identity against that of the community. But that comparison can be misleading when the diversity of day visitors doesn 't match that of the residents. For example, populations vary in Half Moon Bay with a high beachday-use or seasonal-agricultural workers; and Colma has day-work, transient

populations. When the day-population diversity is different from the fulltime resident population, RIPA data could either suggest or hide biases.

The mandated data collection creates an opportunity for local LEAs to use their data on a regular basis as an early alert of possible individual or unit bias. Collection and analysis could promote early addressing of potential issues via training or mentorship. Sharing the data with the local community on a regular basis, and engaging them in ascertaining possible solutions, is a RIPA Advisory Board recommendation implemented by many California LEAs.

Using RIPA to Improve Law Enforcement

A few SMC LEAs have plans to review the data monthly or quarterly, to identify patterns of bias; but a majority don't. Pryor, et al. Guidebookfor LEAS, supra, recommends..77

- Data analysis is crucial; thus LEAs should either allocate resources to hire experts or look to partner with universities or researchers;

- Analysis can be used to assess both the effectiveness of specific tactics and any disparities in how those tactics are applied in the community; and

- Three levels of explanation for police-data analysis, namely: community, department, and relationship between community and department.

What Could Governing Bodies Expect of Their LEAs Regarding RIPA?

Municipal governing bodies (city or town councils) should already be aware of RIPA, and of the plans of their respective LEAs to implement it. This is important because the LEA interviews raised the following concerns: [78]

- LEA may request additional funding to implement RIPA data collection;

- LEA may need to reassign personnel to enable it to make use of RIPA data to improve its operation;

- LEA may show an initial drop in traffic citations and other interactions with the public when it starts collecting RIPA data;

- RIPA data will be analyzed by CA DOJ and department deficiencies will become public for citizens, advocacy groups, and academic researchers to view and further analyze and question; and

[77] Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities." New York. https://policingequity.or2/images/pdfs-doc/COPS-Guidebook_Final_Release_Version_2-compressed.pdf [78] Grand Jury Interviews

- RIPA data may bring to light a policing problem that is not otherwise apparent to the council.

IN SUWv1ARY

RIPA provides LEAs with an opportunity to improve operations. Explicit bias is readily identified in the words and actions of individuals, as well as in organizations. Implicit bias, in contrast, operates subtly, often without awareness by the person whose behavior the bias affects. Collecting and analyzing stop data can shed light on ways in which implicit biases are leading to uneven and unfair law enforcement. Once the problem is known, steps can be taken to minimize the bias and reduce its impact. It is crucial for the community to trust law enforcement.

FINDINGS

All seventeen LEAs responded to the Grand Jury survey on RIPA-readiness and participated in one or more interviews. Grand Jury confidentiality rules prevent specific identification of the responses of each LEA. The Grand Jury's aggregate relevant findings are:

RIPA Data Collection and Reporting

Fl . LEAs in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January l, 2022.

F2. County LEAs vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting the data, and the need for procedures and training to collect and report the data. The LEA's RIPA-preparedness correlates to their understanding of RIPA requirements.

F3. Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEAs were in various stages of planning and acquiring their RIPA data collection system.

F4. The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment and best practices.

F5. Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

Using RIPA Data for Transparent Community Trust Building

F6. LEAs vary in their understanding that implementing RIPA Board recommendations would build yeater trust with their communities.

F7. Some contracting entities were unaware of the RIPA requirements, and that RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in the spring of 2022.

F8. Between now and 2022, sixteen county LEAs have plans for "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

RECOMMENDATIONS

RIPA Data Collection and Reporting — Milestones for January 1, 2022 compliance

RI. Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.

RI. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and to go live by January l, 2022.

R3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.

R4. Each LEA should provide regular updates to their governing entities, on their progress towardpreparing for the required RIPA data collection starting on October 15, 2021.

Using RIPA Data for Transparent Community Trust Building — don't wait for the annual report

R5. Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.

R6. By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.

R7. By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of "academics, police commissions, civilian

review bodies, or advisory boards" as a mechanism to build community trust and provide bias-free policing.

R8. In the second quarter of 2022, each of the contracting entities should begin requesting RIPA stop data for its jurisdiction, separate from the rest of the Sheriffs stop data.

REQUEST FOR RESPONSES

Penal Code Section 933.05 (emphasis added)

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1)   The recommendation has been implemented, with a summary regarding the implemented action.

(2)   The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3)   The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4)   The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Pursuant to Gov. Code 933.05, the Grand Jury requests responses from the following entities, for the listed Findings:

Responses to FINDINGS from City/Town Councils and the Sheriff								
FINDINGS								
Atherton						X		X
Belmont						X		X
Responses to FINDINGS from Cityrrown Councils and the Sheriff								
FINDINGS								
Brisbane	X	X	X	X	X	X		X
Burlingame	X	X	X	X	X	X		X
Colma	X	X	X	X	X	X		X
Daly City	X	X	X	X	X	X		X
East Palo Alto	X	X	X	X	X	X		X
Foster City	X	X	X	X	X	X		X
Hillsborough	X	X	X	X	X	X		X
Menlo Park	X	X	X	X	X	X		X
Pacifica	X	X	X	X	X	X		X
Redwood City	X	X	X	X	X	X		X
San Bruno	X	X	X	X	X	X		X
San Mateo	X	X	X	X	X	X		X
South San Francisco	X	X	X	X	X	X		X
Broadmoor Police District Board	X	X	X	X	X	X		X
Millbrae	X	X	X	X	X	X	X	X
San Carlos	X	X	X	X	X	X	X	X
Portola Valley	X	X	X	X	X	X	X	X

Woodside	X	X	X	X	X	X	X	X
Half Moon Bay	X	X	X	X	X	X	X	X
Sheriff	X	X	X	X	X	X	X	X

Pursuant to Gov. Code 933.05, the Grand Jury requests responses from the following entities for the listed Recommendations:

Responses to RECOMMENDATIONS from Citynown Councils and the Sheriff								
RECOMMENDATIONS	RI							
Atherton	X	X	X	X	X	X	X	
Belmont	X	X	X	X	X	X	X	
Brisbane	X	X	X	X	X	X	X	
Burlingame	X	X	X	X	X	X	X	
Colma	X	X	X	X	X	X	X	
Daly City	X	X	X	X	X	X	X	
Responses to RECOMBÆNDATIONS from Cityrrown Councils and the Sheriff								
RECOMMENDATIONS	RI							
East Palo Alto	X	X	X	X	X	X	X	
Foster City	X	X	X	X	X	X	X	
Hillsborough	X	X	X	X	X	X	X	
Menlo Park	X	X	X	X	X	X	X	
Pacifica	X	X	X	X	X	X	X	
Redwood City	X	X	X	X	X	X	X	
San Bruno	X	X	X	X	X	X	X	
San Mateo	X	X	X	X	X	X	X	
South San Francisco	X	X	X	X	X	X	X	
Board of the Broadmoor Police Protection District	X	X	X	X	X	X	X	
Millbrae	X	X	X	X	X	X	X	X
San Carlos	X	X	X	X	X	X	X	X
Portola Valley	X	X	X	X	X	X	X	X

Woodside	X	X	X	X	X	X	X	X
Half Moon Bay	X	X	X	X	X	X	X	X
Sheriff	X	X	X	X	X	X	X	X

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

METHODOLOGY

Documents

Reports, presentations, and other documents from the California RIPA Board were reviewed, along with websites for the Sheriffs Office, police departments, and city and town councils. In response to the survey (below) certain LEAs provided additional documents. The California Department of Justice also provided materials to inform the investigation. For a comprehensive list of the documents reviewed and consulted, see the Bibliography below.

Site Tour(s)

Due to the Covid-19 pandemic, no physical site tours were scheduled for this report.

Interviews & Surveys

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

All interviews were conducted by videoconference using Zoom or Google Meets. For this report the Grand Jury interviewed:

- Law enforcement personnel at the commander, captain, or chief level, or equivalent from each LEA in the County

- Current and past members of the RIPA advisory boards

- Members of law enforcement with experience outside of the County

- At least one city manager

A comprehensive survey on RIPA preparedness and bias-free policing was sent to all 17 active LEAs in the County. All 17 responded. Appendix D shows the form used in the survey. Some of the answers from that survey, anonymized, are shown in Appendix E.

BIBLIOGRAPHY

● Assembly Bill 953 (2015, Weber). "Law enforcement: racial profiling." An act to add Section 12525.5 to the Government Code, and to amend Sections 13012 and 13519.4 of the Penal Code, relating to racial profiling.

● Becera, Xavier, California Department of Justice. May 2, 2019. Video: "RIPA — Data Integrity" https://youtu.be/F2evScIOF00

● Breton, Marcos, "'Implicit bias' replaces the 'R' word. This is how we explain cops killing black men." Sacramento Bee, April 8, 2018, https://www.sacbee.com/news/local/newscolumns-blogs/marcos-breton/article208230624.html

● Butler, Paul, interview by Noel King. 2021. "Minnesota Police Officer Charged In Death Of Daunte Wright." NPR News, National. April 16, 2021, https://www.npr.org/transcripts/987956420

● California Department of Justice. October 21, 2020. Presentation: "Reporting Stop Data for the Racial & Identity Profiling Act" for the California Police Chiefs Association.

● California Department of Justice. "AB 953: The Racial and Identity Profiling Act of 2015" https://oag.ca.gov/ab953#complaints

● California Government Code, Sections 12525.5(g)(l), 12525.5(g)(2), and 25303

● California Penal Code Sections 13519.4(j)(1), 13519.4(j)(2)

● Calbike: California Bicycle Coalition. 2021. "CalBike Announces New Legislation to Eliminate Jaywalking Tickets in California." Calbike . March 25. Accessed April 17, 2021. https://www.calbike.org/calbike-announces-new-legislation-to-eliminate-iaywalkin g-ticketsin-california/.

● Chang, Ailsa, Rachel Martin, Eric Marrapodi. "Summer of Racial Reckoning." KQED. August 1 6, 2020. https://www.npr.org/2020/08/16/902179773/summer-of-racial-reckonin gthe-match-lit

● Chula Vista Police Department. "Community Advisor Committee" Accessed May 2021. https://www.chulavistaca.gov/departments/police-department/programs/chief-s-advisorycommittee

● Davis Police Department, "Community Advisory Board", (board formed in 2005), Accessed May 2021. https://www.citvofdavis.org/city-hall/policedepartment/administration/community-advisory-board

● Eberhardt, Jennifer L. 2020. TED Talk: How racial bias works - and how to disrupt it. June. Accessed April 30 , 2021.
https://www.ted.com/talks/iennifer I eberhardt how racial bias works and how to disrup t it

● Eberhardt, Jennifer, "To end racial disparities in policing, we must look beyond the data" The Guardian, April 18, 2019, https ://www.theguardian.com/commentisfree/2019/apr/17/race-policing-oakland-biasedjennifer-eberhardt

● Edwards, Ezekiel. 2018. "San Francisco Is a Hotbed of Illegal Race-Based Policing." ACLU. October 4. Accessed January 11, 2021. https://www.aclu.org/blog/criminal-lawreform/reforming-police/san-francisco-hotbed-illegal-race-based-policing

● Fremont Police Department. "Community Advisory Group (CAG)." Undated.
https://www.fremontpolice.gov/about-us/office-of-the-chief-of-police/community-advisorygroup Accessed May 2021.

● Fridell, Lorie. Fall 2013. "This Is Not Your Grandparents' Prejudice: The Implications of the Modern Science of Bias for Police Training," Translational Criminology, Fall 2013: 10-11, http://cebcp.org/wp-content/TCmagazine/TC5 -Fal 12013. pdf

● Gaertner, Samuel L., and John F. Dovido. 1986. "The aversion form of racism." In Prejudice, Discrimination, and Racism, by John F. Dovidio and Samuel L. Gaertner, 61-89. Orlando: Academic Press.

● Goldin, Claudia and Cecilia Rouse. Sept. 2000. "Orchestrating Impartiality: The Impact of 'Blind' Auditions on Female Musicians", AMERICAN ECONOMIC REVIEW VOL. 90, NO 4, SEPTEMBER 2000 (pp. 715-741)
https://ideas.repec.org/a/aea/aecrev/v90y2000i4p715-741 .html

● Great Schools Partnership, "Glossary of Education Reform, Growth Mindset" August 29, 2013, https://www.edglossary.org/growth-mindset/

● Green, Jason, and Robert Salonga. 2020. San Jose police officers ' racist Facebookposts exposed by blogger. June 26. Accessed April 20, 2020.
https://www.mercurynews.com/2020/06/26/san-jose-police-officers-racist-facebook-postsexposed-bv-blooaer/

● Jones, Camara Phyllis. 2000. "Levels of Racism: A Theoretic Framework and a Gardener's Tale." Am JPub1ic Health 90 1212-1215.

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1446334/pdff10936998.pdf

⬤ Louie, David, "Report: SJPD has a big problem being racially biased," ABC, KGO-TV. April 10, 2015. https://abc7news.com/san-jose-police-department-sjpd-report-racialbias/649558/

⬤ Mather, Kate. "LAPD found no bias in all 1,356 complaints filed against officers." Los Angeles Times, Dec. 15, 2015. https://www.latimes.com/local/lanow/la-me-ln-lapd-biased-policing-report-20151215-story.html

⬤ Menlo Park City Manager's Office. "Staff Report 20-150-CC: Add institutionalized bias reform as a top priority for City staffin 2020-21 and provide input to staff on how to address police" for July 16 2020 meeting. https://menlopark.org/DocumentCenter/View/25679/F2-20200714-CC-1nstitutionalizedbias-reform

⬤ Mento, Tarryn. "SDPD Didn't Need Additional $200K To Implement New Anti-Racial Profiling Law." KPBS. December 20, 2018. https://www.kpbs.org/news/2018/dec/20/sdpd-didnt-need-additional-200k-implementnew-anti/

⬤ MP Associates, CAPD, and World Trust Educational Services . n.d. Racial Equity Tools; Act; Communicating; Implicit Bias. Accessed April 14, 2021. https://www.racialequitytools.org/resources/act/communicating/implicit-bias

- Navarro, Renee. undated. UCSF Office ofDiversity and Outreach; Programs & Services; Unconcious Bias. Accessed April 14, 2021. https://diversity.ucsf.edu/resources/unconsciousbias

- Parker, Clifton B. 2016. "Stanford big data study finds racial disparities in Oakland, Calif., police behavior, offers solutions." Stanford I News. June 15. Accessed April 20, 2020. https://news.stanford.edu/2016/06/15/stanford-bi2-data-study-finds-racial-disparitiesoakland-calif-police-behavior-offers-solutions/

- Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities." New York. https://policingequity.org/images/pdfs-doc/COPS-Guidebook Final Release Version 2-compressed.pdf

- Racial Equity Tools, "Implicit Bias," undated, Act, Communicating, Implicit Bias (racialequitytools.org) https://www.racialequitytools.org/resources/act/communicating/implicit-bias

- Racial & Identity Profiling Advisory Board. 2021. "Annual Report 2021 ", https://oæ.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021 .pdf

- Racial & Identity Profiling Advisory Board. 2021 "2021 Best Practices" https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ri pa- best-practi ces-2021 .pdf

- Racial & Identity Profiling Advisory Board. 2021. "2021 RIPA Report Quick Facts (ca.gov)." Attorney General ofCalifornia - Racial and Identity Profiling Advisory Board. Accessed January 5, 2021

- Racial & Identity Profiling Advisory Board. 2020. "Annual Report 2020", https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-repon-2020.pdf

- Racial & Identity Profiling Advisory Board. 2020 "2020 Report - Best Practices" https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2020.pdf

- Racial & Identity Profiling Advisory Board. 2020. "2020 RIPA Report Quick Facts" 2020 R. https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-quick-facts-2020.pdf

- Racial & Identity Profiling Advisory Board. 2020. "Supplemental Technical Report 2020" https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-tech-report-2020.pdf

- Racial & Identity Profiling Advisory Board. 2019. "Annual Report 2019." https ://oag.ca. gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2019. pdf

- Racial & Identity Profiling Advisory Board. 2019 "2019 Report - Best Practices" https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2019. pdf

3 1

- Read, Aaron, and Randy Perry. 2016. "THE REAL STORY: AB 953 AND AB 71 EXPLANED." PORAC (Peace Officers Research Association ofCa1ifornia). March 1.

Accessed April 30, 2021. https://porac.org/2016/03/the-real-story-ab-953-and-ab-71explained/

● Redwood City Hall. "Police Advisory Committee" March 8, 2021.
https://www.redwoodcity.org/city-hall/advisory-bodies-and-committees/police-advisorycommittee

● RIPA Advisory Board. 2020. "Racial and Identity Profiling Advisory Board." State of California Department of Justice, Office of the Attorney General. January 3. Accessed April 2, 2021. https://oag.ca.gov/ab953/board

● San Mateo County Sheriffs Office. "Patrol Services." Undated. https://www.smcsheriff.com/patrol-services

● Sinyangwe, Samuel, "The Police Departments With The Biggest Racial Disparities In Arrests And Killings", FiveThirtyEight, February 4, 2021, https://fivethirtyeight.com/features/the-biden-administration-wants-to-address-racial-bias-inpolicing-what-cities-should-it-investigate/

● Stanford SPARQ and California Department of Justice. "Principled Policing Training — Procedural Justice and Implicit Bias." 2015.
https://oag.ca.gov/sites/all/files/agweb/pdfs/law enforcement/principled-policing-whitepaper.pdf

● Steinpreis, R.E., Anders, K.A. & Ritzke, D. "The Impact of Gender on the Review of the Curricula Vitae of Job Applicants and Tenure Candidates: A National Empirical Study." Sex Roles 41, 509—528 (1999). https://doi-org.stanford.idm.oclc.org/10.1023/A: 1018839203698

● Times Editorial Board, "Editorial: The more LAPD changes...", Los Angeles Times, May 28, 2021, https ://www.latimes.com/opinion/story/2021-05-28/1apd-changes-reform-needed

● Ting, Phil. "Ting Proposes to Eliminate Jaywalking Tickets In California." March 25, 2021. press release. https://al   9.asmdc.org/press-releases/20210325   -ting-proposes-eliminateiaywalking-tickets-california

Walnut Creek, City of. "Chiefs Community Advisory Board." Undated. Accessed May 2021. https://www.walnut-creek.org/government/commissions-committees/chief-scommunity-advisory-board

● Walsh, Austin. "Police address policy reforms in Burlingame - Chief details variety of efforts department has adopted in the wake of George Floyd's killing." The Daily Journal. December 28, 2020. https://www.smdailyiournal.com/news/local/police-address-policyreforms-in-burlingame/article 4ff4a732-48ca-1 leb-9dcf-Bb429ebbeb7.htm

● Wikipedia. "The Voice (American TV series)" Accessed February 2021.
https://en.wikipedia.org/wiki/The Voice (American TV series)

● University of California, UC Berkeley, "Update On Campus Safety Task Force" March, 2021.
https://www.ucop.edu/research-policy-analysis-coordination/policiesguidance/campus-safety/updates-on-campus-safety-task-forces.pdf

APPENDIX A: List of RIPA Data Fields and Variables

https://www.sanmateocourt.org/documents/grand_iury/2020/ripa_appendix_a.pdf

APPENDIX B: Screenshots of RIPALog Software

Demographics

Age of person stopped   36

K-iZ studenp

LGBT'   Yes No •

in English?

a disability

is nm-confo:ming

Ioptional: gender non-conform

👤 Male

👤 Female

👤 Transgender Male

👤 Transgender Female

tont•

2:04 f

Stop Logs

16 Native Americen   Edi

07/03/ 2020

30 White

07/0332020

24 Asian

02/17/2020

36   Wav   ozJi7/aoao

Latino   02/17/2020

45   02/17/2020

02/17/2020

01/12/2020

01/12/2020

Hispanic/Latino
V.'ny at :ctt-

32 Mddle Eætern or
Sour Way

32 Middte Eastem or
Sou.. at Way

SO Middle Eastem or
Sau-

33 White

RIPA Stop Log

RIPA

To coninue, you must authenticate your
access

org

Authenticate

Create now

APPEDNIX C: Outline of RIPA Board Best Practices Documents for 2020 and 2021

2020 Best Practices Document (21 pgs.) - Best Practices - 2020 RIPA Board Report - Racial and Identity Profiling Advisory (RIPA) Board (ca.gov)
https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2020.pdf

l) Model Bias-Free Policing Polices
    a) Policy Language
    b) Definitions
    c) Exception language - when characteristics may be considered
    d) Encounters with Community
    e) Training
    f) Data Collection & Analysis
    g) Accountability & Adherence to the Policy
    h) Supervisory Review
3) Bias by Proxy Recommendations
    a) [multiple subparts]
4) Civilian Complaint Forms best practices
    a) Background
    b) General Complaint Information
    c) Complaint Infomation
    d) Incident Information
    e) Processing of Complaints
5) Lack of Uniformity in what is a complaint and how to quantify
6) Accessibility & Knowledge of LEA's Complaint Process
7) Barriers to Reporting Civilian Complaints
8) Complaint Access for the Disabled

2021 Best Practices Document (6 pgs.) 2021 RIPA Report Best Practices (ca.gov) https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021 .pdf

l) Explicit Bias, Implicit Bias, and Other Driving Forces for Stop Data Disparities 2) Racial and Identity Profiling Policies and Accountability
3) Calls for Service and Bias by Proxy
4) Civilian Complaints: Policies and Data Analysis
5) Califomia Commission on Peace Officer Standards and Training (Post) Training Related to Racial and Identity Profiling

APPENDIX D: Grand Jury Survey - Delivering on DEI & Ready for RIPA

https://www.sanmateocourt.org/documents/grand iurv/2020/RIPA appendix d.pdf

APPENDD(E — Selected LEA Responses to GJ RIPA Survey

When did you begin collecting stop data with race and identity, as defined by RIPA demographics?

17 responses

Began this before 2020 e Began in 2020 Planned for 2021 Planned for 2022 e No current plans Other:

January 5, 2021

58.8%

35.3%
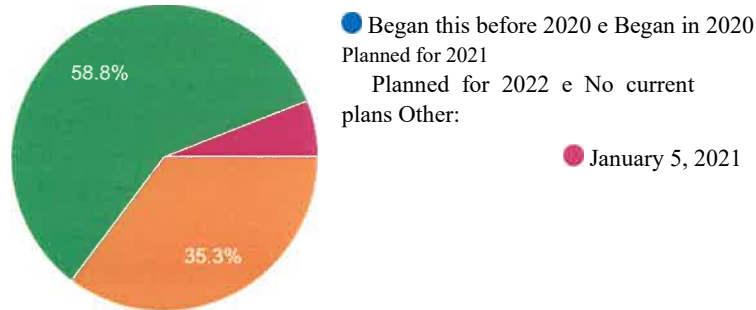
Has your LEA started preparing for compliance with Racial and Identity Profiling Act of 2015 (AB 953)? *

17 responses

Began this before 2020

Began in 2020 Planned for 2021 Planned for 2022 No current plans O Other.

29.4%

17.6%

47.1%

Does your LEA Policing Policy employees?
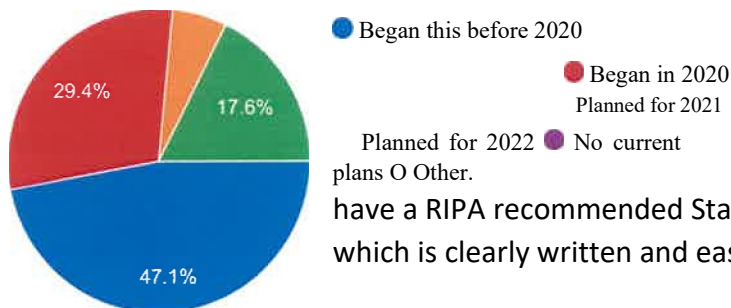
have a RIPA recommended Stand-Abne Bias-Free which is clearly written and easily accessible by all

17 responses

e Implemented before 2020 Im*mented in 20m e Planned 2021 Planned for 2022 No current plans e Our stend•atone Bias-Free policy meets ttb intent of the RIPA recommeodatims Policy #402 RaciaVBias Profiling

23.5%

52.9%
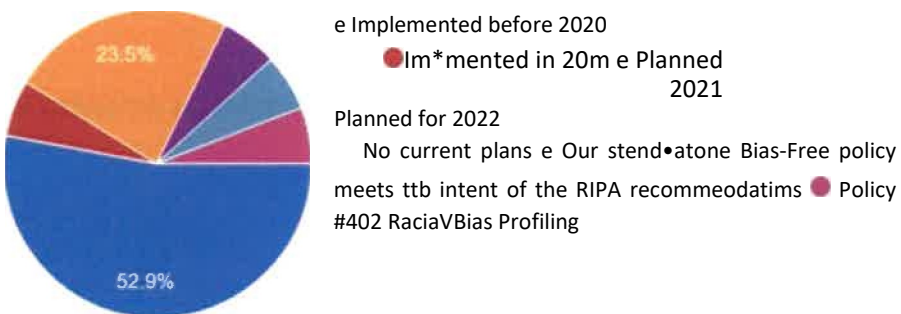
Does your LEA have a RIPA reoornrnended Stand-Ame Bias-Free Policing Policy which uses caᵉlcrete definitions of BWFræ Policing and/or & Identity Profiling?

17responses

Legend:
- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans

23.5%
58.8%
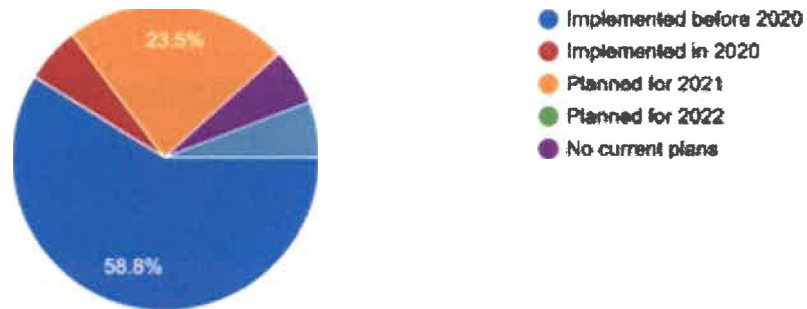
#402 RadaL!6æ Based honing

e

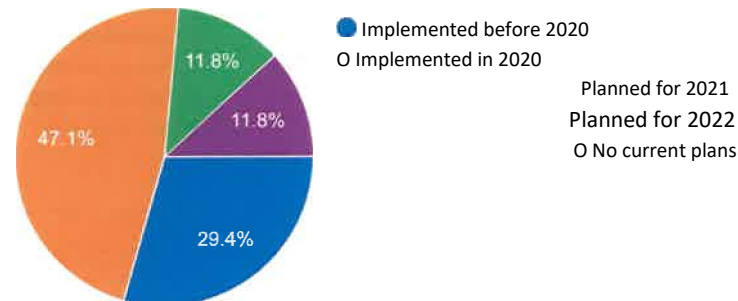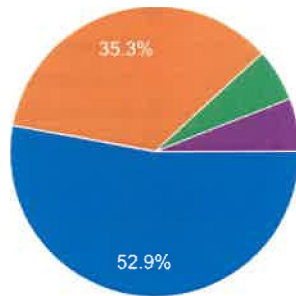Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on limited circumstances in which characteristics of individual may be considered?

17 responses
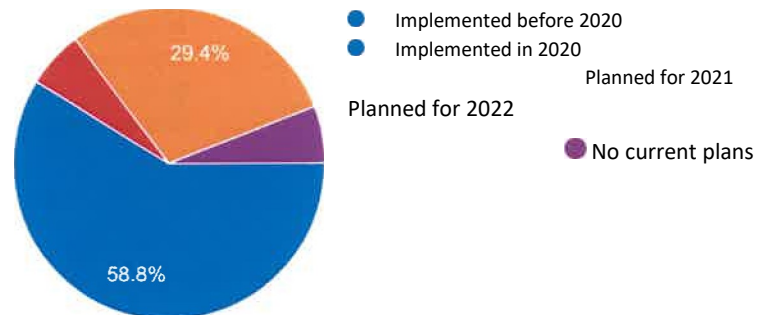
- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans

29.4%
58.8%

Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on encounters with community?

17 responses

e Implemented before 2020
Implemented in 2020
Planned for 2021 e Planned for 2022
No current plans

29.4%
58.8%

What is the "Agencies personnel and the bias-free

17 responses

status of your LEA's RIPA recommended: should have a policy detailing how sworn dispatchers should respond to ...or integrated into policing policy."
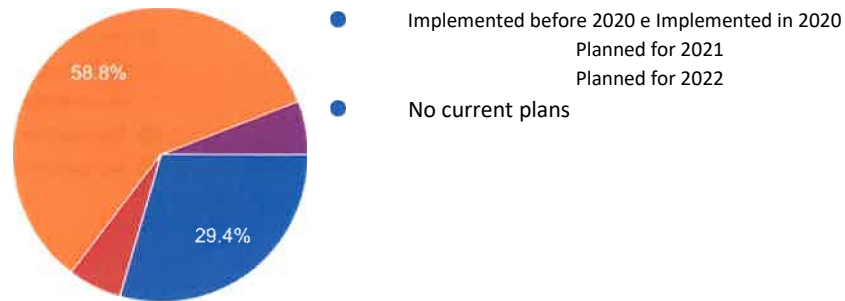
- Implemented before 2020 e Implemented in 2020
  Planned for 2021
  Planned for 2022
- No current plans

Does your LEA have a RIPA recommended Stand-Abne Bias-Free Policing Policy which includes a component on Racial and Identity Profiling Training?
17 responses

- Implemented before 2020
- Implemented in 2020
  Planned for 2021
  Planned for 2022
- No current plans
- We do provide POST Racial Profiling, and our Bias-Based Policing policy (402) does include an expectation that officers receive training in Bias-Based Policing and on "fair and objective policing." In...
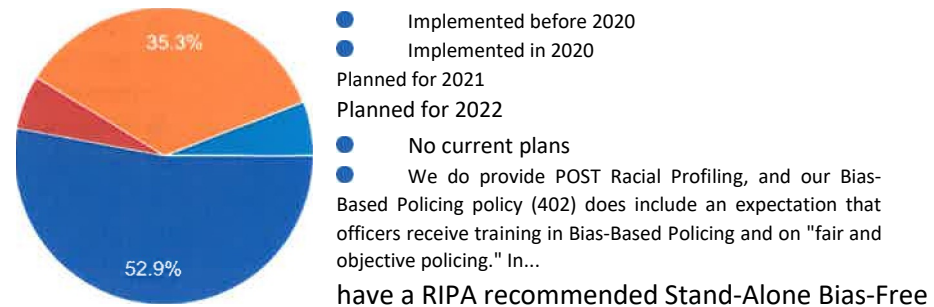
Does your LEA have a RIPA recommended Stand-Alone Bias-Free **Policing Policy which includes a component on Data Analysis?**
1 7 responses

- Implemented before 2020
- O Implemented in 2020
  Planned for 2021
  Planned for 2022
  O No current plans

Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on requiring accountability?
17 responses

Does your LEA Policing Policy Review?
17 responses

have a RIPA recommended Stand-Alone Bias-Free which includes a component on required Supervisory
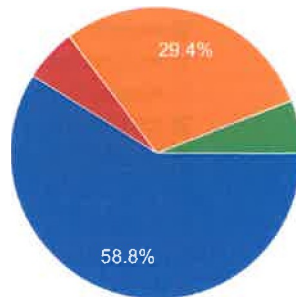
- Implemented before 2020
- Implemented in 2020 e Planned for 2021
- Planned for 2022
- No current plans

- Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans

**What percent of your officers have completed comprehensive training on bias free policing in the last 2 years?**
17 responses
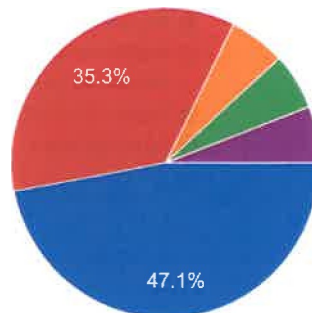
- 100%
- Between 75%-99
- Between 50%-74%
- Between 1%49%
- None

What are your [analyze data, [academics, police commissions, civilian review bod... **plans for RIPA recommendation: "regularly in consultation with** on any group relative to the general population."
17 responses
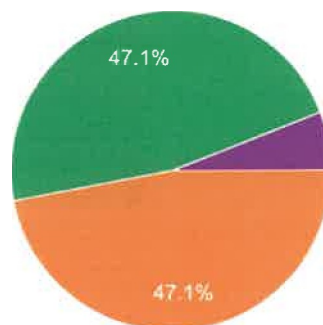
- O Implemented before 2020
- Implemented in 2020
- Planned for 2021
- Planned for 2022
- No current plans

RIPA Model Policy Language for Supervisory Review: " Supervisors shall ensure that all personnel under their command, including dispatchers and no...s and procedures for review should be included."

17 responses

- ● Began this before 2020
- ● Began in 2020
- ● Planned for 2021
- ● Planned for 2022
- ● No current plans
- ● Other: The intent of this wording is captured across address policy violations, inclu... ● Variation in Policy 402 (402.5) - Began before 2020
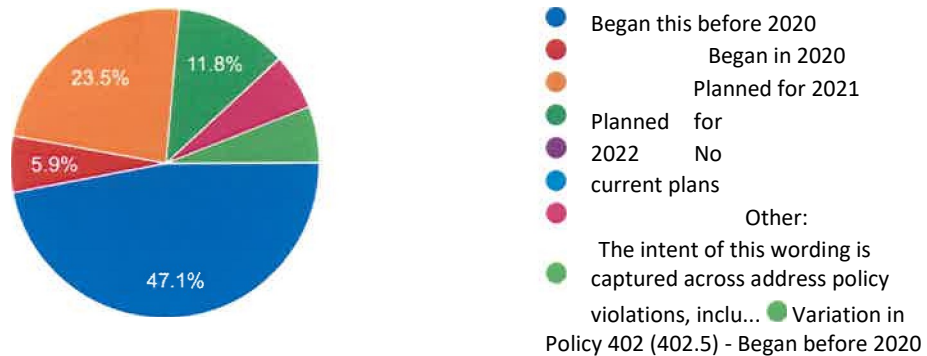
Do you currently proactively and formally seek community input when making decisions about hiring and resource allocation?

17 responses

- ● Been doing this since 2015 (or earlier)
- Been doing this after between 2016-2019 o Began this in 2020
- Plan to do this in 2021
- ● No plans for this

O Other:
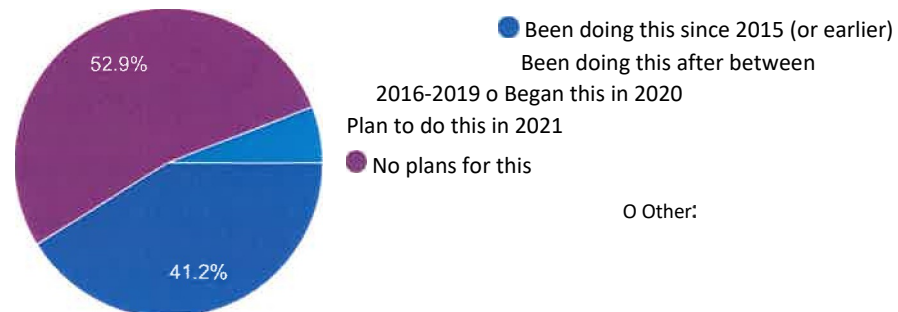
Do you currently have a formal community advisory board for your LEA?

17 responses

- ● Began this before 2020
- ● Began in 2020
- ● Planned for 2021
- ● Planned for 2022
- ● No current plans
- ● Other
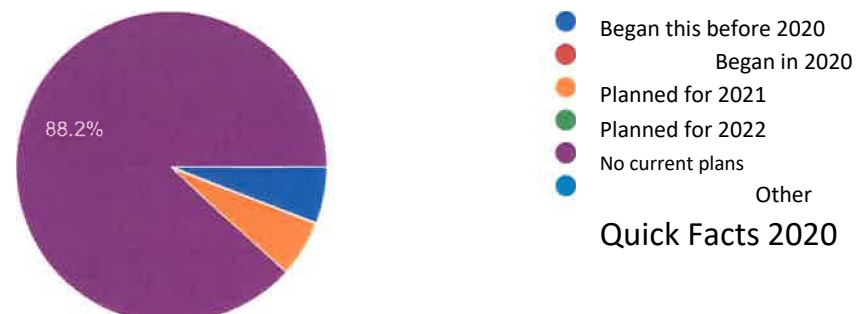
APPENDIX F: RIPA   Quick Facts 2020

https://www.sanmateocourt.org/documents/grand iury/2020/RIPA appendix f.pdf

APPENDIX G: RIPA Quick Facts 2021

https://www.sanmateocourt.org/documents/grand iurv/2020/RIPA appendix

g.pdf

APPENDD(H: Summary of Profiling Complaints for San Mateo County Law Enforcement
Agencies 2016-2019

AB 953 amended "Penal Code section 13012 pertaining to the collection and reporting of
Citizens' Complaints Against Peace Officers (CCAPO)." To add as a separate category
"complaints involving racial or identity profiling." This took effect January 1, 2016. For
more information see Information Bulletin: Citizens' Complaints Against Peace
Officers (ca.gov)[45]

Total Racial or Identity Profiling Complaints SMC LEAs 2016-2019						
Reported	Exonerated	Not Sustained	Unfounded	Pending	Sustained	(missing)
43	9	9	19	4		2
Source: CA DOJ, OpenJustice Data, Citizens Complaints Against Peace Officers, file: CCAPO _2016-2019_Agency_0.xlsx from https://openjustice.doi.ca.gov/data File was sorted by agency name, the SMC LEAS Identified and separately totaled, for the Racial Profiling Complaints category, which was defined in the Readme filen as "The total number of complaints reported with a racial or identity profiling component." The number of complaints for any particular agency ranged from 0 to 5 per year. Some agencies had none for the four years of available data.						

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[45] https://oag.ca.gov/sites/all/files/agweb/pdfs/law enforcement/dle-2015-06.pdfl?

File Attachments for Item:

G. Approve Findings and Recommendations on the Grand Jury Report: "San Mateo County: California's Ground Zero for Sea Level Rise"

CITY COUNCIL AGENDA REPORT

Meeting Date: October 7, 2021

From: Director of Public Works/City Engineer

Subject: Grand Jury Report: "San Mateo County: California's Ground Zero for Sea Level Rise"

Community Goal/Result: Safe Community

Purpose

To give Council the opportunity to provide comments on the findings and recommendations of the Grand Jury report on sea level rise.

Recommendation: Provide input on the draft comment letter prepared by staff.

Background

> No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body . . . In any city and county, the mayor shall also comment on the findings and recommendations.

Fiscal Impact

There is no direct fiscal impact envisioned to the city as a result of providing the required response.
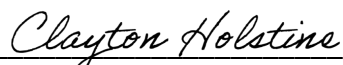
Measure of Success

A response within the timeframe required by state law.

Attachments

- Grand Jury Report letter dated August 11, 2021
- Draft October 8, 2021 city response letter

_____
Randy Breault, Public Works Director

_____
Clay Holstine, City Manager

CITY OF BRISBANE
Department of Public Works
50 Park Place
Brisbane, CA 94005-1310
(415) 508-2130

October 8, 2021

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

Subject: Response to 2020-2021 Grand Jury 8/11/21 report "San Mateo County: California's Ground Zero for Sea Level Rise"

Dear Judge Lee,

Thank you for the opportunity to review and comment on the findings of the Grand Jury. This letter serves as the City of Brisbane's response to the findings and recommendations found therein. Please note this report was approved by the Brisbane City Council at its September 23, 2021 meeting.

FINDINGS

F1.   Sea level rise will seriously damage critical San Mateo County infrastructure and assets unless the County and its cities and towns prepare now.

> City Response to F1:
> The city has not conducted its own independent research on this matter, but based on review of the studies quoted in the Grand Jury Report et al., we agree with this finding.

F2.   Sea level rise infrastructure projects can take more than a decade to plan, fund and build.

> City Response to F2:
> The city has not conducted its own independent research on this matter, but based on review of the Grand Jury Report we agree with this finding.

F3.   Complex federal and state regulations and procedures delay and increase the costs of already expensive sea level rise mitigation projects. They need to be revised.

City Response to F2:

Based on its own experience with state and federal regulatory agencies on non-sea level rise projects, the City agrees with this finding.

F4.   Delaying sea level rise projects will increase costs.

City Response to F4:

Based on its own experience with delayed non-sea level capital improvement projects, the City agrees with this finding.

F5.   To remain effective, OneShoreline needs steady, long-term, operational funding.

City Response to F5:

The City agrees with this finding.

F6.   Coordination between neighboring jurisdictions is important to reduce costs and improve the effectiveness of a SLR project.

City Response to F6:

In the case of a SLR project that is physically located in one or more neighboring jurisdictions and/or has benefits to one or more jurisdictions, the City agrees with this finding.

F7.   Competing budget priorities among the entities in a sea level rise project make the projects difficult to fund and manage, leading to risk of delays and missed deadlines.

City Response to F7:

Based on its own experience with competing budget priorities for non-sea level projects and programs, the City agrees with this finding.

F8.   Numerous hazardous material sites in the County must be protected from sea level rise flooding.

City Response to F8:

The city has not conducted its own independent research on this matter, but based on review of the Grand Jury Report we agree with this finding.

F9. Storm surge and sea level rise threaten the County's wastewater treatment plants affecting everyone in the County – even inland County residents.

City Response to F9:
The City agrees with this finding as it relates to the identified threats to the plant treating our wastewater in the City and County of San Francisco. As we do not have direct knowledge of the manner in which "inland County residents" wastewater is treated and disposed, we defer to the public agencies serving those residents as the most qualified respondent to this component of the finding.

F10. OneShoreline is uniquely positioned to augment San Mateo County's ability to combat sea level rise by its planning, funding, permitting expertise, and guidance.

City Response to F10:
The City endorsed the establishment of the San Mateo County Flood and Sea Level Rise Resiliency Agency in its Resolution No. 2019-03, wherein we specifically noted the need for an entity with the attributes identified in the finding. With OneShoreline still in its nascent stage, we agree with the finding that it is uniquely positioned, and remain supportive that it will eventually develop and demonstrate the identified attributes.

F11. Destruction of low-cost housing on the Bay and coast by flooding and erosion due to sea level rise will further increase inequities in communities such as Belle Haven (Menlo Park), East Palo Alto, Redwood City, and Pacifica.

City Response to F11:
The city has not conducted its own independent research on this matter, but based on review of the Grand Jury Report we agree with this finding.

F12. OneShoreline effectively collaborates with the Office of Sustainability and others on public engagement campaigns to educate individuals on how sea level rise will affect San Mateo County.

City Response to F12:
As the City is not party to communications between the Office of Sustainability (OSS) and OneShoreline, nor are we aware of what parties are identified as "others" in the finding, we neither agree nor disagree, and defer to OSS as the most qualified respondent to this finding.

F13. A loan program to provide cities and towns funds for the required preliminary engineering necessary to obtain partial state or federal funding for SLR projects would be beneficial.

> City Response to F13:
> The City agrees with this finding.

RECOMMENDATIONS

R1. At a public meeting, each city and town council, or board of supervisors should take at least one concrete action toward establishing a continuing funding source for OneShoreline, identify that action in response to this report, and potentially adopt a resolution expressing support for a parcel tax or property tax by June 30, 2022.

> City Response to R1:
> The City has committed to provide three years of funding for the agency now known as OneShoreline, with that commitment based on the agency's advocates representing that a first priority action would be the development of a Flood & Sea Level Rise Investment Plan (Plan). As addressed in the City's resolution of support (Reso No. 2019-03), in addition to mitigating sea level rise, we anticipated the agency would also develop projects to address erosion, stormwater infrastructure projects, and water quality requirements imposed by the Regional Water Quality Control Board. The City will be able to provide a summary of how the recommendation will be implemented and the timeframe for implementation after we have received and reviewed a Plan that incorporates all project types envisioned during the initial request for support to the formation of the agency.

R2. A coordinated lobbying strategy with participation by the County, by San Mateo County cities and towns, by OneShoreline, and by other interested Bay Area cities and counties for federal and state regulatory simplification by January 31, 2022.

> City Response to R2:
> The City is willing to participate in the implementation of this recommendation, provided that some as yet to be identified entity develops a scope and time frame for said implementation.

R4. The County Board of Supervisors and each city and town council, should ensure that their general plans regarding SLR protection include transportation and utility infrastructure, schools, public safety facilities, and hazardous material sites by March 31, 2022.

<u>City Response to R4:</u>

The City is presently updating its Local Hazard Mitigation Plan as part of a countywide effort, the San Mateo County Multijurisdictional Local Hazard Mitigation Plan – 2021 Update (Plan). The Plan was scheduled to be released to the California Office of Emergency Services (CalOES) and the Federal Emergency Management Agency (FEMA) on 8/31/21. Assuming a favorable review can be obtained from CalOES and FEMA within 3 months, the final document will be presented to Brisbane City Council for adoption in December 2021.

Brisbane's General Plan Program 148a under the Community Health and Safety Element incorporates the City's adopted Local Hazard Mitigation Plan (LHMP) by reference into the General Plan. Four of the seventeen hazard mitigation actions found in the city specific chapter of the Plan address sea level rise, including SLR protection for transportation and utility infrastructure, schools, public safety facilities, and hazardous material sites.

Please call me at (415) 508-2131 if there are any questions regarding this matter.

Very truly yours,

Randy L. Breault, P.E.
Director of Public Works/City Engineer

Cc: Grand Jury website (sent via email to grandjury@sanmateocourt.org)
        Brisbane City Clerk

Superior Court of California, County of San Mateo
Hall of Justice and Records
400 County Center
Redwood City, CA 94063-1655

NEAL TANIGUCHI
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 261-5066
FAX (650) 261-5147
www.sanmateocourt.org

August 11, 2021

City Council
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Grand Jury Report: "San Mateo County: California's Ground Zero for Sea Level Rise."

Dear Councilmembers:

The 2020-2021 Grand Jury filed a report on August 11, 2021 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Amarra A. Lee. Your agency's response is due no later than November 11, 2021. **Please note that the response should indicate that it was approved by your governing body at a public meeting.**

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.

2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Kindly submit your responses in ALL of the following formats:

1. **Responses to be placed on file with the Clerk of the Court by the Court Executive Office.**

   - **Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to:**

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

2. **Responses to be placed at the Grand Jury website.**

   - **Scan response and send by e-mail to: grandjury@sanmateocourt.org. (Insert agency name if it is not indicated at the top of your response.)**

3. **Responses to be placed with the clerk of your agency.**

   - **File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.**

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 261-5066.

If you have any questions regarding these procedures, please do not hesitate to contact David Silberman, Chief Deputy County Counsel, at (650) 363-4749.

Very truly yours,

Neal Taniguchi
Court Executive Officer

Enclosure

cc: Hon. Amarra A. Lee
        David Silberman

SAN MATEO COUNTY:
CALIFORNIA'S GROUND ZERO FOR SEA LEVEL RISE

ISSUE

The San Mateo County Flood and Sea Level Rise Resiliency District ("OneShoreline") began operating in 2020. It was designed to coordinate countywide efforts to combat the harms of sea level rise caused by climate change. Is OneShoreline on course to adequately address the sea level rise challenge that has been assigned to it, and does it have the support it needs?

SUMMARY

San Mateo County has been declared the California County most at risk from sea level rise (SLR). ***Its Bayside communities have billions of dollars of residential and commercial property at risk.*** Its five wastewater facilities and three airports, including San Francisco International, are all at risk for flooding from the rising sea. Transportation systems, schools, medical facilities, homes, and parks are all at risk. The Pacific coast communities are also vulnerable to flooding and erosion from higher seas.[1]

Sea level rise is a complex problem with an uncertain timetable that demands ongoing long-term solutions. It requires people to think differently and to truly collaborate. While solutions are still being developed, they will require planning, funding, and collaboration between affected cities, the County, and private entities.

OneShoreline was created from the County Flood Control District, has countywide jurisdiction, and focuses on SLR in addition to flooding from creeks. The official name for OneShoreline is the "San Mateo County Flood and Sea Level Rise Resiliency District."

OneShoreline provides expertise in the complex process of designing and building SLR and flood mitigation projects, including guidance through the complex maze of federal and state funding for projects. Major SLR projects can take five to ten years to plan, engineer, permit, and construct. Each SLR project will require regulatory permitting by regional, state, and federal agencies. OneShoreline could also guide County officials and regional legislators as they lobby Congress and state and federal agencies for funding and regulatory reform to address this serious problem.

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[1] Hillary Papendick, Jasneet Sharma, Carolyn Raider, Avana Andrade, Emi Hashizume, Montserrat Plascencia, Sally Prowitt, et al. 2018, March, "County of San Mateo, Sea Level Rise Vulnerability Assessment" Final Report, Redwood City: County of San Mateo, https://seachangesmc.org/wp-content/uploads/2018/03/2018-03-12_SLR_VA_Report_2.2018_WEB_FINAL.pdf

To effectively implement SLR projects, OneShoreline must earn the confidence of San Mateo County (SMC) residents. Some people may not see the need for the expensive SLR projects and will need convincing that the expense cannot be avoided. Others will prefer to simply delay projects, causing costs to increase dramatically. OneShoreline has an agreement with the San Mateo County Office of Sustainability, and others, to educate the public to ensure that the residents understand that SLR is a real threat and that waiting until flooding is imminent is not a viable choice. Powerfully effective public engagement campaigns about SLR will be necessary to meet such challenges.

Currently, OneShoreline's operational funding comes primarily from contributions by the County and its twenty cities and towns. It needs a stable source of funding, one that will not be vulnerable to competing concerns of the communities it serves. Obtaining funds for projects to reduce the damage caused by sea level rise is a major challenge. Such projects are very expensive and are often funded by a combination of federal, state, and local funds. Obtaining required funding can be a complicated, slow, and somewhat costly process.

This Grand Jury recommends that:

- the County and its cities and towns support steady, reliable funding for OneShoreline's basic operations;

- OneShoreline consider establishing and administering a low interest revolving loan fund to enable jurisdictions to prepare the initial engineering and planning necessary to obtain federal and state financial support for SLR projects; and

- the County, its cities, and OneShoreline, along with other Bay Area counties and cities, lobby the federal and state governments for regulatory changes to enable SLR projects to proceed more easily.

Additionally, this Grand Jury urges all residents of San Mateo County to keep themselves informed as to the risks of SLR, and the need to stay ahead of SLR in order to minimize the damage it could cause in San Mateo County. *The glaciers are melting, and the clock is ticking.*

GLOSSARY - TERMS

King Tide – a non-scientific term for exceptionally high tides.

MOU – Memorandum of Understanding; defines a relationship among the parties that outlines terms and details of an agreement, without the terms of a legally enforceable contract.

Reaches – stretches of land bordered by water, often used in flooding projects as a way to divide the project into segments defined by the nature of the land and water.

RFP – Request for Proposal; announces a project, describes it, and solicits bids from qualified contractors to complete it.

SLR – sea level rise.

Storm Surge – the temporary rise in sea level caused by a strong storm's wind and waves.

GLOSSARY – AGENCIES

Army Corps – United States Army Corps of Engineers – For SLR and flooding, the Army Corps is the primary agency for levees.

BCDC – San Francisco Bay Conservation and Development Commission was founded in the mid-1960s; and became a state agency in 2008 with the passage of AB 2094. It is the State agency responsible for leading the Bay Area's preparedness for, and resilience to, rising sea level, tides, and storm surge due to climate change.

FEMA – the Federal Emergency Management Agency. For SLR & flooding, FEMA administers the national flood insurance program and manages mitigation efforts involving berms, dikes, and other efforts.

LAO – the California Legislative Analyst's Office, the California Legislature's nonpartisan fiscal and policy advisor.

NFIP – National Flood Insurance Program, overseen by FEMA.

OneShoreline – the short name for the San Mateo County Flood & Sea Level Rise Resiliency District; it is the successor to the San Mateo County Flood Control District.

Office of Sustainability – a department of the County of San Mateo that "strives to improve the sustainability of the County's operations and the greater community."[2]

Resource Conservation District of San Mateo County – a special district that helps "meet the need for voluntary resource conservation."[3]

SFCJPA – San Francisquito Creek Joint Powers Authority – leads projects that mitigate the risk of flooding along San Francisquito Creek and the San Francisco Bay. The cities of East Palo Alto, Palo Alto, and Menlo Park, along with OneShoreline and the Santa Clara Valley Water District, are members of the JPA.

USFWS – United States Fish and Wildlife Service.

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[2] Contact Us – SMC Office of Sustainability (smcsustainability.org), https://www.smcsustainability.org/contact-us/

[3] About the RCD | San Mateo RCD, http://www.sanmateorcd.org/about/

BACKGROUND – SEA LEVEL RISE AND THE THREAT TO SAN MATEO COUNTY

How Big Is the Problem?

> Global sea level has been rising over the past century, and the rate has increased in recent decades. In 2014, global sea level was 2.6 inches above the 1993 average – the highest annual average in the satellite record (1993-present). Sea level continues to rise at a rate of about one-eighth of an inch per year.

> Higher sea levels mean that deadly and destructive storm surges push farther inland than they once did, which means more frequent nuisance flooding. Disruptive and expensive, nuisance flooding is estimated to be from 300% to 900% more frequent within U.S. coastal communities than it was just fifty years ago.[4]

San Mateo County (SMC) covers 455 square miles with a 2019 population of 766,573. The County consists of twenty incorporated cities, twenty-three school districts, 78,000 acres of natural land (including 8,381 acres of wetlands), twenty County parks (over 17,000 acres), 190 miles of County and local trails, 12.9 miles of beaches, 21,528 businesses, and an employed workforce of 416,263.[5]

San Mateo County faces several complications from SLR. "Sea level rise has a clear and direct impact on any coastal or bayside community, any people or businesses within inundation zones, and any ecosystem subject to erosion and flooding. Sea level rise causes direct physical damage to property and habitats, and it can have huge economic repercussions for both individuals and communities."[6] In addition to flooding, "waves crashing further up the shore will erode … coastal cliff walls," and "higher ocean water levels could force up the water levels underneath the ground as well, leading to flooding, saltwater intrusion into fresh groundwater supplies, and toxic contamination by carrying hazardous materials to the surface."[7]

"Sea level rise (SLR) is one of the most serious consequences of climate change and it will have a significant effect on San Mateo County, which has more people and property value at risk from the rising sea than any other county in the state."[8] Future flooding and coastal erosion could pose considerable risks to life, safety, critical infrastructure, the economy, and the County's natural and recreational assets. Flood damage could exceed $1 billion and assessed values of parcels exposed to erosion and flooding in the long term totals roughly $39.1 billion. More than 30,000 residential parcels and 3,000 commercial parcels could be vulnerable in the long term.

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[4] Is sea level rising? (noaa.gov), https://oceanservice.noaa.gov/facts/sealevel.html

[5] U.S. Census Bureau QuickFacts: San Mateo County, California (2019), https://www.census.gov/quickfacts/sanmateocountycalifornia

[6] Papendick, et al., *Vulnerability Assessment*, 2018

[7] Ehlers, Rachel. *What Threat Does Sea-Level Rise Pose to California,* 2020, LAO Publication, Sacramento: Legislative Analyst's Office, p. 4, https://lao.ca.gov/reports/2020/4261/sea-level-rise-081020.pdf

[8] C/CAG, Flood and Sea Level Rise Resiliency Agency Proposal, Dec. 21, 2018, https://ccag.ca.gov/wp-content/uploads/2019/01/6.3_A3-Water-Agency-Proposal_122118.pdf

Vulnerable infrastructure includes wastewater treatment plants, schools, and essential transportation: BART, Caltrain, Highway 101, and Highway 1.[9] Electrical distribution facilities, and facilities related to the San Francisco International Airport (SFO), located in SMC, are also at risk.

In addition to the monetary losses, SLR may impact "affordable" housing disproportionately. "Already half of East Palo Alto sits within a federally designated flood zone. According to projections, in 10 years or so up to two-thirds of the land within city limits may regularly experience flooding."[10] Redwood City, Pacifica, and unincorporated areas of the County also have areas of affordable housing subject to flooding.[11]

Flooding in a bayside mobile home park in south San Mateo County. (Photo from OneShoreline website)

Additionally, SMC residents who do not live near a shoreline may think SLR is not their problem. This is incorrect. All residents, including inland residents, need: access to highway 101,

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[9] Papendick, et al., *Vulnerability Assessment*, 2018.

[10] What Can the Bay Area Do About Rising Seas? East Palo Alto Has a Few Great Answers | KQED, https://www.kqed.org/science/1973805/climate-solutions-in-east-palo-alto; see also the 2015 Preliminary FEMA, NFIP map for East Palo Alto and portions of Menlo Park, https://www.cityofepa.org/sites/default/files/fileattachments/community_amp_economic_development/page/2531/fema_maps_2015_201509011239377956.pdf

[11] Grand Jury interview.

to take Caltrain, or to use SFO. All key wastewater treatment plants are located at the shoreline, and everyone needs "toilets that flush."[12]

An interactive map showing the effect of SLR and storm surges is available at https://explorer.adaptingtorisingtides.org/explorer. Below is an example showing the flooding from a 36-inch increase in water level along the Bay at the southern end of the County. As shown in the graphic below, a 36-inch increase can be experienced from no sea level rise and a "50-year" storm, six inches of sea level rise and a "25-year" storm, and other combinations.

Options for Responding to Sea Level Rise

There are only few options for dealing with the threat of SLR. They are:

- *Protect* the land and structures by berms, levees, sea walls, pumping stations and other structures, and raise mudflats and bay marshes to prevent erosion or flooding.

- *Modify* assets to withstand periodic flooding.

- *Relocate* the facilities to higher land.

- *Abandon* land and structures that will be flooded.[13]

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[12] Grand Jury interviews.

[13] Grand Jury interviews.

Sea Level Rise is a Present Threat: Reports since 2016

In 2015 the San Mateo County Grand Jury issued a report titled: "Flooding Ahead: Planning for Sea Level Rise."[14] That report called for the creation of a countywide agency to address the problems brought on by SLR. Since then, numerous other reports examined SLR in California, the Bay Area, and San Mateo County. New significant reports from governmental and non-governmental agencies appear several times a year. Some of the recent and more significant reports include:

In March 2018, the County Office of Sustainability issued: *County of San Mateo Sea Level Rise Vulnerability Assessment*.[15] This report focused on understanding sea level rise risk, the level of risk is in each area, how people are affected, and our adaptive capacity.[16] **The report cited San Mateo County as the county with the highest risk of damage in the Bay Area, and one of the hot spots in the nation.** At least 32% of the population live in vulnerable areas. (See Appendix A - Selected Demographics). San Mateo County's three airports, San Francisco International, San Carlos, and Half Moon Bay, are all threatened by SLR. In addition, environmentally sensitive areas – closed landfills, former industrial sites, underground storage tanks and other contamination sites – may be damaged by SLR and contaminate the area. The County has 29 known sites classified as containing hazardous materials or cleanup sites that are vulnerable to flooding in the near term. Up to 665 sites are at risk in the long term.

Also in March 2018, Stanford Public Policy Program issued *Adaptation Planning for Sea Level Rise in San Mateo County - An Examination of 11 Bayside Cities*, a report prepared for the County Office of Sustainability.[17] It found that San Mateo County was "ground zero" for SLR vulnerability. That report noted that a mid-level projected sea level rise of 3.3 feet would impact 22,000 acres of land, 30,600 residential parcels, and five wastewater facilities. The Stanford study encouraged the cities and County to share up to date SLR information with the public.

In December 2019, the California Legislative Analyst Office (LAO) issued a report titled *Preparing for Rising Seas*,[18] which noted that SLR will impact California's coastlines in extensive and expensive ways. It posits that most of the responsibility for SLR preparation will lie with local governments and private property owners – none of whom have faced anything like this before – and observes that delaying preparations will only increase the cost dramatically. The LAO's report makes recommendations for the support of local adaptation efforts, and emphasizes the benefit of taking action early, as shown in the graphic below.

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[14] Flooding Ahead: Planning for Sea Level Rise (sanmateocourt.org),
http://www.sanmateocourt.org/documents/grand_jury/2014/sea_level_rise.pdf

[15] Papendick, et al., *Vulnerability Assessment.*

[16] Ibid.

[17] Enrique, Alex, Isabelle Foster, and Will La Dow, *Adaptation Planning for Sea Level Rise in San Mateo County - An Examination of 11 Bayside Cities,* March 2018, Consulting Stanford, California: Stanford Public Policy.

[18] Ehlers, Rachel, *Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts,* December 2019, LAO Publication, Sacramento: Legislative Analyst's Office.

Benefits of Taking Action Early to Prepare for Sea-Level Rise (SLR)

✓ *Planning Ahead Means Adaptation Actions Can Be Strategic and Phased.* Early planning can allow coastal communities to adopt a phased approach that undertakes escalating actions when certain predetermined conditions or "triggers" are reached.

✓ *Undertaking Near-Term Actions Can "Buy Time" Before More Intensive Responses are Needed.* Putting certain adaptation projects and strategies in place now can help postpone and extend the period before which subsequent, more difficult-to-implement actions are needed.

✓ *Early Implementation Provides the Opportunity to Test Approaches and Learn What Works Best.* Acting to implement adaptation strategies in the near term will provide the opportunity to monitor, evaluate, and revise them in the coming years before SLR threats become more pressing.

✓ *Taking Action Earlier May Make Overall Adaptation Efforts More Affordable.* Undertaking a multiyear, multistep strategic plan for coastal adaptation can allow local governments to spread costs over a longer period of time.

✓ *Coming Decade Is Key Window for SLR Preparation.* Some adaptation strategies—such as fortifying certain tidal marshes—may not be effective against SLR unless they are implemented before sea levels rise to higher levels.

In March 2020, The San Francisco Bay Conservation and Development Commission (BCDC), and the Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG), issued: *Adapting to Rising Tides Bay Area: Regional Sea Level Rise Vulnerability and Adaptation Study*.[19] The report, available both in a long form (205 pages) and in a summary form (36 pages), focuses on "consequences the Bay Area may face as sea levels rise in the absence of coordinated, prioritized adaptation."[20] The Adapting to Rising Tides "ART Portfolio" website contains tools and information tested and refined by BCDC. It offers key sector impact data, maps, sample projects, and guidance for cities seeking to develop adaptation strategies against sea level rise.[21]

In August 2020, the LAO issued another SLR report, titled: *What Threat Does SLR Pose to California?*[22] This report describes available research on how rising seas threaten California's coast in seven categories of impacts: public infrastructure, private property, vulnerable

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[19] Adapting to Rising Tides 2020. Adapting to Rising Tides Bay Area: Regional Sea Level Rise Vulnerability and Adaptation Study. San Francisco Bay Conservation and Development Commission (BCDC) and Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG), March 2020, San Francisco, CA., http://www.adaptingtorisingtides.org/wp-content/uploads/2020/03/ARTBayArea_Main_Report_Final_March2020_ADA.pdf

[20] Adapting to Rising Tides 2020. *Adapting to Rising Tides Bay Area: Short Report Summary of Regional Sea Level Rise Vulnerability and Adaptation Study.* San Francisco Bay Conservation and Development Commission (BCDC) and Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG), March 2020, San Francisco CA. at p. 5., http://www.adaptingtorisingtides.org/wp-content/uploads/2020/07/ARTBayArea_Short_Report_Final_March2020_ADA.pdf
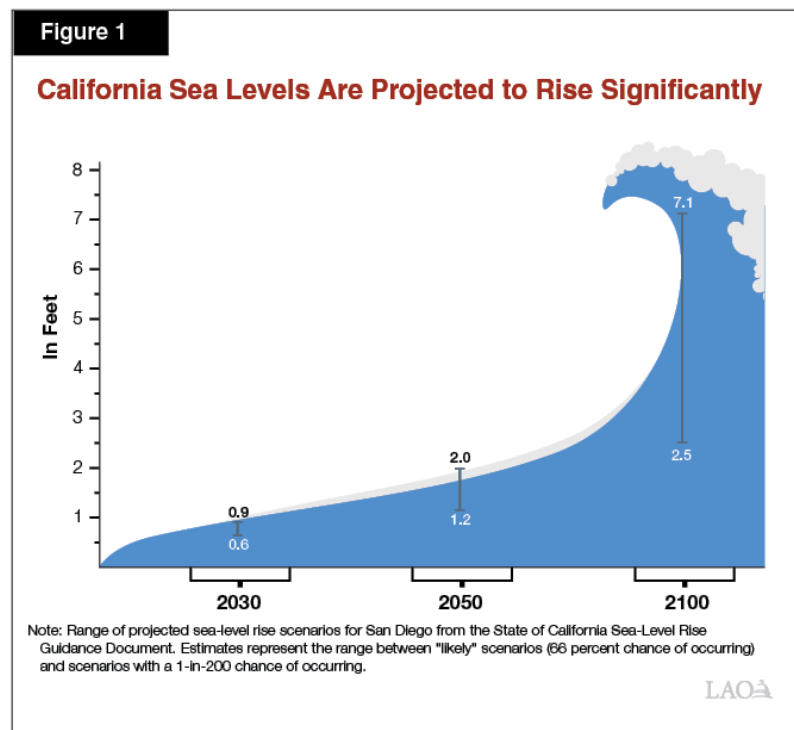
[21] Adapting to Rising Tides, https://www.adaptingtorisingtides.org

[22] Ehlers, Rachel. *What Threat Does Sea-Level Rise Pose, supra.*

communities, natural resources, drinking and agricultural water supplies, toxic contamination, and economic disruption.

In April 2021, the San Francisco Estuary Institute issued: *Sediment for Survival: A Strategy for the Resilience of Bay Wetlands in the Lower San Francisco Estuary*,[23] which proposes using sediment that is dredged from the Bay's shipping channels (and currently barged out to sea or to deep parts of the bay) to restore wetlands and mudflats in such a way that they could help in adapting to sea level rise. It estimates this approach could offer cost savings, in some locations, over building seawalls to protect homes, businesses, highways and airports. These reports offer a wealth of information on sea level rise in California, and the Bay Area in particular.

Figure 1, below, showing the variability in SLR projections, is from the August 2020, LAO report, *What Threat Does SLR Pose to California,* mentioned above.

Figure 1

California Sea Levels Are Projected to Rise Significantly

Note: Range of projected sea-level rise scenarios for San Diego from the State of California Sea-Level Rise Guidance Document. Estimates represent the range between "likely" scenarios (66 percent chance of occurring) and scenarios with a 1-in-200 chance of occurring.

LAO

San Mateo County – Office of Sustainability

"Formed in July 2014, as a part of the County Manager's Office, the Office of Sustainability strives to improve the sustainability of the County's operations and the greater community through work in areas of renewable energy and energy efficiency; resource conservation;

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[23] Dusterhoff, Scott, Katie McKnight, Letitia Grenier, and Nate Kauffman, *Sediment for Survival: A Strategy for the Resilience of Bay Wetlands in the Lower San Francisco Estuary,* April 2021, https://www.sfei.org/sites/default/files/biblio_files/Sediment%20for%20Survival%20042121%20med%20res.pdf

alternative transportation; and greenhouse gas emission reductions."[24] An important part of its work is climate change, including SLR. In 2015, the Office of Sustainability launched a program called "Sea Change San Mateo County" which led to the San Mateo County Sea Level Rise Vulnerability Assessment, discussed above.

It also functions as a "communications department" for public engagement on sea level rise in the County. The Office of Sustainability provides curricula for schools on sea level change as well as managing a Youth Climate Ambassadors Leadership Program for 9th to 11th grade students from across the County. This program empowers youth to take climate action into their own hands by having them develop projects designed to drive change within the County.[25]

The Office of Sustainability's description of SLR states: "San Mateo County is actively preparing for sea level rise. While the changing climate and rising sea pose many risks to the people and places in San Mateo County, together we can plan ahead to protect our people and manage our valuable resources responsibly."[26]

Origin of OneShoreline

In 2015, the San Mateo County Civil Grand Jury issued a report titled "Flooding Ahead: Planning for Sea Level Rise." As a result of that report and efforts by members of the Board of Supervisors, State and Federal legislators, and others, San Mateo County and its twenty cities and towns agreed to convert the County's Flood Control District to a new District called the "San Mateo County Flood and Sea Level Rise Resiliency District," also known as "OneShoreline." OneShoreline is perhaps the only countywide agency dedicated solely to sea level rise and flooding west of the Mississippi. A table comparing the basics of the old district to the new, is in Appendix D.

DISCUSSION

San Mateo County Flood and Sea Level Rise Resiliency District – OneShoreline

In 2019, state legislation created OneShoreline, which began operation on January 1, 2020. Its geographic boundaries and spheres of influence include addressing SLR in the entire County, not just flooding in the three creek flood zones.[27] Its seven-member board is made up of five city council members from different regions in the County, and two members of the County Board of

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[24] May 19, 2020 - New Director of Sustainability: San Mateo County on "Front Lines" of Regional Challenges | County Manager's Office (smcgov.org), https://cmo.smcgov.org/press-release/may-19-2020-new-director-sustainability-san-mateo-county-%E2%80%9Cfront-lines%E2%80%9D-regional

[25] Youth Climate Ambassador – SMC Office of Sustainability (smcsustainability.org), https://www.smcsustainability.org/climate-change/youth-climate-ambassador/

[26] Office of Sustainability, Sea Change San Mateo County, https://seachangesmc.org/

[27] Our History – OneShoreline, https://oneshoreline.org/our-history/ , see also Assembly Bill 825 (2019, Mullin) https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB825

Supervisors.[28] The board hired the former director of the San Francisquito Creek Joint Powers Authority (SFCJPA) as the CEO of OneShoreline. Initial funding came from the County and the 20 cities, with contribution amounts varying by city population.

OneShoreline's mission is to address SLR, flooding, coastal erosion and large-scale storm water infrastructure improvements through integrated regional planning, design, permitting, project implementation and long-term operations and maintenance.[29]

OneShoreline was created to look at the SLR problem holistically, emphasizing collaboration among all affected by a SLR project. SLR is a complex issue that requires cities to work together. The old approach of designing a project with just enough protection to escape a requirement that property owners obtain flood insurance is inadequate. A rising sea level means that flood insurance maps will be revised more frequently, requiring expensive flood insurance or a new project to provide protection.[30]

OneShoreline monitors proposed development on the shoreline to urge cities to consider SLR in the planning, design, and engineering of projects built in vulnerable areas. Cities must be aware of the long-term risks posed by development projects that are inadequately designed and planned. SLR should not be ignored no matter the short-term benefits that a development project promises to the developer or the locality in the short term.[31] If development projects, whether commercial and residential neighborhoods, roadways, or infrastructure, are rushed through without fully contemplating the long-term effects of SLR, the inevitable result will be future problems that are much harder to fix.

OneShoreline's current operational funding is $1.5 million per year for its first three years, plus portions of flood zone taxes when those areas have active projects. As more projects get underway, the OneShoreline staff of four will likely need to expand. Long-term, stable funding is critical to the success of this organization but does not currently exist. Many avenues of secure revenue streams for funding OneShoreline operations have been considered; currently OneShoreline is evaluating the support for a countywide parcel tax that would support both SLR and wildfire mitigation efforts[32]

Outreach and public engagement are essential for OneShoreline's success. To effectively implement SLR projects, OneShoreline must ensure public support from County residents. Some may not see the need for the expensive SLR projects and will require convincing that the expense cannot be avoided. OneShoreline will need to work with the County Office of Sustainability, and

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[28] AB 825, (2019, Mullin) San Mateo County Flood and Sea Level Rise Resiliency District, (2019), Section 4.5(a) prescribes the Board of Directors membership.

[29] OneShoreline, *FY2021 Audited Financial Statements,* https://oneshoreline.org/wp-content/uploads/2020/12/FSLRRD-FY20_Financial_Statement.pdf

[30] Grand Jury interviews.

[31] Grand Jury interviews and Papendick, et al., *Vulnerability Assessment.*

[32] Grand Jury interviews.

others, to ensure that residents understand that SLR is real, and that waiting until flooding is imminent is not a reasonable choice. It is partnering with the League of Women Voters and other officials to provide six public forums on SLR in 2021.[33] OneShoreline representatives are also meeting with city and town managers, and councils. Educating city elected officials and staff about the hazards of SLR and mitigation strategies is essential, since turnover of city council members is high, and SLR projects can take many years to plan and build.

OneShoreline was envisioned as the hub connecting multiple interested parties in combating SLR as seen in this diagram.[34]

A Unified Voice for a One Shoreline Solution

Flood And Sea Level Rise Resiliency Agency

Collaboration & Benefits

C/CAG 20 Cities County

Flood Agencies
FEMA
USACE
SF Creek JPA
SMC Flood Control*

Restoration Agencies
San Mateo RCD
State Coastal Conservancy
SF Bay Restoration Authority
Midpeninsula Regional Open Space District

Infrastructure Agencies
BART
Caltrans
CalTrain
MTC
SFO
Ports/Harbor District
SamTrans Wastewater Agencies

Regulatory Agencies
USACE
USFWS
NMFS
CDFW
RWQCB
BCDC
Coastal Commission

County Departments
Public Works
Office of Sustainability
Planning Department
Flood Management

The SMC Flood Control District is proposed to become the new agency with modifications

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[33] The last two forums are on September 2 and October 14, 2021. South San Mateo County | MyLO (lwv.org)South San Mateo County | MyLO (lwv.org), https://my.lwv.org/california/south-san-mateo-county

[34] Graphic from https://resilientsanmateo.org/wp-content/uploads/2019/04/Brochure_ExecutiveSummaryProposal_122118_PRINT-11x17-1.pdf, on April 29, 2021, (website not accessible on June 7, 2021). Similar diagram in C/CAG, *Flood and Sea Level Rise Resiliency Agency Proposal*, Dec. 21, 2018, at p. 11.

OneShoreline's First Year (2020)

In its first year of operations, OneShoreline set up its board of directors and commenced operations. The board is composed of elected representatives from different regions of the County. An executive director supervises a staff of four with expertise in flood prevention in San Mateo County. It maintains an informative website containing up-to-date documents on its projects, financing, and outreach efforts. By publishing a digital newsletter, OneShoreline has reached out to the city and town councils in the County. Importantly, the OneShoreline management and board are aware that its most pressing need is to secure a reliable source of funding for its operations.[35]

OneShoreline currently operates through a master services agreement with the County, under which it coordinates with the Office of Sustainability on outreach to keep the residents informed of SLR needs.

OneShoreline's current activities include:[36]
- obtaining long-term support, along with its constituent cities, to address funding of projects identified as necessary to mitigate hazards caused or exacerbated by sea level rise;
- addressing projects inherited from the San Mateo County Flood Control District;
- overseeing the Bayfront Canal project, with construction starting in 2021;
- offering to assist communities with other SLR and flooding projects;
- consulting with cities and towns about new projects; and
- managing multi-jurisdictional projects.

OneShoreline is most interested in working on projects: where meaningful objectives are achievable and enjoy local support; where OneShoreline can add value (such as projects involving multiple jurisdictions); and where the project makes fiscal sense.

In its interviews, the Grand Jury identified the following potential roles for OneShoreline:[37]

- *Work with the County and neighboring counties* to lobby state and federal governments for regulatory change for SLR projects;

- *Share expertise* for SLR and flooding projects;

- *Set standards* for determining the amount of SLR that cities and towns, the County, and private property owners must plan for;

- *Set guidelines* for the kinds of projects OneShoreline will prioritize;

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[35] Grand Jury interviews and OneShoreline website.

[36] Grand Jury interviews and OneShoreline website.

[37] Grand Jury interviews.

- *Assist in obtaining federal and state funding* for SLR and flooding projects, by providing a unified voice when communicating with governmental agencies;

- *Work with congressional representatives* for authorizations and appropriations for initial project studies; and

- *Reach out to the San Francisco District of the Army Corps* to identify problems and discuss possible projects for the County.[38]

- *Facilitate and coordinate between interested parties* and the various state and federal regulators for projects;

- *Assist the cities* in obtaining permits for projects;

- *Keep local governments and the County informed* – regarding its operation and SLR risks; and

- *Coordinate with the County Office of Sustainability* on SLR and flooding outreach programs for the schools and community organizations.

OneShoreline Projects

OneShoreline's website contains a current list of its projects at https://onshoreline.org/projects; brief descriptions of some of those projects are available in Appendix C. One project currently under construction is the Bayfront Canal & Atherton Channel Flood Protection and Ecosystem Restoration Project[39] which, among its several goals, will protect mobile home parks near the bayfront from flooding.

Funding OneShoreline Operations

OneShoreline is working to build a strong reputation before its initial operational funding runs out in 2023. Many interviewees informed the Grand Jury that OneShoreline required secure funding commitments in order perform its functions beyond the initial three-year funding period.

Recently, the Strategic Planning Committee for OneShoreline's Board of Directors examined various potential sources of long-term stable funds for OneShoreline operations, as well as project support. The only funding option identified that would provide long-term, stable yet flexible funding for projects and for operations was a countywide parcel tax. "Polling is

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[38] Grand Jury interviews.

[39] Bayfront Canal & Atherton Channel Flood Protection and Ecosystem Restoration Project – OneShoreline – at https://oneshoreline.org/projects/bayfront-atherton-flood-protection/

beginning … to test a few of these scenarios and public perceptions of this issue so that we may solidify potential ballot language."[40]

If such a tax is not feasible, OneShoreline may have to continue relying on contributions from cities and the County, renewed in multi-year commitments. OneShoreline has successfully obtained grants from the state for specific work (California Department of Water Resources $1 million grant from the Urban Streams Restoration Program, and funds for the flood warning system). While private funding is an alternative source that OneShoreline has considered, interviewees expressed their concern that such funding sources are unlikely to be reliable as long-term funding.

Funding SLR Projects

Levees, sea walls, raising marshes and mudflats, and similar capital projects are *expensive*. For example, Levee Improvement Bond Measure P passed by Foster City voters in 2018,[41] authorized Foster City to issue $90 million in general obligation bonds to fund critical levee improvements. The property tax levy to repay this borrowing will continue for 30 years. The first-year rate was approximately $36 per $100,000 of assessed property value. Subsequently, the rate will be an estimated $33 annually, with continuing decreases assuming assessed property valuations continue to rise.[42]

Foster City Levee upgrade, March 26, 2021 (Grand Jury photo)

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[40] OneShoreline Board of Directors presentation April 26, 2021. Available at: https://oneshoreline.org/wp-content/uploads/2021/04/FSLRRD-Board-mtg.-4.26.2021-presentation.pdf

[41] Measure P | Foster City California, https://www.fostercity.org/cityclerk/page/measure-p

[42] Frequently Asked Questions | Foster City Levee Project, https://fostercitylevee.org/faqs/

OneShoreline inherited funding that is limited for earmarked use in the flood areas in the County for established projects. Projects directly connected with one of the three creek flood zones (Colma, San Bruno, San Francisquito) may be funded from dedicated property taxes for the specific flood zone.[43]

State funding may be available if a proposed Bond Act is passed by the voters. This measure would raise approximately $7 billion to fund climate change and sea level rise projects statewide.[44]

The Army Corps of Engineers and FEMA also provide funding for some SLR projects, but each agency has a complex set of requirements for such funding. For example, federal funding requires that a preliminary engineering and design study must be prepared prior to application for the funds. OneShoreline will serve as a valuable resource to guide projects through the study, engineering, and funding application phases. To receive federal funds, the community must contribute funds for the project. As a result of such complexities communities and agencies similar to OneShoreline typically hire consultants to guide a proposal through the federal process.[45]

OneShoreline could operate a revolving loan fund, or a portion of a regional loan fund, "capitalized by a federal investment, like the Clean Water State Revolving Fund, and offer below-market rates. Savings on insurance premiums from improved ratings under FEMA Community Rating Systems, among other sources, could repay the funds."[46] The loan fund could be used to pay for the preliminary engineering and design studies required to apply for federal funding.

Delays in adapting to SLR can result in flood remediation costs of up to six times greater than the cost of planned adaptations. A "FEMA-sponsored study by the National Institute of Building Sciences found that for every $1 the federal government invested in various types of pre-disaster mitigation activities in recent years, it avoided public and private losses totaling $6."[47]

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[43] FSLRRD-FY2020-21-Operations-and-Flood-Zones-Budgets-Approved-June-8-2020.pdf (oneshoreline.org), https://oneshoreline.org/wp-content/uploads/2020/06/FSLRRD-FY2020-21-Operations-and-Flood-Zones-Budgets-Approved-June-8-2020.pdf

[44] Bill Text - AB-1500 Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. (ca.gov), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1500

[45] Grand Jury interview.

[46] Grand Jury interview and Four Key Actions to Solve for Coastal Flooding and Sea Level Rise in the Bay Area: a Governance Proposal | SPUR, https://www.spur.org/news/2020-02-20/four-key-actions-solve-coastal-flooding-and-sea-level-rise-bay-area-governance; https://www.epa.gov/cwsrf . See also: Fact Sheet | How Can Revolving Loan Funds Make Our Coasts More Resilient? | White Papers | EESI at https://www.eesi.org/papers/view/fact-sheet-how-can-revolving-loan-funds-make-our-coasts-more-resilient

[47] Ehlers, Rachel, LAO 2019, *Preparing for Rising Seas*, *supra*, at p.7.

Will Regulatory Complexities Delay SLR Projects?

In addition to financial hurdles, sea level rise projects face serious regulatory delays. The "lengthy process for attaining approvals from state and federal agencies to implement adaptation projects is a significant barrier to getting more projects underway."[48] It has been suggested that regulatory reform at both the federal and state level is needed to allow SLR projects to be proposed, designed, and constructed with less delay and cost. It would be beneficial if OneShoreline, along with the Board of Supervisors, the cities and towns, and neighboring counties, worked together to lobby state and federal governments for appropriate reform.[49]

Multiple regulatory agencies must evaluate, and issue permits for a single project. Large SLR projects (i.e., via the Army Corps of Engineers) can require a decade to design, approve, and build. Whether it is the San Francisco Bay Conservation and Development Commission or the California Coastal Commission, regulatory systems were not designed for the threat of SLR.

Regulatory complexity may be reduced by lobbying the federal and state governments for reform, or by forming interagency teams to streamline the permit application process under existing law and regulations. One example of the later approach is the SF Bay Restoration Regulatory Integration Team (BRITT),[50] which expedites and simplifies the permitting process across nine Bay Area counties for Measure AA projects ("multi-benefit wetland restoration projects and associated flood management and public access infrastructure" projects).[51] BRITT coordinates permit reviews across all the applicable state and federal agencies for those projects.

The complexity of even a relatively simple current project is illustrated below, where the project required five funding sources, land easements among multiple parties, and permits from six agencies.[52]

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[48] https://lao.ca.gov/reports/2019/4121/coastal-adaptation-121019.pdf **at** p. 26.

[49] Grand Jury Interviews; see also W. Chabot and others. April 28, 2021, during "Conversation With Kevin : Collaborating to Address Climate Change" hosted by Speaker Pro Tempore Kevin Mullin, video available at Conversation With Kevin Collaborating to Address Climate Change (facebook.com) https://www.facebook.com/102284836614761/videos/789035602040576/?__so__=channel_tab&__rv__=all_videos_card.

[50] California State Coastal Conservancy, San Francisco Bay Restoration Authority, "San Francisco Bay Restoration Regulatory Integration Team (BRRIT)", https://www.sfbayrestore.org/san-francisco-bay-restoration-regulatory-integration-team-brrit

[51] Combined Permitting overview, agreements, performance measures May 11 2018 (00409201-5).DOCX (sfbayrestore.org)' https://www.sfbayrestore.org/sites/default/files/2021-03/Permitting_agreements_and_performance_measures.pdf

[52] 4.26.2021 presentation (oneshoreline.org); https://oneshoreline.org/wp-content/uploads/2021/04/FSLRRD-Board-mtg.-4.26.2021-presentation.pdf

OneShoreline's first construction project:
Bayfront Canal and Atherton Channel Flood Protection and Ecosystem Restoration Project
- Funding from 3 cities, County, and State
- Land Easements among OneShoreline, 2 cities, County, Cargill, plus land agreements with USFWS and Caltrans
- Permits: USACE, USFWS, NMFS, CDFW, RWQCB, BCDC

The US Army Corps of Engineers – Expertise, Funding, and Regulation of SLR Projects

The US Army Corps of Engineers (Army Corps) has decades of experience in protecting against flooding, especially with the use of levees. It serves a regulatory function in issuing permits, can be a source of funds, and can provide engineering expertise. Involving the Army Corps for federal funding is complex, involves Congressional action, and can take many years.[53]

An Army Corps project requires a local sponsor to provide initial funding for the design of the SLR protection. During planning and development, the local sponsor provides approximately 70% of the money and Army Corps provides the balance. During construction this reverses – the local sponsor provides approximately 30% and Army Corps provides the balance.

The Army Corps works best for big projects. Few communities can afford capital costs in the tens or hundreds of millions of dollars, or more. An article published by the Yale School of the Environment discussing the costs nationwide noted that, "In San Francisco, voters approved a $425 million bond to pay a quarter of the costs of fortifying a sea wall."[54] A simplified outline of the Army Corps process, as the Grand Jury understands it, is included in Appendix F.

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[53]To get an idea of the complexity of applying for a permit see: San Francisco District > Missions > Regulatory > How to Apply for a Permit (army.mil), https://www.spn.usace.army.mil/Missions/Regulatory/How-to-Apply-for-a-Permit

[54] Who Will Pay for the Huge Costs of Holding Back Rising Seas? - Yale E360 https://e360.yale.edu/features/who-will-pay-for-the-huge-costs-of-holding-back-rising-seas. See also SF's Embarcadero seawall measure wins easily

The Water Resources Development Act (WRDA) of 2020 changed how the Army Corps evaluates projects. New regulations are expected later in 2021 and will require the evaluation to be based on "best available, peer-reviewed science and data."[55] The WRDA also requires an evaluation of the projected benefits of a project for a *50-year period* after the expected completion date.

The Army Corps evaluates socio-economic and environmental justice effects of a proposed plan during the study phase, and solicits public involvement, to understand the views and values of the community. The Army Corps is required to consider low-cost alternatives. One non-structural measure that might be considered is a managed retreat (relocation). The Army Corps considers the fair market value of vulnerable low-cost housing. If the cost to protect the housing is more expensive than replacing the housing elsewhere, then the Army Corps may prefer the relocation alternative. If a local sponsor wants to protect areas that the Army Corps does not consider economical, the cost difference will be borne by the local sponsor.[56]

FEMA – Flood Zone Maps, Mitigation, and Prevention

The Federal Emergency Management Agency (FEMA), in addition to providing aid after a disaster, also provides flood hazard and risk data to help guide mitigation actions. Flood mapping is an important part of the National Flood Insurance Program (NFIP). Flood maps are the basis for the NFIP regulations and flood insurance[57] requirements. FEMA's flood mapping program is called Risk Mapping, Assessment, and Planning, or Risk MAP.[58] FEMA maintains and updates data through flood maps and risk assessments.[59] FEMA redraws its maps as new SLR data is collected, so that NFIP requirements will increase over time.

Designating an area as a flood zone can impact property owners financially, because the consequence is that properties in the flood zone are required to carry flood insurance, which is expensive. In the Foster City example discussed above, residents chose to raise their property taxes to fund levee improvements, because doing so protected mortgage-holding residents from having their property designated as within a flood zone, and therefore requiring that they pay high flood insurance premiums.

(sfchronicle.com); https://www.sfchronicle.com/politics/article/SF-s-Embarcadero-seawall-measure-on-track-to-13369575.php

[55] Section 113, Water Resources Development Act (WRDA) of 2020. Water Resources Development Act of 2020 (congress.gov), https://crsreports.congress.gov/product/pdf/IF/IF11700

[56] Grand Jury interviews.

[57] Flood Insurance | FEMA.gov, https://www.fema.gov/flood-insurance

[58] Risk Mapping, Assessment and Planning (Risk MAP) | FEMA.gov, https://www.fema.gov/flood-maps/tools-resources/risk-map#

[59] Flood Maps | FEMA.gov, https://www.fema.gov/flood-maps

States, communities, and private levee owners are responsible for maintaining and operating the levees they own according to specific design criteria.[60] While FEMA maps flood hazards impacted by levee systems, it does not build, own, or certify levees. Instead, other parties (such as the Army Corps) build, inspect, and maintain the levees they own.

FEMA can provide funds for flood mitigation projects (such as SLR projects) through a competitive application process. FEMA will become deeply involved with permitting for any project occurring in a floodplain.

Other Regulatory Agencies

The **U.S. Fish and Wildlife Service** (USFWS) regulates projects that affect fish and wildlife.[61] A new USFWS online planning tool is available to streamline the USFWS environmental review.[62]

National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NOAA Fisheries) is involved on the ocean-side of SMC. Under the Marine Mammal Protection Act and the Endangered Species Act, NOAA Fisheries, through its scientific support and permitting, protects ocean species while a construction project is ongoing.[63]

The **San Francisco Regional Water Quality Control Board** (Water Board) regulates discharges into the waters and requires cleanups of unplanned or illegal discharges. Regulating discharges is done through a variety of permits, including those that control erosion and storm water runoff during construction, as well as National Pollution Discharge Elimination System permits, and stream and vegetation permits. Under the federal Clean Water Act, either dredging or wetland fill activities require permits from the Army Corps. The Water Board must certify that those federal permits meet State water quality standards and that the projects minimize impacts on water quality. Most permits are adopted by the Water Board in public hearings after opportunities for public comment, which can increase delays.[64]

The **California Department of Fish & Wildlife** (CDFW) provides environmental review and permits in two key programs: the California Environmental Quality Act (CEQA) Review[65] and

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[60] FEMA, Cooperating Technical Partners and Engineers, accessed May 2021, https://www.fema.gov/flood-maps/living-levees/technical-partners-engineers

[61] U.S. Fish and Wildlife Service: An Overview - EveryCRSReport.com, https://www.everycrsreport.com/reports/R45265.html#_Toc519853442

[62] The tool is called IPac – Information for Planning and Consultation. IPaC: Home (fws.gov), https://ecos.fws.gov/ipac/

[63] Welcome to NOAA | NOAA Fisheries, https://www.fisheries.noaa.gov

[64] Permits We Issue | San Francisco Bay Regional Water Quality Control Board (ca.gov), https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/permits.html

[65] California Environmental Quality Act (CEQA) Review, https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA

the Lake and Streambed Alteration (LSA) Program.[66] Both programs have separate regulations and permits.

The **California Coastal Commission** (CCC) "is an independent, quasi-judicial state agency." "In partnership with coastal cities and counties, [it] plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the Coastal Commission or the local government."[67] The CCC has a dedicated section on its website on Sea Level Rise Planning and Permitting.[68] A chart illustrating the CCC regulatory process is shown in Appendix E. The CCC does not regulate the land and water in San Francisco Bay. That area is under the jurisdiction of the BCDC.

Since 2008, the **San Francisco Bay Conservation and Development Commission (BCDC)** "has been the State agency responsible for leading the Bay Area's preparedness for rising sea level, tides, and storm surge due to climate change."[69] BCDC oversees the adaptation strategy to be used by the Bay Area's regional agencies. All levels of government will need to collaborate with public and private property owners who are affected by rising sea level.[70] BCDC issues permits for work in the Bay or within 100 feet of the shoreline, including filling, dredging, dredged sediment disposal, shoreline development and other work. "A public hearing is mandatory for a major permit application[71] and the application may be reviewed by the Commission's Design Review Board and/or the Engineering Criteria Review Board." BCDC's permitting process also includes an emphasis on environmental justice.

City Awareness of Sea Level Rise

The 2014-15 Grand Jury SLR report "*Flooding Ahead: Planning for Sea Level Rise*",[72] made recommendations that contributed to the formation of OneShoreline. That report also made recommendations that SMC cities and towns include the threat of SLR in their General Plans.[73] The current Grand Jury looked at the General Plans of South San Francisco, Pacifica, Redwood City, Woodside, Menlo Park, and East Palo Alto, and found that all, except South San Francisco, had SLR in their General Plans. Not all of the General Plans covered SLR protection of transportation and utility infrastructure, schools, public safety facilities and hazardous material

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[66] Lake and Streambed Alteration Program (ca.gov), https://wildlife.ca.gov/Conservation/Environmental-Review/LSA

[67] California Coastal Commission, https://www.coastal.ca.gov/whoweare.html

[68] Planning & Permitting (ca.gov), https://www.coastal.ca.gov/climate/slr/planning-permitting/

[69] BCDC - about us (ca.gov), https://www.bcdc.ca.gov/aboutus/

[70] Ibid.

[71] BCDC PERMIT APPLICATION FORM, https://www.bcdc.ca.gov/forms/appform.pdf

[72] Flooding Ahead: Planning for Sea Level Rise (sanmateocourt.org), http://www.sanmateocourt.org/documents/grand_jury/2014/sea_level_rise.pdf

[73] Recommendation 6 of *Flooding Ahea*d, at pg. 18

sites. South San Francisco, which has active SLR projects, is in the process of amending its General Plan to include SLR.[74] For more information on the cities, see Appendix B.

This investigation also sought to determine whether city and town councils were aware of the nature of the SLR problem – its long-term impact and significant costs. Interviews with city employees revealed that, in general, the city and town councils, staff, and residents seem more aware of the impact of SLR now than they did six years ago. City representatives interviewed by this Grand Jury acknowledged the need to regularly update new council members on the SLR projects due to the prolonged time it takes for a SLR project to be designed, approved, funded, and built.[75]

OneShoreline – SMC's Future for Responding to Sea Level Rise

San Mateo County remains at risk from sea level rise and will continue to be for many generations. OneShoreline is the County's special district with the mission to protect the County from SLR and flooding, and to work with cities, towns, and the County. Although it is just a year old, OneShoreline appears to be heading in the right direction. OneShoreline must be sustainably funded in order to do the work needed to protect San Mateo County from the unavoidable problems caused by sea level rise.

BEST PRACTICES

- Cities and towns can respond to SLR by looking beyond the immediate FEMA-based flood insurance criteria and require project designs for new developments take into account long-term SLR. A project should not be viewed in isolation; consideration must be given to how it might affect nearby structures.[76]

- To build critical public support for sea level rise mitigation projects, public officials should demonstrate current and future sea level rise impacts to the community, emphasize the financial benefits of timely projects, and solicit community input in the choice of solutions to address the sea level rise problem.[77]

FINDINGS

F1.   Sea level rise will seriously damage critical San Mateo County infrastructure and assets unless the County and its cities and towns prepare now.

F2.   Sea level rise infrastructure projects can take more than a decade to plan, fund and build.

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[74] South San Francisco, Request for Proposals, General Plan 2040, January 11, 2019, p. 4, https://www.ssf.net/Home/ShowDocument?id=14571

[75] Grand Jury interviews.

[76] Grand Jury interviews.

[77] Vulnerability Study, *supra*, at p. 201

F3. Complex federal and state regulations and procedures delay and increase the costs of already expensive sea level rise mitigation projects. They need to be revised.

F4. Delaying sea level rise projects will increase costs.

F5. To remain effective, OneShoreline needs steady, long-term, operational funding.

F6. Coordination between neighboring jurisdictions is important to reduce costs and improve the effectiveness of a SLR project.

F7. Competing budget priorities among the entities in a sea level rise project make the projects difficult to fund and manage, leading to risk of delays and missed deadlines.

F8. Numerous hazardous material sites in the County must be protected from sea level rise flooding.

F9. Storm surge and sea level rise threaten the County's wastewater treatment plants affecting everyone in the County – even inland County residents.

F10. OneShoreline is uniquely positioned to augment San Mateo County's ability to combat sea level rise by its planning, funding, permitting expertise, and guidance.

F11. Destruction of low-cost housing on the Bay and coast by flooding and erosion due to sea level rise will further increase inequities in communities such as Belle Haven (Menlo Park), East Palo Alto, Redwood City, and Pacifica.

F12. OneShoreline effectively collaborates with the Office of Sustainability and others on public engagement campaigns to educate individuals on how sea level rise will affect San Mateo County.

F13. A loan program to provide cities and towns funds for the required preliminary engineering necessary to obtain partial state or federal funding for SLR projects would be beneficial.

RECOMMENDATIONS

The Grand Jury recommends:

R1. At a public meeting, each city and town council, or board of supervisors should take at least one concrete action toward establishing a continuing funding source for OneShoreline, identify that action in response to this report, and potentially adopt a resolution expressing support for a parcel tax or property tax by June 30, 2022.

R2. A coordinated lobbying strategy with participation by the County, by San Mateo County cities and towns, by OneShoreline, and by other interested Bay Area cities and counties for federal and state regulatory simplification by January 31, 2022.

R3. OneShoreline consider establishing and administering a low interest revolving loan fund to enable jurisdictions to prepare the initial engineering and planning necessary to obtain federal and state funding for SLR projects, establishing such program by December 31, 2021.

R4. The County Board of Supervisors and each city and town council, should ensure that their general plans regarding SLR protection include transportation and utility infrastructure, schools, public safety facilities, and hazardous material sites by March 31, 2022.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows from the indicated government entities.

Responses to the Findings:

OneShoreline's board of directors should respond to Findings:

F1 through F13.

The County Board of Supervisors should respond to Findings:

F1 through F13.

The City and Town Councils (or Governing Bodies) should respond to Findings:

F1 through F13.

> Per Government Code Section 933.05(a), "as to each grand jury **finding**, the responding person or entity shall indicate one of the following:

> 1) The respondent agrees with the finding.
> 2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therfor."

Responses to the Recommendations

OneShoreline's board of directors should respond to Recommendations:

R2 and R3.

The County Board of Supervisors should respond to Recommendations:

R1, R2 and R4.

The City and Town Councils should respond to Recommendations:

R1, R2 and R4.

Per Government Code Section 933.05(b), "as to each grand jury **recommendation**, the responding person or entity shall report one of the following actions:

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

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

METHODOLOGY

Documents

Numerous reports, news articles, and webpages were consulted in preparation of this report, from the cities and towns, the County, OneShoreline, as well as the California Legislative Analyst's Office and other organizations. For a complete list see the Bibliography below.

Interviews

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

All interviews were conducted via videoconference using Zoom or Google Meets, or via written questions. For this report the Grand Jury interviewed:
- City or Town managers or members of city or town councils.
- At least one County Supervisor.
- At least one member of the Board of the San Mateo County Flood and Sea Level Rise Resiliency District, aka OneShoreline.
- At least one member of the staff of OneShoreline.
- At least one officer of an Environmental Organization.
- At least one consultant with knowledge of FEMA and the Army Corps.

- Elected Legislators at the State and Federal Level or their designated staff.
- A representative of the Army Corps of Engineers.

BIBLIOGRAPHY

- California Assembly, 2019, Mullin, "AB 825 AB-825 San Mateo County Flood and Sea Level Rise Resiliency District." https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB825

- California Assembly, 2021, Garcia & Mullin, et al. "AB 1500 - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022." https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1500

- Bay Conservation and Development Commission (BCDC). Undated. "About us" https://www.bcdc.ca.gov/aboutus/ accessed April 2021.

- Bay Conservation and Development Commission (BCDC). Adapting to Rising Tides website. https://www.adaptingtorisingtides.org/ accessed May 1, 2021.

- Bay Conservation and Development Commission (BCDC). Undated. "BCDC Application Form" https://www.bcdc.ca.gov/forms/appform.pdf

- Bay Conservation and Development Commission (BCDC). ART Bay Shoreline Flood Explorer (adaptingtorisingtides.org). https://explorer.adaptingtorisingtides.org/explorer , Accessed May 15, 2021.

- Bay Conservation and Development Commission (BCDC) and Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG). 2020, March. "Adapting to Rising Tides Bay Area: Regional Sea Level Rise Vulnerability and Adaptation Study." San Francisco CA. http://www.adaptingtorisingtides.org/wp-content/uploads/2020/03/ARTBayArea_Main_Report_Final_March2020_ADA.pdf

- California Coastal Commission. Undated. "Our Mission: Protecting & Enhancing California's Coast" https://www.coastal.ca.gov/whoweare.html accessed April 2021.

- California Coastal Commission. 2018. *California Coastal Commission - Sea Level Rise Policy Guidance - Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits.* Agency Policy Guidance, San Francisco: State of California – Natural Resources Agency. California Coastal Commission Sea Level Rise Policy Guidance

- California Coastal Commission. Undated. "Sea Level Rise: Planning & Permitting." https://www.coastal.ca.gov/climate/slr/planning-permitting

- California Department of Fish and Wildlife. Undated. "California Environmental Quality Act (CEQA) Review" https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA

G.

- California Department of Fish and Wildlife. Undated. "Lake and Streambed Alteration Program" https://wildlife.ca.gov/Conservation/Environmental-Review/LSA accessed May 2021.

- California State Coastal Conservancy, San Francisco Bay Restoration Authority, "San Francisco Bay Restoration Regulatory Integration Team (BRRIT)" https://www.sfbayrestore.org/san-francisco-bay-restoration-regulatory-integration-team-brrithttps://www.sfbayrestore.org/san-francisco-bay-restoration-regulatory-integration-team-brrit

- C/CAG, *Flood and Sea Level Rise Resiliency Agency Proposal*, Dec. 21, 2018, 6.3_A3-Water-Agency-Proposal_122118.pdf (ca.gov) https://ccag.ca.gov/wp/content/uploads/2019/01/6.3_A3-Water-Agency-Proposal_122118.pdf

- City Clerk, Foster City. n.d. *Measure P | Foster City California.* Accessed May 14, 2021. https://www.fostercity.org/cityclerk/page/measure-p

- City of South San Francisco. January 11, 2019. "Request for Proposals, General Plan 2040 Comprehensive Zoning Code Update Environmental Impact Report" https://www.ssf.net/Home/ShowDocument?id=14571

- City of Pacifica, Planning Department. "General Plan Update Documents" https://www.cityofpacifica.org/depts/planning/general_plan_update/default.asp, accessed April 2021.

- Congressional Research Service. July 20, 2018. "U.S. Fish and Wildlife Service: An Overview" https://www.everycrsreport.com/reports/R45265.html#_Toc519853442 , accessed May 2021.

- County Manager's Office, County of San Mateo. Press Release: "May 19, 2020 - New Director of Sustainability: San Mateo County on "Front Lines" of Regional Challenges" https://cmo.smcgov.org/press-release/may-19-2020-new-director-sustainability-san-mateo-county-%E2%80%9Cfront-lines%E2%80%9D-regional

- Dusterhoff, Scott, Katie McKnight, Letitia Grenier, and Nate Kauffman. 2021. "Sediment for Survival: A Strategy for the Resilience of Bay Wetlands in the Lower San Francisco Estuary." April. Accessed April 15, 2021. https://www.sfei.org/documents/sediment-for-survival

- Economic Development Research Group, Inc., 2019. "2019 Economic Impact Study of San Francisco International Airport." https://www.flysfo.com/sites/default/files/SFO_Economic_Impact_Report_2019.pdf

- Ehlers, Rachel. 2019, December. *Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts.* LAO Publication, Sacramento: Legislative Analyst's Office. https://lao.ca.gov/reports/2019/4121/coastal-adaptation-121019.pdf

- Ehlers, Rachel. 2020. *What Threat Does Sea-Level Rise Pose to California.* LAO Publication , Sacramento: Legislative Analyst's Office. https://lao.ca.gov/reports/2020/4261/sea-level-rise-081020.pdf

- Enrique, Alex, Isabelle Foster, and Will La Dow. 2018, March. *Adaptation Planning for Sea Level Rise in San Mateo County - An Examination of 11 Bayside Cities.* Consulting, Stanford, California: Stanford Public Policy, prepared for the San Mateo County Office of Sustainability.

- FEMA. 2019, November. "Guidance for Flood Risk Analysis and Mapping - Levees." FEMA Guidance Document. https://www.fema.gov/sites/default/files/2020-02/Levee_Guidance_Nov_2019_v2.pdf

- FEMA. Undated. "Cooperating Technical Partners and Engineers" https://www.fema.gov/flood-maps/living-levees/technical-partners-engineers accessed May 2021.

- FEMA. Undated. "Flood Insurance" https://www.fema.gov/flood-insurance, accessed April 2021.

- FEMA. Undated. "Flood Maps" https://www.fema.gov/flood-maps , accessed March 2021

- FEMA. Undated. "Risk Mapping, Assessment and Planning (Risk MAP)." https://www.fema.gov/flood-maps/tools-resources/risk-map accessed March 2021

- Foster City, City Clerk, Measure P, Ordinance 613, https://www.fostercity.org/cityclerk/page/measure-p

- Foster City, Community Development. "General Plan" https://www.fostercity.org/commdev/page/general-plan , accessed April 2021

- Foster City, Levee Improvements Project, Frequently Asked Questions, https://fostercitylevee.org/faqs/

- League of Women Voters of South San Mateo County. "2021 Climate Resilience Forums" https://my.lwv.org/california/south-san-mateo-county accessed May 5, 2021.

- Morrison, James. August 5, 2019. "Who Will Pay for the Huge Costs of Holding Back Rising Seas?" , Yale School of the Environment. https://e360.yale.edu/features/who-will-pay-for-the-huge-costs-of-holding-back-rising-seas, accessed May 2021.

- National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. "Is sea level rising?" https://oceanservice.noaa.gov/facts/sealevel.html

- NOAA Fisheries, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. "About Us" https://www.fisheries.noaa.gov/about-us , accessed May 2021.

- OneShoreline. (undated). "*Bayfront Canal & Atherton Channel Flood Protection and Ecosystem Restoration Project*" https://oneshoreline.org/projects/bayfront-atherton-flood-protection/ , accessed May 15, 2021.

- OneShoreline. April 26, 2021. Board of Directors Meeting presentation. https://oneshoreline.org/wp-content/uploads/2021/04/FSLRRD-Board-mtg.-4.26.2021-presentation.pdf

- OneShoreline. Dec. 10, 2020. *FY2021 Audited Financial Statements,* https://oneshoreline.org/wp-content/uploads/2020/12/FSLRRD-FY20_Financial_Statement.pdf

- OneShoreline. 2020. "Our History – OneShoreline" , accessed January 2021. https://oneshoreline.org/our-history/

- OneShoreline. 2021. "Current Project List." https://oneshoreline.org/projects/ accessed May 2021.

- OneShoreline. June 2020." San Mateo County Flood & Sea Level Rise Resiliency District Fiscal Year 2020-21 Operating Budget - Approved June 8, 2020" https://oneshoreline.org/wp-content/uploads/2020/06/FSLRRD-FY2020-21-Operations-and-Flood-Zones-Budgets-Approved-June-8-2020.pdf

- Orange County Register. January 23, 2016. "Pacifica declares local emergency after damage to sea wall" https://www.ocregister.com/2016/01/23/pacifica-declares-local-emergency-after-damage-to-sea-wall

- Papendick, Hilary, Jasneet Sharma, Carolyn Raider, Avana Andrade, Emi Hashizume, Montserrat Plascencia, Sally Prowitt, et al. 2018, March. *County of San Mateo, Sea Level Rise Vulnerability Assessment.* Final Report, Redwood City: County of San Mateo. https://seachangesmc.org/wp-content/uploads/2018/03/2018-03-12_SLR_VA_Report_2.2018_WEB_FINAL.pdf

- Redwood City, Planning Services. "General Plan" https://www.redwoodcity.org/departments/community-development-department/planning-housing/planning-services/general-plan-precise-plans/general-plan

- Resource Conservation District of San Mateo County, About page, http://www.sanmateorcd.org/about/

- San Francisco Region, California Water Boards. Undated. "Permits we issue." https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/permits.html

- San Mateo County Grand Jury, 2015, "Flooding Ahead: Planning for Sea Level Rise", http://www.sanmateocourt.org/documents/grand_jury/2014/sea_level_rise.pdf

- San Mateo County, Office of Sustainability. (undated). "*Contact Us – SMC Office of Sustainability (smcsustainability.org)".* Accessed May 19, 2021. https://www.smcsustainability.org/contact-us/

- San Mateo County, Office of Sustainability. (undated) "Sea Change San Mateo County" https://seachangesmc.org/ accessed April 2021.

- San Mateo County, Office of Sustainability. (undated) "Youth Climate Amabassadors Leadership Program." https://www.smcsustainability.org/climate-change/youth-climate-ambassador/ accessed April 2021.

- Tam, Laura and Julie Beagle. Feb. 20, 2020. "Four Key Actions to Solve for Coastal Flooding and Sea Level Rise in the Bay Area: a Governance Proposal." https://www.spur.org/news/2020-02-20/four-key-actions-solve-coastal-flooding-and-sea-level-rise-bay-area-governance

- Stark, Kevin, Ezra David Romero. "What Can the Bay Area Do About Rising Seas? East Palo Alto Has a Few Great Answers." April 22, 2021. KQED. https://www.kqed.org/science/1973805/climate-solutions-in-east-palo-alto

- United States Army Corps of Engineers, "Regulatory Permits" San Francisco District > Missions > Regulatory > How to Apply for a Permit (army.mil) https://www.spn.usace.army.mil/Missions/Regulatory/How-to-Apply-for-a-Permit/ accessed May 2021

- United States Census Bureau, U.S. Department of Commerce. "U.S. Census Bureau QuickFacts: San Mateo County, California" 2019. https://www.census.gov/quickfacts/sanmateocountycalifornia

- United States Congress. 2020. Water Resources Development Act of 2020, https://crsreports.congress.gov/product/pdf/IF/IF11700

- University of Copenhagen. 2021. "New Research Shows Sea Level Will Rise Faster Than Previously Thought." *scitechdaily.com*, February 2, 2021. https://scitechdaily.com/new-research-shows-sea-level-will-rise-faster-than-previously-thought/

- Woodside, Town of, Planning Dept. "General Plan 2012" https://www.woodsidetown.org/planning/general-plan-2012-0 accessed March 2021.

Appendix A: Selected Demographics for the County and Certain Cities[78]

Appendix A: Selected Demographics for the County and certain Cities							
CITY	**POPULATION** (2019 est.)	**DENSITY** (per square mile)	**ELEVATION** (in feet)	**Housing Units**	**Owner-occupied housing (%)**	**Housing Density** (per square mile)	**Median Household Income ($)**
East Palo Alto	29,593	11,596	20	7,819	42.8	2,993	44,006
Foster City	33,997	8,138	7	12,458	57.9	3,317	135,470
Menlo Park	34,138	3,271	72	13,085	56.1	1,337	82,609
Pacifica	38,984	2,941	82	14,523	68.3	1,147	31,737
Redwood City	85,784	3,956	20	29,167	50.6	1,502	69,679
South SF	67,408	6,624	16	21,814	60.2	2,386	60,764
Woodside	5,542	451	387	2,157	87.1	184	212,917
SM County	767,423	2,753	n/a	284,471	Not available	789	69,306

[78] US Census Bureau, 2019, https://www.census.gov/quickfacts/sanmateocountycalifornia and other sources.

Appendix B – Examination of Selected Cities & SFO

This Grand Jury looked at certain cities and towns selected to represent the risks faced by the County as a whole. The cities are: South San Francisco, Pacifica, Redwood City, Woodside, Menlo Park, and East Palo Alto. This report added Foster City and the San Francisco International Airport, given their unique relevance to SLR today.

South San Francisco has levees, floodwalls, two wastewater treatment plants, a sealed hazardous waste area, parks and trails, a quarter of all outpatient health care facilities, acres of wetlands, Caltrain tracks and Highway 101, and a large biotech industrial district right on the SF Bay. All are at risk of SLR or flooding. Colma Creek frequently floods and has an established flood zone with a connected property tax.

SSF's General Plan, amended in 2018, does not mention SLR. In a recent presentation by OneShoreline, it was mentioned that OneShoreline was working with SSF to update its general plan regrading SLR and flooding.[79]

South San Francisco takes several approaches to sea level rise:
- Development planning and zoning for the future, utilizing SLR predictive models.
- Community awareness of the problems and recognizing the likelihood of needing resident's financial support for sea level rise mitigation projects in the future.
- Using consultants to work with federal agencies (e.g., the Army Corps of Engineers) in order to receive funding and expertise for project planning, design, and construction.
- Remediation of bay water seepage into existing landfills as the result of sea level rise.

Many parts of South San Francisco are in FEMA flood zones. South San Francisco has been proactive in seeking solutions to its own sea level rise challenges and hired consultants to work with the Army Corps of Engineers on a project to protect a $1billion water treatment plant located on the shoreline which cannot be moved. The funding, when working with the Army Corps, breaks down as follows: for design and development – SSF pays 70% and Army Corps 30%; for construction – SSF pays 30% and Army Corps 70%.

South San Francisco expects to collaborate with OneShoreline on projects such as the reconstruction of Colma Creek, which is funded via an existing property tax. SSF is also planning a water reclamation project and will look to OneShoreline for both funding and construction assistance.[80]

Pacifica is susceptible to significant impacts due to SLR. High tides and severe storms result in shoreline erosion, especially in northern Pacifica. The high cliffs are particularly susceptible to erosion and required the city to condemn and remove apartment houses and infrastructure (e.g.,

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[79] Presentation by the League of Women Voters, OneShoreline, and others, April 8, 2021.

[80] Grand Jury interviews & city documents.

wastewater, telecom). Permanent fixes are complicated and expensive. Pacifica must also be prepared for tsunamis.

Properties along Esplanade Ave can be seen perched on the edge of an eroding cliff Dec. 23, 2015, in Pacifica, Calif. The center property is vacant.
(Leah Millis/San Francisco Chronicle)

Pacifica adopted a Sea Level Rise Adaptation Plan because of the 2018 Sea Level Vulnerability Assessment. The city of Pacifica is looking to implement coastal resiliency strategies and policies that are consistent with Pacifica General Plan and Local Coastal Programs.

Pacifica's General Plan recognizes the importance of global climate change and its impact on SLR. The plan describes how SLR affects coastal neighborhoods and habitats and acknowledges that "coastline-altering structures [may] be needed in the future to protect new development." It recommends periodically conducting studies of the expected rate of coastal flooding and erosion.[81] Pacifica has popular beaches, canyons, creeks and "mini-watersheds" that contribute to

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[81] City of Pacifica, CA - -- General Plan Documents, https://www.cityofpacifica.org/depts/planning/general_plan_update/default.asp

flooding from the inland areas. It constructed an Equalization Basin to handle wastewater overflow to prevent sewage from entering the ocean.

Pacifica must work closely with the California Coastal Commission, which regulates any development near the coast, causing delays when evaluating new projects. It has a Local Coastal Land Use Plan which specifies the land uses and an Implementation Program containing zoning and other elements.

Storm surges frequently cover the Pacifica Pier, a present-day reality of SLR, as shown in the photograph below.

Huge waves batter the coast on Beach Boulevard in Pacifica Jan. 23, 2016. The city of Pacifica has declared a local emergency due to El Nino storm damage.[82]

Foster City, built entirely on bay fill, is protected by levees and is currently raising those levees to avoid being mapped as a flood zone requiring flood insurance. The $85 million project is being funded by a 2018 voter passed property tax.

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[82] Pacifica declares local emergency after damage to sea wall – Orange County Register (ocregister.com), https://www.ocregister.com/2016/01/23/pacifica-declares-local-emergency-after-damage-to-sea-wall/

Foster City's General Plan discusses SLR and describes other contributors to coastal flooding: tides, storm surge, wind-driven waves, El Nino events, and fresh-water flooding. The Plan recognizes secondary environmental conditions (rainfall, soil conditions, etc.); the impact of human mitigation measures (levees, control channels, and other flood-control features); and addresses specific hazards, studies, past mitigation efforts, as well as an "evaluation of future sea level rise."[83]

Woodside is not at *direct* risk from SLR and has minimal flooding risk. Woodside's General Plan does not consider SLR to be much of a threat to the town, local infrastructure, or residents.[84] However, the plan acknowledges it has a vested interest in SLR mitigation given that its sole wastewater treatment facility is the Silicon Valley Clean Water Regional Wastewater Treatment Plant located in Redwood City, a facility extremely vulnerable to SLR. "Everyone needs to flush their toilets."[85]

Woodside would also be impacted by flooding of Highway/U.S. 101, other transportation resources, the loss of County industry and employers, and other infrastructure such as local airports, hospitals, and County government facilities.

Redwood City is currently working on several SLR projects namely, the Bayfront Canal and Atherton Channel Flood Improvement project with Menlo Park, Atherton, the County and OneShoreline. Improvements to the levees around Redwood Shores are being planned, with $500,000 initially budgeted for preliminary design. Also in progress is a salt pond restoration project next to Redwood Shores which will help reduce flooding during storms and high tides and protect the mouth of Redwood Creek. The City is working with property owners in the Seaport Centre and Seaport Plaza areas to raise those levees to 14 feet (at the highest point), to meet FEMA standards. Property owners are covering design and construction costs of approximately $13.5 million, while the City will be responsible for operation and maintenance.

The Redwood City General Plan cites specific SLR hazards posed to the Port of Redwood City, and the extensive development of residential, industrial, critical infrastructure, and coastal ecosystems on both sides of U.S. 101. The plan discusses:
- discouragement of development on land where SLR cannot be adequately addressed;
- consideration and mitigation of SLR in the planning process;
- supporting research and preparing adaptation plans for the effects of climate change;
- intent to consult with public agencies responsible for flood control; and
- preparing public awareness campaigns about climate change and how residents might become actively involved in solutions.

Redwood City plans to institute several SLR programs:
- Sea Level Rise Response Strategy;

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[83] General Plan | Foster City California, https://www.fostercity.org/commdev/page/general-plan

[84] General Plan 2012 | Town of Woodside California (woodsidetown.org), https://www.woodsidetown.org/planning/general-plan-2012-0

[85] Grand Jury interview.

- Climate Change Consultation and Flooding Consultation;
- Upgrade levees to FEMA standards; and
- Improvements in the city's abilities to contain and process stormwater.[86]

Redwood City looks to OneShoreline to help on regional efforts and projects that span multiple jurisdictions and require the coordination of various agencies (FEMA, Army Corps, CA Environmental Protection Agency, Bay Conservation and Development Commission, etc.), as well as establishing uniform sea level rise standards throughout the County. Of special importance is the need for Redwood City to update the Redwood Shores levee, which, if not accomplished within a certain timeframe, will result in a large residential area being re-mapped by FEMA into a special flood hazard area, requiring homeowners carry expensive flood insurance.

Menlo Park understands that it must work cooperatively with its neighbors to solve the shared threat of SLR. "Water is fungible – it moves around."[87]

It is working with OneShoreline and the San Francisquito Joint Powers Authority (SFJPA) to address SLR and flooding. OneShoreline is currently leading project development pursuant to Memorandum of Understanding (MOU) for Bayfront Canal with Redwood City, Atherton, Menlo Park and the County. Menlo Park is also involved with OneShoreline and the San Francisquito Creek Joint Powers Authority to address concerns over flooding from the creek and the Bay in Menlo Park.

Menlo Park's General Plan recognizes the need to "prepare the community for potential adverse impacts related to climate change, such as sea level rise…," and includes a discussion of funding options. It acknowledges concerns of mortgage holders in the FEMA 100-year floodplain over the cost of mandatory flood insurance. Long-term planning for construction in SLR-vulnerable areas must be regulated to consider how development may be affected by SLR.

The Belle Haven area, located between the Bay and Highway 101, is particularly vulnerable to flooding from sea level rise. Menlo Park is working with OneShoreline, Redwood City, East Palo Alto, Atherton, PG&E and Facebook, to secure grants and other funding needed for levees to protect bayfront areas, including a PG&E substation – toward which PG&E has offered to contribute $10 million.

East Palo Alto is laser-focused on finding solutions to its flooding threats. "The City of East Palo Alto has 335 acres of land at risk in the baseline scenario, 714 acres in the mid-level scenario, and 992 acres in the high-end scenario. A significant portion of East Palo Alto's population (nearly 60%) is vulnerable to sea level rise in the mid-level scenario."[88] It is directly

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[86] Redwood City General Plan.

[87] Grand Jury interview.

[88] Papendick, Hilary, Jasneet Sharma, Carolyn Raider, Avana Andrade, Emi Hashizume, Montserrat Plascencia, Sally Prowitt, et al. 2018, March. *County of San Mateo, Sea Level Rise Vulnerability Assessment.* Final Report, Redwood City: County of San Mateo, at p. 130.

impacted both by SLR and freshwater flooding from the San Francisquito Creek. It has a history of involvement, with the SFCJPA, to address creek flooding and has SLR projects in the early stages of development.

East Palo Alto's General Plan discusses educating its residents to take personal steps to combat climate change as a basic approach to mitigating SLR. The plan addresses the history of flooding and future hazards posed by the proximity of several neighborhoods to San Francisquito Creek. East Palo Alto considers the inevitability of SLR in its general assessment and mitigation planning for all flooding.

East Palo Alto has already been hit hard by flooding, especially around "the Village." Many of its neighborhoods are in FEMA flood zones, obliging homeowners to purchase costly flood insurance. As the city seeks to approve new development, it requires builders to "build higher" to ensure that new construction is not compromised by flooding threats.

East Palo Alto has recently been awarded a grant for sea wall construction. The City, with the assistance of OneShoreline, is working on a project with three "reaches":
   Reach 1: Protect the Garden area of East Palo Alto – this project is complete.
   Reach 2: Replace bridges, including the Pope / Chaucer Bridge. OneShoreline is providing design assistance along with the Army Corps of Engineers. This reach is currently looking for funding.
   Reach 3: Exploring options about the ongoing upstream protection of Stanford University.

San Francisco International Airport (SFO)

San Francisco International Airport, while owned by the City and County of San Francisco, is in San Mateo County. This is the single most valuable asset in all the County. "In FY 2018, SFO directly accounted for almost $11 billion in business revenues, which supported more than 46,000 jobs at the Airport. Off-Airport businesses that depend directly on air service at SFO … raise the direct Airport contribution to the Bay Area economy to $42.5 billion in business sales, with more than 188,000 jobs."[89]

SFO borders two cites and the County. The Airport is in the planning stage of a $500 million project to increase the height of its levees. SFO has its own source of funding for SLR protection via airline ticket fees and other fees. SFO plans to work with OneShoreline to coordinate its SLR protection with its neighbors.

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[89] SFO_Economic_Impact_Report_2019.pdf (flysfo.com), at p. 1,
https://www.flysfo.com/sites/default/files/SFO_Economic_Impact_Report_2019.pdf

Appendix C – Some of OneShoreline's Current Projects

OneShoreline is involved in several flooding and sea level rise projects, many already in progress in various stages when the district was formed. Some of the currently active projects are summarized below. (For more details on any of these projects, check the OneShoreline website.[90]

Bay Shoreline Project: Burlingame, Millbrae, and San Francisco International Airport

The long-term objective is to raise shoreline and creek bank elevations along 1.6 miles of Bay shoreline and 1.5 miles of creeks. The project will remove properties from the current FEMA 100-year floodplain and protect them from an additional roughly six feet of sea level rise – a water level approximately 10 feet above current daily high tide. SFO has a revenue stream and will protect the airport. OneShoreline's role is, in part, to coordinate with SFO and the neighboring cities, as well as to help the cities design and finance their projects.

Bay Shoreline Project: Redwood Shores and San Carlos

Redwood Shores, built upon marshes of San Francisco Bay, is protected by a system of levees. In 2010, Redwood City raised the height of over three miles of levee surrounding Redwood Shores. In April 2020, FEMA notified Redwood City that the levees had to be raised again, or a certain residential area would be designated as a Special Flood Hazard Area requiring approximately 4,700 households to purchase flood insurance.

Bayfront Canal & Atherton Channel Flood Protection and Ecosystem Restoration Project

The Atherton Channel converges with the Bayfront Canal at the border of Redwood City and Menlo Park and empties into San Francisco Bay through a tide control structure. High tides keep the Canal and Channel from draining to the Bay. Even minor rainfall resulted in flooding of nearby mobile home parks and businesses 40 times over the past 70 years, most recently in 2017.

In 2017, Redwood City, Menlo Park, Atherton, and the County signed an MOU to establish funding for the design, environmental documentation, and land access agreements. This project consists of an underground culvert to divert excess flow from the Atherton Channel and the Bayfront Canal into managed ponds within the Ravenswood Complex of the South Bay Salt Ponds Restoration Project (SBSPRP). In 2020, OneShoreline assumed the lead role to complete the project working with the cites and the County.

Colma Creek, San Bruno Creek, Navigable Slough, and nearby areas of the shoreline

Colma Creek, San Bruno Creek, and Navigable Slough are connected waterways within the cities of South San Francisco and San Bruno that are prone to flooding, especially during high tide levels in the San Francisco Bay. Colma Creek and San Bruno Creek comprise two of the three long-standing active flood zones that OneShoreline inherited from the former flood control

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[90] https://oneshoreline.org/projects/

district. OneShoreline has conducted a survey of these studies and potential projects to establish potential priorities for upcoming projects.

Countywide Flood Early Warning System and Flood Emergency Action Plans

OneShoreline is managing a coordinated, countywide flood emergency preparedness and response program in collaboration with the Sheriff's Office and the County Office of Emergency Services. The program upgrades and expands the region's flood warning system (measurement and alarms) for emergency responders and the general public. The program includes extensive public outreach and emergency response personnel training, and the creation of a publicly accessible flood monitoring webpage.

OneShoreline is also leading the creation of site-specific Flood Emergency Action Plans (EAPs) to better define and coordinate emergency responsibilities before, during, and after flood events that cross jurisdictional boundaries for the following areas: Bayfront Canal and Atherton Channel; Belmont Creek; and Navigable Slough, Colma Creek, and San Bruno Creek.

1   **Appendix D – Comparing the Old District to OneShoreline**

| Comparing the Old Flood Control District to OneShoreline		
	Flood Control District	OneShoreline
Formal name	San Mateo County Flood Control District	San Mateo County Flood and Sea Level Rise Resiliency District
Year Established	1959	2019
Governance	Board of Supervisors of the County	Independent seven-member Board of Directors appointed from elected County and City officials[91]
Staffing	None; borrowed from County and consultants	As of May 2021, full time staff of four professionals, and consultants
Area of operation	3 Areas near creeks[92]	Entire County
Focus	Flooding – 3 creeks	SLR and Flooding
Operating budget	No "operating" budget	$1.5 million per year (2020-2022)
Funding	Property taxes from 3 flood zones by creeks	Operational: County & cities for approximately 3 years (with 2-year optional extension) Property taxes from three creek-side neighborhoods
Project Budgets	Flood zone property taxes, with some grants and matching	Flood zone property taxes, with some grants and matching, other agreements, and other assessments approved by voters

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[91] Section 4.5(a) of the San Mateo County Flood Control Act, as amended.

[92] The three creeks are Colma, San Bruno, and San Francisquito.

Appendix E – California Coastal Commission Regulatory Diagrams

As an illustration of the complexity of the regulatory process, a chart from the "CALIFORNIA COASTAL COMMISSION SEA LEVEL RISE POLICY GUIDANCE - Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits"[93] is shown below.[94] While this only deals specifically with the Coastal Commission, a similarly complex iterative regulatory process will also be encountered with the BCDC, the Army Corps, and other agencies.

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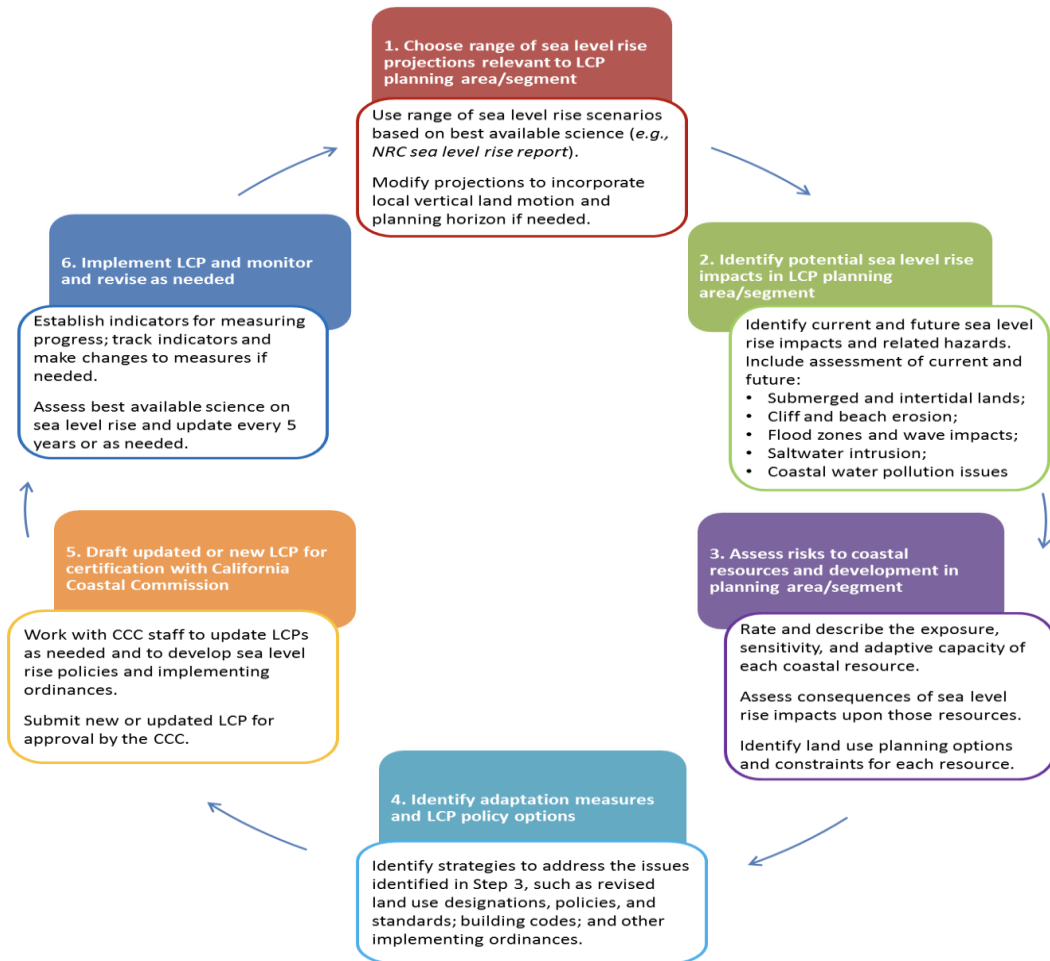
[93] California Coastal Commission, ""CALIFORNIA COASTAL COMMISSION SEA LEVEL RISE POLICY GUIDANCE - Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits," updated Nov. 7, 2018. Available at
https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLRGuidanceUpdate.pdf

[94] Ibid, p. 95.

APPENDIX F – The Army Corps of Engineers Procedures – "Simplified"[95]

The sequential steps that are involved in an Army Corps flood control project include:
1. Non-federal sponsor identifies problem and requests feasibility study. The non-federal sponsor, typically a city, county, or state, has the legal and financial capability to provide its share of the project cost.
2. Congressional authorization to study required, and local sponsor submits letter of intent.
3. Funds appropriated and study authorized - funds can be requested by Army Corps from President's budget, or Congress can appropriate funds.
4. Study process involves identifying problems, opportunities, objectives, and constraints, potential alternative plans, and identifies the:
   a. National Economic Development (NED) based on maximizing net benefits relative to costs. Benefits are primarily avoiding economic damages from flooding. The costs are those of constructing and maintaining the project.
   b. National Ecosystem Restoration (NER) alternative.
   c. Local sponsors may identify plans beyond the NED or NER and can include those at their own cost; a levee built higher than what the NED plan included, for example
5. Draft integrated feasibility report which includes a draft environmental compliance plan.
6. Review of the draft by:
   a. the public;
   b. resource agencies;
   c. stakeholders; and
   d. Army Corps internal legal, policy and technical.
7. Recommended Plan includes greater level of design, economic, engineering, environmental, and other technical details.
8. Final Feasibility Study Report, including environmental.
   a. Recommends project authorization.
9. Congressional Authorization and construction funding required.

The Army Corps in addition to looking primarily to avoid economic damages from flooding also evaluates based on:
- National Economic Benefit;
- Environmental Quality;
- Regional Economic Development;
- Other Social Effects;
- Views of the public;
- Federal regulatory agencies;
- State regulatory agencies; and
- Stakeholders.

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[95] Grand Jury interview.

Civil works studies and projects compete nationally for congressional appropriations. The Army Corps also has a set of nine existing authorities under the Continuing Authority Program (CAP) to plan, design, and construct water resources projects of limited scope and complexity. CAP studies and projects do not require project-specific authorization from Congress. Potentially applicable CAP authorities applicable to coastal and fluvial water resources problems include Section 103 (Beach erosion and storm risk reduction); Section 204 (Beneficial Reuse of Dredge Material); Section 205 (Flood risk management); and possibly others.

File Attachments for Item:

H. Adopt Ordinance 663, waiving second reading, adding Chapter 8.25 "Mandatory Organic Waste Disposal Reduction" to the Brisbane Municipal Code

CITY COUNCIL AGENDA REPORT

Meeting Date:	October 7, 2021
From:	Director of Public Works/City Engineer
Subject:	Ordinance 663 – Organic Waste Reduction

Recommendation:

Adopt Ordinance No. 663, waiving second reading, adding Chapter 8.25 "Mandatory Organic Waste Disposal Reduction" to the Brisbane Municipal Code.

Background

This ordinance was introduced at the regular City Council meeting held on September 23, 2021, and was passed unanimously with no requested changes.

Attachments

1. September 23, 2021 staff report, including Ordinance No. 663.

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Randy L. Breault, Public Works Director

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Clayton L. Holstine, City Manager

CITY COUNCIL AGENDA REPORT

Meeting Date: September 23, 2021

From: Director of Public Works/City Engineer

Subject: Ordinance 663 – Organic Waste Reduction

Community Goal/Result: Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability

Purpose: To revise the Brisbane Municipal Code (BMC) so that the City is in full compliance with state recycling laws.

Recommendation: Introduce Ordinance No. 663, waiving first reading, adding Chapter 8.25 "Mandatory Organic Waste Disposal Reduction" to the Brisbane Municipal Code.

Background

The language in the following paragraphs is copied verbatim from the July 15, 2021 staff report to City Council on "Preview of SB 1383 Requirements".

SB 1383 (Lara, 2016) is a prescriptive organic waste reduction mandate intended to reduce short-lived climate pollutants (primarily methane) that are produced from the degradation of organics in landfills. While the prescriptive nature of this law provides less leeway in the actions cities may take, it is generally seen as an improvement over AB 939 (California Integrated Waste Management Act, Sher, 1989), which simply mandated that cities reduce their diversion of solid waste to landfills by 50 percent.

There is an exceptionally detailed presentation provided by the California Department of Resources Recycling and Recovery ("CalRecycle") attached to this report for the interested reader. In simplest terms, the efforts required of the city and its solid waste franchisees are as follows:

1. Provide organic collection to ALL residents and businesses

2. Participate in an edible food recovery program

3. Conduct education and outreach

4. Procure recyclable and recovered organic products

5. Monitor compliance and conduct enforcement

The city and South San Francisco Scavenger are already well on the path to accomplishing these items. Scavenger already offers an on-request three-container "source separated" collection service to satisfy item 1, and is ready to expand that to all addresses. Similarly, city and Scavenger staff already cooperate in outreach programs, which will be continued to satisfy item 3. With regards to item 4, Scavenger presently produces enough diesel gallon equivalents of renewable natural gas to satisfy our required procurement, and the city will further comply by meeting the recycled paper procurement requirements, which will be addressed in Ordinance 664. Circling back to item 2, city staff has liaisoned with San Mateo County staff, who have taken the lead in establishing an edible food recovery program.

H.

The final item to be addressed is compliance and enforcement. There are prescriptive items required of the franchisee (e.g., they are required to list their landfill for organics disposal) and of the city (recordkeeping requirements, the authority to cite noncompliant parties, etc.). Implementation of all of these requirements requires modification to the city's municipal code, and some minor revisions to the current franchise agreements.

SB 1383's inspection and enforcement requirements dictate adoption of an ordinance with enforceable mechanisms by 2022, compliance monitoring and education from 2022-2024, and enforcement in 2024. Staff's recent experience with the "education and encouragement" required by AB 341 (Chesbro, 2011 mandatory commercial recycling) and AB 1826 (Chesbro, 2014, mandatory organic recycling) is that voluntary compliance and change of behavior can occur over a shorter period than 2 years. Therefore, staff's recommendation to the Infrastructure, Utilities & Franchise Subcommittee at its 1/26/21 meeting was that the education period be shortened to 1 year, and compliance to be required at the end of that 1st year. That recommendation is retained in the attached ordinance.

Discussion

Ordinance 663 was drafted following a template provided by CalRecycle. The language therein reflects the requirements found in multiple Assembly and Senate bills and acts, and as such, the city has little discretion in deciding whether to adopt these requirements.

Fiscal Impact

There will be no immediate impact to the city or its residents as a result of implementing the above listed items. However, as the requirements of SB 1383 become more intense (e.g., the requirement to complete compliance reviews to confirm items placed in containers are source separated), it seems likely that a result of anticipated negotiations between the city and its franchisees regarding these duties may eventually result in revised rate schedules.

Attachments

1. Ordinance No. 663
2. CalRecycle presentation - SB 1383 – Reducing Short-Lived Climate Pollutants in California

Measure of Success

The City's complete compliance with SB 1383, with the associated end result of a reduction in landfill methane production.

_____   _____
Randy L. Breault, Public Works Director   Clayton L. Holstine, City Manager

ORDINANCE NO. 663

AN ORDINANCE OF THE CITY OF BRISBANE
ADDING CHAPTER 8.25 TO THE MUNICIPAL CODE
PERTAINING TO MANDATORY ORGANIC WASTE DISPOSAL REDUCTION

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: **Chapter 8.25 is hereby added to Title 8 of the Municipal Code:**

§8.25.010 - Purpose and Findings

The City finds and declares:

A. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

B. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a Mandatory Commercial Recycling program.

C. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program.

Ordinance No. 663

D. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

F. Requirements in this ordinance are consistent with other adopted goals and policies of the City including the Recycling and Diversion of Debris from Construction and Demolition ordinance, and the Climate Action Plan, particularly its goals of higher diversion rates for the community, 95% diversion of municipal waste, and environmentally preferred product purchasing policy.

§8.25.020 - Definitions

A. "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

B. "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Cities (and others).

C. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

D. "City" means the City of Brisbane.

E. "City Enforcement Officer" means any city employee or employee of a contracting agency, including the county, or any agent of the city, having the authority to enforce any applicable law. The Designee for Edible Food Recovery is a City Enforcement Officer.

F. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

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Ordinance No. 663

G. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

H. "Compliance Review" means a review of records by City or its Designee to determine compliance with this ordinance.

I. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

J. "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

K. "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

L. "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

M. "C&D" means construction and demolition debris.

N. "Designee" means an entity that a City contracts with or otherwise arranges to carry out any of the City's responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities (e.g., Designee for Edible Food Recovery).

O. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

P. "Edible Food Recovery" means actions to collect, receive, and/or re-distribute Edible Food for human consumption from Tier One and Tier Two Commercial Edible Food Generators that otherwise would be disposed.

Ordinance No. 663

Q. "Enforcement Action" means an action of the City or the City Enforcement Officer to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

R. "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, cell phones, and household batteries generated by Single Family residential premises.

S. "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

T. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.

U. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

V. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

1. A food bank as defined in Section 113783 of the Health and Safety Code;

2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

W. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

X. "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps, and are not absorbed into Food Soiled Paper.

Y. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

Z. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and other cartons composed of compostable materials.

AA. "Food Waste" means Food Scraps and Food-Soiled Paper.

BB. "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

CC. "Gray Container Waste" means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

DD. "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

Ordinance No. 663

EE. "Greenhouse gas (GHG)" means carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), sulfur hexafluoride (SF6), hydrofluorocarbons (HFC), perfluorocarbons (PFC), and other fluorinated greenhouse gases as defined in this section.

FF. "Greenhouse gas emission reduction" or "greenhouse gas reduction" means actions designed to achieve a calculated decrease in greenhouse gas emissions over time.

GG. "Grocery Store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

EE. "Hauler Route" means the designated itinerary or sequence of stops for each segment of the City's solid waste collection zones, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

FF. "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

GG. "Inspection" means a site visit where City or City Enforcement Officer reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

For the purposes of Edible Food Recovery, "Inspection" means actions to review contracts and other records related to the recovery of Edible Food, and may occur off-site via email and other forms of electronic communication, as well as the on-site review of an entity's records and collection, handling, and other procedures for the recovery of Edible Food to determine if the entity is complying with the requirements of this ordinance.

HH. "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs

from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.

II. "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

JJ. "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

KK. "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

LL. "MWELO" refers to the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7and Chapter 15.70 of the Brisbane Municipal Code.

MM. "Non-Compostable Paper" includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41). This definition includes, but is not limited to, laminated and plastic lined paper items, foil/metallic paper, photo paper, baby and disinfecting wipes, and paper coated in hazardous or toxic fluids/products.

NN. "Non-Local Entity" means the following entities that are not subject to the City's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

1. State agencies located within the boundaries of the City, including the California Department of Fish and Wildlife.

2. Federal facilities located within the boundaries of the City, including the U.S. Postal Service Post Office, and the San Bruno Mountain Habitat Conservation Plan.

OO. "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

Ordinance No. 663

PP. "Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

QQ. "Organic Waste" means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

RR. "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

SS. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

TT. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

UU. "Prohibited Container Contaminants" means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City's Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City's Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City's Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

VV. "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

WW. "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

XX. "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

YY. "Regional Agency" means regional agency as defined in Public Resources Code Section 40181.

ZZ. "Regional or County Agency Enforcement Official" means a regional or county agency enforcement official, designated by the City with responsibility for enforcing the ordinance in conjunction or consultation with City Enforcement Officer.

AAA. "Remote Monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

BBB. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

CCC. "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

DDD. "Route Review" means a visual Inspection of containers along a hauler route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

EEE. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

FFF. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

GGG. "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

For the purposes of Edible Food Recovery, "Self-Hauler" means a Commercial Edible Food Generator which holds a contract with and hauls Edible Food to a Food Recovery Organization or other site for redistribution according to the requirements of this ordinance.

HHH. "Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units.

III. "Solid Waste" has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.

2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

JJJ. "Solid Waste Franchisee" means an entity that has entered into an agreement with City for collection of recyclable materials, organic materials, and solid waste materials in one or more solid waste collection zones in the City of Brisbane.

KKK. "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source

Ordinance No. 663

Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing.

LLL. "Source Separated Blue Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

MMM. "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

NNN. "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

OOO. "State" means the State of California.

PPP. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

QQQ. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

    1. Supermarket.

    2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.

    3. Food Service Provider.

    4. Food Distributor.

    5. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

QQQ. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

    1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

2. Hotel with an on-site Food Facility and 200 or more rooms.

3. Health facility with an on-site Food Facility and 100 or more beds.

4. Large Venue.

5. Large Event.

6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

7. A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

RRR. "Trash Container Management Policy" means a written policy approved by City pursuant to an agreement with a Solid Waste Franchisee, which policy is intended to specify the requirements for franchisee to work cooperatively with City to mitigate overloaded and contaminated containers.

SSS. "Uncontainerized Green Waste and Yard Waste Collection Service" or "Uncontainerized Service" means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator's house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

TTT. "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

§8.25.030 – Requirements for Single-Family Generators

Single-Family Organic Waste Generators shall comply with the following requirements

A. Shall subscribe to City's Organic Waste collection services for all Organic Waste generated as described in subsection B below. City and its Designee shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the City or its Designee. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site,

and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

B. Shall participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.

    1. Three-container collection service (Blue Container, Green Container, and Gray Container).

        a. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

§8.25.040 – Requirements for Commercial Businesses

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

A. Subscribe to City's three-container collection services and comply with requirements of those services as described in subsection B below, except Commercial Businesses that meet the Self-Hauler requirements in §8.25.090 of this ordinance. City and its Designee shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the City or its Designee.

B. Except Commercial Businesses that meet the Self-Hauler requirements in §8.25.090 of this ordinance, participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below.

    1. Three-container collection service (Blue Container, Green Container, and Gray Container).

        a. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

        b. Generators that voluntarily elect to participate in cardboard and paper only collection service options shall source separate those waste items as required by City or its Designee.

Ordinance No. 663

C. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with subsection D.1 and D.2 below) for employees, contractors, tenants, and customers, consistent with City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with §8.25.090.

D. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Blue Container Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

E. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in subsection D above pursuant to 14 CCR Section 18984.9(b).

F. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with §8.25.090.

G. Excluding Multi-Family Residential Dwellings, inspect no less than twice annually Blue Containers, Green Containers, and Gray Containers for contamination and

Ordinance No. 663

inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

H. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Blue Container Recyclable Materials.

I. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Blue Container Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

J. Provide or arrange access for City or its Designee to their properties during all Inspections conducted in accordance with §8.25.110 of this ordinance to confirm compliance with the requirements of this ordinance.

K. At Commercial Business's option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, and Gray Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, and Gray Containers subject to written notification to or approval by the City or its Designee.

L. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in §8.25.090 of this ordinance.

M. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

N. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to §8.25.060.

§8.25.050 – Waivers for Generators

A. De Minimis Waiver. City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in paragraph 2 below. Commercial Businesses requesting a de minimis waiver shall:

1. Submit an application specifying the services from which the Commercial Business is requesting a waiver and provide documentation as noted in paragraph 2 below.

2. Provide documentation that either:

   a. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

   b. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

3. Notify City if circumstances change such that Commercial Business' Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

4. Provide written verification of eligibility for de minimis waiver every 5 years, if City has approved a de minimis waiver.

B. Physical Space Waiver. City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of §8.25.040. Commercial Businesses requesting a de minimis waiver shall:

1. Submit an application form specifying the type(s) of collection services for which it is requesting a compliance waiver.

2. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.

3. Provide written verification to City every five years that it is still eligible for physical space waiver, if City has approved application for a physical space waiver.

C. Collection Frequency Waiver. City, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the City's three-container Organic Waste collection service to arrange for the collection of the

137   Ordinance No. 663

owner's or tenant's Blue Container, Gray Container, or both once every fourteen days, rather than once per week.

§8.25.060 – Requirements for Commercial Edible Food Generators

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 8.25.060 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply with the requirements of this Section 8.25.060 commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section 8.25.060, commencing January 1, 2024.

C. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

2. Use the CalRecycle Model Food Recovery Agreement or the contractual elements contained in the Requirements for Food Recovery Organizations and Food Recovery Services section of this ordinance to contract with, or otherwise enter into a written agreement with Food Recovery Organizations or Food Recovery Services for:

   a. The collection of Edible Food for Edible Food Recovery from the Tier One or Tier Two Commercial Edible Food Generator's premises; or,

   b. The acceptance of Edible Food that the Tier One or Tier Two Commercial Edible Food Generator self-hauls to the Food Recovery Organization.

3. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

4. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

5. Allow City's Enforcement Officer or Designee to access the premises and review records pursuant to 14 CCR Section 18991.4, and to review records related to Edible Food Recovery and/or to provide them electronically if requested by the City or the Designee for Edible Food Recovery.

6. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

    a. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

    b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

    c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

        (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

        (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

        (iii) The established frequency that food will be collected or self-hauled.

        (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

7. No later than June 30th of each year commencing no later than July 1, 2022 for Tier One Commercial Edible Food Generators and July 1, 2024 for Tier Two Commercial Edible Food Generators, they shall provide an annual Edible Food Recovery report to the Designee for Edible Food Recovery that includes, but is not limited to, the following information: a list of all contracts with Food Recovery Organizations and Food Recovery Services, the amount and type of Edible Food donated to Food Recovery Organizations and Food Recovery Services, the schedule of Edible Food pickup by Food Recovery Organizations and Food Recovery Services, a list of all types of Edible Food categories they generate, such as "baked goods," that are not accepted by the Food Recovery Organizations and Food Recovery Services with whom they contract, the contact information for the manager and all staff responsible for Edible Food Recovery, and certification that all staff responsible for Edible Food Recovery have obtained a food handler card through an American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs, such as ServSafe. With the exception of the food safety and handling training certification, Tier One and Tier Two Commercial Edible Food Generators may coordinate with their Edible Food Recovery contractors to supply this information. The Designee for Edible Food Recovery will assist in the preparation of these reports by providing guidance and a template located on the County of San Mateo Office of Sustainability website.

8. Mandate their Edible Food Recovery staff learn and follow the donation guidelines and attend trainings conducted by Food Recovery Organizations or Food Recovery Services with which they contract regarding best practices and

requirements for the timely identification, selection, preparation, and storage of Edible Food to ensure the maximum amount of Edible Food is recovered and to avoid supplying food for collection that is moldy, has been improperly stored, or is otherwise unfit for human consumption.

9. Tier One and Tier Two Commercial Edible Food Generators who self-haul Edible Food shall require those transporting Edible Food for recovery to obtain a food handler card through an American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs, such as ServSafe and follow the best practices and standards for proper temperature control, methods, and procedures for the safe handling and transport of food.

D. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

§8.25.070 – Requirements for Food Recovery Organizations and Services

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

Ordinance No. 663

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month, Food Recovery Service, or other Food Recovery Organization per month.

3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services operating in the City shall inform Tier One and Tier Two Commercial Edible Food Generators from which they collect or receive Edible Food about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established as required by this ordinance.

D. Commencing no later than July 1, 2022, Food Recovery Organizations and Food Recovery Services operating in the City and collecting or receiving Edible Food from Tier One and Tier Two Commercial Edible Food Generators or any other source shall report to the Designee for Edible Food Recovery the following: a detailed Edible Food activity report of the information collected as required under this Ordinance, including weight in pounds by type and source of Edible Food, the schedule/frequency of pickups/drop-offs of Edible Food from/to each Edible Food source or redistribution site, brief analysis of any necessary process improvements or additional infrastructure needed to support Edible Food Recovery efforts, such as training, staffing, refrigeration, vehicles, etc., and an up to date list of Tier One and Tier Two Commercial Edible Food Generators with whom they have contracts or agreements established as required under this Ordinance. The Designee for Edible Food Recovery will assist in the preparation of these reports by providing guidance and a template located on the County of San Mateo Office of Sustainability website. This Edible Food activity report shall be submitted quarterly, or at the discretion of the Designee for Edible Food Recovery, less frequently, and shall cover the activity that occurred since the period of the last submission.

E. Food Recovery Organizations and Food Recovery Services operating in the City shall contact the Designee for Edible Food Recovery to discuss the requirements of this ordinance before establishing new contracts or agreements with Tier One or Tier Two Commercial Edible Food Generators and in order to maintain existing contracts or agreements for the recovery of Edible Food with Tier One and Tier Two Commercial Edible Food Generators.

F. In order to provide the required records to the State, the City, or the Designee for Edible Food Recovery, and Tier One or Tier Two Commercial Edible Food Generators, contracts between Food Recovery Organizations and Food Recovery Services operating in the City and Tier One and Tier Two Commercial Edible Food Generators shall either:

1. Use the Model Food Recovery Agreement developed by the State of California's Department of Resources Recycling and Recovery (CalRecycle,) and include a clause requiring the Food Recovery Organization or Food Recovery Service to report to the Tier One and Tier Two Commercial Edible Food Generators with whom they have contracts the annual amount of Edible Food recovered and to inform them of the tax benefits available to those who donate Edible Food to non-profits,

2. Or include in their contracts the following elements:

   a. List/description of allowable foods the Food Recovery Organization/Food Recovery Service will receive.

   b. List/description of foods not accepted by the Food Recovery Organization/Food Recovery Service.

   c. Conditions for refusal of food.

   d. Food safety requirements, training, and protocols.

   e. Transportation and storage requirements and training.

   f. A protocol for informing the Tier One or Tier Two Commercial Edible Food Generators of a missed or delayed pickup.

   g. Notice that donation dumping is prohibited.

   h. Provisions to collect sufficient information to meet the record-keeping requirements of this ordinance.

   i. Fees/financial contributions/acknowledgement of terms for the pickup and redistribution of Edible Food.

   j. Terms and conditions consistent with the CalRecycle Model Food Recovery Agreement.

   k. Information supplying the Tier One or Tier Two Commercial Edible Food Generators with the annual amount of Edible Food recovered and informing them of the tax benefits that may be available to those who donate Edible Food to non-profits.

   l. Contact name, address, phone number, and email for both responsible parties, including the current on-site staff responsible for Edible Food Recovery.

   m. Food Recovery Organizations accepting self-hauling of Edible Food from Tier One and Tier Two Commercial Edible Food Generators must provide a schedule, including days of the week and acceptable times for drop-offs,

~ 21 ~

and information about any limitation on the amount of food accepted, and/or the packaging requirements or other conditions of transport, such as, but not limited to, maintaining proper temperature control, and other requirements for the safe handling and transport of food, the self-hauler must follow for the Edible Food to be accepted.

G. Food Recovery Organizations and Food Recovery Services operating in the City shall demonstrate that all persons, including volunteers and contracted workers using their own vehicle, involved in the handling or transport of Edible Food, have obtained a food handler card through an American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs, such as ServSafe.

H. Food Recovery Organizations and Food Recovery Services operating in the City shall use the appropriate temperature control equipment and methods and maintain the required temperatures for the safe handling of Edible Food recovered from Tier One and Tier Two Commercial Edible Food Generators for the duration of the transportation of the Edible Food for redistribution, including Edible Food transported by private vehicles.

I. In order to ensure recovered Edible Food is eaten and to prevent donation dumping, Food Recovery Organizations and Food Recovery Services operating in the City shall provide documentation that all redistribution sites which are not themselves Food Recovery Organizations to which they deliver Edible Food have a feeding or redistribution program in place to distribute, within a reasonable time, all the Edible Food they receive. Such documentation may include a website address which explains the program or pamphlets/brochures prepared by the redistribution site.

J. Food Recovery Organizations and Food Recovery Services operating in the City unable to demonstrate a positive reduction in GHG emissions for their Edible Food Recovery operational model cannot contract with Tier One and Tier Two Commercial Edible Food Generators in the City for the purpose of recovering Edible Food as defined in this ordinance. Food Recovery Organizations and Food Recovery Services contracting to recover Edible Food from a Tier One and Tier Two Commercial Edible Food Generator for redistribution shall consult with the City's Designee for Edible Food Recovery to document that their overall operational model will achieve a greenhouse gas emissions reduction. Such review may analyze route review, miles traveled for pick-up and redistribution, amount of food rescued, and the likelihood of consumption after redistribution.

K. Food Recovery Organizations and Food Recovery Services operating in the City shall visually inspect all Edible Food recovered or received from a Tier One and Tier Two Commercial Edible Food Generator. If significant spoilage is found, or if the food is otherwise found to be unfit for redistribution for human consumption, Food Recovery Organizations and Food Recovery Services shall immediately

Ordinance No. 663

notify the Designee for Edible Food Recovery using the process found on the County of San Mateo Office of Sustainability's website. The notice shall include:

1. The type and amount, in pounds, of spoiled food or food unfit for redistribution for human consumption, or provide a photographic record of the food, or both.

2. The date and time such food was identified.

3. The name, address and contact information for the Tier One or Tier Two Commercial Edible Food Generator which provided the food.

4. The date and time the food was picked up or received.

5. A brief explanation of why the food was rejected or refused.

L. Contracts between Tier One or Tier Two Commercial Edible Food Generators and Food Recovery Organizations or Food Recovery Services shall not include any language prohibiting Tier One or Tier Two Commercial Edible Food Generators from contracting or holding agreements with multiple Food Recovery Organizations or Food Recovery Services listed on the County of San Mateo Office of Sustainability website.

M. Food Recovery Organizations and Food Recovery Services operating in the City shall conduct trainings and develop educational material such as donation guidelines and handouts to provide instruction and direction to Tier One and Tier Two Commercial Edible Food Generators with whom they contract regarding best practices and requirements for the timely identification, selection, preparation, and storage of Edible Food to ensure the maximum amount of Edible Food is recovered and to avoid the collection of food that is moldy, has been improperly stored, or is otherwise unfit for human consumption.

N. In order to support Edible Food Recovery capacity planning assessments or other such studies, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City and its Designee for Edible Food Recovery upon request, regarding existing, or proposed new or expanded, Edible Food Recovery capacity that could be accessed by the City and its Tier One and Tier Two Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City or its Designee for Edible Food Recovery shall respond to such requests for information within 60 days.

O. Food Recovery Organizations and Food Recovery Services operating in the City shall allow City's Enforcement Officer and their Designee for Edible Food Recovery to access the premises and inspect procedures and review records related to Edible Food Recovery and/or provide them electronically if requested by the City or the Designee for Edible Food Recovery.

§8.25.080 – Requirements for Haulers and Facility Operators

A. Requirements for Haulers

1. Exclusive franchised haulers providing residential, Commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:

   a. Through written notice to the City annually on or before January 2, 2022, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.

   b. Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Mixed Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

   c. Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and City's C&D ordinance.

2. Exclusive franchised haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting as required by CalRecycle, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with City.

B. Requirements for Facility Operators and Community Composting Operations

1. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

2. Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

§8.25.090 – Self Hauler Requirements

A. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

B. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

C. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City and its Designee. The records shall include the following information:

   1. Delivery receipts and weight tickets from the entity accepting the Waste.

   2. The amount of material in cubic yards or tons transported by the generator to each entity.

   3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

D. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in subsection C above to City if requested.

E. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in this section.

§8.25.100 – Procurement Requirements for City Departments, Direct Service Providers, and Vendors

A. City departments, and direct service providers to the City, as applicable, shall comply with the City's Recovered Organic Waste and Recycled-Content Paper Procurement Policy in Chapter 3.13 of the Brisbane Municipal Code.

B. All vendors providing Paper Products and Printing and Writing Paper shall:

1. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items or at a total cost for non-recycled items of no more than the premium specified in Section 3.12.070.G of the Brisbane Municipal Code.

2. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).

5. Provide records to the City's Recovered Organic Waste Product procurement recordkeeping Designee, in accordance with the City's Recycled-Content Paper procurement policy(ies) of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in paragraphs 3 and 4 above for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

§8.25.110 – Inspections and Investigations by City

A. City and its Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to

Ordinance No. 663

applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with §8.25.030.B of this ordinance, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring when said monitoring is approved, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to §8.25.030.K of this ordinance.

B. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with City or its Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) review of Remote Monitoring equipment output; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.

C. Any records obtained by City during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. City representatives and its Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

E. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

§8.25.120 – Enforcement

A. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and/or assessment of a fine by a City Enforcement Officer or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines as specified in Chapter 1.16 of the Brisbane Municipal Code are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

B. Violation of any provision of this ordinance shall also be a public nuisance and other remedies allowed by law to cure the violation may be used, including administrative compliance orders as specified in Chapter 1.18 of the

Ordinance No. 663

Brisbane Municipal Code, civil actions as provided in Chapter 8.36 of the Brisbane Municipal Code or as otherwise provided by law to abate a public nuisance, or prosecution as misdemeanor or infraction as specified in Chapter 1.14 of the Brisbane Municipal Code. City may choose to delay court action until such time as a sufficiently large number of violations exist such that court action is a reasonable use of City staff and resources.

C. Responsible Entity for Enforcement

1. Enforcement pursuant to this ordinance may be undertaken by the City Enforcement Officer.

   a. City Enforcement Officers will interpret this ordinance; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.

   b. City Enforcement Officers may issue Notices of Violation(s).

D. Process for Enforcement

1. City Enforcement Officers will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). This section establishes City's right to conduct Inspections and investigations.

2. City may issue an official notification to notify regulated entities of its obligations under the ordinance.

3. For incidences of Prohibited Container Contaminants found in containers, a City Enforcement Officer will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants. If Prohibited Container Contaminants are observed in a generator's containers on multiple occasions, a City Enforcement Officer may assess contamination processing fees on the generator. The issuance of Notices of Violations, assessment of contamination processing fees, and referral to City for imposition of administrative citations and fines shall be conducted per an approved Trash Container Management Policy between City and Solid Waste Franchisee(s), as such policy(ies) are amended, supplemented, superseded and replaced from time to time.

   For the purposes of Edible Food Recovery, incidences of Prohibited Container Contaminants found in containers, the Jurisdiction or its Designee for Edible Food Recovery will issue a Notice of Violation to any Tier One or Tier Two Commercial Edible Food Generator found to have Prohibited Container Contaminants, such as Edible Food, in a container, or to any Food Recovery Organization or Food Recovery Service found to have Prohibited Container Contaminants, such as Edible Food recovered from a Tier One or Tier Two

Ordinance No. 663

Edible Food Generator, in a container, which has not been documented by a notice of significant spoilage as required in this Ordinance. Such notice will be provided by email communication immediately upon identification of the Prohibited Container Contaminants or within 3 days after determining that a violation has occurred. If the Jurisdiction or its Designee for Edible Food Recovery observes Prohibited Container Contaminants, such as Edible Food, in a Tier One or Tier Two Commercial Edible Food Generator, or Food Recovery Organization, or Food Recovery Service container on more than two (2) consecutive occasion(s), the City or its Designee for Edible Food Recovery may assess contamination processing fees or contamination penalties on the Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, or Food Recovery Service.

4. With the exception of violations of generator contamination of container contents addressed under paragraph 3 above, a City Enforcement Officer may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

   For the purposes of Edible Food Recovery, the Designee for Edible Food Recovery may issue a Notice of Violation requiring compliance within 7 days of issuance of the Notice.

5. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, a City Enforcement Officer shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Chapter 1.16 of the Brisbane Municipal Code.

   For the purposes of Edible Food Recovery, the Designee for Edible Food Recovery shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the Edible Food Recovery Penalties provisions contained in this ordinance.

   Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

E. Penalty Amounts for Types of Violations

Consistent with Chapter 1.16 of the Brisbane Municipal Code, as amended, supplemented, superseded and replaced from time to time, the penalty levels for administrative citation fines are as follows:

1. For a first violation, the amount of the base penalty shall be $100 per violation.

2. For a second violation, the amount of the base penalty shall be $200 per violation.

3. For a third or subsequent violation, the amount of the base penalty shall be $500 per violation.

F. Compliance Deadline Extension Considerations

The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

2. Delays in obtaining discretionary permits or other government agency approvals; or,

3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

G. Appeals Process

Persons receiving an administrative citation may contest the citation as specified in §1.16.070 of the Brisbane Municipal Code.

H. Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2022, a City Enforcement Officer or Designee will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if a City Enforcement Officer determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2023.

I. Civil Penalties for Non-Compliance

Beginning January 1, 2023, if a City Enforcement Officer determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section, as needed.

151   Ordinance No. 663

J. Enforcement Table

A non-exhaustive description of violations of this chapter are found in the following table.

Table 1. List of Violations

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement §8.25.040	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with City requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator Requirement §8.25.030, 040	Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the collection and Recovery of Organic Waste.
Hauler Requirement §8.25.080	A hauler providing residential, Commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance.
Hauler Requirement §8.25.080	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the City to haul Organic Waste as prescribed by this ordinance.
Hauler Requirement §8.25.080	A hauler fails to keep a record of the applicable documentation of its approval by the City, as prescribed by this ordinance.
Self-Hauler Requirement §8.25.090	A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b).
Commercial Edible Food Generator Requirement §8.25.060	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement §8.25.060	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement §8.25.060	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being

	recovered by a Food Recovery Organization or Food Recovery Service.
Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service §8.25.040, 060	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator §8.25.060	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by §8.25.060.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations §8.25.070	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by §8.25.070.

SECTION 2:   If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3:   This Ordinance shall be in full force and effect thirty days after its passage and adoption.

*   *   *   *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2021, by the following vote:

AYES:
NOES:
ABSENT:

153   Ordinance No. 663

ABSTAIN:

_____
Karen Cunningham, Mayor

ATTEST:

_____
Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

_____
Thomas R. McMorrow, City Attorney

Ordinance No. 663

154

SB 1383

Reducing Short-Lived Climate Pollutants in California

An Overview of SB 1383's Organic Waste Reduction Requirements

Presentation Introduction

- SB 1383 (Lara, Chapter 395, Statutes of 2016) is the most significant waste reduction mandate to be adopted in California in the last 30 years.
- SB 1383 requires the state to reduce organic waste [food waste, green waste, paper products, etc.] disposal by 75% by 2025. In other words, the state must reduce organic waste disposal by more than 20 million tons annually by 2025.
- The law also requires the state to increase edible food recovery by 20 percent by 2025.
- This has significant policy and legal implications for the state and local governments.
  1. SB 1383 establishes a statewide target and not a jurisdiction organic waste recycling target.
  2. Given that it is a statewide target and there are not jurisdiction targets, the regulation requires a more prescriptive approach (this is different than AB 939).
     A. CalRecycle must adopt regulations that impose requirements necessary to achieve the statewide targets.
     B. This makes the regulation more similar to other environmental quality regulations where regulated entities, i.e., jurisdictions, are required to implement specific actions, rather than achieve unique targets.
        a. For example AB 32 established GHG reduction targets for the state, and the implementing Cap-and-Trade regulations require businesses to take specific actions.
           i. The individual businesses are not required to achieve a specific target.
           ii. They are required to take actions prescribed by the date.

Overview of Presentation

- Background and Context of SB 1383: Why California passed this law
- SB 1383 Requirements: A big picture look at the law's requirements and objectives
- Jurisdiction Responsibilities: What SB 1383 requires of local governments
  - Provide organic waste collection to all residents and businesses
  - Establish an edible food recovery program that recovers edible food from the waste stream

- Conduct outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and city/county departments
- Capacity Planning: Evaluating your jurisdiction's readiness to implement SB 1383
- Procure recycled organic waste products like compost, mulch, and renewable natural gas (RNG)
- Inspect and enforce compliance with SB 1383
- Maintain accurate and timely records of SB 1383 compliance
- CalRecycle Oversight Responsibilities
- SB 1383 Key Implementation Dates
- SB 1383 Key Jurisdiction Dates

Additional Resources

- CalRecycle's Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions webpage has more information: https://www.calrecycle.ca.gov/Climate/SLCP/
- CalRecycle's SB 1383 Rulemaking webpage as more information about the status of 1383 regulations: https://www.calrecycle.ca.gov/laws/rulemaking/slcp

Organic Waste Is the Largest Waste Stream in California

CALIFORNIA DISPOSED OF APPROXIMATELY **27 MILLION TONS** OF ORGANIC WASTE IN 2017

California's Waste Stream

Paper 18%
Food 18%
Lumber 12%
Other Organics 19%
Non-Organic Waste 33%

IN CALIFORNIA, MILLIONS ARE

FOOD INSECURE

1 IN 8 CALIFORNIANS
1 IN 5 CHILDREN

CALIFORNIA THROWS AWAY **MORE THAN 6 MILLION TONS** OF FOOD WASTE EVERY YEAR!

CalRecycle

- When we are talking about organic waste for the purposes of SB 1383 we are talking about green waste, wood waste, food waste, but also fibers, such as paper and cardboard.
- Organic waste comprises two-thirds of our waste stream.
- Food waste alone is the largest waste stream in California.
    - According to CalRecycle's last waste characterization study in 2014, food waste comprised 18 percent of what we disposed.
- SB 1383 also requires California to recover 20 percent of currently disposed edible food.
    - We currently don't know how much of the food waste stream is edible.
    - CalRecycle is conducting a new waste characterization study in 2018/19 that is taking a closer look at our food waste stream.
    - The results of this study will help determine how much edible food waste is landfilled on average throughout the state.
- Here's what we do know:
    - 1 in 5 children go hungry every night in California – redirecting perfectly edible food that is currently being disposed to feed those in need can help alleviate this.
    - For every 2 ½ tons of food rescued, that's the equivalent of taking 1 car off the road for a year. (https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator)

- Landfilling organic waste leads to the anaerobic breakdown of that material, which creates methane.
- Landfills are responsible for 21% of the state's methane emissions. *Landfills are the third largest producer of methane.*
- Methane is 72 times more potent than Carbon Dioxide (C02) over a 20-year horizon.
- Climate change may seem like a distant problem, but there are other more localized environmental impacts associated with landfill disposal of organic waste that **have immediate negative impacts on our community now**.
    - Landfilling organic waste is a significant source of local air quality pollutants (NOX and PM2.5).
    - These pollutants have an immediate negative impact on the air our community and it can cause respiratory issues and hospitalizations.
    - Diverting organic waste to recycling can significantly reduce these local air quality emissions and the associated negative impacts.

We are starting to see the effects of climate change in cities and counties throughout California.
    - Longer droughts and warmer temperatures are drying our forest and contributing to the ever increasing number of wildfires in CA (which also impact air quality).
    - Cyclical droughts
    - Bigger storms
    - Coastal erosion due to rising sea levels
- We should not underestimate the cost of these climate change impacts.
    - The state and communities are spending billions fighting wildfires, removing debris and rebuilding homes.
    - That means we are paying for the effects of climate change today.
    - The financial and public health impacts are here and **we need to take action to mitigate climate change now**
- That is why the state enacted SB 1383, which is designed to reduce the global warming gasses like methane, which are the most potent and are "short-lived"
- Reducing this gas now, through actions like organic waste recycling will significantly reduce emissions, and will reduce the impacts of climate change in our life time.

Overview of SB 1383:

- SB 1383 establishes aggressive organic waste reduction targets.
- SB 1383 also builds upon Mandatory Commercial Organics Recycling law. Our jurisdiction has been implementing this law since 2016.
- SB 1383 requires Californians to reduce organic waste disposal by 50% by 2020 and 75% by 2025.
    - These targets use the 2014 Waste Characterization Study measurements when 23 million tons of organic waste were disposed.
    - These disposal reductions will reduce at least 4 million metric tons of greenhouse gas emissions annually by 2030.
- Additionally as a part of the disposal reduction targets the Legislature directed CalRecycle to increase edible food recovery by 20 percent by 2025.
    - The food recovery goal is unique.
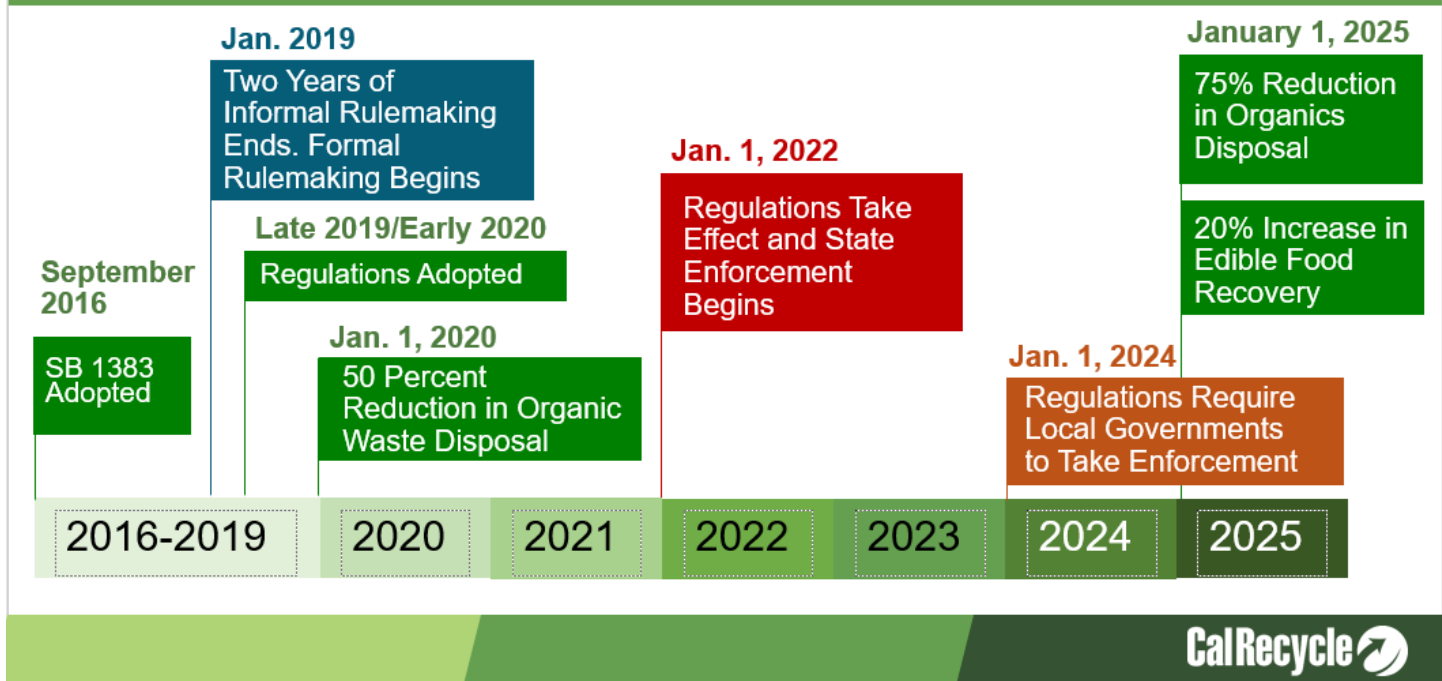
Highlighted here on the slide are the key dates for SB 1383 implementation and milestones.
  1. This law, the targets, and the requirements for CalRecycle to adopt regulations were adopted in September 2016
  2. CalRecycle conducted two years of informal hearings with local governments and stakeholders to develop regulatory concepts.

Formal Rulemaking
  1. CalRecycle started the formal regulation rulemaking January 18, 2019, this is expected to conclude by the end of 2019.

Regulations Take Effect
  1. The regulations will become enforceable in 2022.
      a. **Jurisdictions must have their programs in place on January 1, 2022.**

Jurisdictions Must Initiate Enforcement
  1. **In 2024 Jurisdictions will be required to take enforcement against noncompliant entities.**
  2. Finally, in 2025 the state must achieve the 75 percent reduction and 20 food recovery targets.
  3. To meet the deadline of January 1, 2022, **CalRecycle expects that jurisdictions will be planning and making programmatic and budgetary decisions regarding the requirements in advance of the deadline**.
  4. CalRecycle can begin enforcement actions on jurisdictions and other entities starting on Jan. 1, 2022.
  5. **The enforcement process on jurisdictions is different than under AB 939:**
      a. Like many solid waste and recycling regulations, a regulated entity (such as a city or county) can be issued a violation and be subject to enforcement for failure to comply with any individual aspect of the regulation. This is different from the unique AB 939 enforcement structure where a jurisdiction's overall efforts to achieve specific target are reviewed in arrears
      b. Like most regulatory enforcement programs, the enforcing agency (CalRecycle) will have discretion to determine the level of penalty necessary to remedy any given violation. E.g. A reporting violation may be considered less severe than a failure to provide collection services to all generators.
      c. CalRecycle will consider certain mitigating factors which are specifically enumerated in the regulation. This is not the same as good faith effort but includes similar considerations. The specific nuances regarding requirements for state and local enforcement will be discussed in the later slides.
  • **These timelines mean that we need to start planning now.**

1. To meet the deadline of January 1, 2022, **CalRecycle expects that jurisdictions will be planning and making programmatic and budgetary decisions regarding the requirements in advance of the deadline**.
   a. CalRecycle can begin enforcement actions on jurisdictions and other entities starting on Jan. 1, 2022.
2. This slide outlines the major programmatic activities for jurisdictions and the following slides will cover more details.
3. In 2024 Jurisdictions will be required to take enforcement against noncompliant entities.
   a. There are additional details in the draft regulations regarding the enforcement requirements
4. CalRecycle has some funding through competitive grant programs, as well as a loan program, for establishing the infrastructure for recycling organic waste and recovering edible food. However, for the programmatic activities, such as enforcement, inspections, education, collection we will need to plan for budgetary changes to address these.
   a. In early 2020 CalRecycle will have a number of tools that we can begin utilizing, such as a model enforcement ordinance, franchise agreement models, and education materials. Using the 2018 and 2020 Statewide Waste Characterization Studies, jurisdictions will have data needed to conduct some of the capacity planning requirements.
   b. Although the regulations are not finalized the major components are not expected to change.
   c. We need to **start planning now** to have the programmatic and budgetary changes in place by January 1, 2022.

JURISDICTION RESPONSIBILITIES

Provide Organics Collection Services to All Residents and Businesses

Conduct Education and Outreach to Community

Secure Access to Recycling and Edible Food Recovery Capacity

Establish Edible Food Recovery Program

Procure Recyclable and Recovered Organic Products

Monitor Compliance and Conduct Enforcement

CalRecycle

Jurisdictions will be required to adequately resource these programs:

1. **Provide organic waste collection services to all residents and businesses.**
    A. This means for all organic waste, including green waste, wood waste, food waste, manure, fibers, etc.
    B. Containers have prescribed colors (any shade of grey or black for trash, green for organic waste and blue containers for traditional recyclables)
    C. There are container labeling and contamination monitoring requirements
    D. We need to assess our current collection programs and determine what may need to be, expanded, or changed
2. **Establish edible food recovery program for all Tier 1 and 2 commercial edible food generators**
    A. This means ensuring that there are edible food recovery organizations that have enough capacity
    B. This may entail providing funding to ensure there is adequate capacity and collection services
3. **Conduct education and outreach to all generators**
    A. This will require education to be provided to all generators, and when applicable education may need to be provided in Spanish and other languages.
4. **Our jurisdiction will be required to procure certain levels of compost, renewable gas used for transportation fuels, electricity, heating applications, or pipeline injection, or electricity from biomass conversion produced from organic waste.**
5. **Plan and secure access for recycling and edible food recovery capacity.**
6. **We will be required to monitor compliance and conduct enforcement**
    A. **Monitoring and education must begin in 2022**
    B. **Enforcement actions must start Jan 1, 2024**
7. **We will need to adopt an ordinance, or similarly enforceable mechanism that is consistent with these regulatory requirements prior to 2022.**
8. **Planning in 2019 will be critical to meet the deadline.**

SB 1383 IN ACTION

LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

SB 1383 doesn't just apply to waste management and recycling departments.

Every local department plays a role in SB 1383 implementation.

1. Jurisdictions should start planning now to get ready for SB 1383 implementation.
2. This **law extends beyond directing waste management and recycling operations and staff.**
   a. **Each department will need to understand how SB 1383 impacts their work.**
   b. **Recordkeeping and reporting requirements extend to all of these departments**, and jurisdiction leaders will play a vital role in ensuring compliance with SB 1383.

- **City Councils and Boards of Supervisors** will need to pass local enforcement ordinances to require all residents and businesses to subscribe to these services.
- **City Managers and Chief Administrative Officers** will be involved in capacity planning, directing procurement of recycled organic products like compost and renewable natural gas, and establishing edible food recovery programs.
- **Finance and Legal staff** will be involved in local enforcement ordinances, new collection fees, and ensuring programs are adequately resourced.
- **Purchasing staff** will be central to procuring recycled organic products, including paper.
  - Procure does not necessarily mean purchase, but this department is likely aware of current compost, mulch, RNG, and paper product purchases for the jurisdiction.
- **Public Works staff** are involved with hauler agreements, local waste management processing facilities, and organic waste recycling facilities (like compost and anaerobic digestion facilities). They may also be involved in civil engineering activities where compost may be utilized (as in erosion control along city streets and embankments).
- **Public Parks staff** may be involved with assessing the need for local compost application to parks and city landscaped areas.
- **Environmental Health staff** may be tasked with enforcement duties, including inspecting commercial food generators for compliance with edible food recovery requirements.
- **Public Transportation and Fleet departments** could be involved in procuring renewable natural gas for city and county owned vehicles.

SB 1383 IN ACTION

JURISDICTION REQUIREMENTS

Provide organics collection service to all residents and businesses

Organic Waste Collection Services

Three-Container "source separated" Collection Service
• Organics prohibited from black container
• All organic waste segregated for collection and recycling

Two-Container Collection Service
• One container for collection of segregated organic waste
• One container for collection of mixed waste (subject to 75% organic content recovery standard)

One-Container Collection Service
• One container for collection of mixed waste (subject to 75% organic content recovery standard)

• Minimum contamination monitoring and reduction requirements
• Collection waivers authorized for certain documented circumstances

CalRecycle

- The most basic element of the regulation is that jurisdictions are **required to provide an organic waste collection service to each of their residents and businesses**.
- The regulations also **require all residents and businesses to use an organic waste recycling service that meets the regulatory requirements**.
- Jurisdictions must have enforceable requirements on its haulers that collect organic waste in the jurisdiction, and also for commercial and residential generators and self-haulers.
- There is a lot of detail regarding the types of allowable collection programs (several pages of regulatory text dedicated just to this). These are the high level requirements.
    - **Each resident and business**, must subscribe to an organic waste collection service that either "source-separates" the waste (e.g. separate bins), or transports all unsegregated waste to a facility that recovers 75 percent of the organic content collected from the system.
    - The regulations allow for a menu of collection options.
        - A one-can system – you'll be responsible for ensuring that all contents are transported to a facility that recovers 75% of organic content
        - A two-can system – at least one of the containers (whichever includes organic waste and garbage) must be transported to a facility that recovers 75% of organic content
        - A three-can system – organic waste is required to be source separated (paper in blue, food and yard in green).   No recovery rate
        - The three-can option also allows additional separation at the hauler/generators discretion… For example some jursidictions provided separate containers for yard (green) and food (brown) waste so they can be managed separately
- The same rules will apply to entities not subject to local control, and CalRecycle will oversee State Agencies, UCs, CSUs, Community Colleges, K-12 schools and other entities not subject to local oversight.

164

SB 1383 requires that we strengthen our existing infrastructure for edible food recovery and food distribution.

Jurisdictions – are responsible to implement Edible Food Recovery Programs in their communities. Even in communities where existing infrastructure already exists, there are new recordkeeping and inspection tasks that will need to be implemented.

- **Assess Capacity of Existing Food Recovery**
- **Establish Food Recovery Program (And Expand Existing Infrastructure if necessary)**
- **Inspect Commercial Generators for Compliance**
- **Education and Outreach**

Jurisdictions should get a **head start on 1383 implementation by assessing the infrastructure that currently exists within your community**. Jurisdictions need to assess the following:

- How many commercial generators do you have? How much edible food could they donate?
- How many food recovery organizations exist, and what is their capacity to receive this available food?
- What gaps do we have in our current infrastructure and what do we need to do to close them?
- How can we fund the expansion of edible food recovery organizations? (Grants, partnerships, sponsorships, etc.)
- What partnerships currently exist and what new partnerships need to be established?
  - ➢ CalRecycle will be developing some tools to assist jurisdictions with this assessment.

Jurisdictions must conduct education and outreach to:
1. **All businesses and residents** regarding collection service requirements, contamination standards, self-haul requirements, and overall compliance with 1383
2. **Commercial edible food generators** regarding edible food donation requirements, and available edible food recovery organizations

Educational material must be linguistically accessible to our non-English speaking residents.

- Each jurisdiction will have a minimum procurement target that is linked to its population. CalRecycle will notify jurisdictions of their target Prior to January 1, 2022
    - The jurisdiction can decide what mix of compost, mulch, biomass derived electricity, or renewable gas they want to use to meet their target.
    - CalRecycle will provide a calculator with the conversion factors for compost/renewable gas/electricity from biomass conversion made from organic waste for a jurisdiction to use to calculate progress towards meeting their target.
- **Procurement doesn't necessarily mean purchase**.
    - A jurisdiction that produces its own compost, mulch, renewable gas, or electricity from biomass conversion can use that toward the procurement target. Same goes for the jurisdiction's direct service providers (for example, its haulers).
        - A jurisdiction can use compost or mulch for erosion control, soil amendment, soil cover, parks/open spaces, giveaways.
        - A jurisdiction can use renewable gas to fuel their fleets, or a jurisdiction's waste hauler could use renewable gas to fuel their trucks. Renewable gas can be used for transportation fuels, electricity, or heating applications.
    - SB 1383 also **requires that jurisdictions procure recycled-content paper when it is available at the same price or less then virgin material.**
    - Finally procured paper products must meet FTC recyclability guidelines (essentially products we purchase must be recyclable).

Construction & Landscaping Requirements

Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects

Model Water Efficient Landscape Ordinance (MWELO) requirements for compost and mulch application.
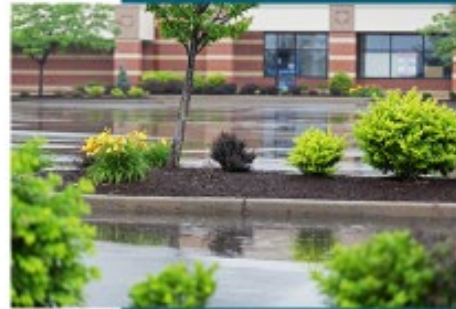
CalRecycle

Jurisdictions will have to adopt and ordinance or other enforceable requirement that requires compliance with CalGreen and Water Efficient Landscape Ordinance requirements (California Code of Regulations Title 24, Part 11):

- Providing readily accessible areas for recycling containers in commercial and multi-family units
- Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects
- Require new construction and landscaping projects to meet Water Efficient Landscape requirements for compost and mulch application.

ORGANIC WASTE RECYCLING INFRASTRUCTURE

SB 1383 Requires 50-100 New or Expanded Organic Waste Recycling Facilities

CalRecycle

In California today we have about 180 compost facilities with 34 of them accepting food waste.
- We have 14 AD facilities accepting solid waste.
- There is also a significant number of Waste Water Treatment Plants that could be leveraged to use for co-digestion of food waste.
- It will take a significant number of new facilities to recycle an additional 20-25 million tons of organic waste annually. CalRecycle estimates we will need 50-100 new or expanded facilities (depending on the size of each new facility this number could fluctuate).

SB 1383 in Action

Capacity Planning

Evaluating Current Infrastructure and Planning New Compost and AD Facilities and Edible Food Recovery

CalRecycle

Key Points:
1. **Each jurisdiction must plan for adequate capacity for recycling organic waste and for edible food recovery**
   A. For edible food recovery capacity each jurisdiction must plan to recover 20 percent of the edible food for human consumption, must identify Tier 1 and 2 commercial edible food generators, and funding for edible food recovery infrastructure
2. Each county will lead this effort by coordinating with the cities in the county to estimate existing, new and/or expanded capacity.
3. Counties and cities must demonstrate that they have access to recycling capacity through existing contracts, franchise agreements, or other documented arrangements.
4. There are requirements for each jurisdiction to consult with specified entities to determine organic waste recycling capacity, such as the Local Enforcement Agency, Local Task Force, owners/operators of facilities, community composting operations, and from citizens, such as disadvantaged communities, i.e., to discuss the benefits and impacts associated with expansions/new facilities.
5. For edible food recovery the county and city must contact edible food recovery organizations that serve the jurisdiction to determine how much existing, new and/or planned capacity if available.
6. If capacity cannot be guaranteed, then each jurisdiction within the county that lacks capacity must submit an implementation schedule to CalRecycle that includes specified timelines and milestones, including funding for the necessary recycling or edible food recovery facilities.
7. The County must collect data from the cities on a specified schedule and report to CalRecycle. Cities are required to provide the required data to the County within 120 days.
   A. **Start year for planning and reporting is 2022 – that report must cover 2022-2025.**
   B. Subsequent reports will be due every 5 years, and will plan for a 10-year horizon

SB 1383 IN ACTION

INSPECTION AND ENFORCEMENT REQUIREMENTS

Monitor Compliance and Conduct Enforcement

JURISDICTION REQUIREMENTS

Ordinance 2022

Adopt an Ordinance (Enforceable Mechanism)

Including Enforcement

Compliance Monitoring & Education 2022-2024

Annual Compliance Reviews, Route Reviews, Inspections

Educate Violators

Compliance Monitoring & Enforcement 2024

Annual Compliance Reviews

Route Reviews, Inspections,

Notice of Violations,

Penalties for Violators

CalRecycle

- **By January 1, 2022**, Jurisdictions are required to have:

  - An enforcement mechanism or ordinance in place, yet they are not required to enforce until 2024.

- **Between Jan 2022 and Dec 2023**, jurisdictions need to:

  - Identify businesses in violation and provide educational material to those generators

    - **The focus during the first 2 years is on educating generators.**

    - **The goal is to make sure every generator has an opportunity to comply before mandatory jurisdiction enforcement comes into effect in 2024.**

    - **The regulations allow 2 years for education and compliance**.

- **After January 2024**, jurisdictions shall take progressive enforcement against organic waste generators that are not in compliance.

  - The progressive approach allows for notification to the generator and provides ample time for the generator to comply before penalties are required to be issued by the jurisdiction.

  - CalRecycle sets a maximum timeframe that a jurisdiction has to issue a Notice of Violation and issue penalties to a generator.

  - The jurisdiction has the flexibility to develop its own enforcement process within these parameters.

    - When a Jurisdiction determines a violation occurred the jurisdiction is required to, at a minimum:

- Issue a Notice of Violation within 60 days of determining a violation.

- If the generator still has not complied within 150 days from the issuance of the Notice of Violation, then the jurisdiction is responsible to issue penalties

  - The 150 days, between the Notice and Violation and the penalty phase, allows the jurisdiction to use other methods to achieve compliance prior to being required to issue penalties. Therefore, only the most recalcitrant violators will need to be fined.

  - The regulations allow a generator to be out of compliance for a total 210 days, before penalties must be issued.

- The regulations set a minimum penalty amount of at least $50 for the first offense within one year and can go up to $500 a day for multiple offenses occurring within one year.

- **An early robust education program will minimize the amount of future enforcement action needed**

JURISDICTION ENFORCEMENT REQUIREMENTS

Must Have Enforcement and Inspection Program that Includes:
- Annual Compliance Review
  - Commercial Businesses that Generate ≥ 2 Cubic Yards/week
  - Verify Businesses are:
    - Subscribed to Service or Self-hauling

- 2 or 3 Container Collection Service: Route Reviews of Commercial/Residential Areas to Verify Service and Inspect for Contamination

- Single Unsegregated Collection Service: Verify Businesses are subscribed to a service that is Transporting Contents to a High Diversion Organic Waste Processing Facility

Requirements Harmonize with AB 1826 and Don't Establish a Minimum Quantity of Physical Inspections

CalRecycle

- If a Jurisdiction is using a 3- or 2-bin organic waste collection service they are required to do:

  - **Annual compliance review of commercial businesses just as we should be doing now with AB 1826 Mandatory Commercial Recycling**

    - Commercial businesses that generate 2 CY or more per week of solid waste (trash, recycling, organics),

      - Note: commercial businesses include multi-family dwellings of five units or more

    - This can be a desk audit to review reports from our haulers to verify that service is provided or that they are complying through self-hauling or backhauling

  - **2- or 3-Collection Service**:

    - **Route reviews:** We are supposed to conduct route reviews of commercial businesses and residential areas. The route reviews check for:

      - Verifying subscription (validating the desk review)

        - This entails seeing that the business has the appropriate external containers.

        - If a business does not use the hauler's service, then verifying the business is self-hauling would be necessary. As noted earlier this is same type of action that AB 1826 already requires

- Note: This random inspection of routes does <u>not</u> require going inside a business to verify that the business has appropriate containers/labels inside of the business.

- **Monitoring for contamination on**

  - Randomly selected containers, and ensuring all collection routes are reviewed annually and that contamination is being monitored in the collection containers and education is provided if there is an issue

    OR

  - A jurisdiction has the option of conducting waste composition studies every six months to identify if there are prohibited container contaminants. If there is more than 25 percent prohibited container contaminants, then additional education must be provided

- The Route Reviews can be done by our hauler(s)

- **Single Unsegregated Collection Service**: Same as the 2- or 3-bin service except:

  - We will need to verify with our hauler(s) that the contents are transported to a high diversion organic waste processing facility and that the facility is meeting the requirements of the organic content recovery rate

    - Note: The department will be identifying in the future what facilities are high diversion organic waste processing facilities as the facilities will be reporting to CalRecycle.

  - There are no route reviews required

JURISDICTION ENFORCEMENT REQUIREMENTS ON COMMERCIAL FOOD GENERATORS

Must Have Enforcement and Inspection Program that Includes:
- Inspections to verify:
  - Edible food Recovery arrangements
- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections

CalRecycle

Edible Food Recovery Program
- These types of inspections will be new for our jurisdiction.
- We will need to plan resources to conduct these inspections.
  - We might consider partnering with Health Inspectors that are already visiting food generators.
- Inspections on Tier One edible food generators in 2022 and Tier Two in 2024
  - Verify they have arrangements with a food recovery organization
  - Verify that the food generators are not intentionally spoiling food that can be recovered

- •Our jurisdiction will have to maintain all information in an Implementation Record.
    - • Many sections require a minimum level of recordkeeping such as "ordinances, contracts, and franchise agreements".
    - • This graphic is a snapshot of items to be kept in the Implementation Record.
    - • CalRecycle staff may review the implementation record as part of an audit of our program.
- • The Implementation Record needs to be stored in one central location
    - • It can be kept as a physical or electronic record
    - • It needs to be accessible to CalRecycle staff within ten business days
    - • It needs to be retained for five years

Enforcement – CalRecycle will authorize low population and rural area waivers. In the case of entities such as public universities, which may be exempt from local solid waste oversight**,** CalRecycle will be directly responsible for ensuring compliance. This will be monitored through CalRecycle's existing state agency monitoring process.

CalRecycle will be evaluating a Jurisdiction's Compliance.

For example:
- Verifying that all organic waste generators have service
- Jurisdictions are providing education
- Issuing Notices of Violation within the correct timeline

SB 1383 is a Statewide target and not a jurisdiction organic waste diversion target. Unlike with AB 939 where there was a specified target for each jurisdiction, SB 1383 prohibits a jurisdiction target. Due to this structure:
- The regulations require a more prescriptive approach, and establishes state minimum standards.
- Jurisdictions will have to demonstrate compliance with each of the prescriptive standards **rather than the determination of a Good Faith Effort**, which uses a suite of indicators to determine if a jurisdiction is actively trying to implement programs and achieve targets

Under the SB 1383 regulations if CalRecycle determines a jurisdiction is violating one or more of the requirements,
- A jurisdiction will be noticed and will have 90 days to correct.
- Most violations should be able to be corrected in this timeframe. For cases where the jurisdiction may need a little additional time, the timeframe can be expanded to 180 days
- **For violations that are due to barriers outside the jurisdictions control and which may take more time to correct, the** regulations allow for the jurisdiction to be placed on a Corrective Action Plan (CAP), allowing up to 24 months to comply. In these cases, it must be apparent that the jurisdiction has

taken substantial effort to comply but cannot due to extenuating circumstances (such as a lack of capacity, disaster).

- An initial corrective action plan issued due to inadequate capacity of organic waste recovery facilities may be extended for a period of up to 12 months if the jurisdiction meets the requirements and timelines of its CAP and has demonstrated substantial effort to CalRecycle.

The Corrective Action Plan [or CAP] is modeled off of the Notice and Order Process that is used for noncompliance at solid waste facilities, where a number of steps or milestones must be taken by the solid waste facility operator prior to being able to fully comply.

Regarding eligibility for a CAP failure of a governing body to adopt and ordinance, or adequately fund/resource a program IS NOT *considered substantial effort or an Extenuating Circumstan*ce and will not allow a violation to be subject to a Corrective Action Plan.

H.

Jurisdictions are encouraged to participate in the 1383 regulatory process.

File Attachments for Item:

I. Adopt Ordinance 664, waiving second reading, adding Chapter 3.13 "Recovered Organic Waste and Recycled-Content Paper Procurement Policy" to the Brisbane Municipal Code

CITY COUNCIL AGENDA REPORT

Meeting Date: October 7, 2021

From: Director of Public Works/City Engineer

Subject: Ordinance 664 – Recovered Organic Waste Procurement

Recommendation

Adopt Ordinance No. 664, waiving second reading, adding Chapter 3.13 "Recovered Organic Waste and Recycled-Content Paper Procurement Policy" to the Brisbane Municipal Code.

Background

This ordinance was introduced at the regular City Council meeting held on September 23, 2021, and was passed unanimously with no requested changes.

Attachments

1.   September 23, 2021 staff report, including Ordinance No. 664

_____
Randy L. Breault, Public Works Director

_____
Clayton L. Holstine, City Manager

CITY COUNCIL AGENDA REPORT

Meeting Date: September 23, 2021

From: Director of Public Works/City Engineer

Subject: Ordinance 664 – Recovered Organic Waste Procurement

Community Goal/Result

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability

Purpose

To revise the Brisbane Municipal Code (BMC) so that the City is in full compliance with state recycling laws.

Recommendation

Introduce Ordinance No. 664, waiving first reading, adding Chapter 3.13 "Recovered Organic Waste and Recycled-Content Paper Procurement Policy" to the Brisbane Municipal Code.

Background

The language in the next two paragraphs and the numbered list is copied verbatim from the July 15, 2021 staff report to City Council on "Preview of SB 1383 Requirements".

SB 1383 (Lara, 2016) is a prescriptive organic waste reduction mandate intended to reduce short-lived climate pollutants (primarily methane) that are produced from the degradation of organics in landfills. While the prescriptive nature of this law provides less leeway in the actions cities may take, it is generally seen as an improvement over AB 939 (California Integrated Waste Management Act, Sher, 1989), which simply mandated that cities reduce their diversion of solid waste to landfills by 50 percent.

There is an exceptionally detailed presentation provided by the California Department of Resources Recycling and Recovery ("CalRecycle") attached to this report for the interested reader. In simplest terms, the efforts required of the city and its solid waste franchisees are as follows:

1. Provide organic collection to ALL residents and businesses
2. Participate in an edible food recovery program
3. Conduct education and outreach
4. Procure recyclable and recovered organic products
5. Monitor compliance and conduct enforcement

Items 1-3 and 5 above will be met through the adoption of Ordinance 663, which is also on the Council's agenda for this date.

The specific requirements of item 4 include the procurement of recovered organic waste (e.g., specified mulch products, renewable gas, and electricity procured from biomass conversion) and the purchase of recycled content paper products.

CalRecycle will establish targets for procurement (or giveaway) of recovered organic waste products for each city and county. Brisbane is anticipated to meet all of its target through the credit we receive for South San Francisco Scavenger Company's bioconversion of the city's "green barrel" (food scraps, solid paper and yard waste) solid waste collection into renewable compressed natural gas (RNG).

Discussion

Ordinance 664 was drafted following a template provided by CalRecycle. The language therein reflects the requirements found in multiple Assembly and Senate bills and acts, and as such, the city has little discretion in deciding whether to adopt these requirements.

Fiscal Impact

There is no anticipated impact to the city or its residents as a result of implementing this ordinance. As noted, the city already benefits from the conversion of green barrel waste to RNG. Additionally, the city's Climate Action Plan includes the practice of purchasing recycled content paper products, and BMC §3.12.070 G includes the same cost premium preference for sustainable purchases that is referenced in ordinance 664.

Attachments

1. Ordinance No. 664

Measure of Success

The City's complete compliance with SB 1383, with the associated end result of a reduction in landfill methane production.

_____
Randy L. Breault, Public Works Director

_____
Clayton L. Holstine, City Manager

ORDINANCE NO. 664

AN ORDINANCE OF THE CITY OF BRISBANE
ADDING CHAPTER 3.13 TO THE MUNICIPAL CODE
PERTAINING TO RECOVERED ORGANIC WASTE AND
RECYCLED-CONTENT PAPER PROCUREMENT POLICY

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1:   **Chapter 3.13 is hereby added to Title 3 of the Municipal Code:**

§3.13.010 - Purpose and Findings

A. It is the policy of the City, applicable to all departments and divisions, to incorporate environmental considerations including recycled-content and recovered Organic Waste product use into purchasing practices and procurement. This Recovered Organic Waste Product Procurement Policy (Policy) will help the City to:

1. Protect and conserve natural resources, water, and energy;

2. Minimize the City's contribution to climate change, pollution, and solid waste disposal; and,

3. Comply with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations) to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

B. The procedures for the purchase of Recovered Organic Waste Products and Recycled-Content Paper Products shall comply fully with the requirements specified in Chapter 3.12 of the Brisbane Municipal Code.

§3.13.020 – Definitions

A. "Annual Recovered Organic Waste Product Procurement Target" means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the City is required to procure annually under 14 CCR Section 18993.1. This target shall be calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, times the City's residential population using the most recent annual data reported by the California Department of Finance. Annually, CalRecycle will provide notice to each City of its Annual

184   Ordinance No. 664

Recovered Organic Waste Product Procurement Target by posting such information on CalRecyle's website and providing written notice directly to the City.

B. "City" means the City of Brisbane.

C. "City Enforcement Officer" means any city employee or employee of a contracting agency, including the county, or any agent of the city, having the authority to enforce any applicable law.

D. "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

   Compost eligible for meeting the Annual Recovered Organic Waste Product Procurement Target must be produced at a compostable material handling operation or facility permitted or authorized under 14 CCR Chapter 3.1 of Division 7 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall meet the State's composting operations regulatory requirements.

E. "Direct Service Provider" means a person, company, agency, district, or other entity that provides a service or services to City pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

F. "Electricity Procured from Biomass Conversion" means electricity generated from biomass facilities that convert recovered Organic Waste, such as wood and prunings from the municipal stream, into electricity. Electricity procured from a biomass conversion facility may only count toward the City's Annual Recovered Organic Waste Product Procurement Target if the facility receives feedstock directly from certain permitted or authorized compostable material handling operations or facilities, transfer/processing operations or facilities, or landfills, as described in 14 CCR Section 18993.1(i).

G. "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing And Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.

H. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

I. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other

uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

J. "Procurement of Recovered Organic Waste Products" shall mean purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the City or others. The City's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the City or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the City's behest.

K. "Publicly-Owned Treatment Works" or "POTW" has the same meaning as in Section 403.3(r) of Title 40 of the Code of Federal Regulations.

L. "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

M. "Recordkeeping Designee" means the public employee appointed by the City Manager or their designee to track procurement and maintain records of Recovered Organic Waste Product procurement efforts both by the City and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.

N. "Recyclability" means that the Paper Products and Printing and Writing Paper offered or sold to the City are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).

O. "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

P. "Renewable Gas" means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

Q. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.

~ 3 ~

Ordinance No. 664

R. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.

S. "SB 1383 Eligible Mulch" means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

1. Produced at one of the following facilities:

   a. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);

   b. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,

   c. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3.

3. The City and/or its Recordkeeping Designee may only count mulch as a Recovered Organic Waste Product to meet its Annual Recovered Organic Waste Procurement Target if said mulch meets the standards specified in paragraphs 1 and 2 above.

T. "State" means the State of California.

§3.13.030 – Recovered Organic Waste Product Procurement

A. Procurement Target

1. City will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target through the implementation of §3.13.030 - §3.13.050 of this ordinance.

2. To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following (provided that each

product meets the criteria included in their respective definition in §3.13.020 of this ordinance):

   a. SB 1383 eligible Compost (as defined in §3.13.020.D of this ordinance).

   b. SB 1383 Eligible Mulch (as defined in §3.13.020.S of this ordinance).

   c. Renewable Gas (in the form of transportation fuel, electricity, or heat) (as defined in §3.13.020.P of this ordinance).

   d. Electricity Procured from Biomass Conversion (as defined in §3.13.020.F of this ordinance).

B. Requirements for City Departments

   1. Compost and SB 1383 Eligible Mulch procurement. Divisions and departments responsible for landscaping, maintenance, renovation, or construction shall:

      a. Use eligible Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste for landscaping, maintenance, renovation, or construction, as practicable, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

      b. When City uses eligible Compost and SB 1383 Eligible Mulch and the applications are subject to the City's Water Efficient Landscaping Ordinance (WELO), pursuant to Chapter 15.70 of the Brisbane Municipal Code, comply with one of the following, whichever is more stringent, (i) the City's WELO, Chapter 15.70 of the Brisbane Municipal Code, if more stringent than the State's Model Water Efficient Landscape Ordinance (MWELO), or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section" to include the following:

         (i) For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

         (ii) Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide

Ordinance No. 664

habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.

(iii) Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

(iv) For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

c. Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee on a schedule to be determined by Recordkeeping Designee. Records shall include:

(i) General procurement records, including:

(a) General description of how and where the product was used and applied, if applicable;

(b) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

(c) Type of product;

(d) Quantity of each product; and,

(e) Invoice or other record demonstrating purchase or procurement.

(ii) For eligible Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to the Recordkeeping Designee in accordance with the requirements specified in §3.13.030.B.1.c of this ordinance.

(iii) For procurement of SB 1383 Eligible Mulch, maintain an updated copy of the ordinance or enforceable mechanism(s) requiring that the mulch procured by the City or Direct Service Provider meets the land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time.

189   Ordinance No. 664

d. When Procurement of Recovered Organic Waste Products occurs through a Direct Service Provider, enter into a written contract or agreement or execute a purchase order with enforceable provisions that includes: (i) definitions and specifications for SB 1383 Eligible Mulch, eligible Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion; and, (ii) an enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements.

2. Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications). For Renewable Gas procurement, City shall:

a. Procure Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for the City and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.

b. Keep records in the same manner indicated in §3.13.030.B.1.c of this ordinance for the amount of Renewable Gas procured and used by the City, including the general procurement record information specified in §3.13.030.B.1.c.(i) of this ordinance, and submit records to the Recordkeeping Designee on a schedule to be determined by Recordkeeping Designee, which shall be no less than annually. City shall additionally obtain the documentation and submit records specified in §3.13.030.B.2.c of this ordinance below, if applicable.

c. If the City procures Renewable Gas from a POTW;

(i) Annually verify that the Renewable Gas from the POTW complies with the requirements specified in 14 CCR Section 18993.1(h), including, but not limited to the exclusion in 14 CCR Section 17896.6(a)(1) and the items listed in §3.13.030.B.2.c of this ordinance.

(ii) Annually receive a record from the POTW documenting the tons of Organic Waste received by the POTW from: (i) a compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10), that is permitted or authorized under 14 CCR Division 7; (ii) transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or (iii) a solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

(iii) Annually receive documentation from the POTW of the percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal in order to demonstrate that the POTW

transported less than twenty-five percent (25%) of the biosolids it produced to activities that constitute landfill disposal. For the purposes of this Policy, landfill disposal is defined pursuant to 14 CCR Section 18983.1(a) and includes final disposition at a landfill; use of material as alternative daily cover or alternative intermediate cover at a landfill, and other dispositions not listed in 14 CCR Section 18983.1(b). Alternative daily cover or alternative intermediate cover are defined in 27 CCR Sections 20690 and 20700, respectively.

(iv) Annually receive documentation that the POTW receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW treatment plant wastewater to demonstrate that the POTW meets the requirement of 14 CCR Section 18993.1(h)(2).

(v) City shall submit these records to the Recordkeeping Designee on a schedule to be determined by Recordkeeping Designee, which shall be no less than annually after receipt of notification from the POTW.

3. Electricity Procured from Biomass Conversion. For Electricity Procured from Biomass Conversion, City shall:

a. Procure electricity from a biomass conversion facility that receives feedstock from a composting facility, transfer/processing facility, a solid waste landfill, and/or receives feedstock from the generator or employees on behalf of the generator of the Organic Waste and to the degree that it is available and practicable for the City and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.

b. Maintain records and conduct the following recordkeeping activities:

(i) Keep records in the same manner indicated in §3.13.030.B.1.c of this ordinance of this Policy for the amount of Electricity Procured from Biomass Conversion facilities, including the general procurement record information specified in §3.13.030.B.1.c.(i) of this ordinance.

(ii) Receive written notification by an authorized representative of the biomass conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 14 CCR Section 18993.1(i).

(iii) Provide these records to the Recordkeeping Designee.

C. Requirements for Direct Service Providers

1. Direct Service Providers of landscaping maintenance, renovation, and construction shall:

a. Use eligible Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

b. If Direct Service Provider is subject to the City's WELO pursuant to Chapter 15.70 of the Brisbane Municipal Code, comply with one of the following, whichever is more stringent: (i) the locally-adopted WELO that is more stringent than the State's MWELO, or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's MWELO, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section" to include the following:

   (i) For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

   (ii) Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.

   (iii) Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

   (iv) For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

c. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping Designee, on a schedule to be determined by Recordkeeping Designee. Information to be provided shall include:

192   Ordinance No. 664

(i) General description of how and where the product was used and if applicable, applied;

(ii) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

(iii) Type of product;

(iv) Quantity of each product; and,

(v) Invoice or other record demonstrating purchase or procurement.

2. Renewable Gas procurement by Direct Service Providers

a. Subject to force majeure events that are beyond their control (such as the interruption of third-party supplies or facility shutdowns that are not their fault), Direct Service Providers transporting solid waste, organic materials, and/or recyclable materials shall procure at least seventy-five percent (75%) of their fuel as Renewable Gas and will be required to do so in all RFPs and RFQs released by the City for such services unless they are already required to do so by permit, license, written agreement, or written contract with the City.

b. Departments releasing RFPs and RFQs for contractors that procure fuel in the course of their services to the City shall include a ten percent (10%) price preference to contractors that propose to use the amount or percentage of Renewable Gas specified in the RFP or RFQ to be eligible for said price preference. Such use, if it occurs, shall be documented in a written contract or agreement.

c. If Renewable Gas made from recovered Organic Waste is used by Direct Service Providers, Direct Service Providers shall submit information listed below on a schedule to be determined by Jurisdiction, but not less than annually to the Recordkeeping Designee.

(i) Dates Provided

(ii) Source of product including name, physical location and contact information for each entity, operation or facility from whom the Recovered Organic Waste Products were procured;

(iii) Type of product;

(iv) Quantity provided; and,

(v) Invoice or other record or documentation demonstrating purchase, procurement, or transfer of material to giveaway location.

193 Ordinance No. 664

d. Renewable Gas used by Direct Service Providers under §3.13.030.C.2.a & b of this ordinance shall comply with criteria specified in 14 CCR Section 18993.1.

§3.13.040 – Recycled-Content Paper Procurement

A. Requirements for City Departments

1. If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of City shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever the total cost is the same or a lesser total cost than non-recycled items or whenever the total cost is no more than ten to twenty percent (10-20%) of the total cost for the non-recycled items, consistent with the requirements of the City's Procurement Standards, BMC §3.12.070.G.3 and Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

2. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

3. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases on a schedule to be determined by Recordkeeping Designee (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in §3.13.040.B.1.c & d of this ordinance for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

B. Requirements for Vendors

1. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to City shall:

a. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and available at equal or lesser price or available at no more than ten to twenty percent (10-20%) of the total cost for non-recycled Paper Products, consistent with the requirements of the City's Procurement Standards, BMC §3.12.070.G.3.

Ordinance No. 664

b. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

c. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

d. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

e. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor on a schedule to be determined by Recordkeeping Designee (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in §3.13.040.B.1.c & d of this ordinance for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

2. All vendors providing printing services to the City via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

§3.13.050 – Recordkeeping Responsibilities

A. The Department of Public Works, Sustainability Division, will be the responsible department and will select an employee to act as the Recordkeeping Designee that will be responsible for obtaining records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

B. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:

1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper

Ordinance No. 664

Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of City's documentation of its compliance with 14 CCR Section 18993.3.

2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the City to develop evidence of City meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.1.

3. Collect, collate, and maintain documentation submitted by the City, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with §3.13.030.B.1.c, §3.13.030.B.2.b., §3.13.030.B.3.b, §3.13.030.C.1.c, §3.13.030.C.2.c, §3.13.040.A.3, and §3.13.040.B.1.e of this ordinance

4. Compile an annual report on the City's direct procurement, and vendor/other procurement on behalf of the City, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the City's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with the Brisbane City Council annually as evidence of implementing this Policy.

§3.13.060 – Effective Date of Policy

This Policy shall go into effect January 1, 2022.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent City to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section,

Ordinance No. 664

subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3:   This Ordinance shall be in full force and effect January 1, 2022.

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Karen Cunningham, Mayor

ATTEST:

_____
Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

_____
Thomas R. McMorrow, City Attorney

File Attachments for Item:

J. Approve Resolution No. 2021-67, adopting the "Second Revised and Restated Joint Exercise of Powers Agreement San Mateo County Operational Area Emergency Services Organization"

CITY COUNCIL AGENDA REPORT

Meeting Date: October 7, 2021

From: Director of Public Works/City Engineer

Subject: Resolution No. 2021-67

Community Goal/Result: Safe Community

Purpose

To obtain Council approval of the amended Joint Exercise of Powers Agreement for the San Mateo County Operational Area Emergency Services Organization. The recommended action is consistent with the community's value of safety; specifically, planning for assistance to be available and planning to minimize the impacts of emergency events.

Recommendation

Approve Resolution No. 2021-67, adopting the "Second Revised and Restated Joint Exercise of Powers Agreement San Mateo County Operational Area Emergency Services Organization".

Background

The City of Brisbane has been a member of this emergency services organization since its founding, with revisions to the Joint Powers Agreement (JPA) made in 1997 and 2014.

The Office of Emergency Services (OES) was transferred from the Office of the Sheriff to the County Manager, and become the Department of Emergency Management on July 1, 2021. This transfer necessitated changes to the Joint Exercise of Powers Agreement governing the OES.

Discussion

The primary revisions to the JPA as a result of this amendment are:

In 2020, the San Mateo County Sheriff's Office of Emergency Services was transferred into the San Mateo County Department of Emergency Management (DEM). The DEM is a division within the County Manager's Office. This JPA revision identifies the County Manager or their designee as the Director of DEM and the DEM as responsible for the on-going operation of the San Mateo County Operational Area.

This revised JPA also removes a list of common terminology definitions included in the previous JPA. Current best practices in emergency management subscribes to the use of the National Incident Management System (NIMS) and the use of NIMS terminology and definitions which is consistent nationwide and meets federal standards.

This revised JPA will also remove the supplemental agreement included in Attachment A of the 2014 JPA. This item is no longer necessary as all member agencies participate in the San Mateo County Emergency Managers Association, which assures the readiness of member agencies to respond in an emergency and meet the basic functional needs of the communities of San Mateo County during a disaster.

This revised JPA was initially presented at the April 15, 2021, Emergency Services Council (ESC) meeting. After additional suggested revisions were added, this JPA was voted upon and approved at the June 17, 2021 meeting of the ESC.

Fiscal Impact

The funding formula that prescribes how much each agency will pay to the JPA is unchanged by this Amendment.

Measure of Success

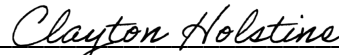The efficient and timely provision of emergency services during a disaster.

Attachments

1. Second Revised and Restated Joint Exercise of Powers Agreement San Mateo County Operational Area Emergency Services Organization
2. Resolution No. 2021-67
3. March 17, 2014 staff report for First Amendment to JPA

_____
Randy L. Breault, Public Works Director

_____
Clayton L. Holstine, City Manager

Second Revised and Restated
Joint Exercise of Powers Agreement
San Mateo County Operational Area Emergency Services Organization

THIS JOINT POWERS AGREEMENT ("Agreement") is made as of the Effective Date by and between the public entities set forth below, creating the San Mateo County Operational Area Emergency Services Organization Authority ("Organization").

Each public entity executing this Agreement shall be referred to individually as a "Member Agency," with all referred to collectively as "Member Agencies."

RECITALS

Whereas the Member Agencies' goal is to establish a unified emergency services organization; and

Whereas the Member Agencies agree that the purpose of this Organization will be to operate pursuant to Presidential Directive 5, the National Response Framework, National Incident Management System (NIMS), Presidential Directive 8, the National Preparedness Goal and California's Standardized Emergency Management System (SEMS) and local adopted Emergency Operations Plans and Annexes.

Whereas the Member Agencies agree that the participants within this Organization may include all local governments within the geographic area of the County, special districts, unincorporated areas, and participating non-governmental entities; and

Whereas the Member Agencies agree that the collective goal is to provide coordinated plans for the protection of persons and property based on the phases of emergency management; and

Whereas the Member Agencies have the authority to enter into this Agreement under the Joint Exercise of Powers Act, California Government Code Section 6500 *et seq.* ("Act").

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Member Agencies as herein contained, the Member Agencies agree as follows:

Article I - GENERAL PROVISIONS

1.01 Purpose
This Agreement creates an entity to exercise the powers shared in common by the Member Agencies to engage in local and regional cooperative planning and coordination and delivery of incident and event supporting services. As part of this Organization's purpose, Member Agencies seek to meet or exceed the current standard of service in Emergency Response Planning and Management Capabilities within the Operational Area. Further, Member Agencies seek to support the regional Public Information and Notification Systems, and to support the regional hazardous materials emergency response program. Such purposes are to be accomplished and the Members Agencies' common powers exercised as set forth in this Agreement.

1.02 Creation of Authority
Pursuant to the Joint Exercise of Powers Act, the Member Agencies hereby reaffirm creation of a public entity to be known as the "San Mateo County Operational Area Emergency Services Organization Authority" ("Organization.") The Organization shall be a public entity separate and apart from the Member Agencies. The geographic jurisdiction of the Organization is all territory within the geographic boundaries of the Member Agencies; however, the Organization may undertake any action outside those geographic boundaries as is necessary and incidental to accomplishing its purpose.

1.03 Membership in the Organization
Membership in the Organization is limited to public entities, as defined by the Joint Exercise of Powers Act, located or operating within San Mateo County that have approved and executed this Agreement, and contributed resources of any kind toward establishing and supporting the Organization (including, but not limited to financial, personnel, equipment, or other resources) as approved by the Emergency Services Council.

1.04 Participating Members/Partners in the Organization
Participation in the Organization is intended to ensure cooperative emergency planning and response; all participating Member Agencies and partners are expected to attend all regular and special meetings of the Emergency Services Council, encourage active participation by their jurisdictions in the development of plans and training programs, drills, exercises and training opportunities, and otherwise assist in supporting the implementation of this Agreement.

1.05 Powers of the Organization
The Organization may purchase, lease, own and/or dispose of property and equipment and enter into contract(s), as required to satisfy the purposes of this Agreement. The Organization may employ agents and/or employees, operate works and improvements, sue and be sued in its own name, and invest surplus funds.

Article II – GOVERNANCE

2.01 Composition of the Council
The Organization shall be administered by the Emergency Services Council ("Council") consisting of the following members:

   a) A member of the San Mateo County Board of Supervisors, who shall be designated by the Supervisors.
   b) Each governing body of a Member Agency shall annually select and appoint a representative to serve on the Council and may select and appoint an alternate representative. Each representative and alternative representative must be a member of the governing body of the Member Agency.
   c) The Chair of the Emergency Services Council shall be the representative from the Board of Supervisors.
   d) A Vice-Chair shall be selected by the Council.

2.02 General Purpose of the Organization

The general purpose of the Organization is to:

a) Provide structure for administrative and fiscal policies and procedures;
b) Identify and pursue funding sources;
c) Set policy;
d) Maximize the utilization of available resources; and
e) Oversee all committee activities.

2.03 Specific Responsibilities of the Council

The specific responsibilities of the Council shall be as follows:

a) To review and recommend adoption by the Board of Supervisors and City Councils of each City, Emergency Plans, programs and agreements, in addition to the basic agreements as deemed necessary to carry out the purpose of the Organization.
b) To approve an annual budget in an amount necessary to carry out the purposes of the Organization. Upon review and approval of the annual budget by the Council, each Member Agency shall recommend the budget to the governing body of the Member Agency for the purpose of securing from each the appropriations in accordance with each Member Agency's identified allocation (via Budget Sheets.)
c) Each Member Agency's Executive Officer shall identify and designate at the beginning of each fiscal year, a local coordinator for regular participation in the San Mateo County Emergency Managers Association. Should the identified Coordinator change at any time during the year, the Member Agency shall advise the Director of Emergency Management within 30 days.
d) If a Member Agency participates in a contract relationship for the provision of emergency services, it is still required to name a local emergency coordinator to the Emergency Managers Association who will assure the continuity of communication between the Member Agency, the San Mateo County Department of Emergency Management (DEM) and the Organization.

2.04 Meetings of the Organization.

a) **Regular Meetings:** The Council shall approve a schedule for its regular meetings provided, however, that the Council shall hold at least one regular meeting quarterly. The Council shall fix the date, hour and location of regular meetings by resolution and the Secretary shall transmit a copy of the resolution to each Member Agency at the first meeting of the fiscal year.
b) **Special Meetings:** Special meetings of the Council may be called in accordance with the Brown Act by the Chair, a majority of the Council or the Director.
c) **Call, Notice and Conduct of Meetings:** All meetings of the Council, including without limitation, regular, adjourned regular and special meetings, shall be noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code section 54950 *et seq*. As soon as practicable, but no later than the time of posting, the Secretary shall provide notice and the agenda to each Member Agency. Any Member Agency may request that an item be considered for placement on the Agenda by submitting the request to the Director of Emergency Management.

d) Meetings of the Council shall be conducted by the Chair or by the Vice-Chair in the absence of the Chairperson. In the absence of both Chair and Vice-Chair, the meeting shall be chaired by member of the Council selected by a majority vote of the Council.

2.05 Minutes

The Secretary of the Organization shall cause to be kept a digital recording of each meeting, which shall be posted on the San Mateo County Department of Emergency Management Website. The Secretary will create brief summary written minutes for approval by the Council.

2.06 Voting

All power of the Organization shall reside with the Council. Each Member Agency shall have one vote. A Member Agency's alternate representative may participate and vote in the proceedings of the Council only in the absence of that Member Agency's regular representative. No absentee ballot or proxy voting is permitted.

2.07 Quorum; Required Votes; Approvals

A quorum of the Council is a majority of the representatives of the Member Agencies of the Organization. If the number of Member Agencies is an even number, a majority is fifty percent of the Member Agencies, plus one. The Council may not take any substantive action without a majority of the Member Agencies voting to take that action. Action on non-substantive procedural matters may be taken by a majority of a quorum.

Article III – PARTICIPATING PARTNERS, EMPLOYEES AND ADVISORY COMMITTEES

3.01 Participating Partners

In order to ensure cooperative emergency planning and response, a representative of any entity operating in San Mateo County may request in writing to be appointed and attend, as non-voting members, all regular and special meetings of the Council, participate in the development of plans and training programs, and otherwise assist in supporting the implementation of this Agreement. Entities eligible include, but are not limited to: schools, colleges special districts, non-profits, trade associations, utilities, hospitals as well as joint power and other authorities.

Written requests for participation by an entity and appointment of a representative shall be directed to the Chair and will be submitted to the Council for approval.

3.02 Treasurer

The Treasurer of the County of San Mateo shall be the Treasurer of the Organization. The Treasurer shall be the depository, shall have custody of the accounts, funds and money of the Organization from whatever source, and shall have the duties and obligations set forth in the Joint Exercise of Powers Act.

3.03 Auditor and Financial Accountability

The Organization will ensure financial accountability as required by Section 6505 of the Government Code. The Organization will ensure that audits are conducted as required by that Section. Unless the Council votes to appoint a separate auditor, audits will be conducted in accordance with existing County policy, and by the auditor selected by the Office of the County

Manager. In the event that the Council selects a separate auditor, the full cost of the audit will be the responsibility of the Organization.

The Auditor shall perform the functions of auditor for the Organization and shall make or cause an independent annual audit of the accounts and records of the Organization by a certified public accountant, in compliance with the requirements of the Joint Exercise of Powers Act and generally accepted auditing standards.

3.04 Legal Counsel
The San Mateo County Counsel's Office shall be the legal counsel for the Organization. To the extent permitted by the Joint Exercise of Powers Act, the Organization may change, by resolution, the legal counsel to the Organization. The full cost of outside legal counsel will be the responsibility of the Organization.

3.05 Secretary to the Organization
The San Mateo County Department of Emergency Management shall provide a Secretary and administrative support to the Organization.

3.06 Contractors
The Organization shall have the power by resolution to appoint and employ such other consultants and independent contractors as may be necessary to carry out the purposes of the Organization. The Organization will be responsible for any/all incurred costs.

3.07 Committees
The Organization may form and dissolve Committees as determined by the Council.

3.08 Director of Emergency Management
The County Manager or designee is the Director of the San Mateo County Department of Emergency Management ("Director"). The SMC DEM is responsible for the on-going operation of the San Mateo County Operational Area and is also responsible for achieving the purposes of the Organization as follows:

a) Emergency Response Support - coordination and planning during any regional emergency in accordance with adopted emergency plans.
b) Emergency Plans - preparation, development, coordination, and integration of compatible and complimentary unified area-wide emergency plans for approval by the State of California and adoption by the Council.
c) Communications - coordination, development and maintenance of an area-wide emergency communications service, including public alert and warning systems, and other situational awareness tools.
d) Public Education and Information - coordination and support of an area-wide public education and information program.
e) Training and Exercise -coordination and assistance in the training and exercising of all County employees identified as Disaster Service Workers, as defined by Sect. 3100 of the California Government Code and volunteers. The Member Agencies will be responsible for the training and exercise of their identified employees; however, DEM will provide needed support as requested.

April 7, 2021

Page 5

f) Grant Program Administration - coordination and assistance with designated emergency coordinators within the Operational Area in the securing and distribution of grant funds for regional emergency management initiatives and program support.

g) General Administration - coordination and assistance in the procurement and inventory of emergency equipment, management of, maintenance and distribution of area-wide inventories of vital supplies and equipment.

h) The Organization does not intend to acquire title to any property. But in the event that it does, pursuant to Section 6505.1 of the Government Code, the Organization designates the Director to handle that property. In the event that the Organization does acquire title to property, the Director will obtain a bond in the amount determined by the contracting parties.

3.09 Staffing Reimbursement

The County Department of Emergency Management is a division of the County Manager's Office, staffed by employees of the County of San Mateo. The DEM supports the purposes of the Organization. A portion of the cost of DEM staff is reimbursed by the Organization in an amount determined by the funding allocation in this Agreement.

Article IV – BUDGET AND COST-SHARING

In consideration of the mutual promises herein contained, it is hereby agreed that the cost of maintaining the Organization will be shared as described below.

a) From the total amount of the annual budget there shall be deducted estimated revenue from federal "matching funds," state grants, and other service revenues.

b) The balance of the annual budget remaining after anticipated revenues have been deducted shall be paid as follows:
   1. The county shall pay 50% of the remaining balance.
   2. The cities shall pay the remaining 50% of the balance, apportioned in accordance with the following formula:
      i. One half of said 50% to be apportioned by people units or population.
         a) Total population of all member cities divided into one-half of the total of the cities' share of the budget equals a factor in cents.
         b) Population of each member city times the factor in cents equals the share for each city.

  ii. The remaining one-half of said 50% to be apportioned on the basis of assessed valuation as follows:
    a) Total assessed value of real and personal property in all member cities divided into one-half of the total of the city's share of the budget equals a factor in mils.
    b) Assessed value of real and personal property of each member city times the factor in mils equals the share for each city.
c) For the purpose of this Agreement the total assessed valuation of real and personal property in all Member Agencies shall be the most recent such total maintained by the offices of the County Assessor.
d) The figures used for population in each city shall be determined by a method and from a source that is mutually acceptable to the majority of members.
e) It is understood and agreed that the financial obligations incurred by the Member Agencies under the provisions of this Agreement will be incurred annually, subject to the limitation that the county and cities are financially able to make funds available.
f) If the Member Agencies representing 25% or more of the county's population do not approve the budget in any fiscal year, the proposed budget will be referred back to the Director and a finance committee for revision and recommendation. If no resolution can be reached by the committee, the Member Agencies may proceed to adopt budgets that provide those services they deem necessary for adequate emergency services protection as a whole, but any Member Agency shall be financially responsible for that portion of the budget unilaterally adopted. Any Member Agency that does not meet its financial commitment under the adopted budget will lose its voting status and/or other such privileges of membership as determined by the Council.
g) It is further agreed that any excess in federal or state funds, in any year, shall be reviewed by a finance committee, who will then make a recommendation to the Council, as to the disposition of the excess funds.
h) With respect any Member Agency that is not a City or the County, the amount to be contributed is determined by a negotiation between those Member Agencies and the Director of Emergency Management and must be approved by the Council. A letter memorializing the agreed contribution will be an attachment to this Agreement.

Article V - INSURANCE

a) The County shall add the Organization and Emergency Services Council to its existing excess liability insurance coverage and shall maintain such coverage in full force and effect during the life of the Agreement. Member Agencies understand that the County is partially self-insured. Unless the Organization decides otherwise, County shall provide for the defense of any claims or litigation within the self-insured retention. Legal representation by the County will ordinarily be provided by the County Counsel.
b) Any out-of-pocket expense or loss, by way of judgment or settlement, arising out of the operation of this Agreement, within the limits of the County's self-insured retention shall be shared by the parties in accordance with the formula as described in Article IV (b).

Article VI - EFFECTIVENESS
This Agreement shall be effective upon its execution by all Member Agencies. It is effective as to new Members Agencies upon adoption and approval by the Council and by the new Member

Agency's governing body. This Agreement shall continue in effect until terminated as provided herein.

Article VII – TERM AND TERMINATION

7.01 Withdrawal by Members
  a) Any Member Agency may withdraw from this Agreement by written notice given by such Member Agency to all other Member Agencies, which notice shall be given at least 120 days prior to the commencement of the fiscal year in which it is to take effect. For the purpose of such notice, a fiscal year is defined as July 1 of a calendar year through June 30 of the succeeding calendar year.
  b) Any former or prospective Member Agency may enter or re-enter the organization by petition to the Council by its governing body, and majority approval of the petition by the Council. Upon approval, the new Member Agency must agree in writing to all terms of this Agreement.
  c) Should a Member Agency withdraw less than 120 days prior to the commencement of the fiscal year, the withdrawal will be effective, but that Member Agency will be responsible for its calculated contribution for that year pursuant to Article IV.
  d) Should a Member Agency give required notice and withdraw from the Agreement, the prior contribution of that Member Agency will be divided equally by formula among the remaining Member Agencies.

7.02 Termination of Organization and Disposition of Surplus Money and Property
This Agreement shall terminate effective upon a vote of the Council, the County and by at least eleven (11) cities representing the majority of the population of the County. In the event that the Organization ceases to exist, surplus funds will be returned consistent with Section 6512 of the Government Code in proportion to the contributions made. The Organization does not intend to acquire title to any property. But in the event that it does, title to all property acquired by the Organization, shall be owned by the County of San Mateo to be used for "County Wide" purposes.

7.03 Amendments
Any proposed Amendments to this Agreement may be recommended by the Council but must be ratified by each Member Agency's governing body.

7.04 Bylaws
The Council may, from time to time, adopt and/or amend Bylaws for the conduct of its affairs; provided the purpose is consistent with this Agreement and/or are necessary and appropriate.

Article VIII - MISCELLANEOUS PROVISIONS

8.01 Notices
It shall be the responsibility of the County Manager or designee to ensure all notices are provided to Member Agencies and posted in compliance with the legal requirements of the Agreement.

8.02 Severability
If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement were, to any extent, adjudged invalid, unenforceable, void, or voidable for any reason whatsoever by

a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

8.03 Supersession
It is mutually understood and agreed by the Member Agencies that this Agreement supersedes the 2014 San Mateo County Operational Area Joint Powers Agreement, any previous agreements on this subject matter and any amendments thereto.

8.04 Assignment
No Member Agency shall assign any rights or obligations under this Agreement without the prior written consent of the Council.

8.05 Governing Law
This Agreement is made and to be performed in the State of California, and as such, California substantive and procedural law shall apply. Venue for any litigation under this Agreement shall be in the County of San Mateo.

8.06 Headings
The section headings herein are for convenience only and are not to be construed as modifying or governing the language of this Agreement.

8.07 Counterparts
This Agreement may be executed in counterparts, each of which will be deemed an original and all of which shall constitute this Agreement.

8.08 No Third Party Beneficiaries
This Agreement and the obligations hereunder are not intended to benefit any party other than the Authority and its Members Agencies, except as expressly provided otherwise herein. No entity that is not a signatory to this Agreement shall have any rights or causes of action against any party to this Agreement as a result of that party's performance or non-performance under this Agreement, except as expressly provided otherwise herein.

8.09 Filing of Notice of Agreement
Within 30 days after the Effective Date, the Secretary shall cause to be filed with the Secretary of State the notice of Agreement required by the Act. Within 30 days after any amendment to this Agreement, the Secretary shall file the amendment with the Secretary of State.

8.10 Conflict of Interest Code
The Organization has adopted a conflict of interest code as required by law. Member Agencies understand that representatives and alternate representatives are listed on the Organization's Conflict of Interest Code and will be responsible for filing a Form 700 with the Organization.

8.11 Indemnification
The Organization shall defend, indemnify and hold harmless each Member Agency (and each Member Agency's officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees,)

arising from or as a result of any acts, errors or omissions of the Organization or its officers, agents or employees.

Each Member Agency shall defend, indemnify and hold harmless the other Member Agencies (and their officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees,) arising from or as a result of any acts, errors or omissions of that party or its officers, agents or employees.

8.12 Dispute Resolution/Legal Proceedings
Disputes regarding the interpretation or application of any provision of this Agreement shall, to the extent reasonably feasible, be resolved through good faith negotiations between the Member Agencies and/or the Organization.

8.13 Authorization to Enter Into Agreement
Each party warrants that the person signing this Agreement on its behalf is authorized to bind that party to this Agreement.

8.14 Confirmation of Jurisdictional Authority
By signing this Agreement, the Member Agencies retain all authority granted to them by the State and/or their respective Charters. The powers and/or authority granted pursuant to this Agreement shall in no way serve to limit or restrict an individual Member Agency's jurisdictional authority.

(SIGNATURES ARE ON FOLLOWING PAGE)

IN WITNESS WHEREOF, each Member Agency has caused this Agreement to be executed and attested by its proper officers thereunto duly authorized, as follows:

Signatories	Resolution/Action Number	Date of Adoption
Atherton		
Belmont		
Brisbane		
Burlingame		
Colma		
Daly City		
East Palo Alto		
Foster City		
Half Moon Bay		
Hillsborough		
Menlo Park		
Millbrae		
Pacifica		
Portola Valley		
Redwood City		
San Bruno		
San Carlos		
San Mateo		
South San Francisco		
Woodside		
County of San Mateo		

RESOLUTION NO. 2021-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE AUTHORIZING THE SECOND REVISED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT SAN MATEO COUNTY OPERATIONAL AREA EMERGENCY SERVICES ORGANIZATION

WHEREAS, in 2020 the Office of Emergency Services, a division of the San Mateo County Sheriff's Office was transferred into the Department of Emergency Management, a division of the Office of the County Manager; and

WHEREAS; the exercise of powers agreement adopted in 2015 needed amendment to reflect this change as well as current laws, rules, directives, orders and trends; and

WHEREAS, the document has been revised in a format that is consistent with other Joint Powers Agreements in the state of California; and

WHEREAS, all cities and towns within San Mateo County are part of the San Mateo Operational Area Authorized Disaster Council known as the Emergency Services Council; and

WHEREAS, the Emergency Services Council met on the 17th of June 2021 and by unanimous vote of the members present accepted The Second Revised and Restated Joint Exercise of Powers Agreement San Mateo County Operational Area Emergency Services Organization.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE RESOLVES AS FOLLOWS:

The Second Revised and Restated Joint Exercise of Powers Agreement San Mateo County Operational Area Emergency Services Organization is hereby adopted.

_____
Karen Cunningham, Mayor

RESOLUTION NO. 2021-67

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the seventh day of October 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____
Ingrid Padilla, City Clerk

RESOLUTION NO. 2021-67

-2-

City of Brisbane
Agenda Report

TO: Honorable Mayor and City Council

FROM: Randy Breault, Director of Public Works/City Engineer via City Manager

SUBJECT: Amended JPA for San Mateo Operational Area Emergency Services Organization

DATE: March 17, 2014

City Council Goals:

To provide public service that assures the safety of property and citizens residing, working, or visiting in Brisbane. (#9)

Purpose:

To obtain Council approval of the amended Joint Exercise of Powers Agreement for the San Mateo Operational Area Emergency Services Organization. The recommended action is consistent with the community's value of safety; specifically, planning for assistance to be available and planning to minimize the impacts of emergency events.

Recommendation:

Approve Resolution No. 2014-06 Adopting the First Amended Joint Exercise of Powers Agreement for the San Mateo Operational Area Emergency Services Organization.

Background:

The most recent approved update to the Joint Powers Agreement (JPA) was dated April 3, 1997 (see attached). There have been many changes in the delivery of emergency services in the last quarter of a century, with the most significant of those changes coming after the events of September 2001.

In January 2013, the Emergency Services Council (ESC) directed the County's Office of Emergency Services (OES) staff to review the current JPA. During that review, staff discovered that the original JPA was not on file with the California Secretary of State, as required by the Government Code.

The proposed Amendment modernizes the working terminology now current in emergency services, addresses compliance with requirements of the state's Standardized Emergency Management System and the federal govenrment's National Incident Management System, and better defines the

responsibilities of the Emergency Services Council, the County OES, and the responsibilities of the individual cities.

Discussion:

The Amendment was reviewed by the Fire Chiefs, Police Chiefs, City Managers and County Counsel before being presented to the ESC. Members of the ESC did raise some questions on language in the JPA during their September 2013 and January 2014 meetings. These items have not been addressed in the Amendment that was distributed to City Managers in December 2013.

Although there are questions that remain to be answered, and a revision to this Amendment will undoubtedly be required, approving the document in its current form is important to update significant portions of the existing very outdated agreement, and to also create a document that can be properly recorded with the Secretary of State. At this point in time, approximately 1/3 of the cities have approved the Amendment.

Director of Office of Emergency Services Breault and City Council appointee to the ESC, Mayor Conway, recommend approval of the Amendment. Director Breault has spoken with Captain Mark Wyss with the Sheriff's Office, and Captain Wyss has confirmed that outstanding questions will be addressed in the near future.

The City Attorney has reviewed the document and has no recommended changes.

Fiscal Impact:

The funding formula that prescribes how much each agency will pay to the JPA is unchanged by this Amendment.

Measure of Success

The efficient and timely provision of emergency services during a disaster.

Attachments:

- San Mateo County Operational Area Joint Powers Agreement, April 3, 1997 Revision
- Proposed First Amended Joint Exercise of Powers Agreement for San Mateo Operational Area Emergency Services Organization, December 2013
- City of Brisbane Resolution No. 2014-06

_____
Director of Public Works/City Engineer

Clayton Holstine
_____
City Manager

SAN MATEO COUNTY OPERATIONAL AREA JOINT POWERS AGREEMENT

COUNTY OF SAN MATEO

FOUNDED 1856

REVISION as of 3 APRIL 1997

AGREEMENT CONTENTS

EMERGENCY SERVICES AGREEMENT
SAN MATEO OPERATIONAL AREA
EMERGENCY SERVICES ORGANIZATION

PURPOSE

The County of San Mateo (hereinafter referred to as "the county") and the incorporated cities (hereinafter referred to as "the city" or "the cities" as required by the context)within the county which have signed and are parties to this agreement are listed in Exhibit A (which is attached and incorporated by this reference). The county and the cities desire to establish a unified emergency organization (hereby designated as the **SAN MATEO OPERATIONAL AREA EMERGENCY SERVICES ORGANIZATION** and hereinafter referred to as "the Emergency Services Organization") for the purpose of preparing and carrying out, pursuant to the California Disaster and Civil Defense Master Mutual Aid Agreement previously adopted by the county and the cities and the Standardized Emergency Management System (SEMS), coordinated plans for the protection of persons and property in the event of a disaster, and to jointly purchase, maintain, and operate certain communications systems and a hazardous materials emergency response program:

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the county and the cities agree as follows:

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A.   DEFINITIONS

1.   **"Emergency Services"** shall mean the preparation for and the carrying out of all emergency functions to prevent, minimize, and repair injury and damage resulting from disasters.

2.   **"Disaster"** shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake, or other similar public calamity, with the exception of any condition resulting from a labor controversy.

3.   **"State of War Emergency"** means the condition which exists immediately, with or without a proclamation thereof by the governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

4.   **"State of Emergency"** means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, or earthquake or other conditions, other than conditions resulting from a labor controversy or conditions causing a "state of war emergency," which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city

219

and require the combined forces of mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

5. **"Local Emergency"** means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, or earthquake or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

6. A **"mutual aid region"** is a subdivision of the state emergency services organization, established to facilitate the coordination of mutual aid and other emergency operations within an area of the state consisting of two or more county operational areas.

7. The **"Operational Area"** is an intermediate level of the state emergency services organization, consisting of the

county and all political subdivisions within the county area. In a state of war emergency the operational area shall serve as a link in the system of communications and coordination between the state's emergency operating centers and the operating centers of the political subdivisions comprising the operational area.

8. The **"Standardized Emergency Management System (SEMS)"** (Government Code Section 8607) is a set of requirements for local, regional, and state emergency response agencies. SEMS requires the use of the Incident Command System, multi-agency or inter-agency coordination, operational areas, and established mutual aid systems. This agreement provides the basis for SEMS in San Mateo County. It establishes a mutual aid operational area that coordinates inter-agency planning and response. The Incident Command System was adopted by the Operational Area and all its parties in 1988.

B. **ESTABLISHMENT OF THE EMERGENCY SERVICES ORGANIZATION**

1. The parties hereby create an entity to be known as the San Mateo Operational Area Emergency Services Organization for coordinated disaster mitigation, preparedness, response and recovery plans and activities to reduce life and property loss in the event of emergencies and disasters in the County and cities.

2. The Organization shall be an entity which is separate from the parties to this agreement and shall be responsible for the administration and implementation of

this agreement and its purposes. Except as provided herein, the debts, liabilities, and obligations of the Emergency Services Organization shall be the debts, liabilities, and obligations of the entity and not the debts, liabilities, and/or obligations of the parties to this agreement.

3. The Emergency Services Organization may purchase, lease, own, or dispose of property and equipment, and make and enter contracts, as may be required to meet the purposes of this agreement. It may employ agents and employees, operate works and improvements, sue and be sued in its own name, and invest surplus funds. Upon termination of this agreement, title to all property acquired by the Area Emergency Services Organization or with any funds of the Area Emergency Services Organization shall remain with the county for use on a county-wide basis. Surplus funds will be returned to each party in proportion to the contributions made.

C. **SAN MATEO OPERATIONAL AREA EMERGENCY SERVICES COUNCIL**

1. San Mateo Operational Area Emergency Services Council is hereby designated as the governing body of the Area Emergency Services Organization.

2. The members of the Area Emergency Services Council will include:

a. A member of the board of supervisors, who shall be designated by the board of supervisors.

b.   The mayor of each city or, in the case of his/her inability to attend, an alternate for said mayor from the city council. (In some cases, due to local considerations, it may be more expedient for a city council to designate a member of the city council other than the mayor to be its regular member. Only the mayor or other regular city council member or, in case of their inability to attend, an alternate council member, shall enjoy full membership and the right to vote in the proceedings of the Area Emergency Services Council.)

3.   The chair of the Area Emergency Services Council shall be the representative from the board of supervisors unless a majority of the Area Emergency Services Council vote to select one of their members to be the chair and an alternate vice-chair shall be selected by the Area Emergency Services Council from its membership.

4.   It shall be the duty of the Area Emergency Services Council and it is hereby empowered to review and recommend for adoption by the board of supervisors and the city council of each of the cities, such emergency plans, programs and agreements, in addition to the basic agreements hereinafter contained, as are necessary to carry out the purposes of the Emergency Services Organization.

5.   It shall also be the duty of the Area Emergency Services Council to approve an annual budget in an amount

necessary to carry out the purposes of the Emergency
Services Organization. Immediately upon review of the
budget, the Area Emergency Services Council shall
recommend the budget to the governing body of the county
and each of the cities for the purpose of securing from
each of them appropriations in accord with each party's
obligations as set forth in Paragraph H and hereinafter
provided.

6.   The Area Emergency Services Council shall meet upon the
     call of the chair or in his or her absence from the area,
     or inability to call such a meeting, upon the call of the
     vice-chair or the alternate in numerical succession. It
     shall meet at least quarterly.

D.   **PARTICIPATING PARTNERS**

In order to meet the coordination requirements of Government
Code §8607 (the Standardized Emergency Management System) and
to insure cooperative emergency planning and response, the
following may be invited to attend, as non-voting members, all
regular and special meetings of the Area Emergency Services
Council, participate in the development of plans and training
programs, and otherwise assist in supporting the
implementation of this agreement:

1.   A representative of the American Red Cross to be
     appointed by the chair with the approval of the Area
     Emergency Services Council.

2. Such representatives of the local school districts, clergy, industry, or other private organizations as may be appointed by the chair with the approval of the Area Emergency Services Council in each instance.

3. One representative each from the San Mateo County Fire Chiefs Association and the San Mateo County Police Chiefs Association as may be appointed by the chair with the approval of the Area Emergency Services Council.

4. One representative for water districts.

5. One representative for sanitary districts.

6. One representative of the Harbor District.

7. One representative of the Transit District.

8. One representative each from Pacific Gas and Electric Company and Pacific Bell.

E. **MANAGERS' ADVISORY COMMITTEE OF THE AREA EMERGENCY SERVICES COUNCIL**

1. There is hereby created a Managers' Advisory Committee of the Area Emergency Services Council, hereinafter referred to as the advisory committee. The advisory committee reviews and makes recommendations to the Area Emergency Services Council on budgets, projects, workplans, and other policy issues that come before the council.

2. The advisory committee shall consist of:

   a. The county manager and four (4) individuals selected by the Area Emergency Services Council from among the city managers and city administrators of the cities.

b.   The Area Emergency Services Coordinator, as hereinafter established, who shall act as Secretary, ex-officio.

3.   It shall be the duty of the advisory committee and it is hereby empowered, within such guidelines as may be established by the Area Emergency Services Council, to study, resolve and recommend on such matters as may be assigned by the chair or the Area Emergency Services Council, to review budget and operational performance of the Area Office of Emergency Services, and to promote city/county cooperative planning.

4.   The members of the administrative committee, with the exception of the Area Emergency Services Coordinator, shall serve without compensation.

5.   The advisory committee shall meet at least quarterly.

F.   **AREA EMERGENCY SERVICES COORDINATOR**

1.   The Sheriff or his designate shall be the Area Emergency Services Coordinator. The Area Emergency Services Coordinator will be responsible for the on-going operation and administration of the Area Emergency Services office and will also be responsible for achievement of the purposes of the Emergency Services Organization, including:

a.   Emergency Response - coordination and planning during any emergency in accordance with adopted emergency plans.

b.   Plans and Operations - preparation, development, coordination, and integration of unified area-wide emergency plans for adoption by the Area Emergency Services Council.

c.   Communications - development and maintenance of an area-wide emergency communications service, including public warning.

d.   Public Education and Information - direction of an area-wide public education and information program.

e.   Recruitment and Training - coordination and assistance in the recruitment and training of emergency personnel.

f.   General Administration - coordination and assistance in the procurement and inventory of emergency equipment; federal matching funds and surplus property; and management of maintenance and distribution of area-wide inventories of vital supplies and equipment.

2.   The Area Emergency Services Coordinator shall be furnished with such staff as is necessary, and authorized by the Area Emergency Services Council, to carry out the above duties.

3.   The Area Emergency Services staff shall be civil service employees of the County of San Mateo and shall be appointed by the Sheriff. Necessary personnel, administrative, fiscal and logistic support shall be furnished by the county subject to reimbursement by the

227

Area Emergency Services Organization as hereinafter provided.

G.   MUTUAL RESPONSIBILITIES

1.   The county and cities shall be parties to this agreement and members of the Area Emergency Services Organization and contribute to the maintenance of the Organization through the funding mechanism described below in Paragraph H.

2.   The county and cities shall each accept primary responsibility for the development within its respective jurisdiction of disaster plans which shall be compatible with and complementary to the area-wide emergency plans and organization, formulated pursuant to this agreement and pursuant to the California Disaster and Civil Defense Mutual Aid Agreement.

3.   It is agreed that the Organization designates the County Controller as Controller of the San Mateo Operational Area Emergency Services Organization. The duties of the Controller shall include regular audits and those other duties set forth in Government Code section 6500 et seq., Joint Exercise of Powers.

4.   It is further agreed that the Organization designates the County Treasurer as Treasurer, who shall be the depositary and have custody of all the money and property of the San Mateo Operational Area Emergency Services Organization from whatever source. The duties of the Treasurer shall include preparation of financial reports

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required by law, and those other duties set forth in the Government Code section 6500 et seq., Joint Exercise of Powers.

5. Staff members of the Emergency Services Organization shall be hired under the civil services rules of the County of San Mateo, and shall be employees of the County of San Mateo.

6. Those officers of the Emergency Services Organization who have charge of, handle, or have access to any property of the entity shall be designated by the Area Emergency Services Council, and shall file an official bond in an amount to be fixed by the contracting parties.

7. The Emergency Services Organization shall operate and exercise its powers under the laws, policies and procedures governing the County of San Mateo.

H. BUDGET AND COST-SHARING

In consideration of the mutual promises herein contained it is hereby agreed that the cost of maintaining the Area Emergency Services Organization will be shared as described below.

1. From the total amount of the annual budget there shall be deducted estimated revenue from federal "matching funds", state grants, and other service revenues.

2. The balance of the annual budget remaining after anticipated revenues have been deducted shall be paid as follows:

a.   The county shall pay 50% of the remaining balance.

b.   The cities shall pay the remaining 50% of the remaining balance, apportioned in accordance with the following formula:

(1)   One half of said 50% to be apportioned by people units or population.

(a)   total population of all member cities divided into one-half of the total of the cities' share of the budget equals a factor in cents

(b)   population of each member city times the factor in cents equals the share for each city

(2)   The remaining one-half of said 50% to be apportioned on the basis of assessed valuation as follows:

(a)   total assessed value of real and personal property in all member cities divided into one-half of the total of the cities' share of the budget equals a factor in mils

(b)   assessed value of real and personal property of each member city times the factor in mils equals the share for each city

4.   a.   For the purpose of this agreement the total assessed valuation of real and personal property in all contracting cities shall be the most recent

such total maintained by the office of the County Assessor.

    b.   The figures used for population in each city shall be determined by a method and from a source that is mutually acceptable to the majority of members.

5.   It is understood and agreed that the financial obligations incurred by the county and the member cities under the provisions of this agreement will be incurred annually, subject to the limitation that the county and the cities are financially able to make funds available.

6.   If the members representing 25% or more of the county's population do not approve the budget in any fiscal year, the proposed budget will be referred back to the Area Emergency Services Coordinator and the administrative committee for revision and recommendation. If no resolution can be reached by the committee, the members may proceed to adopt budgets that provide those services they deem necessary for adequate emergency services protection as a whole, but any member shall be financially responsible for that portion of the budget unilaterally adopted. Any member which does not meet its financial commitment under an adopted budget will lose its voting status and such other privileges of membership as the Area Emergency Services Council shall determine.

231

J.

7.   It is further agreed that any excess in federal or state funds in any year shall be credited to the following year's budget, and any deficit added to the following year's budget.

I.   **INSURANCE**

1.   The County shall add the Emergency Services Organization to its existing excess liability insurance coverage and shall maintain such coverage in full force and effect during the life of the Agreement. Said excess liability insurance coverage has a $250,000 self-insured retention by the County.   Unless the Area Emergency Services Council decides otherwise, County shall provide for the defense of any claims or litigation within the $250,000 self-insured retention.   Legal representation by the County will ordinarily be provided by the County Counsel.

2.   Any out-of-pocket expense or loss, by way of judgment or settlement, arising out of the operation of this Agreement, within the limits of the County's $250,000 self-insured retention shall be shared by the parties in accordance with the formula set forth in Paragraph G.

J.   **EFFECTIVENESS**

This agreement shall be effective upon its execution by all member cities and the Board of Supervisors. It is effective as to new members upon adoption and approval by the Area Emergency Services Council and by new member's

232

legislative body. This agreement shall continue in effect until terminated as provided herein.

K.   **TERMINATION**

1.   This agreement may be terminated as to any of the parties by written notice given by such party to all other parties which notice shall be given at least 120 days prior to the commencement of the fiscal year in which it is to take effect. For the purpose of such notice a fiscal year is defined as July 1 of a calendar year through June 30 of the succeeding calendar year.

Any former or prospective member may enter or re-enter the organization by petition to the Area Emergency Services Council by its governing body, and majority approval of the petition by the Area Emergency Services Council. Upon approval, the new member must agree in writing to all terms of this agreement.

2.   This agreement shall terminate effective upon a vote of the Area Emergency Services Council by the County and by at least eleven (11) cities representing the majority of the population of the County.

L.   **SUPERSESSION**

It is mutually understood and agreed by the parties hereto that this agreement supersedes the existing similar agreement and amendments thereto.

ATTACHMENT A

SIGNATORIES	RESOLUTION NUMBER	DATE OF ADOPTION
Atherton		
Belmont		
Brisbane	97-24	May 27, 1997
Burlingame		
Colma		
Daly City		
East Palo Alto		
Foster City		
Half Moon Bay		
Hillsborough		
Menlo Park		
Millbrae		
Pacifica		
Portola Valley		
Redwood City		
San Bruno		
San Carlos		
San Mateo		
South San Francisco		
Woodside		
County of San Mateo		

APPROVED AS TO FORM:

HAROLD S. TOPPEL
CITY ATTORNEY

RESOLUTION NO. 97-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ADOPTING A REVISION TO THE JOINT POWERS AGREEMENT
FOR THE SAN MATEO OPERATIONAL AREA
EMERGENCY SERVICES ORGANIZATION

WHEREAS, the City of Brisbane is a participating member of the San Mateo Operational Area Emergency Services Organization; and

WHEREAS, Councilmember Cy Bologoff is the City's representative on the Emergency Services Council Administrative Committee; and

WHEREAS, the San Mateo Operational Area Emergency Services Organization has requested that each city in San Mateo County adopt a revision to the Joint Powers Agreement to make the language consistent with current SEMS requirements and changes to fit into the Sherrif's Office structure.

WHEREAS, the revision has been reviewed by the Emergency Services Council Administrative Committee and approved at its April 17, 1997 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brisbane hereby adopts Attachment A as though set forth in full.

W. Clarke Conway
Mayor

I hereby certify that Resolution No. 97-24 was duly adopted at a regular meeting of the Brisbane City Council on May 27, 1997 by the following roll call vote:

AYES: Councilmembers Bologoff, Panza, Richardson and Mayor Conway
NOES: None
ABSENT: Councilmember Waldo

Sheri Marie Schroeder
Deputy City Clerk

ATTACHMENT A

SIGNATORIES	RESOLUTION NUMBER	DATE OF ADOPTION
Atherton	97-15	June 26, 1997
Belmont	8114	August 12, 1997
Brisbane	97-24	May 27, 1997
Burlingame	40-97	May 19, 1997
Colma	97-33	June 11, 1997
Daly City	98-89	May 11, 1998
East Palo Alto	1372	June 16, 1997
Foster City	97-63	June 16, 1997
Half Moon Bay	Minute Action	May 20, 1997
Hillsborough	97-10	June 9, 1997
Menlo Park	4815	June 17, 1997
Millbrae	97-63	June 10, 1997
Pacifica	43-97	August 11, 1997
Portola Valley	1576-1997	May 11, 1997
Redwood City	13282	February 9, 1998
San Bruno	97-30	June 23, 1997
San Carlos	1998-29	February 23, 1998
San Mateo	60	April 3, 1997
South San Francisco	81-97	June 9, 1997
Woodside	6077	March 24, 1998
County of San Mateo		

First Amended
Joint Exercise of Powers Agreement
San Mateo Operational Area Emergency Services Organization

This Agreement which supersedes in its entirety the San Mateo County Operational Area Joint Powers Agreement as revised on the 3rd day of April, 1997, which established the San Mateo Operational Area Emergency Services Organization, pursuant to the provisions of the Joint Exercise of Powers Act (Title 1, Division 7, Article 1, 6500 et seq. of the California Govt. Code), is by and between the County of San Mateo and those cities and towns within the County of San Mateo and other identified partners who become signatories to this agreement, and relates to the joint exercise of powers among the signatories hereto.

RECITALS

Whereas the Members want to establish a unified emergency services organization; and,

Whereas the Members agree that the purpose of this organization will be to operate pursuant to Presidential Directive 5, the National Response Framework, National Incident Management System (NIMS), Presidential Directive 8, the National Preparedness Goal and California's Standardized Emergency Management System (SEMS) and local adopted Emergency Operations Plans and Annexes; and,

Whereas the Members agree that the participants within this organization will include all local governments within the geographic area of the County, special districts, unincorporated areas, and participating non-governmental entities; and,

Whereas the Members agree that the collective goal is to provide coordinated plans for the protection of persons and property based on the four phases of emergency management, prevention, protection, response, and recovery; and,

Whereas the Members agree to provide support for certain communications systems, to include the Regional Public Alerting and Notification Systems, such as SMC Alert and TENS, as well as other Situational Awareness Tools; and

Whereas the Members are committed to cooperatively addressing the challenges of sustaining and managing a hazardous materials emergency response program; and,

Whereas the Members have the authority to enter into this Agreement under the Joint Exercise of Powers Act, California Government Code Section 6500 *et seq.* (the "Act").

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the Members as herein contained, the Members agree as follows:

Article I - GENERAL PROVISIONS

1.01 Purpose.
This Agreement creates an entity to exercise the powers shared in common by its Members to engage in local and regional cooperative planning, coordination and delivery of services. As part of this Agreement purpose, Members seek to meet or enhance the current Emergency Response Planning and Management Capabilities within the Operational Area. Further, Members seek to support existing regional Public Information and Notification systems, and to continue to support

the regional hazardous materials emergency response program. Such purposes are to be accomplished and the Members' common powers exercised as set forth in this Agreement.

1.02 Creation of Authority.
Pursuant to the Joint Exercise of Powers Act, the Members hereby create a public entity to be known as the "San Mateo Operational Area Emergency Services Authority" (the "Authority"). The Authority shall be a public entity separate and apart from the Members. The geographic jurisdiction of the Authority is all territory within the geographic boundaries of the Members; however the Authority may undertake any action outside those geographic boundaries as is necessary and incidental to accomplishing its purpose.

1.03 Membership in the Authority.
Membership in the Authority is limited to public entities, as defined by the Joint Exercise of Powers Act, located or operating in San Mateo County that have approved and executed this Agreement, and contributed resources of any kind toward establishing and supporting the Authority (including, but not limited to financial, personnel, equipment, or other resources), as approved by the Council

1.04 Participating Members/Partners in the Authority. Participation in the Authority is to ensure cooperative emergency planning and response, all participating members and partners are expected to attend all regular and special meetings of the Area Emergency Services Council, agree to active participation by their jurisdictions in the development of plans and training programs, drills, exercises and training opportunities, and otherwise assist in supporting the implementation of this agreement. Each member jurisdiction shall identify and designate at the beginning of each fiscal year, a local coordinator for regular participation in San Mateo County Emergency Managers Association Meetings and all other activities. Should the identified Coordinator change at any time during the year, the member jurisdiction shall notify the Director of Emergency Services within 30 days. If a member jurisdiction participates in a protection district contract relationship for the provision of emergency services, they are still required to name a local coordinator who will assure the continuity of communication between the member agency, the County Office of Emergency Services and the Emergency Services Council.

Article II- COMMON TERMINOLOGY

2.1 All-Hazards: "Grouping classification encompassing all conditions, environmental or manmade, that have the potential to cause injury, or death; damage to or loss of equipment, infrastructure services, or property; or alternately causing functional degradation to societal, economic or environmental aspects. Annotation: All hazards preparedness ensures that if a disaster occurs, people are ready to get through it safely, and respond to it effectively. FEMA began development of an Integrated Emergency Management System with an all-hazards approach that included 'direction, control and warning systems which are common to the full range of emergencies from small isolated events to the ultimate emergency – war." (**DHS**, *Lexicon*, October 23, 2007, p. 1)

2.2Catastrophe: An event in which a society incurs, or is threatened to incur, such losses to persons and/or property that the entire society is affected and extraordinary resources and skills are required, some of which must come from other nations.

2.3Community Emergency Response Team (CERT): "Community Emergency Response Team" (CERT) training is one way for citizens to prepare for an emergency. CERT training is designed to prepare people to help themselves, their families and their neighbors in the event of a catastrophic disaster. Because emergency services personnel may not be able to help everyone immediately, residents can make a difference by using

the training obtained in the CERT course to save lives and protect property." (**DHS,** *National Response Framework* (Comment Draft). DHS, September 10, 2007, p. 18)

2.4 Command: "Command comprises the IC [Incident Commander] and the Command Staff. Command staff positions are established to assign responsibility for key activities not specifically identified in the General Staff functional elements. These positions may include the Public Information Officer (PIO), Safety Officer (SO), and Liaison Officer (LNO), in addition to various others, as required and assigned by the IC." (**DHS,** *NIMS,* 2004, p. 13)

2.5 Emergency: Any incident, whether natural or manmade, that requires responsive action to protect life or property. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an emergency means any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States.

2.6 Emergency Management: As subset of incident management, the coordination and integration of all activities necessary to build, sustain and improve the capability to prepare for, protect against, respond to, recover from or mitigate against threatened or actual natural disasters, acts of terrorism or other manmade disasters.

2.7 Emergency Operations Center (EOC): The physical location at which the coordination of information and resources to support incident management (on-scene operations) activities normally takes place. An EOC may be a temporary facility or may be located in a more central or permanently established facility, perhaps at a higher level of organization within a jurisdiction. EOCs may be organized by major functional disciplines (e.g., fire, law enforcement and medical services), by jurisdiction (e.g., federal, state, regional, tribal, city, county) or some combination thereof.

2.8 Incident: An occurrence or event, natural or manmade, which requires a response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wild land and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, war-related disasters, public health and medical emergencies and other occurrences requiring an emergency response.

2.9 Incident Command System (ICS): A standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is a management system designed to enable effective incident management by integrating a combination of facilities, equipment, personnel, procedures and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to organize field-level incident management operations.

2.10 Local Emergency: The duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within territorial limits of a county, city and county, or city caused by such conditions as fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, tsunami or other conditions which are likely to be beyond the control of the services, personnel, equipment and facilities of that local political subdivision to combat.

2.11 Local Government: A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity or agency or instrumentality of a local government; an Indian tribe or authorized tribal entity, or in Alaska a Native Village or Alaska Regional Native Corporation; a rural community, unincorporated town or village or other public entity. See Section 2 (10), Homeland Security Act of 2002, P.L. 107–296, 116 Stat. 2135 (2002).

2.12 Mitigation: Activities providing a critical foundation in the effort to reduce the loss of life and property from natural and/or human-caused disasters by avoiding or lessening the impact of a disaster and providing value to the public by creating safer communities. Mitigation seeks to fix the cycle of disaster damage, reconstruction, and repeated damage. These activities or actions, in most cases, will have a long-term sustained effect.

2.13 National Incident Management System (NIMS): System that provides a proactive approach guiding government agencies at all levels, the private sector and nongovernmental organizations to work seamlessly to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location or complexity, in order to reduce the loss of life or property and harm to the environment.

2.14 National Response Framework: This document establishes a comprehensive, national, all-hazards approach to domestic incident response. It serves as a guide to enable responders at all levels of government and beyond to provide a unified national response to a disaster. It defines the key principles, roles, and structures that organize the way U.S. jurisdictions plan and respond.

2.15 Operational Area: An intermediate level of the state emergency services organization, consisting of the County and all political subdivisions within the county area. In a state of emergency, the operational area shall serve as a link in the system of communications and coordination between the political subdivisions comprising the operational area and the Regional or State Emergency Operations Center.

2.16 Preparedness: Actions that involve a combination of planning, resources, training, exercising and organizing to build, sustain and improve operational capabilities. Preparedness is the process of identifying the personnel, training and equipment needed for a wide range of potential incidents and developing jurisdiction-specific plans for delivering capabilities when needed for an incident.

2.17 Recovery: The development, coordination and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental and economic restoration; evaluation of the incident to identify lessons learned; post incident reporting and development of initiatives to mitigate the effects of future incidents.

2.18 Resources: Personnel and major items of equipment, supplies and facilities available or potentially available for assignment to incident operations and for which status is maintained. Under the National Incident Management System, resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or at an emergency operations center.

2.19 Response: Immediate actions to save and sustain lives, protect property and the environment, and meet basic human needs. Response also includes the execution of plans and actions to support short-term recovery.

2.20 Standardized Emergency Management System: The Standardized Emergency Management System (SEMS) is the cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management. SEMS is required by the California Emergency Services Act (ESA) for managing multiagency and multijurisdictional responses to emergencies in California. The system unifies all elements of California's emergency management community into a single integrated system and standardizes key elements. SEMS incorporates the use of the Incident Command System (ICS), California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA), the Operational (OA) Area concept and multiagency or inter-agency coordination. State agencies are required to use SEMS and local government entities must use SEMS in order to be eligible for any reimbursement of response-related costs under the state's disaster assistance programs.

Article III - Authority of Members.

3.01 Composition of the Council
The Authority shall be administered by the Emergency Services Council (the "Council") consisting of the following:

a) A member of the San Mateo County Board of Supervisors, who shall be designated by the Supervisors.
b) The Mayor of each City or, in the case of his/her inability to attend, an alternate may be selected by the City from the City Council to represent the jurisdiction.
c) The Chair of the Emergency Services Council shall be the representative from the Board of Supervisors unless a majority of the Council vote to select another of their members to be the chair and an alternate vice-chair shall be selected by the Council by the membership.

3.02 Minimum Recommended Training Requirements
To ensure NIMS Compliance among the Authority the following training curriculum is being proposed.
a) ICS-100: Introduction to ICS or equivalent
b) FEMA IS 700.a: NIMS An Introduction
c) ICS-402:Incident Command System (ICS) Overview for Executives/Senior Officials(G402)

3.03 General Purpose of the Joint Powers Authority.
The general purpose of the Authority is to:
a) Provide structure for administrative and fiscal oversight;
b) Identify and pursue funding sources;
c) Set policy;
d) Maximize the utilization of available resources; and
e) Oversee all Committee activities.

3.04 Specific Responsibilities of the Authority.
The specific responsibilities of the Authority shall be as follows:
a) To review and recommend adoption by the Board of Supervisors and City Councils of each City, Emergency Plans, programs and agreements, in addition to the basic agreements as determined necessary to carry out the purpose of the Emergency Services Organization.
b) To approve an annual budget in an amount necessary to carry out the purposes of the Emergency Services Organization. Upon review and approval of the annual budget by the by the Authority, each member shall recommend the budget to the governing body of

the county and each of the cities for the purpose of securing from each of the appropriations in accord with each party's identified allocation.

3.05 Meetings of the Authority.
  a) Regular Meetings. The Authority shall approve a schedule for its regular meetings provided, however, that the Authority shall hold at least one regular meeting quarterly. The Authority shall fix the date, hour and location of regular meetings by resolution and the Secretary shall transmit a copy of the resolution to each Member.
  b) Special Meetings. Special meetings of the Authority may be called by the Chair.
  c) Call, Notice and Conduct of Meetings. All meetings of the Authority, including without limitation, regular, adjourned regular and special meetings, shall be noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, California Government Code section 54950 *et seq*. As soon as practicable, but no later than the time of posting, the Secretary shall provide notice and the agenda to each Member.

3.06 Minutes.
The Secretary shall cause to be kept minutes of the meetings of the Council and shall, as soon as practicable after each meeting, cause a copy of the minutes to be made available to each the Chair, the Members and other interested parties upon request. The audio recording of all meetings will be posted on the SMC OES Website.

The written minutes shall consist of a summary of the information provided to and any actions taken by the Authority.

3.07 Voting.
All voting power of the Authority shall reside in the Council. Each Member shall have one vote. An alternate member may participate and vote in the proceedings of the Authority only in the absence of that alternate's member. No absentee ballot or proxy is permitted.

3.08 Quorum; Required Votes; Approvals.
A majority of the Members (shall be one more than half) shall constitute a quorum of the Council for the transaction of business. The affirmative votes of a quorum of the Members shall be required to take any action by the Authority.

Article IV – PARTICIPATING PARTNERS, EMPLOYEES AND ADVISORY COMMITTEES

4.01 Participating Partners.
In order to ensure cooperative emergency planning and response, the following may be invited to attend, as non-voting members, all regular and special meetings of the Area Emergency Services Council, participate in the development of plans and training programs, and otherwise assist in supporting the implementation of this agreement:
  a) A representative of the American Red Cross to be appointed by the Chair with the approval of the Council.
  b) One representative each from the San Mateo County Fire Chiefs Association and the San Mateo County Police Chiefs Association as may be appointed by the Chair with approval of the Council.
  c) One representative for Water Districts as may be appointed by the Chair with approval of the Council.
  d) One representative for Sanitary Districts as may be appointed by the Chair with approval of the Council.
  e) One representative for Harbor District as may be appointed by the Chair with approval of the Council.

f) One representative for the Port Authority as may be appointed by the Chair with approval of the Council.

g) One representative for Transit District as may be appointed by the Chair with approval of the Council.

h) One representative for Pacific, Gas and Electric Company as may be appointed by the Chair with approval of the Council.

i) One representative for the Office of Education as may be appointed by the Chair with approval of the Council.

j) One representative for the Hospital Consortium as may be appointed by the Chair with approval of the Council.

k) One representative for the EMS Agency as may be appointed by the Chair with approval of the Council.

l) One representative for the San Mateo Emergency Managers Association as may be appointed by the Chair with approval of the Council.

Should other interested parties be identified for participation, the Authority shall consider a written request for participation and may be appointed by the Chair with approval of the Council.

4.02 Treasurer.
The Treasurer and Tax Collector of the County of San Mateo shall be the Treasurer of the Authority.

The Treasurer shall be the depository, shall have custody of the accounts, funds and money of the Authority from whatever source, and shall have the duties and obligations set forth in the Joint Exercise of Powers Act. There shall be a strict accountability of all funds and report of all receipts and disbursements.

4.03 Auditor.
The Controller of the County of San Mateo shall be the Auditor of the Authority.

The Auditor shall perform the functions of auditor for the Authority and shall make or cause an independent annual audit of the accounts and records of the Authority by a certified public accountant, in compliance with the requirements of the Joint Exercise of Powers Act and generally accepted auditing standards.

4.04 Legal Counsel.
The San Mateo County Counsel shall be the legal counsel for the Authority. To the extent permitted by the Joint Exercise of Powers Act, the Authority may change, by resolution, the Legal Counsel of the Authority.

4.05 Secretary to the Authority.
The San Mateo County Office of Emergency Services shall provide a Secretary and administrative support to the Authority.

4.06 Other Employees.
The Authority shall have the power by resolution to appoint and employ such other officers, employees, consultants and independent contractors as may be necessary to carry-out the purpose of this Agreement. Those Officers of the Authority who have charge of, handle or have access to any property of the entity shall be designated by the Authority and shall file a bond in an amount to be fixed by the contracting parties.

4.07 Administrative Committee.
The Authority shall establish the Administrative Committee.

a) The Administrative Committee shall consist of the County Manager, 4 City Manager/Administrators selected from among the city managers and city administrators of the participating cities, and a Board Member of the San Mateo County Emergency Management Association.
b) The Administrative Committee shall be representative of the identified Zones within the County, to include North, Central, South and County. All participants shall be indentified at the beginning of each fiscal year. (June meeting)
c) The Director of Emergency Services, as herein after established, who shall act as the Secretary, ex-officio.

The Administrative Committee reviews and makes recommendations to the Area Emergency Services Council on budgets, projects, work plans, training and exercise, collaborative planning efforts, and other policy issues that come before the Council.

4.08 Director of Emergency Services.
The Sheriff or his/her designee shall be the Director of Emergency Services. The Director will be responsible for the on-going operation and administration of the Area Office of Emergency Services including:
a) Emergency Response- coordination and planning during any regional emergency in accordance with adopted emergency plans.
b) Plans and Operations- preparation, development, coordination, and integration of compatible and complimentary unified area wide emergency plans for approval by the State of California and adoption by the Council.
c) Communications- coordination, development and maintenance of an area-wide emergency communications service, including public alert and warning, and other situational awareness tools.
d) Public Education and Information- coordination and support of an area-wide public education and information program.
e) Training and Exercise-coordination and assistance in the training and exercising of all County employees identified as Disaster Service Workers, as defined by Sect. 3100CGC and volunteers. The member cities will be responsible for the training and exercise of their identified employees; however OES will provide needed support as requested.
f) Grant Program Administration- coordination and assistance with designated emergency coordinators within the Operational Area in the securing and distribution of grant funds for regional emergency management initiatives and program support.
g) General Administration- coordination and assistance in the procurement and inventory of emergency equipment, management of, maintenance and distribution of area-wide inventories of vital supplies and equipment.

The Director of Emergency Services shall be furnished with staff as is necessary, and authorized by the Council, to carry out the identified duties. The Director of Emergency Services is not the EOC Director unless the circumstances dictate so.

The Area Emergency Services Staff shall be civil service employees of the County of San Mateo and shall be appointed by the Sheriff. Necessary personnel, administrative, fiscal and logistic support shall be furnished by the County subject to reimbursement by the Emergency Services Council.

Article V – MUTUAL RESPONSIBILITIES

5.01 Emergency Preparedness and Planning Standards- The county and cities shall each accept primary responsibility for the readiness within their respective jurisdictions and development of disaster preparedness plans which shall be compatible with and complimentary to the area-wide emergency planning and organization, formulated pursuant to this agreement.

As such, the following common preparedness responsibilities and basic measurement standards to insure a comparable level of readiness among all of the jurisdictions has been developed to include:
   a) Adopt an Emergency Operations Plan and Annexes, review and update no less than every three years
   b) Have a Local Hazard Mitigation Plan, internally reviewed annually and provide updates as required, and approved by FEMA. (Currently no less than every five years)
   c) Participate in the Op Area Multi-Year Training/Exercise Planning
   d) Use NIMCAST to report Readiness (a self assessment tool from Homeland Security)
   e) Adopt use of the Homeland Security Exercise and Evaluation Program
   f) Participate in Meetings and activities including the Emergency Managers Association
   g) Participate in Training and Exercises
   h) Prepare and maintain necessary plans and agreements to facilitate emergency sheltering

Each member of the Council shall report on the Standards annually at the September meeting to ensure all efforts towards compliance are being made.

5.02 Training and Exercise- A Training and Exercise Plan is a means to establishing a standard of readiness and initiates a basic knowledge and capability skill set. Full participation by JPA Member Emergency Managers and other Op Area stakeholders is important to developing a multi-year training program. An annual planning workshop is facilitated to put the plan together and accommodates the needs of the stakeholders. Full commitment and participation by the JPA Member Agencies and participating partners will also be expected in the annual exercise, in some capacity, to ensure the preparedness level of our Operation Area. Further, Members agree to support the NIMS compliance of each of their jurisdictions.

5.03-Local Coordinator Responsibilities- As all Members have joined this Authority with a commitment to engage in local and regional cooperative planning, coordination and delivery of services. Each jurisdiction will provide local support of the emergency management effort through staff with primary or secondary responsibilities that will include but are not limited to the following:
   a) Management/Coordination of the Local Emergency Operations Center (EOC) – (functional and support services)
   b) Provide liaison support to the Emergency Operations Center (EOC) Director or his/her designee in emergency or disaster situations.
   c) Participate with a Planning and Exercise Design Team as well as complete a 3-5 year Training and Exercise Program that is HSEEP compliant.
   d) Training various department personnel to establish and operate a department Operating Center (D.O.C.)
   e) Oversee the preparation and prepare and modify elements of the local Emergency Operations Plan and Disaster Recovery Plan to ensure compatibility with the Operational Area Emergency Operations Plan and Annexes.
   f) Develop relationships with representatives of local departments, public and private support and relief agencies, business, educational, homeowners' and other groups regarding emergency services; prepare specialized plans designed to meet the needs of various sections of the community.
   g) Prepare and disseminate training materials to ensure effective response in a disaster situation;
   h) Develop, train and maintain a Community Emergency Response Team (CERT) system

i) Develop relationships with representatives of state and federal agencies; review legislation, regulations and other documentation to ensure that the City is in compliance with such regulations and avails itself of all financial and other resources.

j) Respond to the Emergency Operations Center when it is activated; ensures that appropriate documents are available at the center and provides liaison and coordinative support as required.

5.04 Operational Area Coordinator Responsibilities- In addition to the roles and responsibilities identified in Section 4.08, The Director of Emergency Services will provide staff in direct support of the Local Coordinators. These Operational Area Coordinators are not intended to replace local staff as they do not have the required authority within local jurisdictions to operate as the primary coordinators. They will however provide the following services which include but are not limited to:

a) Develop, review and update emergency operations plans.

b) Develop, review and update detailed standard operating procedures, checklists and resource documents.

c) Compile data and prepare program papers and progress reports for the jurisdictions served.

d) Compile and review jurisdictional data in support of the annual Standards Review.

e) Support a Planning and Exercise Design Team as well as complete a 3-5 year Training and Exercise Program that is HSEEP compliant.

f) Act as information, education and/or resource officer for the jurisdictions served.

g) Speak to civic groups, clubs, and organizations to promote emergency services programs encouraging public understanding and support.

h) Work cooperatively with other office staff on area-wide projects and in training programs.

5.05 Supplemental Operations Support – In an effort to provide advanced training and to support emergency mutual aid during localized disasters/events, the Director of Emergency Services (Director) will pilot an Emergency Management Support Team (EMST). The desired end state of the EMST is to have a group of trained individuals who can support, not supplant or replace, local city/county EOC staff during isolated incidents. The recruitment, training and exercise schedule for EMST will be determined by the Director. Participation in and support of the EMST is completely voluntary by the Members; however, only those Members who participate in the EMST to the satisfaction of the Director will be entitled to receive no-cost support of the EMST upon request. In general, the number of participants on the EMST from Members will be based on population as follows:

Member population	Member staff on EMST
Under 25,000	1-2
25,000-100,000	2-3
100,000-250,000	3-5

Participation in the EMST does not guarantee a Member agency support during an incident; the Director will be responsible for evaluating the size/complexity of the incident and determining whether or not EMST members will be deployed.

Article VI – BUDGET and COST-SHARING

In consideration of the mutual promises herein contained it is hereby agreed that the cost of maintaining the Area Emergency Services Organization will be shared as described below.

a) From the total amount of the annual budget there shall be deducted estimated revenue from federal "matching funds", state grants, and other service revenues.
b) The balance of the annual budget remaining after anticipated revenues have been deducted shall be paid as follows:
1. The county shall pay 50% of the remaining balance.
2. The cities shall pay the remaining 50% of the balance, apportioned in accordance with the following formula:
    i. One half of said 50% to be apportioned by people units or population.
        a) Total population of all member cities divided into one-half of the total of the cities share of the budget equals a factor in cents.
        b) Population of each member city times the factor in cents equals the share for each city.
    ii. The remaining one-half of said 50% to be apportioned on the basis of assessed valuation as follows:
        a) Total assessed value of real and personal property in all member cities divided into one-half of the total of the cities share of the budget equals a factor in mils
        b) Assessed value of real and personal property of each member city times the factor in mils equals the share for each city
c) For the purpose of this agreement the total assessed valuation of real and personal property in all contracting cities shall be the most recent such total maintained by the offices of the County Assessor.
d) The figures used for population in each city shall be determined by a method and from a source that is mutually acceptable to the majority of members.
e) It is understood and agreed that the financial obligations incurred by the county and the member cities under the provisions of this agreement will be incurred annually, subject to the limitation that the county and cities are financially able to make funds available.
f) If the members representing 25% or more of the county's population do not approve the budget in any fiscal year, the proposed budget will be referred back to the Area Emergency Services Coordinator and the Administrative Committee for revision and recommendation. If no resolution can be reached by the committee, the members may proceed to adopt budgets that provide those services they deem necessary for adequate emergency services protection as a whole, but any member shall be financially responsible for that portion of the budget unilaterally adopted. Any member which does not meet its financial commitment under an adopted budget will lose its voting status and such other privileges of membership as the Council shall determine.

Article VII-INSURANCE

a) The County shall add the Emergency Services Organization to its existing excess liability insurance coverage and shall maintain such coverage in full force and effect during the life of the agreement. Unless the Area Emergency Services Council decides otherwise, County shall provide for the defense of any claims or litigation within the $250,000 self-insured retention. Legal representation by the County will ordinarily be provided by the County Counsel.
b) Any out of pocket expense or loss, by way of judgment or settlement, arising out of the operation of this Agreement, within the limits of the County's $250,000 self-insured retention shall be shared by the parties in accordance with the formula as described in Article VI (b).

Article VIII- EFFECTIVENESS

This agreement shall be effective upon its execution by all member cities and the Board of Supervisors. It is effective as to new members upon adoption and approval by the Area Emergency Services Council and by the new member's legislative body. This agreement shall continue in effect until terminated as provided herein.

Article IX - WITHDRAWAL AND TERMINATION

9.01 Withdrawal by Members.

a) This agreement may be terminated as to any of the parties by written notice given by such party to all other parties which notice shall be given at least 120 days prior to the commencement of the fiscal year in which it is to take effect. For the purpose of such notice a fiscal year is defined as July 1 of a calendar year through June 30 of the succeeding calendar year.

b) Any former or prospective member may enter or re-enter the organization by petition to the Area Emergency Services Council by its governing body, and majority approval of the petition by the Area Emergency Services Council. Upon approval, the new member must agree in writing to all terms of this agreement.

c) Should a jurisdiction withdraw after the start of a fiscal year, they will be responsible for the contribution as per the formula and no refund will be owed.

d) Should a member give required notice, the contribution of that city funding will be divided equally by formula among the remaining cities.

9.02 Termination of Authority and Disposition of Authority Assets.

This agreement shall terminate effective upon a vote of the Area Emergency Services Council by the County and by at least eleven (11) cities representing the majority of the population of the County. Upon termination of this agreement, title to all property acquired by the Area Emergency Services Organization or with any funds of the Area Emergency Services Organization shall remain with the County for use on a county wide basis. Surplus funds will be returned to each party in proportion to the contribution made.

Article X - MISCELLANEOUS PROVISIONS

10.01 Notices.

It shall be the responsibility of the Director of Emergency Services or his/her designee to ensure all notices are provided to members and posted in compliance with the legal requirements of the JPA.

10.02 Amendment.

This Document will be reviewed for content no less than every five years.

10.03 Severability.

If any one or more of the terms, provisions, promises, covenants, or conditions of this Agreement were, to any extent, adjudged invalid, unenforceable, void, or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

10.04 Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of each Member.

10.05 Assignment.

No Member shall assign any rights or obligations under this Agreement without the prior written consent of the Authority.

10.06 Governing Law.
This Agreement is made and to be performed in the State of California, and as such California substantive and procedural law shall apply. Venue for any litigation under this Agreement shall be in the County of San Mateo.

10.07 Headings.
The section headings herein are for convenience only and are not to be construed as modifying or governing the language of this Agreement.

10.08 Counterparts.
This Agreement may be executed in counterparts.

10.09 No Third Party Beneficiaries.
This Agreement and the obligations hereunder are not intended to benefit any party other than the Authority and its Members, except as expressly provided otherwise herein. No entity that is not a signatory to this Agreement shall have any rights or causes of action against any party to this Agreement as a result of that party's performance or non-performance under this Agreement, except as expressly provided otherwise herein.

10.10 Filing of Notice of Agreement.
Within 30 days after the Effective Date, the Secretary shall cause to be filed with the Secretary of State the notice of Agreement required by the Act. Within 30 days after any amendment to this Agreement, the Secretary shall file the amendment with the Secretary of State.

10.11 Conflict of Interest Code.
The Authority shall adopt a conflict of interest code as required by law.

10.12 Indemnification.
The Authority shall defend, indemnify and hold harmless each Member (and each Member's officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees), arising from or as a result of any acts, errors or omissions of the Authority or its officers, agents or employees.

Each Member shall defend, indemnify and hold harmless the other Members (and their officers, agents, and employees) from any and all liability, including but not limited to claims, losses, suits, injuries, damages, costs and expenses (including attorney's fees), arising from or as a result of any acts, errors or omissions of that party or its officers, agents or employees.

10.13 Dispute Resolution/Legal Proceedings.
Disputes regarding the interpretation or application of any provision of this Agreement shall, to the extent reasonably feasible, be resolved through good faith negotiations between the Members and/or the Authority.

10.14 Confirmation of Jurisdictional Authority.
By signing this Agreement, the participating partners retain all authority granted to them by the State and/or their respective Charters. The powers and/or authority granted pursuant to this Agreement shall in no way serve to limit or restrict an individual partner's jurisdictional authority.

IN WITNESS WHEREOF, each Member has caused this Agreement to be executed and attested by its proper officers thereunto duly authorized, as follows:

SMAOES December 2013   Page 13

Atherton

_____   _____
City Manager/Mayor   Date

Belmont

_____   _____
City Manager/Mayor   Date

Brisbane

_____   _____
City Manager/Mayor   Date

Burlingame

_____   _____
City Manager/Mayor   Date

Colma

_____   _____
City Manager/Mayor   Date

Daly City

_____   _____
City Manager/Mayor   Date

East Palo Alto

_____   _____
City Manager/Mayor   Date

Foster City

_____   _____
City Manager/Mayor   Date

Half Moon Bay

_____   _____
City Manager/Mayor   Date

Hillsborough

_____   _____
City Manager/Mayor   Date

Menlo Park

_____   _____
City Manager/Mayor   Date

Millbrae

_____   _____
City Manager/Mayor   Date

Pacifica

_____   _____
City Manager/Mayor   Date

SMAOES December 2013

Page 14

Portola Valley

_____
City Manager/Mayor   Date

Redwood City

_____
City Manager/Mayor   Date

San Bruno

_____
City Manager/Mayor   Date

San Carlos

_____
City Manager/Mayor   Date

San Mateo

_____
City Manager/Mayor   Date

South San Francisco

_____
City Manager/Mayor   Date

Woodside

_____
City Manager/Mayor   Date

County of San Mateo

_____
County Manager/President of the   Date
Board of Supervisors

RESOLUTION NO. 2014-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE ADOPTING THE FIRST AMENDED JOINT EXERCISE OF POWERS AGREEMENT FOR THE SAN MATEO OPERATIONAL AREA EMERGENCY SERVICES ORGANIZATION

WHEREAS, the City of Brisbane is a participating member of the San Mateo Operational Area Emergency Services Organization; and

WHEREAS, the City desires to remain a member of a unified emergency services organization; and

WHEREAS, the San Mateo County Area Office of Emergency Services recommends adoption of the December 2013 First Amended Joint Exercise of Powers Agreement for the San Mateo Operational Area Emergency Services Organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

The December 2013 First Amended Joint Exercise of Powers Agreement for the San Mateo Operational Area Emergency Services Organization is hereby adopted.

_____
W. Clarke Conway, Mayor

I hereby certify that the foregoing Resolution No. 2014-06, was duly and regularly adopted at a regular meeting of the Brisbane City Council on March 17, 2014 by the following vote:

AYES:
NOES:
ABSTAIN: _____
ABSENT: Sheri Marie Spediacci, City Clerk

File Attachments for Item:

K. Consider Acceptance of 5 Year IT Strategic Plan from ClientFirst

CITY COUNCIL AGENDA REPORT

Meeting Date: 10/07/2021

From: Stuart Schillinger Assistant City Manager

Subject: Information Technology Strategic Plan

Community Goal/Result

Fiscally Prudent

Safe Community

Community Building

Purpose

Develop an Information Technology Strategic Plan which ensures the ability to use computer based applications throughout the City which provides efficiency for operations and increased accessibility for the public.

Recommendation

Accept the Strategic Plan From ClientFirst.

Background

The City last updated its IT Strategic Plan in 2000. This was done prior to the creation of cloud oriented computing and focused on local networks. The City has begun the process of moving applications to the cloud including our financial system (Tyler Technologies), our Microsoft suite of applications (Office 365, Sharepoint, and Teams), and our website. As we look to further expand the use of the cloud and allowing community members to interact with city operations on a continuous basis staff realized it was time to update our Strategic Plan to take advantage of the latest technology.

The City hired ClientFirst to update the City's IT Strategic Plan. ClientFirst has been working with city staff since August of 2020. ClientFirst worked with the departments to determine what the current and future needs of the departments are as it relates to technology. ClientFirst also reviewed our hardware system to determine what upgrades were needed.

ClientFirst met with the City Council's Technology Committee to review the report on September 13, 2021.

Discussion

David Krout and Tom Jakobsen of ClientFirst will be at the meeting to present the findings of their study and review the Strategic Plan with the City Council. The plan calls for upgrades to the City's network and wiring in City Hall to allow for newer software to be used more

efficiently by City employees. It reviews the need for a number of new software applications to increase the efficiency of city staff and to allow more interaction between the community and city information and processes.

The Strategic Plan is attached for your review.

Fiscal Impact

During the midyear budget review process in May staff informed City Council of this project and the projected first year cost of $500,000 which was included in the FY 21/22 budget. Future year expenditures would come back to City Council as they were needed.

Measure of Success

The City has a computer infrastructure which enables it use applications which create efficiency for staff and allows for additional interactions with the public.

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Clayton Holstine

Clay Holstine, City Manager

Technology Master Plan

April 2021

Optimal Technology Guidance

Client Locations
Coast-to-Coast

Practice Locations
California
Illinois
Texas
North Carolina

800.806.3080
www.clientfirstcg.com

CLIENT FIRST
TECHNOLOGY CONSULTING

Table of Contents

Engagement Purpose and Background

Technology Master Plan Objective

The objective of the Technology Master Plan is to develop and articulate a vision for the effective use of technology to support the work of the City, assuring the proper technical resources and organization structure to effectively manage the information technology, enterprise applications and data management in use by the departments. The plan also identifies strategies for developing and implementing technology initiatives/projects in support of the organization's operational needs. We also focused efforts on planning and recommending improvements in the City's business applications and systems to make technology more effective in supporting the departments and goals of the organization.

A well-documented Plan will also guide the IT support function and the City's operational departments over the next several years in planning, procuring, implementing, and managing current and future technology investments, as well as resources related to operational technology and information technology service delivery. The plan is the result of a thorough analysis of the following:

- Interviews and workshops involving all levels of the City's operational staff, including the management team, end-users, and other stakeholders, while recognizing limited staff availability
- Existing hardware and network infrastructure, staffing, funding, applications, business systems, projects, processes, telecommunications, training, and other investments and resources currently in use by the City
- Identification and prioritization of initiatives and projects to undertake over the next seven years
- Identification of needs to accommodate current and future technology requirements, such as IT operations and management, legal requirements, cybersecurity requirements, service delivery, cloud computing, et cetera.

Deliverables

The assessment includes:

- Project Purpose and Background
- Methodology for Implementation and Maintenance of the Assessment
- Current Technology Environment Summary
- Key Benchmarking Metrics

- Strategies, Goals, and Objectives
- IT Initiatives (Projects) by Priority
- Key Issues
- Timelines
- IT Plan Budgets

Methodology and Approach

The project adopted a five-phase methodology for Technology Master Planning. The phased approach served as the cornerstone of the project, allowing a collaborative process to shape and develop the recommendations.

PROJECT INITIATION AND TECHNOLOGY INVENTORY	Stakeholder Team Development Kick-Off Change Management Technology Inventory
ASSESSMENT	Non-IT Department Assessment Workshops IT Infrastructure, Operations, and Staffing Review Assess Strengths and Weaknesses Define Strategies, Goals, and Objectives
RESEARCH AND PROJECT/ INITIATIVE DEVELOPMENT	Develop Preliminary Initiatives / Projects Staffing Recommendations Research Alternative Solutions Preliminary Budgets and Prioritizations
PLANNING AND PRIORITIZATION WORKSHOPS	Project Sponsor and IS Project Committee Executive Management Cost-Benefit, ROI Considerations
FINAL REPORT AND PRESENTATIONS	Develop Final Report Leadership and Elected Officials Presentations/Workshops

K.

Technology Assessment Summary

Overview

A planned major development and associated population growth is expected to increase the demand for City services over the next several years. In addition, citizens increasingly desire efficient interaction with staff, online 24/7 transaction capabilities, and more transparent information availability. The City realizes that it will not be able to manage these changes without updating and improving business applications and business processes. An increased desire to leverage business applications to serve constituents has resulted in a desire to increase investment in technology, leading to the creation of this plan.

COVID-19 has increased the demand for flexible communications, technology, and mobile computing. The City has moved to Office 365 for electronic mail and is implementing cold-based file storage and collaborative file sharing through Microsoft Teams. The City also plans to expand the use of Teams to provide additional communications tools.

The City has under-invested in technology in recent years, additional investment in foundational IT infrastructure is now necessary to support increased communications, applications and data sharing needs. Investments include enterprise-level structured cabling, data network and wireless improvements for staff and visitors to City facilities.

COVID-19 has caused an increase in cybersecurity threats, requiring agencies to increase spending on cybersecurity and risk mitigation measures. Increased cybersecurity spending is included in the initial years of the Plan.

Based on expected growth, the plan recommends the selection and implementation of Land Management (planning, permits, code enforcement and GIS integration), Asset Management (work orders, maintenance and asset management) systems, replacement of the Marina Management system, improvements to ERP (financials, HR) and other application systems. Staff currently have created numerous manual workarounds that force users to rely on external shadow systems to bridge current application functionality shortcomings.

The goal of the plan is to affect a Digital Transformation at the City, reducing the reliance on paper and shadow systems while increasing automation and efficiency.

Current Technology Environment

The City does not have a computer equipment replacement plan, resulting continued reliance on technology components that are beyond their useful life. Additional investment IT infrastructure, cybersecurity mitigation efforts, disaster recover planning and system resiliency are outlined in the below plan.

The table below summarizes the current technology environment at the City:

Item	Quantities
IT FTE	1.0
IT – Outsourced	0.4
Number of Employees (80 FT, 96 PPT)	116 FTE
PCs/Laptops	102
Printers	125
Physical Servers	7
Virtual Servers	3

The City currently utilizes nearly 170 application systems and software modules. Major enterprise application systems include:

Application Functionality	Vendor-Application Name
Financial Management	Tyler Incode Version 10
Human Resources	Tyler Incode Version 10
EAM (Enterprise Asset Mgmt./Work Orders & Maintenance Management)	None, however, use Mobile MMS to track Work Order elements Nautical Software – Marina Management
Land Management/Community Development (The system is a custom application provided by the City Community Development vendor, CSG Engineering)	Greenvue Permit Suite
Police Dispatch and Records	Sun Ridge - RIMS
Parks and Recreation	ActiveNet
Electronic Document and Records Management	Filemaker Pro and Versatile

K.

Key Statistics and Metrics

The following analysis provides feedback on key measurements regarding technology investments and IT support operations:

IT Budgeting/Expenditures	IT Spending vs. Operating Fund Expenditures
IT Staffing Resources	Overall IT Staffing vs. Key Equipment Counts
Server Virtualization	Percentage of Virtualized Servers

These measurements provide an indication of issues that may affect the organization's technology effectiveness as it relates to providing IT support of the departments systems and application solutions.

IT Spending versus Operating Fund Budgets

Technology Spending versus Operating Budgets provides an overall indication of whether the technology systems and IT support function receive a sufficient level of organizational resources to provide the necessary services. Over time, underfunding typically reduces the IT Department's ability to respond to requests, reduces system availability, and negatively impacts organization-wide productivity.

The following table depicts Brisbane's *Technology Spending versus Recommended Best Practices* and a municipal benchmark of 52 agencies.

Brisbane FY18 Actuals	Brisbane FY19 Actuals	Brisbane FY20 Projected	Recommended Low	Benchmark	Recommended High
1.74%	1.92%	2.26%	2.50%	2.8%	4.5%
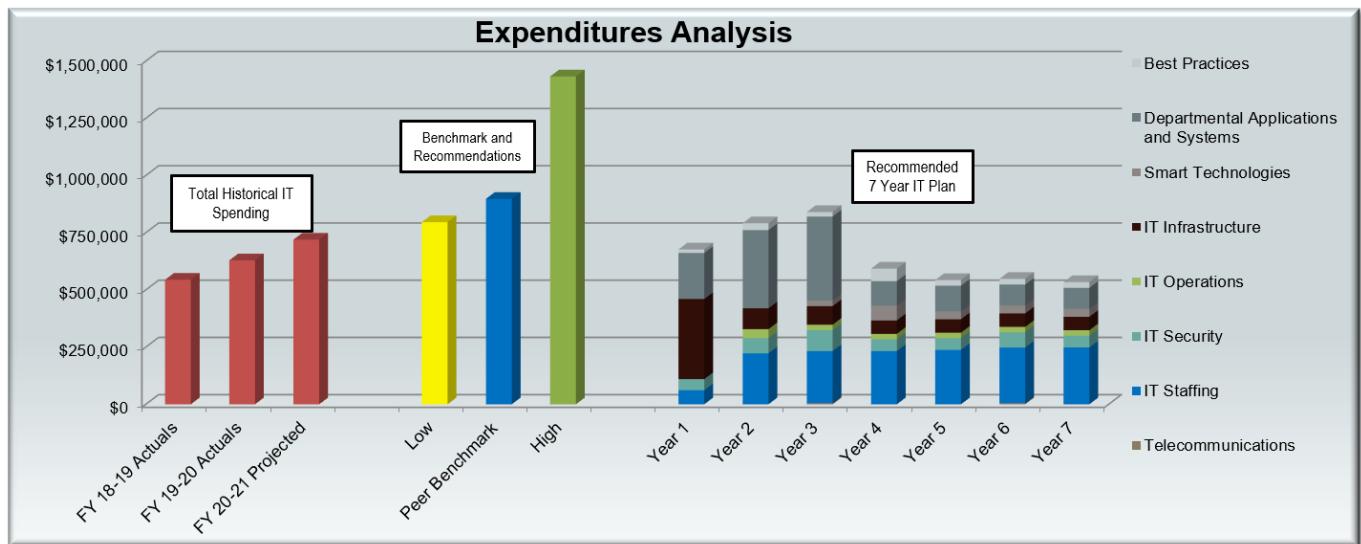
IT Staffing Ratios

The following table depicts Brisbane's IT Staffing Ratios per employee and computer equipment versus a municipality benchmark of 68 similar agencies. These are commonly used measures in the industry to validate staffing levels. As the number of individuals served and the amount of equipment increases, staffing levels should also increase.

	Brisbane	Municipality Benchmark	Recommended Best Practice
Employees per IT Staff	83	72	75
Computers/Laptops per IT Staff	73	66	60
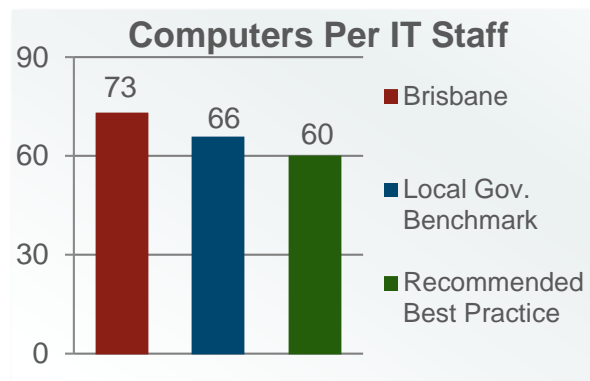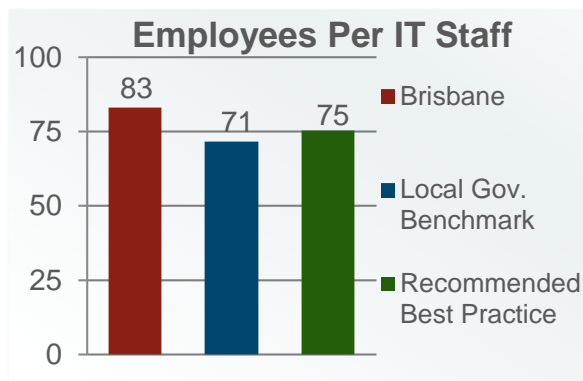
In this comparison, the City's IT staff supports more employees and computers than recommended or compared to peer agencies. We were impressed by the productivity of the IT staff and believe that technical staffing levels are appropriate for the City in the near-term. We recommend the City consider expanding utilization of the Managed Services provider to improve customer service.

These benchmarks do not take into account City needs related to departmental business applications or GIS. This report recommends procurement of several new applications and improvements to existing application systems. Adding a Business Systems Analyst to the IT team is recommended to support the expanded need for business applications as the City grows (see the *Enterprise Applications Support* initiative).

K.

Server Virtualization

The percentage of virtualized servers is an important measure that shows the extent an Agency continues to rely on physical servers. For the City of Brisbane, the lack of virtualization is a symptom of limited investment in IT. This report recommends funding virtualization of existing servers while continuing to move applications to the cloud.

SERVER VIRUALIZATION	
BRISBANE (CURRENT)	**BEST PRACTICE (GOAL)**
30%	90%

CLIENTFIRST TECHNOLOGY CONSULTING
OPTIMAL TECHNOLOGY GUIDANCE

K.
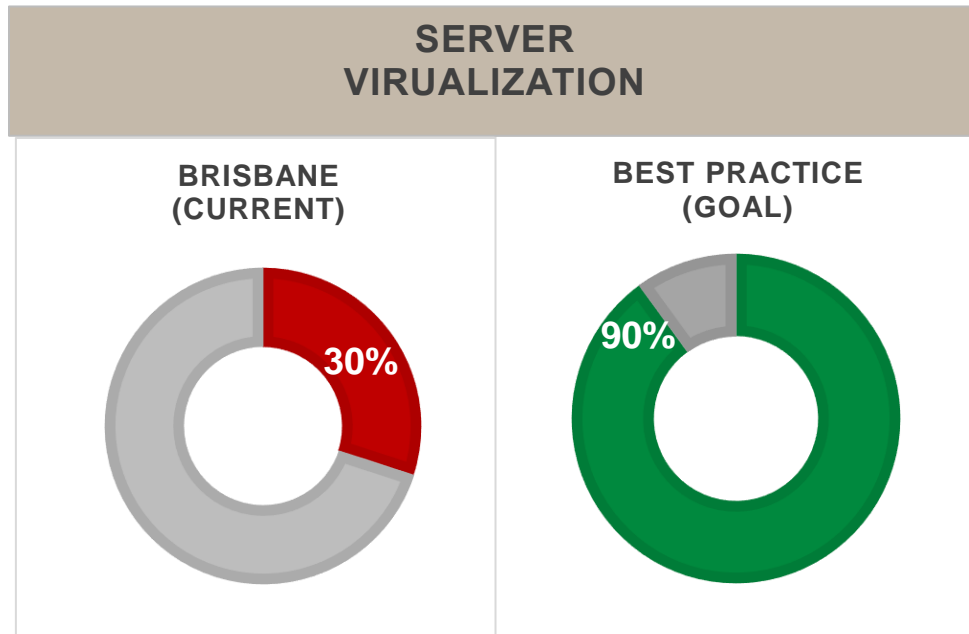
IT Strategies, Goals, and Objectives

Strategies for leveraging and maximizing information system utilization in delivering City services are listed below. Within each strategy, initial goals and objectives are identified for the City. The goals and objectives have been translated into specific initiatives later in the Technology Current State Assessment section of the report. Additionally, outlined in the report are the budgetary costs for each initiative, prioritization, and implementation time frame.

Adopt a Best Practice Approach to Software Selection
Goals and Objectives

- Utilize best practices for the selection, implementation project management, and ongoing management of all software application systems.
- Focus on reducing the number of disparate departmental systems to eliminate the need for custom interfaces.
- Prepare the City to select new and critical enterprise applications.

Expand Citizen Communication and Online Customer Service
Goals and Objectives

- Expand the City website to increase the availability of information and online payment options as new systems are implemented or enhanced.
- Incorporate departmental and other existing online services into the website to maintain a consistent City brand.
- Expand the use of graphics and maps to increase website ease of use and readability.
- Enhance ability to share financial information and key City performance indicators.

Maximize Utilization of Application Systems
Goals and Objectives

- Maintain a complete Application and User License Inventory to ensure those that need access to inquiry and reporting from various system, have that access.
- Plan for and fund adequate user training and support for all applicable systems.
- Implement application management best practices, including:
  - Maintain a culture of departmental enterprise application ownership for core applications.
  - Continue to work with departments to increase efficiency by leveraging application software functionality to streamline and automate processes.
- Commit all levels, from management to staff, to taking responsibility for adapting and improving processes and data availability, and integrating them with core application software applications.

Modernize IT Infrastructure

Goals and Objectives

- Upgrade obsolete core infrastructure systems to current generation infrastructure.

  - Assess structured cabling and implement improvements.
  - Replace aging data network and server equipment.
  - Replace older desktops and laptops.

- Improve resiliency and uptime of IT infrastructure.

  - Expand redundant Internet access to provide full resiliency
  - Reduce security risks through improved network management capabilities.
  - Design infrastructure to include cost-effective redundancies to reduce downtime.

- Provide wireless for City facilities guests, staff, and other constituents.

Strengthen Infrastructure Resilience and Disaster Recovery Capabilities

Goals and Objectives

- Expand current information technology security efforts to include additional monitoring and advanced threat-protection tools.
- Implement an Electronic Mail archiving solution.
- Consolidate backups to improve management and off-site restoration capabilities.
- Develop and test a Disaster Recovery Plan.
- Identify high-priority systems and recovery time frames.
- Exercise and test Plan regularly.

Expand GIS Capabilities

Goals and Objectives

- Complete GIS Assessment and Plan.
- Utilize results of Assessment to staff a GIS function at the City.
- Expand GIS integration between core systems.
- Leverage GIS integration with the City's systems to better utilize these core applications and data sharing.
- Leverage GIS as a repository for geospatial data and Smart City application data.
- Utilize Esri's analytical capabilities to inform reporting and decision-making.

Digital Transformation

Goals and Objectives

- Replace and/or procure new application systems to automate and streamline departmental business operations that currently rely on manual processes.
- Improve utilization of existing and new enterprise application systems.
- Improve business application access and training for all users.
- Inventory all unmet reporting needs by department and application system.

  - Include currently maintained/created manual and shadow system (e.g., Excel) data tracking and reporting.
  - Develop plan to automate reporting.
  - Create dashboards to assist in ongoing management and decision-making.

- Obtain vendor report writing training for applicable systems and City staff.
- Consider creating summary data stores that can be mined for information and decision-making.

Additional IT Staffing

Goals and Objectives

- Add a Business Application Analyst to assist departments in the implementation and utilization of improved business applications.

  - Assist with the selection and implementation of recommended systems
  - Work with the departments to improve business processes
  - Develop dashboards, reports and information sources for staff and constituents

- Expand use of IT Managed Services to improve service levels.

  - Improve internal customer service levels
  - Reduce burden of Help Desk tickets on staff
  - Expand Managed Services to include data network and cybersecurity

Technology Decision-Making Principles

Vision / Mission Statement

The City of Brisbane is dedicated to providing the highest quality technology-based services in the most cost-effective manner to deliver services effectively and efficiently on a sustained basis that reflects the organization's dedication to excellent customer service. The City will ensure its information systems are maintained in a secure environment, are capable of supporting information technology advancements made by the City, and will exist in an integrated environment that fosters an open, collaborative, and unifying culture.

- Technology is committed to the values of:

  - Reliability
  - Professionalism and Integrity
  - Efficiency and Effectiveness
  - Innovation
  - Excellence
  - Collaboration and Teamwork

- Given **Limited IT Resources**, the City will focus these resources on the most productive and cost-effective projects.
- City departments will agree on a **Collaborative Long-Term IT Vision and Strategies**, which requires active participation in setting IT priorities through an IT Committee consisting of department leadership.
- The City will strive to **Maximize Utilization of Existing Systems** and prior investments in application software, as well as to expand functionality and seek enhancements to existing applications.
- The City is committed to ensuring **Sufficient Staff Training and Application Software Knowledge** of existing vendor systems.
- **Department Ownership** is fundamental to achieving maximum return-on-investment of applications. Departments recognize the importance of assuming responsibility for managing and implementing their specific core business applications, with the support of IT staff. City departments are committed to taking responsibility for adapting and improving processes to best integrate them with the application software.

IT Initiative Summaries

Introduction

Technology Planning is a process to assess, research, prioritize, budget, and plan future technology initiatives. Some of the following initiatives are ready for approval and implementation, while others require further assessment and research before the City can make a final determination of priority, resource requirements, and cost-benefit.

Productivity Improvement – Many of the following initiatives will have a direct impact on overall productivity within the organization. Some of these initiatives will significantly impact specific processes, reducing staff time required to complete certain tasks, while others will ease or speed up delivery of services to City residents.

Reporting and Data Availability – Many of the initiatives outlined will have direct impact on the data that is available for reporting and management decision-making. New application systems and in some cases improvement of existing software systems are necessary before certain can be made available.

IT Initiative Categories

The assessment process resulted in 59 major initiatives and projects and hundreds of recommendations. Combined, there are hundreds of findings and recommendations throughout the report. ClientFirst classified the major initiatives into eight categories, including:

Best Practices	**Departmental Applications and Systems**	**Smart Technologies**	**IT Infrastructure**
IT Operations	**IT Security**	**IT Staffing**	**Telecom**

The following are the total initiatives by priority and initiative category.

Categories	Priority			Total
	High	**Medium**	**Low**	
Best Practices	8	5	1	14
Departmental Applications and Systems	5	5	3	13
Smart Technologies	1	1	4	6
IT Infrastructure	8	0	0	8
IT Operations	4	0	0	4
IT Security	8	0	0	8
IT Staffing	3	0	0	3
Telecommunications	0	1	0	1
Total	**37**	**12**	**8**	**57**

Initiative Totals by Priorities

Priorities by Initiative Category
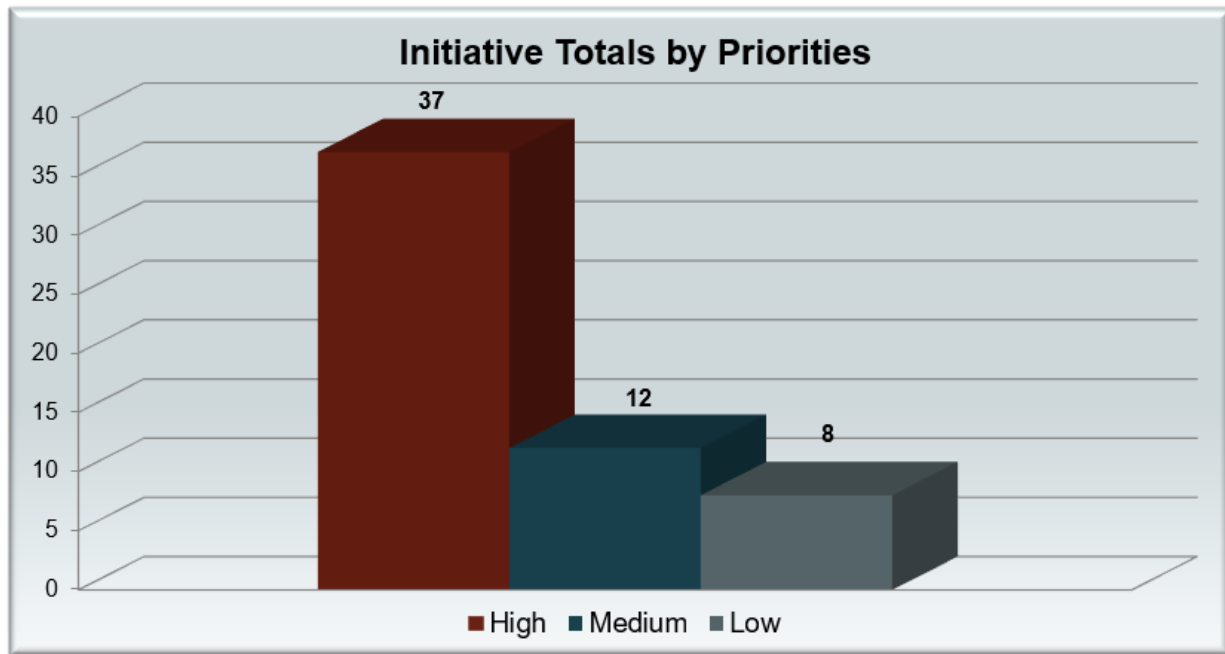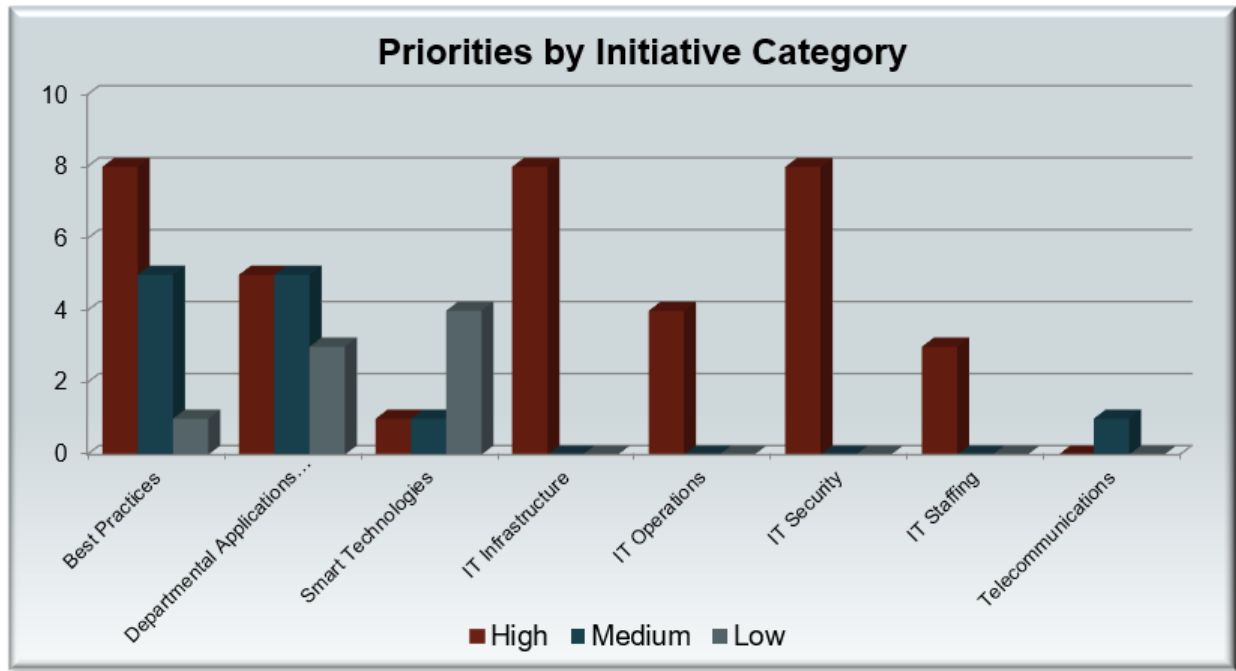
Key Issues and Initiatives

The following are a list of key issues and initiatives that were identified during the planning process. These initiatives could also be considered high priority. The key initiatives listed below either provide long-term building blocks for the success of the plan, or mitigate risk. The City has made note of these as the initiatives from this plan that should be kept in the forefront during future implementation of this Plan.

<table>
<tr>
<td>Software Selection Best Practices</td>
<td>

Selecting the right system and technology is critical today to improve operating efficiency.
A properly selected system has significant to automate and streamline processes, as well as enhance data availability, constituent services and information transparency.
Ensure industry best practices assessment and process reviews are completed and detailed feature/function specifications are documented as part of procurement and RFP's.
Include all stakeholders in each software evaluation and implementation project.

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<tr>
<td>New Land Management System</td>
<td>

The City does not have a modern, fully functional land management system.
Due to the limitations of the current system, the land management activities in the City are largely conducted manually.
The City should adhere to the principles identified in the Software Selection Best Practices initiative to ensure that a new system that meets the City's needs is acquired.
The implementation of a new system should follow the principles identified in the Project Planning and Implementation Best Practices initiative.

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</table>

New EAM (Enterprise Asset Management)	• An *enterprise asset management* (EAM) system comprises a suite of modules in a software application that manages work orders, preventative maintenance, and asset management of City infrastructure, facilities, streets, sidewalks, parks, trails, bridges, drainage, culverts, etc. • The City does not have a modern, fully functional enterprise asset management system. • Many key business processes continue to be manual. • It is recommended that the City undertake the process for acquiring a new modern enterprise asset management system. • The process should follow the guidelines that are identified in the *System Selection Best Practices* initiative. • The implementation of a new system should follow the principles identified in the *Project Planning and Implementation Best Practices* initiative.
GIS Master Plan and Systems Implementation	• GIS and spatial maps are a key component in the management of the City's assets and development. • GIS also provides critical information and data elements that benefit many of the City's operations, including Smart City initiatives, in the future. • GIS systems are integrated with Land Management, EAM and document management applications to improve field-based information storage and retrieval. • GIS and maps also provide a data visualization for citizens to access services and information. • Having a citywide approach to GIS will set the City on a course to meet Smart City, address management, geospatial, and mapping needs.
Help Desk Expansion	• Staff rely on IT Support for most day to day issues • Expand use of IT Managed Services to include Help Desk services as a supplement to staff • Track all Help Desk tickets through a single system

Computer Equipment Replacement Planning	• Many City computer systems are now obsolete and no longer supported. • Limited investment has caused this Plan to recommend significant capital expenditures to reach current levels of technology. • Development of a long-term Computer Equipment Replacement Plan, and funding that Plan through an Internal Service Fund or some other annual funding mechanism, can reduce spikes in capital costs for technology. • Expand Computer Equipment Replacement to include all electronics and software with a fixed life cycle.
Network Redesign	• Network equipment from several vintages and vendors is in use at the City. • Several small unmanaged switches are installed at City facilities, increasing the risk of downtime • Redesign the current data network to replace obsolete equipment and improve resiliency
IT Operations	• IT operations are jointly managed by staff and the Managed Services provider • We recommend expanding use of Managed Services to include network and wireless management. • Add a Business Application Analyst position to assist departments in the implementation and utilization of improved business applications.

Disaster Recovery Panning	- The City does not have a citywide cybersecurity Incident Response Plan or Disaster Recovery Plan. - Incident Response Planning can reduce the time required to response to a cybersecurity issue, potentially reducing its impact. - Incident Response Planning and Disaster Recovery Planning can provide departments with an understanding of priorities and expected time frames. - We recommend the City develop an Incident Response Plan as soon as practical. - Development of a Disaster Recovery Plan is dependent on consolidated backups and expanded network resiliency.
Security Awareness Training	- The City has not implemented a Security Awareness Training program. - Training and testing are recommended to be an ongoing process with metrics that are tracked versus local government benchmarks. - A minimum of quarterly training and testing for all staff is recommended. - Quarterly training can be as brief as a 10- or 15-minute video course. - Testing metrics should be reported quarterly, focusing on trends.

Summary Plan Budget Analysis

The Technology Assessment budget is not an entirely new set of spending requirements. The Plan encapsulates all information technology issues and needs of all departments in the City. Some initiatives are normally funded by departments themselves, and some may already have capital reserves set aside, while others are part of normal annual IT budgeting process.

Budgets by Initiative Category

Categories	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028	Totals
Best Practices	$ 15,000	$ 30,000	$ 20,000	$ 55,000	$ 25,000	$ 25,000	$ 25,000	$ 195,000
Departmental Applications and Systems	$ 201,500	$ 341,500	$ 366,500	$ 106,500	$ 111,500	$ 91,500	$ 91,500	$ 1,310,500
Smart Technologies	$ -	$ -	$ 25,000	$ 65,000	$ 35,000	$ 35,000	$ 35,000	$ 195,000
IT Infrastructure	$ 349,900	$ 91,000	$ 81,000	$ 58,500	$ 58,500	$ 58,500	$ 58,500	$ 755,900
IT Operations	$ -	$ 39,160	$ 24,000	$ 24,000	$ 24,000	$ 24,000	$ 24,000	$ 159,160
IT Security	$ 48,500	$ 66,700	$ 91,400	$ 51,400	$ 51,400	$ 66,400	$ 51,400	$ 427,200
IT Staffing	$ 61,600	$ 222,600	$ 227,430	$ 232,405	$ 237,529	$ 242,807	$ 248,243	$ 1,472,614
Telecommunications	$ -	$ -	$ 5,000	$ -	$ -	$ 5,000	$ -	$ 10,000
Totals	$ 676,500	$ 790,960	$ 840,330	$ 592,805	$ 542,929	$ 548,207	$ 533,643	$ 4,525,374

Recommended 7 Year Plan
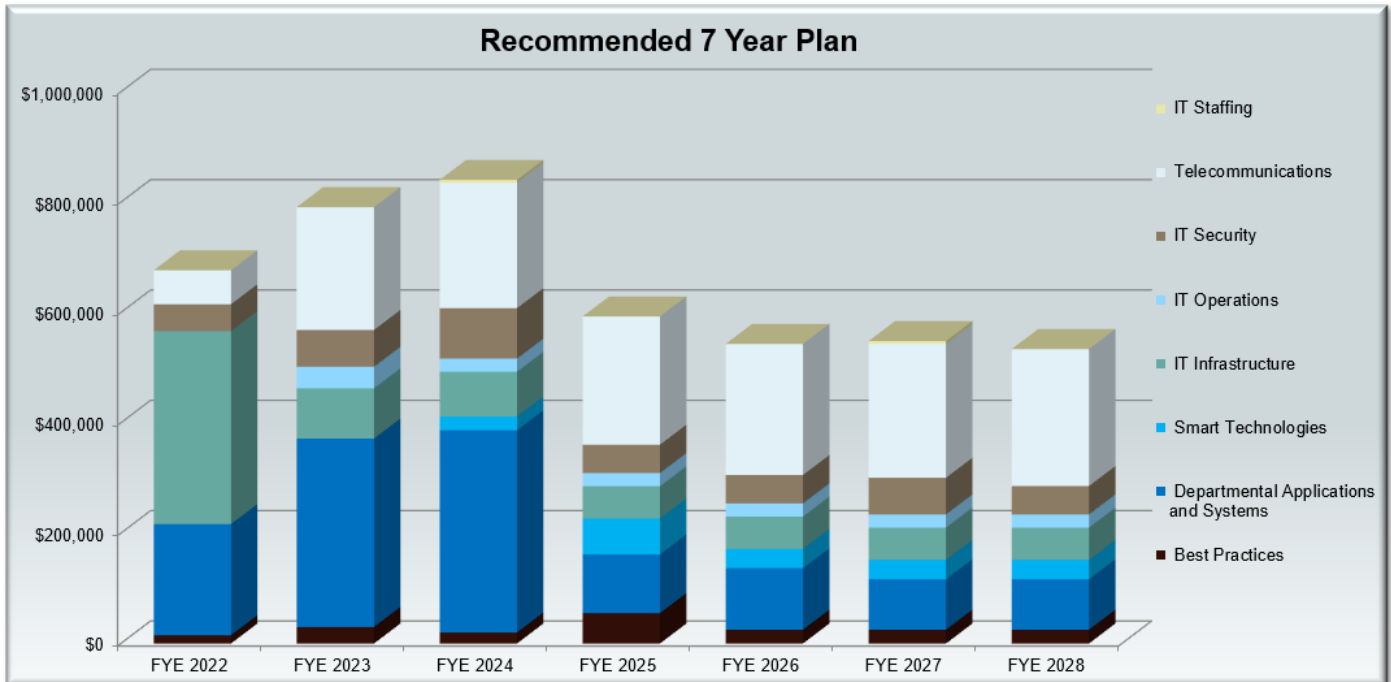
Budgets by Priority and Fiscal Year

	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028	Totals
High Priority	$626,500	$700,960	$510,330	$422,805	$427,929	$448,207	$438,643	$3,575,374
Medium Priority	$50,000	$90,000	$255,000	$110,000	$60,000	$65,000	$60,000	$690,000
Low Priority	$0	$0	$75,000	$60,000	$55,000	$35,000	$35,000	$260,000
Totals	$676,500	$790,960	$840,330	$592,805	$542,929	$548,207	$533,643	$4,525,374

Budgets by Priority and Fiscal Year
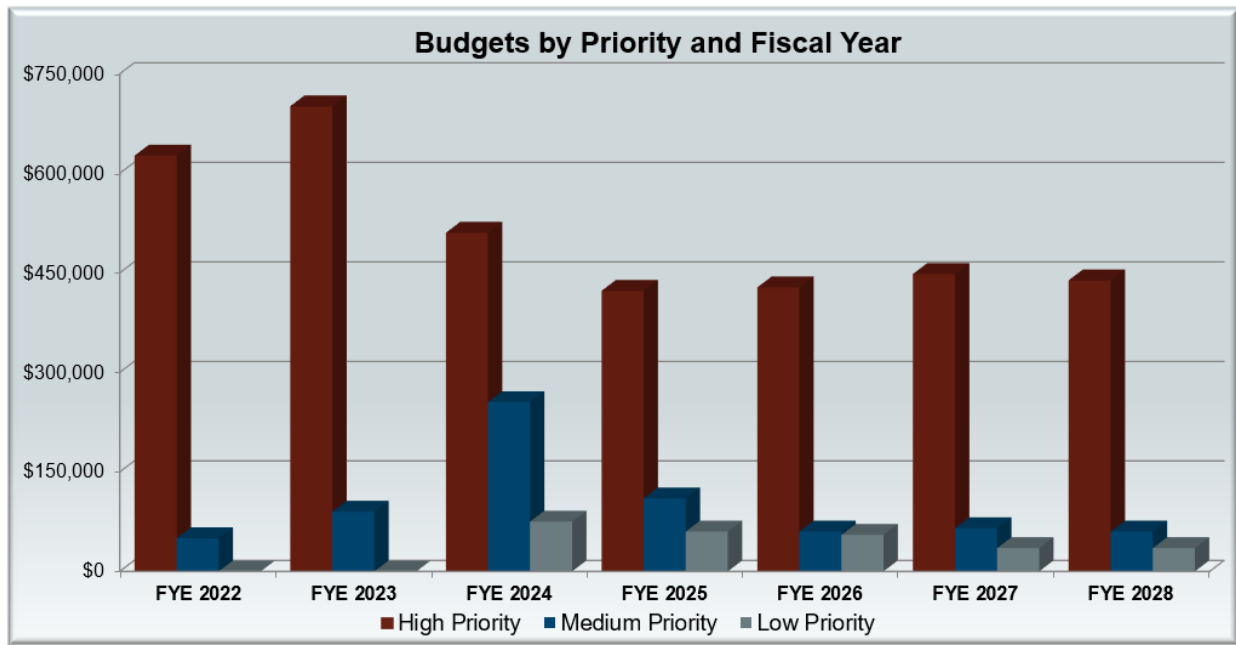
Conclusion

Moving Forward

Moving forward, over the next 18 to 24 months, the key areas of focus for information technology include a complete network upgrade, Land Management and Marina Management software replacements, new EAM (Work Order/Maintenance Management) system and GIS system development.

Developing an Incident Response Plan, expanding City wireless for guests and staff and replacing obsolete technology are key technology projects.

Organization Strategies, Goals, and Objectives → Data and Business Processes → Core Business Appl and Systems → IT Infrastructure and Services → Technology Master Plan

The above paragraphs contain ambitious and costly technology objectives for the City. If the City chooses to implement these systems rapidly, organization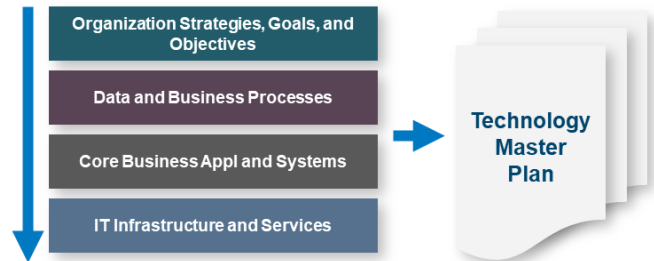al change management and strategic oversight will be critical to the City's success. In many cases, we continue to work with agencies on these issues during assessment, planning, and implementation. We have found slow and steady progress following best practice methodologies leads to improved likelihood of success, higher quality implementations, and improved staff utilization and data management of new systems.

The City should position itself in the following ways:

IT Infrastructure –Expand Computer Equipment Replacement to include all electronics and licensing. Follow IT Best Practices in upgrading the Structured Cabling system, redesigning the data network, replacing obsolete servers and expanding wireless. Focus on IT operational and cybersecurity improvements over time, using third parties to assist with implementation and management.

IT Staffing – City IT staff have many responsibilities. Expanding supplemental resources for staff will assist in improving customer service. Creating a Business Applications Analyst position will provide a focal point for business application implementation and improvement at the City. Utilizing the Business Applications Analyst to assist in project management will also reduce third-party consulting costs.

Application Utilization – City departments want to improve their core business processes and fully utilize their applications. The City should work to encourage a sense of application ownership and continuous improvement by the departments. Improved application utilization is the most effective way to increase data availability, staff productivity and improve customer service.

Land Management and EAM Replacements – The entire effort to select and implement a new Land Management and Enterprise Asset Management system, will logistically require 2-3 years. The City needs to ensure all its applications needs have been identified and appropriate funding has been budgeted for a replacement by conducting a comprehensive assessments, process reviews, detailed application feature/function specifications and developing a Request for Proposals (RFP). Additionally, because the City has not conducted this type and complexity of project with these specific business analysis, documentation, and negotiation requirements, the City should obtain assistance from qualified municipal Land Management and EAM Application Subject-Matter Experts.

Governance – The formation of the internal Technology Steering Committee will foster cooperation and collaboration in setting priorities and executing multi-department initiatives. Over the long run, the Technology Steering Committee will oversee and maintain the execution and occasional modification of this Plan.

It is expected that the projects outlined in this report to result in improved productivity and customer service, as well as improved resiliency and sustainability.

Third-party subject-matter experts will be helpful for projects that are (1) high priorities, (2) beyond the scope of City skill sets, and/or (3) lacking internal resource availability.

The City should review and update the plan annually, using an abbreviated version of this assessment and planning methodology. In this way, the plan will be a vehicle to continuously guide the information technology activities of the City. The annual plan update should be synchronized with the City's annual budget process, so the City's technology initiative costs can be properly represented in the City's annual budget.

Benefits

The completed plan should not be viewed as static, but rather as a dynamic tool that is revised and updated as business conditions and requirements change. If the planning function is not an ongoing process, certain objectives and benefits will not be realized, because the objectives themselves may change as the organization and its environment evolves.

Major benefits that are (or should be) realized through the implementation of this Technology Assessment and Plan include:

- Increased collaboration and communication between the departments and IT
- Transformation of the organization's overall understanding, knowledge, and stewardship of information technology
- Clear direction for IT operations and technology projects for the next seven years, focused on meeting the organization's needs
- Citywide department consensus and understanding of all technology initiatives and their priorities
- A roadmap for the selection, implementation and improvement of business applications to better serve residents and staff

Immediate Next Steps

It is recommended the Technology Steering Committee begin work by reviewing the plan and priorities, including the ranking and sequencing of the Key Initiatives. Next, assign lead and participatory resources to the top priority technology initiatives, as well as to all other high-priority initiatives. This should include the finalization of target due dates for immediate next steps of those initiatives. Initiative leaders should then report status updates for active initiatives to the Technology Steering Committee as part of each meeting agenda.

Major issues for each initiative should be discussed among the Committee and/or sub-committees for general feedback, collaboration, and lessons learned, as many of the initiatives cross departmental boundaries.

In order to improve the culture of application utilization, management, and support, it is also recommended a series of training seminars be developed for key department stakeholders and enterprise business application users. This is an effective way to maintain momentum and kick off the tremendous change that is to occur in improving operations and constituent services.

Technology Master Plan Capital Budget

The following section provides the seven-year master planning budget detail by categories and priority.

Initiative No.	Brisbane Technology Initiatives	Comments	Priority	Budget Range		Funding Source(s)	Depts.	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
				Low	High									
Best Practices														
1	Technology Governance	Best Practice for managing and prioritizing the limited resources of the IT function and implementation plan implementation oversight.	H	$0	$5,000		City Manager/Admin							
2	Applications Management Best Practices	Identify process owners, power users, analysts and module/functional leads within the Departments to lead improvement efforts.	H	N/A	N/A		City Manager/Admin							
3	User Access Controls	Integrate applications with Active Directory to ease administration and sign-on processes, and getting user licenses across application systems for anyone that needs access.	H	N/A	N/A		IT							
4	User Training and Support	Ongoing Departmental application system training budget year-over-year.	H	$75,000	$125,000		All Depts- City Manager/Admin to coordinate	$15,000	$15,000	$15,000	$15,000	$15,000	$15,000	$ 15,000
5	Software Selection Best Practices	Best Practice focused on reducing risk and improving software selection outcomes while maximizing value through a competitive selection process. Done properly and then implemented well, will result in higher utilization of systems and reduction in manual processes.	H	N/A	N/A		All Depts- City Manager/Admin to coordinate							
6	Project Planning and Implementation Best Practices	Follow PMI based project management principles for all larger or complex projects.	H	N/A	N/A		All Depts- City Manager/Admin to coordinate							
7	Enterprise Reporting Best Practices	Ongoing application support and continued assistance with enterprise system reporting will be critical for implementation of these practices.		N/A	N/A		All Depts- City Manager/Admin to coordinate							
8	Dashboard Preparation Improvement and Automation	Tool(s) to streamline the preparation of the dashboard type reporting.	M	$25,000	$75,000		City Manager/Admin to coordinate				$ 40,000	$ 10,000	$ 10,000	$ 10,000
9	Maintaining Software Updates	Establishment of standard operating procedures per best practice methodologies and approaches.	H	N/A	N/A		IT/Endsight							
10	Centralized Land and Parcel Data Management	GIS becoming the master and enterprise repository for all Land and Parcel data/information for the City.	H	Included in GIS Assessment	Included in GIS Assessment		DPW, CDD, Finance, P&R, Admin							

281

Initiative No.	Brisbane Technology Initiatives	Comments	Priority	Budget Range		Funding Source(s)	Depts.	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
				Low	High									
11	Data Integration and Management Strategies	Options for integration citywide data and availability.	L	TBD	TBD		City Manager/Admin to coordinate							
12	Cloud Computing	Options for Cloud/hosted solutions vs. a traditional license model.		N/A	N/A		City Manger/Admin, IT/Endsight							
13	Cost Allocation Best Practices	Third party services to develop Internal Service Fund to distribute IT Costs.	M	$0	$15,000		CIty Manager/Admin		$ 15,000					
14	IT Project and Services Portfolio	Develop and maintain a IT project portfolio and Service Level Agreements for IT systems.	M	$0	$5,000		City Manager/Admin, IT			$ 5,000				
Departmental Applications and Systems														
15	New Land Management System	New software solution to support the Community Development functions in the City such as planning, permitting, inspections, code enforcement and parcel/address management.	H	$175,000	$500,000		CDD, DPW, PD, Finance	$ 50,000	$ 200,000	$ 50,000	$ 20,000	$ 20,000	$ 20,000	$ 20,000
16	New Enterprise Asset Management (EAM) System	Software solution exclusively focused on work orders and maintenance of City's physical and infrastructure assets.	M	$150,000	$350,000		DPW, Marina, Finance		$ 50,000	$ 150,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000
17	New Marina Management Software	Software to manage boat slips use/rental and payments processing. Does not include hiring 3rd party to assist in vendor selection/implementation (in-house only)	H	$25,000	$150,000		Marina, Finance	$ 50,000	$ 25,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000	$ 5,000
18	Enterprise Resource Planning (ERP) Improvement	Budget for additional vendor support to close functional gaps, implement new modules (e.g., budget), and end-user training.	H	$35,000	$100,000		Lead: Finance, plus all depts for training	$25,000	$25,000					
19	ActiveNet Parks and Recreation System Improvements	Improvements and additional functionality for existing system. Includes assessment work to determine the GAP in the system capabilities and what they are not doing in the software now, & getting additional vendor assistance and training to improve the system. Tyler integration might fit in the provided budget #s. $15k ongoing payments assume training or additional integration costs.	H	$25,000	$100,000		P&R, Finance	$ 25,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000

282

Initiative No.	Brisbane Technology Initiatives	Comments	Priority	Budget Range		Funding Source(s)	Depts.	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
				Low	High									
20	Time and Attendance System	Potential new timekeeping system and/or improvements or implementation for Police and Fire.	L	$40,000	$80,000		Finance, PD, NCFA			$50,000	$5,000	$5,000	$5,000	$5,000
21	Police RMS Improvements	Improve police records management system and obtain additional vendor provided end-user training.	M	$15,000	$40,000		PD			$ 5,000	$ 5,000			
22	Electronic Ticketing and Citation System	Provide a full standalone systems with online payments capability.	M				PD							
23	Electronic Content Management System (ECMS)	Citywide document management and records management system, including workflow automation. $25k in 2022-2023 includes assessment and GAP analysis & education on what "Enterprise" ECMS systems are fully capable of.	M	$50,000	$200,000		Lead: City Clerk. All other depts for implementation and training	$ 25,000	$ 25,000	$ 75,000	$ 25,000	$ 25,000	$ 25,000	$ 25,000
24	Project Management and Collaboration	Enterprise-based project management, tracking, and collaboration tools can foster collaboration on inter- and intra-department projects. These tools are most often provided on a yearly subscription basis.	H	$4,500	$12,500		All depts	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500	$ 1,500
25	Legislative Management System	Software for managing and tracking council meeting activities. Existing systems (Municode Meetings; Versatile Pro) have capabilities to enhance certain aspects of leg management without upgrading/getting new system.	L	$15,000	$40,000		City Clerk					$ 25,000	$ 5,000	$ 5,000
26	Door / Gate Access Control	Gate access software due to limitations of current solution at the Marina. Marina gate access upgrade higher priority; City Hall/other facilities low priority.	H/L	$25,000	$75,000		DPW, PD, City Manager/Admin	$25,000		$15,000				
27	Learning Management Software	Software to track training and certifications, as well as creating customized courses.	L	$10,000	$25,000		HR, Finance				$ 15,000			

283

Initiative No.	Brisbane Technology Initiatives	Comments	Priority	Budget Range		Funding Source(s)	Depts.	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
				Low	High									
Smart Technologies														
28	**Website Improvement**	Needs assessment to review citywide requirements, to close functional gaps, and provide training. Needs assessment cost shown in first year	L	$20,000	$50,000		Communications				$ 30,000	$ 20,000	$ 20,000	$ 20,000
29	**Online Civic Transparency (Government Transparency)**	Online public access information such as financials and key performance indicators.	M	$15,000	$30,000		Lead: City Manager/Admin. All depts for implementation and training				$ 25,000	$ 10,000	$ 10,000	$ 10,000
30	**GIS Plan and Improvements**	Implementation of a new GIS system and ongoing improvements.	H	$42,500	$57,500		Leads: DPW & CDD. All Depts potentially impacted							
32	**Mass Outbound Communication**	Typically an ongoing annual subscription pricing model, based on estimated volume of use. Can be used for citywide multi-communication types such as outbound calls, text, email, social media and website RSS feeds. Per Communications/Emergency Services, SMC Alert allows the City to send messages to residents (must opt in) at no charge to the City. This option will be utilized first before determining if augmentation/replacement service needed. If we augment/replace, must	L	$10,000	$25,000		Emergency Services, PD, NCFA, Communications				$ 10,000	$ 5,000	$ 5,000	$ 5,000
33	**Intranet**	Implementation of an intranet system and/or improvements to existing tools. Technical assistance and training for SharePoint setup and configuration beyond Endsight's current scope of work as City staff grows.	L	$15,000	$25,000		City Manager/Admin, IT/Endsight			$25,000				
34	**Smart Water Meter Solution**	Customer self service portal to monitor water usage and detect potential leaks. This item is already funded via a dedicated account fund and is moving on its own existing timeline.	n/a	$50,000	$60,000		DPW-Utilities							

284

Initiative No.	Brisbane Technology Initiatives	Comments	Priority	Budget Range		Funding Source(s)	Depts.	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
				Low	High									
IT Infrastructure														
35	Computer Equipment Replacement Plan	Initial investment will "catch" City up.	H	Ongoing	Ongoing		City Manager/Admin, IT/Endsight	$74,900	$25,000	$40,000	$40,000	$ 40,000	$ 40,000	$ 40,000
36	File Servers and Disk Storage	Need to replace core servers and upgrade.	H	$40,000	$40,000		IT/Endsight	$25,000						
37	Internet Bandwidth	Expand internet bandwidth and build redundancy	H	Ongoing	Ongoing		IT/Endsight	$27,500	$18,500	$18,500	$18,500	$ 18,500	$ 18,500	$ 18,500
38	Network Redesign	Cisco routers end of life, network equipment various manufacturers	H	$75,000	$75,000		IT/Endsight	$75,000						
39	Office 365 – Full Implementation	Expand OneDrive/SharePoint usage	H	$50,000	$50,000		IT/Endsight	$25,000	$25,000					
40	Wireless Expansion	Expand wireless networks to cover all City facilities, including guest wireless access. New Pt. to Pt. wireless - remote site.	H	$70,000	$70,000		IT/Endsight, PD	$25,000	$22,500	$22,500				
41	Remote Access – VPN	Improve remote access experience	H	$15,000	$15,000		IT/Endsight	$15,000						
42	Structured Connectivity System	Assessment and improvements in FYE2022.	H	$82,500	$82,500		Lead: City Manager/Admin. IT/Endsight possible to assist	$82,500						
IT Operations														
43	Service Desk Ticketing System	New helpdesk software solution - managed by City	H	Ongoing	Ongoing		IT/Endsight		$12,000	$12,000	$12,000	$ 12,000	$ 12,000	$ 12,000
44	IT Policies and Procedures	Develop IT policies and procedures.	H	$5,160	$5,160		IT/Endsight, PD		$5,160					
45	Mobile Device Management	Best Practice, implementation to follow other critical needs. Per CF, better from a cybersecurity standpoint to accomplish in 2022	H	Ongoing	Ongoing		City Manager/Admin, IT/Endsight		$22,000	$12,000	$12,000	$ 12,000	$ 12,000	$ 12,000
46	Network Management Tools	Network Alerts/Alarms to be incorporated into Managed Services contract.		Included in IT Staffing	Included in IT Staffing									

285

Initiative No.	Brisbane Technology Initiatives	Comments	Priority	Budget Range		Funding Source(s)	Depts.	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
				Low	High									
IT Security														
47	**Audit Logs and Log Management**	Additional Active Directory logging for changes Microsoft does not track. Separate project to consolidate and manage system device logs in future year.	H	$15,000	$50,000		IT/Endsight	$5,000		$25,000				
48	**Backups**	Consolidate disparate backup systems into recommended platform. No net cost increase.	H	N/A	N/A		It/Endsight, PD							
49	**Disaster Recovery Planning**	Develop a Disaster Recovery Plan to outline steps required to recover from significant system loss.	H	$10,000	$25,000		IT/Endsight, Emergency Services	$15,000						
50	**IT Security Assessment**	External penetration test first, then internal, followed by Security Assessment	H	$95,000	$95,000		City manager/Admin, IT/Endsight	$7,500	$7,500	$25,000	$10,000	$ 10,000	$ 25,000	$ 10,000
51	**Security Awareness Training**	KnowBe4 or similar security awareness training	H	Ongoing	Ongoing		City Manager/Admin, IT/Endsight	$6,000	$1,800	$1,800	$1,800	$ 1,800	$ 1,800	$ 1,800
52	**Two-Factor Authentication**	Initially, implement Password complexity, then MFA for O365, then MFA for all. Recommend additional O365 security license.	H	$58,200	$58,200		IT/Endsight	$15,000	$7,200	$7,200	$7,200	$ 7,200	$ 7,200	$ 7,200
53	**Windows Active Directory**	Active Directory upgrades from 2012 to 2016/2019 in FYE2022. Azure AD in FYE2023	H	$61,000	$61,000		IT/Endsight		$25,000	$7,200	$7,200	$ 7,200	$ 7,200	$ 7,200
54	**Next-Generation Antivirus**	Implement Artificial Intelligence based anti-virus, anomaly detection	H	Ongoing	Ongoing		IT/Endsight		$25,200	$25,200	$25,200	$ 25,200	$ 25,200	$ 25,200
IT Staffing														
55	**IT Staffing**	Expand Managed Services - Annual Cost	H				City Manager/Admin	$36,600	$36,600	$36,600	$36,600	$ 36,600	$ 36,600	$ 36,600
56	**Enterprise Applications Support**	Annual cost for new business analyst position in IT Dept	H				City Manager/Admin		$161,000	$165,830	$170,805	$ 175,929	$ 181,207	$ 186,643
	IT Plan Management	Third party to manage implementation of the Technology Master Plan.	H				City Manager/Admin	$25,000	$25,000	$25,000	$25,000	$ 25,000	$ 25,000	$ 25,000

286

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Initiative No.	Brisbane Technology Initiatives	Comments	Priority	Budget Range		Funding Source(s)	Depts.	FYE 2022	FYE 2023	FYE 2024	FYE 2025	FYE 2026	FYE 2027	FYE 2028
				Low	High									
Telecommunications														
58	**VoIP Phone System Improvements**	Additional phone system training.	M	$10,000	$10,000		City Manager/Admin, PD			$5,000			$ 5,000	
								$676,500	$790,960	$840,330	$592,805	$542,929	$548,207	$533,643

*Other Funding Sources (Funded, Planned and/or Estimated)						*Other Funding Sources (Funded, Planned and/or Estimated)							
						$0	$0	$0	$0	$0	$0	$0
						$0	$0	$0	$0	$0	$0	$0
						$0	$0	$0	$0	$0	$0	$0
						$0	$0	$0	$0	$0	$0	$0
						$0	$0	$0	$0	$0	$0	$0
						$0	$0	$0	$0	$0	$0	$0
						$0	$0	$0	$0	$0	$0	$0
				Subtotal - Other Funding Sources		$0	$0	$0	$0	$0	$0	$0
						$676,500	$790,960	$840,330	$592,805	$542,929	$548,207	$533,643
				7-Year Grand Total								$4,525,374

287

Technology Current State Assessment (Initiatives)

The following section contains the *Technology Current State Assessment* documentation in its entirety. The assessment resulted in 60 major technology initiatives and projects with hundreds of additional recommendations.

Technology Current State Assessment

April 2021

Optimal Technology Guidance

Client Locations
Coast-to-Coast

Practice Locations
California
Illinois
North Carolina
Texas

800.806.3080
www.clientfirstcg.com

CLIENT FIRST
TECHNOLOGY CONSULTING

Table of Contents

Best practices are methods that are recognized as consistently providing better results than those achieved with other methods. We believe that the following best practices will enhance the City's ability to select, procure, and maintain solutions that are more effective in the future, as well as improve overall productivity of staff.

Best Practices

1.   Technology Governance

2.   Applications Management Best Practices

3.   User Access Controls

4.   User Training and Support

5.   Software Selection Best Practices

6.   Project Planning and Implementation Best Practices

7.   Enterprise Reporting Best Practices

8.   Dashboard Preparation Improvement and Automation

9.   Maintaining Software Updates

10.   Centralized Land and Parcel Data Management

11.   Data Integration and Management Strategies

12.   Cloud Computing

13.   Cost Allocation Best Practices

14.   IT Project and Services Portfolio

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1. Technology Governance

Background

Technology Governance

Traditionally, key technology decisions are made by IT professionals and a select few organization managers. This approach does not always ensure the most effective delivery of technology to stakeholders (all departments and constituents). Technology governance can provide a collaborative forum for major decisions, planning, internal communication, and department and staff training. Technology governance can also provide a methodology for stewardship of technology resources on behalf of the stakeholders who demand a benefit.

Steering Committee

A Technology Steering Committee is composed of a group of employees and managers representing a cross section of the organization's leadership, departments, and disciplines who assist in providing long-term direction for an organization's technology resources. This committee can assist and facilitate with the prioritization and the focus for the development of organizational concepts and planning. Some specific responsibilities may include:

- Identifying and developing technology initiatives and projects
- Assisting in prioritizing technology initiatives
- Monitoring the Technology Master Plan and projects' progress
- Providing a forum for lessons learned during implementation of technology projects
- Providing an initial review process of technology-related projects requested by individual departments
- Reviewing and providing feedback on long-term, unresolved Help Desk issues
- Reviewing and assisting with the implementation of technology standards and policies
- Providing support for technology across the organization
- Discussing internal customer service concerns
- Acting as a sounding board for management and staff

Implementation of a technology governance methodology can be an effective forum for departments to become more knowledgeable about technology, how it can be used to enhance customer service, ensure the effective use of technology and the organization's technology budget, and create efficiencies throughout the City's business processes.

Findings and Observations

- The City does not currently use a formalized Technology Steering Committee format.
- The creating and implementation of the Committee structure will provide a great opportunity for City departments to collaborate on future technology use and application needs that will improve their day-to-day operations and constituent services.

Recommendations

- Assemble and formally implement a Technology Steering Committee, including a Technology Steering Committee Charter, to discuss technologies and recommend priorities, assist in policy implementation, and increase communication within the City and department staff.
- Utilize the Technology Steering Committee as the initial forum for departments to propose and present new technology-related projects.

  - Assure best practices are followed and applied to the review, selection, approval, procurement, and implementation project management of approved projects.
  - Assure ongoing application maintenance and support meets department needs.
  - Discuss ongoing security concerns and security awareness initiatives.

Recommended Next Steps

- Develop a Technology Steering Committee charter.
- Determine potential Technology Steering Committee members who are:

  - Represent a cross-section of the organization, including leadership, departments, and line-level staff
  - Interested in participating on the committee
  - Able to speak for Department Heads

- Develop and implement a Technology Steering Committee focused on:

  - Adjusting priorities, based on limited IT resources
  - Annual IT initiative/project review and prioritization
  - IT policy implementation and security awareness
  - New project reviews and feedback
  - Lessons learned from ongoing projects

- Determine representation of all departments on the Steering Committee for regular technology-based communication, ongoing education, and continued collaboration.
- Monitor and discuss active initiatives and projects at each Committee meeting.
- Form sub-committees, as appropriate.

  - Consider a GIS sub-committee to focus on developing a strong citywide GIS program.

Benefits

- Increased transparency, responsibility, and accountability
- Prioritization of initiatives
- Improved compliance and consistency
- Enhanced communication and collaboration
- Higher degree of business and technology alignment
- Widespread personal and professional growth

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2. Applications Management Best Practices

Background

The City does not currently have a Best Practices process in place for acquiring, managing, and supporting its software applications across the organization. Studies and ClientFirst's direct experiences over two decades show that the most common reason for the failure of an enterprise application system implementation is choosing a system that is not the right fit for the needs of the organization. A lack of fit results in enterprise application systems that are not fully utilized or have significant functional gaps. The gaps result in loss of productivity due to inefficient workarounds, continued reliance on manual processes, and ineffective or unnecessary reconciliations. In addition to wrong fit, underutilization of applications are attributable other factors. Those factors may include inadequate implementation of the applications, the lack of sufficient end-user training, or a fragmented support approach between the IT Department and end users.

Like many municipalities, the City does not have sufficient resources in its IT Department to document practices, procedures, and functional and technical requirements for technology applications or business processes. Improving and achieving full utilization of software applications require a structured approach for prioritizing and evaluating alternative solutions, identifying insufficient implementation results, and ongoing management and support resources. Achieving this outcome requires application roles, responsibilities, and support be blended between departmental users and the IT Department.

The following table is an unofficial inventory of the City's different software applications or modules throughout all departments. The City currently utilizes over 170 applications modules and systems. Major systems include:

Application Functionality	Vendor-Application Name
Financial Management	Tyler Incode Version 10
Human Resources	Tyler Incode Version 10
EAM (Enterprise Asset Mgmt./Work Orders & Maintenance Management)	None, however, use Mobile MMS to track Work Order elements Nautical Software – Marina Management
Land Management/Community Development (The system is a custom application provided by the City Community Development vendor, CSG Engineering)	Greenvue Permit Suite
Police Dispatch and Records	Sun Ridge - RIMS
Parks and Recreation	ActiveNet
Electronic Document and Records Management	Filemaker Pro and Versatile
Geographic Information System (GIS)	ArcGIS

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A sample listing of City applications is included below. This list is not intended to be the City's official inventory.

Category	Application/Module	Function	General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
Recreation	ActiveNet	Customer management database, registrations, rentals, etc.									X			
Recreation	ActiveNet Connect App	Participant check in on iPads									X			
Creative	Acrobat Pro	Plan review, staff report submittal	X			X							X	
Creative	Adobe Creative Suite	PDF/Form Creation/Editing									X			
Creative	Adobe Illustrator	Marketing, graphic design, fillable PDF forms, etc.											X	X
Creative	Adobe Photoshop	Presentations / Promotions			X								X	X
Document/Records Management	Adobe Reader	PDF manipulation, signing documents	X											
Creative	Adobe Spark	Internal and External e-Newsletter Creation and Publishing	X								X			
Facility Access	ALX Technology	Gate fob controller											X	X
Mobile	Apple- Facetime	Virtual building inspections (introduced during Shelter in Place	X											
GIS	ArcGISDesktop	GIS/mapping											X	X
GIS	ArcGIS Map	Utility Mapping			X									
GIS	ArcGIS Online	Utility Mapping											X	X
GIS	ArcGIS Pro	Utility Mapping											X	X
Document/Records Management	Archive website	Search minutes (archives)		X										
Cashiering	Authorize.net (Marina)	Credit Card Processing					X							
Land Management	AutoCAD	Plan preparation, Utility Mapping, Standard Details											X	X
GIS	Maps 3D	Utility Mapping											X	X
Land Management	Avenu (Business License)	On-Line Processing of Business Licenses			X		X							

Category	Application/Module	Function	Department											
			General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
Land Management	Bluebeam Revu	Permit processing, plan review			X								X	
Land Management	Bluebeam Stapler	Combine single PDFs into one PDF			X									
Cashiering	Bridge Pay/Muni On-Line Payments	On-Line Credit Card Payments					X							
Human Resources	CalOpps	Recruitment Tracking							X					
Human Resources	CalPERS	Employee Benefit/Pension Information System							X					
Creative	Canva	Design and Marketing	X									X	X	
Creative	Circuit Design Space	Creating branding and marketing materials with Cricut Machine									X			
Web Conferencing	Cisco Webex													
VPN	Citrix	DPW file share											X	
Recreation	ClassDojo	Preschool parent-teacher communication									X			
IT	Command Line Interface									X				
IT	Computer Management													
IT	Local Users and Groups									X				
IT	Disk Manager									X				
IT	Event Log									X				
IT	Control Panel													
IT	Network									X				
IT	System									X				
IT	Advanced System Settings									X				
Land Management	CSG Engineering													
Land Management	CSG Plan Check System	Access informational status of building permit plan checks within consultant CSG's system			X									

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OPTIMAL TECHNOLOGY GUIDANCE

Category	Application/Module	Function	General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
Land Management	Greenvue (Community Development)	Building permit application submittal and plan check review			X								X	
Public Safety	Data Ticket (Other Citations)	Database for outstanding citations					X							
Document/Records Management	Digital Reel	Digitized microfilm			X									
Human Resources	Discover Benefits	FSA (Benefit) Tracking System							X					
Human Resources	DMV Pull Program	Notification System							X					
Document/Records Management	DocuSign	Processing of Employee Changes for Payroll					X		X					
Public Safety	DOJ Portal	Looking up backgrounds/submitting NLI							X					
Document/Records Management	Dropbox				X		X						X	
Public Safety	Emergency Reporting System (ERS)	Incident Records Management						X						
Recreation	Eventbrite	Event ticketing									X			
Public Safety	Everbridge	San Mateo County-owned mass outbound communications system for emergencies/disaster												
Document/Records Management	File Maker Pro	Search resolutions and ordinances		X										
Internet	FireFox									X				
Social Media	Flickr	Childcare participant photo sharing									X			
Document/Records Management	FPPC eFiling System	Form 700												
Internet	Google Chrome						X			X				
Document/Records Management	Google Docs / Sheets													X

Category	Application/Module	Function	General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
Document/Records Management	Google Drive				X									
Land Management	Google Earth Pro												X	
Document/Records Management	Google Suite						X						X	
Social Media	Google YouTube	Public Meeting Videos, Internal/External Collaboration, Surveys			X									
Work Order/Asset Management	GoRequest	Citizen and employee service requests		X									X	X
Human Resources	GovInvest (OPEB and PERS Liability)	OPEB and PERS Liability Projections					X							
Human Resources	Greatland	ACA 1095 Reporting System							X					
Creative	Handbrake	Open-source software used for ripping DVDs into MP4 files			X									
Document/Records Management	Hightail				X									
Work Order/Asset Management	iCentral Rain Master	Remote irrigation controls at Community Park											X	X
Work Order/Asset Management	ID Flow	Identification System								X				
Creative	iMovie	Video editing for social media									X			
Creative	InShot	Short Video Creation	X	X										
Document/Records Management	Iron Mountain	Iron Mountain Storage - Online Customer Request Form to retrieve/pickup storage boxes		X										
Security Camera	iVMS 4200	Security camera system											X	X
Creative	Kaseya Remote Control /Focus									X				

Category	Application/Module	Function	General/Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/Rec.	PD	PW	PW - Marina
IT	LogMeIn Web Admin Interface			X			X		X	X	X			
IT	LogMeIn client installation & configuration				X					X				
Telecom	MaxUC	Digital call routing to other extensions or city cell phones; chat using city hall extensions between employees			X									
Work Order/Asset Management	Mobile MMS	Time tracking, asset inventories, daily COVID checks, facility checks											X	X
Finance	MoM(Legacy Financial System for Successor Agency)	General Ledger Accounting, Payables, Cashiering					X							
Business Productivity	Microsoft Access	Personnel Records			X				X			X		
Internet	Microsoft Edge browser									X				
Business Productivity	Microsoft Excel		X	X	X	X	X	X	X	X	X	X	X	X
Business Productivity	Microsoft File Explorer		X	X	X	X	X	X	X	X	X	X	X	X
Internet	Microsoft Internet Explorer						X			X				
Business Productivity	Microsoft Office 365		X	X	X	X	X	X	X	X	X	X	X	X
IT	Microsoft Exchange - Admin Center									X				
Business Productivity	Microsoft OneDrive				X									
Business Productivity	Microsoft Outlook		X	X	X	X	X	X	X	X	X	X	X	X

Category	Application/Module	Function	Department											
			General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
Creative	Microsoft Paint									X				
Business Productivity	Microsoft PowerPoint	Create presentaitons	X	X	X	X	X	X	X	X	X	X	X	X
Creative	Microsoft Publisher	Simple marketing/graphics									X		X	X
Business Productivity	Microsoft SharePoint		X											
Web Conferencing	Microsoft Skype													
Project Collaboration	Microsoft Teams	Project Management/Collaboration	X	X	X		X				X		X	X
Business Productivity	Microsoft Windows 10													
IT	Microsoft Windows RDP (Remote Desktop)									X				
Document/Records Management	Microsoft Windows/File Explorer	File & network management	X	X	X	X	X	X	X	X	X	X	X	X
Business Productivity	Microsoft Word		X	X	X	X	X	X	X	X	X	X	X	X
Business Productivity	Microsoft Visio						X							
Document/Records Management	Municode													
Website	Municode Website Host	Website hosting	X	X	X									
Web Conferencing	Municode Web Meetings	Planning Commission meeting agenda management and archive		X	X									
Document/Records Management	Municode Ordinances	City Municipal Code – emailing approved ordinances to Municode for update to codes	X											
Marina Management	NauticaL (Marina Management Software)	Client data, electrical usage input, and invoicing											X	X

Category	Application/Module	Function	General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
						Department								
Human Resources	Navrisk (ventiv claims) Web Portal	Entering workers comp claims							X					
Finance	Nvision (Payable processing)	Payments to Vendors					X							
Cashiering	Open Edge View (web-based)	Credit card processing by staff. Not integrated into permit system or available on city website for users to use			X		X						X	X
IT	Parallels Admin Portal									X				
Creative	Photoshop (personal license on personal computer of one staffer)	Mapping												
Recreation	Playpass	Schedule maker for adult sports									X			
Work Order/Asset Management	POSM (Sewer Video Inspection)	Sewer Video Inspection software											X	X
IT	PowerShell ISE	host application for Windows PowerShell to run commands and write, test, and debug scripts					X			X				
Finance	ResourceX	Priority Based Budgeting												
IT	Ruckus	Wi-Fi hardware controller											X	X
GIS	San Mateo County GIS (web-based)	Limited GIS mapping												
Work Order/Asset Management	SewerCAD (static model)	Hydraulic Modeling											X	X
Social Media	Shutterfly	Childcare participant photo sharing									X			
Business Productivity	Slack	Dept and citywide communications			X		X				X		X	X
Recreation	Sling (getsling.com)	Childcare staff scheduling website/app									X			

Category	Application/Module	Function	Department											
			General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
Creative	Snip and Sketch	Cutting information from various applications to integrate into other applications					X							
Social Media	Social media	Community engagement/external communications									X			
Social Media	Social media Nextdoor		X		x									
Social Media	Social media Facebook		X		x									
Social Media	Social media Instagram		X		x									
Social Media	Social media Twitter		X		x									
Social Media	Social media Brisnet				x									
Creative	Splice	Video editing for social media									X			
Work Order/Asset Management	SPMR	Meter reading					X							
Cashiering	Square	Credit Card processing for events									X			
Work Order/Asset Management	Streetsaver	Pavement management system											X	X
Public Safety	Sun Ridge Systems Mobile Rims	Patrol incident reporting system										X		
Public Safety	Sun Ridge Reports	Administrative data gathering										X		
Public Safety	Sun Ridge Systems RIMS	Patrol and Administrative										X		
Public Safety	Sun Ridge Systems Prop Room	Property Inventory										X		
Document/Records Management	SyncBack Free									X				
Document/Records Management	SyncBack Pro									X				
Recreation	Team Snap										X			
Project Collaboration	Trello	Project Management/Checklist	X											

Category	Application/Module	Function	Department											
			General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
Marina Management	True Read	Monitor Electrical usage at slips											X	X
Public Safety	Turbo Data (Parking Citations)	Processes Parking citations, Report for County					X			X				
Finance	TYLER Incode v. 10 SaaS	Financials, accounting, utility billing	X	X	X	X	X	X	X	X	X	X	X	X
Finance	TYLER Incode General Ledger													
Finance	TYLER Incode Budget Preparation		X	X	X	X	X	X	X	X	X	X	X	X
Finance	TYLER Incode Accounts Payable		X	X	X	X	X	X	X	X	X	X	X	X
Finance	TYLER Incode Positive Pay													
Finance	TYLER Incode Purchasing		X	X	X	X	X	X	X	X	X	X	X	X
Finance	TYLER Incode Fixed Assets													
Finance	TYLER Incode Project/Grant Accounting													
Finance	TYLER Incode Personnel Management		X	X	X	X	X	X	X	X	X	X	X	X
Finance	TYLER Incode Employee Self Service		X	X	X	X	X	X	X	X	X	X	X	X
Finance	TYLER Incode Time & Attendance		X	X	X	X	X		X	X	X		X	X
Finance	TYLER Incode Benefits Administration						X							
Finance	TYLER Incode Utility CIS System						X							
Finance	TYLER Incode Cashiering						X							

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OPTIMAL TECHNOLOGY GUIDANCE

Category	Application/Module	Function	General/ Admin.	Clerk	Comm. Dev.	Econ. Dev.	Fin.	Fire	HR	IT	Parks/ Rec.	PD	PW	PW - Marina
Finance	TYLER Incode Accounts Receivable/Misc. billing						X							
Finance	TYLER Incode Document Management Suite		X	X	X	X	X	X	X	X	X	X	X	X
IT	Incode v. 10 Admin Interface						X			X				
Telecom	Utility Telecom System/Max UC app	Phone System	X	X	X	X	X	X	X	X	X	X	X	X
Creative	Varitronics	Sign board printing software									X			
Document/Records Management	Versatile Express	Filemaking- planning and building address files, code enforcement files; remote archival storage database		X	X		X		X				X	X
Human Resources	VSP	Vision Benefit Tracking System							X					
Work Order/Asset Management	WaterCAD (static model)	Hydraulic Modeling											X	X
Website	Web TMS	USA Tags											X	X
Web Conferencing	Webex	Remote conferencing											X	
Finance	Wells Fargo (CEO Portal)	Banking, Wires, ACH, Positive Pay, Tax Payments					X							
Work Order/Asset Management	XP-SWMM2000	Hydraulic Modeling											X	X
Human Resources	Yearli	W-2 and 1099 processing					X							
Social Media	YouTube (web-based)	Archive of public meeting videos and video editing.												
Web Conferencing	Zoom	Online meetings		X	X		X				X		X	

Findings and Observations

- Ongoing training is needed for many existing and future software applications throughout the City (see *User Training and Support* initiative).
- The City lacks sufficient IT resources to support critical enterprise applications, document business processes, develop needs for applications systems, prioritize needs, evaluate solutions, or identify sufficient implementation and ongoing management and support resources for these all these software solutions.
- Greater utilization of application software systems is vital to significant increases in staff productivity and to increase data sharing goals throughout the City. However, achieving this goal in the current environment will require additional resources to address.

Future Applications Roles and Responsibilities

Applications support and management roles and responsibilities should be identified and assigned to each department's operational application modules. We recommend starting with:

- ERP
- Land Management
- EAM
- ECMS
- Other major enterprise application systems

Identifying capable staff resources to fulfill the roles and responsibilities for applications will help the City achieve the goals of the *Applications Management Best Practices* initiative in the future. Examples include:

Process Owner

- Primarily makes final decisions on process policies, procedures, and deliverables for their area of expertise
- "Resident expert" staff member who is responsible for a given departmental process or function
- May also be responsible for oversight and delivery of daily, weekly, monthly, and annual processes
- Stays current with the applicable industry best practices, technology, and applications capabilities
- Stays current with existing application vendors' capabilities, offerings, and enhancements

Power User

- Department expert on application/module
- Possesses greatest knowledge of application/module
- Lead trainer/support person for other departmental staff that utilizes application/module
- Usually has formal training and is responsible for application configuration setup and changes on an ongoing basis
- Stays current with the applicable industry best practices, technology, and application capabilities
- Stays up to date with current application vendors' capabilities, offerings, and enhancements

Application Analyst Skills

- Assigned to work with process owners, power users, report writers, and users
- Reviews business processes, current utilization of application, manual processes, and shadow systems (e.g., workarounds, spreadsheets, and other databases) to increase automation, improve efficiencies, and increase utilization of the core business application
- Assists in developing and documenting standard operating procedures (SOPs)

Report Writer

- Aptitude to develop ad hoc reports using vendors' report writing tools, which may include third-party tools such as Crystal Reports, Cognos, or Microsoft SQL Server Reporting Services (SRSS)
- Assigned as the go-to person for ad hoc reports that other users cannot quickly generate on their own

IT Roles and Responsibility

- The objective is to identify the future role of IT for a given application/module.

  - The IT Services does not have the resources to effectively fulfill all applications management support and maintenance roles for the entire City.
  - For some applications, it is appropriate for IT to fulfill many of the above roles if not available within a department. However, an IT staff member can never be a process owner or power user.
  - The overall objective is for the departments to take as much responsibility as possible for the application management and support of the modules utilized by their primary business process functions.

- Copy data between development, training, and live databases
- Develop ad hoc reports
- Implement and test security roles, including testing all user IDs
- Administer system and supporting software/database
- Assist with the installation, upgrades, and ongoing maintenance of the application

Multiple Roles

Please note the organization may not have an identified resource in some instances, and some applications may not require certain roles. It is also likely, in some instances, the same person(s) will fulfill more than one role for a given application or module.

Module Lead

- Responsible for documentation, gathering information, and coordinating other Key Module Stakeholders
- Leads participant in reviewing assembled software and business process needs requirements
- Liaises or coordinates with departmental staff, project managers, and vendor
- May also be a module lead and feature function reviewer
- Provides feedback or clarifications on software needs
- Leads departmental implementer for new software module/functionality

Module Stakeholders

- Participate in reviewing assembled software needs requirements
- Assist in gathering documentation and identifying department or division needs
- May also provide feedback or clarification on software needs

Recommendations

- Add an Applications Business Analyst staff in the IT Department to provide applications support to departmental users for departmental business applications.
- Departments should be encouraged to become more responsible for changes to application setup and configurations, with assistance from IT personnel. If department personnel are unable to make these changes, training should be provided. If needed, third-party subject-matter experts can be helpful for large or complex projects.
- Training department personnel to perform their own simple report writing (basic listings and extracts in tabular form) is challenging, but beneficial. More complex reporting often requires specific understanding of database structures in the application, requiring IT assistance.
- Process owners and/or power users should take a more active role in monitoring upcoming functionality improvements from new software releases. Utilization by departments will improve over time. In addition, it would be helpful if process owners across departments monitored and discussed applications usage with other peer organizations and entities. The feedback gleaned from interagency exchanges could be incorporated into the City's systems to further improve systems functionality and increase its use across the organization.
- Specifically assign roles and responsibilities to each applicable application or module.
- Key assignments should encompass responsibility for understanding industry best practices and solutions, or processes available, as well as taking the lead in continually assessing and inventorying needs.
- Inventory current and future feature/function, reporting, training, and support gaps, and maintain improvement needs lists by specific software modules.

Benefits

- Increased use of applications features, resulting in higher return on software investment
- Higher degree of user independence, as well as less reliability and cost for vendor assistance or time required by IT staff
- Identification of applications user roles and responsibilities
- Improved efficiencies and productivity
- Improved customer service

3. User Access Controls

Background

User Account Control (UAC) is composed of tools to provide and limit end-users access to an application or a system, or to areas and functionality within a system – for example, who can see information, who can update information, etc. User Access Controls are frequently used for the network and operations at a desktop level. UAC improves application security by limiting standard user privileges until an administrator authorizes an increase or elevation. It ensures only agency-approved, trusted applications are authorized to run on the network. In addition to defining end-user access, UAC also further segregates and isolates running processes within a system that have different privileges. The segregation reduces the chances of lower and higher privilege applications from communicating with each other.

As noted earlier, UAC also applies to enterprise or departmental applications systems. These are often set up using role-based security (RBS) to allow people to access various areas in the system, including what capabilities they might have for approval or whether they can just view, add, change, or delete information. These system roles are very critical, and if not set up properly, it can allow unauthorized personnel to see restricted information, or it can even deny access or capability for those that need access and should be authorized to perform critical tasks.

Findings and Observations

- Users reported a lack access to certain information from various applications.
- It is appropriate for staff members not to be required to obtain necessary information through internal requests of other staff members or other manual processes if non-confidential information is available in an inquiry-only manner from various software programs.
- The user license costs to allow users access to an application are appropriate since they are typically a fraction of the cost when compared to the increased labor costs required for workarounds and manual labor.

Recommendations

- Utilize an applications/user inventory to determine user access needs that are not currently provided.
- Utilize integration with Windows Active Directory (AD) to facilitate user access management and reduce the amount of system logins when enterprise application systems support AD.
- Consider a single sign-on application to further ease access to authorized information.
- Determine if any confidential information is available in requested modules (e.g., social security numbers, driver's license numbers, credit card numbers, etc.) If not, grant inquiry-only access to staff members that require it to improve productivity, increase efficiency, and enhance responsiveness.
- Have management and application process owners work with the IT Department to properly set up roles and security for all enterprise or department level application systems. This should include the setup of roles and security for new employees and the disabling of user roles and security for departing employees.
  - Ensure that workflow is configured for on and off boarding employees that conforms with the City's policies to ensure access permission are current.

4. User Training and Support

Background

Software systems are tools utilized to conduct business operations. Like other tools (e.g., phones, audiovisual equipment, backhoes, plotters, etc.), gaining greater utilization of these tools through sufficient training and installation of other available software modules is key to significant increases in productivity and greater efficiency, as well as achieving cost savings in many areas.

Findings and Observations

- Staff productivity can result from additional staff application training.

  - Underutilized software applications will gain significant increases in staff productivity if more training is provided.

- New employees and users do not consistently receive sufficient training on certain applications and systems.
- End-user training ensures applications ownership resides at the department level. This will ensure the sharing of applications support among departments and the IT Department.
- Departments requested training during the questionnaire and interview process. Some feedback are identified as follows:

  - Admin/COM – Need training for Teams and SharePoint
  - Clerk – Need training for Municode
  - Clerk – Need training for Filemaker Pro
  - Clerk – Need training for Ironmountain on customer portal
  - Clerk – Need training for MS Teams
  - Clerk – Need training for MS Office 365
  - Clerk – Need training for phone system
  - Clerk – Need training in Teams
  - Clerk – Need training for Tyler accounting
  - Clerk – Need additional or on-going training for Microsoft Office applications, including Teams and Outlook; Utility phone capabilities
  - Clerk – Need additional or ongoing training for Utility phone capabilities
  - Clerk – Need additional or ongoing training for Adobe Pro
  - Clerk – Need additional or ongoing training for Municode Meetings
  - Clerk – Need additional or ongoing training for website
  - Clerk – Need additional or ongoing training for Versatile Express as new versions roll out
  - Clerk – Need training on Tyler for accounting input
  - Com Dev – Need training for Excel
  - Com Dev – Need training for Teams
  - Com Dev – Need training for OneDrive
  - Com Dev – Need training for Bluebeam
  - Com Dev – Need training for MS Access
  - Com Dev – Need training for Zoom
  - Com Dev – Need training for Avenue
  - Com Dev – Need training for Municode
  - Com Dev – Need training for MaxUC
  - Com Dev – Need training for Slack
  - Com Dev – Need training for Hightail

- Com Dev – Need training for Dropbox
- Com Dev – Need training for Adobe
- Com Dev – Need training for Office 365
- FIN/UB – Would like training for Tyler
- FIN/UB – Would like training for Office
- FIN/UB – Would like training for Adobe
- FIN/UB – Would like training for ESS for timecards
- FIN/UB – Would like training for Bridge Pay/Muni On-Line Payments
- FIN/UB – Would like training for DocuSign
- FIN/UB – Would like training for ResourceX
- FIN/UB – Would like training for MS-365 (Teams)
- FIN/UB – Would like training for Dropbox
- Fire – Would like training for Access
- Fire – Would like training for PowerPoint
- Fire – Would like training for Emergency Reporting System (ERS)
- Fire – Would like training for Office
- Fire – Would like training for Work Orders/Asset Management System
- Parks/Rec – Need Tyler Incode training
- Parks/Rec – Need MS Excel training
- Parks/Rec – Need MS Teams training
- Parks/Rec – Need Square CC training
- Parks/Rec – Need MS OneDrive training
- Parks/Rec – Need MS Office 365 training
- Public Works – Need training for MS Teams
- Public Works – Need training for OneDrive
- Public Works – Would like training for Tyler Incode
- Public Works – Would like training for Citrix
- Public Works – Would like training for web conferencing tools
- Public Works – Would like training for Mobile MMS
- Public Works – Would like training for AutoCAD
- Public Works – Would like training for Marina Program
- Public Works – Would like training for ArcGIS Pro
- Public Works – Need training for Adobe Pro
- Public Works – Need training for Zoom
- Public Works – Need training for Adobe Pro
- Public Works – Need training with upgraded WaterCAD, SewerCAD, XP-SWMM hydraulic models
- Police – Need additional or ongoing training for Office 365 – email
- Police – Need ongoing training for Excel

Business Department Application Training

As applications software changes and grows in complexity, training staff members to properly use software becomes more critical. A renewed citywide emphasis on targeted staff training on applications software will pay significant dividends in increased staff effectiveness and productivity. An inventory of high-priority training is essential to achieve expected productivity. The City can identify and assess future training needs for all applications and users upon completion of an application/user matrix (see *Applications and User Licensing Inventory* initiative).

Recommendations

- Develop a Business Applications Training Plan.

    - Conduct a survey to assess training required to address actual needs and determine anticipated enrollment. This should be driven by department managers to elicit participation when training is made available.
    - Business process improvement reviews will uncover many needs for additional training across departments and application systems.

- Determine strategies for accomplishing training needs and engage software vendors, such as:

    - Self-learning aids (e.g., enterprise software vendor like Tyler Technologies have an extensive user community that users can query and ask other user questions. Tyler University is a resource that provides a how-to catalogue of functional topics that users can access and download)
    - Internal classes (internal or external trainers)
    - On-site vendor training
    - Lunch-and-learns
    - Go-To Application Champions
    - Training opportunities at software vendor annual user conferences

- Participate in software vendor user conference and local user meetings if they are available.
- Create a repository of basic how-to training aids and other training information (e.g., videos, past class information, etc.)
- Consider procuring a screen-capture video solution to assist with developing internal video training aids.
- Consider class attendance as a factor in performance evaluations. This can be accomplished by having department management involved and agreeing to which classes each employee would benefit from.
- Consider efforts to reduce and/or limit the total number of software vendors and databases whenever possible. This will reduce and limit overall cost-of-ownership, support requirements, and training and reporting needs. This will also improve overall integration capabilities.
- Current and future needs can be evaluated and prioritized through a combination of mechanisms, including the Technology Steering Committee.
- Consider using a stand-alone learning management software, see *Learning Management Software* initiative

Benefits

- Improved operations management
- Improved utilization and efficiency of software applications
- Activation and use of existing functionality that is currently unknown but important to the City
- Review and activation of new functionality provided in future applications software releases
- Increased information sharing
- Better identification of training needs
- Increased training alternatives
- Improved software administration (fewer staff members required to service user community)

5. Software Selection Best Practices

Background

Selecting the right system and technology is more critical today than ever before because the efficiency and effectiveness of the organization is directly dependent on its use of technology and information systems. Best practices organizations recognize they must take greater advantage of automation to meet growing constituent and public demands.

Procurement of new software solutions that follow selection best practices can transform certain operations, processes, and constituent services. Without proper preparation, planning, and methodology for selection and implementation, organizations face many problems and risks, including:

- Organization Strategies, Goals, and Objectives
- Data and Business Processes
- Core Business Appl and Systems
- IT Infrastructure and Services

→ Technology Master Plan

- Spending sometimes hundreds of thousands of dollars more than necessary in total cost of ownership
- Failed or prolonged implementation
- Implementation of systems that still do not meet the organization's functional needs
- Low productivity
- Poor contract negotiation position
- Lack of and/or reduced integration between other software systems

Organizations typically fall short of their implementation goals due to one or more of the following factors:

- Insufficiently defining system objectives and requirements
- Failing to adequately involve both management and users
- Underestimating the costs and effort required
- Failing to adequately plan for expansion
- Failing to properly evaluate software

For key software systems to be implemented properly and for the organization to reap the full benefits, the organization should utilize a structured analysis and selection methodology. A structured approach to selection and implementation results in significant benefits, including:

- Reduced risk of a failed or prolonged implementation
- Lower total cost of ownership
- Independent and objective analysis of potential alternatives
- Well-defined objectives and requirements

STARTLING STATISICS

- Only 32% of projects are on time, within budget, deliver all required features and functions, and achieve measurable business and stakeholder benefits.
- Approximately 44% of projects are "challenged" (late, over budget, and/or have less than the required features and functions).
- 69% of project failures are due to a lack of and/or improper implementation of project management methodologies.
- Nearly 40% of those surveyed said that a "lack of employee buy-in and executive support" was the biggest challenge facing a successful implementation.
- A recent customer survey shows that enterprise implementation projects:
    - Have only a 7% chance of on-time implementation
    - Will likely cost more than estimated
    - Will likely deliver unsatisfying results (only 21% will realize half or more of expected benefits)
- In a past study of local government enterprise implementations published in Government Finance Review, it was found that the average project was 176% over budget and 243% beyond the planned implementation timeline.

- Allows for staff and project participants to learn about applications functionality and business processes outside of their scope of work that they may not have visibility to during the course of their day-to-day tasks
- Selection of technology that meets the organization's short- and long-term objectives and requirements
- Effective contract negotiation through well-prepared and documented needs
- Overall project time savings
- Improved implementation readiness

Findings and Observations

- Software selection and procurement that follows best practices involve and include departmental end-users in the assessment process, ensuring that specific business unit functional needs are captured.
- A best practices approach to software selection can avoid thousands of staff labor hours performing tasks that modern enterprise systems have the ability to automate and/or streamline.

Recommendations

- Adapt these best practices for size and complexity of projects. More due diligence is generally required for larger, more complex projects. However, even small projects can benefit from these due diligence methodologies.
- Utilize best practice selection methodology when evaluating new software.
- Consider third-party subject-matter experts (SME) when selecting or improving complex or highly specialized solutions.
- For major enterprise level systems, ensure:

  - Process reviews are completed, and detailed feature/function specifications are documented as part of an RFP.
  - To include all stakeholders in each software evaluation and implementation project by module (e.g., budgeting should include all staff who participate in that process or fixed assets should only include staff who participate in that process, etc.)
  - That reporting needs are identified (*see* Enterprise Reporting Best Practices). This will help inform implementation decision to capture only data and fields that are required to allow for creating a report. This focus can save significant implementation and systems costs.

- For departmental specific applications, ensure:

  - That a high-level identification of applications requirements is developed. The requirements do not have to be as detailed as an enterprise level system. This allows the City to structure software demonstrations to show functionality relevant to the departmental end-user.
  - That functionality and costs may be shared among two or more departments (e.g., Project Tracking and Collaboration can be used by Public Works, Community Development or Recreation, etc.) This is also an effective way to build a business case for the new application.

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Benefits

- Reduction in hardware and software requirements
- Reduction in preparation time for deployments
- Better identification of integration requirements
- Reduced license fees
- Increased utilization of applications systems
- More effective due diligence

Example Work Plan

Step	Software System Selection Work Plan
Phase 1 – Needs Assessment and Recommendations	
1	Kick-Off and Project Team Development – Hold a formal Kick-Off Meeting, and then work with the Project Manager to finalize the makeup of the selection Project Team and document required roles and responsibilities. Include representatives from all key stakeholder groups.
IT Infrastructure and Staffing Readiness Review	
2	IT Information Meetings and Interviews – Conduct information-gathering activities focused on the ability of the existing IT staff and infrastructure to support the needs of the organization and review the readiness to implement and support the platform that will be required for the new software system, including:
	IT Network and Infrastructure
	Storage and Backups
	Servers, Server Applications, and Management
	IT Security
	Disaster Recovery
	Desktop Environment
	Printers
3	Documentation – Document information and summarize the required preparation initiatives, findings, and recommendations.
4	IT Assessment Memo – Prepare a memo assessing gap and readiness of IT infrastructure to support the organization's general needs and the introduction of the new software system. The memo is to include the following:
	General readiness of IT to support the organization's needs and support the introduction of a new software
	IT Initiatives with findings and recommendations, including the following scope:
	IT Environment and Infrastructure
	IT Applications Support Staffing Structure
Business Department Needs Assessment Interviews	
5	Business Process Review and Feature/Function Analysis – Meet with the identified personnel by functional area and software modules to review existing manual and automated systems and operations, including any custom-developed work-around systems and processes. Include a cross-section of all user types in each assessment workshop.
6	System Requirements Documentation – Document information gathered during process reviews and develop feature/function requirement specifications specific to your organization.
Phase 2 – RFP Development	
7	Preliminary Vendor Research, Communication, and Coordination – Research vendor community to identify qualified vendors meeting the organization's system and service requirements and communicate with potential vendors. Vendors do not respond to all RFPs, so pre-communication is helpful to obtain proposals that are in the organization's best interest to consider.
8	Develop Request for Proposals (RFP) – Prepare a Request for Proposals (RFP) document, and work with the organization to make adjustments and revisions, as well as ensure its compliance with the organization's purchasing guidelines and is distributed per policy (assumes development of a single RFP document). RFP should include, but will not necessarily be limited to, the following:
	Comprehensive list of functions/requirements with prioritization
	Cost, including purchase or other financial payment plan options
	Required technical specifications
	Installation costs
	Migration from existing to new system (cost and timeline)
	Training cost and training schedule

Step	Software System Selection Work Plan
	New system hardware/network/system software requirements
Phase 3 – Vendor Evaluation and Demonstration Management	
9	Manage vendor questions and answers during established proposal response timelines.
10	Proposal Evaluation – Analyze and evaluate proposal responses. Provide an initial Summary Vendor Comparison Worksheet that provides side-by-side comparison of key system evaluation requirements, including feature/function compliance statistics.
11	Analysis Results Workshop to Determine Vendor Finalists (Short List) – Conduct a collaborative review workshop with a key stakeholder committee and determine which vendors are to be short-listed.
12	Develop Demonstration Documents – Prepare an agenda and sample demonstration scripts for vendor demonstrations to be sent to vendor finalists for their advance preparation. Also, prepare vendor demonstration evaluation forms for use by selection committee members during demonstration sessions.
13	Reference Check Form Preparation – Prepare form to be used by project team members during finalist reference checks or calls.
14	Schedule and Facilitate Vendor Demonstrations – Schedule demonstration dates and facilitate initial vendor demonstrations to ensure that pertinent requirements are addressed (estimate three vendors at X days each).
15	Develop Site-Visit Documents – Prepare an agenda for each vendor site-visit and a site-visit evaluation form for organization selection committee members to complete during each visit.
16	Post Demonstration/Visit/Reference Check Due Diligence and Follow-Up – Track follow-up issues and conduct comprehensive due diligence. This may include additional demonstrations, Q&A facilitation, reference checking, and site-visit assistance, etc.
17	Finalist Selection – Conduct a meeting with the organization selection committee to facilitate discussion and finalize the vendor selection.
18	Review Selected Vendor's IT Requirements – Review the IT (server, workstation, network, etc.) requirements provided in the selected vendor's proposal, and prepare a memo outlining observations and recommendations for IT.
Phase 4 – Contract Review and Negotiation Assistance	
19	Implementation Plan Review – Review implementation plans, project management office, resource requirements, and timelines.
20	Implementation Team Organization – Establish Implementation Project Team based upon PMI and COBIT Project Management Office (PMO) principles and applications management best practices.
21	Contract Review and Negotiation Assistance – Conduct contract reviews and negotiations with an SME and legal representation.

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Example Feature/Function Specification

Feature Number	Feature / Function / Capability	Standard - Current	Standard - Next	Report Writer	3rd-Party Application	Custom Modification	Not Available	No Response	Comments
	Requisitions/ Purchasing								
	VENDOR MAINTENACE GENERAL FEATURES								
4.020	VENDOR - ADDRESSES - Provide for multiple addresses per vendor (must support non-USA addresses) with a minimum of four addresses and five lines each.						1		
4.028	VENDOR APPROVAL - Ability for departments to setup a temporary vendor with only purchasing to approve new vendors.						1		
4.035	ONLINE REQUISITION/PO APPROVAL - Provide functionality online to route requisitions or purchase orders to appropriate users (or their backup users) with notifications for their approval or disapproval. Allow entry of disapproval notes and ability to restart the approval process if required.	1							
4.035	ONLINE TRACKING OF APPROVED REQUISITIONS - Ability to use online query for all purchase requisitions that are awaiting the user's approval.	1							
	ENCUMBRANCE ACCOUNTING								
4.042	ENCUMBRANCE ACCOUNTING - Provide all procedural functions of an encumbrance system including verification of budget availability before accepting invoice, requisition and purchase order transactions.	1							
	PURCHASE REQUISITIONS								
4.047	FORMAL BID FUNCTIONALITY - Provide formal bidding functionality and process, which ties with both purchased requisitions and purchase order functions.		1						Future Release
4.050	BUDGET/ PURCHASE LIMIT CONTROLS- Provide security controls to either allow or disallow amounts to be entered that exceed budget amounts.	1			*				System either start workflow process, or not route items that exceed budget amount
4.052	RECURRING REQUISITIONS - Allow recording, reporting, retrieval, and editing of recurring requisitions.						1		
4.054	ELECTRONIC REQUISITIONING - Provide the ability to generate electronic requisitions by multiple end-users.	1							
4.099	DEPRECIABLE ASSET - Ability to code items as depreciable assets.	1							This is available at the PO level.
	PURCHASE ORDER PROCESSING								
4.109	PURCHASE ORDER GENERATION - Allow items to be split from requisitions to multiple purchase orders.					1			
4.140	PURCHASE ORDER - THRESHOLD AMOUNT - Ability to set a limit (cumulative) for a single vendor in a year for purchases.	1							Yearly limit tracked via misc. user defined field
4.158	CONTRACT EXPIRATION ALERT - The system should provide a warning or block payments if a contract's insurance has expired.	1							Information is available via drill down
4.160	APPROVALS- Ability for an approval to be routed to multiple approvers, via workflow rules, where either approver, but not both, is not required.	1							
4.194	PURCHASE ORDER COMMITMENT REPORTING - Generate a purchase order commitment report reflecting the dollar amount of anticipated delivered by vendor.	1							
	INTEGRATION								
4.198	INTEGRATION - ACCOUNTS PAYABLE - Provide for automatic transfer of purchasing information to Accounts Payable (e.g. vendor, address, amount, purchase order number, etc.)	1							
4.199	INTEGRATION - BUDGET - Provide capability to validate funds availability for Requisitions and Purchase Order transactions. Allow override capability.	1							
4.202	INTEGRATION - GENERAL LEDGER - Ability to download purchasing card transaction file (.txt) to post transaction detail to General Ledger by general ledger account code. Note: each transaction is associated with a specific general ledger account number in the text file.								Standard P-Card integration is available via import into Accounts Payable
4.203	INTEGRATION - PROJECT ACCOUNTING - Purchase Order transactions coded to Projects must integrate with Project Accounting								

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6. Project Planning and Implementation Best Practices

Background

A best practice approach should be followed for all significant implementation projects. The complexity and risk determine the actual level of due diligence that should be performed. The following is an outline of *project planning and implementation best practices*:

- **Determine Scope of Work** – Work with all stakeholders to determine what needs to be accomplished.
- **Design** – For larger, more complex projects, the design effort may become a separate project. For smaller projects, design is integrated into budgeting.
- **Specifications** – Make sure an appropriate level of vendor-agnostic specifications are included with procurement requests that reduce ambiguity and provide better comparisons between vendors.
- **Collaborate** – Include input and requirements of all stakeholder groups to ensure all requirements are included in specifications and all stakeholders buy-in to the final solution. The IT Steering Committee should review as part of the Committee's roles and responsibilities.
- **Develop Budget** – Project budgets include hardware, software, and consulting and SME costs. Consulting costs are estimated by outlining the various work steps and estimating the hours required to complete them.
- **Gain Sign-Off** – Once the budget is complete, review the scope of work and costs with the project sponsor and gain their approval before continuing, including consent by the IT Steering Committee.
- **Create Project Plan** – Based on all stakeholder needs, delivery dates, and the tasks to be completed, develop a project plan and estimated implementation date.
- **Outline Communication Plan** – Outline the process for communicating implementation dates, improvements, and training to appropriate staff members.
- **Document Other Plans** – Other plans may include training, testing, contingency, and back-out. These plans are developed on an as needed basis.
- **Configure, Implement, and Train** – Utilizing planning methodologies and technical expertise, configure the necessary system components, and implement the solution with the least possible impact to staff and productivity. The IT Steering Committee should receive status reports on the progress of the implementation, including whether the project is on time and within budget, user needs are being met, and vendors are following through with their contractual obligations.
- **Post-Implementation Review** – Complete a post-implementation review with successes, lessons learned, and any unresolved issues requiring vendor assistance. Report the results of the IT Steering Committee's review.
- **Post-Implementation Support** – All implementations that affect multiple users require on-site, post-implementation support to eliminate remote response times.
- **Documentation** – Develop any necessary procedures and update documentation as part of the project.

Recommendations

- Develop a project portfolio methodology for all IT and application software-related projects.
- Follow planning and implementation best practices.
- Review all major active and upcoming projects during IT Steering Committee meetings.
- Obtain services of third-party project managers, and/or subject-matter experts, to supplement internal resources as appropriate and/or cost beneficial.

Benefits

- Prioritization of projects
- Reduced periods between transitions
- Increased information-sharing capabilities
- Enhanced communication and consensus
- Increased anticipation and management of technology upgrades
- Improved analysis and planning
- Increased departmental collaboration
- Measurement and tracking of results and outcomes

7. Enterprise Reporting Best Practices

Background

Enterprise software applications that support the critical business functions and processes of the organization (i.e., Financial, Maintenance and Operations, and Property) also store and retain the organization's critical information and data.

Reporting on any function requires accessing captured data, and then extracting and presenting it as meaningful information. Information is the outcome of the reporting process, presented in a useful, consumable, and digestible format, enabling the organization to:

- Equip supervisory and management personnel with information to make necessary daily decisions during the conduct of fulfilling operational responsibilities
- Provide leadership with the ability to better understand and validate operations and output
- Measure how well the organization is meeting its goals, objectives, and service levels, as well as meeting any established key performance indicators
- Make decisions and establish practices and policies to manage risk
- Empower leadership to make strategic decisions necessary for guiding mid- and long-term direction for the organization as well as measure the ongoing implementation and results of those decisions

Information provided from reporting results can be presented in many formats, including, but not limited to:

- Traditional rows and columns
- Tabular
- Pivot tables
- Graphic (e.g., line, bar, and pie, including dashboard presentation)
- Overlay

Ideal reporting systems can also provide the results in actionable format, including, but not limited to:

- Using analysis tools to apply filters and factors to view and better understand the information
- Using the data to determine options and apply decision criteria (what-if scenarios)
- Sharing and combining data with information from other departments, systems, or even external data sources
- Allowing collaboration and group analysis

An organization will find it difficult to maximize utilization of its application software and achieve its goals in an environment where data is painstakingly entered into a system but cannot be retrieved in a meaningful way. In short, enterprise applications cannot deliver full value without providing the organization the ability to use data contained in these systems to manage its operations and guide it in determining its future direction.

Findings and Observations

- Reporting is a core business function. Staff across all workshop sessions expressed the desire to improve reporting and data sharing.
- Challenges are reported across several different software applications (e.g., Incode, ActiveNet, Greenvue, etc.)
- Many staff do not have the training or knowledge to generate standard, ad-hoc or custom reports.
- IT support for report writing is limited.

Recommendations

- The City should conduct a complete inventory of all reports, including shadow system reports (i.e., those compiled in MS Excel).
  - ◆ We have included the sample below as a starting point.

    Note: This is only an example. Headings and data fields can be added, changed, or deleted to best meet City needs.

Report Name	Priority & Reporting Tool Used	Dept	IT	Vendor	Report Options

- The inventory table provides a tool to document responsible party(s) and roles (user, IT, or vendor), in keeping with *Application Management Best Practices*. Those responsible for report creation and development should be identified and maintained. Departmental staff members are most familiar with their business processes and data and are often best equipped to develop reports independently. We recommend that Departmental staff receive report writing training and develop the majority of reports within the function.
  - ◆ Involve IT or a third party for more complex reporting needs.
- Department staff can be trained to develop basic and moderately sophisticated reports. For more complex reports that require joins and other more complex functionality, department staff can partner with IT, internal staff who have the required skills, or a third party in the report development process. The table below is an example of what some organizations have used to assign departmental application and reporting, based on roles and responsibilities. These should be completed for each application software system within the organization.
- Current shadow systems or unmet reporting needs should be addressed in the new systems to ensure that future business processes are captured in the enterprise systems.

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Enterprise Software Needs Assessment
Roles and Responsibilities

PO = Process Owner(s) RW = Ad Hoc Report Writer(s) FF = Feature Function Reviewer(s)
PU = Power User(s) ML = Module Lead EC = Evaluation Committee Selection Participants
AA = Application Analyst(s) MS = Module Stakeholders

	General Ledger (incl. Bank Recon)	Budgeting	Purchasing and Requisitions	Contracts Management	Accounts Payable	Accounts Receivable	Cashiering	Fixed Assets	Financial Reporting	Ad Hoc Reporting
PO =										
PU =										
AA =										
RW =										
ML =										
MS =										
FF =										
EC =										

- The City should make use of all reporting and information presentation options available. Options for meeting reporting needs are as follows and are also **placed in order of preference and priority**. It should be noted that these options are often dependent on the technology, database, database structure, and development tools the application vendor(s) applied when building their systems.

  - **Dashboard(s)** - Dashboards are provided by many enterprise application software vendors. Dashboards are often used as the launch platform for the application, but also display information that is of interest to the specific user's role. The status of expenditures against budget, number, and types of work orders issued versus completed for a particular time period, and much more, is an example of this. These results are often displayed graphically as context-sensitive content so that clicking on the graphic enables drilling-down to the detailed information contained in the application upon which it is based. Frequently used reports can also be pinned on the Dashboard for quick access and execution.

  - **Vendor Application Standard Reports** - Most vendors provide a set of prewritten reports that are included with the software application. These are reports that the software vendors have determined are most needed or requested by the application user community and included in a quick-access link that can be executed from a drop-down list or menu. These standard reports usually have additional criteria to select (e.g., applying a date range, specifying a particular value type, etc.) Some vendors have written these reports using their own report-writing services (i.e., SSRS), which allows the use of standard reports as a base from which user modifications are applied with the vendor's ad hoc reporting tools.

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- ◆ **Ad Hoc Reports** - Ad hoc reporting tools allow for the custom development of reports without the benefit of programming knowledge. Most report-writing tools are intuitive enough for non-IT-oriented department staff to independently create customized reports. It should be noted that familiarity with the application and data contained in the system is a prerequisite to be able to use any ad hoc reporting tool. However, any user that is a mid- to high-volume user of the application who is also computer proficient usually has the system knowledge to make use of an ad hoc reporting tool. As noted earlier, more sophisticated reports may require the assistance of IT staff. Ad hoc reports are a powerful tool for the user community, allowing them to independently meet their basic reporting needs. The types of ad hoc reporting tools that are available include:

  - Application vendor proprietary tools
  - Vendor-incorporated SQL Server Reporting Services (SSRS)
  - Third-party reporting/BI tools (e.g., Crystal, Cognos, Business Objects, etc.)
  - Other non-SQL, server database-specific reporting tools (e.g., Oracle reporting tools, etc.)

- ◆ **Financial Analysis and Financial Statement Report-Writing Tools** - These reporting tools are a form of ad hoc reporting, but include additional capabilities related to financial analysis and financial reporting needs of finance and accounting staff. A few common reporting tools for this need are listed below:

  - Reporting tool developed by the software application vendor, to be used with their particular application
  - Tools to produce financial reports, like Annual Report builders and other tools to produce other GASB-related/required reports
  - Third-party financial reporting tools offered to work with the more common financial/accounting systems in the local government market space

- ◆ **Application Vendor Business Analytics and Key Performance Indicators (KPIs)** – Some application systems have tools that allow for performance-based analytics and other performance measure-related reporting. These are often accompanied by a dashboard with the same characteristics described in the *Dashboard* option above. Many of these tools also provide more sophisticated capabilities for exporting to Excel for the use of Excel-based pivot tables and other advanced Excel capabilities. Some software vendors are beginning to offer these capabilities as an optional "bolt-on" to their application solutions.

- ◆ **User-Programmed/Coded Reporting** - These are reports built using internal IT staff and could also include hard-coded reports that a vendor may build for the customer. Standard and ad hoc reporting options should be explored before turning to this alternative. This option is usually deployed when the reporting need is so sophisticated or complex that a coding method is the only way to accomplish the desired outcome. Examples of this type of report include:

  - SQL queries
  - Other coded/programmed reports

- ◆ **Application Vendor-Written Custom Applications** - Because of the vendors' detailed knowledge of their own systems, they are often a good resource for hire to write custom reports. It is often best to have several reports grouped together, which will help keep costs more manageable as vendors will provide discounts for larger blocks of hours for these reporting services. It is also a good idea to request that the vendor build these reports using their report-writing tool, if possible, so responsibility in maintaining them can be assumed in the future, as needed, or used as a base to build variant (modified) reports.

- After completing the existing report inventories and identifying City reporting roles and responsibilities as recommended above, an assessment and gap analysis should be conducted to include:

  - A review of existing reports to determine how well they meet needs, as well as if any modifications are required to better meet needs or provide more value
  - A detailed list of necessary reports that are needed for all departments and divisions, including any formatting or Excel export needs and reporting tool options to be applied (per definitions above), and organization-wide cross-application reporting needs, which require additional processes to combine data from multiple sources using multiple reporting tools and options
  - Conduct a workshop, after the undeveloped necessary reports have been identified, to prioritize these reports, with participation of all staffing levels within the City from line and field staff to supervisors and management, including executive leadership, as necessary, to cover all reporting needs in the assessment and gap analysis process

    - Prioritization should apply a High, Medium, and Low scale. High-priority reports should be done in the first third of the implementation period. Medium-priority reports should be completed in the middle third of the implementation period. Lastly, the low-priority reports should be completed in the final third of the implementation period. Cost-benefit and impact to operations and customers should be utilized in these prioritizations.

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8. Dashboard Preparation Improvement and Automation

Background

Dashboards are provided by many enterprise application software vendors. Dashboards form part of a user's homepage and display reports, key indicators, and other metrics regarding day-to-day operations, activities, and historical trends (e.g., status of expenditures against budget, number and types of work orders issued versus those completed for a particular time period, etc.) These results are often displayed graphically as context-sensitive content, so clicking on the graphic enables drilling-down to the detailed information contained in the application upon which it is based. Benefits of dashboards include:
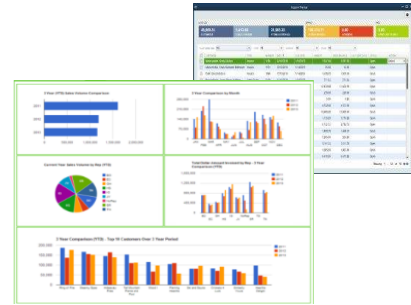
- Quick links for immediate access to required tasks and approvals
- Easy modification of dashboards for each user's preference
- Automated generation of dashboard information
- Transformation of data into visual information
- Easy-to-understand graphics
- Real-time analysis
- Drill-down access to activity detail

The market offers the following main dashboards types:

- Standalone software applications
- Web browser-based applications
- Desktop
- Enterprise-specific functionality

The marketplace for these systems is vendor-rich and dynamic. As new vendors enter the marketplace, they bring forth new features and functionality. Examples of the public sector-oriented vendors include:

- Tableau
- Power BI – by Microsoft
- CityView 360 – by Agiline Software
- OpenGov
- Socrata

Findings and Observations

- Staff would like the ability to create and share a citywide dashboard.
- City staff would like to have dashboard capability that is independent of any one enterprise system, where data from several systems can be presented.
- Finance staff does not have use of an Incode dashboard. A dashboard has been configured but is not yet fully operational due to errors to filtering the data structure.
- The City does not have a centralized dashboard functionality that can help departments and key staff simplify and automate routine or monthly performance management.

Recommendations

- Conduct research on the overall system capabilities of dashboard solution providers.
- Consider performance dashboards that are available in the modern enterprise solutions before considering a third-party application.
- Complete a review and an assessment of Performance Dashboard needs with a cross section of leaders and users.
- Documenting the needs will result in an expectation of functionality to be delivered.
- Follow the recommendations of the *Software Selection Best Practices* initiative.

9. Maintaining Software Updates

Background

Maintaining up-to-date software for the City applications is critical for maintaining system security, functionality, and unified training for end-users of a software across the organization.

Findings and Observations

- Some software systems are not always maintained at the most current available version.
- Falling further behind often creates upgrade scenarios with several intermediate steps, risking additional problems, and potentially makes upgrades more expensive and time-consuming.

Recommendations

- The City should follow the best practice recommendation of maintaining a minimum of N-1 (current major release or the one prior). This includes desktop applications and all core enterprise applications.
- Maintain consistent updates across all users.
- Ensure patch management software is implemented properly to provide software updates across the organization for desktop software updates, consistency, and automation. Include software updates in the organization's sustainability and replacement planning.
- Review version release notes for each application software release to determine if any new functionality has been added that the City would need or like to implement.
- Provide appropriate user training with each release.

10. Centralized Land and Parcel Data Management

Background

Centralized land parcel data is increasingly crucial for consistent organization-wide parcel and address data for all departments to utilize. Updating and sharing a central parcel and address database is essential, allowing departments to retrieve historical records more efficiently and with consistency across the entire organization.

Modern enterprise applications are increasingly tightly integrated with geographic information systems (GIS). which rely on accurate parcel information to generate maps. Maps allow for a succinct visualization of data. Agencies are increasingly making that data and capability available to the public via their websites and other online tools.

Findings and Observations

- The City uses multiple geo-based applications for CAD/RMS, Work Requests, Tyler Incode for utility billing, GIS, etc.
- Community Development uses Greenvue Digital Permit Suites to support its operations. Staff reports challenges and functional gaps in locating parcel information and history.
- Public Works Departments uses Accela GoRequest for service request management. It lacks a true enterprise asset management system that allows staff to access GIS map-based address and parcel data with all associated infrastructure assets.
- The address/parcel information is not synchronized between GIS and the various applications that rely on address, and parcel data.
- The City could realize significant productivity gains and improved accuracy by using a common, centralized parcel/address database to populate any new or changed information. This includes centralizing data from all applications that contain address data and all GIS data environments to improve the ability to share layers (see the *GIS Assessment and Master Plan* initiative).

Recommendations

- Utilize the GIS database for master address and parcel records (see *GIS Assessment and Master Plan* initiative).
- Future software application systems should be selected based on their ability to store both a master address/location and parcel management database (as applicable).
- New systems should allow for regular updates and synchronization with GIS.
- Master addresses/locations should be shared across all geo-based applications.
- All address and parcel updates from external and internal sources should be done through GIS first. Updates to other systems would then use GIS master information.
- Strict control of who is authorized to make updates of this information should be enforced, typically limited only to GIS data editors.
- Geo-based applications should be configured so that each transaction requires users to select from valid addresses or validate against the GIS database, not type in free-form addresses.

11. Data Integration and Management Strategies

Background

In today's fast-paced technology world, the amount of data an organization is tasked with managing is growing rapidly. How organizations manage, integrate, utilize, and maintain the quality of this data continues to evolve, as historical integration and data storage options change with new technology.

When evaluating the best data management strategy for your organization, there are numerous factors to consider. Many of these items have been discussed and identified as initiatives in this report. Some of these considerations include:

- Where will your infrastructure be housed? (On premise vs. cloud)
- What kinds of technologies will your customers use to interact with your agency today, tomorrow, next year, or five years from now?
- What internal and external users will want access to data? If the answer is "everyone," how will your organization make sure they are getting correct/quality data?
- Does your organization have adequate technical resources and staffing to manage the ongoing demand for data and ensure data quality, security, and regulatory requirements to meet these demands? Is there a current staffing structure in place to support a data management strategy in the future?
- What standard data management tools are available with the latest application offerings available on the market? Will these tools meet the current and future reporting and integration needs of the City? If not, what are the gaps and the most cost-effective data integration solutions available to address these shortcomings?

Data integration is not just a matter of selecting the right software or even the right project. It is a holistic business strategy that impacts your agency's capacity to innovate and grow. In order to become a data-driven city, it is essential to understand your organization's business goals, needs, available resources, supporting infrastructure, and funding available for such an initiative. In addition, the overall direction of the data management market is an important consideration to ensure that the City develops a flexible strategy that sets your agency up for success in the future.

Common Data Integration/Management Options

There are a multitude of options available to either provide native application and/or external data integration solutions to meet the needs of the City. Several common alternatives are outlined below.

Vendor's Applications and Available Reporting/Analytics Tools

In a perfect world, a single vendor solution for all enterprise applications would, in theory, provide all the necessary integration needed to share data between modules. In turn, extracting data from this single data source would reduce labor costs due to manually compiling data from disparate or siloed systems. In some cases, a single vendor solution will not meet every department's needs. The end result could very well be the selection of multiple vendor applications with the goal to provide some data integration between those systems. (i.e., file export or custom interface).

Many vendors also provide standard output reports, as well as reporting modules/tools such as an Analytics module, Crystal Reporting, SSRS to produce customized (ad hoc) reports needed by the City across multiple data sources.

Other Data Management Options

Other common data management/integration strategies involve one or multiple combinations of data warehouses, data lakes, and data hubs. There are some subtle and distinct differences between these alternatives. These distinctions are outlined below:

Data Warehouses vs. Date Lakes

To understand the differences between a data warehouse and a data lake, it is important to understand the types of data they primarily serve. There are two types of data, structured and unstructured.

Raw data that has not been cleaned is called unstructured data—which comprises most of the data in the world, like photos, chat logs, and PDF files. Unstructured data that has been cleaned to fit a schema, organized into tables, and defined by data types and relationships, is called structured data. This is the fundamental difference between data lakes and data warehouses.

Data lakes store data from a wide variety of sources like IoT devices, real-time social media streams, user data, and Web application transactions. Sometimes this data is structured, but often, it is quite messy because data is being ingested straight from the data source. Data warehouses, on the other hand, contain historical data that have been cleaned to fit a relational schema.

Data Hubs

A data hub serves the purpose of enabling the seamless flow and governance of data. Unlike data warehouses and data lakes, data hubs are not focused on analytical uses of data. Data hubs are different. Their focus is enabling data sharing and governance. Data hubs can support a range of use cases, most often operational in nature (such as the provisioning of master data to enterprise applications and processes).

Some predominant vendors in the data warehouse market space include:

- Snowflake (Cloud data warehouse)
- Azure SQL (Cloud data warehouse)
- BigQuery (Cloud data warehouse)
- Redshift (Cloud data warehouse)
- Hadoop (On premise)
- Teradata (On premise

Findings and Observations

- Producing reports is difficult due to multiple sources of data.
- Many existing application systems' existing reporting capabilities are not highly utilized due to lack of training or staff with requisite reporting writing skills.
- Data availability is limited due to a lack some enterprise application solutions (e.g., Land Management, Enterprise Asset Management, GIS, Enterprise Document/Content Management).
- The City has multiple systems that are currently not integrated or share data.
- Data availability is also limited when processes are completed outside of enterprise application systems (i.e., manual, paper, and shadow systems such as Excel).

Recommendations

- It is recommended that before exploring options available for an enterprise data management system, that core enterprise applications (if replaced or upgraded) be fully implemented and highly utilized. The data has to be resident in these systems before it can be shared.
- To identify the best data management strategy, City staff (IT, Dept. Leads, Subject-Matter Experts, etc.) will need to identify all use cases across the enterprise to determine reporting/analytics needs and the best suited approach to data management.
- Consider engaging a third party to perform an assessment of current enterprise systems to assist in identifying opportunities for efficiencies, benefits from new technologies, and current integration/reporting challenges.
- It is recommended that careful analysis of long-term costs for storage, licensing, and staffing be completed to determine the return on investment to implement a data warehouse/data lake solution. Most agencies can meet the vast majority of their reporting needs within modern enterprise application systems that are well implemented and highly utilized.

Benefits

- A well-planned and supported data integration and management program can increase productivity and operational efficiencies through the reduction of data entry and transparency of data
- Optimal data management will provide checks and balances on data governance and quality
- Improve customer service and accessibility to both internal and external consumers of data
- Provide a data source for producing analytics and reports on demand across disparate systems

12.   Cloud Computing

Background

Cloud computing can be described as IT services or equipment that are not internal, but available through the Internet. This can range from having a server hosted at a third party, accessing information from a portable device, processing requests from the field, subscribing to an Internet-based software solution per a subscription model (often referred to as "software as a service" or SaaS), and more. The benefits of cloud computing allow individuals to collaborate and remain centralized, regardless of location.

Cloud computing is one of the most prominent discussions among current trends in IT. Significant benefits can be achieved including security, disaster recovery, and cost savings. However, cloud computing options for many systems are still not the most cost-effective or secure approach.

Findings and Observations

- The organization has already used some forms of cloud computing, including:
  - The City utilizes off-site backups and has off-site disaster recovery planning.
  - Versatile Express for electronic document management.
- The City uses Office 365 for electronic mail and OneDrive and Hightail services for cloud-based file services and collaboration.
- The City's Incode System is a SaaS.
- The user of cloud-based systems can increase IT fixed costs.

Recommendations

- The City should continue to consider cloud computing options for future projects.
  - Cost-benefits can be a significant factor for some cloud decisions.
  - Some cloud solutions do not reduce cost.
  - Some cloud solutions have limited functionality when compared to some on-premise, server-based solutions.
  - Moving some existing on-premise, server-based solutions may provide little benefit to the City regarding costs or functionality.

13. Cost Allocation Best Practices

Background

Information technology's role in executing operational best practices is that of an internal support function to all departments and City system users, City constituents, and the public. The departments, users, constituents, and the public are customers of the IT function.

IT cost recovery is the concept of funding the IT function budget from all other departments based upon various metrics utilization and services provided. In this way, many IT costs can be spread equitably among departments. The organization can gain a true understanding of the costs required to support the technology infrastructure and support services in order to make better management decisions.

IT cost recovery could be an excellent way to allocate enterprise-wide application software, Office 365, supporting infrastructure, network, workstations, Internet, cybersecurity, and telecommunications expenses across the organization.

Findings and Observations

- Some IT software costs, including maintenance and support costs, are in departmental budgets, not the IT budget.
- IT infrastructure and equipment replacement spending has historically been less than peer organizations.
- Additional funding is needed to meet the organizational need to create a flexible mobile workforce with current generation tools.
- A simple method to allocate IT costs would allow IT increased flexibility in implementing recommended upgrades to the benefit of all users.

Recommendations

- Consider moving enterprise-wide IT-related costs to an Internal Service Fund (ISF) to allow equitable cost sharing and funding.

  - Utilize the recommended Sustainability Plan recommended to determine long-term technology costs.

- Consider using a methodology such as number of workstations or computing devices per department to allocate ISF costs.
- Review IT expenditures (capital and expense) to determine what costs should be allocated to enterprise funds.

14.   IT Project and Services Portfolio

Background

An *IT Support Services Portfolio* is a complete list of IT projects and services provided to City staff and the public. The support services portfolio outlines IT responsibilities for each service and any service-level agreement for those services (e.g., 24/7 support required, disaster recovery priorities, user-access permissions, report writing for certain software modules, server uptime requirements, etc.) Applications support is only one aspect of the complete portfolio. Other IT services include projects, service desk, data network, telephone systems, cybersecurity, etc.

Recommendations

- Create an IT Projects and Services Portfolio to effectively communicate and set expectations for all users regarding what support services IT provides and communicate service-level standards.
- Maintain a five-year project portfolio and budget.
    - Create a separate "small projects" portfolio for non-TMP projects requiring less than 40 or 80 hours of IT work.

- The project portfolio and small project inventory should be reviewed periodically as a part of IT Governance.

Departmental Applications and Systems

The *Departmental Applications and Systems* category includes IT Initiatives that are primarily department business applications-related and were identified during the assessment process. Many of these initiatives and recommendations can have a significant impact on overall productivity, enhanced communications and information sharing, improved constituent service, improved transparency, and, in some cases, cost savings.

15. New Land Management System (LMS)
16. New Enterprise Asset Management (EAM) System
17. New Marina Management Software
18. Enterprsie Resource Planning (ERP) Improvement
19. ActiveNet Parks & Recreation System Improvements
20. Time and Attendance System
21. Police RMS Improvements
22. Electronic Ticketing and Citation System
23. Electronic Content Management System (ECMS)
24. Project Management and Collaboration
25. Legislative Management System
26. Door / Gate Access Control
27. Learning Management Software

15.   New Land Management System (LMS)

Background

A *land management* system manages the creation, issuance, and tracking of community development activities related to planning and zoning, permitting, inspections, licensing, code enforcement, and parcel/address management. The illustration and table in the following pages show typical modules available in land management systems.
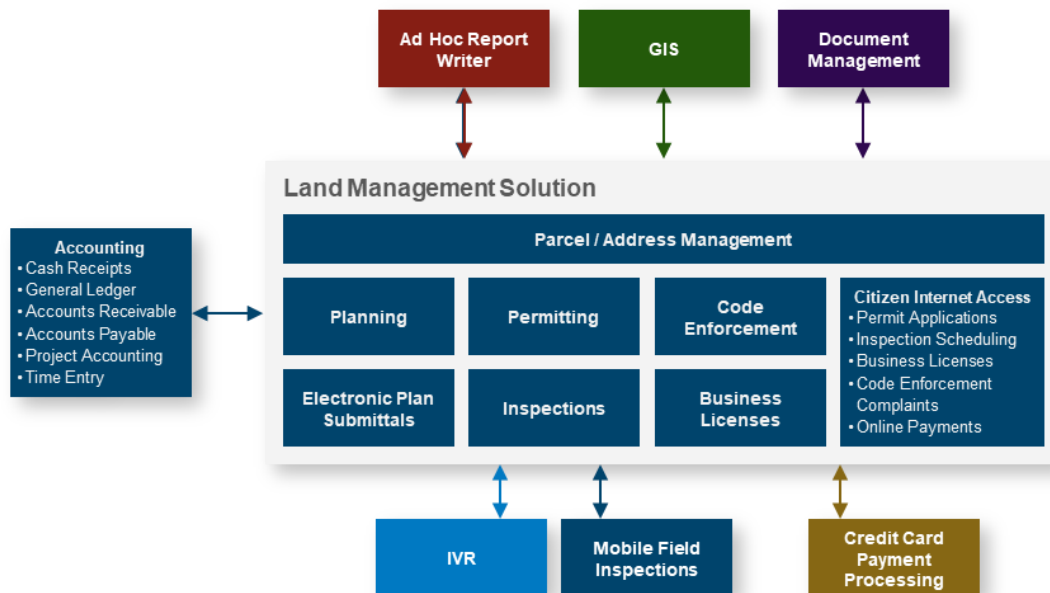
Findings and Observations

- The City currently uses custom software, Greenvue, for Zoning, Permitting, Inspections, or Code Enforcement operations provided by CSG Engineering.
- The City uses Greenvue to track plan checks at a high level. Staff indicated that it would like additional functionality to track workflow at a more granular level.
- Code Enforcement activities are tracked in Greenvue (which is managed by Planning) and the Police Department.
- Customers have the ability to pay for permits online. However, the vendor customer support, and status tracking of accounts need improvement.
- The current system lacks integrations with the financial system to reflect payments due for an account, or other billing information to be collected through Incode.
- Police would like the ability for citizens to report abandoned vehicles, which can be automatically routed to the Community Service Officer for action and enforcement.
- Other departments reported a desire to be able to have read-only access to planning and permitting status of projects.
- The City does not have an online public-facing portal to automate the sharing of Department information with the public (e.g., project status, property information, etc.). Modern systems have the ability to automate this functionality.
- Staff would like the ability to automate workflow across different departments and business processes with notifications and alerts for action. Modern systems have the ability to allow for agency-defined workflow that routes plan and permitting review and approval processes from intake through the issuance of a Certificate of Occupancy.

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OPTIMAL TECHNOLOGY GUIDANCE

- Modern land management systems have standard features that addresses the functional gaps staff reported in the workshops. Please reference the *Benefits of a Modern Land Management System* below for additional examples of functionality.
- The City should expect significant productivity gains with a fully implemented, integrated, modern land management application solution.

Recommendations

- Given the limitation of the Greenvue application, the City should undertake the process for selecting a new modern land management system.
- Modern land management systems are highly complex. For a future system to achieve the City's functional goals, it is recommended that the City adhere to the principles identified in the *Software Selection Best Practices* initiative. As a part of the selection process, the City should:

  - Conduct a system process review and assessment to identify all functionality requirements, modules needed, and integration requirements (e.g., GIS, online payments, etc.)
  - Review applicable manual processes and shadow systems, such as spreadsheets, to determine automation improvements that will result in labor efficiencies.

- The complexity of implementing this system is on par with other major enterprise solutions. The City should consider the assistance of a third-party consultant with expertise in local government Community Development systems to provide selection and implementation guidance and advisory services.
- It is recommended that the City consolidate all City Code Enforcement activities into a future enterprise system. The City will have the ability to assign user access to any staff across departments who have a need for this functionality.
- It is recommended that the Police Department use a future Code Enforcement module to process abandoned vehicles reporting and activities.

Benefits of a Modern Land Management System

Benefits associated with the utilization of the system include:

General Benefits

- Newer technology platform (processing, capacity advantages)
- Real-time notifications/queues
- Task tracking
- Real-time access to information
- Elimination of duplicate data entry
- Improved data integrity
- Reliable information
- Workflow capabilities
- Reduced operating costs
- Improved internal communication
- Foundation for future improvement
- Improved online information for citizens to access

Specific Benefits

- More automated permit processing from application through permit issuance
- Automatic routing for permits requiring reviews and approvals
- Single electronic file for all permit applications and documents
- More automated tracking of reviews, inspections, and fees by permit and development projects
- Tracking of timelines, tasks, and required group reviews
- Viewing of all project and permit information at a glance
- Readily accessible planning and zoning records
- Automatic generation of case documentation
- Centralized current and historical parcel information

Online Citizen Access

Online citizen access enables a more transparent government by providing the public with 24/7 access to real-time information for inquiries and payment processing. This empowers residents to retrieve online information that is pertinent to each individual, and for them to take further actions, which improves customer relations by eliminating the need to be physically present at City Hall. The following are examples of online citizen access transactions:

- Online permit applications
- Submit and access plan review comments
- License renewals
- Permitting, planning, and licensing payments
- Submit code enforcement complaints
- Submit inspection requests
- Access to inspections results
- GIS maps (zoning, districts, etc.)

GIS Integration

Land management systems offer real-time integration to geographic information systems (GIS) in order to display land-use, zoning, parcel, permit, inspection, and code enforcement activity layers on a map. Benefits of GIS integration to land management systems include:

- Viewing system activity on a map (e.g., active planning projects, permits, code cases, etc.)
- Map routing of daily inspections
- Ability to overlay multiple map layers
- Integration to website for resident inquiries

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Electronic Plan Submittals and Reviews

Electronic plan submittals are architectural/developmental plans that are in an electronic format. These plans can be submitted by the public through the City's permitting and planning processes. In addition to the electronic receipt of plans, electronic plan reviews allow City staff to review plans and electronically mark up and track plan comments. The following are benefits associated with electronic plan submittals and reviews:

- Increased productivity through quicker processing
- Elimination of physical plan routing
- Submittal, review, and tracking of electronic plans
- Centralized storage and retrieval of electronic plans
- Concurrent review of plans by multiple staff across multiple departments
- Electronic collection of plan review comments
- Reduced number of and shorter resubmission cycle(s)
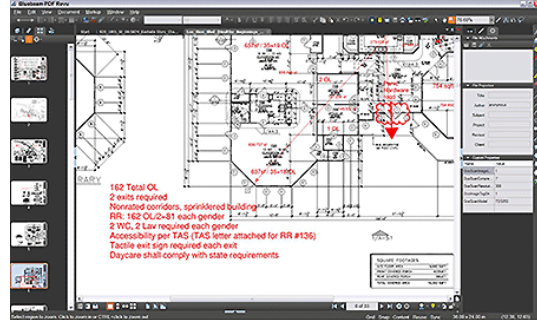
Mobile Computing

Mobile computing provides the flexibility to operate a more mobile and productive workforce. A land management system can allow staff to utilize applications while in the field in order to perform their job functions while away from their office. Common benefits of mobile computing include:

- Completion of work while in the field
- Real-time access to information
- Inspection results in the field
- Receipt of notifications and assignments
- Reduced travel to and from office locations
- Map routing based on location of activities
- Retrieval of mapping information
- Management of Code Enforcement cases in the field

Dashboards

Dashboards form part of a user's home page and display reports, key indicators, and other metrics regarding day-to-day operations, activities, and historical trends. Benefits of dashboards include:

- Quick links for immediate access to required tasks and approvals
- Easy modification of dashboards for each user's preference
- Automated generation of dashboard information
- Transformation of data into visual information
- Easy-to-understand graphics
- Real-time analysis
- Drill-down access to activity detail

Reporting

The number one problem that is commonly seen when utilizing disjointed applications is the extensive time users dedicate to the consolidation of information for reporting purposes. Land management systems allow information to be quickly retrieved from a single source with numerous readily available reports. Users are also able to create their own reports without requiring them to be technical experts. This allows staff to spend more time studying analytics rather than manually assembling reports. Benefits of improved reporting include:

- Aggregated data across divisions and departments
- Improved data accuracy and reduced human error
- Intuitive report creation capabilities
- Council-ready reports
- Sharing of created reports
- Elimination of labor-intensive report creation

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16. New Enterprise Asset Management (EAM) System

Background

An *Enterprise Asset Management* (EAM) system comprises a suite of application modules that manage business processes for work orders, preventative maintenance, and asset management of City infrastructure, facilities, streets, sidewalks, parks, trails, bridges, drainage, culverts, etc. EAM is new terminology, and many people still use older terminology such as "Work Order and Maintenance Management" or "CMMS."

The following list and diagram illustrate typical maintenance and asset management software system functionality. It is not intended to be all-inclusive, but typical software functionality.

- Work Requests
- Inspections and Condition Assessment
- Work Orders
- Preventative and Predictive Maintenance
- Facilities Maintenance
- Asset Tracking
- Warehouse Inventory
- GIS Integration
- Report Writing
- Costing and Budget Forecasts
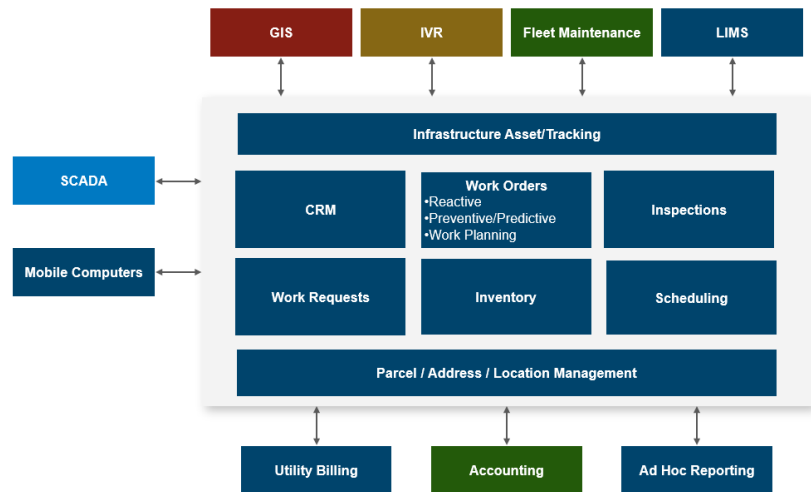
Findings and Observations

- The City does not have an Enterprise Asset Management (EAM) system for work orders/maintenance management operations.
- Public Works is a primary user of an EAM system.
- Currently, Public Works uses various applications that typically reside within a single modern EAM system. The applications include:

   - Accela GoRequest – Citizens and staff service requests
   - Mobile MMS – Time tracking, asset inventories, daily COVID checks, facility checks

- Reporting is a challenge due to information residing in different systems.
- The process for storing, accessing, and managing permanent records resides in different systems. An EAM system will help the City consolidate its work order activities into a single system, which will help facilitate data sharing and reporting.
- Staff expressed interest in implementing a true EAM system that includes the following functionality:

   - Tracking of

      - Labor materials
      - Equipment
      - Meter service
      - Valve exercising
      - Sewer assets and associated work
      - Booster pump controls
      - Tank maintenance
      - Service requests

- Inventory
- Hydrant maintenance
- Auto repair history
- Equipment calibration history
- Police assets and equipment

- Integration to GIS with tagging of assets
- Integration with Mobile MMS.
- Improved collection and reporting of data
- Create irrigation maps to track and locate assets.

Recommendations

- It is recommended that the City undertake the process for acquiring an Enterprise Asset Management system (EAM). The process should follow the industry *Software Selection Best Practices* initiative, including:

  - Conduct a process review and needs assessment to:

    - Review applicable manual processes and shadow systems, such as spreadsheets, to determine automation improvements that will result in labor efficiencies
    - Identify and document the City's required capabilities in a feature/function format
    - Identify reporting, integrations, and data conversion needs

- EAM implementations are complex undertakings, and on an organization-wide basis are commonly under-scoped and underfunded, leaving organizations with limited utilization and intended benefits.

Benefits of Modern EAM Software

This section provides additional information about the benefits of EAM.

An *enterprise asset management (*EAM*)* system provides automation in managing the maintenance and day-to-day operations related to infrastructure assets, buildings, facilities, and often, fleet vehicles, while capturing and reporting on the labor, equipment usage, and materials costs associated with a work order and preventative maintenance. A work order/management system allows collaboration and sharing of information between divisions, departments, and citizens to provide a transparent and efficient government operation.

General Benefits

- Newer technology platform (processing, capacity advantages)
- Real-time notifications/queues
- Task tracking
- Real-time access to information
- Elimination of duplicate data entry
- Improved data integrity
- Access to reliable information
- Workflow capabilities
- Reduced operating costs
- Improved internal communication
- Foundation for future improvement

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Detailed Benefits

- Electronic routing of citizen requests
- Centralized task and maintenance management
- Completion of work orders from the field
- Retrieval of historical work order and cost information
- Quicker work order completion times
- Improved decision-making through access to real-time information
- Viewing of asset and activity trends visually through GIS mapping capabilities
- Better replacement planning and forecasting
- Enhancement of staff productivity
- Improved regulatory compliance
- Improved safety and risk management

Reporting

The number one problem commonly seen when utilizing disjointed applications is the extensive time users dedicate to the consolidation of information for reporting purposes. Work order systems allow information to be quickly retrieved from a single source with numerous readily available reports. Users are also able to create their own reports without requiring them to be technical experts. This allows staff to spend more time studying analytics rather than manually assembling reports. Benefits of improved reporting include:

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- Improved data accuracy and reduced human error
- Intuitive report creation capabilities
- Council-ready reports
- Sharing of created reports
- Elimination of labor-intensive report creation
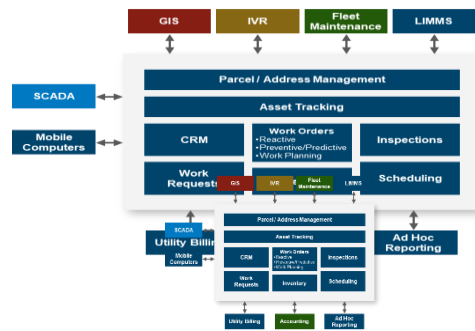
Mobile Computing

Mobile computing provides the flexibility to operate a more mobile and productive workforce. A work order system can allow staff to utilize applications while in the field in order to perform their job functions while away from their office. Common benefits of mobile computing include:

- Completion of work while in the field
- Real-time access to information
- Inspection results in the field
- Receipt of notifications and job assignments
- Reduced travel to and from office locations
- Map routing based on location of activities
- Retrieval of mapping information

Inventory Warehouse/Stores Management

Material management is often a costly endeavor within an organization. An efficiently run and well-organized warehouse—where inventory levels are monitored, material is available, and reordering is easy—is the best method of controlling costs.

Most EAM vendors have an add-on software module that is designed to track warehouse transactions in a secure environment. This type of system tracks incoming and outgoing materials from multiple storage areas, including work vehicle inventory. It also manages stock, material cost, suppliers, and, if needed, requisitions.

This inventory add-on capability often supports the following:

- Cycle counts
- Barcode technology
- LIFO/FIFO and weighted-average cost types

Most systems also have search capabilities that retrieve transaction records, materials, amounts, and other information.

Online Citizen Access

Online citizen access enables a more transparent government by providing the public with 24/7 access to real-time information for inquiries and payment processing. This empowers residents to retrieve online information that is pertinent to each individual, and to take further actions, which improves customer relations by eliminating the need to be physically present at City Hall. The following are examples of online citizen access transactions:

- Submittal of citizen requests
- Electronic routing requests to staff
- Citizen request inquiries
- GIS maps (zoning, voting precincts, etc.)

Citizen Request Management

A *citizen request management* system is used to track, manage, and resolve citizen concerns and requests in a timely manner by automatically routing citizen requests to the appropriate department. It also provides the citizen with the flexibility to submit and track their complaints through the Web or a mobile phone application. Common benefits of a citizen request management system include:

- Ability for citizens to submit requests 24/7 through a phone application or the website
- Automatic assignment and routing of requests, by type, to appropriate department(s) or staff
- Ability for citizens to view current request status
- Conversion of requests to work orders
- Ability to include photos and geolocation of a request
- More effective and efficient processes
- Improved transparency and citizen relationships

GIS Integration

Work order and maintenance management systems offer real-time integration to geographic information systems (GIS) in order to display land-use, zoning, and infrastructure layers on a map, and work order activity that resides within the system. Benefits of GIS integration include:

- Viewing system activity on a map (e.g., zoning, infrastructure assets, etc.)
- Map routing of work orders, service requests, and daily inspections
- Displaying locations of infrastructure assets
- Generating asset condition analysis
- Ability to overlay multiple map layers
- Integration to website for resident inquiries

17. New Marina Management Software

Background

Marina management software is used in the private sector by boat dealers, marina management companies, and boatyards to manage their or their customers' boats, rentals, repairs, and maintenance. Marina management software can manage and optimize dock utilization and manage assets.

Common features of Marina Management software include the ability to:

- Track the inventory of boats, spare parts, and equipment required for maintenance
- Manage short- and long-term rentals
- Manage permits and licenses
- Create and manage contracts for various types of services
- Monitor arrivals and departure of boats
- Manage resident and visitor processing and access control
- Provide billing and accounting features or integrate with other cashiering solutions
- Report on occupancy, boat traffic, slip rental, etc.
- Integrate with gate/door access software systems to control user access to slips and facility

Example vendors to consider in this marketspace may include:

- Nautical Software Solution
- DockMaster
- DockWa
- Scribble Software
- Total Marina Package

Findings and Observations

- The City operates a marina facility that can accommodate 580 boats.
- The Department currently uses the Nautical Software Solution to manage its marina operations.
- Nautical Software Solution does not integrate with the financial system.
- Staff identified the following pain points with the current software:

    - The software is over 20 years old
    - Not able to easily track slip owner names with multiple FOBs within the ALX software
    - Lacks credit card processing capability
    - No online payment options
    - Vendor support could be better
    - Need ability to email invoices and receipts
    - Credit card processing is time consuming and requires significant data extraction and manipulation

- True Read program for electrical monitoring is not reliable. It requires significant data manipulation, and is no longer supported by any vendors for parts or software.

Recommendations

- Although marina software solutions are not as complex as full enterprise resource software, the City should take care to follow software selection best practices that are identified in the *Software Selection Best Practices* initiative. The process should include:

    - Conducting a needs assessment and process review and document business and systems needs (e.g., credit card payment and/or online payments)
    - Conduct comprehensive product demonstration with vendors

- Consider reaching out to Nautical Solution to determine if it has a more current software version which may close existing functional gaps.

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18. Enterprsie Resource Planning (ERP) Improvement

Background

Enterprise resource planning (ERP) is an organization-wide software solution that allows integration among various departments and their respective functions. The result is a centralized system of communication, data storage, and operations management. Common ERP applications modules for in the local government mid-market agency include Accounting, Financial Reporting, Payroll, or Human Resources.

Findings and Observations

- The City uses Tyler Incode version 10 Enterprise Resource Planning (ERP) software as a service (SaaS) for both finance and utility billing.
- The system went live in 2016.
- Incode is used by many smaller mid-sized local government agencies throughout the country.
- The City has not fully implemented all licensed modules.
- Finance would like to push the system to non-finance users.
- Budget module has functional gaps, which include:

  - Non- Finance Department end users reported that they cannot do a budget check in real-time in the system
  - Non- Finance Department end users reported that they have to contact finance to obtain a budget report
  - Parks need ability for budget tracking and generating up to date budget reports for its program areas and specific projects accounts (e.g., department expense tracker)
  - Lack of automation and workflow for budget preparation

- Accounts payable is live and works well with some gaps, which include:

  - Finance would like ability to automate AP more fully with electronic workflow submittals and approvals. Currently, it uses Nvoicepay for limited automation
  - Would like the ability to scan invoice and auto-capture data without manual entry

- Other system improvements may include:

  - Departments would like ability to generate a detailed department-specific financial reports in near real-time.
  - Need to automate system to allow for adding a training event / course detail. Currently, staff has to manually go into each individual employee profile, training tab, add the event details, save and do it again for the next employee.
  - The system is unable to process public safety time and attendance and scheduling due to complex business rules.
  - Requisition process is not standardized across City.
  - Purchase order threshold is configured, but is not consistently used. Additionally, use for cross-departmental project is limited.
  - The City would like ability to convert MOM legacy financial system into Incode.
  - Projects and Grants Accounting module is licensed but not widely used.
  - City cannot tie/associate a project to a fixed asset.

Recommendations

- The City should conduct business process reviews and needs assessment(s) to determine and inventory functional gaps, in detail.

  - ◆ Review applicable manual processes and shadow systems, such as spreadsheets, paper, and other databases, to determine automation improvements that will eliminate or reduce these shadow systems and result in labor efficiencies. Any requirements that the vendor is not capable of providing can then be dealt with by other means, such as more efficient workarounds, third-party applications, modifications, change in organizational processes and procedures, etc.
  - ◆ This process should also be used to inventory all required reports, as well as integration/interface requirements between other applications, such as credit card processing, GIS, Parks and Recreation, and future systems such as Enterprise Asset Management and Land Management systems.

- Develop an improvement plan to close these gaps, which should include:

  - ◆ Modules that are licensed but not implemented
  - ◆ Additional modules that may need to be licensed

- Work with Incode to determine implementation plan and vendor training by module.
- Quantify vendor costs and hours need for implementation and training by module.
- Follow the guidelines in the *Applications Management Best Practices* initiative to increase the probability for implementation success. Primarily, a best practices approach to implementation of enterprise systems should include end users in the setup and configuration of the system to enable all necessary business processes are implemented.

Benefits

- Improved streamlined processes
- Improved operational consistency, efficiency, and accuracy
- Improved online access to information
- Improved financial reporting
- Elimination of information silos
- Better identification of integration requirements
- Improved utilization and realization of ERP investment

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19. ActiveNet Parks & Recreation System Improvements

Background

Many Parks & Recreation software systems offer individual software modules that may include:

- Membership Management
- Activity Registrations
- Facility Scheduling
- League Management
- Swim Team Management
- Point-of-Sale
- Equipment and Locker Rental
- Fundraising and Donation Management
- Child Care Management
- Marketing
- Website Content Management
- Reporting
- Online Customer Access

  - Registration Software
  - Facility Scheduling Software
  - Equipment and Locker Rentals
  - Customer Relationship Management

Findings and Observations

- The City currently uses ActiveNet.
- ActiveNet is not integrated with the City's Incode Financial System
- Payments are manually entered into Incode via the cashiering system
- Staff reports that vendor support is insufficient.
- Customized system enhancement are not working, and getting vendor to fix enhancement issues is a challenge.
- The systems FlexReg feature is not working smoothly.
- Other challenges include:

  - No electronic facilities reservations capability
  - No electronic class drop-in reservation capability
  - Does not have ability to manage senior meal program participant list
  - System is not able to distinguish registrant by zip code
  - Public portal is a concern

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Recommendations

- Conduct an assessment of all unmet needs to identify additional functionality requirements, additional modules needed, vendor support gaps, and user training that is needed.
- Identify manual processes and shadow systems, such as spreadsheets, to determine automation improvements that will result in labor efficiencies
- Work with the vendor to develop a customized project improvement plan.
- If the current vendor is unable to make identified system improvements, the City should consider replacing the current system with a new system.
- Should the City decide to move in a different direction, it should follow the principles described in the initiative for *Software Selection Best Practices* to develop an RFP.
- The City should ensure that the current or new system should integrate with its GIS system to allow it to locate assets (e.g., buildings, playgrounds, etc.) on a map or to allow a system to use the parcel and address feature to determine registrant zip codes, etc.
- The City should ensure that improvements to ActiveNet, or a replacement system should integrate with Incode to allow for the automation of payment processing.

Benefits

- Improved training
- Improved software application utilization
- Improved reporting, resulting in better management decision-making
- Improved customer access to information via a customer facing web portal

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20. Time and Attendance System

Background

The tracking, recording, and storing of employee time and attendance information is a significant undertaking. A manual system with repeated entry and review steps often leads to inaccurate reporting, payroll discrepancies, and lost data. Automated time management systems can provide:

- Single-occurrence data entry, with integration to time clock equipment as needed
- Standardized employment rules and implementation
- Centralized database for electronic review of records
- Consistent enforcement of vacation and sick policies, FLSA requirements, and union rules
- Web- and server-based options
- Integration with other functions, such as accounting and/or payroll
- Automated calculations and accruals based on user parameters

Such systems:

- Reduce duplicate efforts, thereby saving valuable time and resources
- Decrease inaccuracies and human error
- Improve management of vacations, sick leave, and other absences

Findings and Observations

- The agency currently uses Tyler Incode ESS centralized time and attendance system.
- Police and Fire are not able to use the Incode timesheets.
- Fire is not able to automate timesheet workflow in Incode.
- Fire does not have the ability to automate shift, overtime, or vacation bidding.
- Approval processes in Incode do not meet the City's need for flexibility or for designating specific hierarchy of approvers by department.

Return-on-Investment (ROI) Consideration

In a software selection study conducted by Nucleus Research, an organization that transitioned to an automated time-entry system saw a return on investment within six months and an overall return of 225% of their initial investment.[1]

Recommendations

- Conduct a comprehensive process review, and develop feature/function requirements for all time keeping, attendance, and accrual tracking needs across all City Departments.
- Reach out to Tyler Incode and discuss the City's needs from the feature/function requirements to determine if the gaps can be closed.
- Public safety time and attendance requirements are often more complicated than that of the City's other departments. The City should consider procuring a new system that is specific to Public Safety for Fire and Police (Please *see Public Safety Scheduling System* initiative for details).

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[1] "ROI Case Study: Kronos Workforce Timekeeper Anonymous Healthcare Organization", Nucleus Research

Benefits

- Consistent and standardized organization-wide timesheet system
- Reduced manual processes
- Increased processing volume
- Reduced data entry errors
- Reduced payroll processing time (from improved processes, policies, and practices)
- Single automated interface to ERP system

K.

21. Police RMS Improvements

Background

Integrated *computer-aided dispatch* (CAD) and *records management systems* (RMS) enable public safety and law enforcement to centralize public safety incident information, preserve data integrity, and enhance operational efficiency. Personnel within the department use this integrated environment to quickly capture, record, update, share, and access critical incident and public safety data.

Common functionality of CAD/RMS systems include:

- Computer-Aided Dispatch with GPS and Route Management
- Records Management
- Mobile Data Computing
- Field Reporting
- Property/Evidence with Bar Coding

- Personnel/Training
- Crime Analysis
- Investigations
- Intelligence/Suspect Tracking
- Mapping

The following is a high-level view of the primary or "core" operational or application area and integration points.
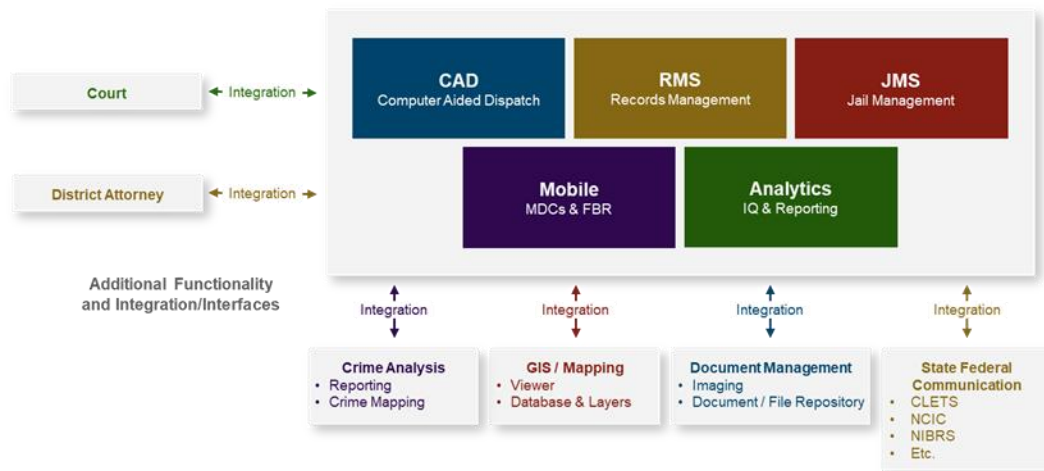
Findings and Observations

- Police uses Sun Ridge Systems RIMS.
- Police do not currently have the use of a vehicle log to track maintenance and repairs. The Department would like to have that ability to have use of a system that would automate this process.
- Police do not have the ability to track officer training for non-state mandated training.
- Unable to generate court reports showing officer training.
- The public is not able to make online property crime reports.
- The public is not able to make online reporting of abandoned vehicles.

Recommendations

- The City should improve the current system to eliminate functional gaps that were discussed in the workshops and described here.
- The City should take an inventory of all systems functional gaps. Once identified, the City should reach out to the vendor and obtain a cost quote for improving the system as identified by the inventory.
- RMS systems are complex and do not lend themselves to user-guided and on-the-job training. The City should consider purchasing additional end-user training with the vendor to allow staff to fully utilize the features of the system.
- The one-time training should be augmented with periodic or annual systems training that are described in the *User Training and Support* initiative.

22. Electronic Ticketing and Citation System

Background

Electronic citation (eCitation) technology represents a continuing transformation in public safety technology. Transitioning from traditional handwritten citations into digital documents, that can be quickly populated and accurately issued, has significantly helped enhance the effectiveness and safety of law enforcement officers in the field. Citation systems offer agencies the ability to issue tickets and citations electronically.

Citation management systems provide the following capabilities:

- **Citations** – This capability provides the ability to track citations (moving violation or others) from issuance to determination. The systems provide the ability to set classes and fine structures. Violation and history are also maintained for quick inquiry, along with people, addresses, and related subjects.
- **Parking Tickets** – If needed, many systems provide a parking tickets component that streamlines the administrative adjudication process for parking and equipment violations. There is also the ability to track late payments and assess late fees.
- **Access Permits and Parking Stickers** – Some systems provide the ability to sell, manage, and enforce tags or stickers for parking or other services that can deliver a stream of revenue for the organization. Some organizations have used this capability to issue annual passes for unlimited visits to parks or other facilities or programs.
- **Mobile or Field Capabilities** – This includes the ability to issue citations in the field with the connection to a small portable printer. Vendors typically support a variety of handheld devices, including handheld computers, laptops, and tablets. Many also integrate license plate recognition technology.
- **Reporting** – These systems support reporting, including a number of standard reports that can be picked from a list and run as needed. They also include ad hoc reporting capabilities, so specific reports can be created, as needed.
- **Online Services and Payments** – Most systems provide the additional capability for public access to their citations and tickets and to pay for any associated fines online using credit cards.

The diagram below illustrates a typical citation management system.
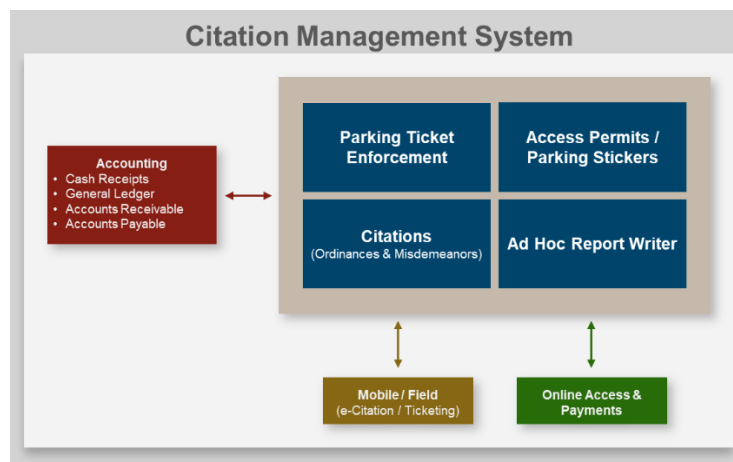
Example vendors in the marketplace for these systems may include:

- CrimeStar – Citation
- L-Tron – eCitation
- MSA – Ecitation
- Saltus Technologies - digiTICKETS
- Tyler - Brazos

Findings and Observations

- The City Police Department's citation process is manual.
- The City's Sunridge RIMS system does not have a citation management functionality.
- The City uses TurboData Systems to management payment collection and processing for parking citations with the Courts.
- TurboData systems is primarily a parking citation management system.
- A future citation management system may need to integrate with TurboData.
- The City also uses Data Ticket as a database to track outstanding citations.

Recommendations

- Consider initiating a review and assessment of features and functions requirements, and document the results with the aim of consolidating ticketing and citation program into a single software solution that also includes online payment processing.
- Apply results of the assessment to research options and solicit quotes from vendors.
- The City is currently using Tyler Incode; it may consider exploring cost and technology advantages of using an eCitation system with the same vendor.
- If a third-party system is the only alternative, then ensure there is integration built between the selected system and the City's CAD/RMS and ERP systems.
- Adhere to the principles identified in the Software Selection Best Practices initiative.

K.

23. Electronic Content Management System (ECMS)

Background

Electronic content management systems (ECMS), also sometimes referred to as *electronic document management systems* (EDMS), is a software system for organizing and storing different kinds of electronic documents. In addition to document scanning, storage, and records retention management, modern systems have additional functionality, which include:

- Enterprise records management, including retention management
- Integrated document and process workflow management, including internal request management, routing, and distribution (Accounts Payable, Accounts Receivable, HR, Project Tracking, etc.)
- Forms management (Web and internal based)
- Project and process collaboration
- Web publication or posting for all above items, if desired
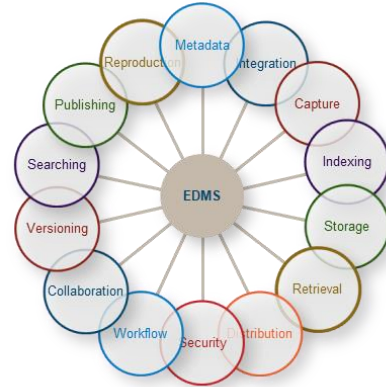
Example ECMS systems in the local government marketplace include, but are not limited to:

- Laserfiche
- Hyland's OnBase
- Granicus

Findings and Observations

- The City does not have a true citywide ECMS.
- Documents and content are scattered across systems. A sample of those systems include:
  - FileMaker Pro
  - Versatile Express
  - Incode
  - ActiveNet
  - GIS
  - Mobile MMS
  - GoRequest
  - Municode
  - Dropbox
  - Iron Mountain
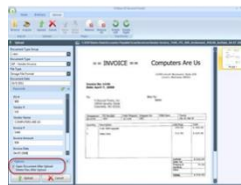
- Contracts management is manually stored. There is also no automated process for alerting the city to milestones and expirations.
- Staff is not able to easily understand document versioning (e.g., draft v. final).
- End users would like the ability for electronic search for City resolutions, ordinances, or minutes.
- Staff expressed a desire for a more systematic structure for naming and structuring records and information.

Common benefits of organization wide ECMS solutions include:

- **Compliance** – Improved and more efficient abilities to comply with increasing volume and complexity of regulations and retention requirements
- **Security** – Improved physical abilities and accessibility to security

- **Workflow Capabilities** – Electronic capture, routing, and approvals of manual paper processes
- **Improved Efficiency** – Increased productivity through automation of manual processes and time reduction in retrieving and sharing information
- **Reduced Costs** – Reduced costs of printing, paper, storage space, and labor
- **Reduced Carbon Footprint** – Minimized paper waste
- **Improved Transparency** – Increased accessibility to information via the Web, including full automation of some types of documents immediately upon creation without additional processing or labor
- **Disaster Recovery** – Protection of vital records through storage redundancy
- **Digitization** – Ability to digitize often accessed paper documents to reduce the time required to retrieve these documents from physical files

Return-on-Investment (ROI) Considerations

- A study conducted by Coopers and Lybrand found the following:
  - The average document gets copied 19 times in its life.
  - 90% of documents that are handled in an office are merely passed along or shuffled through.
  - The costs to manage a single document: $20 to file a document, $120 to find a misplaced document, $220 to replace a lost document
  - 7.5% of all documents get lost.
    - An office that generates 200 documents a week will lose 15 of them, costing a total of $3,300.
  - 3% of all documents are misfiled.
    - An office generating 200 documents a week will misfile six of them, costing the company $720.
- A feasibility study by the North Dakota Information Technology Department regarding ECMS technology found the following:
  - An organization that scans 600 documents per day can have the following benefits from implementing an ECMS:
    - An ROI payback period of 15 months
    - Gained productivity of almost $114,375
    - Subsequent annual savings of $110,295
    - An overall three-year benefit impact of $531,990
    - Saved $36,556 in annual costs when compared to manually storing and managing documents
- A study conducted by Prescient Digital Media found that an ECMS saves employees between 50-60% of time searching for documents.

Recommendations

- Many ECMS systems are implemented by third-party vendors. Many resell vendors do not have local government industry experience. ClientFirst recommends searching for vendors that have specific local government industry expertise.
- Conduct a needs assessment and process review with all departments as a first step to gain an understanding of how the ECMS system should work across the entire City.

  - Consider what functionality, configurations, and training would improve the staff members' ability to effectively utilize an ECMS system, provide more transparency, and integrate other departmental applications and business processes.

- Follow the principles described in the initiative for *Software Selection Best Practices* to develop an RFP.
- ECMS implementations on an organization-wide basis are commonly under-scoped and underfunded, leaving organizations with limited benefits. The selection process should include a full assessment of potential costs and resources required in order to properly prioritize implementation efforts that will occur over multiple years.
- Integration with other core enterprise application systems across the City should be strongly considered.
- Conversion of paper documents from all document retention sources, including those located in shared network drives.
- Implementation of an ECMS system offers an ability for the City to digitize important and often accessed paper documents. If the digitization is included as part of the overall ECMS acquisition, vendors will often provide resources at a more affordable rate for performing this service.
- Some Enterprise Resource Planning vendors offer their own native ECMS solution. As the City researches its options, it should consider the cost advantages for native or non-native ECMS options.

Benefits

- Automated workflow and routing
- Reduction in paperwork and related costs
- Online document retention and archiving
- Improved version and authorization control
- Improved public records access
- Increased information-sharing and collaboration capabilities
- Ability to provide Web posting and public access to customers and the public
- Integration with Agenda Management and Media Management

K.

24. Project Management and Collaboration

Background

Project collaboration and management software can provide effective, flexible, and secure ways for planning and sharing information, including storing, routing, and managing documents, maintaining task lists, managing forms, and creating and managing workflows. The following are benefits of project tracking and collaboration software:

- Internal and external project teams will have a central repository of information related to each project.
- Project documentation is stored centrally to the project (e.g., contracts, purchase orders, reports, interviews, findings, procedures, data, etc.)
- Documents, final and interim reports, procedural documents, and collected project data are adequately tracked to projects.
- Data is not duplicated due to distribution methods and management.
- Teams are provided with an electronic distribution point for information regarding a project.
- Project collaboration tools provide the ability to share information through multiple types of communication and media, such as:

    - Task creation, tracking, and assignment
    - Calendaring
    - Gantt charts
    - Contacts
    - Alerts
    - Document sharing libraries (versioning, check-in/out)
    - Workflow
    - Search
    - MS Office integration
    - Mobile access for smart phones
    - Project sites
    - Website content management
    - Discussion forums
    - Photo galleries
    - Metadata management

K.

Several vendor-hosted project tracking and collaboration solutions are available that will support collaboration with both internal and external groups of users. Sample project tracking and collaboration solutions include:

- Basecamp
- Monday.com
- Teambox (Redbooth)
- Zoho
- Wrike
- Smartsheet
- Microsoft Teams

Findings and Observations

- The City lacks a common solution for managing and tracking projects (special or routine) that allows the department to share and collaborate with its internal and external customers.
- City staff are using various tools at their disposal and on an ad-hoc basis.
- Public Works would like specialized software for project planning, collaboration, and management
- In the COVID-19 environment, organizations are increasingly relying on remote work enabling software to conduct City business processes.

Recommendations

- Use the Technology Governance Committee structure and process to review project management, tracking and collaboration solutions, as well as their overall capabilities, so the organization can identify a single solution to meet this need.
- Conduct an assessment that documents feature/function requirements and needed capabilities.
- Although this type of software may not have the complexity of major enterprise systems, the City may benefit from following the principles of the *Software Selection Best Practices* initiative, in order to identify and implement a solution that can be utilized by most departments. End-user and continuing training should be adopted and follow the guidelines in the *User Training and Support* initiative.

25. Legislative Management System

Background

Legislative/Council management systems (L/CMS) allow an agency to centralize, automate, and manage the entire process for legislative/council meeting management. It provides for the capability to manage and track resolutions, ordinances, ordinance numbers, roll call voting, dates, and related actions. It is capable of capturing meeting activities in real-time and to archive activities to enable inquiry and reporting. The system allows for access to information for all departments and users involved in Council meeting management process. In a manual environment, this legislative information, such as ordinances, is often entered numerous times. When automated, it only needs to be entered a single time. Modern systems are offered as a standalone module, as modules in a suite of applications from a single vendor, or part of an *Enterprise Content Management System* (ECMS).

In many instances, the legislative management systems can be integrated with media management systems to stream and record video and audio information, time stamp it, and tie it to the correlating meeting agenda or activity during a meeting. The system has the ability to push/publish agendas, minutes, and media recordings to the Agency's website.

Typical Meeting management capability includes:

- Automates the drafting of minutes based off the meeting agenda
- Provides for PC, laptop, or tablet-based access to meeting materials

  - Prior to Board meeting for prep and review
  - During meetings to engage and follow the meeting process

- PC, laptop, or tablet-based voting

Findings and Observations

- Staff expressed a desire for electronic minute taking for Commission meetings that minimizes the use of paper.
- The City Clerk uses MS Word to record minutes.
- Staff and public records requests for resolutions, packets (archived), deeds, agreements, minutes, etc. are processed manually. The Clerk and others would like a system that allows for easy searching and tracking of legislative materials.
- Modern systems allow meetings to be livestreamed with video/audio recordings and can be integrated with Meeting Media Management systems.

Recommendations

- Conduct a needs assessment and process review, and document needs, including the development of detailed feature/function requirements.
- Issue RFP to solicit proposals from vendors in this marketplace.
- Use the feature/functions to analyze and compare system options available in the marketplace.
- Follow best practices per the *Software Selection Best Practices* initiative to select an appropriate system.

- It can be advantageous to coordinate the purchase and selection of a legislative management system with the selection of a new ECMS system because:

  - Some ECMS system provide this capability as part of their suite of applications.
  - The timing of the acquisition ensures the desired features are integrated with the ECMS system.
  - There may be cost advantages to a single consolidated system.
  - It reduces the need for IT support for fewer disparate application systems.

Benefits

- **Reporting and Metrics** – Use system reporting and metrics to monitor the public engagement level, mobile usage, page visits, etc.
- **Event Management** – Schedule events to broadcast live or record from any video source (camera, cable TV, tape).
- **Archive and Publish** – Archived files automatically transfer to internal and external storage and can be automatically published to the organization's website.
- **Streaming** – Leverage a media server for public streaming.
- **Integration with Agendas and Minutes** – Import agendas and synchronize indexed videos during meetings and, afterward, produce a public record on the website with the agenda linked to the video.
- **Anywhere and Anytime Access** – The public and staff can watch live streaming broadcasts or play archived videos through the website. Viewers can jump to desired topics through index points to review only the information or agenda items that are important to them.
- **Public Searching** – Public can find what they want through a searchable public record on the website. All meeting audio, video, minutes, and agendas can be integrated.
- **Notifications** – The public can subscribe to the agenda, or to a particular search, to receive notifications when new content is available.

26. Door / Gate Access Control

Background

Door Access Control, sometimes referred to as keyless entry, is an effective way for the City to manage security and control access to various buildings, facilities (e.g., Marina), and secure spaces. The system limits security risks and allows for the management of access by employees, customers, and the public. Many municipalities are moving to a single, organization-wide system to manage security and access to facilities. Some systems in the marketplace allow for integration with video security systems to allow the City to associate keyless entry devices with video or photographic imagery to ensure users comply with contractual or rental agreements.

Findings and Observations

- Public Works manages a marina facility.
- Access to the marina is via a gate that is restricted by a gate access control unit.
- Staff and customers use a keyless entry FOB (frequency operated button).
- The current FOB system has limitations that does not allow staff to easily track and report on gate information by assigned users.
- The City reports that the current system is obsolete, and the original vendor that installed the system is no longer in business.
- The City would like that ability to report on data that allows it to ensure that renter uses of assigned slips conforms with the City's terms and conditions with the user/renter.
- The current system does not allow for the ability to search gate access by FOB number and/or tenant name with multiple FOBs to see how many times an FOB has entered a gate and by how many days in a row (integrating all fobs/one owner).
- Staff reported that it is not able to easily track slip owner names with multiple FOBs within the ALX software

Recommendations

- Complete a review and needs assessment of the City's facility access and control requirements for external and internal doors and access points.
- Consider a single citywide system, which can integrate with video security systems.
- Access should also allow extending to constituents and others, as appropriate.

Benefits

- Improved maintenance and less time
- Mechanical locks and keys replaced with electronic locks, badges, or cards and readers.
- Eliminated expense of re-keying or changing locks for employee separations
- Employees and others are less likely to set off false alarms
- Automatic regulation of access reduces need for on-site security personnel
- Allows for more efficient temporary access by outside personnel, like visitors or vendors
- Decreases liability and risk from greater access control

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27.   Learning Management Software

Background

Learning-management software helps organize, manage, and track employee completion of online courses throughout an organization. Courses can be tailored by department roles, individual staff, or specific ongoing certifications. Common functionality available from learning-management software includes:

- Creation of customized courses
- Interactive content (e.g., exams, quizzes, videos, etc.)
- Automated reminders of courses to complete or finish
- Tracking of course progress, completion, and results
- Printable certificates of completion
- Recurring certification and training requirements
- Real-time analytics and reporting

Findings and Observations

- Stand-alone, third-party learning-management and tracking software is available in the marketplace.
- Police do not have access to software to track police officer training that is not mandated by the state.
- The City is not using the Incode HR module. Modern ERP systems with a Human Resources Module have the ability to track employee training.
- The City lacks an automated system for adding a training event / course detail. It is done manually.
- The City does not have a centralized calendar system to show the schedule for training classes.

Recommendations

- Conduct a needs assessment and process review, and document needs.

    - Needs assessment should include any departments that can benefit from learning-management software and online training content creation

- If necessary, apply the needs and feature/function requirements from the process review to solicit proposals for learning-management software vendors
- Follow best practices per the *Software Selection Best Practices* initiative to select the appropriate software
- City staff reported significant software training needs. The procurement of a learning management software should conform with the guidelines of the *User Training and Support* initiative.
- Current and future needs can be evaluated and prioritized through a combination of mechanisms, including the Technology Steering Committee.

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Smart Technologies is the concept of using new technologies in combination with creativity, information sharing, and the collaborative process to better serve and interact with the public.

28.   Website Improvements

29.   Online Civic Transparency (Government Transparency)

30.   GIS Plan and Improvements

31.   GIS Staffing

32.   Mass Outbound Communication

33.   Intranet

34.   Smart Water Meter Solution

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28. Website Improvements

Background

Municipal websites have become informational portals for citizens to quickly access information and conduct transactions without having to call City staff or go to City Hall. Additionally, interactive functionality and transactions can be made available 24/7.

Findings and Observations

- The City uses Municode for its website hosting and management.
- Staff expressed the desire for more end-user training.
- Some departments expressed the desire for:

  - Better search capabilities
  - Intranet functionality
  - Easier navigation for users
  - Integration with other City systems
  - More control over editing and content management, including the ability for the creation of online editable forms for program enrollments/applications

Recommendations

- Conduct an assessment of website improvements desired by each department.
- Consider applying design elements that will improve overall website navigation.
- Identify user training requirements by specific users responsible for website content.

  - Assimilate the training needs with *User Training and Support* initiative
  - Offer regular training to keep staff skills fresh and to ensure they can keep website content current

- Develop a content management policy.
- As part of the content management policy, implement standard practices, and make the website maintenance a component of the Technology Steering Committee responsibilities to ensure the site is maintained regularly and remains relevant and up to date for the public.

Benefits

- Reduced resident in-person visits
- Improved public records access
- Increased information-sharing capabilities
- 24/7 availability
- Improved resident-user experiences
- Increased resident interaction and transaction capabilities

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29. Online Civic Transparency (Government Transparency)

Background

The movement toward increased government transparency has been growing in recent years. The public desires more openness, accountability, honesty, participation, and collaboration. In response to this trend, local governments are seeking web-based software to address this growing need. These government transparency solutions can integrate with City enterprise systems. Data can also be viewed in dashboard form for internal use and applied against key priorities and performance metrics. The key element of these systems is that data and financial reporting can be presented to the public through the City's web portal. Portal functionality can include:

- Graphical presentation of budget, financial reports, and data
- Performance dashboards
- Project communications

Example vendors that offer this service include:

- OpenGov
- Socrata
- Munetrix
- ClearGov

Findings and Observations

- Staff reported the desire to satisfy the public's increasing requests for government transparency, including access to financial information.
- Staff reported the desire to visualize key performance indicators via a dashboard.

  - Relatedly, staff would like the ability to provide narrative text for the data presented

- Staff would like the ability to publish or present this information to allow the public to access or query this information via a Web portal, thereby reducing some request types.

Recommendations

- Research the marketplace for vendors to determine functionality.
- The procurement process should follow the guidelines identified in the *Software Selection Best Practices* initiative.

Benefits

- Provide 24/7 access to data
- Present complex information that is understandable
- Improve public trust and support
- Reduce information requests

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30. GIS Plan and Improvements

Background

Modern enterprise systems are increasingly geospatial information systems-centric (GIS). Integrating GIS with other agency business systems is now a core requirement.

GIS has become vital to enterprise systems by adding a geospatial component to agency information. It allows for the tracking of all land parcels within the community, inventory of infrastructure assets (e.g., pipes, drains, valves, pump stations, signs, light poles and other fixed items), enabling of the distribution of the right information to the right people to make data driven decisions, and expeditious access to geospatial data and mapping solutions targeted to specific needs.

Many benefits from the use of GIS are recognized by the City, but further benefits can be accomplished faster and more efficiently through strategic planning, increased utilization of GIS solutions, training, and enterprise application integration.

A GIS Assessment and Plan would set forth procedures and methods used to determine where the City envisions going with GIS in the future, which may include:

- Creation of a GIS program
- Evaluating potential data sources and data needs
- Integration of GIS with other City enterprise applications
- Data acquisition needs
- GIS integration with Smart City applications
- Developing GIS applications and functionality
- GIS resource requirements
- Planning for the long-term maintenance of the GIS system and data
- Development of a GIS-specific budget

Considering the City's limited IT resources, an overview of GIS as a service is described below.

ArcGIS Server Web Services

Esri ArcGIS Server Web services represents various GIS resources. These include map, address locator, image, and the geo-processing toolbox. These maps, locators, images, etc., are stored on an ArcGIS site and made available to various client applications. One significant advantage of this approach is that ArcGIS Web services do not need specialized GIS software. Instead, the data can be consumed within a Web browser or from various client applications. The City will be able to share critical GIS resources more rapidly across the organization.

Typically, City staff would be creating, capturing, and storing geospatial data every day, requiring better methods for synchronizing field data with the City's application systems.

Findings and Observations

- The City does not have a citywide, industry standard GIS system.

  - Parcel information is stored and referenced at the County.
  - Other geospatial maps are generated by third parties.

- As the City grows, Police, Public Works, Finance/Utility, Community Development, and Recreation will have GIS data and integration needs.
- There is no GIS Strategic Plan to establish a framework of initiatives and tasks to keep up with the growth and needs of the City.
- The City will benefit from a plan that outlines a methodology for the development of GIS capabilities.
- Critical applications are not integrated with GIS to allow for real-time resulting of mapping information (e.g., Incode (for utility billing), ActiveNet, or Greenvue.
- Public Works has identified significant gaps with GIS needs. Some gaps include:

  - Lack ability to see or update field asset/infrastructure information in real-time in the field via a mobile device
  - Sewer Video files are not linked to GIS
  - No ability to see water tanks specs, plan sheets, cleaning history, chlorine history, water quality history asset management system that is likened to GIS
  - Lack of linkage to SCADA, AMI and Mobile MMS

Recommendations

- Conduct a GIS Assessment and develop a 5-year GIS plan to introduce and maintain geospatial information management to the City.
- Establish a GIS Steering Sub-Committee to bring citywide stakeholders to the table to help identify and prioritize core/project GIS needs and solutions.

  - Review GIS needs and identify potential GIS interfaces.
  - Identify potential areas for improved display of geo-spatial information for residents, developers and visitors.

- Develop a plan that prioritizes and defines the steps and actions needed to close these gaps.

Benefits

- Centrally managed geospatial information
- Accurate geospatial information and inventories
- Improved maintenance and operational efficiency across the City, including field productivity
- Increased end-user functionality
- Increased government transparency
- Improved information distribution and citizen engagement
- Enhanced customer service through improved field to office communication
- Better informed City staff of available GIS services for improved data driven decision-making
- Improved utilization of applications that support GIS integration
- Inventory with location of all assets for maintenance management and planning
- Secure sharing of information
- Real-time access to geospatial information from the field
- Increased ability for team members to communicate and collaborate
- Easier creation and storage of digital maps
- Better analysis of infrastructure

31. GIS Staffing

GIS systems are increasingly becoming the data backbone to modern enterprise applications systems. Please see the *GIS Assessment Plan and Implementation* initiative for a detailed overview if its capabilities.

Findings and Observations

- The City's main GIS user is the Public Works Department.
- Control of its GIS system resides with Public Works Staff, including one staff member who is considered the resident expert.
- Public Works, Finance/Utility Billing and Community Development staff expressed the need to upgrade the City's GIS infrastructure and capabilities
- The City's IT service is staffed by one employee who handles critical network support functions.
- The IT Department does not have resources to support centralized GIS.

Recommendations

- Develop a GIS Assessment Plan to determine future long-term GIS needs for the City.
- As part of the GIS Plan, identify resource requirements needed to support centralized GIS and other core systems that interface with the GIS system
- Consider creating a full-time GIS staff position to accelerate the adoption of GIS within the agency
    - As new business applications are implemented, create integrations between GIS and each applicable application.
    - Utilize the GIS Assessment Plan and GIS Steering Sub-committee to identify GIS priorities.
- Determine training needs for GIS data entry, mapping and reporting

32. Mass Outbound Communication

Background

Outbound communication systems, which also include Reverse 911, have gone through a significant transformation in recent years. Enhanced mass notification systems can integrate with severe weather warning systems and use delivery mechanisms like emails, texts, RSS feeds, social media, etc. These systems can be used for non-emergency mass notifications as well, such as street closures, interruptions in water service, major organization events, etc.

Example solutions include:

- AlertMedia
- Alertus
- Dialogic

- Everbridge (the City has access to this application via San Mateo County)
- Genesys
- OnSolve

Findings and Observations

- The City is not using a true centralized Mass Outbound Communication platform
- The City Clerk uses Municode to do mass emailing
- Police, Fire, Public Works & Emergency Services Departments use San Mateo County's Everbridge system for emergencies or natural disasters
- The City lacks the ability to engage in mass marketing efforts or to consolidate all communications into a single platform that would enable a unified publishing of public-facing materials and information
- Staff expressed interest in potentially using the system for notifications for the following activities:
    - Planned service interruptions
    - Street closures
    - Special events
    - News releases
- Some systems allow the public and customers the flexibility to register for the type of notifications they would like to receive (e.g., text, RSS, social media, email, phone calls, etc.)

Recommendations

- Some website providers in the marketplace may offer a resident notification capability and the ability for the public to register for specific notifications. Consider collecting citizens' communication preferences (e.g., mail, email, text, website, opt-in or -out for specific types of communications, such as public safety, emergencies, community events, general info, etc.)
- Determine costs of greater usage. Costs are usually measured per contact, but some vendors have gone to an annual-subscription model based on agency population.
- Reach out to the County and Everbridge to determine if the City can piggy-back on the County's existing contract for a license with functionality that are sole specific to the City.

Benefits

- Increased community outreach
- Improved public relations
- A single standardized tool for use across City departments
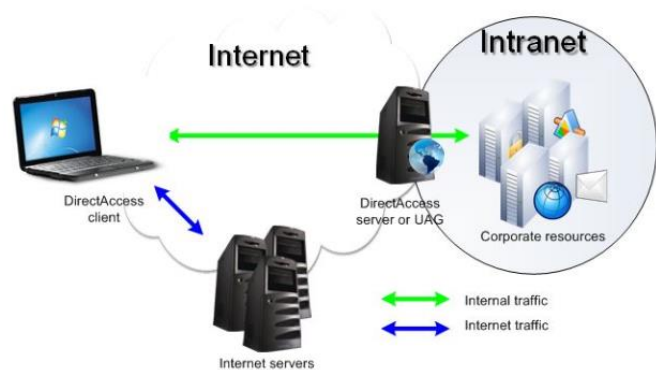
33.   Intranet

Background

An *intranet* has a similar function to an organization's public-facing website, except it uses the organization's internal computer network to house a website-structured presence to share information in a private, secure manner. Generally, it is dedicated to internal use by the organization, staff, and management.

Intranets or intranet sites provide useful information, such as the ability to communicate within the organization and reduce miscommunication by providing consistent information and instructional content. It also reduces time spent requesting and distributing documents between and throughout departments and the need for maintaining physical documents. Intranets can be used to:

- Quickly communicate news, changes in policies or benefits, and emergency information
- Promote a common culture
- Offer a dynamic calendar of events, activities, due dates, etc.
- Send important news and newsletters
- Allow easy access to policies and procedures, training manuals, or forms
- Provide contact information for departments, supervisors, and other staff
- Collaborate on City projects with contractors and vendors
- Contain links to application-supported services (i.e., there may also be a link to Employee Self-Services that is tied to the Human Resource and Payroll applications, enabling employee capabilities to access electronic check stubs, electronic W-4 forms for filing changes, or other HR/P&C services)

Additional potential citywide Intranet uses could include, but would not be limited to:

- Increased City-Employee communications
- Tricks and tools that would benefit users
- Contact information (internally and externally shared)
- Major project-related information
- Personnel forms
- Benefits information
- Policies and procedures
- Administrative forms
- Training libraries
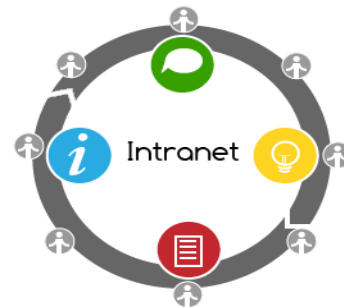
Agencies that are most successful with Intranets configure staff personal computers to have the organization's Intranet site as the homepage that launches whenever a browser is opened.

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Findings and Observations

- Departments have expressed the need for the creation of an intranet at the City to enable sharing of documents and resources, particularly during COVID.
- Staff reported that some users use Tyler Incode's ESS (Employee Self Service) or Microsoft Teams or SharePoint as an ad-hoc intranet.
- Some local government-focused website vendors provide intranet design and implementation services on the same platform as the City's website.
- The City's current website vendor, Municode, does not have this functionality.

Recommendations

- Conduct a citywide assessment for internal department communications that could be posted or stored on the Intranet, such as frequently asked questions and frequently requested information, so employees can utilize the intranet's self-service capabilities.
- Make the intranet the default Internet browser homepage for all City staff.
- Use the intranet site as a method to reduce other mass employee communications, such as email, flyers, and bulletin board posters (as applicable).
- Design the intranet with tools to automatically convert the intranet content and presentation components to a mobile-compatible display format, so employees can use their smart phones and tablets to access the City's intranet.
- Provide training for staff to access self-service capabilities as users. In addition, provide training for staff that need to post content and provide self-service information to ensure they can post and maintain content regularly.
- There are many parallels between implementing an organization's public-facing website and implementing an internal organization-wide intranet. It is recommended the City consider designing and building the intranet with the same tools and resources that are used for the City's public website.
- Implement best practices and make the intranet a component of the Technology Steering Committee responsibilities to ensure the site is maintained regularly and remains relevant and up to date for the City's employee community (see *Technology Governance* initiative).

Benefits

- Reduction in miscommunication due to the use of a single-source communication location
- Electronic document availability (decreasing labor and space requirements for physical documents, such as procedure manuals or paycheck inserts)
- Electronic form availability (decreasing the need for physical employee forms)
- Increased employee productivity and collaboration
- Remote access to information when outside the office

34. Smart Water Meter Solution

Background

Advances in technology is allowing service providers to improve integrations and automate more of their business processes across different technology systems including meters, hardware, communications, and software. Advanced Meter Infrastructure (AMI) technology allows AMR systems to link, in real or near-real time, meter endpoints with Utility Billing/Customer Information (UB/CIS) Systems that manage the billing and accounting functions of utility service.

In recent years, advances in utility applications technology is increasingly allowing utility systems to perform sophisticated business intelligence (BI) analysis to optimize systems performance, leakage detection, and revenue capture. The emerging applications platforms are also providing customers with on-demand insight into usage and billing information, and the ability to query and perform their own BI activities, in order to adjust their service level options. These applications fall under the smart water technology solutions. Some vendors in the marketplace include:

- WaterSmart
- Valor Water Analytics
- SilverBlaze

Findings and Observations

- The City is located in an urban environment with a geographic size of approximately 20 square miles.
- Cellular coverage is good and reliable.
- The City is in the process of evaluating AMI system vendors for an all-mesh system to automate and achieve operations efficiencies in its water utility operations.
- Tyler SPMR (Smart Phone Meter Reading) is used for meter readings.
- Staff also reported a need for a Web portal that would allow customers to have access to their AMI data on a daily basis.

Recommendations

- As the City evaluates vendors for a new AMI system, it should ensure that appropriate integrations are identified with its utility billing system, Incode.
- Additionally, the City should ensure that a future AMI and current UB system have the ability to integrate with smart meter technology to allow both the City and its customers access to read-only and near-real time meter information.
- The City should consider a commercial off the shelf (COTS) smart water technology to augment a future UB/CIS system to allow for the ability to perform BI analysis and for advanced system leak detection on both sides of the meter.
- The process for procuring a COTS smart water application should follow the guidelines of the *Software Selection Best Practices* initiative.

    - Conduct a needs assessment
    - Identify required feature/functions for a viable solution
    - Solicit bids from vendors
    - Conduct product demonstrations (onsite or remotely)

Technology Current State Assessment

IT Infrastructure refers to networks, servers, equipment, inside or outside cable plant, and other communications infrastructure.

35. Computer Equipment Replacement Plan

36. File Servers and Disk Storage

37. Internet Bandwidth

38. Network Redesign

39. Office 365 – Full Implementation

40. Wireless Expansion

41. Remote Access – VPN

42. Structured Connectivity System

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35. Computer Equipment Replacement Plan

Findings and Observations

- A formal citywide computer replacement plan does not exist, including servers, storage, switches, or firewalls.
- Other technology systems, such as audiovisual systems, camera systems. and door access control systems do not have a formal replacement schedule.
- IT replaces desktops on an as-needed basis.

  - Many desktops have been in service beyond the five-year recommended lifecycle.
  - Most workstations have been upgraded to Windows 10.

- Some network equipment and servers are also in service beyond their recommended lifecycle.
- The managed service provider maintains an inventory of all "managed" devices and can provide recommendations based on industry standard replacement cycles.

Recommendations

- Utilize the managed services providers inventory and expand to include to all technology with a standard life expectancy.
- Develop a seven-year, rolling computer equipment replacement plan and budget accordingly.
- Allow customized length of time for replacement of any technology that may have a unique end-of-life.
- Continue to purchase discounted extended warranties at the time of purchase that will cover the equipment throughout its useful life (e.g., five years for computers and servers).
- As appropriate, provide analyst and management-level personnel with laptops and docking stations.

  - By policy, encrypt any data stored on mobile devices.

Benefits

- Better forecasting of purchases
- Managed process that flattens capital expenditures over time
- Improved computer performance
- Improved available features
- Improved portability through use of a single device
- Ability to keep spare equipment around to be reissued, eliminating employee downtime
- Increased employee performance by eliminating the use of old, slow, and post-lifecycle technology
- Reduction in total cost of ownership

IT Equipment	Recommended Replacement Cycle (Years)
Network Switches	7
Phone System Upgrade	5
Phone System Replacement	10
Audiovisual Equipment	5
Servers	5
Disk Storage	5
PCs	5
Laptops	4
Mobile Devices	2
Wireless Devices:	
Point-to-Point	5
Wireless LAN	4
Windows Software	+/- 5
MS Office	+/- 5
Printers, Scanners	5
Plotters	5

36. File Servers and Disk Storage

Findings and Observations

- Several file servers are running Microsoft Windows Server 2012 and 2016.
- Active Directory servers are 2012 and 2016, respectively.
- Servers are not virtualized, resulting in many physical servers to maintain and keep up to date.
- The City is moving applications to the cloud in the next few years.

  - Some applications will remain on-premise due to response time requirements.

- Disk storage needs are not significant.

Recommendations

- We recommend a resilient virtual server environment with local and cloud-based backups.

  - Expand the existing backup solution provided by the managed services company to include all backups and cloud recovery.
  - Upgrade Active Directory to 2019.
  - Consider moving to Azure Active Directory.

- Implement a capital replacement plan to replace servers and storage on a regular, best practices-based schedule.

Benefits

- Elimination of unexpected space availability
- Better management of data retention and management
- Improved availability for storage and access to user community

37.   Internet Bandwidth

Background

Increased Internet bandwidth and high availability are becoming increasingly important to organizations for daily functionality. This allows for additional resources to become available during peak Internet usage and provide for resiliency when disasters occur that may affect primary Internet connections that are no longer accessible.

Findings and Observations

- Internet connectivity is installed at City Hall.
- Primary Internet bandwidth is 100Mb download and upload.

  - A secondary Comcast Business Class internet connection is 200Mb download and 20Mb upload.
  - This secondary Internet access speed is recommended for no more than 15 devices.

- Future use of cloud services will increase the importance of Internet bandwidth.
- Most peer institutions are moving toward two diverse, high-speed Internet connections.

Recommendations

- Implement a second Internet connection with speeds identical to the primary Internet connection.

  - Best Practice would be to implement an Internet connection from a separate provider.
  - Utilize both Internet connections in an "active/active" manner. This will increase available Internet bandwidth for all staff.

- Additional Internet bandwidth will be required as the City increases the use of cloud-based systems.
- Increased Internet costs have been included in recommended *Five-Year Budget*.

Benefits

- Improved performance
- Increased Internet uptime
- Increased resiliency, providing increased cloud-based applications and services uptime
- Reduced risk and liability
- Disaster recovery safeguard

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38. Network Redesign

Background

A local area network (LAN) is a group of interconnected computers that span a building using copper, fiber cabling, or wireless technology as a means of communication. Typically, access to a LAN is controlled by authentication software integrated with Active Directory. Authorized users access the network and can then use resources and applications assigned to them. LANs are very common due to their small size, low maintenance, fast speeds, and ease of use.

A wide area network (WAN) is a network that connects various off campus facilities into a single network. WAN bandwidth is significantly more expensive than LAN bandwidth and, therefore, is often limited.

Findings and Observations

- The majority of network switches were purchased between 2007 and 2013.

    - Best Practice network switch life cycle is seven years.
    - The majority of network switches will be end-of-life and no longer supported this year.
    - Switching equipment does not provide Power over Ethernet (PoE).

        - PoE is Best Practice for support of VoIP phones, wireless devices, video cameras, and other equipment requiring a network connection and power.

- Several brands of network switches are installed.
- There are several network switches that do not appear on the inventory because they are "unmanaged."

    - "Unmanaged" network switches are a security risk and can cause broadcast storms as they begin to fail.
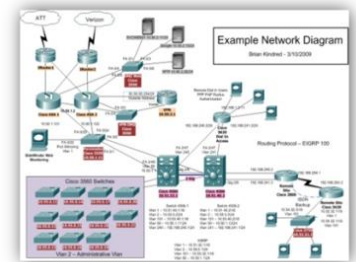
Recommendations

- Redesign the core network to increase speeds by a minimum of ten times.

    - Create a resilient core network that eliminates single points of failure.
    - Redundant core switching is recommended.

- Redesign network segmentation to limit broadcast traffic, implement quality of service prioritization, and improve security.

Benefits

- Improved network performance speed and reliability
- Reduced support costs
- Full redundancy across sites
- Increased security

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39. Office 365 – Full Implementation

Background

Microsoft Office 365 is a subscription service that is part of the Office product line. Office 365 is focused on enterprise customers. Office 365 products and services comprise: Outlook, which includes email, calendaring, people, and tasks; Hosted Services, which include Office server platforms for Exchange, SharePoint, and browser-based Office applications; and Office Applications, which include Word, Excel, PowerPoint, and Teams for use as a collaboration platform.

Microsoft is transitioning its customers to a Software as a Subscription (SaaS) model. This is a departure from the conventional software license model. The SaaS model allows Microsoft to update the Office 365 software on a rolling release basis and charge monthly fees for each software license.

Findings and Observations

- The City has Office 365 licenses that provide the majority of feature/functions available.

  - Staff did not receive formal training during the Office 365 implementation.

- The City is currently using Online Exchange for electronic mail.

  - An initial Discovery project is underway to plan a move to SharePoint and OneDrive for user files and shared drives.

- During COVID, staff have been working from home and informally using Microsoft Teams tools for video conferencing and chat.

Recommendations

- Continue moving to SharePoint and OneDrive.

  - Provide training with each Office 365 implementation.

- At the successful conclusion of the SharePoint and OneDrive implementation, develop policies and procedures for the use of Teams applications.

  - Train staff in proper use of Teams.

40. Wireless Expansion

Findings and Observations

High-speed wireless Internet is a key infrastructure component of a Smart City strategy. A strong wireless infrastructure for staff and public wireless access at City facilities is now expected. A public wireless infrastructure deployed throughout the City can enable many Smart City applications, including smart meters (water or parking), the Internet of Things (IoT), automatic license plate readers, traffic monitors, some video surveillance applications, and many more Smart City tools.

Findings and Observations

- The City has wireless capabilities for staff and guest computing within City facilities.

    - Multiple vendor's wireless access points are utilized by the City.
    - The use of several vendor wireless access points reduces staff ability to manage and secure the devices

- Demand for Wi-Fi will continue to increase.

    - Staff demand will increase as they become more mobile.
    - Public demand for wireless at City facilities is increasing.
    - Public demand for wireless a City parks will increase.

- Staff at remote locations that use point to point wireless have intermittent connectivity issues

    - Current point to point wireless solutions are shared frequency and may be subject to interference

Recommendations

- Plan to expand wireless to all City indoor and outdoor spaces.
- Upgrade point to point wireless to faster bandwidth and licensed frequencies.

Benefits

- Improved wireless speeds
- Reduced complexity
- Increased security
- Expanded coverage

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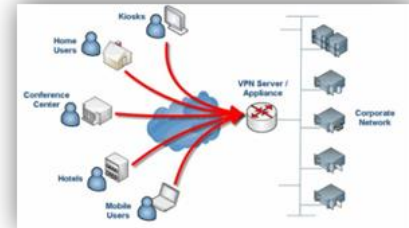## 41. Remote Access – VPN

Background

Remote access is used by staff when working off site to access work products and applications that reside on City premises. COVID-19 has increased the demand for remote access as staff work from home or other locations more frequently due to concerns related to the pandemic.

Demand for remote access will continue to grow for on-premise applications, especially for staff members with significant computing needs in the field. Increased access to mobile applications for smart phones and tablets will also be part of increased remote-access demand.

Findings and Observations

- Remote access generally works well for staff. Some staff reported system lockups or the need to reset remote access regularly.
- Remote access to City applications do not require two-factor authentication.

  - Two-factor authentication (like banks and cell phone companies) is becoming a security best practice.

- The City has determined that cloud application services in the appropriate long-term strategy.

Recommendations

- Implement remote access improvements as a part of the two-factor authentication project.
- Consider implementing a small Remote Desktop Protocol (RDP) server for improved remote access to systems.

Benefits

- Increased mobility for the current workforce
- Improved productivity for off-site personnel
- Increased convenience for staff using Employee Self Service remotely
- Improved balance between security and business needs

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42. Structured Connectivity System

Background

A *structured connectivity system* is a complete set of cabling and connectivity products that integrate voice, data, wireless, video, and other technology systems into a comprehensive infrastructure.
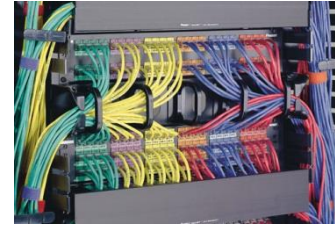
Findings and Observations

- The copper, horizontal cabling system at City Hall is primarily comprised of Category 6 (1 GB) cable.

  - Category 6 cable is adequate for the newest generation of wireless access points (WAP).
  - Best practice cabling for wireless access points is two cables per WAP.

- Small, unmanaged switches have been installed in some areas to reduce cabling needs.
- Unmanaged switches are:

  - A significant cybersecurity risk
  - A significant risk to network stability
  - Cannot be remotely managed or inventoried

Recommendations

- Assess all cabling installation for quality and completeness.
- Install two Cat 6A cables to each new WAP location.
- Identify all unmanaged switches and replace with cabling to tele/data closets.

  - Utilize Cat 6A as the new cabling standard.

- Develop Structured Cabling Systems (SCS) standards as a basis for any upcoming recabling efforts.

  - This document will be used to support the ongoing needs of the City as it relates to maintaining the existing SCS and can be provided to architects and/or contractors as part of the construction specification for future projects. The SCS Standards Document should have the following as its goals:

    - Implement a non-proprietary cable infrastructure system supporting multi-vendor equipment and services.
    - Provide reduced cost for future cable installation, support, and management.
    - Maintain consistency providing reduced training requirements for employees.
    - Improved troubleshooting and support for ongoing management/maintenance.
    - System based on recognized industry standards (ANSI, TIA/EIA, IEEE and BICSI).

- Provide suitable patch cord management system at equipment racks and/or cabinets.

  - Improve patch cord management by reducing patch cord lengths and improved "dressing".

- Utilize the SCS standards to bid and hire a contractor to perform small cabling jobs as required.

  - Charge departments back for cabling as a part of department moves (See *IT Cost Allocation* initiative).

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The *IT Operations* section addresses daily support and maintenance of all IT infrastructure and user support.

43.   Service Desk Ticketing System

44.   IT Policies and Procedures

45.   Mobile Device Management

46.   Network Management Tools

IT Operations

43. Service Desk Ticketing System

Background

Service Desk systems provide an easy way for users to submit requests. IT staff members can assign and track tickets. The automated electronic, mail-based communications included in Service Desk systems can allow users to track the progress of their tickets as IT staff members update the status. Service Desk systems prevent items from "falling through the cracks" by logging all requests. Another key benefit of Service Desk ticketing systems is the collection and analysis of metric data related to the number of requests submitted, resolved, and remaining open.

Findings and Observations

- The City's Service Desk is located at the managed services provider.

  - The Service Desk receives four-to-six tickets each month.
  - The majority of tickets are handled by City staff outside of the ticketing system.

- Summary metrics related to Service Desk performance are not available or reviewed regularly.
- Service Desk ticket response-time or resolution-time metrics are not tracked.

Recommendations

- Consider implementing a cloud-based Service Desk ticketing system for use by all City staff.

  - Assign tickets to City staff and third parties, as necessary.

- Strongly encourage users to utilize the Service Desk ticketing system.

  - Develop a marketing campaign to encourage users to utilize the ticketing system and email directed at the ticketing system to report issues.

- Revise Service Desk data capture to a more hierarchical data collection model. Collect data based on:

  - User department
  - Issues vs. requests for service
  - Application

- Metrics related to meeting Service Desk service levels should be developed and tracked on a weekly and monthly basis.

  - Staff should be encouraged to report all time spent on Service Desk tickets in the system.

- Key metrics may include:

  - Tickets submitted by department
  - Tickets closed during the month
  - Average number of tickets open during the month
  - Staff time spent per ticket and overall on problem resolution and service
  - Thirteen-month rolling graphs of the above metrics
  - Ticket aging reports, such as tickets open more than seven days

- Develop Service Desk ticket response-time and resolution-time goals based on urgency.

  - Track number of tickets assigned, priority, response time, and resolution time by team member.

- Each month, summaries of Service Desk tickets opened and closed should be presented to management.

Benefits

- Central ticketing system
- Availability to many users
- Increased resolution rates
- Support for all devices
- Improved user communication, experiences, and satisfaction
- Better diagnostics and problem identification

44.   IT Policies and Procedures

Findings and Observations

- The City has a minimal number of IT policies.
- IT policies and procedures are a best practice.

Recommendations

- Revise the IT section of the Acceptable Use policy every three years.
- Create a limited number of additional IT policies and procedures that include the following topics:

  - Security Awareness Training
  - Computer Security Incident Response
  - PCI Compliance
  - Emergency Response Policy
  - Data Retention
  - Social Media
  - Mobile Device Usage and Management
  - Password Policy
  - Policy governing use of Personal Identifying Information

- Upon completion of IT policies and policy compliance, develop desk procedures to verify compliance and document key IT processes.

45.   Mobile Device Management

Background

Mobile device management (MDM) software is a collection of applications that allows management, distribution, usage, and maintenance of laptops, tablets, and smart phones. Additional features allow configurations to be done on devices to discourage wrongful use and reduce individual device maintenance.

Findings and Observations

- MDM provides the ability to see and control all mobile devices owned or controlled by the enterprise.
- A key feature of MDM products is the ability to "wipe" a partition on the device if it is lost or stolen.
- The City does not use mobile device management tools.

Recommendations

- Research, pilot, and select a full-featured MDM software product.
    - Products that integrate with the Help Desk system or inventory system should be given top priority in any evaluation.
    - Leading products include AirWatch, MAS 360, or Meraki.

Benefits

- Improved staff efficiency and mobility
- Support for all devices
- Less time manually managing and monitoring
- Increased use of remote access
- Simplified distribution of software

46.   Network Management Tools

Background

Network management is the general term used for the activities, procedures, and tools that relate to the operation, administration, provisioning, and maintenance of computer network systems, effectively keeping the network up and running smoothly, while also monitoring the system to quickly identify potential problems.

Findings and Observations

- The City contracts with a managed services provider to for firewall management.
    - Other network devices (switches, routers, WAPs) are not included.
- Several network devices lack management capabilities.
- Multiple wireless access point manufacturer products are installed, limiting the potential for central management.
    - Network management tools can simplify configuration updates by automatically storing configuration files and tracking revision levels.

Network Management

- ✓ Network Device Monitoring
- ✓ Performance Monitoring
- ✓ Bandwidth Monitoring
- ✓ Firewall Management
- ✓ Router/Switch Management
- ✓ Proactive Monitoring
- ✓ Threshold Customizations
- ✓ Altering
- ✓ Network Interface Stats

Recommendations

- Consider utilizing the managed services provider to manage all network devices.
- Procure products from a single manufacturer to improve management and operational efficiency.
- If possible, consolidate all network and operations management into a single toolset.

Benefits

- Less time manually managing and monitoring
- Increased utilization
- Increased resource access
- Centralized access to multiple applications and platforms

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IT Security addresses all security systems and practices, including disaster recovery, to protect systems and data.

47.   Audit Logs and Log Management

48.   Backups

49.   Disaster Recovery Planning

50.   IT Security Assessment

51.   Security Awareness Training

52.   Two-Factor Authentication

53.   Windows Active Directory

54.   Next Generation Antivirus

Disaster Recovery Planning

47. Audit Logs and Log Management

Background

The *audit log and log management software* are used to monitor the status and health of Active Directory, servers, and all network devices, respectively. This software also allows the ability to create audit trails of changes made to the Active Directory and other applications and systems. With log management and alerting software, IT staff members can be notified immediately for any issues or potential threats to the Active Directory domain. Audit logs are important tools for managing the environment. In addition, should an incident occur, audit logs can provide valuable forensic information related to the incident and any potential perpetrators.

Findings and Observations

- The City does not use an Active Directory monitoring tool.
- The City is interested in moving Active Directory to the Microsoft Azure cloud-based instance.
- Active Directory monitoring tools combine on premise and cloud-based monitoring.
- Only firewall logs are regularly monitored (by the managed services vendor).

Recommendations

- Log management products should be evaluated and selected following software selection best practices.

    ◆ Investigate the Active Directory log management tool capabilities first to determine if expanding use of the product will satisfy City requirements.

Benefits

- Centralized Active Directory management system
- Improved automation of routine tasks
- Increased investigation visibility using audit trails
- Improved security
- Improved reporting and metrics
- Better diagnostics and problem identification
- Availability of forensics log
- Alerts to bad logon attempts
- Increased staff productivity

48. Backups

Findings and Observations.

- The City utilizes eVault for on-premise backups.

  - On-premise backups are synchronized to two collocation facilities.
  - Backups include full file server (bare metal) backups and file based for easy restoration.

- Office 365 is backed up using Datto software as a service.
- OneDrive online file storage is not backed up.
- An official SharePoint site has not be established therefore backups are not in place.

Recommendations

- Consolidate all backups to a single backup solution.

  - We recommend Datto based on ease of use and disaster recovery capabilities.

- During the implementation of SharePoint and OneDrive, synchronize locally stored desktop and laptop files with OneDrive for backup.

  - Utilize Datto for an additional layer of backup protection if desired.

49.   Disaster Recovery Planning

Findings and Observations

- The City does not currently have a disaster recovery plan.
- Service-level agreements (SLAs) are not in place for application recovery in the event of a disaster.
- Utilizing cloud-based backup and disaster recovery is a best practice methodology.
  - Relying on cloud-based backup and disaster recovery generally requires resilient high-speed Internet services.
  - Current City Internet services are not resilient.
- Datto has excellent cloud-based recovery capabilities.

Recommendations

- As an initial planning step, work with the departments to understand expected service restoration time frames.
- Weigh risks versus costs when determining the overall disaster recovery strategy.
- Consider the following disaster recovery scenarios when developing strategies:
  - Loss of main computer room
  - Major disaster eliminating all area communications, including City Hall and other facilities
- Evaluate applications portfolio and determine the SLA for each application for restoration.
- Develop strategies for restoration of high-priority applications.
  - Begin to implement, based on strategy and application priority.
  - Test portions of plan every six (6) months.

Benefits

- Emergency preparedness compliance
- Improved communication
- Awareness of procedures
- Better diagnostics and problem identification
- Reduced risk and liability
- Faster, well-informed decision-making
- Identification of business-critical functions
- Decreased recovery times and exposure to system failures
- Awareness of immediate actions

50. IT Security Assessment

Background

It is a best practice to conduct an IT security assessment every three years. Penetration testing should be performed annually or whenever major firewall changes are made.

Findings and Observations

- An IT security assessment has not recently been performed at the City.
- Third-party penetration testing has not been completed recently.
- The City's main internet firewall is maintained by the managed services provider.

Recommendations

- Consider making network, wireless, and Active Directory improvements before engaging in a security audit.
- Conduct an external penetration testing annually or whenever major firewall changes are made.
- Conduct an internal penetration test at the conclusion of the recommend network and wireless upgrades.
- Engage a third party to perform a security assessment every three years.
  - Complete security recommendations included in this plan prior to initiating a security assessment.

Benefits

- Risk mitigation
- Meets compliance requirements and industry best practices

51. Security Awareness Training

Background

Security Awareness Training is a formal process for educating employees about computer security. A good security awareness program should educate employees about corporate policies and procedures for working with information technology. Employees should receive information about who to contact if they discover a security threat and be taught that data is a valuable corporate asset.

Regular training is necessary to provide staff with knowledge to help protect the organization's network from viruses and malware. Users are the frontline defense for the prevention of virus and malware attacks.

Confirming how well the awareness program is working can be difficult. The simplest metric is measuring the number of incidents over time, which should be decreasing. The best practice method of measurement involves a multi-phased approach of baseline testing, then training, then testing using an automated phishing approach. Follow-up with additional training as needed.

Online training provides multiple benefits, including:

- Staff members can work at their own pace, on their own schedule.
- Staff members can be enrolled in multiple online training courses.
- An administration control panel can be used to monitor users' progress and set up phishing campaigns to test the users.
- Reports can then be generated to see how users did compared to previous phishing campaign scores in order to measure improvement.
- Organizations should encourage users to complete training on a regular basis as part of compliance requirements.

Findings and Observations

- The City does not have a formal security awareness training program.
- Security awareness training is a best practice targeted at improved staff security readiness.

Recommendations

- Develop a program of online security awareness compliance training.
  - This training should be mandatory for all users.
  - Incorporate training plans into the annual review process.
  - Select a proactive training solution that allows periodic deployment of simulated phishing attacks to test user awareness.
  - Random security awareness testing best practice ranges from monthly to every three months.
    - Security awareness testing can be automated to limit administrative burden.

52.   Two-Factor Authentication

Background

The need for both increased information sharing and remote access to data networks, and increased security threats, creates new requirements to validate the identity of the individuals accessing information in these systems. To meet these requirements, many agencies at all levels of government are using a strategy known as advanced authentication or *two-factor authentication*. This approach supplements traditional username and password authentication with alternative forms of verification based on a user's physical characteristics (such as a fingerprint), or an object in the user's possession (such as a smart card or a token).

Findings and Observations

- Two-factor authentication is a security strategy based on the principle of defense-in-depth.
- The importance of two-factor authentication increases with the additional use of cloud-based systems.
  - Many cybersecurity breaches at agencies could have been prevented if two-factor authentication were in use.
- National Institute of Standards strongly recommend two-factor authentication for water and wastewater utility supervisory control and data acquisition (SCADA).
- It is a best practice to use two-factor authentication for Office 365, HVAC/building control systems, and IT system administration.

Recommendations

- Budget for and implement two-factor authentication for access to City systems, including Office 365, SCADA, HVAC, and cloud-based application systems from untrusted devices or locations.
- For management staff who would benefit from remote access to applications, consider a soft-token two-factor authentication to reduce complexity.

Benefits

- Enhanced security and compliance

53. Windows Active Directory

Background

Windows Active Directory (AD) is a central directory structure that provides authentication to network resources (files, printers, applications, and more). Groups and organizational units can be created in AD to lessen the ongoing maintenance requirements of adding and deleting user rights. Domain controllers are Windows Servers running a version of AD Domain Services.

Findings and Observations

- The Active Directory domain is Windows 2012 R2.
- Some older servers remain in the server inventory.
- The City is interested in Azure Active Directory.

Recommendations

- Upgrade all Active Directory domain controllers to Windows Server 2016 or 2019.
- Move all non-Active Directory services from Active Directory servers to other servers.
- Review the server inventory and delete all decommissioned servers.
- Consider a hybrid Active Directory <-> Azure Active Directory configuration.
- Implement integration between AD, network devices, and City applications wherever possible to provide a means for centralized authentication.
- Specifications for future application software should include the requirement to integrate with AD.

Benefits

- Improved functionality and security
- Meets industry compliance standards
- Enhanced feature sets that were once non-existent are now available

54.   Next Generation Antivirus

Findings and Observations

- The City uses WebRoot as an antivirus solution.
    - The antivirus solution is managed by the managed services provider.

- "Next generation" antivirus solutions use Artificial Intelligence methods to detect changes in patterns that indicate the presence of a virus or malware.

Recommendations

- Procure and implement a "next generation" product such as Sentinel1 or Cylance on all desktops and laptops.
- Utilize all available cybersecurity services on Internet-facing firewalls.

IT Staffing

IT staffing can be one of the most important areas of business management, especially in view of the impact IT decisions can have on the organization's productivity, budget, morale, and overall success.

55.   IT Staffing

56.   Enterprise Applications Support

57.   Business Analysis and Project Management Skillset Needs

CLIENTFIRST TECHNOLOGY CONSULTING
OPTIMAL TECHNOLOGY GUIDANCE

K.

55. IT Staffing

Background

As a part of the technology master planning process, ClientFirst conducts a review of available technology resources versus the level of resources required to implement the recommendations included in the plan.

Findings and Observations

- Current staffing levels are insufficient to implement the recommendations of the plan.
- Project budgets provided in the plan include third-party subject-matter expertise where recommended.
- The job descriptions provided to ClientFirst as a part of the initial information request have not been updated for several years.
- The City's managed services provider is responsible for some services (end-user device ongoing maintenance, firewall), but not others (network, servers, wireless).

Recommendations

- Add IT staff to assist in coordinating business application implementations and third-party resources.
- Revise job descriptions periodically.
- Third-party subject-matter expertise is recommended to assist the City in the following areas:

  - Business application software selection and implementation project management oversight
  - Network engineering initiatives and projects
  - IT managed services
  - Cybersecurity assessments and penetration tests
  - Office 365 and Microsoft Azure design, implementation, and staff training
  - Citywide fiber-optic initiatives
  - Future complex design, procurement, and/or implementation projects

K.

56. Enterprise Applications Support

Background

Local government agencies increasingly understand the direct correlation of effective applications utilization, organizational efficiency, and productivity gains. As described throughout this document, increasing applications utilization is key for the organization to do more with the same labor resources. Additionally, institutional knowledge too often leaves the organization through retirements and other employment separations because many processes and procedures are inadequately automated in enterprise systems. Typically, agency goals of improved transparency and constituent services are also accomplished through various software programs that automate and streamline processes.

Most organizations have a blend of application/business analyst skillsets within their business departments and their IT department. However, we have yet to encounter a small- or mid-sized agency with adequate resources to meet the organization's needs.

To meet these needs, IT departments are beginning to transform their overall department structures to take on more responsibility in managing applications support services. This trend is being made possible, in some measure, by the streamlining of typical IT department operations through productivity and monitoring tools.

Typical applications support staff proactively handle Help Desk needs related to business department applications, business process analysis, applications training, applications setup and configurations, ad hoc report writing, and database administration. The goal of applications support staff is to increase efficiencies in the agency by facilitating the automation or simplification business processes through the use of enterprise technologies.

Findings and Observations

- The City will soon begin the implementation phase of a new Land Management (Permitting) application.
- This report identifies opportunities for improvement in several other major application systems.
- The IT staff are primarily performing Help Desk-related functions.
  - IT staff are fully occupied by their current responsibilities.

Recommendations

- Consider adding a business systems analyst (IT Specialist) FTE to the IT staff.
  - Over the long term, this position can increase IT's ability to assist departments in improving application utilization and efficiency and improving business processes.
- Continue to foster a culture that focuses on improving application efficiency to benefit residents, staff, and other constituents.

57. Business Analysis and Project Management Skillset Needs

Background

Local government agencies increasingly understand the direct correlation of effective applications utilization, organizational efficiency, and productivity gains. As described throughout this document, increasing applications utilization is key for the organization to do more with the same labor resources. Additionally, institutional knowledge too often leaves the organization through retirements and other employment separations because many processes and procedures are inadequately automated. Typically, agency goals of improved transparency and constituent services are also accomplished through various software programs that automate and streamline processes.

Most organizations have a blend of application/business analyst skill sets within their business departments and their IT department. However, we have yet to encounter a small- or mid-sized agency with adequate resources to meet the organization's needs.

To meet these needs, IT departments are beginning to transform their overall department structures (over time) to take on more responsibility in hiring, training, retaining, and managing applications support services. This trend is being made possible, in some measure, by the streamlining of typical IT department operations through productivity and monitoring tools.

Typical applications support staff proactively handle Help Desk needs related to business department applications, business process analysis, applications training, applications setup and configurations, ad hoc report writing, and database administration.

It is not unusual to designate applications support staff for the following major applications systems:

- ERP (Accounting, Finance, and People Management)
- Work Orders/Maintenance Management
- CIS
- Personnel Management
- ECMS (Electronic Content Management System)

Findings and Observations

- The City does not have one dedicated staff member for the support of enterprise applications.

    - Enterprise applications are supported by Sys Admins.

- Although good work has been accomplished with the resources that are available, many departments expressed a need for additional assistance with enterprise applications.
- Currently, IT staff spends approximately 20% of an FTE providing enterprise application support.
- IT has had limited training in documenting and improving business processes. These skills are critical for improving the efficiency of the City's major busines applications.

K.

Recommendations

Expanding the Application Support function within the IT Division should result in development and deployment of standards, methodologies, and best practices for applications deployment, business process improvement, application interfaces, and report writing. Improvements should also include documentation of procedures, applications interfaces, service-level agreements, and other methodologies related to applications systems.

We believe the short-term direction of the City should be to expand this function within the IT Division to include:

- A focused effort to expand the skillset of the Applications Support function, including:
  - Additional business process analysis and design skills
  - Additional project coordination and management skills

- We believe that, over time, the City may desire to add up to three (3) Enterprise Applications Analysts who would work with the departments to increase application utilization and improve efficiency.
  - Recommended areas of focus for Enterprise Applications Analysts are:
    - Public Safety
    - ERP, including timekeeping and scheduling
    - Enterprise Asset Management, Document Management, and all other systems

K.

The *telecommunications system* is a critical tool for local government entities. It enables the ability to communicate effectively with constituants and deliver high standards of service. Telecommunication is also a key element in teamwork, allowing employees to collaborate easily from wherever they are located.

58.   VoIP Phone System Improvements

58. VoIP Phone System Improvements

Background

Voice-over-IP (VoIP) technology replaces older digital telecommunications systems. VoIP uses the data network as its distribution layer and operates as an application on the network. When built correctly, VoIP can provide high-quality services and extensive features and scaling capabilities. VoIP has become the best practices, accepted communications standard. Older systems are typically more costly and troublesome to maintain because of their age and limited support options. Benefits of VoIP include reduced costs and increased features and support. VoIP hardware upgrades can occur automatically and seamlessly.

Unified communications also have the capabilities to integrate voicemail and email together, allowing easier access and control of communications and collaboration tools, including:

- Integration of multiple devices
- Video conferencing
- Document sharing
- Texting and instant messaging
- Mobility and remote workers

Client trends in telecommunications include the replacement of existing DID and PRI telecommunications lines and services with Session Initiation Protocol (SIP) services to reduce costs and provide carrier level redundancy. These changes also provide a reduction and stabilization of costs.

Findings and Observations

- Some staff reported issues with phone features.

Recommendations

- Provide new and additional training to all users.

Benefits

- Determine immediate cost reduction opportunities
- Improved support options and capabilities
- Increased redundancy and quality of services
- Improve support and timing for moves, adds, and changes
- Provide remote connectivity to address COVID operational services
- Increased long-term ROI

File Attachments for Item:

L. Consider Introduction of Ordinance No. 667, waiving first reading, amending Chapter 13.04 of the Brisbane Municipal Code pertaining to "Sewer System"

CITY COUNCIL AGENDA REPORT

Meeting Date: October 7, 2021

From: Director of Public Works/City Engineer

Subject: Municipal Code Changes to Sewer System Chapter

Community Goal/Result: Ecological Sustainability

Purpose

To introduce an ordinance that will update the municipal code chapter relating to joint sewer laterals; this action is consistent with the community's goals of making decisions based on stewardship of the environment, and reducing waste streams.

Recommendation

Introduce Ordinance No. 667, waiving first reading, amending Chapter 13.04 of the Brisbane Municipal Code pertaining to "Sewer System."

Background

Remnants of the city's pre and early incorporation days include the presence of joint sewer laterals serving one or more properties. Many of the shared laterals were placed without the recordation of an easement for the served properties. These laterals have been treated as pre-existing nonconforming conditions, and under certain circumstances are required to be upgraded to city standards.

There are two challenges with these pre-existing nonconforming laterals; first, is that when there is no agreement in place to allocate repair costs, there can be significant delays in fixing sanitary sewer overflows on private property while the parties connected to the lateral negotiate who should pay how much. The second challenge is that a new generation of owners are buying homes served by a joint lateral, and this information is not disclosed to them upon sale.

At present, public works staff is aware of 38 joint sewers without formal approval. These shared laterals serve 141 residences.

Discussion

The revisions proposed in Ordinance 667 are intended to make it less difficult for properties owner to obtain a shared sewer lateral agreement, and to make disclosure of a property connected to a shared lateral a requirement at the time of sale.

The major change to existing §13.04.430 is to allow the Director of Public Works, working in concert with the City Attorney, to approve a joint sewer lateral, rather than taking the matter

to Council. Over the last two decades, these agreements have been placed on Council's Consent Calendar, and never removed for discussion. As these can be handled administratively, the most time efficient way to process them is to have staff complete that effort. An interesting note to this discussion is that the request for shared lateral agreements came up three (3) times during Council's most recent summer break.

A second change to existing §13.04.430 is the addition of the word "generally" in front of ". . . subject to . . . terms and conditions" The reason for this change is that in some circumstances the desired conditions cannot be met. For example, many of these legacy shared laterals are placed in conditions where a ten-foot easement would not be possible, as the adjoining house would encroach into that easement. In past cases where this has occurred, the Public Works Director required the plans to specify a fusion-welded form of high-density polyethylene pipe to minimize the possibility for future maintenance.

The addition of new §13.04.431 simply requires sellers and their agents/brokers to notify buyers that the property's sewer is served by a shared lateral. Any discussions on whether or not the lateral is to be formally approved by the city is left to the negotiating parties. Note that this disclosure is nearly identical to the required disclosure that a sewer lateral certificate program is available within the city (codified by Ordinance No. 591, 3/19/15 at §13.04.452 and §13.04.453)

Fiscal Impact

The staff time that will be utilized to draft the brochure required by the ordinance and to process requests for approval of shared sewer laterals can be accommodated with existing resources. No additional cost is envisioned because of the recommended action.

Measure of Success

An updated sewer system municipal code chapter, which expedites the processing of shared sewer lateral approvals, and which notifies buyers ahead of closing if the purchase property is served by a joint sewer.

Attachments

1. Ordinance No. 667
2. Red-line version comparing existing code section to proposed changes

_____
Randy Breault, Public Works Director

_____
Clay Holstine, City Manager

ORDINANCE NO. 667

AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING SECTION 13.04.430 AND ADDING SECTION 13.04.431
TO THE MUNICIPAL CODE PERTAINING TO JOINT SEWER LATERALS

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: **Section 13.04.430 of Chapter 13.04 "Sewer System" of Title 13 of the Municipal Code is hereby amended to read as follows:**

§13.04.430 Joint sewer lateral installation and maintenance.

The director may upon finding good cause therefor, grant approval for a joint sewer lateral (one that services two (2) or more properties); provided, that each property owner shall submit plans to the director for prior approval. Any approval granted by the director for a joint sewer lateral shall be in a form as approved by the City Attorney and shall be generally subject to the following terms and conditions:

A.   Installation and maintenance costs of the joint sewer lateral shall be shared equally by the parties thereto. Any person who subsequently connects to the joint sewer lateral shall share in the cost thereof on a pro rata basis.

B.   Original installation and repairs must be pursuant to code, and approval of the plumbing or building inspector is required.

C.   One owner may hire a licensed plumber to make emergency repairs without the consent of the other owners, in the event they are not available, and the cost of the emergency repairs shall be shared on a pro rata basis.

D.   No user shall interrupt the continuity of the service or cause to have interrupted the continuity of the service of the joint sewer lateral, in such a manner as to cause damage or inconvenience to the other users, other than for a reasonable time required for repair.

E.   In the event that the owner or users fail to act and the director and/or health officer determines that conditions in the joint sewer lateral are such as to be a hazard to health or safety, then the city may, pursuant to written notice, order the work done and divide the cost, as specified in subsection A of this section, on the tax bill if it is not compensated within fifteen (15) days from the time of billing by registered mail to each of the users last known address or that shown on the last equalized assessment roll.

F.   The owners and users of the joint sewer lateral shall assume all responsibility and liability in connection therewith and they shall hold the city harmless.

Ordinance No. 667

G. The owners of the property on which the joint sewer lateral is located shall grant and have recorded an easement of not less than ten (10) feet in width for the maintenance and repair of the joint sewer lateral.

SECTION 2: **Section 13.04.431 is hereby added to Chapter 13.04 "Sewer System" of Title 13 of the Municipal Code:**

§13.04.431 Disclosure and joint sewer lateral agreement; when required.

A. All property owners whose property or properties are served by a joint sewer lateral and who have received approval for a joint sewer lateral under Section 13.04.430 shall enter into and record a joint sewer lateral agreement before the City will issue a final building permit when the property owner has undertaken work that:

1. Triggers the requirements of Chapter 15.10 of this code;

2. Is associated with a change in water service (e.g., change in meter size or the addition of a meter; or

3. Results in maintenance on the existing joint sewer lateral, whether routine or emergency.

B. Beginning January 1, 2022, except as provided in subsection C, any property owner intending to sell or transfer a fee interest in real property must disclose the requirements of this section 13.04.431to each of the following:

1. The property owner's real estate broker or agent, if any;

2. The person to whom the real property is intended to be sold or transferred;

3. The real estate broker or agent, if any, of the person to whom the real property is intended to be sold or transferred;

4. The escrow company or holder involved in the real property sale or transfer, if any.

C. Subsection B of this Section 13.04.431 shall not apply to:

1. Sales or transfers of individual units within a condominium as defined in Section 17.02.150 of this code;

2. Sales or transfers of less than a fee interest, e.g., a leasehold;

3. Sales or transfers to a fiduciary in the course of the administration of a decedent's estate, a guardianship or a conservatorship;

4. Transfers from one co-owner to one or more other co-owners;

5. Transfers to a revocable trust if the trust is for the benefit of the grantor(s);

6. Transfers made by a trustor to an intervivos trust;

7. Transfers between spouses or between registered domestic partners;

Ordinance No. 667

8. Transfers to a financial institution, trust deed holder, or trustee of a deed of trust, as part of foreclosure or similar process.

D. The director shall prepare a handout or other written material, to be made available to the public, describing the requirements of this Section. A person may satisfy the disclosure requirements of subsection B by providing a then current copy of the handout or other written material to those parties identified in subsection B.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent City to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 4: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

*   *   *   *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Karen Cunningham, Mayor

ATTEST:

_____
Ingrid Padilla, City Clerk

APPROVED AS TO FORM:

~ 3 ~

Ordinance No. 667

_____

Thomas R. McMorrow, City Attorney

Ordinance No. 667

13.04.430 Joint sewer lateral installation and maintenance.

The ~~city council~~director may~~, by resolution,~~ upon finding good cause therefor, grant approval for a joint sewer lateral (one that services two ~~used by two~~ (2) or more propertiespersons); provided, that each property owner ~~applicant therefor~~ shall submit plans to the director for prior approval. Any approval granted by the ~~city council~~director for a joint sewer lateral ~~is~~ shall be in a form as approved by the City Attorney and shall be generally subject to the following terms and conditions:

A. Installation and maintenance costs of the joint sewer lateral shall be shared equally by the parties thereto. Any person who subsequently connects to the joint sewer lateral shall share in the cost thereof on a pro rata basis.

B. Original installation and repairs must be pursuant to code, and approval of the plumbing or building inspector is required.

C. One owner may hire a licensed plumber to make emergency repairs without the consent of the other owners, in the event they are not available, and the cost of the emergency repairs shall be shared on a pro rata basis.

D. No user shall interrupt the continuity of the service or cause to have interrupted the continuity of the service of the joint sewer lateral, in such a manner as to cause damage or inconvenience to the other users, other than for a reasonable time required for repair.

E. In the event that the owner or users fail to act and the director and/or health officer determines that conditions in the joint sewer lateral are such as to be a hazard to health or safety, then the city may, pursuant to written notice, order the work done and divide the cost, as specified in subsection A of this section, on the tax bill if it is not compensated within fifteen (15) days from the time of billing by registered mail to each of the users last known address or that shown on the last equalized assessment roll.

F. The owners and users of the joint sewer lateral shall assume all responsibility and liability in connection therewith and they shall hold the city harmless.

G. The owners of the property on which the joint sewer lateral is located shall grant and have recorded an easement of not less than ten (10) feet in width for the maintenance and repair of the joint sewer lateral.

13.04.431 Disclosure and joint sewer lateral agreement; when required.

  A. All property owners whose property or properties~~persons~~ are served by a joint sewer lateral and who have received approval for a joint sewer lateral under Section 13.04.430 shall enter into and record ~~possess or obtain~~ a joint sewer lateral agreement ~~issued under Section 13.04.430~~ before the Ceity will issue a final building permit when the property owner ~~person~~ has undertaken work that:

    1. Triggers the requirements of Chapter 15.10 of this code; ~~or~~

    2. Is associated with a change in water service (e.g., change in meter size or the addition of a meter; or

3. Results in ~~Is routine or emergency~~ maintenance on the existing joint sewer lateral, whether routine or emergency.

B .Beginning DATE TBD, except as provided in subsection C, any property owner~~person~~ intending to sell or transfer a fee interest in real property must disclose the requirements of this section 13.04.431to each of the following~~, except as provided in subsection C.~~:

1. The property owner's~~person's~~ real estate broker or agent, if any;

2. The person to whom the real property is intended to be sold or transferred;

3. The real estate broker or agent, if any, of the person to whom the real property is intended to be sold or transferred;

4. The escrow company or holder involved in the real property sale or transfer, if any.

C. Subsection B of this Section 13.04.431 shall~~. does~~ not apply to:

1. Sales or transfers of individual units within a condominium as defined in Section 17.02.150 of this code;

2. Sales or transfers of less than a fee interest, e.g., a leasehold;

3. Sales or transfers to a fiduciary in the course of the administration of a decedent's estate, a guardianship or a conservatorship;

4. Transfers from one co-owner to one or more other co-owners;

5. Transfers to a revocable trust if the trust is for the benefit of the grantor(s);

6. Transfers made by a trustor to an intervivos trust;

7. Transfers between spouses or between registered domestic partners;

8. Transfers to a financial institution, trust deed holder, or trustee of a deed of trust, as part of foreclosure or similar process.

D. The director shall prepare a handout or other written material, to be made available to the public, describing the requirements of this S~~s~~ection. A person may satisfy the disclosure requirements of subsection B~~.~~ by providing a then current copy of the handout or other written material to those parties identified in subsection B.

File Attachments for Item:

M. Consider Adoption of Resolution No. 2021-68 to Participate in Peninsula Clean Energy's Public Facility Solar and Storage Procurement Process

CITY COUNCIL AGENDA REPORT

Meeting Date: October 7, 2021

From: Adrienne Etherton, Sustainability Manager

Subject: Recommendation to Participate in Peninsula Clean Energy's Public Facility Solar and Storage Procurement Process

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound decisions which also speak to the values of the community

Purpose

Provide Peninsula Clean Energy Authority (Peninsula Clean Energy or PCE) confirmation of the City's interest in participating in a collaborative procurement process for Solar Photovoltaic (PV) and battery storage for Mission Blue Center.

Recommendation

Adopt Resolution No. 2021-68, "Participate in Municipal Facility Procurement for Solar and Battery Energy Storage Systems with Peninsula Clean Energy".

Background

Peninsula Clean Energy has collaborated with its Joint Power Authority (JPA) members, including the City, to identify candidate critical facilities and develop Solar PV System designs for these sites. At its expense, PCE engaged an established independent engineering firm via a competitive solicitation and, working with City staff, designed a Solar PV System for Mission Blue Center as described in the attached proposal.

PCE is piloting a new aggregate procurement model for public facilities to help reduce the costs and complexities for its public partners to move forward. PCE will manage the procurement process, financing, installation, operations, and maintenance with no upfront cost to the City. This process is intended to repeat with subsequent procurement rounds; the City may add additional facilities in subsequent rounds.

A Battery Energy Storage System (Battery) will be included as an option in the procurement to provide added resilience benefits such as the ability to maintain an operational facility during an outage or emergency event. If a Battery is included, it may require City funding or result in a monthly cost above current energy bills. PCE, via a competitive solicitation, will be seeking best

pricing for applicable Battery systems and explore financial options with the City. There is no requirement to include the Battery but if no Battery is installed, the Solar PV Systems will be designed as "battery ready" to allow for a streamlined future addition of a Battery.

PCE will provide a long-term Power Purchase Agreement (PPA) for a specified $/kWh price that is lower than the current and future $/kWh price the City would pay for that same energy from the utility. The PPA will be provided "at cost" by PCE to cover equipment and installation. In addition, PCE will also retain a small $/kWh fee to cover its expenses and will be fully transparent with the City about all salient aspects of the project's financials. If PCE is unable to offer a PPA rate for the Solar PV System that will provide the City with net savings or other community benefits as determined by the City, there would be no obligation to move forward.

PCE cannot provide a specific PPA price until it knows equipment costs, which will be determined via competitive solicitation. However, to make the RFP as competitive as possible, Bidders need to know that there is a firm commitment by participating facility owners to move forward if they can provide pricing that results in net savings. PCE is requesting the City approve a resolution that demonstrates strong intent to participate per the attached Resolution.

Discussion

Solar PV Systems provide carbon-free renewable electricity to buildings and reduce electric bills. If included, the Battery can provide resilience benefits allowing Mission Blue Center, a designated emergency shelter, to continue to operate on a limited basis during a power outage using electricity stored and generated onsite.

The benefits of this project include:
- The City will obtain financial and environmental benefits of a Solar PV System with no upfront costs and without incurring the staff time, cost and complexity of hiring and managing consultants to design, including roof structural assessment, running its own solicitation, and overseeing construction and maintenance;
- The City will create local, renewable energy to advance its sustainability objectives;
- The City will receive enhanced energy resilience if a Battery is deployed;
- The City will hedge against rising utility rates, which over the course of a 20+ year system life are expected to be significant.

The California Public Utilities Commission (CPUC) is currently engaged in rulemaking for changes to the Net Energy Metering (NEM) tariffs governing solar PV resources. It is expected that the next iteration of NEM (NEM 3) will be less advantageous for solar and may negatively affect project economics. In the past, projects that had reached a defined stage were grandfathered in under the existing tariff at the time, and it is expected this might apply to the latest NEM revision as well. As such, it is important to get projects deployed as soon as possible. If NEM 3 is enacted prior to the deployment of Solar PV Systems from this procurement and

would prevent Peninsula Clean Energy from offering a PPA at net benefits to the City, PCE would have the right to terminate this pilot program at no cost or obligation to the City.

PCE is offering this first-of-its-kind group procurement model to local government partners across San Mateo County in support of its organizational objectives to increase local renewable generation, help reduce energy costs, and help its customers achieve sustainability goals. PCE has reduced risks to all parties by hiring an independent engineer to complete an analysis for buildings currently in the pilot portfolio and acting as the counterparty to the PPA which will bring down costs, streamline procurement, and reduce the amount of time required by City staff while obtaining the environmental, economic, and other community benefits.

This project is consistent with the City's Climate Action Plan, advancing the City's goals to:
- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities;
- Create a resilient, safe, connected, and prepared community; and
- Be a leader in addressing climate change, advancing environmental justice, and protecting human health and the environment.
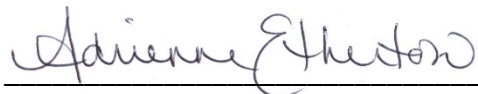
Fiscal Impact

There is no cost to the City to participate in the procurement process. The Solar PV System is expected to provide modest cost savings initially, which are expected to grow over time due to avoided increases in utility costs. If a Battery is included, it may require City funding or result in a monthly cost. Staff would return to City Council for approval of battery funding if needed.

Measure of Success

Installation of a no-cost Solar PV system at Mission Blue Center and optional Battery Storage.

Attachments

1. Resolution No. 2021-68
2. Solar PV and Battery Storage System Proposal for Mission Blue Center

_____
Adrienne Etherton, Sustainability Manager

_____
Randy Breault, Public Works Director

_____
Clay Holstine, City Manager

RESOLUTION NO. 2021-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE TO PARTICIPATE IN MUNICIPAL FACILITY PROCUREMENT FOR SOLAR AND BATTERY ENERGY STORAGE SYSTEMS WITH PENINSULA CLEAN ENERGY

WHEREAS, the Brisbane City Council has demonstrated its commitment to a sustainable and resilient future through its policy goals and actions, including energy reduction, clean energy programs, and the expansion of local renewable power supply; and

WHEREAS, on September 17, 2015, the Brisbane City Council adopted the Brisbane Climate Action Plan to reduce greenhouse gas emissions by 15% of Brisbane's 2005 emissions level by 2020; and

WHEREAS, on July 15, 2021, the Brisbane City Council declared a Climate Emergency, establishing new greenhouse gas emission reduction goals of 66% below 2005 levels by 2030 and climate neutrality by 2040; and

WHEREAS, a Community Choice Aggregation program is a mechanism by which local governments assume responsibility for providing electrical power for residential and commercial customers in their jurisdiction in partnership with local commercial energy purveyors and owners of transmission and distribution facilities, which in the case of San Mateo County is Pacific Gas & Electric Co.; and

WHEREAS, on February 4, 2016, the City Council adopted Resolution No. 2016-03 authorizing Brisbane's participation in the Peninsula Clean Energy Authority, development of the Peninsula Clean Energy Community Choice Aggregation program, and authorized implementation of Peninsula Clean Energy as the City's Load Serving Entity; and

WHEREAS, on July 14, 2016, the City Council, via minutes action, adopted the Peninsula Clean Energy ECO100 Plan (100% renewable) electric service plan from Peninsula Clean Energy for all municipal accounts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to deploy Solar Photovoltaic Systems at municipal facilities in partnership with the City's public power provider, Peninsula Clean Energy through a standard Power Purchase Agreement with Peninsula Clean Energy, should the project result in financial and/or community benefits. The Council further authorizes the City Manager to explore an optional Battery for these sites.

_____
Karen Cunningham, Mayor

*   *   *   *

      PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the seventh day of October 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____
Ingrid Padilla, City Clerk

Solar PV and Battery Storage System Proposal for Mission Blue Center

The following City facility has been evaluated for solar photovoltaic and battery energy storage potential and a design developed as follows:

Facility: Mission Blue Center, 475 Mission Blue Dr, Brisbane, CA 94005
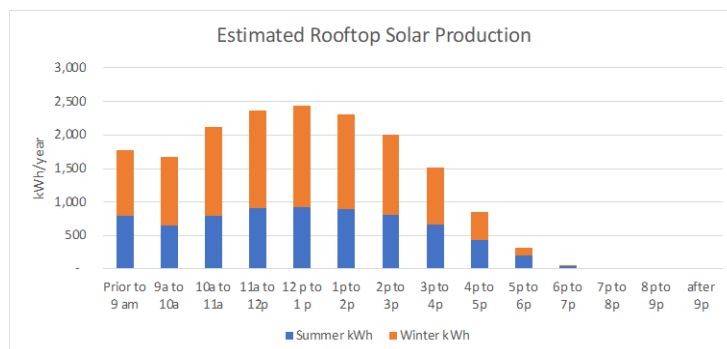
Equipment:
- Solar PV: 11.1 kW rooftop
  - 17,400 kWh/year generation
  - ~135% of total usage; may need to be downsized for interconnection approval
- Battery: 25 kW / 155 kWh
  - ~24 hours backup at maximum facility load with no solar production

Site Design:

PV Production and Electric Bill Savings Estimate:

Total kWh (kWh/yr)	17,397
Total Savings Solar ($/yr) (Sized at 135% load)	$4,119
Total Savings Solar ($/yr) (Sized at 100% load)	**$2,876**
$/kWh	**$0.24**

Financial Savings Summary (DRAFT):

Site	Rate	PV KW (DC)	Estimated Energy Savings ($/Yr)	Estimated Demand Savings ($/yr)	Estimated Total Electric Bill Savings ($/yr)	Estimated Solar Cost ($/yr simple)	Estimated PCE Costs ($/yr)	Net Savings to City ($/yr)
Mission Blue Center	B6	11.1	$2,876	$0	$2,876	$1,943	$174	$759

NOTES:
- No upfront costs to customer to obtain savings
- Yearly costs/savings based on 20-year project life
- Actual equipment and installation costs still to be determined
- PCE costs estimated at $.01/kWh
- 25 kW / 155 kWh estimated at $160,000 (Energy Toolbase). Smaller capacity (kWh) would cost less. Sizing based on resilience duration, not minimizing cost.
- NEM 3.0 revision could negatively impact financials – time is of the essence

Utility Rate Escalation Analysis:
An important additional value that a solar system can provide is a hedge against rising utility rates. The table below highlights the considerable additional value this can provide.

"PG&E is planning another round of rate increases for its gas and electricity customers, starting in 2023 with a roughly 18% bump over current rates, much of it to pay for safeguarding the power grid against wildfires…The proposed rate change PG&E officials say would amount to a roughly 5% average annual increase on residential bills through 2026" San Francisco Chronicle, 6/30/21

Assumptions	
Regular utility bill escalation ($/kWh component)	5% per year
PPA escalation	1% per year
Calculations	
Year 1 savings	$759
Year 20 savings	$4,710
Savings (simple)	$48,484
NPV savings (2% discount rate)	$37,450

File Attachments for Item:

N. Donation Policy

(Council will determine whether to implement a donation policy for themselves and the commissions and committees)

CITY COUNCIL AGENDA REPORT

Meeting Date: 10/07/2021

From: Stuart Schillinger Assistant City Manager

Subject: Donation Policy

Community Goal/Result

Fiscally Prudent

Community Building

Purpose

Ensure donations made to the City of Brisbane are for areas of need within the City and the donor does not expect special consideration for the donation.

Recommendation

Discuss the report and provide direction regarding bringing the policy to City Council.

Background

The City periodically receives donations for various City programs. In the past the City has received donations for its canine unit, storage space for the pool, Skateboard Park, and the playground equipment at the Community Park. In addition, the City has funded its Concerts in the Park through donations.

Recently it has come to light that the San Francisco Public Works Department had been inappropriately requesting donations from its vendors. Although, the City has been very clear with its donors that any donation made does not provide the donor any special benefits, management thought this was a good time formalize the donation policy for the City of Brisbane. A more formal donation policy will ensure that all donors and non-donors will be treated equitably, donations are made for purposes that are a priority for the City, and staff has thought through all implications of donations made.

Discussion

The policy defines the roll of Council Members, Commissioners, Committee Members, and staff will have in receiving and requesting donations.

Small unrestricted donations below $5,000 can be received by the City Manager. Since these are unrestricted they can be used for any purpose the City Council has already approved. Unrestricted donations above $5,000 or restricted donations above $500 will need to be approved and received by the City Council.

If staff wants to solicit donations directly from the public for programs, or infrastructure staff will need to develop a donation plan. City staff will develop a Fund Raising Plan and shown in Exhibit A of the policy. This ensures the fundraising is for a City priority project, it outlines what type and amounts of donations are anticipated, as well who the anticipated donors would be.

Fiscal Impact

The fiscal impact will depend on the amount of donations the City will receive in the future. However the purpose of the donation policy is to ensure any donations the City receives is through an open process that the community is aware of.

Measure of Success

Donations made to the City are for purposes that are a priority for the City and that any donation solicitation program is transparent.

Stuart Schillinger

Stuart Schillinger, Assistant City Manager

Clayton Holstine

Clay Holstine, City Manager

City of Brisbane
Donation Policy

I.   Purpose

Members and supporters of the Brisbane community from time to time wish to support the community by making donations to the City of Brisbane. The City Council appreciates this generosity and has adopted this policy regarding donations to the City of Brisbane, including City departments and City sponsored programs, activities, and events.

II.   Definitions

1. <u>Donation</u>: a contribution made directly to the City without expectation of goods, services, or significant benefit or recognition in return. Donations may be in the form of money, money alternatives, or in-kind contributions of products, services, investment securities, real property (land or other type of fixed asset), or any combination thereof. A donation may be unrestricted, where the donor has placed no limitation on its use, or restricted, where the donor has restricted its use to a specified purpose. Donations that, if accepted, would obligate the City to enter into a service, procurement, or other agreement shall not be considered a donation. Grants to the City from a local, state, or federal agency are not subject to this policy.

2. <u>Donor</u>: Any organization or individual who provides the City with a donation.

3. <u>Donation Agreement</u>: An agreement between the City and the donor that details any restrictions on a donation as well as the respective obligations of the donor and the City.

4. <u>Fundraising</u>: Any activity conducted with the intent of generating donations to the City. Fundraising activities may include, but are not limited to, promoting endowment programs, program adoption or pledge drives, and contacting individuals, companies, foundations, or other entities with a request for a donation to the City.

III.   General Provisions

1. The City welcomes unrestricted donations as well as restricted donations that enhance City services, reduce costs that the City would incur in the absence of the donation, or that otherwise provide a benefit to the City. The City may decline any donation without comment or cause.

2. Donors shall not expect, nor shall the City grant, any extra consideration to the donor in relation to City procurement, regulatory matters, or any other business, services, or operations of the City. To avoid the possible appearance of extra considerations, City

Council appointed Commissioners and Committee Members as well as city staff shall not solicit donations to the City except as stated in 3 below.

3. City Council must approve all fund raising activities by City Council Members, Commission and Committee members, employees, or volunteers of the City prior to the solicitation of donations for any City project, program, activity, or event ("supported activity"). A recommended form for a fundraising plan is attached as Exhibit A to be revised as appropriate for the fundraising goal and type of supported activity in question.

4. Donations must be directly related to providing goods or services to the public or for another valid public purpose. Donations may not be used for personal financial gain of any City elected or appointed official or employee.

5. The net benefit of a donation should be considered when determining whether to accept a donation. Net benefit includes all lifecycle costs of ownership, including maintenance, repair, clean-up, administrative, and any potential liability or expenses that may be associated with the donation.
   a. Donations may not be used to implement new on-going programs or services unless a permanent source of revenue is identified to support the program or service.
   b. Potential costs and liabilities should be considered if a donation of personal property or of a service does not include the same indemnification, insurance, bonding, or warranties that the City would normally receive through procurement of personal property or services.
   c. Real property may be accepted by the City as a donation provided that it will not expose the City to an unreasonable risk of litigation or liability, for reasons including, but not limited to, the physical condition of the property or existence of claims, liens, and encumbrances against the property.

6. Council members and other City officials are responsible for reporting fundraising activities and donations as required by applicable laws and regulations. See, for example, Section 7 under Article IV, Procedures, below.

IV. Procedures

1. Unrestricted donations of $5,000 or less may be accepted by the City Manager. Unrestricted donations of more than $5,000 and restricted donations of more than $500 must be brought to the City Council for acceptance. The City Manager may accept or decline any donation in the City Manager's sole discretion and may choose to request City Council consideration of any donation.

2. The City Manager shall keep the City Council informed of any request to donate to the City. Two Council Members may request to place on a City Council agenda any proposed donation whether the City Manager recommends accepting the donation or not.

3. The City Council shall consider proposed donations beyond the authority of the City Manager set forth above, and proposed donations referred to it by the City Manager. The City Council may accept or decline any donation in its sole discretion.

4. All donations will receive appropriate recognition as determined by the City Manager or City Council at the time the donation is accepted, taking into consideration the nature and level of the donation. Upon request of the donor or if specified in a City initiated request for donors, limited forms of promotional activity (such as logo or name placement on signs, flyers, and other materials related to a program or activity supported by the donation) are permitted. The appearance of traditional commercial advertising should be avoided and the size of donor recognition should be in keeping with the size of non-recognition information used in the materials. The agreed upon form of recognition should be identified in the donor receipt or a donation agreement.

5. Other than in-kind donations, when donations with a value in excess of $100 are accepted or upon the request of the donor, the City will issue the donor a receipt indicating the amount of the donation or describing the goods or services donated within 30 days of accepting the donation. (In accordance with the Internal Revenue Code the City does not provide an estimated value of in-kind donations; donors may refer to IRS Publication 561 for more information on valuing donated property.) The donation receipt shall also include the date of the donation, the name of the donor, the purpose of the donation (if a restricted donation), a brief description of any public recognition that will be made by the City, and note that the donor received no goods or services in exchange.
The original receipt shall be submitted to the donor and the City shall retain a copy. A sample donation receipt is attached as Exhibit B.

6. Before acceptance of a restricted donation valued at more than $500 or an unrestricted donation valued at more than $5,000, the respective obligations of the donor and the City shall be set forth in a donation agreement. A sample donation agreement is attached as Exhibit C; provided, however, the City Manager or City Council may require donation agreements for donations valued at any amount.

7. The City shall maintain records for the receipt of all donations and shall comply with all reporting requirements and regulations including, but not limited to, FPPC Regulation 18944.2 Gifts to an Agency. For donations that were made at the behest of a City Council member, a member of an appointed Commission or Committee, of City staff, that person shall determine whether a Fair Political Practices Commission

Form 803 (Behested Payments Report) is required pursuant to the Political Reform Act and implementing Regulations.

<u>City of Brisbane Fund Raising Plan</u>

Fundraising Plan Title and Purpose: *Please provide a title and description for your fundraising project.*
Fundraising Participants: *Please list the names for all groups and individuals that will be conducting fundraising.*
Donation Type/Amount: *Please describe the types and amount of donations that will be sought.*
Anticipated Donors: *Please describe who will be approached for donations.*
Donor Recognition Plan: *Please describe how donors will be recognized.*

Fundraising Timeline:	
Council Review of Fundraising Plan:	
Fundraising Start:	
Fundraising Completion:	
Council Review of Donations:	
Donor Recognition Complete:	

Restrictions/Reporting: *Please identify any restrictions or reporting requirements associated with this fundraising plan.*

City Of Brisbane Donation Receipt

This is to confirm that on _____ [insert date] the City of Brisbane received from _____ [insert donor name and address]:

☐ a monetary contribution of $_____ (cash/check/electronic)

☐ a non-monetary contribution consisting of [describe goods, services, property, securities, etc.]:

 For the purpose of:

No goods or services were provided by the City of Brisbane in return for the contribution.

The City sincerely appreciates your donation.

_____

Finance Director
City of Brisbane

EXHIBIT C – SAMPLE DONATION AGREEMENT

**City of Brisbane
Standard Donation Agreement**

The undersigned Donor wishes to make a donation to the City of Brisbane as described in more detail below.

Donor is (check and complete all that apply):

☐ donating $_____ in a lump sum

☐ donating $_____ in _____ (monthly, quarterly, etc.) payments of $_____ in _____ installments.

☐ donating the following (describe products, services, investment securities, real property, etc.):

☐ If this box is checked, the City's acceptance of the donation described above is subject to the conditions specified on Attachment 1.

☐ If this box is checked, this donation is restricted to the following uses:

City will publicly recognize donor by (describe recognition):

☐ If this box is checked, this donation is being made at the behest of Council Member/Commissioner/City Staff Member _____.

In connection with administering this agreement, Donor and City shall work through the following primary representatives:

	City of Brisbane	**Donor**
Primary Representative:		
Address:		
Telephone: Fax: Cell Phone:		
E-mail:		

N.

In addition to the foregoing, Donor and City agree that:

1.   The City will provide Donor with a donation receipt indicating the amount of the donation or estimated value of goods or services donated within 30 days of accepting the donation.

2.   Donor's contribution to the City will be recognized publicly as described above.

3.   Except as provided above, the City may use the donation in any manner at its sole discretion and Donor has no right to control City's use of the donation.

4.   Donor has not and will not receive any goods or services in exchange for the donation and the City will not grant any extra consideration to the donor in relation to City procurement, regulatory matters, or any other business, services, or operations of the City.

5.   Donor confirms that unless indicated otherwise above this donation is not made at the behest of a City Council Member, of any member of an appointed Commission or Committee, or of any City staff..

IN WITNESS WHEREOF, the parties hereto have executed this agreement.

Donor   **City of Brisbane**

_____   _____
                                                              City Manager
_____   _____

Name   *Title*

Date: _____   Date: _____

                                                              ATTEST:

                                                              _____
                                                              City Clerk

                                                              Date: _____

                                                              _____