



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** September 5, 2017

**TO:** Carolyn Lehr, City Manager

**FROM:** Charles S. Bryant, Community Development Director

**SUBJECT:** **Resolution of the City Council of the City of Emeryville Adopting Regulations Pursuant to Section 5-39.09(a) of the Emeryville Municipal Code to Implement Fair Workweek Employment Standards**

### RECOMMENDATION

Staff recommends that the City Council provide direction regarding options for regulations, and adopt the above-referenced resolution.

### BACKGROUND

On November 1, 2016, the City Council adopted Ordinance No. 16-007, "Fair Workweek Employment Standards". ("Ordinance"). The Ordinance is codified as Chapter 39 of Title 5 of the Emeryville Municipal Code, and became effective on July 1, 2017. Since the Ordinance was adopted, the City has been taking action to implement it. As part of the implementation process, the City will adopt regulations to facilitate implementation and enforcement of the Ordinance ("Regulations").

#### *Fiscal Constraints*

Since the adoption of the Ordinance, the City Council approved a change to the City's bi-annual budget cycle to correspond with City Council election cycle. Consequently, beginning in June 2017 the City Council has been presented with several analyses related to the Fiscal Year 2017-2018 and 2018-2019 Budget and the Five Year General Fund Projection. These analyses have been largely shaped by two factors: escalating pension costs and declining sales tax revenues. To close budget gap created by these trends, the Council directed staff to prepare a budget that includes service expenditure reductions in the General Fund. The proposed cuts would impact staff administration and legal support for the Fair Workweek program, which will require further consideration for successful program implementation.

### *Process for Adopting Regulations*

At its June 6, 2017, meeting, the Council discussed public review of the draft implementing regulations for the Ordinance and the implications for the implementation timeline of providing such a review period. The Council indicated its interest in releasing the regulations on August 1, 2017, after the July 1, 2017 effective date of the Ordinance, to allow for a public comment period of five weeks. At its June 20, 2017, meeting, the Council agreed to the following timeline for the development of the Regulations:

June 26, 2017_– Draft regulations are published online, public comment period begins, follow-up notices are emailed to stakeholders informing them that regulations are available for review and comment. Stakeholders may submit comments in writing, by phone, email, or on website.
<b>July 1, 2017</b> – Ordinance becomes effective, “soft roll-out” enforcement begins (investigation of complaints, but no fines)
July 14, 2017 – Written comments that have been received are posted to website
July 15 to July 31, 2017 – Public forums conducted. Staff conducted two Employer forums and two Employee forums allowing for participation through online and in-person platforms
July 31, 2017 – Public comment closes
August 1 to August 31, 2017 – Revisions are made; educational materials are created
August 11, 2017 – All written comments received are posted to website
<b>September 1, 2017</b> – Final Draft regulations are posted to website
September 1 to September 31, 2017 – Educational workshops/distribution of educational materials
<b>September 5, 2017</b> – Proposed City Council approval of Regulations
October 1 to December 31, 2017 – Employers incorporate materials, test and adjust processes
<b>January 1, 2018</b> – “Soft roll-out” enforcement ends, full enforcement with fines begins

On July 25, 2017 the City Council directed that staff place a discussion of the Regulations on the September 5, 2017 City Council agenda. As a result of this direction, the final Regulations have not yet been posted to the website.

## **DISCUSSION**

The proposed regulations (Exhibit A of the attached resolution) have been revised based on the comments received from both employer and employee groups. Below, substantive revisions are discussed and organized by Regulation. Questions for the Council’s

consideration and direction are included below in *italics* throughout the discussion of the Regulations below, and restated at the end of this report. A staff recommendation follows each question for Council. The staff recommendations relating to the Questions for Council were developed with the aim of achieving the Ordinance's policy objectives while minimizing the City resources required for administration and enforcement.

In the attached Regulations (Exhibit A of the attached resolution), revisions that are subject to a Council question posed by staff are prefaced with **[OPTION]** followed by the optional text in *italics*. Using this format the Council can easily either add or delete selected options so that final action can be taken to adopt the Regulations on September 5, 2017. Attachment 1 is a redlined legislative draft to demonstrate how the regulations have been modified since first published.

Not all comments are addressed through the Regulations. The Regulations are designed to provide clarity where there is ambiguity in the Ordinance. Some of the comments sought more detail. To satisfy the need for further detailed information, staff will prepare a Frequently Asked Questions document (FAQ) to be released with the final Regulations. The benefit of the FAQ is that it is written in plain English, which facilitates the understanding of the Ordinance and the Regulations by both Employers and Employees.<sup>1</sup> In addition, the FAQ is a "living document." Questions and answers can be added or modified administratively as staff, Employers and Employees become more familiar with the implementation of the Ordinance. The City also utilizes a FAQ document to communicate technical assistance to both employers and employees on issues related to the Minimum Wage and Paid Sick Leave ordinance.

### **Regulation No. 1: Definitions (Section 5-39.01)**

This Regulation has been amended to reflect that the definitions in the Ordinance also apply to the Regulations. Thus, the Regulation further defines some terms that are frequently used, which were not included in the Ordinance, such as "Part-Time Employee" and "Full-Time Employee".

Through the definitions, the City clarifies that executive, administrative and professional employees who are exempt from overtime requirements under federal and state law are not considered an Employee for purposes of the Ordinance. The purpose of the Ordinance is to provide standards for work hours for employees in retail and fast food industries, and the legislative history of the Ordinance implies that the intent was to provide standards for hourly employees, subject to payment of overtime. Executive, administrative and professional employees who are exempt from overtime requirements may not face the same challenges as the hourly employees. The draft Regulations included Regulation 2.b.i., which provides that such employees were *not* included in the count of Employees for purposes of determining whether the Employer was a Covered Employer. Proposed Regulation 1.a.iv. was added to clarify that the Ordinance does not apply to executive, administrative and professional employees exempt from overtime

---

<sup>1</sup> Capitalized terms in the staff report are defined terms in either the Ordinance or Regulations.

laws. Such a clarification is consistent with San Francisco and Seattle, which also exempt executive, administrative and professional employees from their scheduling ordinances.

In addition, Regulation No.1.d. defines “Regular Rate of Pay”. Employers commented that the Regular Rate of Pay should be based on an Employee’s straight hourly rate, exclusive of any commissions or other compensation. The rationale behind using the Employee’s hourly rate is to simplify calculation of the pay owed. Factoring commissions into Predictability Pay complicates both compliance and enforcement efforts, and therefore has a fiscal impact on both Covered Employers and the City. Factoring commission pay into an Employee’s regular rate of pay is required for compliance under wage and overtime laws since an overtime rate is based on an Employee’s hourly rate, plus commissions. Thus, Employers already are required to calculate an Employee’s regular rate of pay, including commissions. In response to an Employer’s comment, the proposed regulation to include the commission in the calculation of Regular Rate of Pay has been revised to clarify that the Regular Rate of Pay shall be calculated in the same manner as required for determining overtime compensation. By calculating the Regular Rate of Pay in the same manner required to calculate the regular rate of pay for overtime calculations, Employers will be required to only use one formula, which should facilitate compliance.<sup>2</sup>

San Francisco calculates regular rate of pay based on total earnings in base wages plus commissions. Seattle requires compensation to be based on the scheduled rate of pay at the beginning of the employee’s work shift, regardless of whether the rate changes over the course of the shift (i.e. regular rate that changes to overtime rate mid-shift). However, it is notable that the incidence of predictability pay under both the San Francisco and Seattle ordinances is expected to be significantly lower than under Emeryville’s ordinance, primarily due to the way these ordinances treat exceptions to predictability pay. Therefore, the calculation of regular rate of pay can be expected to be required to be performed more frequently under Emeryville’s ordinance.

*Question No. 1: Should an Employee’s Regular Rate of Pay include their commissions? Option A includes commissions in the Regular Rate of Pay whereas Option B excludes commissions from the Regular Rate of Pay.*

*Staff Recommendation: Option A - Regular Rate of Pay includes commissions.*

## **Regulation No. 2: Covered Employers (Section 5-39.02)**

Changes made to this Regulation were for clarification purposes. No substantive changes were made.

## **Regulation No. 3: Advance Notice of Work Schedules (Section 5-39.03)**

In response to an Employee comment, Regulation 3.a was added to provide clarity on the term “good faith estimate”.

---

<sup>2</sup> Some Covered Employers may be undertaking the Regular Rate of Pay calculation for the first time, if they did not utilize Full-Time Employees.

[Note: Option C in Regulation 3.d relates to Option J in Regulation 5.d. Please see discussion below under Regulation 5.]

Employer comments raise two different issues for this Regulation related to when Predictability Pay is owed. The first type of comment has been coined the “Grace Period” issue. Covered Employers would like a grace period between when the shift ends, and the Employee clocks out where Predictability Pay is not owed, similar to Seattle’s grace period rule. The initial regulations provided that an Employee would not be entitled to Predictability Pay if an Employee continued to work past his/her scheduled shift end to complete a transaction that would result in a commission for the Employee.

In addition, Employers commented that the regulations should provide for a more general grace period. For example, if an Employee’s shift ends at 11:00 p.m., and the Employee clocks out at 11:02 p.m., the Employee should not be owed Predictability Pay. Employees have commented that any such exceptions are not included in the Ordinance, and therefore, should not be included in the regulations. On the other hand, providing time to complete a transaction for which a commission will be earned could be viewed as an employee benefit, if employers would otherwise respond by requiring employees to leave exactly at their shift end time. Both Seattle and San Francisco provide for this exception.

*Question No. 2: Should there be a grace period before Covered Employers would be obligated to pay Predictability Pay to an Employee who clocks out after the scheduled end of his/her Shift? Option D allows for an unlimited grace period for an Employee to complete a transaction for a commission. Option E provides for a limited grace period in Shift transition. If the Council chooses to include Option E, the Council should designate the time length for the grace period. If the Council is not interested in providing for either type of grace period, Options D and E should be eliminated.*

*Staff Recommendation: Option E – Provide a grace period before and after Shift beginning and ending times during which the Employee is not entitled to Predictability Pay. In no case may the grace period exceed 6 minutes from the beginning or end of a Shift.*

The second type of comment relates to accommodating an Employee request to leave work. If an Employer sends an Employee home prior to the end of the Employee’s Shift because there is no work, the Employer owes Predictability Pay to the Employee. However, it is not clear what happens if an Employee requests to leave a scheduled Shift early because there is no work. Employers have indicated that if they have to pay Predictability Pay in this type of situation, they would not allow the Employee to go home, even if the Employee voluntarily initiated the request for leave. However, if there is a regulation that clarifies that the Employee is not entitled to Predictability Pay in this type of situation, then Employers would be more inclined to accommodate the request. In both San Francisco and Seattle there are exceptions made for employee-initiated requests in order to allow some level of flexibility in unexpected scheduling changes. There are some

situations where employees may want to make adjustments because of last-minute life events.

*Question No. 3: Should the Regulation clarify that if an Employee voluntarily initiates a request to end a Shift early, and a Covered Employer agrees to the request, the Employee is not entitled to Predictability Pay? If yes, the Council should choose to include Option F. If no, Option F should be deleted.*

*Staff Recommendation: Option F – if an Employee voluntarily initiates a request to end a Shift early, this is an Employee-Initiated schedule change and therefore Employee is not entitled to Predictability Pay.*

#### **Regulation No. 4: Notice, Right to Decline, and Compensation for Schedule Changes (Section 5-39.04)**

The modifications to Regulation No. 4 reflect comments on situations that arise out of modifying an Employee's schedule. Employers requested clarification on whether an Employee could decline a modified schedule. However, if Employee acceptance is required for a modified schedule, Employers would like the Regulations to clarify that an Employee does not have the right to decline a modified schedule with fewer hours, provided the Covered Employer pays Predictability Pay, as may be required under the Ordinance. To address these two comments, staff proposes adding language to the end of Regulation 4.a.i., which requires Employee acceptance of a Schedule Modification, except for a modification that results in an elimination of a Shift, provided the Covered Employer complies with all other aspects of the Ordinance and Regulation.

*Question No. 4. Should an Employee be required to accept a modification to his/her schedule, except for a modification that results in a reduction of hours? If yes, Option G should be included. If no, Option G should be deleted, and a FAQ will be developed to inform Employers that the Employee must accept a reduction in hours.*

*Staff Recommendation: Option G – Employers must obtain Employee acceptance of modification(s) to his/her schedule except for modifications that result in a reduction of hours, provided the Covered Employer complies with all other aspects of the Ordinance and Regulation, including the payment of Predictability Pay for the modified shift(s).*

Employers also have requested clarification to the payment of Predictability Pay. First, Employers have commented that if an Employee is sent home for disciplinary reasons, then the Employee should not be entitled to Predictability Pay. Employers do not want to reward unacceptable behavior, i.e., behavior in violation of Employer's policies. Second, Employers have commented that an Employee should not be entitled to Predictability Pay if the Employer is already paying overtime. Employers feel that requiring Predictability Pay in this instance would amount to a double penalty, based on the assumption that payment of overtime is a penalty to the Employer. Employees have commented that any such exceptions are not included in the Ordinance, and therefore, should not be included

in the regulations. In addition, commenters noted that these exceptions could provide a manager or supervisor with an opportunity to take advantage of an Employee.

Both San Francisco and Seattle allow for a number of exceptions to the payment of Predictability Pay, including for disciplinary reasons, shift swaps and voluntary reduction of hours.

*Question No. 5: Should there be an exception to Predictability Pay for disciplinary reasons or when overtime is paid? If Predictability Pay should be included even if an Employee shift is ended for disciplinary reasons, then Option H should be deleted. If there should be an exception for Predictability Pay for disciplinary reasons, then Option H should be included.*

*If there should be an exception to Predictability Pay when overtime is paid, Options I and K should be deleted. If there should be no exception to Predictability Pay when over time is paid, the Council should include Options I and K.*

*Staff Recommendation: Delete Option H, and include Options I and K – Employees are not entitled to Predictability Pay when a shift is ended due to disciplinary reasons. Predictability Pay is required even when shift modifications result in the payment of overtime to the Covered Employee.*

#### **Regulation No. 5: Offer of Work to Existing Employees (Section 5-39.05)**

Both Employer and Employee comments sought clarity on offering additional work. Employee comments were concerned that managers and supervisors would offer additional work only to preferred Employees, creating an unfair distribution of additional work. Employers commented on seeking clarity as well on how to handle a vacant full-time position. There were several comments that suggested the Employer should have discretion around the process of distribution of additional work. To accommodate the Employer's request for discretion, and the Employee's request for fairness, Regulation 5.a. requires the Covered Employer to develop a written policy to address how additional work will be distributed and accepted.

In addition, clarity is sought on whether Predictability Pay is owed to an Employee who accepts additional work less than 14 days prior to the scheduled Shift. Section 5-39.04(c) provides that Predictability Pay is owed for "each previously scheduled Shift that the Covered Employer adds or subtracts hours, moves to another date or time, cancels, or each previously unscheduled Shift that the Covered Employer adds to the Employee's schedule..." The issue is whether the offer of additional work, which the Employee has a right to decline, is considered a Covered Employer-initiated modification to an Employee's schedule. Given the ambiguity in the Ordinance, the Council has the discretion in how it answers the issue presented.

*Question No. 6: Should an Employee be entitled to Predictability Pay if the Employee accepts additional work with less than 14 days' notice prior to the Shift? If yes, Option J*

*should be included, and Option C deleted. If no, Option J should be deleted, and C should remain.*

Staff Recommendation: *Option J – Employees are entitled to Predictability Pay if the Employee accepts additional work with less than 14 days' notice prior to the Shift.*

### **Regulation No. 9: Implementation (Section 5-39.09)**

There are comments by both Employers and Employees requesting further regulations on enforcement of the Ordinance and Regulations. On June 6, 2017, the City Council adopted Resolution No. 17-78 authorizing the City Manager to enter into a professional services agreement with The Labor Compliance Managers (TLCM) to assist staff with enforcement and administration of the City's labor standard ordinances, which include the Fair Workweek Ordinance, the Minimum Wage and Paid Sick Leave Ordinance, and Measure C.

Any regulations related to enforcement should be considered in light of the context that the violation of one City labor standard may result in the violation of another City labor standard. For example, if a Covered Employer incorrectly calculates a Covered Employee's minimum wage under the City's Minimum Wage and Paid Sick Leave Ordinance, then, more than likely, the Covered Employee has not received the correct amount of Predictability Pay under the Fair Workweek Ordinance. This could result in an extensive investigation and audit. In addition, and as noted above, one FTE in the EDH Division that currently oversees the City's labor standards programs is proposed to be eliminated after June 30, 2018. The elimination of this position will impact enforcement of the City's labor standards. In light of budget and staff constraints, the City may need to consider enforcement priorities. Thus, considering the broader context in which enforcement of the Ordinance occurs, staff recommends that the Regulations remain silent as to specific enforcement standards so that the City can remain flexible to address staffing shortfalls.

Nonetheless, there are ways in which the City can provide further information related to enforcement. The Regulations have been revised to include the enforcement regulations used to implement the Minimum Wage Ordinance. With respect to the timing and investigation of a complaint, staff will be issuing a Frequently Asked Questions document, which will address what Employers and Employees can expect in terms of timing of investigation of complaints. By including this information in the Frequently Asked Questions document, staff will be able to update the information as circumstances change. In addition, staff anticipates that the Administrative Instruction governing Minimum Wage Ordinance enforcement, which provides guidance on actions City staff needs to take, will be amended to include enforcement of the Fair Work Week Ordinance. This Administrative Instruction also may need to be amended to reflect that the City will be contracting with TLCM for enforcement. Although the Administrative Instruction is primarily an internal document, staff does share the document with the public to inform them of how enforcement works. Finally, the Regulations clarify that Employees maintain their private right of action, and are not precluded from taking their own action.



## **Regulation No. 10: Documentation and Record Retention (Section 5-39.10)**

Employers are looking for more guidance as to what documents should be retained, and how they should be retained. Given the changes in technology and record storage and management, as well as differences between Employers, the Regulations do not prescribe how the records should be retained or in what form. Instead, the Regulations communicate the expectation for documentation. Regulation 10.b provides that Employers need to retain records to document their compliance with the Ordinance and Regulations. Covered Employers should be working with their human resources departments, legal departments, and information technology departments to develop a document recordation system that works for their business, so that if the Covered Employer is subject to an enforcement investigation, the Covered Employer is able to demonstrate compliance with the Ordinance and Regulations. For example, in response to comments, the Ordinance and Regulations allow for documentation to occur via text messaging, provided the Employee does not incur a charge for the communication. However, archiving text messages for documentation purposes can be challenging. Thus, the Ordinance and Regulations allow for it, if the Covered Employer can overcome the challenges associated with using text messages for documentation purposes.

To address a comment regarding the burden of enforcement, the Regulation clarifies that the absence of a record documenting compliance creates a rebuttable presumption of non-compliance.

### **FISCAL IMPACT**

Staff has identified two metrics in which to measure the fiscal impact of the final Regulations. The first metric is the complexity of the Regulations. Overall, Employers are requesting exceptions to the Ordinance through the Regulations. For example, Options D [commission exception], E [grace period], F [employee request] and H [discipline] are all exceptions to the general requirement of when an Employee is owed Predictability Pay. The more exceptions there are, the more complex the Regulations become. Such complexity breeds misunderstanding, which prompts an increase in technical assistance calls from Covered Employers and in complaints from Employees, which increases the fiscal impact on City resources.

However, this is closely related and offset by the second metric, which is the expansiveness of the Regulations. The more expansive the Regulations, the greater the fiscal impact. For example, Option A is the more expansive definition for Regular Rate of Pay because it encapsulates payment beyond the straight hourly rate, compared to Option B. Such an expansive definition is likely to prompt an increase in technical assistance calls from Employers and complaints from Employees. Additionally, the more expansive the Regulations are in defining instances in which Predictability Pay is due (i.e. the fewer exceptions to Predictability Pay), the more likely it is that a violation of the Ordinance can occur. This increases the costs of enforcement of the Ordinance by increasing the number of complaints.

As noted earlier, since the adoption of the Ordinance, the City's fiscal condition has been negatively impacted by a continued decline in brick-and-mortar retail sales among other factors. At this writing, the Council is considering cost cutting measures that could impact staff resources dedicated to the Ordinance and other labor standards ordinances. The fewer exceptions to Predictability Pay in the ordinance and regulations, the more instances of Predictability Pay will result, therefore increasing labor costs to Covered Employers and a commensurate reduction in profitability of these stores relative to stores that do not provide Predictability Pay. If the contraction in brick-and-mortar retail continues as expected, Emeryville outlets may have a higher probability of being closed when compared to similar store locations due to lower profitability. This is true even when store locations in Seattle or San Francisco are used as a comparator, because those Cities provide a number of significant exceptions to Predictability Pay, as noted above.

The City's costs related to enforcement can be offset by Employers. Section 5-39.10(c)(1)c provides for reimbursement of the City's administrative costs of enforcement and reasonable attorney's fees as a remedy. However, reimbursement usually only occurs if there is a formal action initiated. Often, violations can be remedied during the investigation process, prior to any formal commencement of action. In those situations, the enforcing agency usually forgoes remedies in order to bring a quick resolution so the Employees can receive relief sooner.

## **STAFF COMMUNICATION WITH THE PUBLIC**

Staff has discussed the proposed regulations with both Employers and Employees and their respective representatives.

## **CONCLUSION**

Staff recommends that the City Council do the following:

1. Receive this staff report and staff presentation.
2. Take public comment.
3. Request staff's response to public comment.
4. Answer the following questions:
  - Question No. 1: *Should an Employee's Regular Rate of Pay include their commissions? Option A includes commissions in the Regular Rate of Pay whereas Option B excludes commissions from the Regular Rate of Pay.*
  - Staff Recommendation: *Option A - Regular Rate of Pay includes commissions.*
  - Question No. 2: *Should there be a grace period before Covered Employers would be obligated to pay Predictability Pay to an Employee who clocks out after the scheduled end of his/her Shift? Option D allows for an unlimited grace period for*

*an Employee to complete a transaction for a commission. Option E provides for a limited grace period in Shift transition. If the Council chooses to include Option E, Council should designate the time length for the grace period. If the Council is not interested in providing for either type of grace period, Options D and E should be eliminated.*

- *Staff Recommendation: Option E – Provide a grace period before and after Shift beginning and ending times during which the Employee is not entitled to Predictability Pay. In no case may the grace period exceed 6 minutes from the beginning or end of a Shift.*
  
- *Question No. 3: Should the Regulation clarify that if an Employee voluntarily initiates a request to end a Shift early, and a Covered Employer agrees to the request, the Employee is not entitled to Predictability Pay? If yes, the Council should choose to include Option F. If no, Option F would be deleted.*
  
- *Staff Recommendation: Option F – if an Employee voluntarily initiates a request to end a Shift early, this is an Employee-Initiated schedule change and therefore Employee is not entitled to Predictability Pay.*
  
- *Question No. 4: Should an Employee be required to accept a modification to his/her schedule, except for a modification that results in a reduction of hours? If yes, Option G should be included. If no, Option G should be deleted, and a FAQ will be developed to inform Employers that the Employee must accept a reduction in hours.*
  
- *Staff Recommendation: Option G – Employers must obtain Employee acceptance of modification(s) to his/her schedule except for modifications that result in a reduction of hours, provided the Covered Employer complies with all other aspects of the Ordinance and Regulation, including the payment of Predictability Pay for the modified shift(s).*
  
- *Question No. 5: Should there be an exception to Predictability Pay for discipline reasons or when overtime is paid? If Predictability Pay should be included even if an Employee shift is ended for disciplinary reasons, then Option H should be deleted. If there should be an exception for Predictability Pay for disciplinary reasons, then Option H should be included. If there should be an exception to Predictability Pay when overtime is paid, Options I and K should be deleted. If there should be no exception to Predictability Pay when over time is paid, the Council should include Options I and K.*
  
- *Staff Recommendation: Delete Option H, and include Options I and K – Employees are not entitled to Predictability Pay when a shift is ended due to disciplinary reasons. Predictability Pay is required even when shift modifications result in the payment of overtime to the Covered Employee.*

- *Question No. 6: Should an Employee be entitled to Predictability Pay if the Employee accepts additional work with less than 14 days' notice prior to the Shift? If yes, Option J should be included, and Option C deleted. If no, Option J should be deleted, and C should remain.*
  - *Staff Recommendation: Option J – Employees are entitled to Predictability Pay if the Employee accepts additional work with less than 14 days' notice prior to the Shift.*
5. Approve the attached resolution adopting the proposed Regulations, with Options as selected by the Council.

**PREPARED BY:** April Shabazz, Management Analyst

**REVIEWED BY:** Chadrick Smalley, Economic Development and Housing Manager

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



---

Carolyn Lehr, City Manager

Draft Resolution, including Exhibit A: Proposed Final Regulations  
Attachment 1: Redlined Legislative Draft of Regulations  
Attachment 2: Written Comments Received  
Attachment 3: Comments from Forums prepared by City consultant, Mills College