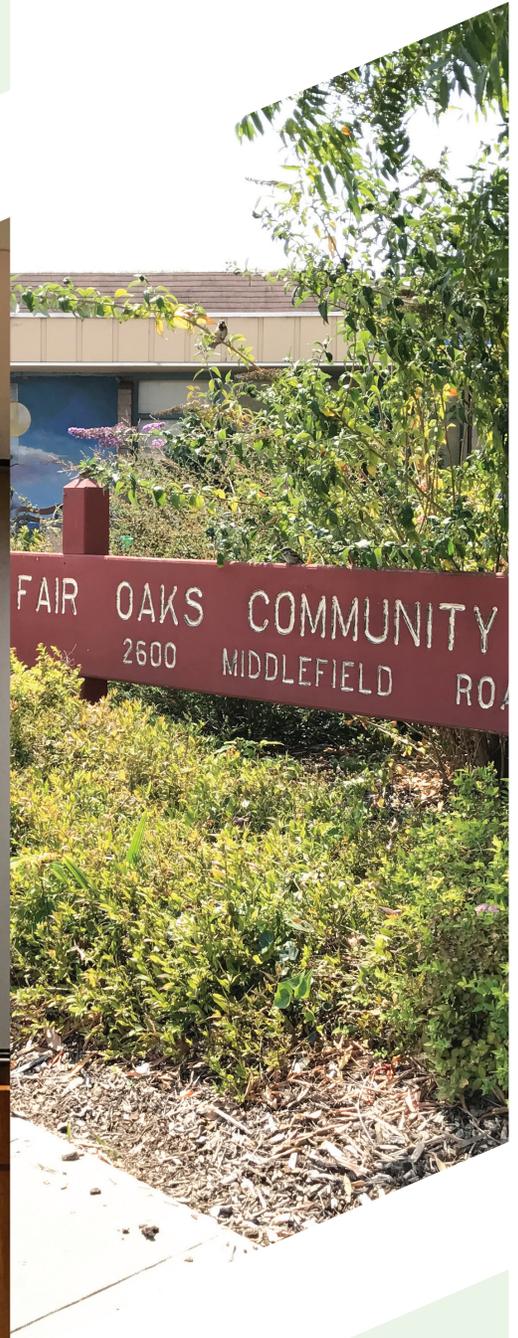


TOWARD EMPOWERMENT

Community Representation &
Governance in San Mateo County



January 2018

By Brightline Defense

Toward Empowerment

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BACKGROUND

For the past year, Brightline has been analyzing the shared needs of three communities in San Mateo County: East Palo Alto, Belle Haven, and North Fair Oaks. For decades, these three communities have experienced higher rates of unemployment, public health problems, political underrepresentation, and lower educational attainment than San Mateo County and California as a whole. While other communities in need exist in San Mateo County, these three adjacent communities have unique governance and representation challenges, and each community is currently “ground zero” for escalating displacement.

This report is divided into four parts. The first section describes the communities of East Palo Alto, North Fair Oaks, and Belle Haven and compares them to San Mateo County. It also describes the most pressing needs facing those communities. The second section describes the municipal governance structures of each community and illustrates how those structures empower or disenfranchise local residents. The third section focuses on several major policy areas such as immigration, housing, and transportation, and analyzes how each community’s governance structure enables or hinders equity goals. The fourth and final section of this paper outlines current efforts to achieve policy changes in the communities, identifies areas and topics that need further work, and lays out recommendations for potential changes in governance.

This report is intended for multiple different audiences within San Mateo County. Drawing upon over a dozen in-depth conversations from community leaders and government officials, this report connects the very different threads of governance within East Palo Alto, North Fair Oaks, and Belle Haven. As a result, this report helps to deepen the understanding of community-based organizations, elected officials, and local residents about how larger institutions and government representation affect local policy issues, including immigration, housing, transportation, and beyond.

ABOUT BRIGHTLINE

Brightline is a public policy organization that promotes sustainability in underserved communities by blending policy and legal skill sets. Brightline’s team is composed of legal experts, policy advocates, communication specialists, community organizers, and volunteers to empower traditionally underserved communities in the San Francisco Bay Area and beyond. This report is the culmination of 10 months of on-the-ground research, analysis, and writing about three communities within San Mateo County.

WHY LOCAL GOVERNANCE STRUCTURES MATTER

Municipal governance structures affect local communities in three particular ways. First, whether a community lies in an incorporated or unincorporated area determines whether it will have its own representative body at all; while incorporated cities have a city council, unincorporated areas are governed by their county board of supervisors. Second, the type of local election—district or at-large—also affects a community’s level of representation at the local, regional, and state levels. Finally, the existence of a “strong mayoral” instead of a “weak mayoral” system can impact implementation and consideration of policy preferences of local communities.

Cities offer greater opportunities for community representation than unincorporated communities, which tend to be underserved and underrepresented.

All Californians live in either a city or an unincorporated community. When a city incorporates, it becomes a self-governing unit led by a city council. The city council can pass ordinances and enact policies for the benefit of the city's residents, though they are still subject to state and federal laws.¹ Since unincorporated communities are not cities, and therefore do not have a city council, they are governed directly by their county board of supervisors.² There are a number of drawbacks to living in an unincorporated community, largely due to the fact that residents of unincorporated communities do not have city council representatives who can promote policies that serve their interests.

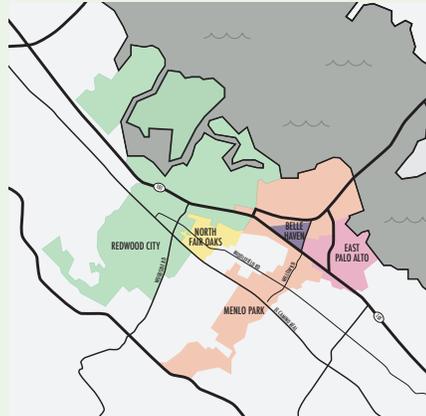
A lack of representation combined with socioeconomic factors has often led to the neglect of unincorporated communities by the counties that govern them.³ Unincorporated communities tend to be lower-income and have a higher number of people of color than incorporated cities.⁴ They also often lack access to basic services, as many counties are unequipped to deal with developing much-needed infrastructure for unincorporated communities.⁵ This problem is exacerbated as counties do not have the same broad revenue-raising powers that cities enjoy.⁶ Unincorporated communities are also politically underrepresented. Though a county board of supervisors represents the interests of its unincorporated communities, it must also consider the needs of residents and political leaders of its incorporated cities. Thus, the interests of incorporated cities are doubly represented—at the city and county level—while those of unincorporated communities have only one avenue for representation.

Incorporation, which is the process of turning an unincorporated community into a city, has many benefits. Residents of an incorporated city have a single body—the city council—dedicated to serving and prioritizing their interests. Belonging to a city and being represented by city-level elected officials can also make a community more visible at the regional and state level, since cities can elect representatives in regional and state planning bodies while unincorporated communities usually cannot. Though unincorporated areas do not have local representation, many of them have municipal advisory councils which provide a forum for community members to provide feedback on community needs and county-enacted policies that affect them.

A county's board of supervisors has the discretion to establish a municipal advisory council for unincorporated areas and to determine the advisory council's powers and duties.⁷ Advisory councils provide several benefits to the communities they represent and to the counties that oversee them. First, advisory councils increase community visibility and communicate the community's priorities to county staff.⁸ Second, they help build consensus among community members, since residents are more likely to participate at the neighborhood level and more likely to express their views candidly.⁹ This results in the community being able to present a single voice to boards of supervisors, and having a single and united platform may yield better results than a fragmented community voice.¹⁰

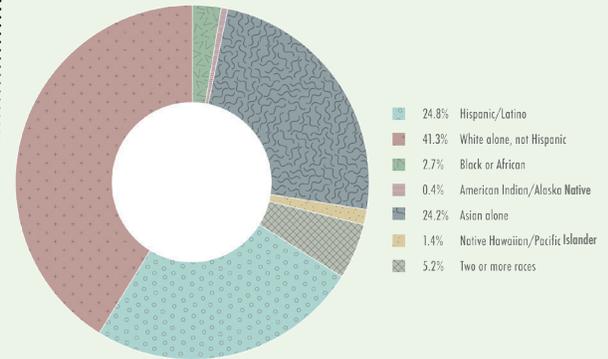
Advisory councils also help counties save money by gathering information about the community's needs, an effort county officials could not expend without many hours and a large amount of funds.¹¹ Furthermore, the councils may end up unofficially assuming some of the duties of county staff, including independently promoting commercial development because of their strong desire to benefit

SNAPSHOT OF SAN MATEO COUNTY

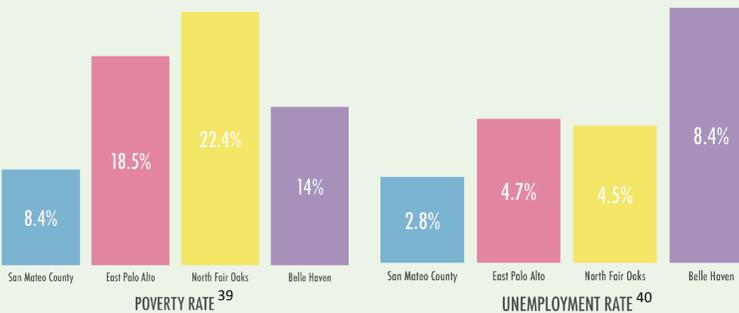


Location of San Mateo County and the communities

SAN MATEO COUNTY RACIAL COMPOSITION



As illustrated by this snapshot, the three communities of East Palo Alto, Belle Haven, and North Fair Oaks are not only close to one another in terms of geography, but they also have large communities of color with relatively high levels of unemployment and poverty for San Mateo County. However, each community differs in terms of governance and size: East Palo Alto is an incorporated city, Belle Haven is a neighborhood within the City of Menlo Park, and North Fair Oaks is an unincorporated community governed by the county.



As evidenced by the charts above, the three communities have higher rates of poverty and unemployment when compared with the county. Additionally, the communities have a lower percentage of people aged 25 and older with a bachelor's degree or higher. The county has 45.6% of those 25 and older with a B.A.; East Palo Alto, 16.7%; North Fair Oaks, 25.3%; and Belle Haven, 13.3%.⁴¹

GOVERNANCE STRUCTURES OF SAN MATEO COUNTY



the community.¹² In addition, supervisors may run policies by advisory councils before attempting to implement them, allowing supervisors to gauge how the community would respond to a particular policy.¹³ By providing council members with these experiences, advisory councils also help develop local leadership, which is necessary for incorporation efforts to succeed if the community wishes to pursue this path.¹⁴

Historically, many advisory councils were created “as a preliminary step toward eventual incorporation[,]” though other areas lent themselves toward annexation due to being an “island” of unincorporated area in the middle of a city.¹⁵ Although advisory councils can make recommendations to the county, they do not have policymaking powers or a voice in regional planning. Incorporation would solve this issue while also allowing communities to retain their identity, which may explain why many unincorporated communities like East Palo Alto followed this path.

However, incorporation is not always an easy process. Since the city will be responsible for providing services to its residents, incorporation without sufficient revenue can lead to deficient services or municipal bankruptcy; therefore, a city that wishes to incorporate must first have a sufficient tax base. Without a strong sense of community identity, a community seeking incorporation may also lack the important momentum and community engagement needed for the incorporation process.

District elections at the city level allow for greater representation of underserved voices.

Within cities, the manner in which representatives are elected can have a significant impact on how well a particular community’s interests are heard at the local level. The two major kinds of municipal elections are district and at-large. In a city with at-large elections, each city council member represents the interests of the entire city, since council members are elected by city residents at large. In a city with district elections, the city is divided into several districts, each of which votes for its own council member who will represent their interests.

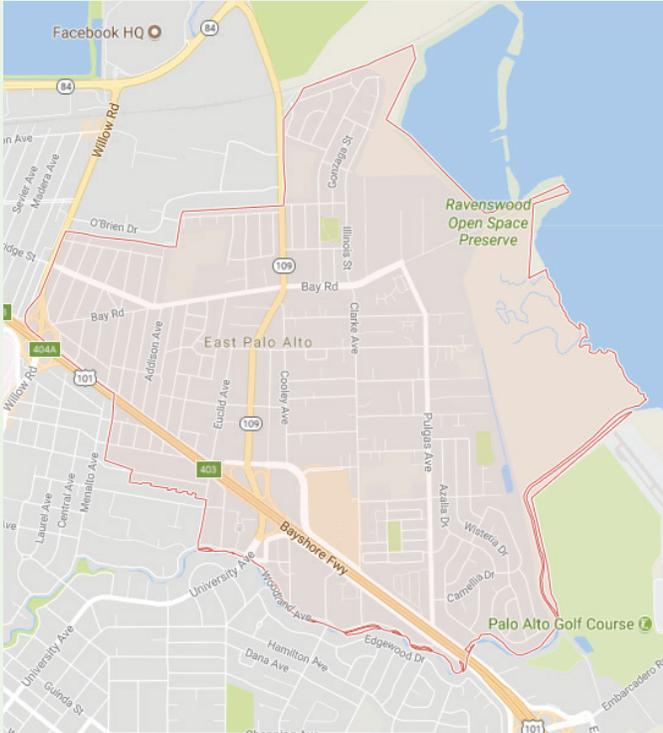
Although the ratio of at-large to district elections has been changing in the past few years, most municipalities throughout the United States use at-large elections.¹⁶ Proponents of at-large voting claim that it has several potential benefits: a larger candidate pool allows for more potential qualified candidates, and council members can be “more impartial” by rising above the limited perspective of a single district and instead serving the entire city.¹⁷ Proponents also claim that at-large elections may prevent competition between districts for city resources, when district officials prioritize policies that benefit their particular district instead of the city as a whole.¹⁸ But at-large elections can diminish representative power for people of color, especially those who are geographically concentrated, since

IDENTIFYING COMMUNITIES IN NEED:

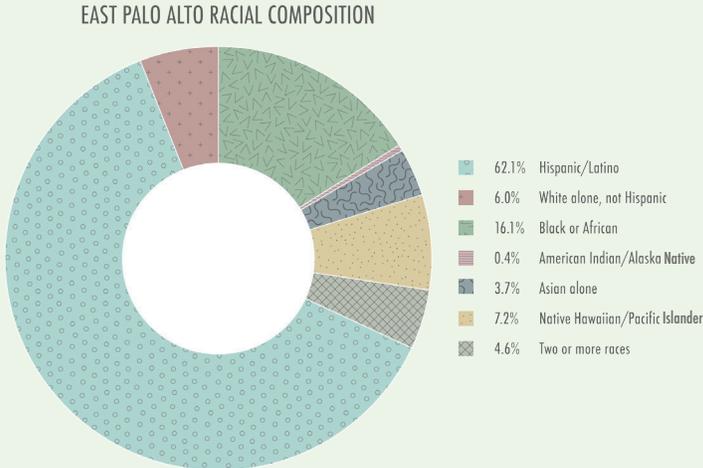
This report is hardly the first to note that all three communities are especially in need of greater public investment. For example, the Metropolitan Transportation Commission, which uses eight socioeconomic variables to identify “Communities of Concern” within the Bay Area, has designated all of East Palo Alto and Belle Haven and most of North Fair Oaks as Communities of Concern.⁴²

(See Appendix A of this report for details.)

SNAPSHOT OF EAST PALO ALTO



Map of East Palo Alto, Google Maps



East Palo Alto has a City Council consisting of a mayor, vice mayor, and three council members.⁴³ The elected five-member City Council appoints the mayor and vice mayor from within the council.⁴⁴ City Council members serve four-year terms while the mayor and vice mayor each serve one-year terms.⁴⁵ The City of East Palo Alto also has a city manager, who is appointed by the City Council and oversees the daily operations of the city.⁴⁶

East Palo Alto was incorporated in 1983. See page 20 for details on East Palo Alto's incorporation process.



- **Governance Structure:** East Palo Alto is an incorporated city.
- **Type of Election:** East Palo Alto holds at-large elections.
- **Weak/Strong Mayor:** East Palo Alto is a “weak mayoral” city.

racial minority groups cannot garner sufficient voting power to elect a council member in an at-large election.¹⁹

On the other hand, district elections provide all groups, especially racial minority groups, with stronger representation at the municipal level. Since district council members are accountable to their particular district, they tend to be more responsive to community needs.²⁰ This responsiveness begins during the election process, where candidates must focus their campaign on the district they plan to serve and develop platforms that best represent the district.²¹ Some jurisdictions that have switched to district elections have observed higher voter turnout.²² This is likely due to the closer ties between candidates and their electorate. Additionally, courts throughout California have found that district elections can ensure the interests of racial and ethnic minorities are better represented at the city or county level.²³

A strong mayoral structure can be helpful for implementing novel, progressive policies.

A city's governance structure can impact passage of policies that challenge the status quo. Cities in California have either a "weak mayoral" or "strong mayoral" structure, with the former structure being more common.²⁴ A city with a weak mayor, also known as a council-manager structure, has both a city manager and a mayor in addition to members of the city council.²⁵ In this system, the city manager is

LITIGATION PROCESS OF THE CVRA

The California Voting Rights Act of 2001 (CVRA) allows any voter who is a member of a protected class to file a lawsuit challenging an at-large election system, regardless of whether the city is a general law city or charter city. A "protected class" is defined as a member of a race, color, or language minority group. At-large voting systems may be challenged for diluting the voting rights of protected class members.

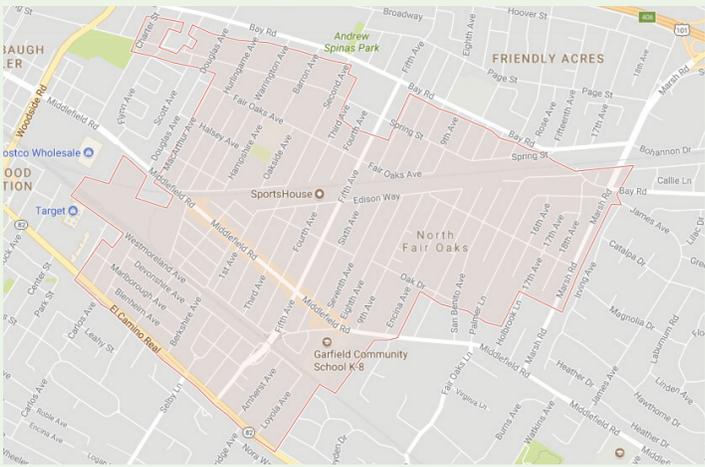
If a court finds that an at-large system violates the CVRA, the court may remedy the violation by imposing district-based elections. Additionally, if the challenger of the at-large system prevails, it is entitled to reasonable attorney's fees. Due to this financial downside, some cities have adopted ordinances requiring district elections rather than waiting until a lawsuit.

appointed by the city council and holds all the powers traditionally vested in the executive office, such as the authority to appoint and remove department heads.²⁶

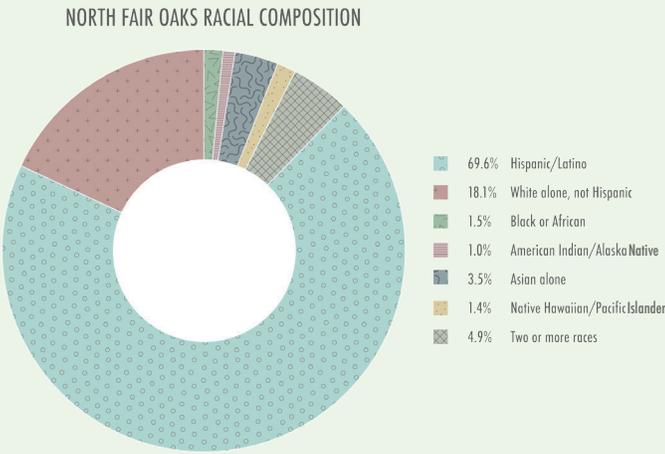
The mayor is either picked from the city council members or elected from the general populace, and has the same duties and powers as other council members in addition to playing a largely ceremonial role limited to presiding over city council meetings.²⁷ Arguably, the "weak mayoral" structure may promote effective management of the city because the city manager is, theoretically, appointed based on qualifications and not on charisma as an elected mayor might be.²⁸ The decentralized power structure of this system may also result in a more bureaucratic style of governance.²⁹

In comparison, though charter cities may have a council-manager or "weak mayoral" system, they can also implement a "strong mayoral" structure.³⁰ A strong mayor is responsible for overseeing daily operations and has the executive power to appoint and remove department heads and to veto ordinances.³¹ This "strong mayor" system may increase accountability because residents can easily identify the major decision-maker behind particular policies.³² In addition, a strong mayor can serve as a

SNAPSHOT OF NORTH FAIR OAKS



Map of North Fair Oaks, Google Maps



North Fair Oaks Community Council

- **Governance Structure:** North Fair Oaks is an unincorporated community located in San Mateo County’s District 4.
- **Type of Election:** As an unincorporated community, North Fair Oaks does not hold city-level elections. North Fair Oaks is governed by the San Mateo County board of supervisors, whose members are elected by district elections. Though North Fair Oaks has a community council, its members are appointed by the county board of supervisors, rather than elected by the community.
- **Weak/Strong Mayor:** As an unincorporated area, North Fair Oaks does not have a mayor or city council. But Warren Slocum is the elected supervisor who oversees District 4 of San Mateo County. District 4 encompasses North Fair Oaks, East Palo Alto, parts of Menlo Park including Belle Haven, and parts of Redwood City.

Identity in Infrastructure: Currently, mailing addresses in North Fair Oaks are actually designated as “Redwood City” and cause confusion among residents and visitors from the surrounding cities of Redwood City, Menlo Park, and Atherton.⁵³ Many people are subsequently unaware that North Fair Oaks is its own community, and some residents characterize the community as an “entity without an identity.”⁵⁴ In 2015, four entry signs were installed to create more visibility for the community.⁵⁵



coalition builder to avoid stalemates that may result in weak mayoral systems where council members compete for resources.³³ Perhaps most importantly, a strong mayor with a sustained vision can reshape the status quo.³⁴

But a “strong mayoral” structure may be more susceptible to special interest groups if they decide to focus on and influence the mayor instead of several city councilmembers.³⁵ Additionally, a strong mayor may be tempted to appoint department heads based solely on an applicant’s support for the mayor during the election.³⁶ Another criticism is that a “strong mayoral” structure requires council members to relinquish power and subsequently results in less opportunity for neighborhoods to influence the policymaking process.³⁷

Both forms of government, the council-manager and strong mayor, have strengths and drawbacks, so which structure most benefits a particular city may depend on the needs of that city. In addition, the “strong mayoral” option is available only to charter cities, which explains why general law cities have a council-manager form, as it is the only option available to them.³⁸

Improved representation and local governance can facilitate equitable policy outcomes.

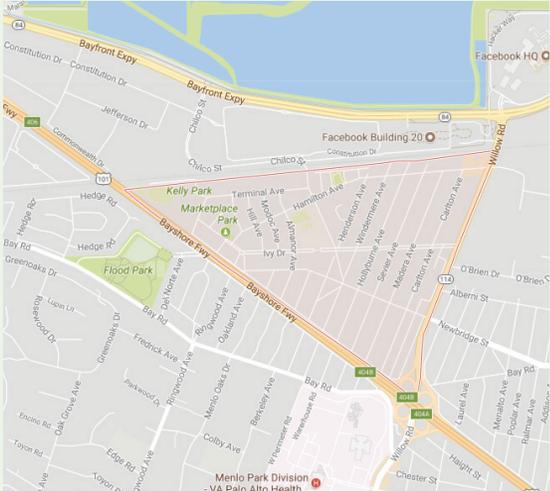
Local governance constitutes an important venue for communities to voice their needs. One major way to empower residents of the three communities is to ensure that their voices are heard at the government level. Local governments shape general plans and participate in regional planning agencies to develop policies in the areas that affect communities the most. While community groups are powerful agents of change, improved representation amplifies the voice of communities to shape policies from their inception to their implementation.

THE VALUE OF CITY AGENCIES IMPLEMENTING POLICY

After passage through a legislative body, policy often relies on the committed implementation of government agencies and departments. For instance, San Francisco’s landmark Local Hiring Policy for Construction would not have been successful without the commitment of Mayor Ed Lee, who directed the city’s six key contracting departments to implement mandatory local hiring instead of the usual “good-faith efforts.” This policy has exceeded its mandatory local hiring requirements and has created thousands of good-paying jobs for local residents.

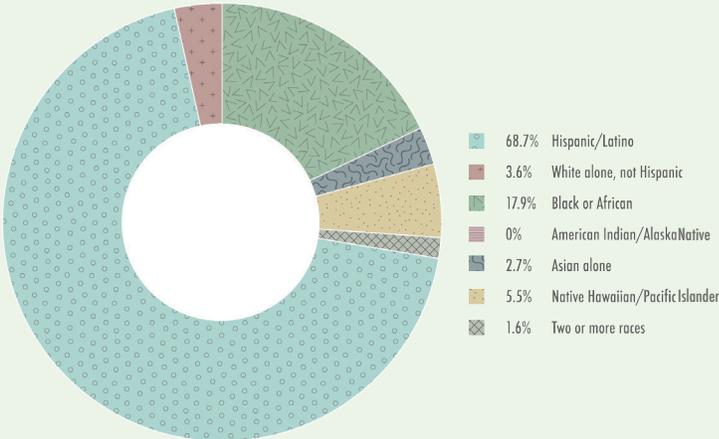
There are two major obstacles to carrying out collaborative campaigns across San Mateo County: different communities have varying degrees of representation at the local level, and many simultaneous projects need adequate funding. East Palo Alto has its own mayor and City Council dedicated solely to its community. Belle Haven, on the other hand, does not have its own city council; instead it is one of the neighborhoods that the Menlo Park City Council represents. Meanwhile, North Fair Oaks’ Community Council can make recommendations to the county board of supervisors but cannot implement policies itself. This means that enacting any cross-city policy would require the collaboration between a city government solely dedicated to one of the communities, a city government that represents several neighborhoods with different needs, and the board of supervisors. Thus, even if East Palo Alto, Belle Haven, and North Fair Oaks residents have similar needs,

SNAPSHOT OF BELLE HAVEN

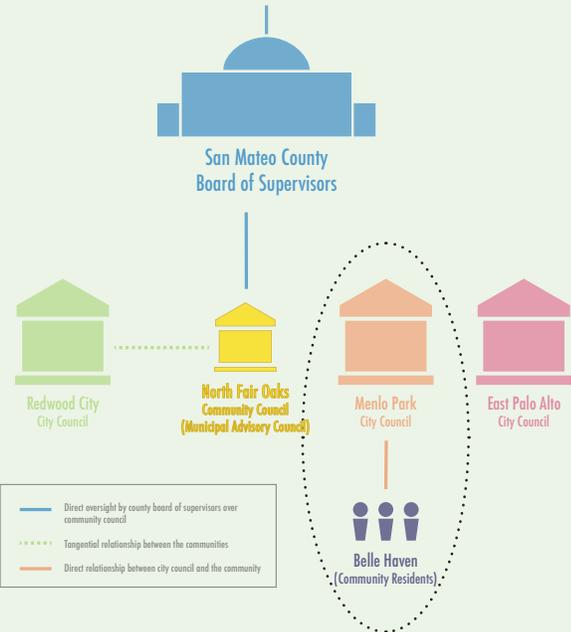


Map of Belle Haven, Google Maps

BELLE HAVEN RACIAL COMPOSITION



GOVERNANCE STRUCTURE OF SAN MATEO COUNTY



The City of Menlo Park has a mayor, mayor pro tem,⁴⁷ and three City Council members.⁴⁸ Menlo Park councilmembers serve four-year terms and the mayor and vice mayor serve one-year terms.⁴⁹

- **Governance Structure:** Belle Haven is a neighborhood within the City of Menlo Park. Menlo Park is an incorporated city.
- **Type of Election:** Menlo Park holds at-large elections, meaning that Belle Haven does not have its own representative at the city level.
- **Weak/Strong Mayor:** Menlo Park is a “weak mayoral” city



Menlo Park City Council

the East Palo Alto and Menlo Park city councils and San Mateo County board of supervisors will not necessarily agree on how to act on behalf of their constituents.

It is worth noting that there is great disparity across cities and counties in California as to the number of residents and registered voters represented by each governing board member. The table below demonstrates this incongruity for East Palo Alto, Belle Haven, and North Fair Oaks:

Community Name	Total Population (2010 Census)	# of Registered Voters
East Palo Alto	28,155	9,889 ⁵⁶
Belle Haven	5,970	2,551 ⁵⁷
North Fair Oaks	14,687	5,220 ⁵⁸

The following table indicates what percentage of the community is represented in the governing board member elections:

Community	Population of community from 2010 Census data	Total population of jurisdiction that represents community (jurisdiction indicated in parentheses)	Percentage of jurisdiction's population
East Palo Alto	28,155	28,155 (City of East Palo Alto)	100%
Belle Haven	5,970	32,026 ⁵⁹ (City of Menlo Park)	18.64%
North Fair Oaks	14,687	154,269 ⁶⁰ (Cities within District 4 of San Mateo County)	9.52%

3 CASE STUDIES: MAJOR POLICY AREAS AFFECTING EAST PALO ALTO, BELLE HAVEN, AND NORTH FAIR OAKS

CASE STUDY 1: AFFORDABLE HOUSING AND DISPLACEMENT

Background on housing.

The Bay Area's lack of affordable housing is a well-documented and persistent problem. From 2011 to 2016, the average rent for a two-bedroom apartment has increased by 60%.⁶¹ San Mateo's extremely low-income renters spend about 69% of their income on rent, far above the 30% that is considered affordable for government housing subsidy programs.⁶² In fact, there is currently only one affordable housing unit per every four low wage jobs in the county.⁶³

Displacement is even greater in areas that allow no-cause evictions, in which a landlord can evict tenants

even if they pay rent on time and follow all aspects of the lease agreement. Disproportionately affecting low-income and racial minority households, no-cause evictions are rapidly escalating in San Mateo County. From 2012-13 to 2014-15, the county experienced an increase of 308% reported no-cause eviction notices.⁶⁴ In total, 75% of evictions in San Mateo County were either because tenants could not afford the rent or the result of a no-cause eviction.⁶⁵

This lack of affordable housing has far-ranging consequences. Households that spend so much of their income on housing have little left over for transportation, medical expenses, food, utilities, and other needs. Unsurprisingly, as housing prices have increased, residents find themselves having to choose between sharing housing with another family, paying unaffordable rents, or moving to other areas with more affordable housing.⁶⁶

The impacts of eviction are long-lasting and severe on households and communities. After being evicted, tenants are more likely to accept unhealthy housing conditions in future dwellings and struggle to maintain their personal health and employment.⁶⁷ Displaced tenants often cannot secure alternative housing in their communities, forcing them to move farther away from their place of work. Over 60% of employees in the county subsequently travel to work from other cities, and long commutes lead to increased stress, risk of a traffic collision, and air pollution.⁶⁸ For all of these reasons, many people experience greater levels of stress not only during the eviction process, but also for many years after being evicted.⁶⁹

Municipalities can use a number of tools to address the housing affordability issue. Key among them are restricting no-cause evictions, enacting rent-control ordinances, and adequately funding legal aid centers to represent and give advice to low-income renters.

San Mateo County has not enacted rent control or other tenant protection policies.

Within San Mateo County, East Palo Alto remains the only jurisdiction to enact a rent-control and just-cause eviction ordinance.⁷⁰ The ordinance, which was overwhelmingly passed in 2010 by voter referendum, prevents unreasonable rent increases (increases are capped at 10% per year) and protects residential tenants from arbitrary, discriminatory, or retaliatory evictions.⁷¹ Even with these protections in place, some East Palo Alto landlords have engaged in predatory practices to pressure tenants to vacate rent-controlled units, highlighting the need to augment rent-control measures with funding for community-based organizations and legal aid centers which provide residents with opportunities to contest unlawful detainer cases.⁷²

Outside of East Palo Alto, there have also been a number of cross-jurisdictional efforts to address the peninsula's housing crisis. The Anti-Displacement Coalition is a countywide coalition of organizations dedicated to addressing the housing shortage throughout the county.⁷³ The coalition consists of several organizations including Faith in Action, Urban Habitat, Community Legal Services in East Palo Alto, and Public Advocates.⁷⁴ Among other things, the coalition advocates for rent-control ordinances to ensure that housing remains affordable for tenants even when rental prices in the surrounding neighborhood increase. Recently, the county significantly increased funding for affordable housing programs and targeted resources for building housing.⁷⁵ The coalition continues to mobilize residents and put pressure

on elected officials to enact policies that address the housing shortage. Still, the county has focused on housing production and demonstrated consistent opposition to enacting rent-control policies.⁷⁶

Community-based organizations can promote the housing and commercial development interests of marginalized communities.

Despite the diverse needs and communities within East Palo Alto, North Fair Oaks, and Belle Haven, community-based organizations (CBOs) have spearheaded multijurisdictional community coalitions in the past. As noted in this section and the case studies below, CBO coalitions have played an important role in filling the gap left behind by the underrepresentation of low-income and otherwise marginalized communities at the local and regional levels. Both this section and the case studies below demonstrate the ability of multijurisdiction community coalitions to create equity gains in the areas of housing, workforce, immigration, and transportation.

In 2011, Facebook moved its headquarters from Palo Alto to east Menlo Park, separated from East Palo Alto only by Highway 84, with plans to add 6,500 employees in two additional buildings.⁷⁷ To an area already suffering from a shortage of affordable housing, an inadequate public transportation system, and air quality concerns, the influx of thousands of new employees to the area increased concerns about rising rents in the area. Several cities, including the City of East Palo Alto, expressed concern over the expansion’s effect on the existing affordable housing shortage, regional traffic, and air quality.⁷⁸ CBOs sharing these concerns formed the coalition Envision-Transform-Build East Palo Alto (the Coalition).⁷⁹

In response to concerns raised by the City of East Palo Alto, the City of Menlo Park, and the Coalition, Facebook announced in December 2016 that it was pledging \$20 million for a Housing Catalyst Fund (the Fund).⁸⁰ As part of this plan, Facebook is partnering with the East Palo Alto and Menlo Park governments and local groups, including the Coalition, to advocate for more affordable housing in the area.⁸¹ According to Facebook, \$10 million from the Fund will be spent on projects specifically in East Palo Alto.⁸² The City of East Palo Alto has nevertheless filed a lawsuit against the City of Menlo Park due to the latter’s decision to update its general plan, which would allow Facebook’s expansion, without conducting the necessary environmental impact analysis required by law.⁸³ This lawsuit illustrates that the City of East Palo Alto still maintains its own specific, separate concerns about Facebook’s expansion and the likely negative impact on the area’s environment and transportation systems. Additionally, it shows how a government body dedicated to representing the needs of a community can advocate in varying settings.



Fair Oaks Health Center, Middlefield Road

Deed-restricted housing can mitigate displacement.

Deed-restricted affordable housing can help mitigate displacement by increasing the inventory of housing that is permanently affordable. Within East Palo Alto, North Fair Oaks, and Belle Haven, there are three primary types of deed-restricted housing programs: inclusionary, also known as below-market rate (BMR); 100% affordable, also known as nonprofit or “LIHTC” housing, which receives federal funding through Low-Income Housing Tax Credits; and Housing and Urban Development (HUD) housing in which private landlords get loans to build housing in exchange for agreeing to control costs for a period of time. BMR housing programs require developers to cost-control a portion of new homes by providing potential homebuyers with low-interest loans and setting rents below market rate for tenants.⁸⁴ Menlo Park has 65 owner-occupied BMR units and 4 tenant-occupied BMR units.⁸⁵ The 4 tenant-occupied BMR units are located in Belle Haven, and the remaining BMR units are spread throughout Menlo Park.⁸⁶ In comparison, East Palo Alto has over 80 owner-occupied BMR units and many BMR apartments, while North Fair Oaks has none.⁸⁷ In a similar pattern, North Fair Oaks has 15 LIHTC units, while Belle Haven has 154 and East Palo Alto has 296.⁸⁸ Finally, with respect to HUD units, East Palo Alto has 171, while the other two communities do not have any.⁸⁹ Although deed-restricted housing represents a great opportunity for community members to secure affordable units, these units make up a small portion of the total housing stock so tenant protections that apply to all community members are needed.

How more representative governance can strengthen community efforts to address the housing crisis.

Enacting the kinds of housing policies that benefit low-income and marginalized communities requires strong representation of the interests of those communities at the city or county level. Despite the strong efforts of the Anti-Displacement Coalition, there is little appetite at the county level to embrace rent control or unjust eviction policies, leaving unincorporated communities in San Mateo County with few options.

However, cities can sometimes enact such policies regardless of county inaction. For instance, the City of East Palo Alto’s rent-control ordinance garnered an impressive 79% of the vote in 2010, but attempts to pass rent-control measures in Burlingame and the City of San Mateo failed to obtain even 40% of the vote.⁹⁰ In comparison, Mountain View, which borders East Palo Alto in Santa Clara County, recently saw the passage of a rent-control ordinance.⁹¹ Though efforts to enact tenant protections may not always succeed, cities at least have the ability to consider these measures.

CASE STUDY 2: IMMIGRATION

Background on immigration.

According to the Silicon Valley Community Foundation, from 2000 to 2010, San Mateo County experienced the largest increase in its immigrant population in California, which rose from 25.5% to

33.3%.⁹² East Palo Alto's immigrant population is 40.8% while North Fair Oaks' immigrant population is 51.9%.⁹³ About half of the immigrants surveyed have experienced discrimination due to their ethnicity, and like immigrant populations throughout the nation, immigrants in the county fear aggressive immigration enforcement, causing some to miss classes and doctor appointments.⁹⁴

Since 2012, the national program Deferred Action for Childhood Arrivals (DACA) has helped immigrant youth to obtain temporary legal residence in the country, enroll in college, and obtain work permits.⁹⁵ However, on September 5, 2017, the Trump administration announced the termination of DACA.⁹⁶ In the days preceding the termination of DACA, immigrants in San Mateo County expressed anxiety about the uncertainty that would ensue with the termination of DACA.⁹⁷ Since this announcement, many Bay Area governments have publicly announced their support for immigrants in their communities and for the DACA program and its beneficiaries, and community members have organized protests to urge national action on this issue.⁹⁸ The San Mateo County Office of Education has also reaffirmed its commitment to supporting immigrant youth in the county.⁹⁹ Nevertheless, the proposed DACA termination limits the employment prospects of many immigrants since DACA allowed hundreds of thousands of immigrants to obtain work permits.

Due to their legal status, many immigrants in the county are also limited in their ability to access affordable housing programs and typical renter protections. For example, the county's Moving-to-Work Program, the county's substitute for Section 8, requires that at least one household member have legal status, subsequently excluding households where no member has legal status.¹⁰⁰ Moreover, immigrant tenants in the county have reported landlords threatening to contact Immigration and Customs Enforcement (ICE) unless the tenants vacate the property or agree to significantly higher rents.¹⁰¹ This threat of deportation has also caused immigrant tenants throughout the state to accept unhealthy and unsafe living conditions.¹⁰²

Local efforts on immigration address new federal efforts to curb immigration in important albeit limited ways.

To help address the needs of immigrant populations, San Mateo County launched the Office of Immigrant Support and Coordination on May 2016. This office aims to connect immigrants to existing social and health services and serves both undocumented and documented residents. The office's website provides important resources such as information on rights when encountering law enforcement and tips for developing a "family preparedness plan," a household plan in case the family is forced to separate due to one or more adult being deported.¹⁰³ In the Bay Area, Consulate General of Mexico's offices have also helped immigrant families obtain dual citizenship for youth in case the family has to relocate due to the deportation of a guardian or other emergency situations.¹⁰⁴ These contingency plans can help families know that they can be united even in the event of an ICE raid.

Additionally, the County Sheriff's Office has a policy to not enforce immigration laws or report an individual's immigration status to ICE.¹⁰⁵ This policy is important because immigrants may be more likely to report crimes if they know that the Sheriff's Office will not retaliate against them by contacting ICE. However, the county has not declared itself a "sanctuary county" and still allows for potential

collaboration with federal immigration enforcement agents.¹⁰⁶ In contrast, sanctuary cities across the nation have limited their cooperation with federal immigration enforcement agents and hold people in detention centers only on behalf of immigration agents if a judicial warrant orders it.¹⁰⁷

The county has also devoted resources and convened coalitions to address this ongoing crisis. In recognition that undocumented immigrants in legal proceedings are six times more likely to obtain relief when they have legal counsel, District 4 County Supervisor Warren Slocum led the county to set aside \$267,500 for the creation of a legal defense fund.¹⁰⁸ Additionally, Supervisor Slocum convened the Immigrant Integration Summit in September of 2016 and subsequently introduced an ordinance indicating the county will develop a language access policy so that the language needs of residents are met.¹⁰⁹

How more representative governance can improve services for immigrants.

Stronger protections for renters are essential to combat intimidation tactics utilized by landlords against immigrant tenants. Ordinances enacting rent control and requiring just-cause evictions could also apply equally to all residents regardless of status so immigrant displacement is lessened.¹¹⁰ East Palo Alto differs significantly from North Fair Oaks and Belle Haven in protecting vulnerable immigrant populations. The City of East Palo Alto already has policies that protect all renters from unjust evictions and rent increases, allowing immigrant tenants to feel safer. Though it has not declared itself an official “sanctuary city,” the City of East Palo Alto has set up workshops to inform immigrant community members about their rights and enacted policies that prevent city police from cooperating with ICE and inquiring into a resident’s legal status.¹¹¹

A shift in governance and representation of North Fair Oaks and Belle Haven could increase the probability of such protections being enacted. Given recent and increasingly aggressive immigration enforcement by federal government agencies, city governments are now at the forefront of protecting undocumented immigrant populations.¹¹² Although undocumented immigrants do not vote in local elections, they do often have deep ties to their community, meaning that local representatives of geographic areas with high concentrations of undocumented immigrants are likely to represent local interests.

Municipalities can also support immigrant communities by enacting sanctuary city policies. Sanctuary city policies promote cooperation between undocumented communities and local government and law enforcement, making it more likely that undocumented immigrants utilize social services programs, send their children to school, and cooperate with law enforcement.¹¹³ Although San Mateo County has adopted a



San Mateo County Police, North Fair Oaks Substation

nonbinding ordinance expressing support for all residents, it has not taken the further step of declaring itself a sanctuary county,¹¹⁴ leaving it to cities to take that important step to affirm their commitment to immigrant communities. However, Governor Brown signed Senate Bill 54, establishing a statewide policy that provides immigrants with protections they would receive from a sanctuary city. Senate Bill 54 limits the circumstances where state and local law enforcement may cooperate with ICE and prohibits officers from questioning people on their immigration status.¹¹⁵ Though this new policy will benefit immigrant communities throughout the state, municipalities can still do more for immigrant community members, including establishing legal defense funds.

CASE STUDY 3: TRANSPORTATION

Background on transportation.

Transportation is another area where the needs of East Palo Alto, Belle Haven, and North Fair Oaks residents are not adequately prioritized at the regional or county level. Between San Mateo County Transit District (SamTrans), Caltrain, Bay Area Rapid Transit (BART), and San Francisco Municipal Transportation Agency (SFMTA/MUNI), work commuters between East Palo Alto and San Francisco use multiple transit agencies and pay a separate fare for each leg of their journey. Moreover, BART and Caltrain stations do not exist in East Palo Alto, Belle Haven, and North Fair Oaks and must be coupled with improved local public transit infrastructure to benefit the three communities.

Travel by car is hardly easier given rush-hour gridlock on the region's main highways. Compounding this problem is the recent population growth in the Bay Area coupled with the peninsula's growing jobs/housing imbalance.¹¹⁶ Access to affordable and reliable transportation is thus a major problem facing low-income communities throughout the Bay Area.

Regional efforts to improve transportation lack representation from unincorporated communities.

Larger regional governance structures tend to shape critical transportation needs. To address the transportation needs of a rapidly changing region in a more cohesive manner, the state has mandated that every metropolitan area prepare a Sustainable Communities Strategy and update it every four years. In the Bay Area, the two major regional planning agencies, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), are tasked with developing the region's strategy, Plan Bay Area. Although Sustainable Communities Strategies are not legally binding and do not diminish land use and discretionary review powers of cities and counties, these plans guide state funding and identify projects that improve efficiency and reduce greenhouse gas emissions.

In both MTC and ABAG, cities wield significantly greater decision-making influence than unincorporated areas. Cities and counties may join ABAG, meaning that cities are represented by their city and county representatives while unincorporated areas are represented only by the county, and city mayors elect one MTC commissioner, giving no voice to unincorporated areas.¹¹⁷ Cities subsequently have a more prominent seat at the table in regional transportation planning, allowing them greater ability to set

priorities and promote policies that would benefit their communities. This means that communities like North Fair Oaks and Belle Haven do not have as strong of a voice as incorporated cities like East Palo Alto.

In addition, since neither Belle Haven nor North Fair Oaks house a major public transit stop, they are not the focus of regional planning. Plan Bay Area encourages focusing development on Priority Development Areas (PDAs), which are areas identified by local governments as being most in need of and/or able to support transportation infrastructure development. These are often neighborhoods near transportation nodes like Caltrain or BART stations, regional centers, or city centers. These PDAs are intended to house most of the Bay Area's future development: 80% of new housing and 60% of new jobs, as denser multiuse development should increase the demand for and efficiency of public transit systems.

Furthermore, Plan Bay Area forecasts low-income households will spend more of their income on housing and transportation costs. As indicated by Plan Bay Area, low-income households are expected to spend 67% of their income on housing and transportation costs in 2040, representing a 13% increase from 2005.¹¹⁸ Low-income households may end up spending an even greater portion of their income on housing and transportation if policies assumed by Plan Bay Area, such as inclusionary zoning, fall through. In recognition of Plan Bay Area moving in the wrong direction in terms of equity, an Action Plan has been prepared to outline steps to address these concerns. The Action Plan makes several recommendations, including studying the feasibility of connecting transportation funding to housing production and affordability.¹¹⁹ Connecting affordable housing to transit is particularly important given that, as noted above, many low-income communities cannot easily access transit centers.



SamTrans bus stop, Middlefield Road, East Palo Alto

Despite the importance of Plan Bay Area in guiding state and federal funds as well as in creating regional transportation development guidelines, cities and counties have the ultimate say over their own land use rules, the discretionary review process, and the designation of PDAs. As cities wield their ability to obstruct regional plans, this can lead to some fragmentation in the region's transportation planning process. For example, the City of Atherton, which borders North Fair Oaks and Belle Haven, has vigorously opposed the electrification of Caltrain and filed a lawsuit challenging the adequacy of the Environmental Impact Report (EIR) in 2015.¹²⁰ While the City of Atherton ultimately lost this EIR lawsuit over the electrification project, Atherton has also disputed Caltrain and won on other transportation issues such as enforced "quiet zones" for crossing trains.¹²¹ Indeed, the City of Atherton remains a key example of an incorporated city strongly voicing its residents' needs in the regional planning process.

San Mateo County efforts to improve transportation are limited for low-income and underserved communities.

At the county level, the San Mateo Countywide Transportation Plan 2040 aims to address the transportation needs of the county by promoting collaboration between existing transit agencies and reducing congestion on roads within the county. No BART or Caltrain stops exist within East Palo Alto, North Fair Oaks, or Belle Haven, meaning that the three communities mostly benefit from improvements to those services in intercounty transit and from improvements to local SamTrans bus service. Attempting to address transportation struggles shared by everyone within the county, the Transportation Plan envisions creating designated bus and ride-sharing lanes to reduce travel times for all commuters.

However, the Transportation Plan falls short in addressing equity goals. For instance, the Transportation Plan does not sufficiently address the issue of access to public transit, a primary concern for residents of East Palo Alto, North Fair Oaks, or Belle Haven. In fact, the income statistics of Caltrain's ridership suggest little usage by people from the three communities. The average annual household income of Caltrain riders has increased in recent years from \$117,000 in 2013 to \$129,000 in 2016, based on a triennial survey.¹²² Only 15% of customers surveyed made less than \$50,000 and only 8% earned less than \$30,000.¹²³ The cost of Caltrain combined with the location of stations may prevent community members from accessing this mode of transportation. Subsidies are needed in order to make Caltrain more equitable, especially with Caltrain considering another fare increase.¹²⁴ Affordability of Caltrain is particularly important since it can help community members access BART. Transit affordability will likely pose an increasing challenge for low-income residents as their costs of living continue to increase, leaving households with less income for transportation costs.

The Dumbarton rail project presents a unique situation of private investment and regional governance. Due to congestion on the Dumbarton Bridge and connecting roadways, SamTrans conducted the Dumbarton Transportation Corridor Study.¹²⁵ This study was expedited with Facebook fronting the \$1.2 million to conduct the Corridor Study.¹²⁶ The Corridor Study also analyzed the feasibility of rebuilding a rail bridge for passenger train service from the East Bay to the peninsula.¹²⁷ The Corridor Study indicates that the rail bridge rebuild is key to regional mobility and has the most long-term ridership benefits because it can connect to travelers from farther destinations such as Sacramento residents utilizing Amtrak.¹²⁸ Therefore, the Corridor Study recommends improvements to the Dumbarton Highway as a short-term effort to mitigate traffic and the Dumbarton rail project as a long-term solution.¹²⁹ Full implementation of the Corridor Study's recommendations would require \$2.58 billion in capital and \$90 million in annual operating costs.¹³⁰

In recognition that rail is a more long-term project, short-term projects may help alleviate congestion. Adding bus service from Union City BART to Menlo Park/Redwood City and to Mountain View/Sunnyvale, as well as adding transit priority lanes to Bayfront Expressway and Willow Road can help alleviate traffic on the Dumbarton Corridor.¹³¹

However, the benefits of Dumbarton rail are difficult to assess for the three communities of East Palo

Alto, Belle Haven, and North Fair Oaks. Lessening traffic congestion could create less air pollution for East Palo Alto and Belle Haven residents as the two communities are adjacent to the Dumbarton Corridor. The rail project seems most likely to garner private investment since the rail line passes less than a quarter of a mile from Facebook's headquarters, but if this rail were costly to ride, then low-income community members would not have access to it. As mentioned above, cities have final say over land use in their jurisdiction, and counties have the final say for unincorporated areas, so communities like North Fair Oaks and Belle Haven would not have direct representation at the negotiating table.

Recognizing that accessibility and affordability of public transportation are concerns for low-income communities including youth, disabled, and senior residents, the Transportation Equity Allied Movement Coalition came together to brainstorm on transportation policy that addresses the needs of San Mateo County's disadvantaged riders.¹³² The Youth Leadership Institute, lead convener of the coalition, brought students from Half Moon Bay and South San Francisco to join schools, affordable housing, health, and labor representatives so they may voice the transportation issues most impacting communities in the county. As these youth leaders learned, local elected officials often lack decision-making powers regarding transportation, as these issues are usually decided at the county or regional level.

How more representative governance would empower local communities to shape more progressive equity goals in transportation.

Local communities and cities may be limited in addressing the fragmentation and cost of transportation in the Bay Area, but empowered local communities can nevertheless be key catalysts in the decision-making process. First, Belle Haven and North Fair Oaks could have stronger representation at the regional planning level. Given the structure of the MTC and ABAG, cities have a greater voice in developing the regional transportation plan. As such, communities that are well-represented in city governments will be able to air their transportation concerns at the regional level. Without recognized city status for North Fair Oaks or an elected representative from Belle Haven, the needs of the two communities are unlikely to be articulated in the regional decision-making arena.

Collaborative efforts between North Fair Oaks, Belle Haven, and East Palo Alto residents can also help to pressure the county into addressing the issues of access to and affordability for public transit. For instance, communities can encourage more affordable transportation by organizing and advocating for policies like transit-oriented development, improved local bus service, dedicated bus and bike lanes, and car-share programs as they deem fit for their community. Such a coalition would also help all three communities' needs to be considered at the regional level since the county representative would feel pressure to raise these issues at regional planning meetings.

But improving regional planning may not be a priority for either transit agencies or local communities. East Palo Alto, North Fair Oaks, and Belle Haven do not utilize Caltrain at rates similar to neighboring communities, so transit planning agencies may not see a significant incentive to making the process more inclusive. Additionally, the three communities may decide to dedicate their energy into other pressing issues since the benefits of improved regional transit may be less tangible than other issues like affordable housing.

ACHIEVING PROGRESSIVE POLICY OUTCOMES FOR LOCAL COMMUNITIES IN SAN MATEO COUNTY

RECOMMENDATIONS

As demonstrated by the case studies above, stronger representation from local communities can address equity goals. To identify needs shared by the three communities and develop strategies to effectively address those needs, Brightline met with several CBOs and officials representing local agencies. From these conversations, additional affordable housing has often been articulated as the most pressing priority for East Palo Alto, Belle Haven, and North Fair Oaks. As mentioned above, a countywide coalition already exists to address this issue and another coalition specifically advocates for the housing needs of East Palo Alto. Future campaigns should work with CBO coalitions to support ongoing efforts and identify how to best leverage their expertise.

Additionally, the three communities could pursue changes to their municipal governance structures to increase empowerment of their residents most in need. Two policy campaigns could have substantial impact to further empower residents of Belle Haven and North Fair Oaks: converting Menlo Park’s election system from an at-large system to district elections and having North Fair Oaks incorporate as a city or annexed into Redwood City. East Palo Alto could also consider pursuing a “strong mayoral” governance structure.

North Fair Oaks may seek better representation and equitable policies through incorporation.

ABOUT THE NORTH FAIR OAKS COMMUNITY COUNCIL

As an unincorporated area, North Fair Oaks does not have a city council but rather a community council. Since 1990, the North Fair Oaks Community Council has acted as an advisory body to the county, making recommendations on issues of health, safety, welfare, public works, and planning.⁵⁰ The North Fair Oaks Community Council is composed of nine members, all appointed by the county board of supervisors to three-year terms. All members are either residents or business owners in North Fair Oaks.⁵¹ The council also has one nonvoting youth member.⁵²

As evidenced by the lengthy process East Palo Alto went through to incorporate, municipal incorporation is a timely and difficult battle. East Palo Alto’s incorporation took a full two decades with extended debate about its economic viability.¹³³ After the county’s Local Agency Formation Commission (LAFCO) initially vetoed the incorporation proposal in September 1981 and then reversed its decision one month later, anti-incorporation residents who had concerns over East Palo Alto’s revenue streams sued LAFCO.¹³⁴ The proposed City of East Palo Alto was expected to operate at a yearly deficit of \$250,000 with a small tax base, and with only a handful of local businesses operating at the time.¹³⁵ Thus, opponents of incorporation argued that the proposed City of East Palo Alto would quickly go bankrupt.¹³⁶ Proponents, who believed that the county had prioritized investing tax revenue in other

communities, saw incorporation as necessary to determine land use policies and how tax revenue was invested according to resident preferences.¹³⁷

COMMUNITY IDENTITY IN NORTH FAIR OAKS

“Many people don’t know they live in North Fair Oaks. They see Redwood City in their mailing address so think they live in Redwood City but when they go to the Redwood City City Council to voice their concerns and needs, they are told they don’t live in Redwood City and are turned away.”

- *Adriana Guzman, Immigrant Outreach Coordinator for Faith in Action Bay Area, a coalition of faith-based community organizations that advocate for health care, affordable housing, immigrant integration, economic opportunity, neighborhood safety, and education*

Ultimately, LAFCO revised the budget calculations and determined that the proposed City of East Palo Alto would have an operational budget thanks in part to a then-recent state gasoline tax increase and to property taxes from a nearby unincorporated area that would receive services from the City of East Palo Alto.¹³⁸ This allowed community leaders to submit the decision to its residents and after getting voter approval, it incorporated in 1983.¹³⁹ As an autonomous city, the City of East Palo Alto now makes decisions on development projects within the city, such as the decision to approve a 25,000-square-foot youth performance and arts center.¹⁴⁰

The current dynamics of North Fair Oaks are similar to those of East Palo Alto before incorporation, and could thus facilitate more equity-oriented policies after incorporation. In comparison to other areas in the county, North Fair Oaks has far higher unemployment rates and displacement while lacking county investments. Unlike the City of East Palo Alto, North Fair Oaks has revenue streams in both property taxes and local businesses and the potential for additional revenue from underutilized land and office spaces, which may make it easier to incorporate.¹⁴¹ Additionally, incorporation could push North Fair Oaks to enact stronger equitable housing policies. The City of East Palo Alto remains the only city in the county with rent-control and just-cause ordinances, which strive to maintain affordable housing for tenants.

On the other hand, incorporation may be more difficult because North Fair Oaks residents already have an array of available services and a community council. Various recreational and personal development programs are available to North Fair Oaks youth, and a health clinic provides services to residents from North Fair Oaks, as well as to neighboring cities.¹⁴² In addition, the North Fair Oaks Community Council acts as a pseudo-legislative body in that it holds public hearings on issues affecting the community and makes recommendations to the county, so residents may feel that they do have some amount of representation. In light of these differences, it is unclear how much public support for incorporation would exist.

INCORPORATION OFFERS BENEFITS

“If East Palo Alto had not incorporated, it would have suffered greater displacement because there would be no protections for renters.”

- *Ruben Abrica, East Palo Alto City Councilmember*

North Fair Oaks could also seek annexation by Redwood City.

Annexation may be another option when cities desire areas to build public infrastructure. The County of San Mateo LAFCO has determined that North Fair Oaks lies inside Redwood City’s sphere of influence, a requirement for annexation.¹⁴³ Therefore, Redwood City could submit an application for annexation of North Fair Oaks in part or in its entirety.¹⁴⁴ The application may be submitted by Redwood City after its City Council adopts a resolution to do so, or by a petition of North Fair Oaks registered voters or owners of land.¹⁴⁵



Redwood City Hall

Local LAFCOs have broad discretion in deciding whether to approve, in whole or in part, or deny an application.¹⁴⁶ They also have broad discretion in deciding what information to require from applicants, so a meeting would need to be set up with the County of San Mateo LAFCO executive officer as early as possible.¹⁴⁷ In addition, the application would need to provide documentation showing compliance with the California Environmental Quality Act (CEQA), a plan for how Redwood City would provide services to North Fair Oaks, and a property tax exchange agreement between Redwood City and San Mateo County, among other requirements.¹⁴⁸ If the application were approved, but then protests were filed by North Fair Oaks residents, LAFCO would have to terminate the application and submit the annexation to a vote in North Fair Oaks, or approve the application, depending on what percentage of registered voters protest.¹⁴⁹

REPRESENTATION OF BELLE HAVEN

“To date, Belle Haven has not had the representation it needs on the Menlo Park City Council to work on issues of transportation, environmental justice, and equitable development for its residents. While development projects are being approved in low-income neighborhoods with low access to public transit, Belle Haven residents need the city to mitigate the negative impact these projects will likely have on housing, transportation, and pedestrian safety.”

- Cecilia Taylor, a Belle Haven resident who ran for Menlo Park City Council in the last election and math teacher

However, annexation can be expensive, as Redwood City would have to pay not only filing fees with LAFCO but also the fees associated with preparing the CEQA documentation. Redwood City would also have to increase the size of departments in order to meet the needs of an expanded population. In addition, this seems unlikely for North Fair Oaks given that Redwood City may not want to annex a majority-minority area with a primarily low-income population. North Fair Oaks would require higher infrastructural needs and services given its differences from Redwood City.

District elections in Menlo Park could provide better representation for Belle Haven.

The City of Menlo Park, where the neighborhood Belle Haven is located, currently holds at-large elections for its City Council positions. As a result, none of the at-large City Council members are likely representing the particular interests of Belle Haven residents, who have lower educational attainment, lower income, and higher percentage of minorities than Menlo Park overall. District elections would offer a way for Belle Haven to elect its own council member, from the community, and that representative could then advocate for policies that meet the distinct needs of Belle Haven residents.

One way to switch from at-large elections to district elections in Menlo Park lies in the California Voting Rights Act of 2001 (CVRA). CVRA expands on the floor set by the federal Voting Rights Act of 1965, making it easier for racial minority groups in California to prove that their votes are being diluted in “at-large” elections.¹⁵⁰ Oftentimes, this litigation tool has been used to push cities to switch from at-large elections to district elections.¹⁵¹ Moreover, this switch to district elections has been seen to boost representation of racial minorities.¹⁵² Though few cases brought under the CVRA have been litigated, at least one case provides guidance into the information that must be presented to make a successful claim under the CVRA.

In the case of *Jauregui v. City of Palmdale*, the plaintiffs alleged that racially polarized voting occurred in Palmdale because candidates preferred by Latino and African-American voters had not been elected in over a decade.¹⁵³ Despite Latinos constituting 54.4% and African-Americans 14.8% of Palmdale’s population, no African-American candidates and no Latino candidates had been elected to the Palmdale City Council in the prior ten years, nor had a candidate preferred by African-Americans/Latinos been elected.¹⁵⁴ But showing that candidates who identify as racial minorities have not been able to win an election is not by itself sufficient to prove that an election system has caused racially polarized voting.¹⁵⁵ Instead, additional data are needed that show an election system “consistently and statistically exhibit[s] racially polarized voting.”¹⁵⁶



North Fair Oaks Community Council

In Belle Haven’s case, a resident who is of a racial minority would have to present data that establish a “clear history of a difference between choice of candidates preferred by the protected class in the choice of the non-protected class.”¹⁵⁷ Given Menlo Park’s demographics and current City Council makeup, data showing a historical difference between candidates preferred by Latino/African-American residents and by white residents would have to be presented to show that racially polarized voting exists. In fact, on August 2017, Menlo Park received a letter providing notice of an intent to sue unless Menlo Park switches from at-large to district elections.¹⁵⁸ According to the letter, Menlo Park has until October 5,

2017, to pass an ordinance expressing its intent to analyze the switch or the lawsuit will be filed.¹⁵⁹

On October 4, 2017, the Menlo Park City Council held a special session to discuss potentially changing its election system and unanimously adopted a resolution expressing the intent to change its system.¹⁶⁰ The resolution also set dates for two future public meetings to gather community input on the topic, and approved funding for the hiring of a demographer to assist with the process.¹⁶¹ One of the questions for the City Council is which type of voting system would it switch to. As a general law city, Menlo Park can switch from at-large to either “from district” or “by district” elections.¹⁶² In “from district” elections, cities are divided into districts and voters in the entire city elect who represents each district.¹⁶³ In “by district” elections, each district’s representative is elected by voters who live in that district.¹⁶⁴

If Menlo Park switches from at-large to district elections, communities like Belle Haven will have greater opportunities to have their concerns heard at the city level, perhaps leading to policy changes that affect underserved communities of color. The City of Menlo Park has begun following the trend of many cities throughout California that have switched from at-large to district elections in 2017.¹⁶⁵

East Palo Alto could benefit from leadership under a “strong mayoral” structure, but would need to adopt a city charter.

As rising inequality sweeps San Mateo County, East Palo Alto’s City Council now faces increasingly contested land use development. While concern has been raised over the city’s inability to address displacement in a timely manner, many residents have voiced displeasure over the expedited manner in which Amazon’s proposal to lease office space in the city was approved.¹⁶⁶ A “strong mayoral” structure could add another, more accountable perspective in these instances. For instance, a strong mayor could



East Palo Alto City Council

have spearheaded or vetoed the council’s approval of the Amazon deal, while also expediting the rate at which the city acts on housing.¹⁶⁷

However, the City of East Palo Alto cannot switch to a strong mayor form of government without switching its entire structure of governance because the general law does not allow for strong mayors.¹⁶⁸ Instead, the general law provides that the City Council may ask the voters to decide if mayors will be elected in the future, but the elected mayors are considered members of the City Council and hold the same powers and duties as the City Council.¹⁶⁹ This means that in a general law city, the City Council may appoint

a mayor from among the elected City Council members, as discussed above, or it can hold an election to determine if voters will elect mayors who will hold the title of mayor but essentially serve as council members. The only way the City of East Palo Alto could switch to a “strong mayoral” system would be if

the city adopts a city charter.

Although not impossible, adopting a city charter can be difficult for two reasons. For example, the City of Westminster spent \$45,000 in 1997 and a year to promote its switch to a charter city, but the proposal failed to garner a majority vote.¹⁷⁰ Balancing against other urgent funding concerns for affordable housing and development, East Palo Alto may not have additional resources to make this switch.¹⁷¹ Second, skepticism from residents may prevent change from general city status.¹⁷² Residents may believe the desire to change is a power grab from the City Council as cities have “plenary authority” in determining the duties of officials when devising the charter.¹⁷³ Obtaining the majority vote needed to switch to a charter city may be difficult.¹⁷⁴

At the same time, switching to a charter city has some advantages. If the City of East Palo Alto adopts a charter, it can increase salaries for elected officials beyond California Government Code restrictions and subsequently attract more candidates for office.¹⁷⁵ Second, if a charter city’s law conflicts with a state law and both laws focus on a “municipal affair,” the charter city’s law supersedes the state law.¹⁷⁶ Municipal affairs include a wide range of policy areas: how a city spends tax dollars, municipal contracts, city elections, subgovernment of the city, and regulation of the city’s police department, among other functions.¹⁷⁷ In addition, charter cities may impose a transaction tax on the sale of real estate, which the general law prohibits.¹⁷⁸ This extra source of revenue could help cities meet funding gaps, so attempting to become a charter city might be worth the time and money needed to promote the switch.

CONCLUSION

While sharing similar struggles of increasing displacement and inequity in the region, the communities of East Palo Alto, Belle Haven, and North Fair Oaks have three differing opportunities to increase empowerment of their residents. Belle Haven and North Fair Oaks offer the most opportunity for change. While East Palo Alto already has representation through its own City Council, Belle Haven and North Fair Oaks are unique for their lack of direct representation beyond advisory bodies. Switching the City of Menlo Park from at-large elections to district elections could create a dedicated representative focused on Belle Haven. Transforming into an incorporated city, the North Fair Oaks community could set its own policies on housing and immigration. In comparison, the City of East Palo Alto could also switch to a “strong mayoral” system, but the results for a city of its size may be mixed and such a process would require adoption of a city charter.

By creating more responsive representation particularly in Belle Haven and North Fair Oaks, system-level changes could amplify the voices of oft-ignored residents. Particularly in the context of regional governance on transportation and housing, incorporated cities could have a larger say in policy decisions. These system-level changes could subsequently lead to more empowered residents and more equitable policies for low-income and traditionally underserved communities in San Mateo County. As this dynamic region continues to change and grow, more responsive governance and local empowerment can ensure a better quality of life for all residents.

APPENDICES

Appendix A: Identifying communities with the greatest investment needs.

San Mateo County has many public agencies and nonprofits dedicated to addressing the needs of its residents. For example, the San Mateo County Health System provides treatment for mental illness and substance abuse.¹⁷⁹ Organizations like El Concilio of San Mateo County and Community Legal Services of East Palo Alto provide essential services to low-income residents such as assistance with utility bills and eviction defense.¹⁸⁰ The array of services available to those in need may contribute to the county's relatively low unemployment rate.

However, the county suffers from a great and increasing income gap. In regions of increasing economic stratification, tools that identify low-income communities play an important role in identifying particular communities in need of investment and policy attention. These tools help focus efforts to equitably leverage current resources spent for housing, transportation, environmental mitigation, and workforce policies. They can serve as progressively oriented lenses to direct investment to the communities that need it most.

1. Disadvantaged communities identified by the California Environmental Protection Agency.

CalEnviroScreen is a tool developed by the California Environmental Protection Agency to identify California's top 25% most disadvantaged communities at the census tract level, according to environmental, health, and socioeconomic factors.¹⁸¹ Communities labeled as "disadvantaged communities" by CalEnviroScreen are eligible to apply for a certain percentage of cap and trade funds, as well as participate in other programs like the Low-Income Weatherization Program.¹⁸² The updated version of CalEnviroScreen (CalEnviroScreen 3.0) was released in January 2017. In it, San Mateo County as a whole has six census tracts designated as disadvantaged communities, increasing from two under the prior version. This small increase can lead to significant investment opportunities in those census tracts.

As indicated in the figure below, East Palo Alto has two census tracts designated as disadvantaged communities while Belle Haven and North Fair Oaks do not have any.¹⁸³ Under the previous iteration of the CalEnviroScreen tool, East Palo Alto had only one census tract designated as a disadvantaged community.¹⁸⁴

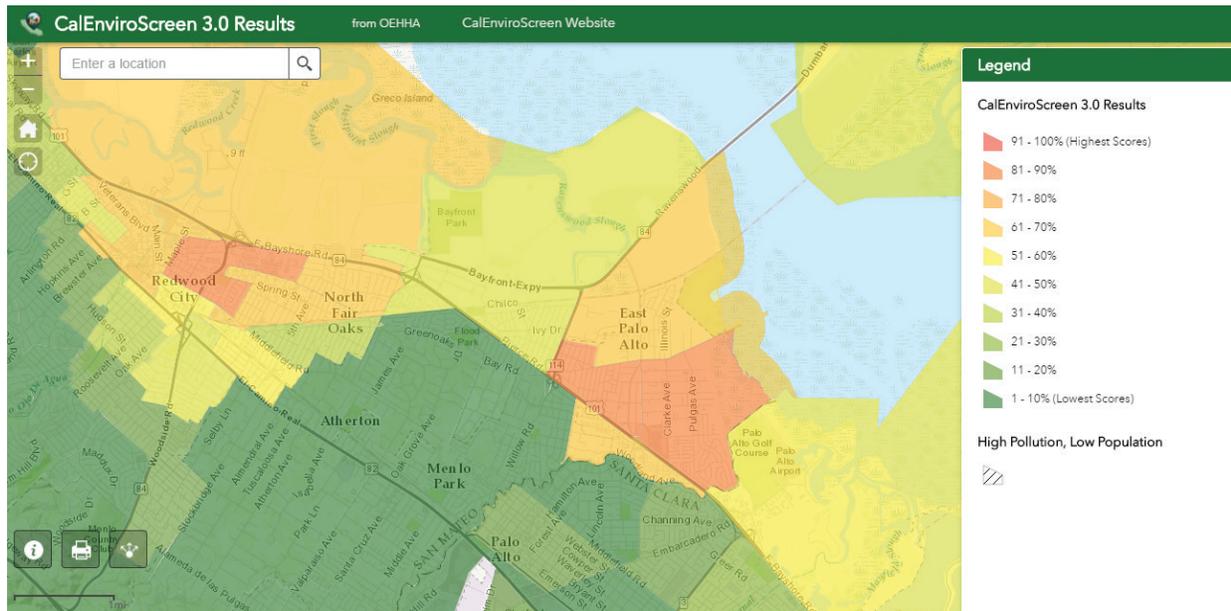


Figure 1: Map of CalEnviroScreen disadvantaged communities.¹⁸⁵

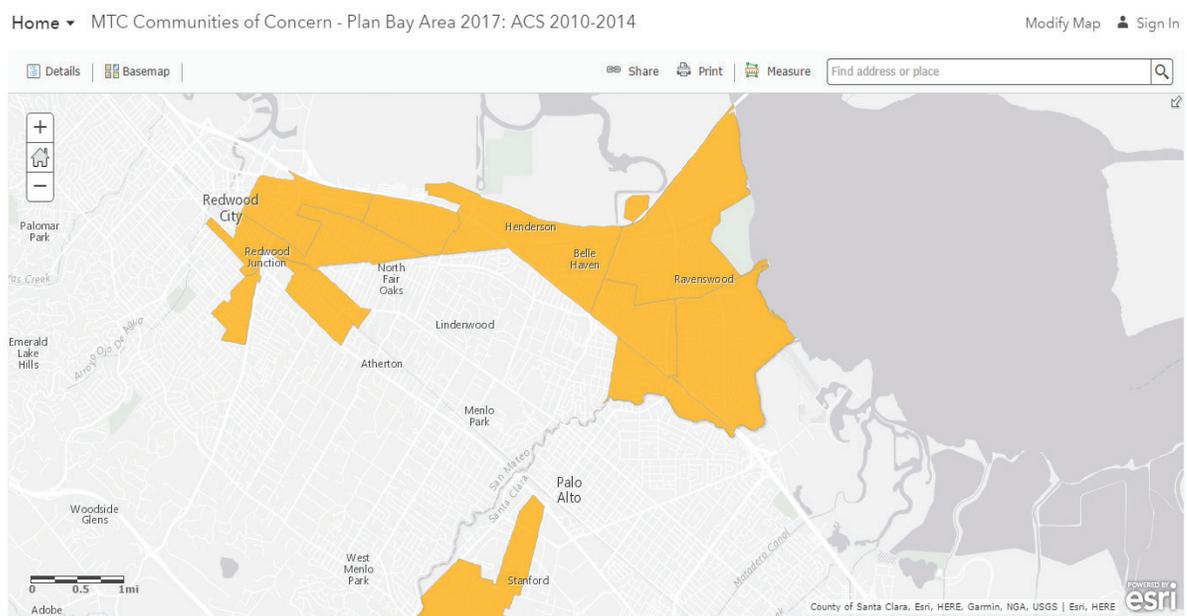
2. Communities of concern identified by Metropolitan Transportation Commission.

The Metropolitan Transportation Commission (MTC) uses eight variables to identify “communities of concern” within the Bay Area.¹⁸⁶ Those eight factors, the data for which are drawn from the American Community Survey, are:

- minority population (70% threshold),
- low-income population (30% threshold, defined as 200% of the federal poverty level),
- English proficiency (20% threshold),
- elderly population (10% threshold),
- zero-vehicle households (10% threshold),
- single-parent households (20% threshold),
- disabled (25% threshold), and
- rent-burdened households (15% threshold).

If a census tract exceeds the threshold values for both the low-income and minority factors or for low-income and three or more other factors, then that tract is designated as a community of concern.¹⁸⁷

MTC’s tool is particularly important for the state-mandated regional growth plan, Plan Bay Area 2040, which utilizes MTC’s tool in its equity analysis.¹⁸⁸ MTC identifies communities of concern where access to housing, jobs, and transportation should be promoted. As the figure below shows, all of the census tracts in East Palo Alto and Belle Haven are designated as communities of concern and two of the three tracts in North Fair Oaks are designated as communities of concern.¹⁸⁹ MTC’s tool varies from CalEnviroScreen in that it focuses on socioeconomic and population characteristics. CalEnviroScreen also weighs environmental factors. As these maps indicate, MTC’s approach is more inclusive of the communities of North Fair Oaks, Belle Haven, and the City of East Palo Alto.

Figure 2: Map of MTC's communities of concern.¹⁹⁰

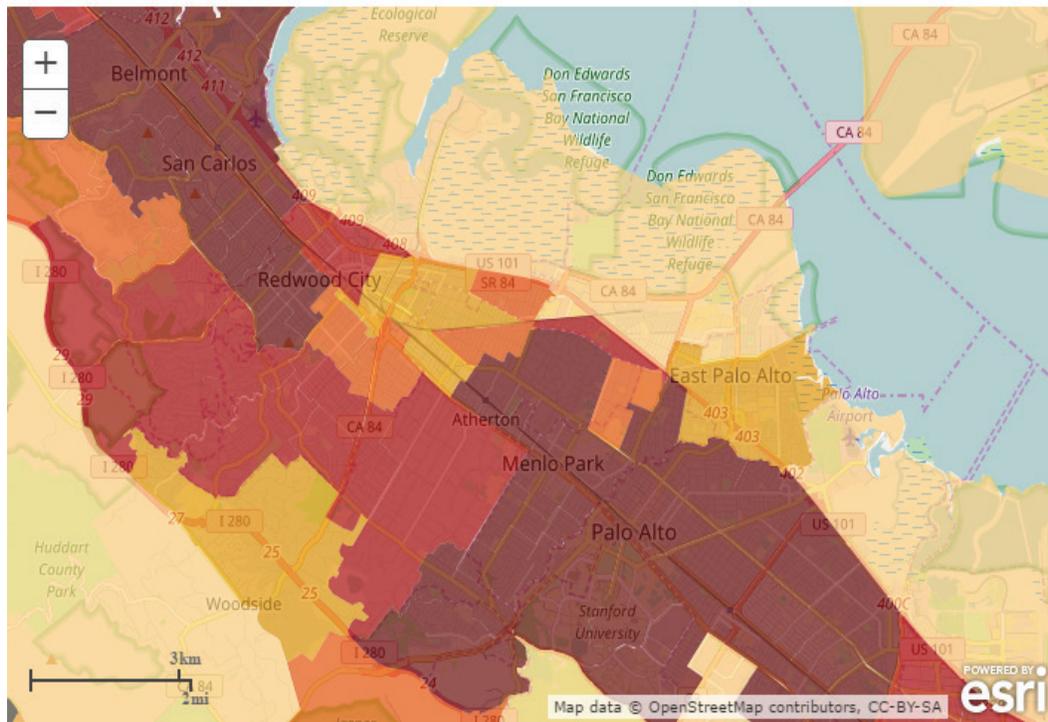
3. Opportunity Mapping by the Kirwan Institute.

Ohio State University's Kirwan Institute for the Study of Race and Ethnicity collaborated with PolicyLink to determine Bay Area communities with limited opportunities most in need of investment. The Kirwan Institute created "Bay Area Opportunity Maps," which identify areas in the Bay Area with high and low opportunity, in order to assist advocates in identifying communities in need of investment.¹⁹¹ It uses 18 variables relating to education, economics and mobility, and neighborhood and housing quality. They include school reading proficiency, adult educational attainment, unemployment rate, transit access, mean commute time, poverty rate, median gross rent, crime risk, and proximity to toxic waste sites.¹⁹² Analyzing these data is important because research demonstrates that "access to opportunity play[s] a significant role in life outcomes."¹⁹³ For example, the majority of affordable housing vouchers in the region are used in neighborhoods designated as low and very low opportunity areas, as opposed to areas with high performing schools. Since living in disadvantaged neighborhoods is correlated with low educational performance, this disparity perpetuates a cycle of poverty.¹⁹⁴ This project seems to have influenced regional planners as the Association of Bay Area Governments plans to incorporate opportunity mapping into its equity analysis.¹⁹⁵

Overall, the county fares well with 83% of its census tracts in high or very high opportunity areas.¹⁹⁶ This project was completed in 2012 so the data might be somewhat outdated. And while the report does not include granular data for the county, some of the regional data are informative. In the Bay Area, 42.7% of the population lived in low and very low opportunity areas, but this number increased to 59.1% for Latinos/Hispanics and to 66.4% for African-Americans.¹⁹⁷ From 2000 to 2010, the number of households constrained by housing costs increased in all communities, but it almost doubled for very

low opportunity areas, indicating that people in those communities have less disposable income.¹⁹⁸ As seen in the general Bay Area opportunity map, East Palo Alto, Belle Haven, and North Fair Oaks are areas with either low or very low opportunity.

Figure 3: Opportunity Map.¹⁹⁹



*Note: The lighter shade indicates a lower opportunity area.

Appendix B: Path to annexation.

The following is a summary of the annexation process that would occur if Redwood City wished to annex North Fair Oaks. An application for annexation would have to include information on how Redwood City would provide and finance these services to North Fair Oaks, a timeline, and other details on service provision.²⁰⁰ In addition, Redwood City and San Mateo County would have 60 days to negotiate the exchange of property and property tax.²⁰¹ If an agreement cannot be reached, then Redwood City and the county would have to engage in the alternative negotiation process outlined in the California Revenue and Taxation Code Section 99(e)(1); but if they still cannot agree, then the application cannot proceed.²⁰²

Assuming Redwood City and the county reach an agreement on the property and property tax exchange, the LAFCO executive officer has 30 days to review the application for completeness and may request additional information.²⁰³ After the executive officer determines an application is complete, the officer will issue a certificate of filing and LAFCO has 90 days to consider the application.²⁰⁴ If the application is approved, any person may file a written request for reconsideration with the executive officer within 30 days of the resolution approving the application, based on new facts that were not previously considered.²⁰⁵ The process would conclude when the executive officer certifies the annexation and the San Mateo County Recorder records the annexation.²⁰⁶

ENDNOTES

1. An interesting addition to this distinction that this paper does not address is the difference between charter cities and general law cities. Broadly speaking, charter cities have greater leeway to create and enact city policies, which can sometimes stand in conflict with state laws.
2. In total, California has about 438 unincorporated communities. University of Santa Cruz Center for Collaborative Research for an Equitable California, Maps of unincorporated communities in California, https://ccrec.ucsc.edu/news_item/maps-unincorporated-communities-california (last visited Sept. 27, 2017).
3. Bernice Yeung, *Unincorporated communities lack basic services*, SF Gate (Apr. 7, 2012), available at: <http://www.sfgate.com/news/article/Unincorporated-communities-lack-basic-services-3465042.php>.
4. Chione Flegal, Solana Rice, Jake Mann, Jennifer Tran, *California Unincorporated: Mapping Disadvantaged Communities in the San Joaquin Valley*, PolicyLink, at 9, available at http://www.policylink.org/sites/default/files/CA%20UNINCORPORATED_FINAL.pdf (last visited Sept. 19, 2017).
5. Yeung, *supra* note 3.
6. CSAC Institute, *County Government in California*, at 2-1, http://www.counties.org/sites/main/files/file-attachments/tab_2_-_county_government_in_california.pdf (last visited Sept. 20, 2017).
7. Cal. Gov. Code § 31010.
8. Jack Fuller, *Municipal Advisory Councils. An Experiment in Community Participation*, Office of Planning and Research (June 1977), at 6-7, available at https://www.opr.ca.gov/docs/Municipal_Advisory_Councils.pdf.
9. *Id.* at 7.
10. *Id.*
11. *Id.* at 6.
12. *Id.*
13. *Id.* at 8.
14. *Id.*
15. *Id.* at 5. Note: North Fair Oaks is not an unincorporated “island” given that no city completely encompasses the community, but it is surrounded on all sides by incorporated cities so perhaps this helps explain why it has not been annexed.
16. National League of Cities, *Cities 101 -- At-Large and District Elections* (Dec. 14, 2016), available at <http://www.nlc.org/resource/cities-101-at-large-and-district-elections>. See also Nicolas Heidon, *California Municipal Democracy Index 2016*, California Common Cause (Dec. 2016), available at <http://www.commoncause.org/states/california/research-and-reports/california-municipal-key-findings.pdf>.
17. National League of Cities, *Municipal Elections*, <http://www.nlc.org/municipal-elections> (last visited Sept. 15, 2017).
18. Jean Yamamura, *Goleta Council Holds Listening Session on District Elections*, Santa Barbara Independent (Sept. 15, 2017), available at <http://www.independent.com/news/2017/mar/08/goleta-council-holds-listening-session-district-el/>. See also Teri Figueroa, *In face of lawsuit, Vista may move to district elections*, The San Diego Union Tribune (Mar. 22, 2017), available at <http://www.sandiegouniontribune.com/communities/north-county/sd-no-vista-district-elections-20170322-story.html>.
19. California is already a “majority-minority state.” In the context of the California Voting Rights Act, this report uses “minority groups” interchangeably with “people of color.”
20. National League of Cities, *supra* note 17.
21. Cipriano Vargas, *District elections in Vista will lead to more effective city government*, The San Diego Union Tribune (Apr. 5, 2017), available at <http://www.sandiegouniontribune.com/opinion/commentary/sd-utbg-district-elections-vargas-20170405-story.html>.
22. Yamamura, *supra* note 18.
23. Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, *The California Voting Rights Act* (2014), available at https://www.lccr.com/wp-content/uploads/2014_CVRA_Fact_Sheet.pdf.
24. Julie Hayward Biggs, *Creating Effective Government: A High Wire Act*, Burke, Williams & Sorensen, LLP (Oct. 2002), at 6, available at <http://www.cacities.org/UploadedFiles/LeagueInternet/94/94b3f61d-4094-4020-b686-b2cb72d941f8.pdf>.
25. The City of Baldwin Park is an exception to this general rule. The City of Baldwin Park decided to replace the city manager position with an executive team consisting of the heads of every city department, but due to the need of councilmembers to be more involved in the management of the city, a Chief Executive Officer position was established to oversee the executive team. Though in practice Baldwin Park’s Chief Executive Officer holds similar duties as a city manager, this example illustrates that other types of governance are possible. *Id.* at 9.
26. Cal. Gov. Code §§ 34851, 34856.
27. Cal. Gov. Code §§ 34900, 34903, 36801-02.
28. Yet race and ethnicity are often important factors in the election of mayors - both with exclusion and identity politics. California City Management Foundation, *Council-Manager or “Strong Mayor”: The Choice is Clear*, International City/County Management Association (revised 2009), at 2, available at https://icma.org/sites/default/files/302618_Council-Manager%20or%20Strong%20Mayor%20-%20The%20Choice%20is%20Clear.pdf.
29. Richard C. Schragger, *Can Strong Mayors Empower Weak Cities? On the Power of Local Executives in a Federal System*, 15 Yale L.J. 2542, 2572 (2006), available at <http://www.yalelawjournal.org/essay/can-strong-mayors-empower-weak-cities-on-the-power-of-lo->

- [cal-executives-in-a-federal-system](#).
30. National League of Cities, *Mayoral Powers*, <http://www.nlc.org/mayoral-powers> (last visited Sept. 21, 2017). See also League of California Cities, *General Law City v. Charter City* (July 26, 2011), at 1, available at https://www.cacities.org/Resources-Documents/Resources-Section/Charter-Cities/Chart_General_Law_v_Charter_Cities-07-26-11.
 31. National League of Cities, *supra* note 30.
 32. Schragger, *supra* note 29.
 33. *Id.*
 34. *Id.* at 2573-74; see also Joshua Sabatini, *Local hiring law succeeding despite concerns over skilled-labor supply*, SF Examiner (June 7, 2016), available at <http://www.sfoxaminer.com/local-hiring-law-succeeding-despite-concerns-skilled-labor-supply/>.
 35. California City Management Foundation, *supra* note 28.
 36. *Id.*
 37. *Id.* at 1.
 38. According to California Government Code section 34851, general law cities have the option of establishing the office of city manager. If a general law city does not establish a city manager, then city council members would need to assume the administrative responsibilities mentioned above.
 39. Data for poverty rate comes from the Census 2015 estimates. Only 2010 data was available for Belle Haven, so the actual poverty rate may be higher due to the increased cost of living from 2010 to 2015. For data on San Mateo County, East Palo Alto, and North Fair Oaks see: United States Census Bureau, *QuickFacts*, https://www.census.gov/quickfacts/fact/table/sanmateocountycalifornia_eastpaloaltocalifornia_northfairoakscdp/california/BZA010215 (last visited Sept. 15, 2017). For Belle Haven data see: *Belle Haven Action Plan, Attachments*, Menlo Park (July 2013), at A-8, available at <https://www.menlopark.org/DocumentCenter/View/1312>.
 40. Data for unemployment rate comes from the Census 2015 estimates. Only 2010 data was available for Belle Haven, so the actual unemployment rate may have decreased since 2010, as the economy has stabilized since the 2008 recession. For data on San Mateo County, East Palo Alto, and North Fair Oaks see: United States Census Bureau, *supra* note 39. For Belle Haven data see: *Belle Haven Action Plan, supra* note 39.
 41. This is based on 2015 census data, with the exception of Belle Haven, which only has 2010 data information available. For data on San Mateo County, East Palo Alto, and North Fair Oaks see: United States Census Bureau, *supra* note 39. For Belle Haven data see: *Belle Haven Action Plan, supra* note 39, at A-6.
 42. See Appendix A of this report for details.
 43. City of East Palo Alto, *Mayor & City Council*, <http://www.ci.east-palo-alto.ca.us/index.aspx?nid=320> (last visited Sept. 15, 2017).
 44. Cal. Gov. Code § 36801.
 45. City of East Palo Alto, *supra* note 43.
 46. Cal. Gov. Code § 3851; City of East Palo Alto, *supra* note 43.
 47. Note: Menlo Park's "mayor pro tem" is the city's vice-mayor.
 48. City of Menlo Park, *City Council*, <https://www.menlopark.org/455/City-Council> (last visited Sept. 15, 2017).
 49. City of Menlo Park, *City Council*, <https://www.menlopark.org/455/City-Council> (last visited Sept. 15, 2017).
 50. North Fair Oaks Community, *North Fair Oaks Community Council*, <http://nfoforward.org/about-north-fair-oaks/north-fair-oaks-community-council> (last visited Sept. 15, 2017).
 51. *Id.*
 52. *Id.*
 53. Allison McCartney, *Identity in infrastructure: North Fair Oaks banks on road project to revitalize area*, Peninsula Press (Dec. 15, 2015), available at <http://peninsulapress.com/2014/12/15/north-fair-oaks-road-project/>.
 54. *Id.*
 55. *Id.*
 56. San Mateo County Elections Office, *Voter Registration Statistics* (Aug. 17, 2017). Note, Brightline obtained these statistics by making an in-person request to the San Mateo County Elections Office.
 57. *Id.* Note: this number may be inaccurate due to precincts 4403 and 4405 extending to areas outside of Belle Haven. Shape the Future, *City of Menlo Park 2014* (Jan. 10, 2014), available at <https://www.shapethefuture.org/resources/documents/maps/2014/MenloPark2014.pdf>.
 58. San Mateo County Elections Office, *supra* note 56.
 59. This is the total population in Menlo Park, based on 2010 census data.
 60. The County does not report population data for District 4, instead the number reported includes all of Menlo Park's population, but only a portion of Menlo Park lies within District 4. Open San Mateo County, *District 4 Population* (June 15, 2015), <https://data.smcgov.org/Government/District-4-Population/3c2y-hcgf>.
 61. Legal Aid Society of San Mateo County, Community Legal Services in East Palo Alto (CLSEPA), and the Anti-Eviction Mapping Project, *San Mateo County Eviction Report 2016* (2016), at 10, available at http://www.clsepa.org/wp-content/uploads/2014/04/sanmateocounty_eviction_report-2016.pdf.
 62. California Housing Partnership Corporation, *SAN MATEO COUNTY RENTERS IN CRISIS: A CALL FOR ACTION* (May 2017), at 1, available at <http://1p08d91kd0c03rlxhmtydpr.wpengine.netdna-cdn.com/wp-content/uploads/2017/05/San-Mateo-County-2017.pdf>.
 63. Get Healthy San Mateo County, *Strategies for Building Healthy, Equitable Communities 2015-2020* (2015), at 14, available at <http://>

- www.gethealthysmc.org/sites/main/files/file-attachments/get_healthy_smc_strategic_plan_2015-2020_final.pdf.
64. Legal Aid Society of San Mateo County, *supra* note 61, at 6.
 65. *Id.* at 4.
 66. Get Healthy San Mateo County, *supra* note 63.
 67. Unhealthy living conditions include the presence of mold or pests and overcrowded units, increasing the likelihood of contracting a communicable disease. Evicted tenants often struggle to manage their chronic illnesses and mismanage their medication as well as their routine appointments.
Legal Aid Society of San Mateo County, *supra* note 61, at 5.
 68. *Id.*
 69. *Id.*
 70. *Id.* at 4.
 71. *Rent Stabilization Ordinance and Regulations*, City of East Palo Alto, <http://www.ci.east-palo-alto.ca.us/index.aspx?NID=469> (last visited Sept. 15, 2017); *see also* 2010 ordinance Section 4(Q) defining rental unit as “any unit in any real property.” East Palo Alto, Cal., Code title 14, ch. 14.02, § 14.02.030(i) (2014).
 72. Logan Rockefeller Harris and Sydney Cespedes, *East Palo Alto: An Island of Affordability in a Sea of Wealth*, San Francisco Organizing Project/Peninsula Interfaith Action (June 2015), at 7, available at http://www.urbandisplacement.org/sites/default/files/east_palo_alto_final.pdf.
 73. *San Mateo Anti-Displacement Coalition*, Urban Habitat, <http://urbanhabitat.org/campaigns/san-mateo-anti-displacement-coalition> (last visited Sept. 15, 2017).
 74. *Investment Without Displacement*, Public Advocates, <http://www.publicadvocates.org/our-work/housing/investment-without-displacement/> (last visited Sept. 15, 2017).
 75. The county’s Board of Supervisors voted unanimously to allocate more than a quarter of the annual proceeds from the Measure K sales tax toward affordable housing. Kevin Kelly, *San Mateo County affordable housing gets big funding boost*, The Mercury News (May 16, 2017), available at <http://www.mercurynews.com/2017/05/16/affordable-housing-gets-big-funding-boost>.
 76. Rent control measures failed by wide margins in Burlingame and San Mateo in 2016. Brendan P. Bartholomew, *San Mateo County fails in efforts to pass rent control*, despite other wins, SF Examiner (Nov. 17, 2016), available at <http://www.sfexaminer.com/san-mateo-county-fails-efforts-pass-rent-control-despite-wins/>. The County enacted rent stabilization for mobile home parks in 2003 and amended this ordinance in early 2016 to require owners of mobilehome parks in unincorporated areas to report annually to the County, to ensure compliance. John Maltbie, *Amendments to the San Mateo County Mobilehome Rent Control Ordinance and development of Mobilehome Rent Control Ordinance education and outreach program*, County of San Mateo (Dec. 21, 2015), available at <http://housing.smcgov.org/sites/housing.smcgov.org/files/Mobile%20home%20rent%20control%20memo.pdf>.
 77. Mark Milian, *Facebook moving its headquarters*, CNN (Feb. 8, 2011), available at <http://www.cnn.com/2011/TECH/social-media/02/08/facebook.hq/>; Kate Bradshaw, *Cities, ACLU criticize findings of Facebook expansion studies*, Palo Alto Online (Aug. 2, 2016), available at <http://www.paloaltoonline.com/news/2016/08/02/cities-aclu-criticize-findings-of-facebook-expansion-studies>.
 78. Bradshaw, *supra* note 77.
 79. This coalition includes the following organizations: Youth United for Community Action, Peninsula Interfaith Action, El Comite de Vecinos, and Urban Habitat. Youth United coordinates this coalition.
 80. Queenie Wong, *Facebook commits \$20 million for affordable housing, other assistance*, The Mercury News, updated (updated Dec. 9, 2016), available at <http://www.mercurynews.com/2016/12/02/facebook-commits-20-million-for-affordable-housing-other-assistance/>.
 81. *Id.* *See also* John Mannes, *Facebook invests \$20M to catalyze affordable housing development in Menlo Park* (Dec. 2, 2016), available at <https://techcrunch.com/2016/12/02/facebook-invests-20m-to-catalyze-affordable-housing-development-in-menlo-park/>.
 82. The Fund reserves \$18.5 million to finance affordable housing, \$625,000 for job training and a community liaison to connect the community with jobs at the company, and \$500,000 for a legal fund to address landlord abuses. Wong, *supra* note 80.
 83. Barbara Wood and Kate Bradshaw, *It’s official: East Palo Alto files lawsuit against Menlo Park* (Dec. 30, 2016, updated Jan. 2, 2017), available at <http://www.almanacnews.com/news/2016/12/30/its-official-east-palo-alto-files-lawsuit-against-menlo-park>.
 84. City of East Palo Alto, *City of East Palo Alto Below Market Rate Housing Program*, at 1, <http://www.ci.east-palo-alto.ca.us/DocumentCenter/View/1129> (last visited Oct. 24, 2017).
 85. Hello Housing, *Quarterly BMR Housing Program Report, Attachment A* (Feb. 15, 2017), at 1, available at <http://menlopark.org/DocumentCenter/View/13051>.
 86. *Id.* at 2.
 87. Baird + Driskell Community Planning, *City of East Palo Alto Housing Element* (May 5, 2015), at 2-1, available at <http://www.ci.east-palo-alto.ca.us/DocumentCenter/View/437>.
 88. California Housing Partnership Corporation, <https://chpc.net/> (last visited Aug. 29, 2017).
 89. *Id.*
 90. Burlingame’s measure secured 32.6% while San Mateo’s secured 39.1% of the votes. Brendan P. Bartholomew, *San Mateo County fails in effort to pass rent control, despite other wins*, San Francisco Examiner (Nov. 17, 2016), available at <http://www.sfexaminer.com/san-mateo-county-fails-efforts-pass-rent-control-despite-wins>.
 91. Mark Noack, *Tenant attorneys seek clarity on rent-control kickoff*, Mountain View Voice (July 17, 2017), available at <https://www.mv-voice.com/news/2017/07/17/tenant-attorneys-demand-citywide-rent-refund>.

92. Christa Bigue, *San Mateo County Launches New Office of Immigrant Support*, County of San Mateo Manager's Office (May 3, 2016), available at <http://cmo.smcgov.org/blog/2016-05-03/san-mateo-county-launches-new-office-immigrant-support>.
93. United States Census Bureau, *QuickFacts*, <https://www.census.gov/quickfacts/fact/table/eastpaloaltocalifornia,northfairoakscdp-california/PST045216> (last visited Sept. 15, 2017).
94. Silicon Valley Community Foundation, *San Mateo County: immigrant focus* (2013), at 4, available at https://www.siliconvalleycf.org/sites/default/files/publications/svcf_san_mateo_county_immigrant_focus.pdf; Samantha Weigel, *County to create legal defense fund for immigrants: Supervisors consider methods to support community in response to federal changes*, *The Daily Journal* (Mar. 29, 2017), available at http://www.smdailyjournal.com/news/local/county-to-create-legal-defense-fund-for-immigrants-supervisors-consider/article_84c79960-c58c-56a2-857c-9cc019beed08.html.
95. Catherine E. Shoichet, Susannah Cullinane, and Tal Kopan, *US immigration: DACA and Dreamers explained*, *CNN* (Sept. 5, 2017), available at <http://www.cnn.com/2017/09/04/politics/daca-dreamers-immigration-program/index.html>.
96. Vanessa Romo, Martina Stewart, Brian Naylor, *Trump Ends DACA, Calls On Congress To Act*, *NPR* (Sept. 5, 2017), available at <http://www.npr.org/2017/09/05/546423550/trump-signals-end-to-daca-calls-on-congress-to-act>.
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98. San Francisco - Lyanne Melendez, *SF protesters, officials stand up for DACA after Trump's decision to end it*, *ABC 7 News* (Sept. 5, 2017), available at <http://abc7news.com/family/sf-protesters-officials-stand-up-for-daca-after-trumps-decision-to-end-it/2380176/>; Santa Clara County - Janine De la Vega, *Santa Clara County shows support for Dreamers, DACA*, *ABC 7 News* (Sept. 5, 2017), available at <http://abc7news.com/family/santa-clara-county-shows-support-for-dreamers-daca/2379974/>; Oakland and Berkeley - Darwin Bond Graham, *'Sickened,' 'Senseless and Cruel': California Leaders Respond to Trump's Termination of DACA*, *East Bay Express* (Sept. 5, 2017), available at <https://www.eastbayexpress.com/SevenDays/archives/2017/09/05/sickened-senseless-and-cruel-california-leaders-respond-to-trumps-termination-of-daca>. San Mateo County Supervisor David J. Canepa issued a statement voicing support for immigrants - NBC Bay Area staff, *Bay Area Reacts to President Trump Rescinding DACA Program*, *NBC Bay Area* (Sept. 5, 2017), available at <http://www.nbcbayarea.com/news/local/Bay-Area-React-to-President-Trump-Rescinding-DACA-Program-442800983.html>.
99. *Deferred action for Childhood Arrivals and Immigrant Youth*, San Mateo County Office of Education, <http://www.smcoe.org/parents-and-students/deferred-action-for-childhood-arrivals/> (last visited Sept. 15, 2017).
100. *General Guidelines*, Housing Authority of the County of San Mateo, <https://www.smhousingwaitlist.org/guidelines> (last visited Sept. 15, 2017).
101. Angela Hart, *Rent increases, evictions up in immigrant communities under Trump, housing lawyers say*, *The Sacramento Bee* (July 10, 2017), available at <http://www.sacbee.com/news/politics-government/capitol-alert/article160239609.html>; Krison Capps, *In California, Landlords Threaten Immigrant Tenants with Deportations*, *CityLab* (Apr. 5, 2017), available at <https://www.citylab.com/equity/2017/04/landlords-are-threatening-immigrant-tenants-with-ice-deportations/521370/>.
102. Annie Sciacca, *Facing threats from landlords, immigrants push for tenant protections*, *The Mercury News* (updated May 24, 2017), available at <http://www.mercurynews.com/2017/05/23/facing-threats-from-landlords-immigrants-push-for-tenant-protections/>.
103. *Immigrant Support and Coordination News Corner*, County of San Mateo Human Services, <http://hsa.smcgov.org/office-immigrant-support-and-coordination-news-corner> (last visited Sept. 15, 2017).
104. Tatiana Sanchez, *Fearing deportation, Bay Area immigrants rush to make U.S.-born kids dual Mexican citizens*, *The Mercury News* (updated Mar. 17, 2017), available at <http://www.mercurynews.com/2017/03/12/fearing-deportation-bay-area-immigrants-rush-to-make-u-s-born-kids-dual-mexican-citizens/>.
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113. Yee, *supra* note 107; Bolanos, *supra* note 105.
114. Samantha Weigel, *County to create legal defense fund for immigrants: Supervisors consider methods to support community in response to federal changes*, *The Daily Journal* (Mar. 29, 2017), available at http://www.smdailyjournal.com/news/local/county-to-create-legal-defense-fund-for-immigrants-supervisors-consider/article_84c79960-c58c-56a2-857c-9cc019beed08.html.
115. Jazmine Ulloa, *California lawmakers approve landmark 'sanctuary state' bill to expand protections for immigrants*, *Los Angeles Times* (Sept. 16, 2017), available at <http://www.latimes.com/politics/la-pol-ca-california-sanctuary-state-bill-20170916-story.html>.
116. Transform, *INNOVATION REQUIRED: MOVING MORE PEOPLE WITH LESS TRAFFIC. How to improve Highway 101 in San Mateo County, save millions, and give commuters more choices* (2013), at 3, available at http://www.transformca.org/sites/default/files/final_hot_101_paper.12.16.2013-1_revised_acknowledgement_0.pdf. Bay Area cities such as Brisbane continue to green-light massive office complexes that bring a sizeable tax base but fail to allow corresponding development of homes to house the influx of workers. Kriston Capps, *Is sustainability a Dodge for Housing in the Bay Area?*, *CityLab* (Sept. 29, 2016), available at <https://www.citylab.com/equity/2016/09/is-sustainability-being-used-as-a-hedge-against-building-housing-in-the-bay-area/501938/>.
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118. Metropolitan Transportation Commission and Association of Bay Area Governments, *Plan Bay Area 2040* (July 26, 2017), at 69, available at http://2040.planbayarea.org/cdn/farfuture/DNwQeazEwHFJg-HZ-GMZSVQxPV0mKk0nTUKVaDSes/1506467747/sites/default/files/2017-09/Plan_Bay_Area_2040-09262017-links.pdf. See also Metropolitan Transportation Commission and Association of Bay Area Governments, *Plan Bay Area 2040 Draft Plan* (July 26, 2017), at 67, available at http://2040.planbayarea.org/sites/default/files/2017-07/PBA_2040_033017%20web%20print.pdf.
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145. Cal Gov. Code §§ 56654, 56700.
146. Governor's Office of Planning and Research, *supra* note 143, at 3.
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148. *Id.*
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150. *Sanchez v. City of Modesto* (2000) 145 Cal.App.4th 660, 669.
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- tricting process, Del Mar Times (Aug. 31, 2017), available at <http://www.delmartimes.net/encinitas-advocate/news/sd-cm-enc-0901-district-elections-20170831-story.html>.
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171. Sue Dremann, *East Palo Alto council candidates address city's challenges*, Palo Alto Online (Sept. 30, 2016), available at <https://www.paloaltoonline.com/news/2016/09/30/east-palo-alto-council-candidates-address-citys-challenges>.
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173. Joseph Serna, *Righeimer: Costa Mesa should become a charter city*, Los Angeles Times (Nov. 2, 2011), available at <http://www.latimes.com/tn-dpt-1103-charter-20111102-story.html>. See also Cal. Const. Art. XI, § 5(b).
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175. Currently, the City of East Palo Alto provides city councilmembers with monthly health insurance, a \$300 monthly salary, as well as life insurance and 401K contribution equal to 10% of the salary. East Palo Alto, Cal., Code title 2, ch. 2.08, § 2.08.150 (2017). See also Cal. Gov. Code § 36516(a)(2). Although the Government Code allows cities to enact ordinances specifying a higher salary for city councilmembers, the increase is limited to an increase of 5% of the prior salaries. Cal. Gov. Code § 36516(a)(4).
176. League of California Cities, *supra* note 174.
177. *Id.*
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180. El Concilio of San Mateo County, *Programs*, <http://www.el-concilio.com/ecsmcprograms.htm> (last visited Oct. 24, 2017); Community Legal Services in East Palo Alto, *About Us*, <http://www.clsepa.org/about/> (last visited Oct. 24, 2017).
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188. Metropolitan Transportation Commission, *Plan Bay Area, Equity Analysis*, <http://www.planbayarea.org/2040-plan/plan-details/equity-analysis> (last visited Oct. 24, 2017).
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