



Office of the City Manager

INFORMATION CALENDAR
December 10, 2024

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Scott Gilman, Director, Health, Housing, and Community Services
 Subject: Restaurant Inspection Audit Status Report

INTRODUCTION

On July 10, 2024 the City Auditor submitted an audit report¹ on the status of Restaurant Inspections to the City Council with recommendations to improve the overall delivery of services for the food safety inspection program. The purpose of this information item is to update City Council on the status of implementation of the audit report's recommendations. This is the first status report regarding this audit.

CURRENT SITUATION AND ITS EFFECTS

The audit included nine recommendations. As of the writing of this report five of the recommendations have been started, three have been partly implemented, and one that is dependent on others being completed first has yet to be started. In each of the cases, those recommendations currently tracked as "started" or "partly implemented" rely on the development and implementation of revised policies and procedures, incorporation of new staff hires and the implementation of technological solutions such as the planned upgrade to the Accela database.

It was during the Pandemic when EHD fell behind significantly in meeting its inspectional frequencies. EHD is now beginning to achieve staffing levels equivalent to pre-Pandemic levels. EHD recently filled its vacant inspector position, bringing the number of food inspectors to four (4) and recently conducted interviews to fill its Supervisor position. Additionally, EHD entered into a temporary contract with the California Environmental Health Administrators Association for one an additional inspector to ensure all facilities are inspected before the end of 2024. (Note: In order to help ensure timely inspections moving forward, those facilities that are receiving their 2023 inspection in 2024 will not receive their next inspection until 2025.)

EHD is also undergoing a division-wide fee study as fees have not been analyzed in over ten (10) years. In conjunction with this fee study, EHD will also evaluate its current

¹ 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

staffing needs to determine whether the current staffing levels are adequate to cover all the requirements of the food safety inspection program and other local ordinance departmental responsibilities, including but not limited to, vector control, noise complaints, stormwater inspections, swimming pools and spas, retail tobacco, and body art.

Please see Attachment 1 for a detailed table of audit report recommendations, corrective action plans, and implementation progress. The next status report to Council is expected to be presented in June 2025.

BACKGROUND

The Environmental Health Division (EHD) transitioned to a risk-based food inspection process in 2015, and followed the guidelines established by the Federal Food and Drug Administration's (FDA) Voluntary National Retail Food Regulatory Program Standards for conducting inspections at all permitted food facilities in the City of Berkeley. Under this program, EHD evaluated all its permitted foodservice operations (including restaurants, grocery markets, schools, bars, etc.), and categorized them according to the "risk categories" associated with the level of complexity of food handling processes and populations served by each facility.

In general, a market that only sells pre-packaged food items with no "open food" handling would fall under a risk category "1" (RC-1), while a facility that serves/sells food with "minimal" food handling, (e.g. deli operation that assembles sandwiches and requires food to be held under refrigeration and/or hot-holding) would be assigned a risk category "2" (RC-2). A typical full-service restaurant would be assigned an RC-3 designation, while a facility that prepares and serves food to immunocompromised, vulnerable populations (e.g. skilled nursing facilities) would be designated as an RC-4. Each RC designation also determines the number of annual inspections a facility would expect to receive, although RC-4s generally would receive the equivalent of an RC-3, which would be three inspections annually.

During the early stages of the COVID Pandemic, EHD experienced a staffing shortage due to various promotional opportunities, and/or prolonged staff illnesses, and was unable to immediately fill its vacancies due to the hiring freeze that was in effect for two (2) successive fiscal years (FY21 and FY22). When the hiring freeze was lifted, EHD experienced additional budgetary challenges that made it difficult to hire the vacant supervisor position. In addition, the hiring of the vacant inspector position was largely due to the limited pool of qualified applicants, an issue currently experienced state-wide by all Environmental Health jurisdictions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects associated with the subject of this report.

POSSIBLE FUTURE ACTION

EHD will continue to work with the Information Technology Department to complete the upgrade and implementation of the Accela software for Environmental Health.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Annual operational costs will likely increase with the upgrade to Accela.

CONTACT PERSON

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Attachments:

1: Audit Findings, Recommendations and Status Updates

Audit Title: Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets					
Issue Date: 07/10/2024					
Finding	Recommendation		Department	Last Period: Status	Current status update
The Division was significantly behind on inspections in 2023, increasing health risk.	1.1	Develop a plan to improve coverage of routine inspections throughout the City, which may require the Division to prioritize health and safety duties over other responsibilities. As part of this process: (a) Evaluate inspection targets to determine if current inspection frequencies are achievable, or establish different temporary targets to adapt to periods of understaffing. (b) Establish a baseline of inspection coverage for all permitted food facilities in the City and prioritize inspection of facilities with high risk and very high risk designations that were not inspected in 2023.	HHCS	N/A	Started. Following an evaluation of current staffing and overdue inspections, the Division developed new priority inspection targets. The new baseline requirement includes inspecting all high-risk food facilities by October 31, 2024, and completing at least one inspection for all low- and medium-risk food facilities by December 31, 2024. The October deadline to complete 184 high and very high-risk facilities was adjusted by two weeks to allow staff to complete legally mandated public records and information requests that took priority over inspections. According to Division management, as of October 31, 2024 there were 16 high-risk facilities remaining to be inspected by November 15, 2024. In addition, 110 of the 234 overdue low- and medium-risk facilities have been inspected leaving 124 to be done before December 31, 2024.
The Division was significantly behind on inspections in 2023, increasing health risk.	1.2	Develop a plan to ensure timely response to complaints involving alleged foodborne illness, which may require the Division to prioritize health and safety duties over other responsibilities.	HHCS	N/A	Started. According to Division management, the Division provided food inspectors training on complaint response times, including response to complaints involving alleged foodborne illness in May 2024. The Division provided documentation indicating that there will be a repeat training for all staff on 11/27/2024 regarding timely response to alleged foodborne illness complaints. Division management is also assessing the prioritization of staff resources to focus on acute health and safety-related complaints.
The Division did not track spending and left critical positions vacant.	2.1	Work with the Budget Office to track how the food inspection program revenues are used.	HHCS	N/A	Partly implemented. The Environmental Health Division has collaborated with Finance to establish revenue and expenditure account codes using the program code of 2001 for restaurant inspections. The Division has also made adjustments to personnel budget to reflect the changes and trained staff on how to correctly deposit restaurant inspection-related payments into the new code. The code in the online payment system has been updated so that food facility permits will be deposited into the new revenue account as of July 1, 2025.
The Division did not track spending and left critical positions vacant.	2.2	Take the following steps to fill positions and assess program staffing: (a) Open recruitment for the supervisor position. (b) If the recruitments for the supervisor and food inspector positions do not yield qualified candidates, work with the Human Resources Department (HR) to develop targeted recruitments for the inspector and supervisor roles. This may include conducting an analysis of compensation or other factors that affect recruitment. (c) Develop a trainee program to build a pipeline into the Division's inspector positions. (d) Work with HR as needed to identify staffing resources needed to meet inspection targets.	HHCS	N/A	Partly implemented. The Environmental Health Division filled the vacant Registered Environmental Health Specialist position in October 2024 and has interviews scheduled with qualified candidates for the supervisor position. Additionally, the Division entered into a contract with the California Association of Environmental Health Administrators in October 2024 to use temporary Registered Environmental Health Specialists to help with food facility inspections in the short term.
The Division did not track spending and left critical positions vacant.	2.3	Make the following updates to the inspection data: (a) Add a risk designation to all food facilities in the Envision database. (b) Correct the date of last inspection in the Envision software that inspectors use during inspections, or develop a workaround to	HHCS	N/A	Partly implemented. The Environmental Health Division brought on a Project Manager to monitor inspection data accuracy and provide inspectors with lists of priority facilities for inspections.

		ensure inspectors have an accurate list of facilities prioritized by last inspection date. (c) Develop a process to regularly verify that the Envision database includes all food facilities that should be permitted and inspected.			
The Division did not track spending and left critical positions vacant.	2.4	Work with the Department of Information Technology (IT) to develop list of database functionalities and/or data points needed to help meet the Division’s targets and produce reports. If the current database cannot provide this functionality, document the limitations of the current database and include these requirements in the future request for proposals for a new database.	HHCS	N/A	Started. The Environmental Health Division is working with the IT department to identify database functionalities that will meet the needs of all its programs, especially the food safety and inspection program. The Division has a preliminary plan to utilize an existing City contract with Accela to provide an “out-of-the-box” Environmental Health module.
The Division did not track spending and left critical positions vacant.	2.5	Identify performance metrics and report them to the public at least annually.	HHCS	N/A	Started. Environmental Health Division staff are currently being trained in Results Based Accountability and will use this methodology to develop process improvement metrics and outcome metrics.
Public information about food safety was limited.	3.1	Work with Department of Information Technology (IT) to update the online system for sharing information on food inspections. As part of this process: (a) Develop internal guidance informed by state code that details what information the Division will share with the public online and defines responsibility for managing the data. (b) Make inspection history available online for all permitted food facilities in Berkeley. This could include sharing a copy of the most recent inspection report.	HHCS	N/A	Started. The Environmental Health Division assessed the current online system for sharing information on food inspections and plans to upgrade its current database to enable public access to food facility inspection results. The Division intends to ensure the system meets all state requirements for voluntary online posting of inspection results.
Public information about food safety was limited.	3.2	Develop a plan to implement placarding in Berkeley once staffing levels are stable. As part of this process: (a) Assess resources needed to implement placarding. (b) Consider adding elements such as community engagement for designing and implementing evidence-based, equitable placarding.	HHCS	N/A	Not started. This recommendation requires completion of other projects first, including an assessment of the Division’s current staffing needs to ensure that it is adequately staffed to provide mandated services. This recommendation will begin no sooner than July 2026 with recommendations to the City Council for consideration during the FY27-28 budget process.

