

**CITY COUNCIL MEETING
TUESDAY, APRIL 11, 2017**

DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA

Item #7 CONS 17-159

Agenda Questions and Answers

AGENDA QUESTIONS & ANSWERS

MEETING DATE: April 11, 2017

<p>Item 7 - Requested by CM Lamnin: <i>Adoption of a Resolution Authorizing the City Manager to Execute an Agreement with RRM Design Group to Prepare a Comprehensive Update to the City's Industrial District Regulations and Related Environmental Analysis for an Amount Not to Exceed \$225,000</i></p>	<p>Response from Development Services Director David Rizk :</p>
<p>7) Adoption of a Resolution Authorizing the City Manager to Execute an Agreement with RRM Design Group to Prepare a Comprehensive Update to the City's Industrial District Regulations and Related Environmental Analysis for an Amount Not to Exceed \$225,000</p> <p>For Agenda Item 7, how does an evaluation of traffic flow figure into developing the new regulations? I'm thinking about the number of traffic complaints we've received for this area, the impact of trucking on our roads, and similar items that may impact where clusters could be developed and/or impact on surrounding uses?</p>	<p>A representative from PW – Engineering and Transportation will be a member on the project advisory team as we are developing the regulations, so any known issues related to safety and truck routes will be considered, including related to where innovation cluster locations may be identified. In addition, traffic generation rates and roadway safety (for vehicles, trucks, pedestrians and bikes) will be reviewed through the CEQA process for the project.</p> <p>Ultimately, though, the Industrial District regulations Update project isn't really going to address truck routes and prioritization of various roadways for people vs. goods movement. That is going to be addressed through the Modal Priorities for Arterial and Major Collector Streets process, which will be done as one of the earliest recommended Complete Streets Strategy Initiative. Planning staff are participating on the Complete Streets Staff Project Team and will be aware of the plans in the works for that Council Initiative/Action Plan.</p>

PUBLIC COMMENTS

Jaman Brewster

From: Jaman.Brewster
Sent: Thursday, March 16, 2017 10:24 PM
To: Kelly McAdoo
Cc: List-Mayor-Council
Subject: RE: Help With Residential Issues

Kelly:

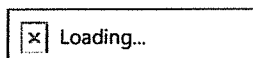
I addressed this correspondence to Mayor Halliday and The City Council, who engaged your office to look into my question and complaint. I have provided documentation of the Hayward Police's response. I am seeking answers from Mayor Halliday and The City Council. What are the city's laws and will they be enforced?

From: Kelly McAdoo
Sent: Thursday, March 16, 2017 8:24 PM
To: Jaman Brewster
Cc: List-Mayor-Council
Subject: RE: Help With Residential Issues

Thanks for letting me know – someone from the Police Dept should be contacting you soon. I apologize for the delay. There have been a couple other major incidents that the Department has been dealing with over the past week that has delayed their response.

Kelly

Kelly McAdoo
City Manager
City of Hayward | 777 B Street | Hayward, CA 94541
☎ Phone: 510.583.4305 | Fax: 510-583-3601 | * Email: kelly.mcadoo@hayward-ca.gov



From: Jaman Brewster [mailto:]
Sent: Thursday, March 16, 2017 4:41 PM
To: Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov>
Cc: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Re: Help With Residential Issues

Kelly:

I have not received a response.

On Mar 9, 2017, at 8:15 PM, Kelly McAdoo <Kelly.McAdoo@hayward-ca.gov> wrote:

Good evening Jaman-

I wanted to let you know that we have received your concerns. I have asked staff from the Police Department to look into these issues. Please let me know if you have not received an initial response by next week.

Thank you-
Kelly

Kelly McAdoo
City Manager
City of Hayward | [777 B Street | Hayward, CA 94541](#)
☎ Phone: [510.583.4305](tel:510.583.4305) | Fax: [510.583.3601](tel:510.583.3601) | * Email: kelly.mcadoo@hayward-ca.gov

<image002.png>

From: [Jaman.Brewster](#)
Sent: Wednesday, March 8, 2017 9:24 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Help With Residential Issues

Mayor Halliday and Hayward City Council:

My name is Jaman Brewster and I am a longtime Hayward resident. I live at 26539 Flamingo Ave. I am contacting you to find resolution for an on-going problem that I have been experiencing at my residence. I have attempted to contact the Police Department and also Traffic/Parking enforcement and my requests for assistance have been denied. I am a citizen of Hayward looking for assistance from my local government.

I have a set of neighbors who intentionally park their vehicles across my driveway restricting my ability use my garaged or driveway-parked vehicle as I please. I've called the Police Department and Traffic enforcement a few times over the past 10 years regarding similar occurrences. The Police are usually too slow to respond to take action. These neighbors know the Police response is slow and they will do nothing.

The latest incident occurred today, 3/8/17. I contacted the Police Department and was told that there is nothing they can do, except ask the neighbors to move and to tow them if they do not move the vehicle (Incident #2017-19675, Officers: 468, 306). Is it

true that the Police cannot cite or tow these vehicles? Article 4, Section 4.00 of The City of Hayward Traffic Code contradicts the explanation Officer 468 provided. What courses of action do I have?

This issue is very important to me. I will research your meeting schedule to find a date to present my issue to the Council if necessary. I will follow this issue to resolution through all actions available to me. I am asking for your help or a referral to a city department or official who can. I have attached three photos documenting the incident from today.

I look forward to your response. I can be reached via this email address, U.S. Mail, and by phone 510-

From: Jaman.Brewster
Sent: Wednesday, March 8, 2017 9:25 PM
To: List-Mayor-Council@hayward-ca.gov
Subject: Help With Residential Issues

Mayor Halliday and Hayward City Council:

My name is Jaman Brewster and I am a longtime Hayward resident. I live at 26539 Flamingo Ave. I am contacting you to find resolution for an on-going problem that I have been experiencing at my residence. I have attempted to contact the Police Department and also Traffic/Parking enforcement and my requests for assistance have been denied. I am a citizen of Hayward looking for assistance from my local government.

I have a set of neighbors who intentionally park their vehicles across my driveway restricting my ability use my garaged or driveway-parked vehicle as I please. I've called the Police Department and Traffic enforcement a few times over the past 10 years regarding similar occurrences. The Police are usually too slow to respond to take action. These neighbors know the Police response is slow and they will do nothing.

The latest incident occurred today, 3/8/17. I contacted the Police Department and was told that there is nothing they can do, except ask the neighbors to move and to tow them if they do not move the vehicle (Incident #2017-19675, Officers: 468, 306). Is it true that the Police cannot cite or tow these vehicles? Article 4, Section 4.00 of The City of Hayward Traffic Code contradicts the explanation Officer 468 provided. What courses of action do I have?

This issue is very important to me. I will research your meeting schedule to find a date to present my issue to the Council if necessary. I will follow this issue to resolution through all actions available to me. I am asking for your help or a referral to a city department or official who can. I have attached three photos documenting the incident from today.

I look forward to your response. I can be reached via this email address, U.S. Mail, and by phone 510-



6N86392

Hayward Police Department - Report Receipt

Records Bureau, 330 West Winston Ave., Hayward, CA 94541

CASE/ACCIDENT NUMBER 2017-19675 DATE 3/8
TYPE OF INCIDENT 22500 B
OFFICER/BADGE # NAJERA 468
REPORT TAKEN: ☒ YES 29
ADDITIONAL INFO _____

INSTRUCTIONS IF YOU ARE A CRIME VICTIM

You will need this information when you contact the Department, your insurance company and for tax purposes. To obtain a copy of your police report, visit the Records Bureau. To supply additional information concerning suspects, witnesses or victims call the non-emergency line at (510) 783-7272.

To report additional loss to a theft report:

1. Go to www.haywardpolice.net

2. Click the button that says "File a New Report"

3. Select "Theft" under "Type of Incident" and "Theft" under "Category"

4. Enter the "Case Number" as provided on the top of this receipt.



PUBLIC COMMENTS

Sarah Ismail

City of Hayward
777 B St, Hayward, CA 94541
(510) 583-4000

Tuesday April 11th, 2017

Dear City of Hayward Mayor Hon. Barbara Halliday, City Council Members, City Attorney, City Manager, and City Clerk,

Each day, new threats emerge from the 45th president to disrupt and destabilize immigrant communities. As working professionals in public health, we encourage the city of Hayward to adopt a sanctuary city policy that will support the health, humanity, and safety of everyone in the city.

There is no doubt that the immigration memorandums issued on Tuesday, February 21, 2017 and the following executive orders on border security and immigration by Mr. Donald J. Trump have already caused great harm and will cause further harm if they are not reversed. These directives are a direct attack on the civil liberties and health of immigrants and people of color residing in the United States. Now more than ever, we need to stand up for the most vulnerable people in our communities.

Increasing efforts to deport immigrants and to build the border wall with Mexico sends a clear signal: immigrants are not welcome here. Public health researchers document this impact with studies that find that these anti-immigrant policies dissuade immigrants and their families from seeking health care, discourage them from reporting crime to law enforcement, and cause stress from living in fear of losing members of your family. Yet the converse is also true: when we ensure that vital services are accessible, fair, and welcoming to all, health and wellbeing improves for everyone.

As Californians, we have a long history of advocating for and protecting the rights of immigrants and should continue to maintain this leadership. The country has looked to California as a leader in immigration policy and health. In the Bay Area, many cities including Alameda, Berkeley, Emeryville, Fremont, Oakland, Palo Alto, and San Francisco have stepped forward to uplift the voices of immigrants and their concerned neighbors, families and communities. We urge you to join them in standing up for health and human rights by adopting a sanctuary city policy. By doing so, you will send a powerful message that Hayward is steadfast in its commitment to fundamental principles of fairness, dignity, and respect for all people.

Thank you in advance for your support,

Public Health Justice Collective
publichealthjusticecollective@gmail.com
<https://www.facebook.com/groups/publichealthjusticecollective/>

A group of public health professionals in the SF Bay Area working to see that all people can live in healthy communities

PUBLIC COMMENTS

Leigh Davenport

The CalGang Criminal Intelligence System:

As the Result of Its Weak Oversight Structure, It Contains Questionable Information That May Violate Individuals' Privacy Rights

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HIGHLIGHTS

Our audit concerning the CalGang database and how law enforcement agencies (user agencies) have implemented requirements for adding juveniles to CalGang revealed the following:

- CalGang's current oversight structure does not ensure that user agencies collect and maintain criminal intelligence in a manner that does not invade individuals' privacy rights.
- The CalGang Executive Board and the California Gang Node Advisory Committee act without statutory authority, transparency, or meaningful opportunities for public engagement.
- The four user agencies we examined could not substantiate numerous CalGang entries they had made, demonstrating weaknesses in the processes for entering, evaluating, and auditing the data in CalGang.
 - Three user agencies were unable to adequately support that many of the groups they entered into CalGang met the criteria for inclusion.
 - All four user agencies lacked support for CalGang entry criteria suggesting they inappropriately included in CalGang 13 of the 100 individuals we reviewed.
 - More than 600 individuals in CalGang had purge dates extending beyond the five-year limit, many of which were not scheduled to be purged for more than 100 years.
- The user agencies have not fully implemented state law requiring notification to juveniles and their parents or guardians before adding the juveniles to CalGang.
- CalGang needs an oversight structure that better ensures that CalGang's information is reliable and that its users adhere to the requirements that protect individuals' rights.

Results in Brief

CalGang is a shared criminal intelligence system that law enforcement agencies (user agencies) throughout the State use voluntarily. User agencies enter information into CalGang on suspected gang members, including their names, associated gangs, and the information that led law enforcement officers to suspect they were gang members. User agencies have noted that CalGang's benefits include directing them to information about gang members' interactions with law enforcement officers throughout the State and facilitating cross-agency collaboration when investigating and prosecuting gang-related crimes. However, CalGang's weak leadership structure has been ineffective at ensuring that the information the user agencies enter is accurate and appropriate, thus lessening CalGang's effectiveness as a tool for fighting gang-related crimes. Further, the inaccurate data within CalGang may violate the privacy rights of individuals whose information appears in CalGang records but who do not actually meet the criteria for inclusion in the system.

Both the United States Constitution and the California Constitution recognize the right to privacy—the former implicitly and the latter explicitly. However, CalGang's current oversight structure does not ensure that user agencies collect and maintain criminal intelligence in a manner that preserves individuals' privacy rights. Specifically, although the California Department of Justice (Justice) funds a contract to maintain CalGang, the system is not established in state statute and consequently receives no state oversight. Instead, CalGang's user agencies elect their peers to serve as members of two entities—the CalGang Executive Board (board) and its technical subcommittee called the California Gang Node Advisory Committee (committee)—that oversee CalGang. These oversight entities function independently from the State and without transparency or meaningful opportunities for public engagement. When the committee and the board established CalGang's policies and procedures (CalGang policy), they asserted CalGang's voluntary compliance with two different standards: the criminal intelligence requirements in Title 28, Code of Federal Regulations, Part 23 (federal regulations) and Justice's *Model*

Standards and Procedures for Maintaining Criminal Intelligence Files and Criminal Intelligence Operational Activities, November 2007 (state guidelines)—which were promulgated to protect privacy and other constitutional rights. However, in practice, we found little evidence that the committee and the board have ensured that user agencies comply with either the federal regulations or the state guidelines.

A lack of adequate oversight likely contributed to the numerous instances we found in which the four user agencies we examined—the Los Angeles Police Department (Los Angeles), the Santa Ana Police Department (Santa Ana), the Santa Clara County Sheriff's Office (Santa Clara), and the Sonoma County Sheriff's Office (Sonoma)—could not substantiate CalGang entries they had made.¹ Specifically, Los Angeles, Santa Ana, and Sonoma, which add gangs to the system, were able to demonstrate that only one of the nine gangs we reviewed met the requirements of CalGang policy before entry; Santa Clara does not add gangs to the system. We also found that all four user agencies lacked adequate support for including 13 of the 100 individuals we reviewed in CalGang. Further, we reviewed more than 560 criteria related to these 100 individuals and determined that the user agencies lacked adequate support for 131, or 23 percent.

Our review uncovered numerous examples demonstrating weaknesses in the user agencies' approaches for entering information into CalGang. For example, Sonoma included a person in CalGang for allegedly admitting during his booking into county jail that he was a gang member and for being "arrested for an offense consistent with gang activity." However, the supporting files revealed that this person stated during his booking interview that he was *not* a member of a gang and that he preferred to be housed in the general jail population. Further, his arrest was for resisting arrest, an offense that has no apparent connection to gang activity.

Throughout our audit, law enforcement officials offered their perspective that inclusion in CalGang is of little impact to individuals because CalGang only points to source documentation. According to CalGang policy, information in the system itself should not be the basis of expert opinion or statement of fact in official reports, nor should it be used for any purposes unrelated to law enforcement, such as employment screenings. However, we found that these prohibitions are not always followed. In fact, our search of California appellate cases that included the terms *CalGang* or *gang database* uncovered at least four unpublished cases that referred to CalGang as support for expert opinions that individuals were or were not gang members. Further, three law enforcement agencies that responded to our statewide survey admitted to using CalGang for employment or military-related screenings. These instances emphasize that inclusion in CalGang has the potential to seriously affect an individual's life; therefore, each entry must be accurate and appropriate.

The four user agencies we reviewed might have been able to avoid making inappropriate CalGang entries had they fully followed the federal regulations and state guidelines that the committee and the board voluntarily adopted. For example, the state guidelines require supervisory reviews of all information for CalGang entries and annual reviews of all CalGang records to ensure their accuracy and relevance. However, we found that none of the four user agencies have the necessary processes in place to perform these reviews. Further, by requiring only minimal audits of the information in CalGang, the committee has limited its own accountability in ensuring that user agencies comply with the federal regulations and state guidelines. These self-administered audits review less than 1 percent of CalGang's total records. The committee does not document the audit results, which CalGang administrators present orally at committee meetings. The limited nature of these audits is especially concerning because they are the committee's only oversight tool, yet they are not robust enough to ensure that user agencies are maintaining valid and accurate criminal intelligence records, adhering to security protocols, and upholding individuals' rights to privacy.

In addition to the errors we found in the 100 records we reviewed, our use of an electronic analysis of all CalGang records uncovered a number of problems that highlight the importance of both supervisory and ongoing reviews of CalGang information. For example, we found 42 individuals in CalGang who were supposedly younger than one year of age at the time of entry—28 of whom were entered for "admitting to being gang members." We also found a significant number of individuals with illogical record purge dates—the dates by which the individuals' records must be deleted from CalGang. Mirroring the federal regulations, CalGang policy requires that individuals' records be purged five years after their dates of entry unless user agencies have entered subsequent criteria which resets the five-year period. Nevertheless, we found more than 600 individuals with purge dates that were well beyond the five year limit; in fact, more than 250 individuals in CalGang had purge dates more than 100 years in the future. By failing to review information before and after its entry into CalGang, the committee and user agencies diminish the system's crime-fighting value and do not adequately protect the privacy of those who have been entered into the system.

Further, the user agencies we reviewed have not fully implemented a state law that took effect in January 2014 that generally requires law enforcement agencies to notify juveniles and their parents or guardians (parents) before adding the juveniles to a shared gang database such as CalGang. As a result, many juveniles and their parents were not afforded the right to contest the juveniles' gang designations. Los Angeles and Santa Ana continued to add juveniles to CalGang after January 2014, but these two user agencies failed to provide proper notification for more than 70 percent of the 129 juvenile records we reviewed. Further, the two agencies did not provide the juveniles and parents who were sent notices with enough information to reasonably contest the juveniles' gang designations. Possibly as a result of insufficient information, we found that few juveniles or parents have contested juveniles' inclusion in CalGang. The other two user agencies we reviewed—Santa Clara and Sonoma—did not add juveniles to CalGang once the notification law took effect.

Because of its potential to enhance public safety, CalGang needs an oversight structure that better ensures that the information entered into it is reliable and that its users adhere to requirements that protect individuals' rights. To this end, we believe the Legislature should adopt state law that specifies that CalGang, or any equivalent statewide shared gang database, must operate under defined requirements that include the federal regulations and key safeguards from the state guidelines, such as supervisory and periodic record reviews. Further, we believe the Legislature should assign Justice the responsibility for overseeing CalGang and for ensuring that the law enforcement agencies that use CalGang comply with the requirements. Establishing Justice as a centralized oversight entity responsible for determining best practices and holding user agencies accountable for implementing such practices will help ensure CalGang's accuracy and safeguard individuals' privacy protection. Moreover, we recommend that the Legislature create a technical advisory committee to provide Justice with information about database best practices, usage, and needs to ensure that CalGang remains a useful law enforcement tool. Figure 6 illustrates what, in our view, would be a stronger oversight structure for CalGang.

Recommendations

The Legislature

To ensure that CalGang, or any equivalent statewide shared gang database, has an oversight structure that supports accountability for proper database use and for protecting individuals' rights, the Legislature should do the following:

- Designate Justice as the state agency responsible for administering and overseeing CalGang or any equivalent statewide shared gang database.
- Require that CalGang or any equivalent statewide shared gang database adhere to federal regulations and relevant safeguards from the state guidelines.
- Specify that Justice's oversight responsibilities include developing and implementing standardized periodic training as well as conducting—or hiring an external entity to conduct—periodic audits of CalGang or any equivalent statewide shared gang database.

To promote public participation in key issues that may affect California's citizens and help ensure consistency in the use of any shared gang database, the Legislature should require Justice to interpret and implement shared gang database requirements through the regulatory process. This process should include public hearings and should address the following:

- Adopting requirements for entering and reviewing gang designations.
- Specifying how user agencies will operate any statewide shared gang database, including requiring the agencies to implement supervisory review procedures and regular record reviews.
- Standardizing practices for user agencies to adhere to the State's juvenile notification requirements, including guidelines for documenting and communicating the bases for juveniles' gang designations.

To ensure transparency, the Legislature should require Justice to publish an annual report with key shared gang database statistics—such as the number of individuals added to and removed from the database—and summary results from periodic audits conducted by Justice or an external entity. Further, the Legislature should require Justice to invite and assess public comments following the report's release. Subsequent annual reports should summarize any public comments Justice received and actions it took in response.

To help ensure that Justice has the technical information it needs to make certain that CalGang or any equivalent shared gang database remains an important law enforcement tool, the Legislature should establish a technical advisory committee to advise Justice about database use, database needs, database protection, and any necessary updates to policies and procedures.

Justice

As the Legislature considers creating a public program for shared gang database oversight and accountability, Justice should guide the board and the committee to identify and address the shortcomings that exist in CalGang's current operations and oversight. The guidance Justice provides to the board and the committee should address, but not be limited to, the following areas:

- Developing best practices based on the requirements stated in the federal regulations, the state guidelines and state law, and advising user agencies on the implementation of those practices by June 30, 2017.
- Instructing user agencies to complete a comprehensive review of all the gangs documented in CalGang to determine if they meet the necessary requirements for inclusion and to purge from CalGang any groups that do not meet the requirements. Justice should guide the board and the committee to ensure that user agencies complete this review in phases, with the final phase completed by June 30, 2018.
- Instructing user agencies to complete a comprehensive review of the records in CalGang to determine if the user agencies have adequate support for the criteria associated with all the individuals they have entered as gang members. If the user agencies do not have adequate support, they should immediately purge the criteria—and, if necessary, the individuals—from CalGang. In addition, the user agencies should ensure that all the fields in each CalGang record are accurate. Justice should guide the board and the committee to ensure that user agencies complete this review in phases, with the final phase completed by September 30, 2019.

To promote transparency and hold the board, the committee, and user agencies accountable for implementing and adhering to criminal intelligence safeguards, Justice should post quarterly reports on its website beginning June 30, 2017, that summarize how it has guided the board and the committee to implement and adhere to criminal intelligence safeguards; the progress the board, the committee, and the user agencies have made in implementing and adhering to these safeguards; the steps these entities still must take to implement these safeguards; and any barriers to the board's and the committee's success.

To promote transparency and encourage public participation in CalGang's meetings, Justice should post summary audit results, meeting agendas, and meeting minutes to its website, unless doing so would compromise criminal intelligence information or other information that must be shielded from public release.

Law Enforcement Agencies

Until they receive further direction from the board, the committee, or Justice, the law enforcement agencies we reviewed—Los Angeles, Santa Ana, Santa Clara, and Sonoma—should address the specific deficiencies we found by taking the following actions:

- Begin reviewing the gangs they have entered into CalGang to ensure the gangs meet reasonable suspicion requirements. They should also begin reviewing the gang members they have entered into CalGang to ensure the existence of proper support for each criterion. They should purge from CalGang any records for gangs or gang members that do not meet the criteria for entry. Individuals who are independent from the ongoing administration and use of CalGang should lead this review.
- Develop or modify as necessary, and fully implement by March 31, 2017, all their policies and procedures related to CalGang to ensure they align with state law, CalGang policy, the federal regulations, and the state guidelines.

Agency Comments

Justice responded to the audit stating that it agreed with all of the recommendations. Justice expressed that it will work with the board and the committee in various capacities to implement the recommendations. However, Justice stated that it

believes it needs express authority and additional resources from the Legislature to assume oversight of CalGang.

Los Angeles, Santa Ana and Santa Clara all indicated that they agreed with the recommendations and would take the steps necessary to implement them.

Sonoma disagreed with the audit's findings and took exception to the criteria the audit relied upon. Sonoma stated that it believes it has met or exceeded the statutory guidelines for administering a model criminal intelligence system. Sonoma also stated that if it follows the report's recommendations it will be forced to stop operating as a node administrative agency.

¹ Because multiple law enforcement agencies can add information to a gang member's CalGang record, some of the deficiencies we found relate to information other law enforcement agencies added to these CalGang records.

- [View this entire report in Adobe Portable Document Format \(PDF\)](#)
- Agencies/Departments Related to This Report:
 - [Justice, Department of](#)
 - [Legislature](#)
 - [Los Angeles Police Department](#)
 - [Santa Ana Police Department](#)
 - [Santa Clara County Sheriff's Office](#)
 - [Sonoma County Sheriff's Office](#)
- [Return to the home page of the California State Auditor](#)

PUBLIC COMMENTS

Charlie Peters



Clean Air Performance Professionals

April 6, 2017

Senator Jim Beall
State Capitol, Room 5066
Sacramento, CA 95814
Phone: (916) 651-4015
Fax: (916) 651-4915

Dear Senator Beall,

Re: California Needs an Ethanol Wavier Now!

Today there is a mandate for 10% of all fuel for use in transportation vehicles to be an oxygenated fuel source. Ethanol is currently the main product being used in cars and light duty trucks and was sold at the moment on the premise that including ethanol would not only be a renewable energy resource but would also reduce the greenhouse gas emissions. In addition, there was an interest in decreasing our dependence on foreign oil and increasing our ability to create an energy independent marketplace with U.S. derived resources.

However, the reality is we have increased our fossil fuel usage due to the introduction of ethanol which uses more fossil fuel to the fuel mix because you degrade the quality of the fuel product which causes more fuel to be used for the same miles driven. Since this in turn increases the amount of fuel required for the same miles driven you are in effect increasing the amount of green house gases generated.

To accommodate this degradation in fuel economy with the introduction of ethanol a new mandate was created directing the vehicle manufacturers to

increase the fuel economy in miles per gallon to the consumer market. In other words, a technological remedy is required to off-set the policy of using oxygenated fuels.

There is money being generated in the purchase of a higher priced product at the fuel pump that is intended to be used for road maintenance. Because oxygenated fuel is higher priced than non-oxygenated fuel there is more funds being collected than would normally be collected just based on the product cost. As a result, the consumer is spending more money on fuel and taxes without the ability to participate in the policy making process.

What we have currently in place is a pending collision of public policy, corporate interests, environmental demands and the ability of the consumer to participate in a viable sustainable transportation system.

There are questions being raised regarding an alternative outcome. Is it possible to provide for a lowering of greenhouse gases, better performance and mileage for consumers and the ability to provide for funding of road maintenance?

By empowering public policy strategist, it may be possible to create a testing area such as the Caldecott tunnel where emission measurements could be collected to see if an ethanol waiver could in fact accomplish the reduction of greenhouse gas emissions. It is already acknowledged that non-oxygenated fuel provides for better gas mileage so by performing this test it may show the attainment of two of the three critical criteria, better emissions and better mileage.

The funding for road maintenance can be generated by demonstrating a measurable and quantifiable reduction of greenhouse gases at the test site and using those generated credits exclusively for road maintenance.

Respectfully submitted,



Charlie Peters

Clean Air Performance Professionals

21860 Main Street, Ste A

Hayward, California 94541

510-537-1796

cappcharlie@earthlink.net

cc: interested parties

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net



Clean Air Performance Professionals

March 11, 2017

Brian Kelly, Secretary
Business & Transportation Agency
980 9th Street, Suite 2450
Sacramento, CA 95814-2719
916-323-5400 / FAX: 916-323-5440

Dear Secretary Kelly,

Re: Vehicles that are Covered by California Emissions Performance Warranty

Currently there is information available regarding what is covered by an emissions performance warranty including the vehicle under hood label which is a 15yr 150,000 mile performance warranty in the event the check engine light is on. The under hood label is the primary accepted information source.

Here is the Air Resources Board (ARB) posted document outlining the areas covered and the time and mileage requirements.

PZEV ARB

In practice if a customer comes in with a check engine light on to the dealer, they are charged a diagnostic fee for analysis and in addition they are then charged for any repair parts and labor for all or part of the required repair to address the check

engine light. This is part of the agreement between the Air Resources Board and the Manufacturer which should be covered by the performance warranty.

Customers are required to provide a letter from the manufacturer refusing to fix their car without charge in order for their complaint to be acted upon by the Air Resources Board who manages the manufacturer warranty program.

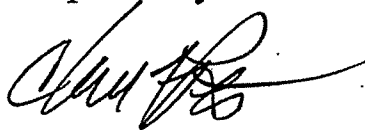
The Bureau of Automotive Repair (BAR) has stated that this is not in their jurisdiction but are willing to consider the complaint.

It is likely that cars under warranty that have customers paying for repairs that should be covered is significant.

The desired outcome is the creation of an audit for compliance of the diagnostic and repair warranty program.

Under this audit program cars in the market that fail could go to the referee who verifies the fail as a candidate for warranty coverage. They can then be asked to be used for the auditing process program. They are directed to the dealer as an undercover vehicle to evaluate warranty compliance. Cars repaired correctly are provided back to the customer, those that are aren't are addressed with the dealer at that time for possible additional evaluations to successfully complete the warranty service. A conversation for those times where further evaluation is required is initiated looking for ways to improve the over all process. Customers who's vehicles are used for this purpose are provided with a daily rental vehicle while their car is out of service.

Respectfully submitted,



Charlie Peters
Clean Air Performance Professionals
21860 Main Street Ste "A"
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(510) 537-1796
cappcharlie@earthlink.net

cc: interested parties

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Clean Air Performance Professionals

21860 Main Street Ste A
Hayward, California 94541

Sunday, March 5, 2017

Dean Grafilo / Director
Department of Consumer Affairs
(916) 574-8200 / 8613 :fax

RE: Health and Safety Article 6 Public Information program 44070

Dear Director Grafilo,

Congratulations on your Appointment By The Honorable Governor Jerry Brown.

Can you honor me by arranging a meeting about consumer interest?

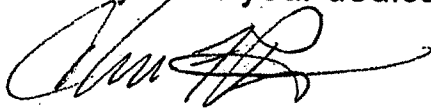
I'm confused by what looks like no interest in consumer protection by your office.

Has any progress on this important issue become available for public review?

Small green business jobs and government regulator value has been expanding public interest over this past decade.

It is time for expanded conversation?

Thank you for your dedicated attention to the details of an improved California.



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BAR SUNSET REVIEW

BAR field offices, is it time for improved Smog Check Performance?

Draft Copy, Charlie Peters, CAPP, March 8, 2014

Money to repair not scrap, and.....

How about a car at the referee that fails being refereed back to the Smog Check provider after the fail fault has been determined, for further action, without any instructions on fault analysis?

The BAR and the owner just ask the service and repair provider if the referee failed car should be provided with further opportunity to repair?

Can a historical 50% repair performance result be improved to 80%, 30% performance improvement?

A BAR previous motorist Smog Check partnership resulted in all failed cars that received further voluntary repair passed at the next referee inspection every time. Every time.

W. Edwards Deming audit Total Quality Management (TQM) reviews changed Japan to the #1 performing mfg. country in the world in 4 years flat.

About 1980 Ford, IBM, Harley-Davidson etc., etc. with W. Edwards Deming contributions made large progress in cost, quality & profit results.

Central Valley free inspection and repair program might prove an interesting audit study.

Who is Awet Kidane?

Can PZEV Smog Check failed car perform @ over 80% pass rate after repair, two years after previous test fail result? 2,000,000 PZEV's have been produced so far.

Data from BAR Chief Patrick Dorais United Parcel Service (UPS) performance study about 1995 might prove interesting. 90% fail became about 90% pass. Initial test result performance improvement without any factors other than a quality audit.

Union, licensed Smog Check providers at the start and no Smog Check license after 1 year. Just a little of the TQM methods.

Keith Smith, TQM guru, ask the Inspection and Maintenance Review Committee (IMRC) about improved Smog Check oversight methods at the only meeting held in the State Capitol.

Mike Vanderlaan, the UPS study manager, also ask IMRC if the committee would support the Deming method.

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