



Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
September 24, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Budget Referral: Independent Consultant to Conduct Analysis of Referring Restaurant Inspections to Alameda County

RECOMMENDATION

Refer to the November budget process \$100,000 for the City Manager to engage an independent consultant to conduct an analysis that considers feasibility, costs, and benefits of referring food facility inspections to Alameda County, and submit a report with recommendations for Council consideration and potential action as soon as practicable.

The report should consider the following key areas:

- Environmental Health Division staffing, recruitment and retention;
- Costs and staffing resources to develop a new restaurant inspection database that complies with state rules; and
- Costs and staffing resources to develop a restaurant “grading” system, such as those used in Los Angeles County, New York City, or other jurisdictions.

CURRENT SITUATION AND ITS EFFECTS

Nearly 45 Percent of Berkeley Food Facilities Were Not Inspected in 2023. The Berkeley City Auditor released an audit in July 2024, “Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets,” finding that the City’s Environmental Health Division of the Health, Housing and Community Services Department did not meet its targets for food facility inspections in 2023, increasing health risk.¹ Nearly 45 percent of Berkeley’s permitted food facilities, including 193 restaurants, were not inspected even once. This is in stark contrast to Alameda County, where only 3 percent of food facilities went uninspected during the same period. Chronic understaffing and inadequate data management have exacerbated the City’s challenges in meeting its inspection targets and ensuring public health.

¹ City Auditor, “Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets,” https://berkeleyca.gov/sites/default/files/documents/Berkeley_Restaurant_Inspections_-_Chronically_Understaffed_Program_Did_Not_Meet_Targets.pdf

City Staff Say Annual Inspection Targets Are “Not Achievable” for High Risk Food Facilities. Berkeley is one of four cities in California that conducts its own restaurant inspections, which are typically handled by county health offices, according to Berkeleyside.² According to reporting from Berkeleyside, City spokesperson Maitée Rossoukhi wrote in an e-mail that staff have visited 302 of the 544 “high risk facilities” in Berkeley, a category that includes restaurants, nursing homes, catering operations and several other types of food-centric businesses. The city estimates the rest of the inspections will be done by the end of October. Significantly, Berkeleyside wrote, even if the division’s staff clear the backlog of facilities that were not inspected last year, they would still be well short of the department’s stated target of visiting restaurants every four months, as show in Figure 2 below from the audit report. The City Auditor’s report found that almost none of Berkeley’s food facilities are inspected that often, and division employees consider the goal “not achievable.”

Figure 2. Inspection Targets By Risk Level, 2023

Risk Level	Description and Examples	Total Facilities	Annual Inspection Targets
Very High	Foods that fall within the high risk designation and serve a vulnerable population. Example: nursing care facilities.	7	3
High	Foods with complex preparation, including pre-preparation, cooling, and reheating. Examples: catering operations, food trucks, and restaurants.	526	3
Medium	Foods that require light preparation. Examples: cafes, schools, and fraternities/sororities.	204	2
Low	Pre-packaged foods. Examples: small grocery stores, convenience stores, and farmer’s market stands.	143	1
No Risk Level	Various types of facilities listed above.	53	1 or more

Source: Environmental Health Division and analysis of Division database

BACKGROUND

Understaffing, Poor Data Management, and Resulting Lack of Public Transparency Plague Berkeley’s Current Inspection System. The audit found that Berkeley’s Environmental Health Division is severely understaffed, with only three food inspectors responsible for nearly 600 routine inspections each—far exceeding the recommended workload by the federal Food and Drug Administration. This staffing shortage has resulted in a backlog of inspections, particularly among high-risk facilities such as restaurants and nursing care homes. Additionally, the audit exposed gaps in public transparency, with limited access to food safety information, and issues with data management, leading to some facilities being overlooked entirely. According to reporting from Berkeleyside, City staff estimate that it could take “a year or longer” for Berkeley to develop a new database that complies with state rules, a process that would require additional funding from the City.

² Savidge, Nico, “Berkeley may rethink restaurant inspections after audit reveals serious failures, health chief says,” <https://www.berkeleyside.org/2024/08/05/berkeley-restaurant-inspections-environmental-health-audit>, Aug. 5, 2024

RATIONALE

Alameda County appears to have an effective food inspection program with a much lower percentage of uninspected facilities compared to Berkeley. The county's larger pool of resources and established systems for data management and reporting suggest that the City should further explore the possibility of referring food facility inspections to the county.

FISCAL IMPACTS

Engaging an independent consultant will incur costs of \$100,000. The consultant's analysis and recommendations will guide the City Council in making an informed decision that could ultimately lead to cost savings.

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