



City Manager's Weekly Update

Week ending December 2, 2011

UPCOMING MEETINGS

- 12/3-4** City Council Closed Sessions, 9:00 a.m. – 3:00 p.m.,
The Marina Inn
- 12/5** City Council Closed Session, 4:30 p.m.,
Trustees Room, Library
- 12/5** Boards and Commissions Reception, 6:00 p.m.,
Sister Cities Gallery
- 12/5** City Council Meeting, 7:00 p.m.,
Council Chambers
- 12/5** City Council Closed Session, Following City Council Regular Meeting, City Manager's Large Conference Room
- 12/6** Shoreline-Marina Committee Meeting,
CANCELLED
- 12/6** Rules and Communications Committee Meeting, 4:30 p.m.,
Sister Cities Gallery
- 12/8** Business and Housing Committee Meeting, 4:00 p.m.,
Sister Cities Gallery
- 12/12** City Council Work Session, 7:00 p.m.,
Council Chambers
- 12/13** Facilities and Transportation Committee Meeting, 4:00 p.m.,
Sister Cities Gallery
- 12/16** Finance Committee Meeting, 8:15 a.m.,
Sister Cities Gallery
- 12/19** City Council Meeting, 7:00 p.m.,
Council Chambers

To: City Council
From: Lianne Marshall, Interim City Manager

For the third week in a row, San Leandro has been featured in the *San Francisco Business Times*, including this week's article on the Waterfront Plan (attached); also see the attached article from last week on the Village Marketplace project. And, the Green Corridor members, including San Leandro, will share a nearly \$500,000 grant to implement streamlined solar permitting. Good things are happening in San Leandro!

Mark Your Calendar

Alameda County Fire Department (ACFD) Holiday Events (flyers attached)

• **Saturday, December 3, 11:30 a.m. – 3:30 p.m., Fire Station #10, 2194 Williams Street**

• The ACFD will be hosting an event tomorrow called "Santa at the Fire House" at Fire Station #10. All of the proceeds from this event will go towards the Alameda County Firefighters Holiday Toy Drive, which helps grant holiday wishes to children and families in need in San Leandro.

• Attendees can enjoy holiday treats and can have their picture taken with Santa on an antique fire engine at both events. A \$10.00 donation is optional.

• Also, to support the Alameda County Firefighters Holiday Toy Drive, donations of new and unwrapped toys, as well as gift cards and monetary donations, can be made at any ACFD Fire Station through December 24. A complete listing of ACFD Fire Stations is attached. A donation barrel is also at City Hall.

Building Our Assets – East Bay EDA Strategic Planning Workshop (reminder)

Monday, December 5, 8:30 a.m. – 12 noon, Crowne Plaza, 45 John Glenn Drive, Concord

• The [Building on Our Assets](#) report was released at an East Bay Economic Development Alliance (EDA) event that attracted over 300 attendees, including City staff and numerous San Leandro business people.

• Using information from the newly released Building on Our Assets: Economic Development & Job Creation in the East Bay report, the EDA is hosting a regional strategic planning session on December 5. The goal of the strategic planning session is to promote cross-sector collaboration and develop recommendations for the following areas:

- Strengthening our innovation eco-system and our technology and advanced manufacturing clusters;
- Enhancing the regional education and workforce development system;
- Improving the business climate;
- Upgrading infrastructure and land use planning;

- The event is for East Bay EDA members and partner organizations. City Economic Development staff will be in attendance and Councilmember participation is welcomed.

Presentation of District Leadership Awards and Board and Commission Service Awards (reminder)

Monday, December 5, 6:00 p.m. Reception, Sister Cities Gallery; City Council Meeting 7:00 p.m.

- The presentation of the District Leadership Awards and Mayor's Awards of Excellence is scheduled for December 5 during the Presentations portion of the City Council meeting. Prior to the meeting, a cake and coffee reception will be held in the Sister Cities Gallery at **6:00 p.m.**
- Presentations that evening will also include service awards to the four Board and Commission members who are due for City service awards: Ed Shapiro – 15 years on the Recreation and Parks Commission; Darryl Shields – a total of 15 years on the Board of Zoning Adjustments, Personnel Relations Board, and Recreation and Parks Commission; Orval Badger – a total of 15 years on the Library-Historical Commission, Board of Zoning Adjustments, City Council, and Personnel Relations Board; and Donna Reed – 25 years on the Library-Historical Commission. Tom Silva was to receive his 10 year award for service on the Rent Review Board, but he is unable to attend.
- All of the award recipients have received letters, letting them know of their award and inviting them to the reception and the Council meeting. A general invitation to all Boards and Commissions has not been issued. Everyone, of course, is welcome to attend.

Lighted Boat Parade (flyer attached)

Saturday, December 17, 5:00 p.m., San Leandro Marina

- The San Leandro Marina Lighted Boat Parade will be held on December 17. The theme is "A Tropical Holiday."
- At **5:00 p.m.**, there will be refreshments with Santa and his elves, and at **6:00 p.m.**, the lighted boat parade will begin and an award ceremony will follow hosted by the Spinnaker Yacht Club.

Council Information

Police Officers' Association Holiday Fundraiser – Bikes for Tykes (flyer attached)

- The Davis Street Family Resource Center (DSFRC) Holiday Bike drive is a labor of love that began over 13 years ago with the interest of several San Leandro police officers including Pete Ballew, Lew Pollack, Chief Bob Maginnis, Ty Nyguen and firefighter Luster Knight, who headed the annual toy and food drive since 1991. San Leandro police officers decided to raise funds to purchase new bikes for low income children and to distribute them through the DSFRC program. From 20 bikes the first year to an all time high of 350 bikes each year, bikes were given to the neediest children in San Leandro. Officer Nyguen spearheaded the program for several years, and after a hiatus, Officer Louie Brandt brought the effort back to life this past year raising funds for 86 bikes.
- Officer Brandt is challenging the SLPD to increase the number of bikes and hopes to reach the all time high of 350 bikes. DSFRC and the families we serve are grateful to the SLPD and to Officer Brandt for giving his time, his fundraising skills and above all, his compassion to help the most needy.
- For more information, please contact Officer Brandt at 421-2360.

Avoid the 21 Campaign

- The Alameda County Avoid the 21 Campaign is designed to educate and enforce laws surrounding subjects who choose to drive under the influence. The program is funded by the Office of Traffic Safety. Police agencies throughout Alameda County participate in the program.
- The San Leandro Police Department (SLPD) is committed to providing its officers with a high level of training and resources to educate the public and combat drinking and driving. SLPD's mobilization was conducted on Thanksgiving Eve in which officers made 26 traffic stops, conducted 13 sets of field sobriety tests and arrested one driver for driving under the influence.
- SLPD was granted \$15,130 for the 2011-2012 campaign. The department is scheduled to participate in several programs including a Winter Mobilization (12/16/11 thru 01/01/12), a DUI Checkpoint (12/22/11) and various other enforcement dates throughout the year.

ECHO Housing's FY 2010-2011 Fair Housing Audit Report (audit report attached)

- Eden Council for Hope and Opportunity (ECHO Housing) completed its annual Fair Housing Audit Report which is conducted every year to assess how well rental properties are conforming to the Federal and State Fair Housing laws.
- The housing audit for FY 2010-2011 focused on disability discrimination in regard to reasonable modifications in rental properties in San Leandro, as well as in the cities of Alameda, Cupertino, Hayward, Livermore, and Union City, and Santa Clara County.
- Testers asked housing providers if tenants would be permitted to install grab bars in the bathroom and if kitchen counters could be lowered to make the unit more accessible to disabled residents. Of the 61 properties tested in the 7 jurisdictions, 39 (64%) properties showed differential treatment (i.e., will not allow either modifications or will only allow the grab bars but not the lowered kitchen sink, or deferred to their superiors to answer yes or no).
- The properties with differential treatment are as follows: 69% or 9 out of 13 San Leandro properties; 70% or 7 out of 10 properties each in Alameda and Livermore; 60% or 3 out of 5 Cupertino properties, 6 out of 10 properties in Union City; 25% or 2 out of 8 Hayward properties; and 100% of the 5 Santa Clara County properties.
- ECHO Housing staff will directly contact the non-compliant landlords and owners of these 39 properties to meet with ECHO Housing fair housing counselors and discuss possible changes to bring rental policies and practices in compliance with federal and state laws which include the housing rights of disabled persons.

East Bay Green Corridor Receives Grant Funding to Implement Streamlined Permitting for Solar (article attached)

- The U.S. Department of Energy's Sunshot Initiative is providing a total of \$12 million to 22 regional teams to spur solar power deployment by cutting red tape (streamlining and standardizing permitting, zoning, metering, and connection processes) and improving finance options to reduce barriers and lower costs for residential and small commercial rooftop solar systems.
- San Leandro and the other Green Corridor member cities will share of portion of a \$499,899 award that also covers other similar initiatives in the Bay Area. The Green Corridor is expected to receive roughly a third of the award amount.
- The funding will be used to further an ongoing project to streamline solar permitting practices in the East Bay. The Corridor also expects to be competitive in seeking additional Sunshot funding for future phases of the project.

San Leandro Jumpstarts Waterfront Plan (*San Francisco Business Times* article attached)

- Today's edition of the *San Francisco Business Times* includes a story on the City's proposed shoreline development. The article acknowledges the work of the Shoreline Citizens Advisory Committee (CAC), outlines the conceptual master plan and discusses the area's potential as a waterfront destination.

Council Follow-Up

Legal Requirements Regarding Non-Discrimination in Employment

- Since mid-1960, various State and Federal laws have been enacted which specifically restrict what employers can and cannot do, say or consider in hiring their employees. This legislation has been further augmented by numerous court cases which clearly establish that an employer may not discriminate either for or against anyone in hiring, promotion, pay, or other employment actions based on race, gender, age, disability, etc., as these factors are not related to successful job performance.
 - Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Act of 1972 to include governmental agencies) and 1991 prohibits job discrimination against protected minorities and women (Federal).
 - Fair Employment and Housing Act (State) mirrors Title VII in prohibiting job discrimination.
 - Age Discrimination in Employment Act (Federal) prohibits job discrimination against older persons (over 40).

- American with Disabilities Act (Federal) prohibits job discrimination against protected disabled persons and establishes the employer's responsibility to accommodate disabled persons.
- Claims of reverse discrimination have also proven actionable under Title VII if shown that the grounds for employment decisions have a disparate impact on whites or other non-protected classes.
- In 1996, California Proposition 209 created legislation that prohibits preferential treatment for minorities and women under affirmative action plans thus effectively voiding affirmative action in state and local employment decisions
- Illegal discrimination is defined as unfair actions which either advantage or disadvantage members of any group. The Uniform Guidelines on Employee Selection Procedures (1978) adopted in 1978 and enforced by the Equal Employment Opportunity Commission are given deference by the courts in determining whether or not discrimination has occurred. Employers whose employment practices have been found to be discriminatory have been subject to very large fines and imposed governmental oversight of their employment actions until such time as the discrimination has been corrected.
- The employment goal of employers is to ensure a diverse workforce. The best strategy to achieve this goal is adhering to legal requirements and best employment practices which will allow all candidates an equal opportunity to compete for hiring and promotional opportunities without discrimination. It also ensures that the City is safeguarded from charges of discrimination by not adversely impacting any individual or group of candidates to the advantage of another individual or group.
- The primary defense for employment decisions is to show that the selection procedures are job related, represent a bona fide occupational qualification or were subject to a seniority system.

Businesses in the News

San Francisco Business Times Covers Village Marketplace (article attached)

- Article entitled "San Leandro Retail Project Seeks 2012 OK" was highlighted in last week's issue.

Correspondence from Other Agencies

Alameda County Fire Department (ACFD) Strategic Business Plan (attached)

- The 2011-2012 1st Quarterly Strategic Business Plan is also available on the ACFD's website at <http://www.acgov.org/fire/about/sbp.htm>.
- The following represents summaries of significant ACFD incidents in the last 24 hours throughout the ACFD's jurisdictions:
 - **Downed Power Lines Spark Fire in Unincorporated San Leandro:**
 - On Wednesday, November 30, 2011 at 11:30 p.m., Alameda County Firefighters responded to a report of wires down on 165th Avenue and East 14th Street in unincorporated San Leandro. First arriving firefighters investigated the report of wires down and located a commercial building on fire at 16548 East 14th St. (the old Arlen Ness shop).
 - The first alarm response of five engines, one truck, one heavy rescue and two Battalion Chiefs were able to contain the fire to the building of origin in less than 40 minutes.
 - Firefighters determined the cause of the fire to be a weather head that was broken free from the building as a result of the high winds in the area. (Simply stated, downed power lines as the result of high winds started the fire).
 - There were no injuries to firefighters or community members.
 - **One-Alarm Fire Unveils Illegal Marijuana Growing Operation in Unincorporated San Leandro:**
 - At 12:58 a.m. on December 1, 2011, Alameda County Firefighters responded to a report of a structure fire in a two-story single family residence at the 16000 block of Gramercy Drive in unincorporated San Leandro. The fire was contained to the basement level of the home in the room of origin within 10 minutes of the arrival of firefighters. During the assault on smoke and flames coming from the basement, firefighters came across an illegal marijuana growing operation and notified the Alameda County Sheriff's Office immediately.

- The response to the fire included three engines, one heavy rescue, one truck and two battalion chiefs (18 firefighters total). Firefighters determined the fire was caused by faulty illegal wiring. There were no injuries to community members or firefighters.
- **Assistance to Livermore-Pleasanton Fire Department for 2-Alarm Fire:**
 - At 12:50 p.m. on December 1, 2011, three crews and one Battalion Chief from the ACFD were requested to provide mutual aid to the Livermore-Pleasanton Fire Department for a structure fire at 677 Andrews Street in Livermore. Two engines provided coverage in at LPFD fire stations while one engine and a Battalion Chief provided aid at the scene. According to LPFD, the large wind-driven fire destroyed two homes and damaged a third home.
- **Mutual Aid For Wind-Driven Vegetation Fire at Collier Canyon Road in Contra Costa County:**
 - At 6:08 p.m. on December 1, 2011, four engines, a bulldozer and a Battalion Chief from the ACFD were requested to provide mutual aid to the San Ramon Valley Fire Protection District and Cal Fire for a vegetation fire in the area of 8200 Collier Canyon Road in Contra Costa County.

Office of the Governor (letter attached)

- Letter from the Governor to The Commission on Peace Officer Standards and Training (POST) regarding crowd control and civil disobedience guidelines from 2003 which agencies use.



Santa at the Fire House

**Saturday, December 3, 2011
11:30 a.m. - 3:30 p.m.**

**Station #10
2194 Williams Street • San Leandro**

\$10 Donation per photo (Optional)

Take a picture with Santa on the antique fire engine, get the latest holiday safety information, have some milk and Otis Spunkmeyer cookies, sing holiday carols, and listen to firefighters read their favorite holiday story,

A Firefighter's Night Before Christmas!

All proceeds will go towards supporting the Alameda County Firefighters Holiday Toy Drive, which helps grant holiday wishes to children and families in need, in San Leandro.

For more information or to make a donation please call,
Aisha Knowles at (510) 618-3479 or email aisha.knowles@acgov.org



*Sponsored by:
The Alameda County Fire Department and
Alameda County Fire Fighters Association - Local 55 Charity Fund*



The Alameda County Fire Department, The Alameda County Fire Fighters Association and the City of San Leandro invite you to join them in spreading holiday cheer for children and families in need!

Holiday Toy Drive

Your donation of new, unwrapped toys, gift cards or cash will make a world of difference and supplement local charities such as the Davis Street Family Resource Center, CALICO, Stepping Stones Growth Center and Building Futures with Women and Children.

New & Unwrapped Toys • Gift Cards • Monetary Donations

Checks can be made out to: Alameda County Fire Fighters Association

Donations can be made through December 24, 2011

Station #9 • 450 Estudillo Avenue

Station #10 • 2194 Williams Street

Station #11 • 14903 Catalina

Station #12 • 1065 143rd Avenue

Station #13 • 637 Fargo Avenue

**ACFD Administration and San Leandro City Hall
835 E. 14th Street**

For information, please contact :
ACFD Community Relations (510) 618-3479
www.acgov.org/fire





San Leandro Marina Lighted Boat Parade

“A Tropical Holiday”

Saturday, December 17, 2011

5 PM Refreshments with Santa and his Elves

6 PM Lighted Boat Parade

Award Categories:

*Best Yacht Club Participation, Best Power Boat, Best Sail Boat, Best
Other, Best Themed Boat, People’s Choice*

*Award Ceremony following the parade hosted by the
Spinnaker Yacht Club*

Come to the Marina Office to fill out an entry form

Entry is free!

Special incentive for participation

Questions call (510) 577-3488

*Donations for prizes from El Toritos, Horatio’s, Marina Inn,
Monarch Bay Golf Club, and others TBA*





SAN LEANDRO POLICE DEPT.



Police Officers' Association **FUNDRAISER**

BIKES FOR TYKES



The San Leandro Police Officers' Association (SLPOA) is a 501(c) non-profit organization. All donations to our organization are tax deductible. The tax identification number is 94-600421 Please make checks Payable to SLPOA

*For any questions, please contact:
Officer Louie Brandt #273
(510)421-2360*

Hi ! I am Officer Louie Brandt of the San Leandro Police Department. As you know, the holidays are quickly approaching and there are many San Leandro families in need. I am currently trying to raise money for our Bikes for Tykes Program. It is a fundraiser designed to purchase as many new bicycles and helmets as possible for children who would not otherwise be able to have one.

FAIR HOUSING AUDIT REPORT
Fiscal Year 2010-2011

Cities of Alameda, Cupertino, Hayward, Livermore,
San Leandro, Union City, and Santa Clara County

Prepared and submitted by:
THE EDEN COUNCIL FOR HOPE AND OPPORTUNITY

Marjorie A. Rocha, Executive Director
Angie Watson-Hajjem, Fair Housing Specialist

Funding provided by:
CITY OF ALAMEDA
CITY OF CUPERTINO
CITY OF HAYWARD
CITY OF LIVERMORE
CITY OF SAN LEANDRO
CITY OF UNION CITY
COUNTY OF SANTA CLARA

EXECUTIVE SUMMARY

The Federal Fair Housing Amendments Act, the California Fair Employment and Housing Act, and the California Unruh Civil Rights Act prohibit discrimination in the housing industry. Federal legislation protects persons from discrimination based on race, color, national origin, sex, religion, handicap (physical or mental disability), and familial status. California statutes prohibit discrimination based on sex, sexual orientation, race, color, religion, familial status, ancestry, marital status, national origin, mental or physical disability, source of income, or any other arbitrary reason such as age or occupation.

Despite the presence of strong, enforceable laws, discrimination continues to be a problem in the Bay Area. The Eden Council for Hope and Opportunity (ECHO Housing) is committed to end illegal discrimination in housing. As part of the ongoing effort to document the occurrence of housing discrimination in our community, ECHO conducted a housing audit in the Cities of Alameda, Cupertino, Hayward, Livermore, San Leandro, Union City, and the County of Santa Clara.

Every year ECHO Housing conducts an audit of rental properties in the local communities to see how well they are conforming to the Fair Housing laws. A different protected class is selected each year as the focus of the audit. This year we decided to focus our audit on disability discrimination with regard to reasonable modifications. Under both the Federal Fair Housing law and State Fair Housing law, housing providers are obligated to allow tenants to make reasonable changes to the interior and/or exterior areas of their rental home. This could mean allowing a hearing impaired person to put up a flashing light system to alert them when someone is ringing the doorbell, or allowing a person who uses a wheelchair to build a ramp so they can enter and leave their home. The housing provider has the right to expect that the tenant will restore the unit to its original state upon move-out. The housing provider also has the right to verify that the work to make the modifications be done by a licensed contractor and that proper work permits be pulled. The housing provider can have the tenant set up a separate escrow account to cover any possible damage done due to the modification. The landlord is not required to pay for the modifications. It is the tenant's responsibility to finance the project. However in public housing the housing provider usually pays for the cost of the modification.

Reasonable modifications differ from reasonable accommodation, which deal more with making changes to rules and policies. A classic example of a reasonable accommodation would be to allow a disabled person to keep his service dog or therapy cat in housing that prohibits pets. This audit looked only into requests for reasonable modifications, not accommodations. In this audit we had our testers ask if housing providers would allow tenants to install grab bars in the bathroom and if kitchen counters could be lowered to make the unit more accessible to disabled residents. There were 61 properties tested for this audit, covering 7 jurisdictions. In 39 out of 61 properties tested (64%), housing providers would not allow modifications to be made. Some housing providers would allow grab bars to be installed, but disallowed the lowering of kitchen counters. Some would not allow either. Another group of housing providers simply were not sure about the laws around modifications and informed the tester they would have to check back with a superior.

ECHO works to reduce discrimination in housing through education and enforcement. The

owners and managers of the properties, where evidence of differential treatment was found, will be invited and encouraged to participate in Fair Housing training seminars and workshops offered by ECHO. Education and enforcement must be priorities in the fight to end illegal discrimination in housing. ECHO is committed to ensuring that all people have equal access to housing.

MISSION STATEMENT

"The primary objectives and purposes of this corporation shall be:

...To promote fairness and equality of opportunity for all persons regardless of race, color, creed, national origin, gender, age, sexual orientation, disability, or HIV status in the areas of education, employment, housing and public and private services..."

Eden Council for Hope and Opportunity
Bylaws - January 2007

INTRODUCTION

The Eden Council for Hope & Opportunity (ECHO) was founded in 1964 and incorporated in 1965. ECHO is a publicly supported, non-profit housing counseling organization established to provide comprehensive housing counseling services to residents of Alameda County. ECHO also provides housing counseling services to residents in parts of Santa Clara and San Mateo Counties. ECHO's services include an extensive Fair Housing program. This program is designed to promote equal access to housing opportunities through education, investigation, conciliation, training, and when necessary, litigation. The primary focus is on community outreach, education, and training regarding civil rights issues as they apply to housing.

Specific Fair Housing client services include: counseling, investigation of complaints, conciliation services, and litigation referrals. ECHO maintains a list of cooperating attorneys who specialize in fair housing and civil rights law. Upon a client's request, ECHO will refer clients to these attorneys. Clients may also choose to pursue their complaints with the United States Department of Housing and Urban Development (HUD) or the California Department of Fair Employment and Housing (DFEH).

During fiscal year 2010-2011, ECHO conducted an audit of rental properties in the Cities of Alameda, Cupertino, Hayward, Livermore, San Leandro, Union City, and Santa Clara County.

LEGAL BACKGROUND

ECHO's Fair Housing efforts are guided by both federal and state civil rights legislation. The Federal Fair Housing Amendments Act of 1988 prohibits discrimination in housing based on race, color, religion, national origin, sex, physical or mental disability and familial status. The California State Fair Housing laws include the Unruh Civil Rights Act (1959), the Rumford Fair Housing Act (1963) and the Fair Employment and Housing Act (1992), which prohibit discrimination based on race, color, religion, sex, age, ancestry, marital status, sexual orientation, familial status, mental or physical disability, source of income, and any other arbitrary reason. The City of Hayward adopted the Child Discrimination Ordinance (89-055 C.S.) in October 1989. The purpose of this ordinance is to "prohibit discrimination against persons with minor children in rental housing."

Several approaches can be taken in dealing with discriminatory housing practices. Often a person with a complaint contacts a local Fair Housing agency. The Fair Housing agency will conduct either a telephone test or a site investigation to determine objectively whether illegal discrimination has occurred. A complainant has the right to file his or her case with a government enforcement agency or with a private attorney. The complainant also has a right to attempt conciliation or pursue mediation to have a policy or rule changed.

Another method of combating illegal housing discrimination is through auditing. Auditing is a tool used to measure compliance with federal and state Fair Housing laws, and to determine if illegal patterns and practices are employed by the rental housing industry. Although most audits are educational in nature, the audit findings may be referred for litigation when patterns and practices of discrimination have become entrenched and the property owner is uncooperative or

resistant to the educational process.¹

RATIONALE

Auditing is undertaken in order to evaluate the housing industry's treatment of persons protected under federal and state Fair Housing laws. It is an objective investigative process used to discover if patterns of illegal rental practices are present. Posing as bona fide home seekers, trained testers report their experiences with respect to quality, quantity, and content of services that were offered to them by a rental agent. In order to determine if differential treatment has occurred based on a person's protected class, Fair Housing Counselors complete a comparative analysis of the testers' reports. The audit results are used to provide Fair Housing education to owners and managers, with the goal of obtaining compliance with Fair Housing laws thus ensuring that equal housing opportunities are available to all people.

METHODOLOGY

Testers

ECHO maintains a pool of testers who work as independent contractors and are trained to act as bona fide home seekers in order to gain knowledge about the normal rental practices in the housing industry. The testers who participated in this audit were selected from this pool. The Fair Housing staff provided all testers with similar information regarding income, occupation and reason for moving. For this audit, the Minority tester was a white woman looking for housing for her single disabled sister. The Minority tester was instructed to inform the housing provider that due to her sister's disability she would need to make some reasonable modifications to her future rental home which included installing grab bars and lowering the kitchen counters. The Majority tester was a single white woman looking for housing who did not need any reasonable modifications to her future rental home. Prior to participation in the audit, all of the testers completed a formal training session with ECHO or another Fair Housing organization in the Bay Area. These sessions include detailed information about Fair Housing laws, the principles of testing, testing techniques, and how to objectively report findings.

Before a test is conducted, ECHO's Fair Housing Counselors remind the testers that the purpose of the test is to objectively report the housing provider's normal business practices and procedures. Testers are instructed to ask only necessary questions and volunteer only requested information. Testers should give the agents a chance to show how they treat prospective tenants. In other words, the testers should let the agents "sell" them the rental unit. In no instance should the tester enter the test with the assumption that the housing provider discriminates. Fair Housing Counselors also remind the testers to discuss the test only with the Fair Housing staff and to keep all audit information confidential.

¹ United States vs. Youritan Construction Co., 1973; Havens Realty Corporation vs. Coleman, 1982

Site Selection

A total of 61 properties were tested in this audit: 10 in Alameda, 5 in Cupertino, 8 in Hayward, 10 in Livermore, 13 in San Leandro, 5 in urban Santa Clara County, and 10 in Union City. Properties were chosen from advertisements for available rental units found in www.forrent.com, www.craigslist.org, www.rent.com, and from properties displaying “For Rent” signs.

Profiles

The audit followed the standardized format of a controlled experiment. Testers were closely matched except for the variable being tested, which was disability. All participating testers were matched pairs of white females.

Conducting the Test

Testers made their own appointments for all site visits. In all cases the Minority tester called first. Once the Minority tester was able to secure an appointment, she would call the fair housing counselor and let her know that the test had been scheduled. At this point, the Majority tester was called and asked to make an appointment. After the testers completed their tests, they went to the ECHO office to fill out their tester report forms and to be debriefed. Tester reports were then compared to determine if differential treatment had occurred.

Evaluation

We looked at these two factors:

1. Housing providers **would** allow tenants to make reasonable modifications (installing grab bars and lowering kitchen counters).
2. Housing providers **would not** allow tenants to make reasonable modifications (installing grab bars and lowering kitchen counters).

Based on the comparisons made from the above criteria, the fair housing counselors gave each test one of the following ratings:

- (1) No evidence of discrimination based on disability. In these tests, the housing providers knew about the laws around reasonable modifications and informed the testers that installing grab bars and lowering kitchen counters would be permitted.
- (2) Evidence of discrimination based on disability. In these tests, the housing providers did not know about the laws around reasonable modifications and informed the tester that her request to install grab bars and to lower the kitchen counter would not be permitted or that the request would have to be granted by a superior.

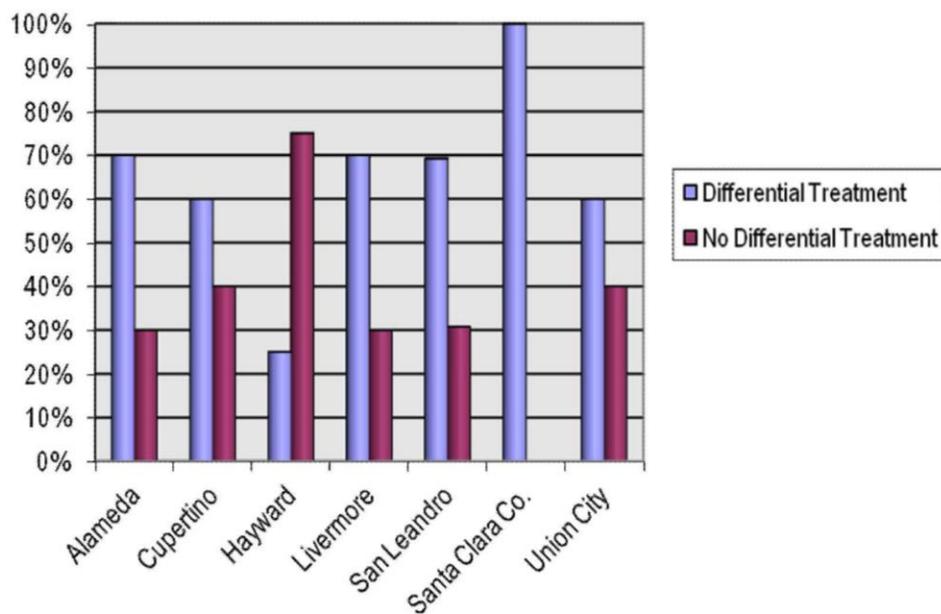
RESULTS

Sixty-one (61) properties were tested in this audit. In 39 cases (64%) housing providers would not allow prospective tenants to make necessary reasonable modifications to the unit. In 22 cases (36%) the housing providers were knowledgeable about the laws regarding reasonable modifications and informed the tester that prospective tenants would be allowed to make necessary changes to the unit.

See results by jurisdiction below.

Jurisdiction	Differential Treatment		No Differential Treatment		Total
	Count	Percentage	Count	Percentage	
Alameda	7	70%	3	30%	10
Cupertino	3	60%	2	40%	5
Hayward	2	25%	6	75%	8
Livermore	7	70%	3	30%	10
San Leandro	9	69%	4	31%	13
Santa Clara Co.	5	100%	0	0%	5
Union City	6	60%	4	40%	10
Total	39	64%	22	36%	61

Results by Jurisdiction



CONCLUSION

We at ECHO Housing are concerned at the level of differential treatment evidenced by this audit. The Fair Housing Act was amended in 1988 to cover persons with mental and physical disabilities. One of the protections that this law gives to disabled people is their right to live in a place that is accessible. If a disabled tenant needs to install grab bars in the bathroom, put up a flashing light system to inform her when someone is ringing the doorbell, install ramps, or lower kitchen counters so that her home is fully accessible, the Fair Housing Act gives her the right to do so.

In many of the cases, the housing provider was very forthright in telling the tester that no reasonable modifications would be allowed. In other situations, the housing provider was fine with grab bars, but not with lowering the kitchen counters. The Minority tester always informed the housing provider that due to her sister's disability, she would not be able to use the kitchen fully without being allowed to lower the kitchen counters. Even with this knowledge, some housing providers would not approve the modification. There were a sizable number of housing providers who when posed with the subject of making modifications, simply could not answer "yes" or "no" and informed the tester that a superior would have to make the decision. Property managers, on-site managers and leasing consultants all work as agents of the owner. They are responsible for knowing fair housing laws and doing their work in accordance to all federal, state and local laws and ordinances. When disabled tenants or prospective tenants inquire about making reasonable modifications (or accommodations), everyone involved in the renting or leasing of the rental property should know clearly that they have the right to ask for the modification/accommodation and if the request is reasonable, the request needs to be granted.

Now, some might ask, "What does, 'reasonable' mean?" That is an excellent question that is not always easy to answer. Asking to have an elevator built so that the disabled person who uses a wheelchair can reach his upper level apartment would probably not be a looked upon as a reasonable (or, even workable) modification. But there are many requests for making modifications that are perfectly reasonable and doable. Our fair housing counselors are available to assist both housing providers and disabled tenants to work out modification requests. We can help educate both parties of their rights and responsibilities, and mediate when conflicts arise. What housing providers must not do is to simply say "no" to requests. They have an obligation to work with disabled tenants so that their housing needs are met. Some requests may be deemed "unreasonable" and cannot be accommodated, that is true. However, the lines of communication for these requests should be open.

It is disappointing indeed that 23 years after the Fair Housing Act was amended to protect home seekers who are disabled, rental housing industry professionals are still uninformed about the rights of disabled people in housing.

We hope that this audit will serve as an educational tool and a wake-up call for everyone working in the rental housing industry. We will be embarking upon an educational campaign to educate the community about housing discrimination against disabled people, especially when it comes to reasonable modification requests.

The spirit of fair housing is to increase housing opportunities for everyone, including people with

disabilities. We hope that in the future, housing providers will take advantage of the free help that fair housing agencies like ECHO Housing can offer them with regard to disability issues. And, we hope that housing providers will educate themselves thoroughly about working with tenants and prospective tenants who are disabled, thereby doing their part to affirmatively furthering access to housing to all.

THE NEXT STEP

ECHO will be following up this audit with an educational campaign directed at the owners and managers involved. It is important for the owners and managers of rental property to receive feedback on their performance in the audit as well as information and training regarding fair housing laws.

Each of the owners of the properties involved in this audit will be contacted by mail and given a report on the performance of their agents. The owners and managers will be encouraged to meet with ECHO's Fair Housing Counselors to discuss the findings at their property, and, in cases where differential treatment was found, to suggest possible changes that could be made to bring their rental policies and practices into compliance with federal and state fair housing laws. The owners will also be encouraged to schedule a training session for themselves and their managers. These sessions are offered by ECHO's Counselors at no charge to the owners.

ECHO staff wants to reiterate how important it is for agents to be consistent in both their policies and their practices. Agents must be sure to give the same information to all prospective tenants. Slight differences in what prospective renters are told can have grave consequences if a fair housing complaint is filed against that agent (i.e., it may not seem to matter if an agent forgets to mention a move-in-special to one apartment seeker, but if that person happens to file a discrimination complaint, then that omission, in the context of other allegations, could be viewed as discriminatory).

ECHO will also continue its general education campaign within the community, informing home seekers that they are legally protected from housing discrimination, and working with housing providers to make sure that acts of illegal discrimination against persons in all the protected classes can be prevented. ECHO is committed to assuring everyone a fair opportunity to meet his or her housing needs.

SUMMARY OF AUDIT TEST RESULTS

Key to summary of audit test results

Letter indicates the city in which the tested property is located:

AL	Alameda
CU	Cupertino
HY	Hayward
LV	Livermore
SC	Santa Clara County
SL	San Leandro
UC	Union City

Minority tester profile: Single white female looking for housing for her single disabled sister who needs reasonable modifications to be done in her future rental unit.

Majority tester profile: Single white female looking for housing for herself, not needing any reasonable modifications to be done in her future rental unit

<u>Code</u>	<u>Findings</u>
AL1	No discrimination.
AL2	No discrimination.
AL3	Discrimination. Agent told tester that she did not know if disabled sister could put up grab bars and suggested she use a stool step.
AL4	No discrimination.
AL5	Discrimination. Agent told tester that she was not sure modifications could be made.
AL6	Discrimination. Agent told tester she would have to check with owner about the modification requests.
AL7	Discrimination. Agent was ok with grab bars being installed, but told tester she would have to check with owner about lowering the kitchen counters.
AL8	Discrimination. Agent was ok with grab bars being installed, but need to check with owner about lowering the counters.
AL9	Discrimination. Agent was ok with grab bars being installed, but told tester that the home office would have to decide if the kitchen counters could be lowered.
AL10	Discrimination. Agent was ok with grab bars being installed, but told tester that the owners would have to approve request for lowering the kitchen counters.
CU1	Discrimination. Agent was ok with grab bars, but informed tester that owner would have to approve request for lowering the kitchen counters.
CU2	No discrimination. Agent told tester that both requests for modifications would be fine.
CU3	No discrimination. Agent told tester that both requests for modifications would be fine.
CU4	Discrimination. Agent told tester that installing grab bars was fine, but not sure about request to lower the kitchen counters.

CU5 Discrimination. Agent told tester that installing grab bars was fine, but wasn't sure about the request to lower the kitchen counters.

HY1 No discrimination. Agent agreed to both modification requests.
HY2 No discrimination. Agent agreed to both modification requests.
HY3 No discrimination. Agent agreed to both modification requests.
HY4 No discrimination. Agent agreed to both modification requests.
HY5 No discrimination. Agent agreed to both modification requests.
HY6 No discrimination. Agent agreed to both modification requests.
HY7 Discrimination. Agent told tester that no modifications would be allowed.
HY8 Discrimination. Agent told tester that installing grab bars was fine, but not lowering the kitchen counters.

LV1 No discrimination. Agent fine with both requests for modifications.
LV2 Discrimination. Agent fine with having grab bars installed, but told tester that owner would have to approve request for lowering the kitchen counters.
LV3 Discrimination. Agent said no to both grab bars and lowering the counters.
LV4 Discrimination. Agent fine with having grab bars installed, but must check with owners about lowering counters.
LV5 No discrimination. Agent was fine with both modification requests.
LV6 Discrimination. Agent was fine with having grab bars installed, not sure about lowering the counters.
LV7 Discrimination. Agent was fine with having grab bars installed, but not sure about lowering kitchen counters.
LV8 Discrimination. Agent told tester she wasn't sure about modification request.
LV9 No discrimination. Agent was fine with both requests for modifications.
LV10 Discrimination. Agent said no to both requests for modifications.

SC1 Discrimination. Agent was fine with request to install grab bars, not sure about request to lower kitchen counters.
SC2 Discrimination. Agent was fine with request to install grab bars, but not sure about request to lower kitchen counters.
SC3 Discrimination. Agent was fine with request to install grab bars, but told tester that owner would have to approve requests to lower kitchen counters.
SC4 Discrimination. Agent told tester she would have to get approval from owner to make modifications.
SC5 Discrimination. Agent fine with request to install grab bars, but told tester she wasn't sure about requests to lower kitchen counters.

SL1 Discrimination. Agent fine with request to install grab bars, but told tester that lowering the kitchen counters was "impossible".
SL2 Discrimination. Agent was fine with request to install grab bars, but not sure about request to lower kitchen counters.
SL3 Discrimination. Agent fine with request to install grab bars, but said "no" to request to lower kitchen counters.
SL4 Discrimination. Agent fine with requests to install grab bars, but told tester request

- to lower the kitchen counters would have to be approved by manager/owner.
- SL5 Discrimination. Agent told tester she wasn't sure if either modification could be made.
- SL6 No discrimination. Agent told tester that he knew about laws around reasonable modifications and both requests would be fine.
- SL7 No discrimination. Agent told tester that both requests for modification were fine.
- SL8 No discrimination. Agent told tester that both requests for modifications were fine.
- SL9 Discrimination. Agent told tester that installing grab bars would be fine, but "no" to requests to lower the kitchen counters.
- SL10 Discrimination. Agent told tester that she would have to check with corporate office about requests for modifications.
- SL11 Discrimination. Agent told tester that installing grab bars would be fine, but not sure about lowering kitchen counters.
- SL12 No discrimination. Agent told tester that both requests for modifications would be fine.
- SL13 Discrimination. Agent told tester that installing grab bars would be fine, but not sure about lowering the kitchen counters.
- UC1 Discrimination. Agent told tester she would have to talk to manager about making modifications.
- UC2 Discrimination. Agent was fine with installing grab bars, but told tester she would have to check with corporate office about lowering kitchen counters.
- UC3 Discrimination. Agent told tester she would with owners about both requests.
- UC4 Discrimination. Agent was fine with installing grab bars, but told the tester, "no" to lowering the kitchen counters.
- UC5 No discrimination. Agent told tester that both requests were fine.
- UC6 Discrimination. Agent told tester that she would have to get permission from owners about both modification requests.
- UC7 No discrimination. Agent was fine with both requests.
- UC8 Discrimination. Agent told tester installing grab bars was fine, but owner would have to give permission to lower the kitchen counters.
- UC9 No discrimination. Agent was fine with both modification requests.
- UC10 No discrimination. Agent was fine with both modification requests.

DOE Awards \$12 Million to Spur Rapid Adoption of Solar Energy with the Rooftop Solar Challenge

Regional Teams Will Reduce Barriers, Serve As Models for Other Communities

December 01, 2011

As part of the U.S. Department of Energy's SunShot Initiative, today Energy Secretary Steven Chu was joined by Lynn Jurich, the president and co-founder of the solar power company SunRun, and Saint Paul Mayor Chris Coleman to announce \$12 million in funding for the awardees of the Rooftop Solar Challenge. The Challenge supports 22 regional teams to spur solar power deployment by cutting red tape—streamlining and standardizing permitting, zoning, metering, and connection processes—and improving finance options to reduce barriers and lower costs for residential and small commercial rooftop solar systems. This project is part of the Department's larger effort to make solar energy more accessible and affordable, increase domestic solar deployment, and position the United States as a leader in the rapidly-growing global solar market.

"Through this competition, the Energy Department is helping to unleash America's solar potential by investing in projects that will make it faster, easier, and cheaper to finance and deploy solar power in communities across the country," said Secretary Chu. "These awards will reduce the cost homeowners and businesses pay to install solar energy systems, while at the same time saving money and time for local governments faced with tight budgets."

The DOE SunShot Initiative is a collaborative national effort to make solar cost-competitive with other forms of energy by the end of the decade. Reducing the installed cost of solar energy systems by about 75% will drive widespread large-scale adoption of solar—fortifying U.S. leadership in the global clean energy race while spurring new industries and job creation across the nation.

Non-hardware, or "soft," costs like permitting, installation, design, and maintenance currently account for up to 40% of the total cost of installed rooftop photovoltaic (PV) systems in the United States. Across the nation today, there are more than 18,000 local jurisdictions with their own PV permitting requirements, land use codes and zoning ordinances; more than 5,000 utilities that are implementing standards for connecting and selling energy back to the energy grid; and all 50 states are developing their own connection standards and processes for supplying and pricing energy sold back to the grid. According to a report released earlier this year by SunRun, local permitting and inspection processes alone add about \$0.50 per watt, or \$2,500 per residential installation nation-wide.

Using a "race to the top" model, the Rooftop Solar Challenge incentivizes the regional awardees to address the differing and expensive permitting, zoning, metering, and connection processes required to install and finance residential and small business solar systems. The 22 diverse teams bring together city, county, and state officials, regulatory entities, private industry, universities, local utilities, and other regional stakeholders to clear a path for rapid expansion of solar energy and serve as models for other communities across the country.

The teams will implement step-by-step actions to standardize permit processes, update planning and zoning codes, improve standards for connecting solar power to the electric grid and increase access to financing.

San Leandro jumpstarts waterfront plan

Premium content from San Francisco Business Times by Blanca Torres, Reporter

Date: Friday, December 2, 2011, 3:00am PST

Blanca Torres

Reporter - *San Francisco Business Times*

[Email](#) | [Twitter: @BTorresSF](#)



[Cal Coast Development](#) has designed a conceptual master plan to redevelop San Leandro's waterfront into a bustling office, hotel and conference center.

The City of San Leandro hired Cal Coast as the master developer for a 52-acre area near the city's marina that could include up to 290,000 square feet of office, a 200-room hotel with a 15,000-square-foot conference center, 188 units of housing and new space for retail and restaurants.

"The city has been trying to develop this area for years, and what they've done in the past has always been piecemeal," said [Ed Miller](#), president and CEO of Cal Coast, based in Los Angeles. "They want a comprehensive master plan."

San Leandro's waterfront area has a park, marina, nearby golf course, yacht club, the Marina Inn and restaurants Horatio's and El Torito.

Miller developed the proposal over three years along with local leaders and a committee of 33 residents. The idea, Miller said, is to maximize the area's potential as a waterfront destination and to boost the mix of commercial uses.

The conference center would support the hotel and new retail. The office space could attract jobs and daytime traffic.

The developer and city would prefer to attract a large, single tenant for the office space to create a campus-style environment.

"San Leandro has one of the largest waterfront parks in the East Bay," Miller said. "We see a great opportunity to bring these types of uses to the type of people who would enjoy them."

Cal Coast has worked on various master planned projects as well as marina redevelopments in Los Angeles.

The developer expects to finalize a development agreement with the city in January and then proceed with environmental reviews before seeking approvals, which have to come from the city and various agencies that oversee the waterfront.

The first phase of the project could be built within five years: three more years to secure approvals and two years for construction.

The waterfront project is one of several major developments moving forward in San Leandro, said [Dave Johnson](#), president and CEO of the city's chamber of commerce.

Others include a 436,000-square-foot [Kaiser Permanente](#) hospital and 275,000-square-foot hospital support building under construction and a multi-phase, transit-oriented development scheme in the city's downtown that includes office, retail and housing.

Developer [David Irmer](#) is seeking approvals to add 28,000 square feet of retail to his office complex. The city and [OSIsoft LLC](#), one of its largest employers, are working on installing a network of fiber optic cables that could transmit huge amounts of data at high speeds — a major draw for potential employers.

“You can see the combination of those things all working together,” Johnson said. “These are opportunities that not many cities have right now and we need to take advantage of them.”

Blanca Torres covers East Bay real estate for the San Francisco Business Times.

San Leandro Retail Project Seeks 2012 OK

Blanca Torres - Email | Twitter: @BTorresSF
Friday, November 25, 2011, 3:00am PST

Plan is for a restaurant, cafe and grocer, says David Irmer.

After developing a 235,000-square-foot office plaza in downtown San Leandro, David Irmer of the Innisfree Cos. has set his sights on bringing in new retail.

The developer is working on a 28,000-square-foot shopping center on 1.7 acres at East 14th Street that is slated to include a **Fresh & Easy** grocery store, Peet's Coffee & Tea, Chipotle, **AT&T** store and a full-service restaurant.



David Irmer, of Innisfree Cos.

The project, known as the Village Marketplace, will feature a large outdoor seating area and clock tower.

"The greater goal is to start to create an established architectural identity for downtown," Irmer said.

The city council has given the project an initial nod of approval. Irmer expects to entitle the project early next year and start construction as early as next May.

"The Village Marketplace allows us the opportunities to bring in the retailers we've heard our community asking for," said Cynthia Battenberg, San Leandro's economic development director. The city-owned land is the former site of a Lucky and later Albertson's grocery store that was torn down and is now used as a parking lot.

Irmer said he expects to pay \$2.5 million for the site, but deal has not been finalized.

Like Irmer's office development, the three-building Creekside Plaza developed with partner Lawrence Jett of Lanikai Management Co., the Village Marketplace is part of a larger, long-term development strategy the city of San Leandro established in 2007.

The area surrounds the city's BART station, where the city wants to see more density, Battenberg said.

The downtown plan calls for 2,400 new residential units, 92,000 square feet of retail and 718,200 square feet of office.

The recession has hindered some projects from moving forward including Bridge Housing's The Alameda, a \$40 million, 100-unit affordable apartment complex, and the Cornerstone, a 200-unit market-rate project planned by Westlake Development Partners.

The state granted the projects \$24 million for infrastructure, so both must go forward to receive the funds, Battenberg said.

The city made progress on other projects including a \$12 million, 380-space public parking garage set for completion early next year, and \$5 million in street and landscaping improvements.

"We're just happy to see development occur here, there's lots of opportunity," Battenberg said.



2011-2012 First Quarter

I want to thank you for taking the time and interest to follow the progress of the Alameda County Fire Department relating to the implementation of our Strategic Business Plan. I would encourage you to take the time to review the score card that is posted on our web page to see the progress that has been made to date.

We continue to work diligently to optimize our staffing and operational capabilities. Specifically, we continue to refine our special operations training, proficiency testing and service capabilities to provide the most effective and efficient service delivery model for our Hazardous Materials, Water Rescue, Heavy Rescue and Bull Dozer urban interface services. An East County service delivery committee has been created to make recommendations to my office by the first of the year on how ACFD resources can be distributed and utilized to maximize services to all the citizens of the East County area.

In the areas of economic efficiencies, partnerships and cost control, we have several projects in process. We are in the final stages of implementing a high performance dispatch system to dispatch our new ambulance provider Paramedics Plus beginning November 1, 2011. This partnership has resulted in a reduction of dispatch costs in excess of \$10 per dispatch call. In addition, this public private partnership will result in hundreds of thousands of dollars in savings for the ACFD based on EMS supplies and equipment being provided by Paramedics Plus. In addition, the ACFD continues to work on innovative programs like putting medical clinics in select fire stations to better serve the primary health care needs of identified underserved communities.

We continue to move forward on these important initiatives including the identification of opportunities relating to future consolidations for fire services and dispatch. We also are actively working on important issues relating to marketing, diversity, succession planning and training just to mention a few prominent areas of focus.

As you can see, the ACFD is working on several fronts to ensure we are providing the highest level of service to all the communities we serve. I appreciate you taking the time to be a part of this process and to follow our progress. We value your input and suggestions and consider it a privilege to be an integrated productive member of all the communities we serve. I look forward to providing you with continued progress reports and highlighting your involvement as we implement our Strategic Business Plan. Take care and stay safe.

Sheldon D. Gilbert
Fire Chief
Alameda County Fire Department



ALAMEDA COUNTY FIRE

Fiscal Year 2011/12
October 2011 (Q1)

Implementation Timeline Status: **On Target** – **Delayed or Deferred** – **Not Currently On Target**

STRATEGIC INITIATIVE	DESCRIPTION	UPDATE
1 Staffing: Operations	Operational Staffing will address the immediate and long-term operational staffing needs of the ACFD and the communities we serve. This initiative will ensure that adequate and appropriate staffing levels for core and specialized services are maintained for each of our communities in accordance with their determined level of service.	Staffing recommendations have been submitted and are being discussed in the meet-and-confer process or are being reviewed for recommendation by the East Zone resource allocation and response ad hoc group.
2 Staffing: Administrative Services	Administrative staffing will ensure the ACFD is providing appropriate administrative support functions in a manner that is in accordance with local, state, federal and contractual requirements.	The committee is still working on developing an operational study and survey. There was a delay but are in the process of sending out a survey to like departments regarding their staffing admin structure.
3 Staffing: Fire Prevention	Fire Prevention Staffing will provide a clear delineation and understanding of mandated core service levels and subsequent staffing that must be provided for all jurisdictions in accordance with local, state and federal mandates.	The committee has restructured the approach for the following: vegetation management, hydrant maintenance, company inspection and fire investigations. These programs are being evaluated, streamlined, and automated for maximum efficiency. Once completed the committee will be able to insert the information into the strategic planning process step two. Committee has not met since last meeting; delayed.
4 Training	Training provided by the ACFD will ensure that emergency response workforce is maintained in a state of readiness and competency that will result in smooth, safe and efficient emergency and non-emergent operations. All training will be conducted in a manner that meets local, state and federal mandates as well as the unique needs and services required by our communities.	The committee is developing quarterly proficiencies for special operations, has completed the process of moving all training records into a centralized location, and is on target to convert all training records into an electronic form by 2015. Done with quarterly proficiencies. On track; no change from last meeting.
5 Internal Communications	Internal communications will be conducted in a manner that utilizes all reasonable means available to ensure timely and appropriate dissemination of information to and from the organization. All existing communication methods and policies will be reviewed and compared to industry best practices for effectiveness and appropriateness.	The committee has recently implemented in policy to improve internal electronic communication and is on target to launch SharePoint later this year. On target; update is still current.
6 Performance Management	Performance within the ACFD will be managed in a manner that provides clear and recognized standards of performance for all positions in the organization.	Working on the expectations for the Non-Sworn Managers. At this time, the remainder of this initiative is dependent on the selection of a new employee evaluation program.

STRATEGIC INITIATIVE	DESCRIPTION	UPDATE
7 Succession Planning/ Consolidations	<p>The ACFD will be an organization that provides a wide range of opportunities for its members to successfully compete and fill a variety of positions at all levels of the organization.</p>	<p>The committee completed a draft of the mentoring and job shadowing program. They are currently working to complete associated task books.</p> <p>The committee completed the Battalion Chief and the Dozer Task Books and is sending the mentoring and job shadowing document to the PDMP for approval.</p> <p>The committee has sent two elements of the career planning portion of initiative to PDMP, mentoring and job shadowing. More task books are being developed for special operations.</p>
8 Fire Consolidations	<p>The ACFD will continue to be an industry leader in regional fire protection by demonstrating its ability to adapt, grow and maintain flexibility and innovation before, during and after expanding service delivery levels.</p>	<p>The pre-consolidation profile tool/survey was completed as a “close-to-final” draft after input was received from program managers.</p> <p>A subcommittee has been established to finalize the pre-consolidation tool, help to develop an initial draft of the Emeryville proposal, and be prepared to conduct onsite visits prior to final proposal submittal.</p>
9 Dispatch Consolidations	<p>The ACFD will continue to be an industry leader in regional fire dispatching and communication by demonstrating its ability to adapt, grow and maintain flexibility and innovation before, during and after expanding service delivery levels.</p>	<p>The committee is working on a compatibility assessment tool. This tool will assist staff assess any key differences between ACRECC and any other dispatch center that may be interested in a dispatch consolidation.</p> <p>The draft of the tool is being beta tested.</p> <p>No new update</p>
10 Marketing	<p>Marketing for the ACFD will be an ongoing initiative that will specifically address the key stakeholder groups and customize messaging and key communication points for each stakeholder.</p>	<p>The committee is working on strategies to improve information that is made available on the website and department publications.</p> <p>The committee has met in smaller sub-groups to discuss the department brand strategy, boilerplate and other essential written information about the ACFD. The group is in the process of working on the content for a Frequently Asked Questions handout, an overview of the ACFD handout and additions to the ACFD social media pages and YouTube channel.</p>
11 Diversity	<p>The ACFD is committed to being an organization that reflects the communities we serve and integrates into these communities as members and not merely a resource to the community.</p>	<p>The committee is working to identify 10-15 diversity topics as agenda items for six department forums including Fire Department Reserves, Administration, Dispatch, and one for each shift (i.e., A, B, and C shift).</p> <p>The committee is in the process of editing through the diversity topics obtained from the work group and solidifying a neutral third party to facilitate department forums on diversity in the Fall of 2011.</p>

STRATEGIC INITIATIVE	DESCRIPTION	UPDATE
12 Finance: Revenue Enhancement	<p>The ACFD is committed to establishing and maintaining a progressive and measurable business plan that will ensure the established regional fire protection model provides an enhanced level of service and maximum cost savings to all communities served. The ACFD will be working with all our jurisdictions to establish priorities and strategies as they relate to revenue enhancement, cost reduction and allocation and capital replacement and planning.</p>	<p>The committee is working with staff to implement key partnerships and contracts for dispatching services and equipment.</p> <p>Paramedics Plus contract approved by the BOS. PP begins November 1, 2011. The station health care service model has been presented to the contract cities, EMOC and Fire Advisory Commission. Most of the ACFD jurisdictions would like to have a pilot program in its city.</p> <p>ACFD in the process of signing a contract with Emeryville for apparatus maintenance.</p> <p>No new update</p>
13 Finance: Maintaining/Reducing Expenditures	<p>The ACFD is committed to establishing and maintaining a progressive and measurable business plan that will ensure the established regional fire protection model provides an enhanced level of service and maximum cost savings to all communities served. The ACFD will be working with all our jurisdictions to establish priorities and strategies as they relate to revenue enhancement, cost reduction and allocation and capital replacement and planning.</p>	<p>The committee is working to benchmark existing expenditure levels by updating an actuarial analysis and programmatic expenditures.</p> <p>Completed GASB 45 study.</p> <p>No new update</p>
14 Long-Range Capital Improvement Plan	<p>The ACFD is committed to establishing and maintaining a progressive and measurable business plan that will ensure the established regional fire protection model provides an enhanced level of service and maximum cost savings to all communities served. The ACFD will be working with all our jurisdictions to establish priorities and strategies as they relate to revenue enhancement, cost reduction and allocation and capital replacement and planning.</p>	<p>Distributed CIP replacement schedule template.</p>
15 Policy Development and Decision Making	<p>The ACFD will continue to work with the Board of Directors, Executive Management Oversight Committee, Fire Advisory Commission and other stakeholders to ensure policy development and decision making for the ACFD results in the appropriate local control, operational effectiveness and cost containment necessary to sustain and grow the ACFD regional fire service delivery system.</p>	<p>Committee members continue to work on the development of Service Level Agreements with key County partners.</p>
16 Sustainability	<p>The Alameda County Fire Department will take a proactive approach to develop and implement strategies which contribute to energy conservation and environmental awareness by utilizing existing local, state, and federal policies and standards.</p>	<p>The committee has been able to work with PG&E wherein they will visit two fire stations and provide the Department with energy saving ideas. Additionally, the committee will be drafting energy-saving ideas that can be implemented by department members, for publication in the Chief's Quarterly Newsletter to the Department.</p> <p>There was a PG&E audit at Stations 24 and 25 4; reviewing the results of that audit.</p> <p>A presentation on solar technology has been scheduled for November 2011.</p>



OFFICE OF THE GOVERNOR

November 28, 2011

Paul Cappitelli
Executive Director
The Commission on Peace Officer
Standards and Training (POST)
1601 Alhambra Blvd.
Sacramento, CA 95816

Dear Mr. Cappitelli:

As I indicated to you in our conversation today, I am seriously concerned that the rules governing the use of force, in particular the use of pepper spray, are not well understood in the context of civil disobedience and various forms of public protest. The recent "occupation" protests in cities throughout California and on campuses of the University of California underscore the urgency of articulating guidelines that are crystal clear and comport with constitutional requirements.

In view of widespread public concern, I am requesting that POST carefully review its 2003 Crowd Management and Civil Disobedience Guidelines and, without delay, make whatever changes are necessary to ensure compliance with First and Fourth Amendment protections against excessive force.

Sincerely,


Edmund G. Brown Jr.