



# Memorandum

**TO:** RULES & OPEN  
GOVERNMENT COMMITTEE

**FROM:** Debra Figone

**SUBJECT:** CONSORTIUM FOR POLICE  
LEADERSHIP IN EQUITY (CPLE)

**DATE:** April 6, 2009

## RECOMMENDATION

- (a) Accept the introductory scope and preliminary timeline for Consortium for Police Leadership and Equity (CPLE) to present to the City Council its organization and methodology for doing research related to racial and gender equity in policing.
- (b) Accept the preliminary quarterly status report schedule to the Public Safety, Finance, and Strategic Support Committee.

## BACKGROUND

On March 6, the Police Chief signed a Letter of Intent with the *Consortium for Police Leadership in Equity* (CPLE), an independent group of researchers from leading academic institutions across the country (Attachment A). This research initiative will help the City better understand the complex issues related to arrest data and identify potential improvements in police practices. The City will use the results of the CPLE work to evaluate changes or improvements to the Police Department's policies, procedures, and/or training. This effort will explore internal and external procedures or practices within the police department related to issues of equity.

On March 18, Mayor Chuck Reed and Councilmembers Sam Liccardo and Nora Campos issued a memo in support of the CPLE effort with several recommendations for the City Manager (Attachment B). The Rules & Open Government Committee considered the Mayor and Councilmembers' memo on March 25 and directed staff to return with additional information by April 8. This report responds to that request.

This memorandum also provides background on the CPLE effort, as well as a brief summary of other efforts underway that have been a part of the recent discussion related to arrest data, such as the: Public Intoxication Task Force; Community Summit; Demographic Study; and, Downtown Entertainment Zone Deployment Model Update.

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### **ANALYSIS**

A number of questions have been raised over the past few months regarding San Jose arrest statistics and whether or not these data reflect biased-based actions by members of the Police Department. Recent news articles have pointed to the number of Hispanics among those arrested for various offenses, and some community members have suggested that these numbers are disproportionately high and reflect patterns and practices of bias-based actions by the Department. This concern has been the subject of much discussion by some members of the Public Intoxication Task Force. While these numbers raise concerns, the City must have a more in-depth understanding of their significance before any conclusions can be drawn.

I am proud of the men and women of the San Jose Police Department and the many accolades it has earned. In the most recent community survey conducted in 2007, Police services have consistently been among the most highly rated services provided by the City since we began surveying our residents. I am mindful, however, that these positive feelings may not be shared evenly throughout the City, and this acknowledgement is a starting point for the City's work with the CPLE. Additionally, as stated before, the Administration does not, and will not, tolerate poor conduct or inappropriate behavior from members of the Police Department or from any other of its employees. If the CPLE effort should surface issues that require changes to law enforcement procedures, policies, or training, the Police Chief will initiate improvements. Additionally, where operational improvements can be made, they will be implemented before and during the CPLE effort. It is commendable that the San Jose Police Officers' Association (SJPOA) supports the CPLE effort. A letter from SJPOA President Bobby Lopez (Attachment C) affirms the workforce's support for this effort. This support is critical for moving forward with an effort of this magnitude and significance. As we move forward with the CPLE effort, community relations will be "front and center" as a measure for our performance.

### **Summary of CPLE**

The CPLE is a research consortium that promotes police transparency and accountability through research collaborations between law enforcement agencies and social scientists. Through its efforts, the CPLE seeks to improve issues of equity—particularly racial and gender equity—in policing both within law enforcement agencies and between agencies and the communities they serve. The CPLE is committed to research transparency and, as such, does not charge participating law enforcement agencies for access to expert researchers. CPLE researchers are not funded by participating law enforcement agencies and are able to render both expert consultations (for law enforcement) and scholarly publications (for the academic and general public) without any question of coercion or incentive. Consequently, the structure of the CPLE is, itself, an innovation designed to further the interests of transparency and accountability in equity matters.<sup>1</sup> The City will not drive the direction the research takes, nor in the characterization of its findings.

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<sup>1</sup> <http://cple.psych.ucla.edu>

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The work of the CPLE, which only recently formed in January 2009, could not be a better fit at this time. My expectation is that the CPLE's effort in San Jose will not only provide insights regarding the questions being raised, but will also identify opportunities to make improvements. The goal of this effort is to ensure that the Police Department retains the best practices in policing, as well as community credibility and trust. While there may be a desire for the CPLE to reach conclusions quickly and make public its work, we need to be mindful that CPLE's work is comprehensive and based on research "best practices" which requires time to complete.

### **Summary of Other Efforts Underway**

Below is a brief discussion of other efforts underway:

**Public Intoxication Task Force**— On November 18, 2008, the City Council held a public hearing to discuss the issue of public intoxication. At that meeting, the City Council directed the City Manager to establish a task force to address the issue of arrests for public intoxication. The City Council charge to the Public Intoxication Task Force was to develop:

- (1) Recommendations for non-criminal sanctions and alternative approaches to arrest under Penal Code Section 647(f), and
- (2) Additional procedures that an officer should satisfy to obtain objective evidence to support findings to arrest under Penal Code Section 647(f).

The City Council directed the City Manager to return to the Public Safety, Finance and Strategic Support (PSFSS) Committee at its December 18 meeting with a work plan for the Task Force. The City Manager brought forward a report in response to the City Council's direction, which was approved on January 13. The report set the Task Force's desired outcomes, a 90-day meeting schedule, and a process-design for completing the above two goals. The process-design for the Task Force was specifically tailored to address the City Council's direction.

Some members of the Task force have expressed concern that the two objectives approved by the City Council are narrow and do not enable a comprehensive review. I recognize that there may be different expectations for the purpose of the Task Force and that Task Force members may not be completely aligned on the purpose/goals as directed by the City Council. In discussions with the Task Force, I have suggested that we continue to develop options that specifically respond to the above two goals and the creation of a third category that identifies longer-term issues that should be explored. It is my intent to capture those issues and present them to the City Council as well.

Concern has also been expressed that the CPLE effort is an attempt by the City to circumvent the Task Force work. I believe that the work of the CPLE will be complementary to the work of the PITF. The CPLE's work will be broader and comprehensive in scope and brings the independent academic expertise and resources needed to help the City fully understand these complex and important issues. The work of the PITF can not be dismissed. Its work will improve practices related to public intoxication. Moving forward, it is important to acknowledge and integrate the critical role of the PITF and the organizations that the members represent. CPLE has already begun contacting PITF members, soliciting their input regarding their individual opinions and

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perspectives. Going forward, both the PITF and the CPLE efforts will require attention and should help ensure the best police practices in San Jose.

*Schedule for PITF and Release of Incident Reports*

The Task Force's schedule has been delayed in an effort to provide sufficient time for the Task Force to complete a review of Incident Reports related to Penal Code Section 647(f), Public Intoxication. As previously reported, I worked with the Police Department to develop a method to release a random sampling of 282 Public Intoxication Incident Reports (Incident Reports) for the Task Force to review. While the request from some of the Task Force members was to obtain all 4,661 Incident Reports for 2007, the time and resources necessary to accomplish this task presented challenges. Since incident reports contain private and confidential information regarding victims, witnesses or juveniles, each report must be reviewed and redacted by one officer, after which a second officer must review the same report to make sure any personal and confidential information has been properly redacted. This redaction process is followed by one last review by the City Attorney's Office that ensures that the redaction process is complete and correct. To release all records, it was estimated that it would take two police personnel working full time for ten weeks (800 hours) to gather, redact, and review this number of records, following which the City Attorney's Office would initiate its review.

The recent experience to provide 282 Incident Reports is a good "case study" of the complexity and the work effort required to properly respond to this request. While staff estimated moderately the resources needed to produce these reports, significant additional resources were needed to respond in a timely manner. Additionally, the production of Incident Reports required coordination with the County of Santa Clara which took time and required the use of its own resources. Retrieval of Incident Reports was further delayed because records are warehoused in multiple locations throughout the City. In the end, it took 327 staff hours (excludes fringe costs) to produce these records, and at a cost of time and copying of approximately \$33,950. This estimate does not include staff time for the City Manager's Office and City Attorney's Office.

While the time to provide this sampling of Incident Reports was substantial, I believe it was important to respond to those Task Force members who sincerely believe that the release of records was important for them to move forward with the stated goals for the Task Force. Upon release of the Incident Reports, I submitted a revised schedule that concluded the Task Force's work on May 7, with a report before the City Council for consideration on June 2. Since there has been so much focus by some members of the Task Force on Incident Reports, I will ensure that the City Council report summarizes any findings, trends, or themes expressed by Task Force members making presentations about their findings at our next PITF meeting on April 23. Additionally, findings from the Task Force's review of Incident Reports may be used to inform the recommendations that are brought forward to the City Council on June 2.

**Community Summit** —As a separate effort, and led by the La Raza Roundtable, the Latina Coalition of Silicon Valley, and other organizations, staff has been asked to participate in the development of a summit style conference to discuss issues impacting the Latino community in San Jose. This effort was initiated also last fall when concerns about arrests statistics surfaced. Staff agreed to participate as one of several partners agencies. The City facilitated the receipt of

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a foundation grant and provided matching grant/funds assistance from the City Manager's Office budget.

The Summit Design Team and Planning Committee convened on March 28 to begin identifying the issues important for the Summit and to agree upon a draft work plan. Based on the discussion at this meeting, the group proposed the focus on, and future work would center around, three core areas: 1) *Criminal Justice*, 2) *Education* and 3) *Social Services*, with an emphasis on prevention and intervention programs and services. A draft Summit proposal will be finalized in mid-April and will be provided by La Raza Roundtable Planning Committee.

**Demographic Study**— During the November 18, 2008 City Council meeting, the City Manager was directed: *To ascertain how and whether the City can accurately survey the demographic characteristics – including their race, ethnicity, gender, and approximate age – of the people in the downtown Entertainment Zone during key hours of heavy nightclub activity, preferably under the auspices of an unaffiliated third-party.*

To respond to this referral, the City has been working with the University of California at Berkeley (UCB) Survey Research Center to respond to this referral. A report was recently issued to the Public Safety, Finance and Strategic Support Committee in March 2009. As part of that report, staff provided response to the City Council's question regarding how and whether the City can accurately survey the demographic characteristics – including race, ethnicity, gender, and approximate age – of the people in the downtown Entertainment Zone during key hours of heavy nightclub activity, preferably under the auspices of an unaffiliated third-party. Through discussion with survey experts from UCB, it was determined that such a study could be performed but that there would be limitations on the utility of the data obtained, such as:

- Accuracy, or margin of error, is dependent on the final design and methodology utilized to conduct the study. The higher the level of accuracy desired, the higher the cost for the demographic study and the more complex survey design.
- Both survey methods document only a "snap shot" in time with respect to the demographics reflecting the day on which the survey occurs.
- If the goal is to understand changes or trend activity related to demographics within the Entertainment Zone, then the above approaches would need to be performed repeatedly over time to measure changes in demographics. This would be costly as collecting data on a one time basis ranges from \$25,000 - \$80,000.
- The data collected can not be used to understand demographics of the Entertainment Zone in the past or in the future.
- The data collected would not provide any information on law enforcement activities.

The report has been forwarded to the City Council by the Public Safety, Finance and Strategic Support Committee without recommendation and the City Council will need to determine how or whether to move forward at its City Council meeting on April 21, 2009. If City Council direction is to proceed, then staff should be directed to bring forward the necessary budget action to fund the Demographic Study.

**Downtown Entertainment Zone Deployment Model Update** - As part of the City's Mid-Year Budget actions, the City Council heard a proposal to authorize a change in the fee methodology for the Public Entertainment Business Permit charged to businesses operating in the Downtown Entertainment Zone, to include costs related to police enforcement of the Public Entertainment Permit Ordinance. The City Council supported changing the fee methodology, providing additional direction on the structure of the fee and further directed that staff continue it's work to change the deployment model for the Entertainment Zone consistent with community policing. The City Manager's Office has retained the services of a nationally recognized entertainment zone policing consultant. The consultant and the City Manager's Downtown Coordinator are working with the Police Department, nightclub stakeholders, and patrons to develop options that address the City Council's direction. An Informational Memo further detailing the Administration's efforts, was sent to the City Council on April 3, 2009 (Attachment D).

**CPLE Next Steps**

**CPLE April Visit/Activity**--The Administration has confirmed that CPLE is available to present to the City Council on April 21 and to answer questions at the Rules & Open Government Committee on April 22. The Administration has developed a preliminary itinerary for the CPLE to begin its work in the City. As noted, CPLE has already reached out to PITF members to begin gathering input on police practices, perceptions, and opinions for potential research work. Listed below is a schedule that identifies CPLE's first steps towards assessing community concerns:

| Date     | Milestone  |
|----------|--|
| April 20 | CPLE meetings with City Councilmembers/Mayor   |
| April 21 | Meeting with City Manager and Staff<br><br>City Council Meeting Presentation: <ul style="list-style-type: none"> <li>▪ Introductions</li> <li>▪ Preliminary Review of CPLE methodology, past work, approach, and discussion/input for community engagement.</li> </ul> |
| April 22 | Rules & Open Government Presentation <ul style="list-style-type: none"> <li>▪ Sunshine/Open Government Discussion Regarding Police Department Statistical Reports</li> </ul>   |

**Community Outreach:** Staff is in the process of developing a list of community stakeholders including the Public Intoxication Task Force, neighborhood associations/groups, non-profit organizations, faith based organizations, and any additional advocacy/stakeholder groups recommended by the Police Department, Councilmembers, or the groups noted above. As CPLE develops its research scope, the community outreach effort will be further developed.

**CPLE Research Team:** During the preliminary assessment period, the CPLE will introduce a Research Team to the City comprised of researchers with skill sets best aligned with the required research. As noted in a previous memo, CPLE tries to match the methodology with the

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research question, working to address targeted problems through a variety of means. These range from interviews, surveys, experiments, and reviews and analysis of Departmental records. CPLE engages in both short-term and long-term (longitudinal) data collection.

**Public Safety, Finance and Strategic Support Committee (PSFSS) Reports:** In the Mayor/Councilmembers' memo, the report calls for quarterly report at the PSFSS Committee. Additionally, staff is in process of exploring with CPLE a one-year report to the City Council in May 2010. Listed below is the proposed schedule which is being coordinated with CPLE:

| <b>PSFSS Comte. Date</b> | <b>Activity Report Period</b> |
|--------------------------|-------------------------------|
| August 20                | April, May, June              |
| November 19              | July, August, September       |
| February 18              | October, November, December   |

Additionally, the City will need to execute a Memorandum of Understanding (MOU) with CPLE as the research scope is determined and developed. This MOU will be brought forward to the City Council for approval and further discussion. The City will coordinate CPLE's availability to ensure that the City Council has the opportunity to discuss with CPLE any issues related to the proposed scope, at that time.

**CONCLUSION**

I believe the City's engagement with the CPLE provides an opportunity to better understand the complex issues related to recent statistical reports and to benefit from the work of top professionals in this field. Additionally, the opportunity exists for representatives of the CPLE to assist the Police Department in assessing current issues and identifying opportunities to make improvement to policies, procedures, and/or training. This is a unique opportunity for the City and appears timely given the rising concern of several issues that impact community relations. It is unfortunate that the City's participation in the CPLE has been viewed as crafted to offset the work of the PITF or any other motives. The CPLE should be judged and evaluated on its own merit and recent successes with the Denver Police Department. I am hopeful, however, that the CPLE will be welcomed by all members of our community, held to a high standard, and that their work will be productive and informative toward achieving improved community relations and improvements within our Police Department. Since new concerns have been raised about the overuse of other penal codes sections (such as, Resisting Arrest and Disturbing the Peace), I strongly urge that the City Council receive the guidance of the CPLE on how best to proceed with its review, and utilize their expertise to engage the community on these expanding issues.

  
Debra Figone  
City Manager



DEPARTMENT OF PSYCHOLOGY  
1285 FRANZ HALL  
BOX 951563  
LOS ANGELES, CALIFORNIA 90095-1563

By affixing my signature to this document, I, ROB DAVIS, on behalf of SAN JOSE POLICE DEPARTMENT, do hereby affirm the above agency's commitment to participate in a research collaboration with the Denver Police Department and the University of California, Los Angeles as part of the **Consortium for Police Leadership in Equity (CPL)**. The above agency's commitment will include, but may not be limited to:

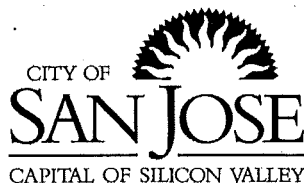
- 1) Affirming that the above agency will work diligently with the CPL to conduct research to the mutual benefit of law enforcement and the social science of equity. Part of this diligence includes designating a liaison with which the CPL will coordinate research efforts.
- 2) Providing access, to the best of the agency's legal ability, to all law enforcement-related resources necessary to the completion of collaborative research projects—including, but not limited to—officers, records, and organizational policies.
- 3) Providing the CPL information about ongoing research collaborations with the CPL. This information may be posted on the CPL website which is available to the public and may also be shared with members of the press.
- 4) Affirming that original data obtained through collaborations with the CPL belong to the Principle Investigator assigned to the department and to the CPL—and not to the law enforcement agency from which the data was collected.
- 5) Affirming that the above agency may not attempt to influence what, when, or how researchers choose to publish their findings in scholarly journals.
- 6) Affirming that collaboration with the CPL and CPL-affiliated researchers is contingent on researchers' compliance with CPL policies regarding researcher conduct.

Participating law enforcement agencies will receive the careful attentions of world-class researchers who have each been specifically trained in law enforcement culture, confidential record management, media relations, and the specific concerns of the agencies in which they work. In cooperation with the CPL and CPL-affiliated researchers, participating agencies will create a program of research designed to address the specific needs of the agency with regard to equity and inclusiveness issues. These programs of research will yield concrete consultation documents produced by CPL-affiliated researchers that will both identify areas of concern—isolating causes where possible—and suggest processes for solutions. The goal of each CPL collaboration is to create an elite and transparent partnership that furthers both our understanding of police equity and our ability to realize it.

Signature: \_\_\_\_\_

Date: 03-06-2009

Name (Printed), Rank, and Agency: ROB DAVIS, CHIEF OF POLICE  
SAN JOSE POLICE DEPARTMENT



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Mayor Chuck Reed  
Councilmember Nora Campos  
Councilmember Sam Liccardo

**SUBJECT:** CONSORTIUM FOR POLICE  
LEADERSHIP IN EQUITY (CPLE)

**DATE:** March 18, 2009

Approved Chuck Reed Date 3/18/09  
Sam Liccardo/RO Nora Campos

## RECOMMENDATION:

1. Recommend that the Rules and Open Government Committee coordinate with the Administration to place an item on a future City Council agenda to initiate a process with the Consortium for Police Leadership and Equity (CPLE). The Council agenda item should include recommendations to:
  - a. Direct the City Manager to execute an agreement between the Police Department and the CPLE to engage the consortium to conduct a study of select practices and procedures that will help inform equity issues within the Department;
  - b. The proposed action must not have any impact to the City's General Fund other than staff support of this effort; and
  - c. Direct the City Manager to report quarterly to the Public Safety, Finance, and Strategic Support Committee on the status of the process. Ideally, the City Manager should work with CPLE to be available to the Committee for updates.
2. Direct the City Manager to draft a proposed timeline for such a process and to work with the CPLE to develop a community engagement process specifically tailored to the City of San José and return to the City Council for a review of both items.

## ANALYSIS:

The City Administration has issued an information memorandum detailing the letter of intent that has been signed between CPLE and the City of San José. This effort is extremely timely given that the Public Intoxication Task Force (PITF) has raised several larger issues relating to police practices and procedures during the course of their work. The PITF was developed with a limited scope and timeline and was never envisioned as a vehicle to address the larger issues that have been raised. We see the letter of intent signed with CPLE as an opportunity to address issues that have been raised by the Task Force.

The stated goal of the CPLE is to "simultaneously aid police departments to realize their own equity goals as well as advance the scientific understanding of issues of equity within organizations and policing." Given that CPLE's efforts work to ensure accountability and transparency for police departments, we are in agreement with the City Administration's efforts

to attract CPLE to conduct work in the City of San José and see this as a timely effort given the issues that have been raised at the PITF.

While CPLE members are intended to act primarily as researchers, the process needs to reflect community involvement. We are pleased that the CPLE has stated that the process is intended to be inclusive, open and transparent. We look forward to discussing the methodology with the City Manager and CPLE.

Attachment: City Manger's Information Memorandum entitled "Consortium for Police Leadership in Equity", dated March 17, 2009



# SAN JOSE POLICE OFFICERS' ASSOCIATION

1151 North Fourth Street • San Jose, California 95112  
Telephone 408-298-1133 • Facsimile 408-298-3151 • E-Mail@sjpoa.com

March 19, 2009

Honorable Chuck Reed  
San Jose City Hall  
200 E Santa Clara Street, 18<sup>th</sup> Floor  
San Jose, CA 95113

Mayor Reed,

Below, please find my official statement regarding today's announcement of an upcoming review of the San Jose Police Department by the Consortium for Police Leadership in Equity:

"We welcome any independent review from a group that knows policing. This analysis is a positive step because City Hall has been too defensive and reactive to accusations from individuals who don't understand police work.

We're confident that any review will show that San Jose police officers are highly professional. Grand jury investigations in the past 10 years show we do our job without racial or gender bias. So we've been down this road before and expect a similar result from this analysis."

Thank you,

Bobby Lopez  
President, San Jose Police Officers Association

cc: City Council  
City Manager Deb Figone  
Police Chief Rob Davis

Sent to Council: \_\_\_\_\_

APR - 3 2009

by City Manager's Office

**Memorandum****TO:** HONORABLE MAYOR AND  
CITY COUNCIL**FROM:** Paul Krutko**SUBJECT:** Downtown Entertainment  
Zone Deployment Model  
Update**DATE:** April 2, 2009

Approved \_\_\_\_\_

Date \_\_\_\_\_

4/3/09

**INFORMATION****BACKGROUND**

On February 24, 2009 the City Council directed the Administration to change the policing model in the Entertainment Zone to fully embrace "community policing" while incorporating a variety of values aimed at improving the overall environment in the Entertainment Zone.

**ANALYSIS**

To implement Council's direction, the City Manager's Office has retained the services of a nationally recognized entertainment zone policing consultant, John Thayer, to aid the City in developing a comprehensive entertainment zone policing model. Mr. Thayer retired as a Lieutenant with the Santa Barbara California Police Department in July 2000, after a 31-year career in police work. He has extensive experience in executive protection and special event management and has lectured and provided consulting services in a number of cities. Mr. Thayer has conducted nationwide research in the areas of entertainment zone policing and nightlife disorder management. He is the co-author of a research paper titled "Policing Entertainment Districts" published in the June 2000 edition of the The International Journal of Police Strategies and Management.

A small working group from the City Manager's Office and Police Department has been put together to work with the consultant. The workplan for this group will entail:

- Assessment of existing resources.
- Community outreach, including one meeting in each of three main areas of nightclub use (San Pedro Square, Historic District, and SoFA), and the City Manager's Downtown Advisory Committee.
- Observation and interviews with patrons, nightclub stakeholders, and police officers.
- Study of other entertainment zone policing models.

Honorable Mayor and City Council

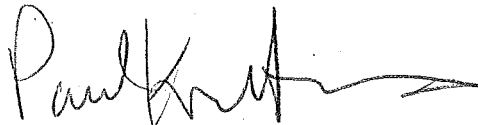
April 1, 2009

**Subject: Downtown Entertainment Zone Deployment Model Update**

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It is apparent that changing the policing model will require the implementation of several recommendations from the Hospitality Zone Assessment (HZA) Report, which Council adopted in April 2008. Any new model will require a collaborative approach. Potentially reducing the officers and how they are deployed in the Entertainment Zone will require expanded training programs in the nightclubs in the areas of management, server, and security training. The Council can expect when recommendations for a modified policing model are brought forward other complementary recommendations that will enhance a policing model will also come forward.

While it is important that San Jose strives to make downtown a friendly and welcoming destination, it is imperative that the City endeavor to provide the best public safety possible to its residents and visitors. Across the country, cities are developing new styles of policing entertainment zones. The Administration's goal is for San Jose to be on the forefront of policing models for our entertainment zone so we can continue positive changes to our evolving downtown and welcome residents and visitors to the downtown.



PAUL KRUTKO

Chief Development Officer