



## AGENDA

### BERKELEY CITY COUNCIL MEETING

Tuesday, June 27, 2023

6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - SHERATON GATEWAY LOS ANGELES HOTEL,  
6101 WEST CENTURY BOULEVARD, LOS ANGELES, CA 90045

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1608493904>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 849 3904**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjourn in memory of Dorothy Walker, Local Activist

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*



**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

**1. Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,864-N.S. adding Berkeley Municipal Code Section 23.304.150 establishing Bird Safe Building requirements (“bird safe requirements”) for projects that require a building permit.

**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**2. FY 2024 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,865-N.S. setting the FY 2024 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0250%.

**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

**3. FY 2024 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**

**From: City Manager, City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,866-N.S. setting the FY 2024 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1176 (11.76 cents) per square foot of improvements.

**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473

## Consent Calendar

- 4. FY 2024 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,867-N.S. setting the FY 2024 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0050%.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 5. FY 2024 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,868-N.S. setting the FY 2024 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0115%.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 6. FY 2024 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,869-N.S. setting the FY 2024 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0140%.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 7. FY 2024 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,870-N.S. setting the FY 2024 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0065%.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 8. FY 2024 Tax Rate: Business License Tax on Large Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,871-N.S. setting the FY 2024 tax rate for Business License Tax on large non-profits at \$0.7909 (79.09 cents) per square foot of improvements.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 9. FY 2024 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,872-N.S. setting the FY 2024 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2130 (21.30 cents) per square foot of improvements.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 10. FY 2024 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,873-N.S. setting the FY 2024 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0451 (4.51 cents) per square foot of improvements.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300.
- 11. FY 2024 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,874-N.S. setting the FY 2024 tax rate for funding the provision of emergency services for the disabled at \$0.02018 (2.018 cents) per square foot of improvements.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Bartlett, Arreguin.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 12. Amendments to Berkeley Election Reform Act; Amending Berkeley Municipal Code Chapter 2.12**  
**From: Fair Campaign Practices Commission**  
**Recommendation:** Adopt second reading of Ordinance No. 7,875-N.S. amending the Berkeley Election Reform Act (BMC Chapter 2.12) to modify the forms required to open a campaign committee, change the deadline to qualify for the public financing program and make associated amendments, clarify the rules for public financing candidates that do not qualify for the ballot, add an automatic inflator for the amount a public financing candidate can give to their own committee, clarify post-election processes for public financing candidates, modify the threshold to create a campaign committee, and clarify the rules for returning certain types of contributions.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
- 13. Amendments to the COVID-19 Emergency Response Ordinance; Amending Chapter 13.110 of the Berkeley Municipal Code**  
**From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Hahn (Author), Councilmember Robinson (Author)**  
**Recommendation:** Adopt second reading of Ordinance No. 7,876-N.S. amending Berkeley Municipal Code (BMC) Chapter 13.110, the COVID-19 Emergency Response Ordinance to adjust the required timeline to provide documentation proving that non-payment of rent was for a Covered Reason for Delayed Payment if an Unlawful Detainer is served.  
**First Reading Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – Humbert; Abstain – Kesarwani, Wengraf.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 14. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of May1 (Closed), May 2 (Special), May 8 (Closed), May 9 (Regular), May 15 (Closed), May 16 (Special and Special WS) and May 23 (Special and Regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 15. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 27, 2023**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.  
**Financial Implications:** Street Light Poles for FY 2023 Fund - \$400,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 16. FY 2024 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager, City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06062 (6.062 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.09173 (9.173 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473
- 17. FY 2024 Special Tax Rate: Fund the Provision of Library Services**  
**From: City Manager, City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2698 (26.98 cents) per square foot for dwelling units and \$0.4080 (40.80 cents) per square foot for industrial, commercial, and institutional buildings.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100
- 18. Appropriations Limit for FY 2024**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the appropriations limit at \$342,803,053 for FY 2024 pursuant to Article XIIB of the Constitution of the State of California based on the calculations for the appropriations limit.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 19. Revisions to the Debt Management and Disclosure Policy**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting revisions to the Debt Management and Disclosure Policy.  
**Financial Implications:** None  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 20. FY 2024 Reaffirming the Investment Policy and Designation of Investment Authority**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reaffirming the current Investment Policy (no revisions are recommended) and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2024.  
**Financial Implications:** None  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

**21. Contract: ZOLL Medical Corporation for ECG Monitor/Defibrillator Support  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and all amendments with Zoll Medical Corporation for data storage, preventative maintenance and service of X-Series Electrocardiogram (ECG) Monitor / Defibrillators for emergency response vehicles from July 1, 2023 to June 30, 2025 in an amount not to exceed \$106,000.

**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473

**22. Contract: Stryker Corp. Preventative Maintenance and Service  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, with Stryker Corporation to provide preventative maintenance and service to the Departments mechanical Cardio Pulmonary Resuscitation (CPR) units for three years from August 1, 2023 until August 1, 2026 in the amount not to exceed \$62,000.

**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473

**23. Contract: US Digital Designs for Fire Station Emergency Alerting System  
From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a piggyback contract and any amendments with US Digital Designs using the National Purchasing Partners (NPP) contract No. 2020 in an amount not to exceed \$1,600,000 for the purchase, installation and maintenance of a Fire Station Emergency Alerting System from July 12, 2023 through June 2, 2026.

**Financial Implications:** Various Funds - \$1,600,000  
Contact: David Sprague, Fire, (510) 981-3473

**24. Contract No. 32300112 Amendment: Harold Dichoso COVID-19 Outreach and Education.**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32300112 with Harold Dichoso, to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$35,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$90,000 to \$125,000.

**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

**25. Fiscal Year 2023 Community Development Block Grant (CDBG) Public Facility Improvement Program Funds for Insight Housing's (formerly Berkeley Food and Housing Project (BFHP)) Dwight Way Center**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1. Allocate \$680,000 of FY 2023 federal CDBG funds available to the Public Facility Improvement Program, to Insight Housing (IH) to rehabilitate IH's Dwight Way Center (DWC); and 2. Execute all resultant agreements and amendments with IH for the above-mentioned funds; and 3. Recapture any unspent CDBG funds awarded to IH for the resulting contract, if the funds are not spent by June 30, 2024.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**26. Dell Computers, Inc.: Using County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. for Computer Hardware and Software Purchases**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2024 for an amount not-to-exceed (NTE) \$1,939,538 in Fiscal Year 2024.

**Financial Implications:** See report

Contact: Kevin Fong, Information Technology, (510) 981-6500

**27. Contract No. 10549B Amendment: Tyler Technologies Enterprise Resource Planning System for ongoing software licensing, maintenance services, and disaster recovery services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10549B with Tyler Technologies for software licensing, maintenance services, and disaster recovery services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed \$1,000,000 and a total contract value not to exceed \$4,705,343 from April 1, 2017 to June 30, 2025.

**Financial Implications:** See report

Contact: Kevin Fong, Information Technology, (510) 981-6500

## Consent Calendar

**28. Contract: R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the West Side Aquatic Park Tree Planting and Irrigation Project, Specification No. 23-11587-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, R.X. Lodge, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project in an amount not to exceed \$263,000, which includes a contract amount of \$213,000 and a 23.5% contingency in the amount of \$50,000.

**Financial Implications:** \$263,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**29. Grant Application: USDA Forest Service – Berkeley Urban Forestry Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of up to \$3,800,000 to the federal USDA Forest Service grant program for the Berkeley Urban Forestry Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize up to \$4,200,000 in local in-kind match, including up to \$3,200,000 in local cash match, and authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

**Financial Implications:** Revenue - \$3,800,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**30. Donation: Two Memorial Benches at Cesar Chavez Park in memory of Richard & Gloria Crocker**

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$6,800 for two memorial benches to be placed at Cesar Chavez Park in memory of Richard and Gloria Crocker.

**Financial Implications:** Revenue - \$6,800

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**31. Contract: Citygate for Police Department Staffing and Workload Study**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide a staffing and workload study from June 30, 2023 to June 30, 2024, in an amount not to exceed \$120,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.

**Financial Implications:** General Fund - \$200,000

Contact: Jennifer Louis, Police, (510) 981-5900



## Consent Calendar

### 32. **Contracts: On-Call Survey Services**

#### **From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call survey services for capital improvement projects and the Engineering Division, each for a period of July 1, 2023 through June 30, 2026:

1. Cunha Surveying, Inc. (Cunha) in an amount not to exceed \$400,000;
2. Kister, Savio & Rei, Inc. (KSR) in an amount not to exceed \$400,00;
3. MNS Engineers, Inc. (MNS) in an amount not to exceed \$400,000.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

### 33. **Contracts: On-Call Geotechnical and Engineering Testing Services**

#### **From: City Manager**

**Recommendation:** Adopt five Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call geotechnical and engineering testing services for capital improvement projects, each for a period of July 1, 2023 through June 30, 2026:

1. BSK Associates (BSK), for an amount not to exceed \$400,000;
2. Inspection Services, Inc. (ISI), for an amount not to exceed \$400,000;
3. Ninyo & Moore, for an amount not to exceed \$400,000;
4. Alan Kropp & Associates (Alan Kropp), for an amount not to exceed \$150,000;
5. Fisher Geotechnical, for an amount not to exceed \$150,000.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

### 34. **Contract: Bay Cities Paving & Grading, Inc. for Southside Complete Streets Project**

#### **From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Southside Complete Streets Project ("Project"), Specification No. 23-11572-C, Federal Aid Project No. CMSTPL-5057(051); 2. Accepting the bid of Bay Cities Paving & Grading, Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Bay Cities Paving & Grading, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$12,973,925, which includes a 20% contingency for unforeseen circumstances.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

- 35. Contract: Downtown Streets Team for Hand Sweeping, Graffiti and Litter Abatement, Poster Removal, and Low Barrier Volunteer Work Experience Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Downtown Streets Team for hand sweeping, graffiti and litter abatement, poster removal, and low barrier volunteer work experience program. The contract will be in an amount not to exceed \$1,625,500 for the period August 1, 2023 through August 30, 2027.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
- 36. Contract No. 32000147 Amendment: Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. (Trip Stop) for FY2020 Sidewalk Inspection and Shaving Services, increasing the contract amount by \$835,969 for a total not-to-exceed amount of \$2,285,969.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
- 37. Ground Lease Agreement – RM Ventures LLC, d.b.a In the Wood Grill and Bar for Nonexclusive Use of Elmwood Parking Lot Pedestrian Paseo**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a ground lease agreement with RM Ventures LLC d.b.a., In the Wood Grill and Bar for the nonexclusive use of a portion of the Elmwood Parking Lot Pedestrian Access Path (“Paseo”), a City-owned midblock pedestrian path connecting the City’s Elmwood Parking Lot to College Avenue in the Elmwood Neighborhood Shopping District, for an initial term of ten (10) years with one optional ten (10) year lease extension.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
- 38. SteelWave donation for pedestrian safety improvements in West Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting \$40,000 cash donation for the Addison Bike Boulevard project and Vision Zero traffic safety improvements in West Berkeley from SteelWave LLC.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

### 39. goBerkeley SmartSpace Pilot Program Evaluation & Next Steps

**From: City Manager**

**Recommendation:** 1. Adopt a Resolution directing staff to maintain SmartSpace visitor paid parking in the Southside and employee parking permits in the Elmwood; and 2. Adopt a Resolution updating existing schedule of parking violations and fines to include parking violations and late payment penalties related to pay-by-plate pay stations in the SmartSpace area and enforcing transit-only lanes, and rescinding Resolution 68,902-N.S. 3. Direct staff to incorporate into existing Residential Preferential Parking (RPP) referral(s) an assessment of the use of visitor paid parking and/or employee parking permits in other RPP areas.

**Financial Implications:** See report.

Contact: Liam Garland, Public Works, (510) 981-6300

### 40. Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account Funds for FY 2023-24

**From: City Manager**

**Recommendation:** Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

### 41. Extending the Community Workforce Agreement with Building & Construction Trades Council, et al., for Construction Projects Over \$500,000

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment to the Community Workforce Agreement with the Alameda County Building & Construction Trades Council, and twenty-two labor organizations on City capital improvement projects with an estimated value in excess of \$500,000 to extend the agreement through June 30, 2026.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

- 42. Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley**

**From: Disaster and Fire Safety Commission**

**Recommendation:** The Disaster and Fire Safety Commission (DFSC) is requesting that Berkeley City Council strongly recommend that The Department of Housing and Urban Development (HUD) owned Harriet Tubman Terrace Apartments install solar battery back-up battery capability to meet the medical needs of their residents during loss of electrical power and consider the same action for other HUD properties in Berkeley.

**Financial Implications:** None

Contact: Keith May, Commission Secretary, (510) 981-3473

- 43. Establishment of a Sister City Relationship with Las Vegas, Santa Bárbara, Honduras**

**From: Peace and Justice Commission**

**Recommendation:** Adopt a Resolution establishing a sister city relationship with the municipality of Las Vegas in the Santa Bárbara department of Honduras.

**Financial Implications:** None

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

## Council Consent Items

- 44. Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$78,000 for a new total not to exceed \$303,500, and extending the contract term to June 30, 2024.

**Financial Implications:** General Funds - \$78,000

Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

- 45. Berkeley Food Utility and Access Resilience Measure (FARM)** *(Reviewed by the Health, Life Enrichment, Equity, & Community Committee)*

**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**

**Recommendation:**

1. Refer to the City Manager the task of protecting the City's food supply from natural disasters and economic disruptions by promoting the efforts of community-based organizations to design and implement an integrated local food production and distribution system for the City of Berkeley.
2. Refer to the City Manager and the Office of Economic Development resources to research and return to the Council potential economic incentives for non-profits, agricultural producers, and small businesses to partner with the City of Berkeley to support the implementation of FARM.
3. Adopt a resolution to support the goals of the FARM initiative and the development of hyperlocal urban food production with community-based organizations.

*Policy Committee Recommendation: To send the item to Council with a positive recommendation.*

**Financial Implications:** See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

- 46. Street Pavement Painting: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Bartlett (Author)**

**Recommendation:** Adopt a Resolution approving the expenditure of funds, including \$1000.00 from Vice Mayor Bartlett, to Healthy Black Families, Inc. for the Ellis Street art renovation. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

- 47. Reparations Now Community Art Mural Restoration and Preservation**

**From: Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Direct the City Manager to authorize, preserve, protect, and authorize the Reparations Now mural on Ellis Street (next to Malcolm X Elementary School) to continue the legacy of educational spaces for all community members to view it in the City of Berkeley.

**Financial Implications:** None

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## Council Consent Items

### 48. Support for AB-660 Food Labeling (Assemblymember Irwin)

**From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution in support of AB-660 Food Labeling: quality dates, safety dates, and sell by dates (Assemblymember Jacqui Irwin), and send copies to Assembly Members Irwin and Wicks and Senator Skinner.

**Financial Implications:** None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

## Action Calendar

*The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.*

*A member of the public may only speak at one of the two public comment periods for any single Action item.*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Scheduled Public Comment Period

*During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

## Action Calendar – Public Hearings

### 49. Public Hearing on Zero Waste Five-Year Rate Schedule

**From: City Manager**

**Recommendation:** Conduct a public hearing, complete the majority protest process required by Proposition 218, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution setting FY 2024-2028 rates for residential and commercial refuse, compost, and recycling collection.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

### 50. Biennial Syringe Services Report

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, accept the Biennial Syringe Services Report.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

### 51. Approval and Levy of 2018 Clean Stormwater Fee in FY 2024

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2024.

**Financial Implications:** See report.

Contact: Liam Garland, Public Works, (510) 981-6300

### 52. Levy and Collection of Fiscal Year 2024 Street Lighting Assessments

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2024.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

## Action Calendar – New Business

### 53. FY 2024 Proposed Budget Update Adoption

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Adopting the FY 2024 Proposed Budget Update ("FY 24 Proposed Budget") as presented to Council on May 16, 2023, and as amended by subsequent Council action. 2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2024, as reflected in Attachment 2 to the report, and as amended by subsequent Council action.

**Financial Implications:** See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

## Action Calendar – New Business

### 54. FY 2024 Annual Appropriations Ordinance

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance adopting the FY 2024 Annual Appropriations Ordinance (AAO) in the amount of \$718,932,025 (gross appropriations) and \$610,760,531 (net appropriations).

**Financial Implications:** See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

### 55. Borrowing of Funds and the Sale and Issuance of FY 2023-24 Tax and Revenue Anticipation Notes

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2023-24 Tax and Revenue Anticipation Notes.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Council Action Items

### 56. Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses *(Continued from May 23, 2023)*

**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**

**Recommendation:**

1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and
2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.
3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

**Financial Implications:** Loss of tax revenue

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130



## Information Reports

57. **Voluntary Time Off Program for Fiscal Year 2024**  
**From: City Manager**  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
58. **Status Report - Berkeley's Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention**  
**From: City Manager**  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
59. **FY 2023 Third Quarter Investment Report: Ended March 31, 2023**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
60. **Update on the Implementation of Fair and Impartial Policing Task Force Recommendations**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900
61. **Zero Waste Commission Fiscal Year 2023-24 Work Plan**  
**From: Zero Waste Commission**  
Contact: Julia Heath, Commission Secretary, (510) 981-6300

## Public Comment – Items Not Listed on the Agenda

### Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on

the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>  
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 15, 2023.***

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item #49: Public Hearing on Zero Waste Five-Year Rate Schedule**

1. Gail Greenwood
2. Sabina McMurtry
3. Mariane Conchita Ferme
4. Gerhard Blendstrup

5. Barbara Gilbert
6. Keith Winnard
7. Michelle Falise
8. Dorothea Dorenz
9. Gran Haselsteiner
10. Glen Hauer
11. Robert Lauriston
12. Keith Winnard

#### **Police Accountability Board (PAB)**

13. Councilmember Humbert

#### **BART Development**

14. Lana Golden
15. Victoria Kahn
16. Carol Hirth

#### **The Multicultural Institute**

17. Eduardo Rosas

#### **\$100,000 Budget Referral for Harold Way Schematic Design**

18. Downtown Berkeley Association

#### **Elliott Halpern's Memorial Program**

19. Boona cheema
20. Councilmember Harrison

#### **Abatement Notice: 1510 Rose Street #A**

21. Sara Kershner

#### **Crime and Safety in Berkeley**

22. Judy Bertelsen
23. Cara and Brad
24. Alexander Merenkov
25. Eric Friedman

#### **BUSD Students Are Climate Scholars?**

26. Walter Wood

#### **Disability Commissions Meeting Locations and Zoom**

27. Kelly Hammargren

#### **Cities Charge for Responding to DUI Accidents**

28. David Lerman

#### **Marina Docks in Need of Replacement**

29. Dan Bohn (2)

## **Gender Disparities in City Contracting**

30. Commission on the Status of Women

## **Ferry Idea**

31. Dorothea Dorenz

## **U Visa Processes**

32. Prerna Lal

## **Work on 9<sup>th</sup> Street**

33. Margret Elliott

## **Bird Safe Windows**

34. Barbara Gilbert

## **Repaving Hopkins Corridor and more**

35. Edward Opton

36. Ross Bernet

37. Phyllis Orrick

38. Lucy Laird

39. Helen Hallberg

40. Lee Bishop

41. Marcus Daniels

42. Jordan Burns

43. Pablo Diza-Gutierrez

44. Cindi Goldberg

45. Howard Goldberg

46. Carol Hirth

47. Marc Hedlund

48. Julia Moss

49. Laura Fujii

50. Lisa Chow

51. Ray Freeman

52. Walter Wood

53. Nancy Rader

54. Henry Pinkard

55. David Gilbert

56. Barry Fike

57. Alyssa Plese

58. Heath Maddox

59. Leni Siegel

60. Matt Weber

61. David Shere

62. Cathy Edwards

63. Tom Lent

64. Diane Garcia

- 65. Derrick Johnson
- 66. Bill Hoffmann
- 67. Sheila Newbery
- 68. Corey Busay
- 69. Tracee Farrell
- 70. Max Gara
- 71. S. Entwistle
- 72. Donna DeDiemar

### **Bus Transit Development Along University Avenue**

- 73. Nicola Spence and Hans Reinhardt, owners of Alpha Design Custom Furniture

### **Homelessness Solutions via the City of Houston**

- 74. Bryan Bowman

### **Disgruntled**

- 75. Steve Byerly

### **Rights Are Based On Me**

- 76. Benjamin Stein

### **MLK Civic Center Park**

- 77. Erik Fowle

### **Horse Racing Deaths**

- 78. Carole Kalous
- 79. Wanda Warkentin

### **Cell Tower at 1321 Gilman Street**

- 80. Carol Hirth

### **URL's Only**

- 81. Vivian Warkentin (3)
- 82. Bob Flasher

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.



ORDINANCE NO. 7,864-N.S.

BIRD SAFE BUILDING; ADDING BERKELEY MUNICIPAL CODE SECTION 23.304.150

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the Berkeley Municipal Code is amended to add a new Section 23.304.150 to read as follows:

**23.304.150 Bird Safe Building.**

**A. Purpose.** The purpose of this section is to reduce bird mortality from windows and other transparent or reflective buildings or building features known to increase the risk of bird collisions.

**B. Applicability.**

1. *Applicability.* The bird safe building requirements apply to the following types of projects based on the primary land use when such projects require a building permit.

**Table 23.304-10. Bird Safe Building Requirement Applicability**

| Project Type                                                                                          | Applicable Building Location(s)                                                           | Supplemental Standards                                      |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>Non-Residential</b>                                                                                |                                                                                           |                                                             |
| New Construction or Addition                                                                          | All transparent or reflective material located between the ground and 75 ft. above grade. |                                                             |
| New or Replacement Transparent or Reflective Material on Existing Building                            | All transparent or reflective material located between the ground and 75 ft. above grade. | 23.304.150(B)(3)(a), 23.304.150(B)(3)(b)                    |
| High-Risk Features                                                                                    | All high-risk features located at any grade.                                              | 23.304.150(B)(3)(a)                                         |
| <b>Residential or Mixed Use</b>                                                                       |                                                                                           |                                                             |
| New Construction or Addition, Building with 10,000 sq. ft. or more of gross floor area and an average | All transparent or reflective material located between the ground and 75 ft. above grade. | 23.304.150(B)(3)(a) 23.304.150(B)(3)(d) 23.304.150(B)(3)(e) |

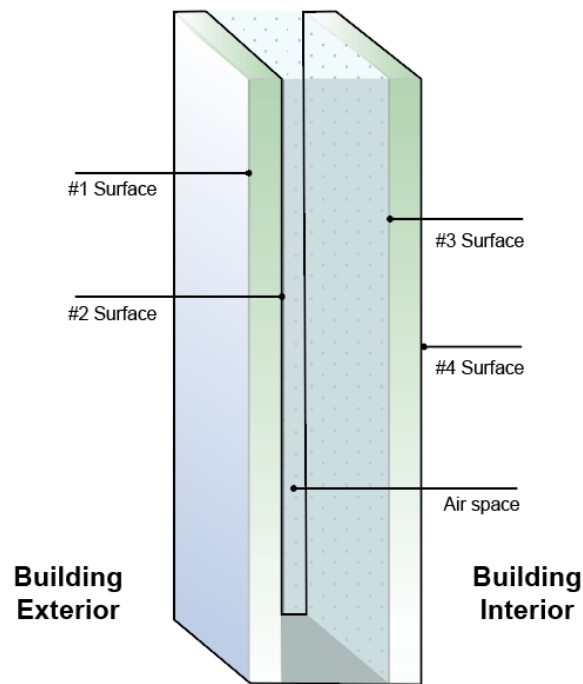
|                                                                                                                                                                               |                                                                                           |                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| building height greater than 35 ft.                                                                                                                                           |                                                                                           |                                                                                            |
| New or Replacement Transparent or Reflective Material on Existing Building with 10,000 sq. ft. or more of gross floor area and an average building height greater than 35 ft. | All transparent or reflective material located between the ground and 75 ft. above grade. | 23.304.150(B)(3)(a),<br>23.304.150(B)(3)(c),<br>23.304.150(B)(3)(d)<br>23.304.150(B)(3)(e) |
| High-Risk Features                                                                                                                                                            | All high-risk features located at any grade.                                              | 23.304.150(B)(3)(a)<br>23.303.150(B)(3)(d)<br>23.304.150(B)(3)(e)                          |

2. *Definitions.*

- a. *High-Risk Features.* Transparent or reflective building components that are particularly susceptible to bird-glass collisions: Railings; Awnings; Windbreak/windscreen panels; Acoustic barriers; Skywalks; Greenhouses; Glass walls; Rooftop appurtenances; Balconies; and Exterior decorative panels or signage.
- b. *Low-e Coating.* A “LOW-E COATING” as defined in 2022 Title 24, Part 6 California Energy Code Reference Appendices or successor regulations.
- c. *Glass Surfaces.* Glass surfaces shall be numbered starting with the window surface closest to the exterior of the building and proceeding inward. (See Figure 23.304-1).



Figure 23.304-1 Glass Surfaces



### 3. Phasing and Exemptions.

- a. *No Replacement.* The bird safe building requirements do not apply to existing windows or other transparent or reflective materials that are not proposed to be replaced.
- b. *Phase-In for Existing Non-Residential Buildings with Lower Hazard Facades.* Buildings where every façade's total square footage consists of less than 30 percent transparent or reflective material are exempt through July 1, 2025, except that High-Risk Features are not exempt. If one or more façade contains 30 percent or more transparent material in its total square footage, all transparent or reflective materials shall meet 23.304.150(C) (Bird Safe Requirements).
- c. *Phase-In for Existing Residential Buildings with Lower Hazard Facades.* Buildings where every façade's total square footage consists of less than 30 percent transparent or reflective material are exempt through January 1, 2028, except that High-Risk Features as described in Table 1 – 23.304-10 are not exempt. If one or more façade contains

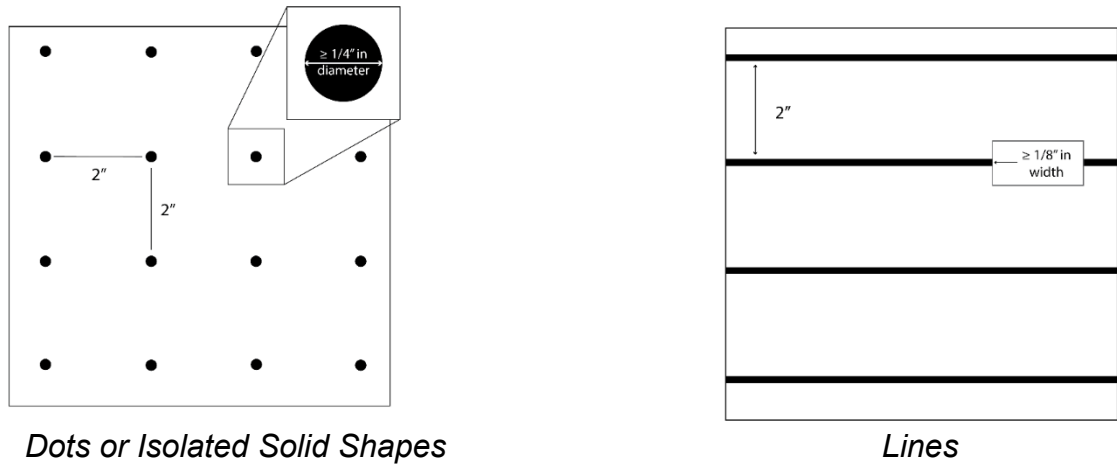
30 percent or more transparent material in its total square footage, all transparent or reflective materials shall meet 23.304.150(C) (Bird Safe Requirements)

- d. *Exemption for Affordable Housing.* Residential projects, including the residential portion of mixed-use projects, where greater than 50 percent of the residential unit floor area are subject to recorded affordability restrictions, are exempt from the provisions of this section. If added to an existing property, the entire property is exempt.
- e. *Exemption for Historic Resources.* Designated landmarks and/or structures of merit pursuant to BMC Chapter 3.24 (Landmarks Preservation Commission) are exempt.

**C. Bird Safe Requirements.** Any regulated transparent or reflective material must meet at least one of the following conditions:

- 1. *Threat Factor Rating.* A product with an American Bird Conservancy Threat Factor Rating of 30 or less.
- 2. *Patterned Glazing Treatment.* The glass or reflective material assembly must have all the following characteristics:
  - a. Panes with patterns that are etched, fritted, stenciled, silk-screened, or otherwise permanently incorporated into the transparent material on either glass surface 1 or 2 only. If the pattern utilizes dots or other isolated solid shapes, each dot or shape must be at least a ¼ inch in diameter and be no more than 2 inches apart in any direction (see Figure 23.304-2, left). If the pattern utilizes lines, they must be at least ⅛ inch in width and spaced no more than 2 inches apart (see Figure 23.304-2, left). Frit, ceramic ink, or other marker types must be opaque;
  - b. Visible light reflectance from the exterior surface of less than or equal to 15%; and
  - c. As viewed from glass surface 1, all low-e coatings must be behind the pattern.

Figure 23.304-2 Patterned Glazing Treatment Requirements



3. *External Screens, Shutters, or Shading Devices.* Panes with exterior screens, shutters or shading devices installed permanently over windows, structures, or building features such that there is no gap larger than 9 inches in one dimension. Building integrated treatments include, but are not limited to, metal screens, shutters, fixed solar shading such as louvres, and exterior insect or solar screens.

**D. Enforcement.** Permit applicant shall attest to compliance with the provisions of this section and allow for third party verification of compliance, in accordance with administrative regulations promulgated by the Zoning Officer, which may be modified from time to time to effectively implement this section.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 6, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Bartlett.

ORDINANCE NO. 7,865-N.S.

SETTING THE FISCAL YEAR 2024 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE AFFORDABLE HOUSING GENERAL OBLIGATION BONDS (MEASURE O, NOVEMBER 2018 ELECTION) IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 tax rate for debt service on the General Obligation Bonds is set at 0.0250%.

Section 2. The Tax Rate will be based on the estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2024 property tax bill.

Section 3. This Tax Rate will result in estimated total collections of \$4,600,000 needed to make the March 1, 2024 and September 1, 2024 debt service payments on the proposed General Obligation Bonds.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.



ORDINANCE NO. 7,866-N.S.

SETTING THE FISCAL YEAR 2024 SPECIAL TAX RATE TO FUND FIREFIGHTING, EMERGENCY MEDICAL RESPONSE AND WILDFIRE PREVENTION (MEASURE FF) IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 tax rate to provide for the costs incurred for the firefighting, emergency medical response and wildfire prevention (Measure FF) is set at 0.1176 per square foot of improvements.

Section 2. The cost to taxpayers during FY 2024 will be \$141.12 for a 1,200 square foot dwelling and \$352.80 for a 3,000 square foot dwelling.

Section 3. This tax rate will result in estimated total collections of \$9,770,233.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.





ORDINANCE NO. 7,867-N.S.

SETTING THE FY 2024 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE NEIGHBORHOOD BRANCH LIBRARY IMPROVEMENTS PROJECT GENERAL OBLIGATION BONDS (MEASURE FF, NOVEMBER 2008 ELECTION) IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 tax rate for the debt service on the General Obligation Bonds is set at 0.0050%.

Section 2. The Tax Rate will be based on the estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2024 property tax bill.

Section 3. This Tax Rate will result in estimated total collections of \$1,350,000 needed to make the March 1, 2024 and September 1, 2024 debt service payments on the outstanding General Obligation Bonds.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.



ORDINANCE NO. 7,868-N.S.

SETTING THE FY 2024 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE 2015 REFUNDING GENERAL OBLIGATION BONDS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 Tax Rate for the debt service on the 2015 Refunding General Obligation Bonds - Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0115%.

Section 2. The Tax Rate will be based on estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2024 property tax bill.

Section 3. This Tax Rate will result in estimated total collections of \$3,100,000 needed to make the March 1, 2024 and September 1, 2024 debt service payments on Refunding General Obligation Bonds.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.



ORDINANCE NO. 7,869-N.S.

SETTING THE FISCAL YEAR 2024 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE INFRASTRUCTURE AND FACILITIES IMPROVEMENTS GENERAL OBLIGATION BONDS (MEASURE T1, NOVEMBER 2016 ELECTION) IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 tax rate for debt service on the General Obligation Bonds is set at 0.0140%.

Section 2. The Tax Rate will be based on the estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2024 property tax bill.

Section 3. This Tax Rate will result in estimated total collections of \$3,800,000 needed to make the March 1, 2024 and September 1, 2024 debt service payments on the proposed General Obligation Bonds.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.



ORDINANCE NO. 7,870-N.S.

SETTING THE FISCAL YEAR 2024 TAX RATE FOR FUNDING THE DEBT SERVICE ON THE STREET AND WATERSHED IMPROVEMENTS GENERAL OBLIGATION BONDS (MEASURE M, NOVEMBER 2012 ELECTION) IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 tax rate for debt service on the General Obligation Bonds is set at 0.0065%.

Section 2. The Tax Rate will be based on the estimated assessed values for all rolls (secured, unsecured, and utility) and will become a part of the FY 2024 property tax bill.

Section 3. This Tax Rate will result in estimated total collections of \$1,800,000 needed to make the March 1, 2024 and September 1, 2024 debt service payments on the outstanding General Obligation Bonds.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.





ORDINANCE NO. 7,871- N.S.

SETTING THE FY 2024 MUNICIPAL TAX RATE FOR THE CITY OF BERKELEY FOR BUSINESS LICENSE TAX ON LARGE NON-PROFITS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The rate of tax for the FY 2024 business license tax on large non-profits is as follows:

\$0.7909 per square foot of improvements over 120,000 square feet

Section 2. This tax rate will result in estimated total collections of \$570,648.

Section 3. This Ordinance shall take effect and be in full force from and after its final passage.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.



ORDINANCE NO. 7,872-N.S.

SETTING THE FISCAL YEAR 2024 SPECIAL TAX RATE TO FUND MAINTENANCE OF PARKS, CITY TREES AND LANDSCAPING IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 Tax Rate for the maintenance of parks, City trees and landscaping is set at \$0.2130 per square foot of taxable improvements.

Section 2. The cost to the taxpayer during FY 2024 will be \$255.60 for a 1,200 square foot home and \$639.00 for a 3,000 square foot home.

Section 3. This Tax Rate will result in estimated total collections of \$17,664,146.

Section 4. The tax imposed by this ordinance does not apply to any property owner whose total personal income, from all sources for the previous calendar year, does not exceed that level which shall constitute a very low income, as established by resolution of City Council.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.



ORDINANCE NO. 7,873-N.S.

SETTING THE FISCAL YEAR 2024 SPECIAL TAX RATE TO FUND THE PROVISION OF EMERGENCY MEDICAL SERVICES FOR THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 Tax Rate for Emergency Medical Services is set at \$0.0451 per square foot of taxable improvements.

Section 2. The cost to taxpayers during FY 2024 will be \$54.12 for a 1,200 square foot home and \$135.30 for a 3,000 square foot home.

Section 3. This tax rate will result in estimated total collections of \$3,742,618.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.



ORDINANCE NO. 7,874-N.S.

SETTING THE FISCAL YEAR 2024 SPECIAL TAX RATE TO FUND EMERGENCY SERVICES FOR THE SEVERELY DISABLED IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 Tax Rate to fund emergency services for severely disabled persons is set at \$0.02018 per square feet of improvements.

Section 2. The cost to taxpayers during FY 2024 will be \$24.22 for a 1,200 square foot home and \$60.54 for a 3,000 square foot home.

Section 3. This tax rate will result in estimated total collections of \$1,673,845.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, and Wengraf.

Noes: None.

Absent: Bartlett and Arreguin.





## ORDINANCE NO. 7,875–N.S.

## AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.12: BERKELEY ELECTION REFORM ACT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 2.12.095 is amended to read as follows:

**2.12.095 Committee**

"Committee" means any person or combination of persons that directly or indirectly receives contributions which total more than one thousand dollars in a calendar year or makes expenditures exceeding more than one thousand dollars in a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of one or more candidates, or the passage or defeat of any measure, including any committee or subcommittee of a political party.

Section 2. That Berkeley Municipal Code Section 2.12.168 is amended to read as follows:

**2.12.168 Qualifying period.**

"Qualifying period" means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending at the close of regular business hours, 14 days before the date of the election for which the candidate is seeking office.

Section 3. That Berkeley Municipal Code Section 2.12.255 is amended to read as follows:

**2.12.255 Statement of organization--Committee required to file.**

A. Subject to the exception in Section 2.12.255(B), every committee under Section 2.12.095 of this chapter shall file with the City Clerk a statement of organization, as defined in Government Code Section 84101 et. seq., or its successors, within ten days after qualifying as a committee pursuant to Section 2.12.095.

B. Every committee that qualifies during the period between the closing date of the last pre-election statement and the election shall file with the City Clerk, by hand delivery or by such means as the commission may prescribe, a statement of organization no later than the close of the next business day.

C. The date on which a committee qualified, and not the date on which the committee filed its statement of organization, shall determine the committee's obligation to file the campaign statements and late contribution reports required by this chapter. All committees, whether qualified before or after the date of the final pre-election statement, but before the date of an election, are subject to late contribution reporting requirements.

Section 4. That Berkeley Municipal Code Section 2.12.260 is repealed.

**2.12.260 Repealed.**

Section 5. That Berkeley Municipal Code Section 2.12.265 is repealed.

**2.12.265 Repealed.**

Section 6. That Berkeley Municipal Code Section 2.12.505.H is amended to read as follows:

H.

- 1). Unspent campaign funds of any Participating Candidate who does not qualify as a candidate for the ballot at the election for which the funds were distributed, up to the total amount of funds that the participating candidate received as Fair Election Funds distributions in that election cycle and after accounting for campaign debts and expenditures, must be returned to the City no later than the date of the election for which the funds were distributed. All funds returned under this paragraph must be accompanied by any required supporting documentation. In such cases, the participating candidate must return the unspent funds to the City, up to the total amount of funds that the participating candidate received as Fair Election Funds distributions, prior to refunding any contributions to individual contributors.
- 2). Any campaign funds that remain unspent by a Participating Candidate following the date of the election for which they were distributed, up to the total amount of funds that the Participating Candidate received as Fair Elections Funds distributions in that elections cycle and after accounting for campaign debts and expenditures, must be returned to the City, within sixty (60) days after the date of the election. All funds returned under this paragraph must be accompanied by any required supporting documentation.
- 3). All unspent campaign funds returned to the City shall be deposited in the Fair Elections Fund pursuant to the City Charter.
- 4). The City Clerk shall immediately refer to the Commission for enforcement any participating candidate who does not return unspent funds as required by this subsection.
- 5). After the deadline to return unspent funds in 2.12.505.H.2, a participating candidate may continue to raise funds in accordance with Article 8 of Chapter 2.12 to pay campaign-related debt from the most recent election. Any such contributions received shall not be eligible for matching funds.

Section 7. That Berkeley Municipal Code Section 2.12.505.J is added to read as follows:

J. Requests for matching funds may be submitted no later than 30 days after Election Day for the election at which the participating candidate qualified as a candidate.

Section 8. That Berkeley Municipal Code Section 2.12.505.K is added to read as follows:

K. Upon approval of a participating candidate's Initial Qualifying Request, the candidate is prohibited from withdrawing from the Public Financing Program and receiving contributions pursuant to Section 2.12.415 for the same office at the same election for which they are a participating candidate.

Section 9. That Berkeley Municipal Code Section 2.12.507 is added to read as follows:

**2.12.507 Return of Contributions by Participating Candidates**

A. Notwithstanding the requirements in Section 2.12.505.H.1, if a participating candidate returns a qualified contribution for which they have requested and received matching funds, they must immediately return all said matching funds to the City.

B. Notwithstanding the requirements in Section 2.12.505.H.1, a participating candidate may return a non-qualified contribution to the contributor at any time without triggering any requirement that they return matching funds.

Section 10. That Berkeley Municipal Code Section 2.12.510 is amended to read as follows:

**2.12.510 Candidate statement notice.**

A candidate certified as a Fair Elections program participant shall be identified as such by a notice prominently posted on the City website.

Section 11. That Berkeley Municipal Code Section 2.12.545 is amended to read as follows:

**2.12.545 Cost of living adjustments.**

The Commission shall adjust the dollar amounts specified in Sections 2.12.167, 2.12.500.A.3, 2.12.500.A.6, 2.12.500.A.7, 2.12.500.A.8, 2.12.505.B and 2.12.530.B.3.b for cost of living changes pursuant to Section 2.12.075 in January of every odd-numbered year following Council implementation. Such adjustments shall be rounded to the nearest ten dollars (\$10) with respect to Sections 2.12.167, 2.12.500.A.3 and 2.12.530.B.3.b and one thousand dollars (\$1,000) with respect to Section 2.12.505.B.

Section 12. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

ORDINANCE NO. 7,876-N.S.

ORDINANCE AMENDING CHAPTER 13.110 OF THE BERKELEY MUNICIPAL CODE,  
THE COVID-19 EMERGENCY RESPONSE ORDINANCE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 13.110 is amended to read as follows:

**Chapter 13.110  
COVID-19 EMERGENCY RESPONSE ORDINANCE**

**Sections:**

- 13.110.010 Findings and Purpose**
- 13.110.020 Prohibited Conduct**
- 13.110.030 Definitions**
- 13.110.040 Collection of Back Rent and Late Fees**
- 13.110.050 Application**
- 13.110.060 Implementing Regulations**
- 13.110.070 Waiver**
- 13.110.080 Remedies**
- 13.110.090 Severability**
- 13.110.100 Liberal Construction**

**13.110.010 Findings and Purposes**

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the Local Emergency"), which the City Council subsequently ratified on March 10, 2020. On April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, and July 26, 2022, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, January 31, 2023, and March 21, 2023 the council ratified an extension of the local emergency. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

On March 16, 2020, the City of Berkeley Public Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel. On March 31, 2020 this Shelter in Place Order was extended to May 3, 2020, and restricted activities further.

Furthermore, on March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing material income loss as a result of business closures, the loss of hours or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

On April 21, 2020, Alameda County enacted an urgency ordinance prohibiting eviction for any reason other than withdrawal of rental property under the Ellis Act or court-ordered eviction for public safety. Although the Alameda County ordinance does not have effect within the incorporated area of Berkeley, it is desirable to ensure that Berkeley residents have at least the same level of protection as the residents of unincorporated Alameda County.

During this State of Emergency and during the transition period thereafter, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20.

While COVID-19 remains prevalent in the community, the City has made significant progress in addressing the impacts of COVID-19, including a reduction in the rates of hospitalization and death, as well as a citywide vaccination rate of at least ninety-four percent (94%).

Governor Gavin Newsom has ended the statewide COVID-19 State of Emergency on February 28, 2023. President Joe Biden has ended the nationwide COVID-19 State of Emergency on May 11, 2023.

Based on the current conditions in the City of Berkeley related to COVID-19, and to stay consistent with state actions, the City Manager has recommended that the City Council terminate the local emergency.

The effect of this chapter suspending the statutory basis for eviction due to nonpayment of rent remains in effect throughout the Covered Period, which concludes on the expiration of the local emergency. BMC Section 13.110.030.A allows the City Council to extend the duration of the Covered Period by resolution.

This ordinance makes further amendments to Chapter 13.110 to permit lawful owner-move in evictions pursuant to BMC Section 13.76.130.A.9 and to establish a Transition Period until August 31, 2023, during which time specified evictions would be allowed to take place.

### **13.110.020 Prohibited Conduct**

A. During the Covered Period, no Landlord or Lender shall evict or attempt to evict a Resident of residential real property, or otherwise require a residential Tenant to vacate, unless necessary to stop an imminent threat to the health and safety of other occupants. For purposes of this Ordinance, the basis for an exception to this Ordinance cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

B. Residential Eviction Moratorium. It shall be a complete defense to any action for unlawful detainer that the notice upon which the action is based was served or expired, or that the complaint was filed or served, during the Covered Period, except that a Landlord may serve a lawful notice pursuant to Section 13.76.130.A.9. after March 1, 2023, and such notice may form the basis of an unlawful detainer complaint beginning May 1, 2023.

C. During the Transition Period, no Landlord or Lender shall evict or attempt to evict a Resident of residential real property, or otherwise require a residential Tenant to vacate unless at least one of the following conditions is met:

1. Recovery of possession of real property is necessary to stop an imminent threat to the health and safety of other occupants; or

2. Owner Move-in Eviction. The Landlord seeks to recover possession of a residential unit for their own use and occupancy as their principal residence and the Landlord fully complies with all "Owner Move-in Eviction" requirements set forth in Berkeley Municipal Code section 13.76.130.A.9. However, a Landlord may not recover possession of any residential unit in this manner unless the Landlord owns only one residential property in the City of Berkeley. Notice for this exclusive reason may be served beginning March 1, 2023 and may be the basis for an unlawful detainer complaint beginning May 1, 2023.; or

3. The Landlord or Lender seeks to recover possession of real property following the tenant's default in payment of rent that came due after the expiration of the Covered Period and for which tenant did not provide to the Landlord or Lender documentation establishing a Covered Reason for Delayed Payment as set forth in Berkeley Municipal Code section 13.110.040.C. Any notice to terminate tenancy served pursuant to this

section must inform the tenant of their rights to submit documentation establishing a Covered Reason for Delayed Payment as set forth in Berkeley Municipal Code section 13.110.040.C. A tenant who asserts a Covered Reason for Delayed Payment during the Transition Period shall provide landlord all required documentation as set forth in Berkeley Municipal Code section 13.110.040.C.

D. For the duration of the Covered Period, if a residential tenant has a Covered Reason for Delayed Payment, the tenant may terminate a lease or rental agreement with 30 day notice without penalty. A tenant may also exercise rights under this subsection if the tenants or roommates of the tenants are or were registered at an educational institution that cancelled or limited in-person classes due to the COVID-19 pandemic.

### **13.110.030 Definitions**

A. "Covered Period" means the period of time beginning with March 17, 2020 and concluding at the end of April 30, 2023.

B. "Transition Period" means the period of time beginning with May 1, 2023 and ending on August 31, 2023.

C. "Covered Reason for Delayed Payment" means:

(1) The basis for the eviction is nonpayment of rent, arising out of a material decrease in household, business, or other rental unit occupant(s)'s income (including, but not limited to, a material decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or to caregiving responsibilities, or a material decrease in business income caused by a reduction in opening hours or consumer demand), or material out-of-pocket medical expenses, or a reduction in the number of tenants living in the unit (including due to difficulty finding new tenants and/or subtenants willing and able to cover a sufficient share of rent) which reduces the ability of the remaining tenants to pay rent, or a rent increase that exceeds the Annual General Adjustment for the current year; and

(2) The decrease in household, business, or other rental unit occupant's income or the expenses or reduction in number of tenants described in subparagraph (1) was caused by the impacts of COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

D. "Delayed Rent Payment Agreement" means a mutual agreement between a landlord and tenant regarding the timing and amount of payments for rent that is delayed by a Covered Reason for Delayed Payment.

E. "Homeowner" means the owner or owners of a Residential Unit subject to a mortgage or similar loan secured by the residential unit. "Homeowner" is limited to owners who reside in the unit and includes the individuals residing in the unit with the homeowner.



F. "Landlord" includes owners, lessors, or sublessors of either residential rental property, and the agent, representative, or successor of any of the foregoing.

G. "Lender" means the mortgagee of a purchase money or similar mortgage, or the holder or beneficiary of a loan secured by one or more units, which person has the right to mortgage or similar payments from the owner as mortgagor, including a loan servicer, and the agent, representative, or successor of any of the foregoing.

H. "Resident" means a Tenant, Homeowner, or their household.

I. "Tenant" includes a tenant, subtenant, lessee, sublessee, lodger or any other person entitled by written or oral rental agreement to use or occupancy of residential property. "Tenant" includes a former trustor or homeowner who has lost title the real property in which they reside after a Trustee's sale.

### **13.110.040 Collection of Back Rent and Late Fees**

A. Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the Covered Period, or after the Transition Period if the tenant establishes a Covered Reason for Delayed Payment. Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment. Landlords are encouraged to work with local agencies that will be making rental assistance available for qualifying tenants.

B.

1. For rent accrued through January 31, 2021, Tenants shall have until March 31, 2022, or the date adopted by state law, as applicable, to pay rent that was delayed by a Covered Reason for Delayed Payment unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

2. For rent accrued beginning February 1, 2021, Tenants shall have until July 31, 2023, to pay rent that was delayed by a Covered Reason for Delayed Payment, or the period of time adopted by state law, as applicable, unless the landlord and tenant come to a mutual repayment agreement ("Delayed Rent Payment Agreement").

3. Notwithstanding any lease provision to the contrary, a landlord may not charge or collect a late fee, fine, or interest for rent that is delayed by a Covered Reason for Delayed Payment.

C. It is recommended, but is not required for a Tenant to provide documentation to the Landlord in advance to qualify for the delayed repayment of rent. However, upon the request of a Landlord, a Tenant shall provide such documentation to the Landlord on or before the earlier of (1) forty-five (45) days after the request was made or 2) the fifth day before the date set for trial of any Unlawful Detainer action for possession of the subject rental unit. This provision shall not be construed to waive any obligation to respond to lawful discovery requests or to waive any right to seek additional time permitted by the

California Code of Civil Procedure. A declaration sworn under penalty of perjury shall constitute documentation for the purpose of this requirement.

D. Any medical or financial information provided to the landlord shall be held in confidence, and shall not be disclosed to other entities unless such disclosure is permitted or required by the law, or unless the tenant explicitly authorizes the disclosure of the information in writing.

E. Any relief from the City of Berkeley either directly to a property owner on their own application or as a pass through for City relief payments to the tenant shall directly reduce the amount of any rent that was delayed by a Covered Reason for Delayed Payment. This requirement shall be applied into any Delayed Rent Payment Agreement, regardless of the terms of that agreement.

### **13.110.050 Application**

A. This Chapter applies to eviction notices and unlawful detainer actions based on notices served, filed, or which expire during the Covered Period and Transition Period. It does not apply to commercial leases where the term has expired and the City has issued a permit for the demolition or substantial alteration of the commercial unit, or to units ordered by the City to be vacated for the preservation of public health, including where the City deems necessary to control the spread of COVID-19.

B. Except where expressly required by state law (such as Assembly Bill 3088 or any subsequent statewide COVID-19 relief legislation), a landlord may seek rent accrued during both the Covered Period and the Transition Period as set forth in Section 13.110.040, but may not file an action pursuant to Code of Civil Procedure sections 1161(2) et seq. or otherwise seek to recover possession of a rental unit based on the failure to pay rent that accrued either (1) during the Covered Period or (2) during the Transition Period where the tenant establishes a Covered Reason for Delayed Payment. In any action to evict based on alleged nonpayment of rent, it shall be a complete defense to such action if any part of the rent in dispute accrued at any time during the Covered Period, or if the rent in dispute accrued during the Transition Period and the tenant establishes a Covered Reason for Delayed Payment, or if the action otherwise demands any fees or amounts contrary to the provisions of this Chapter. A landlord shall not apply any rent payment towards rent that is delayed by a Covered Reason for Delayed Payment before applying it towards any other Rent owed without the explicit written permission of the Tenant.

C. A Landlord or Lender shall not retaliate against a Resident for exercising their rights under this Ordinance, including but not limited to shutting off any utilities reducing services or amenities, refusing to make or delaying repairs to which the Resident would otherwise be entitled, or taking actions which hurt the Resident's credit rating based on (1) nonpayment of rent during the Covered Period; or (2) nonpayment of rent during the Transition Period where the tenant establishes a Covered Reason for Delayed Payment.

D. In addition to the affirmative defenses set forth above, in any action to recover possession of a rental unit filed under Berkeley Municipal Code section 13.76.130(A)(1), it shall be a complete defense that the landlord impeded the tenant's effort to pay rent by refusing to accept rent paid on behalf of the tenant from a third party, or refusing to provide a W-9 form or other necessary documentation for the tenant to receive rental assistance from a government agency, non-profit organization, or other third party. Acceptance of rental payments made on behalf of the tenant by a third party shall not create a tenancy between the landlord and the third party.

### **13.110.060 Implementing Regulations**

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring Landlords and Lenders to give a notice to Residents informing them of this Chapter and the right to seek the benefits of this Chapter.

### **13.110.070 Waiver**

A. By entering into a Delayed Rent Payment Agreement, Tenants do not waive any rights under this Chapter.

B. Any agreement by a Tenant to waive any rights under this ordinance shall be void and contrary to public policy.

### **13.110.080 Remedies**

A. In the event of a violation of this Ordinance, any person or entity aggrieved by the violation may institute a civil proceeding for injunctive relief, and money actual damages as specified below, and whatever other relief the court deems appropriate.

1. An award of actual damages may include an award for mental and/or emotional distress and/or suffering. The amount of actual damages awarded to a prevailing plaintiff shall be trebled by the Court outside of the presence, and without the knowledge of, the jury, if any, if a defendant acted in knowing violation of, or in reckless disregard for, the provisions of this Chapter.

2. A defendant shall be liable for additional civil penalties of up to five thousand dollars for each violation of this Chapter committed against a person who is disabled within the meaning of California Government Code section 12926, et seq., or aged sixty-five or over.

3. In addition to the above awards of damages in a civil action under this Chapter, a prevailing plaintiff shall be entitled to an award of reasonable attorney's fees. A prevailing defendant in a civil action under this Chapter shall only be entitled to an award of attorney's fees if it is determined by the Court the action was wholly without merit or frivolous.

4. In addition, this Chapter grants a complete defense to eviction in the event that an eviction notice or unlawful detainer action is commenced, filed, or served in violation of this Chapter.

B. The protections provided by this ordinance shall be available to all Residents, regardless of any agreement wherein a Resident waives or purports to waive their rights under this Ordinance, with any such agreement deemed void as contrary to public policy.

C. A. Violations of Section 13.110.020(C) - (Commercial rent restrictions).

1. Violations of Section 13.110.020(C) may be enforced by an administrative fine of up to \$1,000 pursuant to Chapter 1.28. Each day a commercial property landlord demands rent in excess of the amount permitted pursuant to Section 13.110.020(C) is a separate violation. The City may also charge the costs of investigating and issuing any notices of violations, and any hearings or appeals of such notices.

2. The City Attorney may refer those violators of Section 13.110.020(C) to the Alameda County District Attorney for redress as a violation of Business and Professions Code section 17200, et seq. or, if granted permission by the District Attorney, may bring an action pursuant to Business and Professions Code section 17200, et seq.

D. Nonexclusive Remedies and Penalties. The remedies provided in this subdivision are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

### **13.110.090 Severability**

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

### **13.110.100 Liberal Construction**

The provisions of this Chapter shall be liberally construed so as to fully achieve its purpose and provide the greatest possible protections to tenants.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Harrison, Robinson, Taplin, and Arreguin.

Noes: Humbert.

Abstain: Kesarwani and Wengraf.

Absent: None.





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of May 1 (Closed), May 2 (Special), May 8 (Closed), May 9 (Regular), May 15 (Closed), May 16 (Special and Special WS) and May 23 (Special and Regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. May 1, 2023 - Closed Council Meeting
2. May 2, 2023 – Special Council Meeting
3. May 8, 2023 – Closed Council Meeting
4. May 9, 2023 – Regular Council Meeting
5. May 15, 2023 – Closed Council Meeting
6. May 16, 2023 – Special Council Meeting
7. May 16, 2023 – Special (WS) Council Meeting
8. May 23, 2023 – Special Council Meeting
9. May 23, 2023 – Regular Council Meeting

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, MAY 1, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

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*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*



## Preliminary Matters

**Roll Call:** 3:10 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 3:13 p.m.

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

a. *Stachl v. City of Berkeley*, Alameda County Superior Court Case Number RG20074265

**Action:** M/S/C (Arreguin/Robinson) to approve a settlement in the matter of *Stachl v. City of Berkeley*, Alameda County Superior Court Case No. RG20074265, in the amount of \$125,000 in exchange for a release of all claims against the City.

**Vote:** All Ayes.

### 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(3):

a. Significant exposure to litigation; see April 22, 2023 letter from David H. Blackwell on behalf of Mevlanarumi LLC, owners of 2023-25 Shattuck Ave., attached as required by *Fowler v. City of Lafayette*, 46 Cal. App. 5th 360 (2020)

**Action:** No reportable action taken.

b. *Alejandres v. City of Berkeley*, California Civil Rights Department Case No. #202209-18233514

**Action:** No reportable action taken.

### 3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association; Public Employees Union Local 1

**Action:** No reportable action taken.

## OPEN SESSION:

The City Council met in closed session and approved a settlement in the matter of *Stachl v. City of Berkeley*, Alameda County Superior Court Case No. RG20074265, in the amount of \$125,000 in exchange for a release of all claims against the City.

## Adjournment

**Action:** M/S/C (Arreguin/Taplin) to adjourn the meeting.

**Vote:** Ayes – Taplin, Bartlett, Hahn, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Harrison, Wengraf, Robinson.

Councilmember Harrison absent at 5:18 p.m.

Councilmember Kesarwani absent at 5:46 p.m.

Councilmember Wengraf absent at 5:51 p.m.

Councilmember Robinson absent at 5:56 p.m.

Adjourned at 6:20 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 1, 2023.

---

Mark Numainville, City Clerk

## Communications

### Item #2a: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(3):

1. Tuija Catalano, on behalf of Reuben, Junius & Rose LLP

### Supplemental Communications and Reports 1

- None

### Supplemental Communications and Reports 2

- None

### Supplemental Communications and Reports 3

- None

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, May 2, 2023  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

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## Preliminary Matters

**Roll Call:** 6:12 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Wengraf

Councilmember Kesarwani present at 6:17 p.m.

## Action Calendar – New Business

**1. Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance From: Mayor Arreguin (Author)**

**Recommendation:**

1. Adopt a first reading of an Ordinance adding Chapter 13.107 to the Berkeley Municipal Code establishing healthcare and apprenticeship standards for private development.
2. Refer the City Manager and Planning Commission if necessary to:
  - a. Include an analysis of the costs of these new healthcare and apprenticeship requirements on private development as part of the Housing Feasibility Study currently underway;
  - b. Based on the findings of the feasibility study, recommend adjustments to impact fees if needed to offset the cost of these new requirements to maintain economic feasibility of projects;
  - c. Bring back to the City Council proposed changes to enabling legislation to enable fee reductions if needed;
  - d. Consider upzoning the C-DMU Downtown Mixed-Use District zoning to allow for an increased number of taller exceptions (at or above 180 feet in height) and explore other zoning modifications to allow for additional density as a way to offset the cost of these new labor standards.
3. Refer to the Fiscal Year 2024 Budget Process funding as determined necessary by the City Manager to fund the implementation of this new law, and direct the City Manager to develop an implementation plan and timeline for this new Ordinance.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** M/S/C (Arreguin/Hahn) to accept revised materials from Mayor Arreguin on Item 1.

**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Wengraf.

**Action:** 38 speakers. M/S/C (Arreguin/Bartlett) to:

1. Adopt first reading of Ordinance No. 7,861–N.S. as revised in supplemental materials submitted at the meeting by Mayor Arreguin. Second reading scheduled for May 23, 2023.

2. Refer the City Manager and Planning Commission to:

- a) Include an analysis of these new healthcare and apprenticeship requirements on private development as part of the Housing Feasibility Study currently underway and direct the City Manager expedite completion of this analysis;
- b) Based on the findings of the feasibility study, recommend adjustments to impact fees if needed to offset the cost of these new requirements to maintain economic feasibility of projects;
- c) Bring back to the City Council proposed changes to enabling legislation to enable fee reductions if needed;
- d) Explore zoning modifications to allow for additional density as a way to offset the cost of these new labor standards if needed.

3. Refer to the Fiscal Year 2024 Budget Process funding as determined necessary by the City Manager to fund the implementation of this new law, and direct the City Manager to develop an implementation plan and timeline for this new Ordinance, coordination with implementing departments, notice to applicants of the new requirements, required forms, informational materials, and notice on how optional hourly contributions to the California Apprenticeship Council are calculated to satisfy the requirements in Section 13.107.040(a).

**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – Wengraf.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Adjourned at 8:22 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on May 2, 2023.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## **Supplemental Communications and Reports 2**

### **Item #1: Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance**

1. Richard Markuson, on behalf of Pacific Advocacy Group
2. Phyllis Orick
3. Melinda Howard-Herrarte, on behalf of Sierra Club

## **Supplemental Communications and Reports 3**

### **Item #1: Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance**

4. Revised material, submitted by Mayor Arreguin
5. Cora Kapenga
6. Phyllis Orrick
7. Beli Acharya, on behalf of the Construction Trades Workforce Initiative
8. Igor Tregub, on behalf of the Alameda County Democratic Party
9. Berkeley Neighbors for Housing and Climate Action
10. Denise Pinkston, on behalf of Land Use and Policy
11. Louis Mirante, on behalf of Bay Area Council
12. Kelly Elena MacDonald, on behalf of the Building and Construction Trades Council of Alameda County
13. Kelly Hammargen
14. Julia Hutton, on behalf of the Rising Sun Center for Opportunity
15. Corey Smith, on behalf of the Housing Action Coalition

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, MAY 8, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*

## Preliminary Matters

**Roll Call:** 3:06 p.m.

**Present:** Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 3:23 p.m.

**Public Comment - Limited to items on this agenda only – 1 speaker**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association.

**Action:** No reportable action taken.

## OPEN SESSION:

No reportable action taken.

## Adjournment

**Action:** M/S/C (Arreguin/Hahn) to adjourn the meeting.

**Vote:** Ayes – Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Adjourned at 4:00 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 8, 2023.

---

Mark Numainville, City Clerk



## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, May 9, 2023**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
 DISTRICT 2 – TERRY TAPLIN  
 DISTRICT 3 – BEN BARTLETT  
 DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
 DISTRICT 6 – SUSAN WENGRAF  
 DISTRICT 7 – RIGEL ROBINSON  
 DISTRICT 8 – MARK HUMBERT

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## Preliminary Matters

**Roll Call:** 6:07 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert

**Absent:** Kesarwani, Arreguin

Councilmember Kesarwani present at 6:17 p.m.

Mayor Arreguin present at 6:38 p.m.

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiuñ (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

### Ceremonial Matters:

1. Recognition of Affordable Housing Month – May 2023

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 19 speakers.

**Action:** M/S/C (Hahn/Robinson) to add an urgent item to the agenda regarding a new \$200,000 financial allocation to the Eviction Defense Center.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert; Noes – None; Abstain – None; Absent – Arreguin.

**Action:** M/S/C (Arreguin/Robinson) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

Recess 7:37 p.m. – 8:00 p.m.

**Urgent Item: Increase Funding to Housing Retention Program Contract  
From: Mayor Jesse Arreguín**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to:

1. Allocate an additional \$200,000 to the Housing Retention Program from the Measure P General Fund balance;
2. Amend the current contract with the Eviction Defense Center (EDC) (No. 32100023) by \$200,000 for rent debt or other expenses that would enable applicants to retain housing; and
3. Amend Item #3 Amendment: FY2023 Annual Appropriations Ordinance on tonight's (May 9, 2023) Council agenda to increase the re-appropriation of committed FY 2022 funding totals by \$200,000 to reflect \$27,940,780 gross and \$29,658,924 net.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** Councilmembers Hahn and Robinson, and Vice-Mayor Bartlett added as co-sponsors. Adopted Resolution No. 70,796–N.S.

**1. Proposition 218 Procedures and Five Year Zero Waste Rate Schedule  
From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,860-N.S. amending Berkeley Municipal Code Section 12.38.090 to clarify that General Funds may be used to subsidize low income residents.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted second reading of Ordinance No. 7,860–N.S.

**2. Waiver of Sanctuary City Ordinance to Amend Westlaw Subscription  
From: City Manager**

**Recommendation:** Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to amend the City Attorney's Office subscription to Westlaw to include case calendaring capabilities.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Adopted Resolution No. 70,797–N.S.

## Consent Calendar

**3. Amendment: FY 2023 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt the first reading of an Ordinance amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,740,780 (gross) and \$29,458,924 (net).

**Financial Implications:** See Council Report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

**Action:** Adopted first reading of Ordinance No. 7,862–N.S. amended to include the \$200,000 allocation for the Eviction Defense Center adopted in the Urgent Item. Second reading scheduled for May 23, 2023.

**4. Appointment of the Fire Chief**

**From: City Manager**

**Recommendation:** Adopt a Resolution confirming the appointment of David Sprague-Livingston as the Fire Chief to be effective May 14, 2023, at an annual base salary of \$268,320.00.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**Action:** Adopted Resolution No. 70,798–N.S.

## Consent Calendar

### 5. Appointment of the Police Chief

**From:** City Manager

**Recommendation:** Adopt a Resolution confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Recess 8:57 p.m. – 9:05 p.m.

**Action:** M/S/C (Humbert/Kesarwani) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** All Ayes.

**Action:** M/S/C (Humbert/Taplin) to suspend the rules and extend the meeting to 12:00 a.m.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes - Harrison.

**Action:** M/S/Failed (Humbert/Kesarwani) to call for the previous question.

**Vote:** Ayes – Kesarwani, Taplin, Wengraf, Humbert; Noes - Bartlett, Harrison, Hahn, Robinson, Arreguin.

**Action:** M/S/Failed (Harrison/Bartlett) to continue the appointment of the Police Chief to July 25, 2023 or an earlier special meeting date.

**Vote:** Ayes – Bartlett, Harrison, Hahn, Arreguin; Noes – Kesarwani, Taplin, Wengraf, Robinson, Humbert.

**Action:** Moved to Action Calendar. 65 speakers. M/S/Carried (Humbert/Wengraf) to adopt Resolution No. 70,799–N.S. confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

**Vote:** Ayes – Kesarwani, Taplin, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes - None; Abstain – Bartlett, Harrison.

### 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 9, 2023

**From:** City Manager

**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**Financial Implications:** Various Funds - \$7,305,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

**Action:** Councilmember Hahn noted her abstention regarding the Willard Clubhouse funding. Approved recommendation.

## Consent Calendar

**7. 2023 Local Housing Trust Fund Application**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed \$5,000,000 and to apply such funds to the City's existing funding reservations for St. Paul Terrace (2024 Ashby Avenue) via the City's Housing Trust Fund program.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 70,800–N.S.

**8. Contract No. 31900263 Amendment: Rebuilding Together East Bay-North Contract Continuation Recommendation**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Providing Rebuilding Together East Bay-North's Safe at Home and Community Facility Improvement programs; General Funds for Fiscal Year (FY) 2024 in the amounts of \$98,275 for the Safe at Home Program and \$24,575 for Community Facility Improvement, for a total amount of \$122,850; and 2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North, for an amended amount not to exceed \$614,250 and extending the contract term to June 30, 2024.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 70,801–N.S.

**9. Contract: Optimas Services, Inc. for Consulting Services Related to Mental Health Medi-Cal Billing and the CalAIM Initiative**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Optimas Services, Inc. for an amount not to exceed \$75,000 for consulting services related to Medi-Cal billing and the CalAIM Initiative.

**Financial Implications:** Various Funds - \$75,000

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 70,802–N.S.

## Consent Calendar

- 10. Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$99,500, with a contract end date of June 30, 2024.  
**Financial Implications:** General Fund -\$50,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,803–N.S.
- 11. Contract: Pacific Site Management: Landscaping Services for Health, Housing, and Community Services Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Pacific Site Landscaping. The contract will be in an amount not to exceed \$110,000 for the period July 1, 2023 through June 30, 2026.  
**Financial Implications:** General Fund - \$110,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,804–N.S.
- 12. Contract: Resource Development Associates: Consultation Services for the Implementation of Results Based Accountability Framework**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Resource Development Associates (RDA) for consultation services to support implementation of a program assessment and planning initiative across all of the Department of Health, Housing, and Community Services (HHCS) Divisions. The contract will be in an amount not to exceed \$380,000 for the period July 1, 2023 through June 30, 2025.  
**Financial Implications:** Various Funds - \$380,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,805–N.S.



## Consent Calendar

13. **Contract: Hansine Fisher & Associates for Targeted Case Management and Medi-Cal Administrative Activities Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Hansine Fisher and Associates for Targeted Case Management (TCM) consulting services. The contract will be in an amount not to exceed \$100,000 for the period July 1, 2023 through June 30, 2024.  
**Financial Implications:** Target Case Mgmt/Linkages Fund - \$100,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,806–N.S.
14. **Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2023 to March 30, 2024.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,807–N.S.

## Consent Calendar

### 15. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$303,709 for FY 2024.
2. Maternal, Child and Adolescent Health (MCAH) Program in the projected amount of \$375,000 for FY 2024.
3. Tobacco Trust Fund: There is no match required and this contract is expected to be for \$300,000 in FY 2024.
4. Immunization Program in the projected amount of \$1,368,080 FY 2023 through FY 2027.
5. Public Health Emergency Preparedness/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected amount of \$1,368,080 for FY 2023 through FY 2027.
6. Childhood Lead Poisoning Prevention Program (CLPPP) in the projected allocation of \$107,374 per year for FY 2024 through FY 2026 with a total amount of \$322,123
7. CalFresh Health Living (CFHL) Program in the projected amount of \$487,170 for FY 2024 through FY 2027.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 70,808–N.S. (CHDP), Resolution No. 70,809–N.S. (MCAH), Resolution No. 70,810–N.S. (Tobacco), Resolution No. 70,811–N.S. (Immunization), Resolution No. 70,812–N.S. (Public Health), Resolution No. 70,813–N.S. (Lead), Resolution No. 70,814–N.S. (CFHL).

## Consent Calendar

**16. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**

**From: City Manager**

**Recommendation:** Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following four revenue agreements:

1. Foster Care Program in the projected amount of \$96,500 for Fiscal Year 2024.
2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for Fiscal Year 2024.
3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for Fiscal Year 2024.
4. Tobacco Prevention Program in the projected amount of \$78,960 for Fiscal Year 2024.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 70,815–N.S. (Foster Care), Resolution No. 70,816–N.S. (Berkeley High), Resolution No. 70,817–N.S. (School Linked), Resolution No. 70,818–N.S. (Tobacco).

**17. Accept California Strengthening Public Health Initiative Funds from the State of California**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept grant funds and to execute any resultant revenue agreement, any amendments, and extensions from the California Department of Public Health's (CDPH) Strengthening Public Health Initiative in the projected amount of \$650,928. This funding is to be utilized from December 1, 2022 through November 30, 2027.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Adopted Resolution No. 70,819–N.S.

**18. Establish Classification and Salary: Electrical Supervisor and Communications Supervisor**

**From: City Manager**

**Recommendation:** Adopt two Resolutions:

1. Establishing the represented classification of Electrical Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.
2. Establishing the represented classification of Communications Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**Action:** Adopted Resolution No. 70,820–N.S. (Electrical Supervisor), Resolution No. 70,821–N.S. (Communications Supervisor).

## Consent Calendar

- 19. Donation: Memorial Bench at Mortar Rock Park in memory of Charles D. Sooy**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Mortar Rock Park in memory of Charles D. Sooy.  
**Financial Implications:** \$3,400 (revenue)  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,822–N.S.
- 20. Amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc. for On-Call Waterfront Project and Construction Management Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc., for on-call waterfront project and construction management Services by increasing the contract amount by \$1,000,000 and duration by twelve months each, from June 30, 2024 through June 30, 2025, for a total not-to-exceed amount of \$2,000,000 each.  
**Financial Implications:** Various Funds - \$2,000,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,823–N.S. (AnchorCM), Resolution No. 70,824–N.S. (Park Engineering).
- 21. Contract: Elavon, Inc. for Online Credit Card Payment Processing Transaction Services for the Recreation Division’s Online Registration System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division’s online registration system, for an amount not to exceed \$360,000 for the term commencing on or about June 1, 2023, through May 31, 2027.  
**Financial Implications:** Various Funds - \$360,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,825–N.S.
- 22. Contract No. 32200098 Amendment: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32200098 with ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project by adding \$138,000 for a total not-to-exceed contract amount of \$1,338,000.  
**Financial Implications:** CIP Fund - \$1,338,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,826–N.S.

## Consent Calendar

- 23. Agreement: East Bay Municipal Utility District for Sewer Service Billing and Collection**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole source agreement and any necessary amendments with the East Bay Municipal Utility District for sewer service billing and collection for the period July 1, 2023 to June 30, 2033, for an amount not to exceed \$6.1 million.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,827–N.S.
- 24. Contract No. 32000180 Amendment: Missionmark for Audit Management and Recommendation Tracking Software**  
**From: Auditor**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000180 with Missionmark for audit management and recommendation tracking software, increasing the amount by \$100,000 for a total amount not to exceed \$124,000 and extending the contract term to May 30, 2027.  
**Financial Implications:** See report  
Contact: Jenny Wong, Auditor, (510) 981-6750  
**Action:** Adopted Resolution No. 70,828–N.S.
- 25. Approval of Additional Disaster and Fire Safety Commission Meeting**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** Adopt a Resolution approving the request from the Disaster and Fire Safety Commission to hold one additional meeting in calendar year 2023.  
**Financial Implications:** See report  
Contact: Keith May, Commission Secretary, (510) 981-3473  
**Action:** Adopted Resolution No. 70,829–N.S.

## Action Calendar – Public Hearing

- 26. FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1**  
**From: City Manager**  
**Recommendation:** Accept the FY 2024 Proposed Budget Update for review and consideration by the City Council and conduct Public Hearing #1 on the FY 2024 Proposed Budget Update.  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- Action:** M/S/C (Arreguin/Harrison) to reschedule the budget public hearing to a special meeting on May 16, 2023 at 4:00 p.m. including supplemental material submitted by the City Manager’s Office.  
**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 27. Submission of the PY 2023 (FY 2024) Annual Action Plan Containing Allocations of Federal Funds

**From: City Manager**

**Recommendation:** Conduct a public hearing on the federal Program Year (PY) 2023, City Fiscal Year (FY) 2024, Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the PY 2023 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3. Allocating 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2023 HOME funds to the Housing Trust Fund; and 4. Allocating 20% of the PY 2023 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Public Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation, program income, or earlier unused funds, be more or less than estimated; and 5. Allocating the allowable 7.5% of the PY 2023 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A to the report, and 6. Authorizing staff to finalize the PY 2023 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, including the planned expenditures of HUD funds, required HUD application forms and certifications, and all other HUD-required information, and; 7. Authorizing the City Manager to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Public Testimony:** The Mayor opened the public hearing. 2 speakers.

M/S/C (Arreguin/Hahn) to close the public hearing.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Councilmember Harrison absent at 11:21 p.m.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,830–N.S.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

## Action Calendar – New Business

### 28. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements

**From: City Manager**

**Recommendation:**

1. Adopt the Resolution of Intention to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code Section 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

Council adopted Resolution No. 70,156-N.S. at its December 14, 2021 meeting authorizing the FY 2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**Action:** 1 speaker. M/S/C (Arreguin/Robinson) to:

1. Adopt Resolution No. 70,831–N.S.

2. Adopt first reading of Ordinance No. 7,863–N.S. Second reading scheduled for May 23, 2023.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

## Information Reports

### 29. FY 2023 Second Quarter Investment Report: Ended December 31, 2022

**From: City Manager**

Contact: Henry Oyekanmi, Finance, (510) 981-7300

**Action:** Received and filed.

### 30. Annual Report on the Ronald V. Dellums Fair Chance Access to Housing Ordinance

**From: City Manager**

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Received and filed.

## Information Reports

31. **LPO NOD: 1919 Addison Street, #LMSAP2022-0012**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.
32. **LPO NOD: 0 Center Street – Civic Center Park, #LMSAP2023-0001**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Received and filed.

## Public Comment – Items Not Listed on the Agenda - 1 speaker.

## Adjournment

**Action:** M/S/C (Arreguin/Hahn) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin;  
Noes – None; Abstain – None; Absent – Harrison.

Adjourned at 11:29 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on May 9, 2023.

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Mark Numainville, City Clerk

## Communications

### Item #5: Appointment of the Police Chief

1. April Gilbert

### Rampant Crime in Berkeley

2. Kimberly Damer
3. Dee Williams-Ridley
4. Rika Yamamoto
5. Alene Griffin
6. Nidhi Bhatnagar
7. Colleen Aitken
8. Li Kelty
9. Alan Jencks
10. Robin Kibby

### UA Theater

11. Jennifer Renzi
12. Warren Long



- 13. Anthony Verruso
- 14. Kurt Landisman
- 15. Spreck Rosekrans
- 16. Wendy Stock

**Golden Gate Fields**

- 17. Christopher Kroll
- 18. Melanie Lawrence
- 19. Helen Cameron
- 20. Lisa Fitch

**Vision Zero for San Pablo Avenue**

- 21. Benjamin Fry
- 22. Kevin Burke

**Recycling Programs**

- 23. David Lerman
- 24. Martin Bourque

**Bike Lanes for 1307 Dwight Way**

- 25. Laurel and Ben Kuchinsky (2)

**Parking Restrictions at James Kenney Community Center**

- 26. Johsua Buchin

**Berkeley Animal Care Services**

- 27. Kristen Anderson
- 28. Leslie Smith

**Porta Potties at People's Park**

- 29. Nancy Schimmel
- 30. Summer Brenner
- 31. Wynd Kaufmyn

**Loud Music at The Tap In Lounge – 2012 Shattuck Avenue**

- 32. Keiti Hashimero

**Protect our Sacred Ohlone Sites**

- 33. Susan Nunes Fadley

**Invitation to Berkeley High School U9 Climate Conference**

- 34. Zia Grossman-Vendrillo

**Lack of Communications – City Services**

- 35. Scott Schwalbach

**Berkeley Waterfront**

36. Jack Kurzweil

**Homelessness**

37. Thom Lauret

**Build, Build, Build Mentality**

38. Barbara Gilbert

**Solar Lights Requested at UC Berkeley Along Bancroft**

39. Sandy Shaw Friedman

**Impending Foxtail Disaster**

40. Chelonii11059@

**City of Berkeley Requirement Increases Cancer Among Residents**

41. Daniel Auten

**Step Up Housing Memo**

42. Lisa Warhuss, Director of Health, Housing and Community Services (HHCS)

**Traffic Safety on Francisco Street between Sacramento and MLK Jr. Way**

43. David Lerman

**2920 Shattuck**

44. Larisa Cummings (2)

45. Sharon Gong

**Support Budget Referral for Berkeley's Paths**

46. Jen Bilik

**Berkeley Ceasefire Program/Racial Profiling**

47. Elana Auerbach (2)

**Berkeley Police Surveillance Ordinance Policies Related to Unmanned Aerial Systems**

48. Hansel Aguilar

**Delays in Berkeley Police ODPa Work Production**

49. Hansel Aguilar

**Annual Report for Berkeley Police Equipment and Community Safety Ordinance**

50. Hansel Aguilar

**Natural Gas Stoves**

51. John Jones

52. Tom Hanson

**The YIMBY's and 50-Story Tower**

53. Zelda Bronstein

**Crosswalk at 6<sup>th</sup> and Addison**

54. Eric Wiesner

**Psychedelics Decriminalization**

55. Esi Mathis

**Support for African American Holistic Resource Center**

56. Moni Law

**In Support of The Center for Independent Living**

57. Mary Behm-Steinberg, Chair of Human Welfare and Community Action Commission

**Small Business Fees and Fines**

58. Walter Wood

**Hopkins Corridor**

59. Ben Gould, Chairperson for Environmental and Climate Commission

60. Janet Jacobson-Weiss

61. Damon Guthrie

62. Marc Hedlund (2)

63. Kevin Powell

64. Eileen Hughes

65. Save Hopkins

66. Bob Flasher

67. Andrew Brozyna

68. Norma Guzman

69. Jay Sayre

70. Mario Aranha

71. Deborah Georges

72. Sandra and Tim Easley

73. Henry Pinkard

74. Susan Taylor

75. Renate Crocker

76. Paul Mileck

77. Ann Danforth

78. Mary Staats

79. Friends of Five Creeks

80. George Porter

81. Kaylene Stocking

82. Susan Taylor

83. Laura Atkins

84. Renetia Martin
85. Isobel White
86. Arlene Owseichik
87. Mitch Varhula
88. Steve Sperber
89. Margot Smith
90. Brandon Brodt
91. Elsie Wong
92. Julie Wong
93. Ben Gerhardstein (3)
94. Larry Goldman
95. David Sprague, Interim Fire Chief
96. Dorothea Dorenz
97. Byron Barrett
98. Kelly Hammargren
99. Alex Takaoka
100. Jane Diamond
101. S. Entwistle
102. Tom Mysz
103. Carol Sawdey
104. Meg Holm
105. David Gilbert
106. Ken Frankel
107. J. Brodsky
108. Bob Muzzy
109. Alan Pearson
110. Ann Rogers
111. Stephen Woodrow
112. Susan Griffin
113. Meri Issel
114. Howard Winet
115. Cherie Hearne
116. Helen Toy
117. Bobin Kibby
118. Bill Pottinger
119. Marty Rosenthal
120. Mimi Sternberg
121. Josephine Perry
122. Dee Williams-Ridley, City Manager
123. Laurel Denyer
124. Deborah Shaw
125. Leni Siegel
126. Diana Bohn
127. Dave Stark
128. Julia Moss
129. Ross Bernet

130. Ben Gerhardstein
131. Save Hopkins
132. Warren Wells
133. Andrew Little
134. Ethan Bodle
135. Helena Worthen
136. Jeremy Townsend
137. Adam Moss
138. Friends of Five Creeks
139. Kristiane Skolmen
140. Jeff Habicht
141. Rebecca Meyer
142. Rob Schwartz
143. Stewart Smith
144. Steven Wang
145. Jenna Fahle
146. Tatiana Guerreiro Ramos
147. Linda
148. Pat Hill
149. Julie Bussgang
150. Ben Thomas
151. Rosemary Clark
152. Betty Seto
153. Elise Fortin
154. Adrian
155. Em Holmes
156. Save Hopkins
157. Sarah Lefton
158. Laura Fujii
159. Emily Huston
160. Todd Andrew
161. Jenny Johnston
162. Lucas Cantor
163. Byron Barrett
164. Kathy Kosinski
165. Andrew Judd
166. Andy Peterson
167. Save Hopkins

## **Supplemental Communications and Reports 1**

### **Item #1: Proposition 218 Procedures and Five Year Zero Waste Rate Schedule**

168. Chrise de Tournay

### **Item #5: Appointment of the Police Chief**

169. Michael Weber
170. Gael Alcock

171. John Caner, on behalf of the Downtown Berkeley Association
172. John Parman
173. Arvind Melwani
174. Linda Spindler
175. Geoff
176. Allyson Arons
177. Kiran Raikar
178. Tracee Farrell
179. Satina Chiu
180. Sagar Jethani
181. Lisa Mott
182. Megan Heerding
183. Jenny Ni
184. Arvinder Bains
185. Sonia Gupta
186. Ashok Goyal
187. Any Wu
188. Elizabeth Areiza

## **Supplemental Communications and Reports 2**

### **Item #5: Appointment of the Police Chief**

189. Lisa Mirkovic
190. Grace Hartman
191. Paul Rickey
192. Rita Zobayan
193. Steve Choe
194. Gay and Alan Auerbach
195. Ginger Ogle
196. Ron Kelly
197. Shana Fruman
198. Elana Auerbach
199. Elle Kim
200. Andrew Fox
201. Marjorie Winter
202. Audrey Richards
203. Bob Flasher
204. Laura Louis
205. Ted Obbard
206. Ingrid Safranek
207. Shannon Curtis
208. Summer Brenner
209. Karen Bowen
210. Janice Schroeder
211. Jill McIntire
212. Tamara Gurin
213. Linda Laskowski

214. Jonathan Khuner
215. Stefano DellaVigna
216. Rachel Bradley
217. Barbara Lewis
218. Oren Leiman
219. Rachel Biale
220. Linda Schacht
221. Charlie Bowen
222. Susie Medak
223. Nancy Lemon
224. Colleen Busch
225. Richard Hackenberg
226. Elizabeth Shaughnessy
227. Mark Ferrari
228. Juli Dickey
229. Chris McKee
230. Lynne Clenfield
231. Ellen Archilla and Jacques Watteyne
232. Henry DeNero
233. Charlotte Ferrey
234. Deborah and David Kirshman
235. Susan Brand
236. Janine Jacobson
237. Suzanne McKee
238. Dennis Mulqueeney
239. Laura Louis
240. Henry DeNero, on behalf of The Hillside Association of Berkley
241. Susan Nunes Fadley
242. Jose Vilar
243. Allan Fix
244. Joan Guilford
245. Elizabeth Shun
246. Shirley Issel
247. JT Nelson
248. Jo Ann Driscoll
249. Nathan Mizell
250. Catherin Cavette
251. Richard Boyden
252. Elizabeth Ferguson
253. Sylvia
254. Michael McGowan
255. Amy Loebel
256. Jen Bush
257. Kelly Hammargren
258. Esther Brass-Chorin
259. Bryan Graham

260. Lisa Brenneis
261. Louis Fox and Nashua Kalil
262. Mike Lonergan
263. Bob Dixon
264. Betty Seto
265. Mary Ann Meany and Donald Santos
266. Rod Gutierrez
267. Tobey Wiebe
268. Sally Nelson
269. Charlene Woodcock
270. Naomi Pearce
271. Berkeley Police Association
272. John Caner, on behalf of the Downtown Berkeley Association
273. Lorraine Mahley
274. Sondra Schlesinger
275. Kitt Saginor
276. Diane Kanegae
277. Cecilia Lunaparra
278. Barry Fike
279. Meghan Schwartz
280. Rivka Polatnick
281. Janice Schroeder
282. 72 similarly-worded form letters urging confirmation of Police Chief Louis

**Item #26: FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1**

283. Supplemental material, submitted by the City Manager's Office

**Supplemental Communications and Reports 3**

**Urgent Item Agenda Material**

**Increase Funding to Housing Retention Program Contract**

284. Mayor Arreguin

**Item #4: Appointment of the Fire Chief**

285. Phyllis Orrick
286. Nancy Rader
287. Bessie Chin

**Item #5: Appointment of the Police Chief**

288. Carol Cohen
289. Nancy Gillette
290. Joan Grant
291. George Porter
292. Paul Lee
293. Nat Kane
294. John Caner, on behalf of the Downtown Berkeley Association



295. Amanda Siegel
296. Linda Kanat
297. Todd Andrew
298. Cat Zavis
299. Julianna Muthu
300. Steven Goldin
301. Zipporah Collins
302. John Parman
303. Jeff Vincent
304. Lee Bishop
305. CC Andrews
306. Taline Kazandjian
307. Frances Wong
308. Inette Dishler
309. Andrea and Stan Washburn
310. Tom Lent
311. Rick and Tamie Dishnica
312. Martin and Jill Dodd
313. Guy Micco
314. Jane Martin
315. Willie Phillips
316. Stan Goldberg
317. Stasha Vlasuk Detjens
318. Patsy Slater
319. Michele Maguier
320. Ewald Detjens
321. League of Women Voters
322. Linda Olivenbaum
323. Bessie Chin
324. Andrea Prichett
325. Marc Sapir
326. Gina Rieger
327. Michael Frantz
328. Richard Ernie Mansfield
329. Bill Lutt
330. Julia Cato
331. Barbara Johnson
332. Mary Lee Smith
333. Mati Teiblum
334. Vincent Casalaina
335. Nancy Turak
336. Patrice Ignelzi
337. Alison Huetter
338. Bill Press
339. Nicole Powell
340. Cheryl Davila

- 341. Sagar Jethani
- 342. Tatjana Radojkovic
- 343. Mohammed Ganijee
- 344. Kelly Beres
- 345. Keethly McNamara
- 346. Jim Hynes
- 347. Jenn Youakim
- 348. Elisabeth Godstein
- 349. Ash Goyal
- 350. Elke Adler
- 351. Julie Sternberg
- 352. Paul Hyde
- 353. Alejandra Caldera
- 354. Amir Koopah
- 355. V. Wong
- 356. Alice Lewicki
- 357. Akash Chhabra
- 358. Sulema Hernandez
- 359. Bahar Patel
- 360. Don Arana-Fogg
- 361. Tomas Balogh
- 362. Rodney Lambert
- 363. Mary Behm-Steinberg
- 364. Rashmi Dwivedi
- 365. Christa Rybczynski
- 366. TK Alexander
- 367. Susan Payne
- 368. Guillermo Aguilar
- 369. Moni Law

**Miscellaneous**

- 370. Urban Ore
- 371. Eid

**BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES**

**MONDAY, MAY 15, 2023**

**3:00 P.M.**

REDWOOD ROOM – 2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

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## Preliminary Matters

**Roll Call:** 3:06 p.m.

**Present:** Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin

**Public Comment - Limited to items on this agenda only – 2 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. *Alisha Gard vs. City of Berkeley*, Superior Court of California, Alameda County, Case No. 23CV025176.

**Action:** M/S/C (Hahn/Robinson) to authorize a settlement in the matter of *Alisha Gard v. City of Berkeley* as proposed by staff for the amount of \$82,825.

**Vote:** Ayes - Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin.

- b. *California Restaurant Association v. City of Berkeley*, United States Court of Appeals for the Ninth Circuit, Case No. 21-16278

**Action:** No reportable action taken.

### 2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b):

- a. **Title of position to be evaluated:** City Attorney

**Action:** No reportable action taken.

- b. **Title of position to be evaluated:** Director of Police Accountability

**Action:** No reportable action taken.

### 3. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Anne Cardwell, Deputy City Manager, LaTanya Bellow, Deputy City Manager, Aram Kouyoumdjian, Human Resources Director, Dawud Brewer, Employee Relations Manager, Jonathan Holtzman, Renne Public Law Group.

Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; Berkeley Police Association

**Action:** No reportable action taken.

## OPEN SESSION:

The City Council met in closed session and took action to authorize a settlement in the matter of *Alisha Gard vs. City of Berkeley*, Superior Court of California, Alameda County, Case No. 23CV025176 for the amount of \$82,825.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** Ayes - Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin.

Adjourned at 5:52 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on May 15, 2023.

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Mark Numainville, City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, May 16, 2023  
4:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

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## Preliminary Matters

**Roll Call:** 4:09 p.m.

**Present:** Bartlett, Hahn, Wengraf, Robinson, Humbert

**Absent:** Kesarwani, Taplin, Harrison, Arreguin

Mayor Arreguin present at 4:46 p.m.

## Action Calendar – Public Hearings

- FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1** *(Continued from May 9, 2023) (Item Contains Supplemental Materials)*

**From:** City Manager

**Recommendation:** Accept the FY 2024 Proposed Budget Update for review and consideration by the City Council and conduct Public Hearing #1 on the FY 2024 Proposed Budget Update.

**Financial Implications:** See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** Ayes – Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Harrison.

**Action:** Presentation made and discussion held.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** Ayes – Bartlett, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Harrison, Wengraf.

Councilmember Wengraf absent 5:28 p.m. – 5:36 p.m.

Adjourned at 5:36 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on May 16, 2023.

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Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update Public Hearing #1**

1. Presentation, submitted by the City Manager's Office



**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, May 16, 2023  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
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## Preliminary Matters

**Roll Call:** 6:04 p.m.

**Present:** Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Harrison

## Action Calendar

- 1. Approval of the City of Berkeley Community Wildfire Protection Plan**  
**From: City Manager**  
**Recommendation:** Approve the City of Berkeley Community Wildfire Protection Plan (CWPP) as recommended by the Fire Chief.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** 2 speakers. M/S/C (Wengraf/Hahn) to adopt Resolution No. 70,832–N.S. approving the Community Wildfire Protection Plan amended to change the risk level nomenclature from “green, yellow, and red” to “moderate, very high, and extreme” respectively.  
**Vote:** Ayes – Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Harrison.
- 2. Fire Department Facilities Master Plan**  
**From: City Manager**  
Contact: David Sprague, Fire, (510) 981-3473  
**Action:** 3 speakers. Presentation made and discussion held.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** Ayes – Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Harrison.

Adjourned at 9:07 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on May 16, 2023.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: Approval of the City of Berkeley Community Wildfire Protection Plan**

1. Presentation, submitted by the Fire Department

### **Item #2: Fire Department Facilities Master Plan**

2. Presentation, submitted by the Fire Department

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, May 23, 2023  
4:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
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## Preliminary Matters

**Roll Call:** 4:07 p.m.

**Present:** Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 4:11 p.m.

Councilmember Bartlett present at 4:46 p.m.

Councilmember Kesarwani present at 4:56 p.m.

## Action Calendar

1. **Unfunded Liability Obligations and Unfunded Infrastructure Needs** (*Continued from April 11, 2023.*)

**From:** City Manager

**Recommendation:** That the City Council takes the following actions:

1. Accept the Unfunded Liability Obligations and Unfunded Infrastructure Needs report;
2. Receive a presentation on Pensions and Other-Post Employment Benefits tonight and provide staff with direction;
3. Schedule for either the April 25, 2023 City Council Meeting or at a later date to be determined a presentation and discussion on Unfunded Infrastructure Needs.

**Financial Implications:** See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

**Action:** 1 speaker. M/S/C (Arreguin/Harrison) to accept the Unfunded Liability Obligations and Unfunded Infrastructure Needs report.

**Vote:** All Ayes.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 5:39 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on May 23, 2023.

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Mark Numainville, City Clerk

## Communications

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #1: Unfunded Liability Obligations and Unfunded Infrastructure Needs**

1. Presentation (Pension and OPEB), submitted by the City Manager's Office
2. Presentation (Funding Study), submitted by the City Managers' Office

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, May 23, 2023**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
 DISTRICT 2 – TERRY TAPLIN  
 DISTRICT 3 – BEN BARTLETT  
 DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
 DISTRICT 6 – SUSAN WENGRAF  
 DISTRICT 7 – RIGEL ROBINSON  
 DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1604260018>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 426 0018** If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 6:14 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** None

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

### Ceremonial Matters:

1. Recognition of May as Mental Health Month

### City Auditor Comments:

The City Auditor provided an update on the progress by the Police Department and Public Works Department on their audit report recommendations.

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 3 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 7 speakers.

**Action:** M/S/C (Arreguin/Hahn) to accept supplemental materials on Item 46 from Councilmember Harrison.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.



## Consent Calendar

- 1. Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a second reading of Ordinance No. 7,861-N.S. adding Chapter 13.107 to the Berkeley Municipal Code establishing healthcare and apprenticeship standards for private development.  
**First Reading Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – Wengraf.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted second reading of Ordinance No. 7,861–N.S.
- 2. Amendment: FY 2023 Annual Appropriations Ordinance**  
**From: Sharon Friedrichsen, Budget Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,862-N.S. amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,940,780 (gross) and \$29,658,924 (net).  
**First Reading Vote:** All Ayes  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,862–N.S.
- 3. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRAs Cost Sharing Agreements**  
**From: Aram Kouyoumdjian, Human Resources**  
**Recommendation:** Adopt second reading of Ordinance No. 7,863-N.S. amending the City’s contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRAs members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.  
**Financial Implications:** See report  
**Contact:** Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted second reading of Ordinance No. 7,863–N.S.

## Consent Calendar

- 4. Appointment of Emergency Standby Officers for City Council District 8 and District 2**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of newly nominated standby officers for City Council District 8 and City Council District 2 to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,073-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,833–N.S.
- 5. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of April 11 (regular), April 13 (closed), April 17 (closed) and April 25 (special and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 6. Police Accountability Board – Appointment of New Members**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution appointing new members to the Police Accountability Board nominated by Councilmember Humbert and Councilmember Hahn.  
**Financial Implications:** See report  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Adopted Resolution No. 70,834–N.S.

## Consent Calendar

- 7. Assessments: Telegraph Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the TBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,835–N.S.
- 8. Assessments: Berkeley Tourism Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2024 (FY24) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,836–N.S.
- 9. Assessments: North Shattuck Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,837–N.S.
- 10. Assessments: Downtown Berkeley Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,838–N.S.

## Consent Calendar

- 11. Contracts: On-Call Fine Art Services Providers for the Public Art Collection**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments with the following companies for on-call fine art services for the City of Berkeley's Public Art Collection, for contract periods of July 1, 2023 through June 30, 2026:
1. Atthowe Fine Art Services, for an amount not to exceed \$200,000.
  2. Kala Art Institute, for an amount not to exceed \$100,000.
  3. Preservation Arts LLC, for an amount not to exceed \$200,000.
  4. ShipArt International (DBA UOVO), for an amount not to exceed \$100,000.
- Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,839–N.S. (Atthowe); Resolution No. 70,840–N.S. (Kala); Resolution No. 70,841–N.S. (Preservation); and Resolution No. 70,842–N.S. (ShipArt).
- 12. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 23, 2023**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - \$1,907,987  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 13. Contract No. 32000164 Amendment: Synthesis Group, Inc. dba Minuteman Press Contract for Citywide Copying & Printing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend and extend the City's contract with Minuteman Press, Contract No. 32000164, through January 31, 2025, and to approve additional appropriations related for performance of this contract. Original contract term was for three (3) years, with two (2) renewal years. The City is exercising the contractual renewal years.  
**Financial Implications:** \$975,000.  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,843–N.S.

## Consent Calendar

- 14. Contract: Stella Courier, LLC. for Mail Services and Mail Room Coverage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract with Stella Courier, LLC., for providing mail services to the City's satellite locations, and as-needed mail room coverage.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,844–N.S.
- 15. Notice of Appropriations Limit for Fiscal Year 2024**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2024 at its meeting of June 27, 2023; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2023.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,845–N.S.
- 16. Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to continue the work of de-bundling the banking services with Wells Fargo and exercise a four (4)-year extension through May 31, 2027 for Contract No. 9367, in the amount of \$3,000,000, to ensure business continuity as the City completes the next phase of the ERP implementation which includes accounts receivable/general billing (AR/GB) modules. This will also allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,846–N.S.
- 17. Piggyback Contract – Data Ticket for Administrative Citation Processing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Downey's existing contract and any amendments, with Data Ticket to provide Administrative Citation Processing from May 1, 2023 until September 21, 2025 in an amount not to exceed \$100,000 with an option to extend for an additional three (3), one (1) year terms in alignment with the City of Downey contract for a total contract value not to exceed \$300,000 (May 2023 through September 2028).  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473, Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,847–N.S. as amended in Supplemental Communications Packet #1 from the City Manager's Office.

## Consent Calendar

18. **Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services and to support the City's public health infrastructure:  
1. Tuberculosis Control Program, in the projected amount of \$14,000 for Fiscal Year (FY) 2024 from the State of California.  
2. Public Health Infrastructure Program, in the projected amount of \$32,080 for FY 2024 from Alameda County.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,848–N.S. (Tuberculosis); and Resolution No. 70,849–N.S. (Public Health).
19. **Contract: JSI Research and Training Institute, Inc. for California Home Visiting Program Planning Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with JSI Research and Training Institute, Inc. (JSI) for California Home Visiting Program Planning Consulting Services. The contract will be in an amount not to exceed \$200,000 for the period July 1, 2023 through January 31, 2024.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,850–N.S.
20. **Contract No: 32300104 Amendment: Village of Love to Operate the Telegraph Neighborhood Sacred Rest Drop-In Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or her designee to execute an amendment to Contract No. 32300104 with Village of Love to add \$250,000 for a total contract amount not to exceed \$500,000 for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2024.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,851–N.S.

## Consent Calendar

- 21. Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$85,000 for a not-to-exceed amount of \$235,000.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,852–N.S.
- 22. Contract: Accela, Inc. for Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a maintenance Contract with Accela, Inc., for software maintenance for a total not to exceed \$299,710 July 1, 2023 to June 30, 2025.  
**Financial Implications:** Various Funds - \$299,710  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,853–N.S.
- 23. Contract: Delta Charter – Bus Transportation Services for Echo Lake Camp and Select Recreation Division Summer Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Delta Charter to provide bus transportation services for Echo Lake Youth Camp and select Recreation Division summer programs for a not-to-exceed total amount of \$399,000 over a three-year period, beginning June 1, 2023 and ending June 1, 2026, contingent upon annual budget appropriations.  
**Financial Implications:** Various Funds - \$399,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,854–N.S.

## Consent Calendar

- 24. Contract: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Echo Lake Camp Accessibility Upgrades project, Specification No. 23-11590-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Baldoni Construction Service, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Baldoni Construction Service, Inc., for the Echo Lake Camp Accessibility Upgrades project at 7 Echo Lakes Road, Echo Lake, CA 95721, in an amount not to exceed \$436,954, which includes a contract amount of \$364,128 and a 20% contingency in the amount of \$72,826.  
**Financial Implications:** Various Funds - \$436,954  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,855–N.S.
- 25. Referral Response: Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue**  
**From: City Manager**  
**Recommendation:** Close the original referral as the recommendations were completed by staff. The assessment did not indicate a need for further security improvements to the Berkeley Inn or immediate area at this time.  
**Financial Implications:** See report  
 Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Approved recommendation.
- 26. Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded (Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)**  
**From: City Manager**  
**Recommendation:** See Policy Committee Recommendation  
*Policy Committee Recommendation: Send the item to City Council with a positive recommendation that Council:*  
 1. Refer to the City Manager to establish a policy that the Public Works Department will be responsible for reviewing, submitting, and approving all departmental requests to Council for adding new vehicles to the fleet to facilitate maximum cost recovery through the vehicle replacement fund, consistency with fleet rightsizing studies, oversight, and timely electrification of the fleet.  
 2. Refer to the Budget and Finance Committee to prioritize funding to the vehicle replacement fund to make up the shortfall over time in order to stabilize the fund.  
**Financial Implications:** See report  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Approved as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.



## Consent Calendar

27. **Contract No. 10986 Amendment: Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10986 with Zero Waste Collaborative (ZWC) for the Solid Waste Transfer Station and Material Recovery Facility Replacement Feasibility Study (Study), to increase the contract by \$100,000 for a total not-to-exceed amount of \$600,000, and extend the current contract term through June 30, 2025.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,856–N.S.
28. **Purchase Order: 72 Hour, LLC, dba National Auto Fleet Group for Upfitting of Crime Scene Unit Cargo Van**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorize the City Manager to execute a purchase order for upfitting the Transit 350 Low Roof XL Cargo van with 72 Hour LLC, dba National Auto Fleet Group, in an amount not to exceed \$164,000.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,857–N.S.
29. **Development of Artists Affordable Housing Certification Program**  
**From: Civic Arts Commission**  
**Recommendation:** Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.  
**Financial Implications:** See report  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530  
**Action:** Approved recommendation.

## Consent Calendar

- 30. Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*  
**From: Energy Commission**  
**Recommendation:** The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.  
*Policy Committee Recommendation: No action was taken by the Budget & Finance Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.*  
**Financial Implications:** See report  
 Contact: Billi Romain, Commission Secretary, (510) 981-7400  
**Action:** Referred to the Budget & Finance Committee.
- 31. Contract: AppleOne Employment Services for Temporary Staffing Services**  
**\*\*\*Removed from the agenda by the Director of Police Accountability\*\*\***  
**From: Director of Police Accountability**  
 Hansel Aguilar, Police Accountability Board, (510) 981-4960

## Council Consent Items

- 32. Resolution to Support SB 532**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution in support of Senate Bill 532, introduced by Senator Scott Weiner and coauthored by Assembly Member Phil Ting, and send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assembly Members Buffy Wicks and Phil Ting.  
**Financial Implications:** Staff time  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,858–N.S.
- 33. Addressing Hyundai and Kia Car Thefts**  
**From: Mayor Arreguin (Author)**  
**Recommendation:**  
 1. Adopt a Resolution calling on Hyundai and Kia to take immediate action to fix the flaw in their vehicles that make them easy targets of car thefts.  
 2. Direct the City Attorney to explore taking legal action against Hyundai and Kia.  
**Financial Implications:** Staff time  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmembers Harrison and Hahn and Vice-Mayor Bartlett added as co-sponsors. 1. Adopted Resolution No. 70,859–N.S. 2. Approved recommendation.

## Council Consent Items

- 34. Contract: Badawi & Associates, Certified Public Accountants for Professional Auditing Services**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution ratifying the Mayor's decision to select Badawi & Associates as the auditing firm to perform annual financial audits of the City's financial statements and perform annual compliance audits required by the Single Audit Act of 1984 (as amended in 1996), for the period of May 22, 2023 through June 30, 2026, in the amount of \$432,525 plus a contingency of \$50,000 for a total of \$482,525; and to authorize the execution of a three-year contract with Badawi & Associates, with an option to extend the contract for two additional years.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,860–N.S.
- 35. Budget Referral: Vision Zero Improvements at 6th & Addison Intersection**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer \$600,000 to the budget process for HAWK (High-intensity Activated crossWalk) beacons and a median refuge island at 6th and Addison Streets.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 36. Relinquishment of Council Office Budget Funds to the Berkeley Rotary Endowment and Co-Sponsorship of 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt a resolution approving the expenditure to grant Berkeley Rotary Endowment, a 501(c)(3) non-profit organization, \$500 for and co-sponsorship of the 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund, and from any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** 1. Adopted Resolution No. 70,861–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Hahn - \$250; Councilmember Robinson - \$250; Councilmember Wengraf - \$250; Vice-Mayor Bartlett - \$250; Councilmember Humbert - \$200; Mayor Arreguin - \$250. 2. Adopted Resolution No. 70,862–N.S. (Co-Sponsorship).

## Council Consent Items

37. **FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing** (*Reviewed by the Land Use, Housing, & Economic Development Committee*)

**From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Refer \$250,000 to the FY 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards to:

1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);
2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;
3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;
4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;
5. Enhance the viability and avoid displacement of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including but not limited to studying potential temporary relocation of businesses during construction, "right to return" for existing establishments, appropriately-sized commercial spaces for locally owned businesses, and the potential for new commercial spaces to be offered at lower rents as a community benefit. Examples of neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, and clothing and gift shops.
6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.

*Policy Committee Recommendation: to forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated subject line and recommendations as follows:*

**SUBJECT LINE**

*FY24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue.*

## Council Consent Items

### *RECOMMENDATION*

*Refer \$250,000 to the June 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards, to:*

- 1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);*
- 2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;*
- 3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;*
- 4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;*
- 5. Enhance the viability of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including potential reduced rents/right to return for existing establishments, appropriately-sized and accessible commercial spaces, and rent-controlled commercial spaces as a potential community benefit. Examples of such neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, clothing and gift shops.*
- 6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.*

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** Approved as recommended by the Land Use, Housing, & Economic Development Committee with a correction to #5 to use the original text for #5 that does not reference commercial rent control.

**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – Kesarwani.

## Council Consent Items

- 38. Support for H.R.603 - HEAL Act**  
**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of H.R.603 (Gottheimer) - Holocaust Education and Antisemitism Lessons Act or the HEAL Act and send it to the author, Rep. Josh Gottheimer, with copies to Rep. Kathy Manning, Rep. Barbara Lee and Senator Dianne Feinstein.  
**Financial Implications:** Staff time  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted Resolution No. 70,863–N.S.
- 39. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for Pacific Center for Human Growth Fiftieth Anniversary Gala**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including \$1,000 from Councilmember Robinson, \$500 from Mayor Arreguin, and \$500 from Councilmember Taplin, to Pacific Center for Human Growth in recognition of its fiftieth anniversary celebration on June 3, 2023.  
**Financial Implications:** See report  
Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 70,864–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$250; Councilmember Hahn - \$250; Councilmember Wengraf - \$250; Vice-Mayor Bartlett - \$250; Councilmember Humbert - \$500; Councilmember Kesarwani - \$200.

## Action Calendar – Public Hearings

- 40. ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a three-story, 3,310 square foot single-family dwelling with a two-car garage, and dismiss the appeal.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** 2 speakers. Appeal withdrawn prior to the meeting. No action taken.

## Action Calendar – Public Hearings

- 41. Fee Increase: Condominium Conversion Program Application Fee**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution to increase the Condominium Conversion Program application fee by \$30 to \$310 per application, and the supplementary application fees for units currently rented by \$40 to \$420 per unit, and applications deferring the mitigation fee by \$95 to \$1,040 per unit.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Arreguin/Taplin) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,865–N.S.  
**Vote:** All Ayes.
- 42. Fee Increase: Condominium Conversion Program Subordination Fee**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution to increase the \$364 Condominium Conversion Program subordination fee by \$35 to \$399.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Arreguin/Robinson) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,866–N.S.  
**Vote:** All Ayes.
- 43. Fee Increase: Below Market Rate (BMR) Housing Monitoring Program**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution to increase the annual \$432 per unit fee for the Below Market Rate (BMR) housing monitoring program by \$18 to \$450 per unit.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- Public Testimony:** The Mayor opened the public hearing. 1 speaker.  
M/S/C (Arreguin/Robinson) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,867–N.S.  
**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 44. Selected Marina Fee Increases

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,899-N.S. and all amendatory resolutions.

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Hahn) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,868–N.S.

**Vote:** All Ayes.

### 45. Changes to Selected Parks and Recreation Fees

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select parks and recreation facility rentals; and rescinding Resolution No. 70,667-N.S. and all amendatory resolutions.

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,869–N.S.

**Vote:** All Ayes.

Recess 8:02 p.m. – 8:22 p.m.



## Action Calendar – New Business

**46. Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS).

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

**Action:** M/S/Failed (Humbert/Taplin) to suspend the rules and extend the meeting to 11:30 p.m.

**Vote:** Ayes – Kesarwani, Taplin, Wengraf, Robinson, Humbert; Noes – Bartlett, Harrison, Hahn, Arreguin.

**Action:** 16 speakers. M/S/Carried (Arreguin/Hahn) to schedule Item 46, including the supplemental materials submitted, the June 13, 2023.

**Vote:** All Ayes.

## Council Consent Items

**47. Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**

**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor)**

**Recommendation:**

1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and
2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.
3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

**Financial Implications:** Loss of tax revenue

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**Action:** Councilmembers Harrison and Humbert added as co-sponsors. Item held over to June 27, 2023.

## Information Reports

48. **Audit Recommendation Status – 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Received and filed.
49. **Audit Recommendation Status - Data Analysis of the City of Berkeley’s Police Response**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Referred to Public Safety Committee.
50. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Referred to the Budget & Finance Committee.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on May 23, 2023.

\_\_\_\_\_  
Mark Numainville, City Clerk

## Communications

**Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**

1. Stephen Bedrick

**Item 47: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**

2. High Fidelity Dispensary

## Encampments

3. Craig Nagasawa

**Asha Tea House Unhoused Individual**

4. Diana Lui, on behalf of the Asha Tea House
5. Sergeant Kevin Kleppe, Berkeley Police Department

**Willard Clubhouse**

6. Kathryn Golden and Ashley James
7. Alexander Stec
8. Judith Bebbelaar
9. Mary Oram
10. Kinga Chomicz
11. Marcia Levenson
12. Sabina Tuleja
13. Cal Collier
14. Randolph and Frances Starn
15. Greenfire Law
16. Paul Tuleja
17. Patrick Kehoe
18. Maria Kiernik
19. Russ Greene
20. Roger Abraham and Maureen Crosgrove
21. Deborah Roosevelt
22. David Kellogg

**Crime in Berkeley**

23. Sheila Press
24. Dee Williams-Ridley, City Manager

**Berkeley Waterfront**

25. Roberta Wyn, on behalf of Citizens for East Shore Parks
26. Susan Schwartz
27. Friends of Five Creeks

**Golden Gate Fields**

28. Miriam Maxwell
29. Tweed Conrad
30. Christopher Kroll

**Reparations**

31. Mike Chang
32. George Torgun (2)

**Measure T1**

33. Eric Friedman

**Slavery**

34. Don Wrafter

35. Joseph Cruickshank

**Berkeley, a Smart City**

36. Helen Gallegos Evans

**AB 73: Idaho Stops for Bicyclists**

37. Leni Siegel

**City Hall Video**

38. Tracy Eaves

**Trash Bins**

39. John Rice

**Vision Zero Implementation**

40. Steve Lipson

**Racial Profiling**

41. Elana Auerbach

**Add Domestic Violence Back to Berkeley Police Department**

42. Mee345@

**Thank You from Kala**

43. Ellen Lake, on behalf of the Kala Art Institute

**Hopkins Corridor**

44. Ben Gerhardstein

45. Marguerite Lee

**Tenant Opportunity to Purchase Act (TOPA)**

46. Merle Lustig

47. Holly Scheider

48. John Holme

**U.A. Theater Demolition**

49. Hal Erickson

**ADU's in Berkeley**

50. Mark Gilligan

**Environment Justice, Policy and Sustainability**

51. Ken Noji

**1307 Dwight Way**

52. Kaufman Dolowich Voluch Law Firm

**RPP Permit Renewal**

53. Jack Kurzweil

**Wildfire Preparedness Week**

54. David Sprague, Fire Chief

**URL's Only**

55. Susan Nunes Fadley

56. Vivian Warkentin

**Supplemental Communications and Reports 1**

**Item #17: Piggyback Contract – Data Ticket for Administrative Citation Processing**

57. Supplemental material, submitted by the City Manager's Office

**Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP 2022-0087**

58. Kanta Morinaga

**Supplemental Communications and Reports 2**

**Item #37: FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing**

59. Melinda Howard-Herrarte, on behalf of the Sierra Club

**Item #46: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)**

60. Supplemental material, submitted by Councilmember Harrison

61. Andrew Goldberg

62. Charles Goldberg

63. Tracy Rosenberg, on behalf of Oakland Privacy

64. Lisa Mott

65. Ganesh Ramamurthy

66. Allyson Arons

67. Sandy Lee

68. V. Wong

69. Grace Hartman

70. Alex Goldberg

71. Jill Travis

72. August Wagele

73. 14 Similarly worded letters

**Supplemental Communications and Reports 3**

**Item 32: Resolution to Support SB 532**

74. Barbara Gilbert

**Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**

75. Stephen Bedrick (2)

76. Alex Georges

**Item #46: Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)**

77. Presentation, submitted by the Berkeley Police Department

78. Supplemental material, submitted by Councilmember Harrison

79. Glomax

80. Damian Park

81. Deanna Mason

82. Jan Schinhofen

83. John Parman

84. Taline

85. Arabelle Malinis

86. Gabriela Giacchino

87. Jeff Vincent

88. John-Mario Arcilla Sevilla

89. Susan Payne

90. Paul Rickey

91. John Ho

92. Tracee Farrell

93. Fran Haselsteiner

94. Hansel Aguilar, Police Accountability Board (2)

95. Mark Numainville, City Clerk

96. Moni Law

97. Josh Buswell-Charkow

**Miscellaneous**

98. Message from Eid



Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 27, 2023

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is \$400,000.

| <u>PROJECT</u>                                                 | <u>Fund</u> | <u>Source</u> | <u>Amount</u>    |
|----------------------------------------------------------------|-------------|---------------|------------------|
| Street Light Poles for FY 2023 Streetlight Maintenance Project | 142         |               | \$400,000        |
| Partnership for Alternative Medical Response Unit              | -           | -             | \$0              |
| <b>Total:</b>                                                  |             |               | <b>\$400,000</b> |

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager’s purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on June 27, 2023

CONSENT CALENDAR  
June 27, 2023

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Darryl Sweet, General Services Manager, Finance, 510-981-7329

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 27, 2023
  - a. Street Light Poles for FY 2023 Streetlight Maintenance Project
  - b. Partnership for Alternative Medical Response Unit

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.



DATE SUBMITTED: June 27, 2023

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING                          | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                                     | ESTIMATED COST   | BUDGET CODE TO BE CHARGED                                                                                                         | DEPT. / DIVISION         | CONTACT NAME & PHONE         |
|--------------------|----------------------------------------------------------------|----------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------|
| 23-11608-C         | Street Light Poles for FY 2023 Streetlight Maintenance Project | 7/1/23               | 7/27/2023                | Purchase of streetlight poles.                                                                                                                                                                                                   | \$ 400,000.00    | 142-54-624-694-3018-000-426-665110-<br><br>\$119,552 available in current FY23 funding<br><br>\$280,448 available in FY24 funding | Public Works Engineering | Reeve Battle<br><br>981-6336 |
| <b>DEPT. TOTAL</b> |                                                                |                      |                          |                                                                                                                                                                                                                                  | <b>\$400,000</b> |                                                                                                                                   |                          |                              |
| 23-11609-C         | Partnership for Alternative Medical Response Unit              | 5/17/23              | 6/30/2023                | This RFQ is to solicit a CBO to submit a collaborative grant application. Upon grant award, the CBO will provide a nurse practitioner and basic management for an alternative response unit in partnership with a BFD paramedic. | \$ -             | -                                                                                                                                 | Fire Department          | Julie Haslam<br>510-292-8836 |
| <b>DEPT. TOTAL</b> |                                                                |                      |                          |                                                                                                                                                                                                                                  | <b>\$0</b>       |                                                                                                                                   |                          |                              |
| <b>TOTAL</b>       |                                                                |                      |                          |                                                                                                                                                                                                                                  | <b>\$400,000</b> |                                                                                                                                   |                          |                              |





Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department  
David Sprague, Fire Chief, Fire Department

Subject: FY 2024 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

RECOMMENDATION

Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06062 (6.062 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.09173 (9.173 cents) per square foot of improvements.

FISCAL IMPACTS OF RECOMMENDATION

The tax levy of the recommended \$0.06062 per square foot of improvements for dwelling units and \$0.09173 per square foot of improvements. This will result in estimated collections of \$ \$5,631,795 for the fund. The tax rate will result in an increase in the citywide average for 1900 square foot dwelling and all other property from FY 2023 of \$4.64 and \$7.02, respectively.

CURRENT SITUATION AND ITS EFFECTS

The FY 2023 tax rates of \$0.05818 for dwelling units and \$0.08804 for all other property were not adjusted by the per capita the Consumer Price Index (CPI) or the Personal Growth Index in California. The voters approved increasing the Measure GG tax rate annually by up to the greater of the Consumer Price Index increase in the immediate San Francisco Bay Area or the per capita Personal Income Growth in California. The Personal Growth Index per capita rate for FY 2024 has been set at 4.44%. The CPI rate is 4.192% in FY 2024.

At their regular meeting on May 24, 2023, the Disaster and Fire Safety Commission voted to recommend an increase to the Measure GG tax rate assessment using the Consumer Price Index rate of 4.192%.

Action: M/S (Dean/Bedolla): Vote: 6 Ayes: J. Bedolla, W. Bradstreet, T. Darling, S. Dean, T. Gordon, T. Stein; 0 Noes; 2 Absent: H. Raine, G. Murphy; 0 Abstain

It is recommended that the City Council authorize the levy of a special tax of \$0.06062 per square foot for dwelling units and \$0.09173 for all other property in the City of Berkeley. The tax will result in an increased cost to taxpayers in the following average amounts during Fiscal Year 2024, as compared with amounts for FY 2023:

**FY 2024**

| <b>Square Feet</b> | <b>Dwelling Units</b> | <b>All Other Properties</b> |
|--------------------|-----------------------|-----------------------------|
| 1,200              | \$72.74               | \$110.08                    |
| 1,500              | 90.93                 | 137.60                      |
| 1,900              | 115.18                | 174.29                      |
| 3,000              | 181.86                | 275.19                      |
| 3,900              | 236.42                | 357.75                      |
| 10,000             | 606.20                | 917.30                      |

**FY 2023**

| <b>Square Feet</b> | <b>Dwelling Units</b> | <b>All Other Properties</b> |
|--------------------|-----------------------|-----------------------------|
| 1,200              | \$69.81               | \$105.64                    |
| 1,500              | 87.27                 | 132.06                      |
| 1,900              | 110.54                | 167.27                      |
| 3,000              | 174.54                | 264.12                      |
| 3,900              | 226.90                | 343.35                      |
| 10,000             | 581.80                | 880.40                      |

**BACKGROUND**

In the November 2008 election, Berkeley voters approved Measure GG, which authorized the levying of a special tax. The tax proceeds will be used first to eliminate rotating closures of operating fire stations, and to provide advanced life support personnel (paramedics) and equipment on all first responder vehicles (ambulances, fire engines and ladder trucks). The funds would also be used to (1) hire a training officer to provide Emergency Medical Service training for first responders; (2) hire staff to conduct Community Emergency Response Training and other similar public disaster training and preparedness efforts and for neighborhood emergency preparedness caches; and (3) to acquire and maintain equipment to enhance emergency preparedness, including equipment to allow compatible radio communications throughout the City and with outside public safety agencies. On November 3, 2020, over 81% of Berkeley voters approved Measure LL to re-authorize the City, for a period of four (4) years through FY 2024, to spend the Fire Protection and Emergency Response and Preparedness tax.

ALTERNATE CONSIDERATIONS

The City Council may consider adjusting the current recommended tax rate of \$0.05818 per square foot of improvements for dwelling units and \$0.08804 per square foot of improvements for all other property by the Personal Income Growth in California of 4.44% with projected revenue of \$5,645,200.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental opportunities or impacts associated with the subject of this report.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326  
David Sprague, Fire Chief, 981-5500

Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

SETTING THE FISCAL YEAR 2024 SPECIAL TAX RATE TO FUND FIRE PROTECTION AND EMERGENCY RESPONSE AND PREPAREDNESS (MEASURE GG) IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 Tax Rate for the Fire Protection and Emergency Response and Preparedness (Measure GG) is set at:

\$0.06062 per square foot of improvements for dwellings  
\$0.09173 per square foot of improvements for all other properties

Section 2. The cost to taxpayers during FY 2024 will be \$72.74 for a 1,200 square foot dwelling and \$181.86 for a 3,000 square foot dwelling.

Section 3. This tax rate will result in estimated total collections of \$5,631,795

Section 4. The tax imposed by this ordinance does not apply to any property owner whose total personal income, from all sources for the previous calendar year, does not exceed that level which shall constitute a very low income, as established by resolution of City Council.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Tess Mayer, Director of Library Services  
 Henry Oyekanmi, Director of Finance  
 Subject: FY 2024 Special Tax Rate: Fund the Provision of Library Services

RECOMMENDATION

Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2698 (26.98 cents) per square foot for dwelling units and \$0.4080 (40.80 cents) per square foot for industrial, commercial, and institutional buildings.

FISCAL IMPACTS OF RECOMMENDATION

The tax levy of the recommended \$0.2698 for dwelling units and \$0.4080 for industrial, commercial, and institutional buildings will result in estimated collections of \$25,050,748 for the Library Tax Fund. The increase in the tax rate of \$0.0115 for dwelling units and \$0.0173 for industrial, commercial, and institutional buildings will result in an increase of \$21.68 for the citywide average 1900 square foot dwelling and \$32.88 for all other property of similar size.

CURRENT SITUATION AND ITS EFFECTS

The FY 2024 tax of \$0.2698 for dwelling units and \$0.4080 for all other property are being adjusted by the per capita Personal Income Growth factor in California of 4.44%, as the voters approved the greater of that or the Consumer Price Index in the immediate San Francisco Bay Area of 4.192%. In addition, the Board of Library Trustees recommends that the City Council adjust the tax rate by 4.44%.

It is recommended that the City Council authorize the levy of a special tax of \$0.2698 per square foot for dwelling units and of \$0.4080 for all other property in the City of Berkeley. The tax will result in a cost to taxpayers in the following average amounts during FY 2024, as compared with amounts for FY 2023:

| Square Feet | Annual Tax – Dwelling Units |          | Annual Tax – All Other Properties |          |
|-------------|-----------------------------|----------|-----------------------------------|----------|
|             | FY24                        | FY23     | FY24                              | FY23     |
| 1,200       | \$323.77                    | \$310.07 | \$489.56                          | \$468.79 |
| 1,500       | 404.71                      | 387.59   | 611.95                            | 585.98   |
| 1,900       | 512.63                      | 490.95   | 775.13                            | 742.25   |
| 3,000       | 809.42                      | 775.19   | 1,223.90                          | 1,171.97 |
| 3,900       | 1,052.24                    | 1,007.74 | 1,591.06                          | 1,523.56 |
| 10,000      | 2,698.05                    | 2,583.96 | 4,079.65                          | 3,906.56 |

**BACKGROUND**

The Central Library and neighborhood branch libraries received approximately 98% of their FY 2023 funding through a citywide special tax (referred to as the Library Relief Act of 1980) of \$0.2272 per square foot on all improvements to residential real property in the City of Berkeley, and \$0.3435 per square foot on all improvements to industrial, commercial, and institutional real property. The purpose of this voter-approved tax is to provide a stable revenue source to assure the provision of library services at the level which permits library operations six days a week at branch libraries, seven days a week at the Central Library, and which permits the purchase of library materials at levels which are commensurate with the libraries’ hours of service, staffing and patron needs.

On November 3, 2020, over 81% of Berkeley voters approved Measure LL to re-authorize the City, for a period of four (4) years through FY 2024, to spend the Library Services tax as approved by the voters.

**RATIONALE FOR RECOMMENDATION**

Adopting the per capita Personal Income Growth factor in California would contribute an incremental increase of approximately \$59,485 to projected FY 2024 revenue over that of the April Consumer Price Index in the immediate San Francisco Bay Area.

**ALTERNATIVE ACTIONS CONSIDERED**

The fiscal impact on the Library Tax Fund of adopting the April Consumer Price Index in the immediate San Francisco Bay Area of 4.192% instead of the per capita Personal Income Growth factor in California of 4.440% would be a reduction of \$59,485 in projected FY 2024 library tax receipts.

The fiscal impact on the Library Tax Fund of forgoing an adjustment to the fiscal year’s library tax rate instead of the per capita Personal Income Growth factor in California of 4.44% would be a reduction of \$1,064,969 in projected FY 2024 library tax receipts.

**CONTACT PERSON**

Henry Oyekanmi, Director of Finance, 981-7326  
Tess Mayer, Director of Library Services, 981-6195

**Attachments:**

- 1: Ordinance



ORDINANCE NO. -N.S.

SETTING THE FISCAL YEAR 2024 SPECIAL TAX RATE TO FUND LIBRARY  
SERVICES TAX IN THE CITY OF BERKELEY

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The FY 2024 Tax Rate to support usual and current expenses of operating library services is set at \$0.2698 per square foot for dwelling units and \$0.4080 per square foot for industrial, commercial and institutional buildings.

Section 2. The cost to taxpayers during FY 2024 will be \$404.71 for a 1,500 square foot dwelling and \$611.95 for all other property of similar size.

Section 3. This tax rate will result in estimated total collections of \$25,050,748.

Section 4. The tax imposed by this ordinance does not apply to any property owner whose total personal income, from all sources for the previous calendar year, does not exceed that level which shall constitute a very low income, as established by resolution of City Council.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.





Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Appropriations Limit for FY 2024

RECOMMENDATION

Adopt a Resolution establishing the appropriations limit at \$342,803,053 for FY 2024 pursuant to Article XIIB of the Constitution of the State of California based on the calculations for the appropriations limit.

FISCAL IMPACTS OF RECOMMENDATION

The amount of appropriations subject to the limit are budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit. The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for FY 2024. Thus, there are no present financial implications of establishing the limit.

CURRENT SITUATION AND ITS EFFECTS

Each year in June, concurrent with the adoption of the budget, Council must approve an appropriations limit for the following fiscal year pursuant to the State constitution. This resolution adopts the appropriations limit for FY 2024 at \$342,803,053. The excess of the appropriations limit over appropriations is \$66,780,271 for FY 2024 based on the proposed budget appropriations for FY 2024.

The Finance Department has compiled the data and made calculations to determine the FY 2024 appropriations limit. The documentation of determination, upon adoption and promulgation of the attached draft resolution, has been available for review by the public in the Office of the City Clerk. Exhibits A and B attached hereto, provide the required documentation. Exhibit A is a summary of the appropriations limit determination, the amount of appropriations subject to the limit, and the excess of the appropriations limit over appropriations. Exhibit B provides details of the appropriations limit calculations.

The Council action will set the FY 2024 appropriations subject to the limitations of Article XIIB of the Constitution of the State of California, which may not exceed the

amounts calculated by the City's Finance Department. These calculations were filed with the City Clerk at least 15 days prior to June 27, 2023.

BACKGROUND

In November 1989, the voters of the State of California approved Proposition 4, commonly known as the (Paul) Gann Initiative, and added Article XIIB of the State's Constitution. In June 1990, this Article was modified by the passing of Proposition 111. These propositions placed various limitations on the fiscal powers of state and local government.

Senate Bill 1352 requires that: 1) the governing body of each local jurisdiction shall establish by a legislative action its appropriations limit at a regularly scheduled meeting or noticed special meeting; and 2) 15 days prior to such meeting, give notice that documentation used to determine the appropriations limit shall be made available to the public.

The Council action will set the FY 2024 appropriations subject to the limitations of Article XIIB of the Constitution of the State of California, which may not exceed the amounts calculated by the City's Finance Department. These calculations were filed with the City Clerk 15 days prior to June 27, 2023.

RATIONALE FOR RECOMMENDATION

This is a state law.

ALTERNATIVE ACTIONS CONSIDERED

None

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

Attachments:

1: Resolution

Exhibit A: GANN Appropriation Limit FY 2024

Exhibit B: Schedule to Calculate Appropriation Limitation FY 2024

RESOLUTION NO. ##,###-N.S.

ESTABLISHING AN APPROPRIATIONS LIMIT FOR FY 2024

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, on June 5, 1990, the citizens of the State of California approved Proposition 111 which provided new Proposition 111 adjustment formulas; and

WHEREAS, Senate Bill 1352, enacted by the Legislature of the State of California, provides for the implementation of Article XIII by defining various terms in this article; and

WHEREAS, pursuant to the requirements of Senate Bill 1352, the City Council, on May 23, 2023 adopted a Resolution which gave notice, as required by law, that the City Council would establish the City of Berkeley appropriations limit for FY 2024 by a Resolution of the City Council on June 27, 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley, that the Council, pursuant to the requirements and criteria set forth in Senate Bill 1352, does hereby establish the appropriations limit at \$342,803,053 for FY 2024 for the City of Berkeley as documented in Exhibits A and B attached hereto and incorporated herein by reference as though fully set forth.

Exhibits:

A: GANN Appropriation Limit FY 2024

B: Schedule to Calculate Appropriation Limitation FY 2024

**EXHIBIT A**

**CITY OF BERKELEY  
GANN APPROPRIATION LIMITATION FOR FY 2024  
(Based on the FY 2024 Proposed Budget)**

|                                                                                                                                      |           |                                          |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------------------------------|
| FY 2023 Gann Appropriation Limit of \$268,670,640 (before Special Taxes Added), Adjusted for Growth Factor of 1.0394 (See Exhibit B) | <b>\$</b> | <b>279,256,263</b>                       |
| <b>ADD BACK:</b>                                                                                                                     |           |                                          |
| Library Relief Tax                                                                                                                   |           | 25,050,748                               |
| Emergency Medical Services Special Tax                                                                                               |           | 3,742,618                                |
| Park Maintenance, City Trees and Landscaping Special Tax                                                                             |           | 17,664,146                               |
| Emergency Services for Severely Disabled Tax                                                                                         |           | 1,673,845                                |
| Firefighting, Emergency Medical Response and Wildfire                                                                                |           | 9,770,233                                |
| Fire Protection and Emergency Response and Preparedness                                                                              |           | 5,645,200                                |
| <b>TOTAL Gann Appropriation Limitation</b>                                                                                           | <b>\$</b> | <b>342,803,053</b> <sup>(1)</sup>        |
| Appropriations Subject to Gann Limitation                                                                                            | <b>\$</b> | <b><u>276,022,782</u></b> <sup>(2)</sup> |
| <b>EXCESS of Limitation Over Appropriation</b>                                                                                       | <b>\$</b> | <b><u><u>66,780,271</u></u></b>          |

*Notes:*

*(1) The appropriation limit is the calculated dollar amount, which restricts the ability to receive and appropriate proceeds of taxes.*

*(2) The amounts of appropriations subject to the limitation are budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those funds exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.) and the total of these budgeted revenue cannot exceed the total appropriation limitations.*

The GANN Limit override to raise the spending limit for the special taxes are required to be renewed by voters every four years. The date the next GANN Limit override is to be submitted to voters is November, 2024

CITY OF BERKELEY  
 SCHEDULE TO CALCULATE APPROPRIATION LIMITATION FOR FY 2024  
 (Based on the FY 2024 Proposed Budget)

|                                                                            |                      |
|----------------------------------------------------------------------------|----------------------|
| <b>Total City Appropriations</b> (Per Final Amended Budget for FY 1978/79) | <b>\$ 72,457,778</b> |
| <b>Less:</b> 1. Debt Service Appropriation                                 | \$ 457,186           |
| 2. Inter-service Funds:                                                    |                      |
| Equipment Maintenance                                                      | 1,436,890            |
| Warehouse                                                                  | 554,883              |
| 3. Enterprise Funds:                                                       |                      |
| Off-Street Parking                                                         | 414,609              |
| Marina Operations & Maintenance                                            | 1,623,144            |
| Sanitary Sewer Maintenance & Construction                                  | 1,260,012            |
| Refuse Collection                                                          | 3,635,197            |
| 4. Non-Proceeds of Taxes                                                   | 33,147,004           |
| <b>Appropriation Subject to Limitation</b>                                 | <b>42,528,925</b>    |
| <b>Base Year 1978/79</b>                                                   | <b>\$ 29,928,853</b> |

| Fiscal Year | Beginning Balances |                                                                           | Less: Transferred Cost |                 | Add Back: Special Taxes |                                        |                                                         |                           |                              |                                                     |                                                       | Subtotal Transferred Cost and Special Taxes | Appropriation Limit After Transferred Cost and Add Back of Special Taxes |
|-------------|--------------------|---------------------------------------------------------------------------|------------------------|-----------------|-------------------------|----------------------------------------|---------------------------------------------------------|---------------------------|------------------------------|-----------------------------------------------------|-------------------------------------------------------|---------------------------------------------|--------------------------------------------------------------------------|
|             | Growth Factor      | Appropriation Limit Before Transferred Cost and Add Back of Special Taxes | Landscaping            | Street Lighting | Library Relief Tax      | Emergency Medical Services Special Tax | Park Maintenance City Trees and Landscaping Special Tax | Emergency Paratransit Tax | Disaster Fire Protection Tax | Fire Protection & Emergency Response & Preparedness | Firefighting, Emergency Medical Response and Wildfire |                                             |                                                                          |
| Base Year   |                    | \$ 29,928,853                                                             |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | \$ 29,928,853                                                            |
| 1980        | 1.097700           | 32,852,902                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 32,852,902                                                               |
| 1981        | 1.121400           | 36,841,244                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 36,841,244                                                               |
| 1982        | 1.083100           | 39,902,752                                                                | \$ (949,298)           | \$ (522,600)    |                         |                                        |                                                         |                           |                              |                                                     |                                                       | \$ (1,471,898)                              | 38,430,854                                                               |
| 1983        | 1.070200           | 41,128,700                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 41,128,700                                                               |
| 1984        | 1.029600           | 42,346,109                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 42,346,109                                                               |
| 1985        | 1.047000           | 44,336,377                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 44,336,377                                                               |
| 1986        | 1.045400           | 46,349,249                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 46,349,249                                                               |
| 1987        | 1.025800           | 47,545,060                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 47,545,060                                                               |
| 1988        | 1.047500           | 49,803,451                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 49,803,451                                                               |
| 1989        | 1.054700           | 52,527,700                                                                |                        |                 |                         |                                        |                                                         |                           |                              |                                                     |                                                       | -                                           | 52,527,700                                                               |
| 1990        | 1.050200           | 55,164,591                                                                |                        |                 | \$ 6,010,000            |                                        |                                                         |                           |                              |                                                     |                                                       | 6,010,000                                   | 61,174,591                                                               |
| 1991        | 1.056300           | 58,270,356                                                                |                        |                 | 6,600,000               |                                        |                                                         |                           |                              |                                                     |                                                       | 6,600,000                                   | 64,870,356                                                               |
| 1992        | 1.056800           | 61,580,113                                                                |                        |                 | 6,752,000               |                                        |                                                         |                           |                              |                                                     |                                                       | 6,752,000                                   | 68,332,113                                                               |
| 1993        | 1.057900           | 65,145,601                                                                |                        |                 | 6,850,000               |                                        |                                                         |                           |                              |                                                     |                                                       | 6,850,000                                   | 71,995,601                                                               |
| 1994        | 1.043100           | 67,953,377                                                                |                        |                 | 7,202,000               |                                        |                                                         |                           |                              |                                                     |                                                       | 7,202,000                                   | 75,155,377                                                               |
| 1995        | 1.016900           | 69,101,789                                                                |                        |                 | 7,202,000               |                                        |                                                         |                           |                              |                                                     |                                                       | 7,202,000                                   | 76,303,789                                                               |
| 1996        | 1.030200           | 71,188,663                                                                |                        |                 | 7,570,000               |                                        |                                                         |                           |                              |                                                     |                                                       | 7,570,000                                   | 78,758,663                                                               |
| 1997        | 1.063200           | 75,687,786                                                                |                        |                 | 7,570,000               |                                        |                                                         |                           |                              |                                                     |                                                       | 7,570,000                                   | 83,257,786                                                               |
| 1998        | 1.060800           | 80,289,604                                                                |                        |                 | 7,570,000               | \$ 1,639,599                           | \$ 5,500,000                                            |                           |                              |                                                     |                                                       | 14,709,599                                  | 94,999,203                                                               |
| 1999        | 1.060400           | 85,139,096                                                                |                        |                 | 7,927,500               | 1,651,547                              | 5,790,163                                               |                           |                              |                                                     |                                                       | 15,369,210                                  | 100,508,306                                                              |
| 2000        | 1.059900           | 90,238,928                                                                |                        |                 | 8,373,875               | 1,701,993                              | 5,850,400                                               |                           |                              |                                                     |                                                       | 15,925,368                                  | 106,164,296                                                              |
| 2001        | 1.057500           | 95,427,666                                                                |                        |                 | 8,936,938               | 1,812,014                              | 6,025,912                                               |                           |                              |                                                     |                                                       | 16,774,864                                  | 112,202,530                                                              |
| 2002        | 1.097300           | 104,712,778                                                               |                        |                 | 9,478,469               | 1,927,257                              | 7,211,984                                               | \$ 661,000                |                              |                                                     |                                                       | 19,278,710                                  | 123,991,488                                                              |
| 2003        | 0.999740           | 104,685,553                                                               |                        |                 | 9,997,653               | 1,974,876                              | 7,435,281                                               | 689,369                   | \$ 1,000,000                 |                                                     |                                                       | 21,097,179                                  | 125,782,732                                                              |
| 2004        | 1.031489           | 107,981,996                                                               |                        |                 | 11,654,000              | 2,034,352                              | 7,609,028                                               | 690,475                   | 970,000                      |                                                     |                                                       | 22,957,855                                  | 130,939,851                                                              |
| 2005        | 1.040236           | 112,326,760                                                               |                        |                 | 11,603,755              | 2,000,000                              | 7,594,920                                               | 702,727                   | 950,639                      |                                                     |                                                       | 22,852,041                                  | 135,178,801                                                              |
| 2006        | 1.060000           | 119,066,366                                                               |                        |                 | 12,214,113              | 2,040,000                              | 7,755,780                                               | 754,105                   | 969,652                      |                                                     |                                                       | 23,733,650                                  | 142,800,016                                                              |
| 2007        | 1.052907           | 125,365,810                                                               |                        |                 | 12,580,535              | 2,120,827                              | 7,975,189                                               | 771,244                   | 969,652                      |                                                     |                                                       | 24,417,447                                  | 149,783,257                                                              |
| 2008        | 1.055370           | 132,307,315                                                               |                        |                 | 13,209,469              | 2,184,452                              | 8,214,445                                               | 805,333                   | 998,742                      |                                                     |                                                       | 25,412,441                                  | 157,719,756                                                              |
| 2009        | 1.056666           | 139,804,642                                                               |                        |                 | 13,520,414              | 2,274,380                              | 8,502,545                                               | 839,882                   | 969,652                      |                                                     |                                                       | 26,106,873                                  | 165,911,515                                                              |
| 2010        | 1.018780           | 142,430,173                                                               |                        |                 | 13,655,619              | 2,297,124                              | 8,587,570                                               | 889,152                   | 969,652                      | 5,400,000                                           |                                                       | 31,799,117                                  | 174,229,290                                                              |
| 2011        | 1.072060           | 152,693,690                                                               |                        |                 | 13,904,778              | 2,332,903                              | 8,754,869                                               | 894,401                   | 969,652                      | 3,600,000                                           |                                                       | 30,456,614                                  | 183,150,304                                                              |
| 2012        | 1.0381             | 158,511,319                                                               |                        |                 | 14,425,555              | 2,461,803                              | 9,237,474                                               | 944,155                   | 969,652                      | 3,788,761                                           |                                                       | 31,827,400                                  | 190,338,719                                                              |
| 2013        | 1.04787            | 166,099,254                                                               |                        |                 | 15,028,438              | 2,484,633                              | 9,309,080                                               | 967,511                   | 985,734                      | 3,879,323                                           |                                                       | 32,654,719                                  | 198,753,973                                                              |
| 2014        | 1.063912           | 176,714,993                                                               |                        |                 | 15,870,770              | 2,561,235                              | 9,586,190                                               | 1,022,302                 | 985,734                      | 4,095,987                                           |                                                       | 34,122,218                                  | 210,837,211                                                              |
| 2015        | 1.011200           | 178,694,201                                                               |                        |                 | 16,345,912              | 2,640,032                              | 9,865,971                                               | 1,052,122                 | 985,734                      | 4,186,198                                           |                                                       | 35,075,969                                  | 213,770,170                                                              |
| 2016        | 1.051700           | 187,932,691                                                               |                        |                 | 16,617,288              | 2,687,121                              | 10,043,981                                              | 1,070,929                 | 985,734                      | 4,256,304                                           |                                                       | 35,661,357                                  | 223,594,048                                                              |
| 2017        | 1.064900           | 200,129,523                                                               |                        |                 | 17,893,335              | 2,778,750                              | 12,150,387                                              | 1,152,175                 | 985,734                      | 4,583,053                                           |                                                       | 39,543,434                                  | 239,672,957                                                              |
| 2018        | 1.047200           | 209,575,636                                                               |                        |                 | 18,786,687              | 2,916,558                              | 12,763,390                                              | 1,209,625                 | 985,734                      | 4,812,892                                           |                                                       | 41,474,886                                  | 251,050,522                                                              |
| 2019        | 1.045400           | 219,090,370                                                               |                        |                 | 19,746,463              | 3,047,265                              | 13,411,968                                              | 1,270,257                 | 985,734                      | 5,058,273                                           |                                                       | 43,519,960                                  | 262,610,330                                                              |
| 2020        | 1.046200           | 229,212,345                                                               |                        |                 | 20,806,525              | 3,215,011                              | 14,143,821                                              | 1,339,668                 | 985,734                      | 5,328,686                                           |                                                       | 45,819,445                                  | 275,031,790                                                              |
| 2021        | 1.041100           | 238,632,972                                                               |                        |                 | 20,342,539              | 3,183,676                              | 14,369,024                                              | 1,361,402                 | 985,734                      | 5,405,100                                           |                                                       | 45,647,475                                  | 284,280,447                                                              |
| 2022        | 1.053400           | 251,375,973                                                               |                        |                 | 21,704,603              | 3,330,634                              | 15,320,468                                              | 1,451,853                 | 0                            | 5,559,637                                           | 12,750,000                                            | 60,117,195                                  | 311,493,168                                                              |
| 2023        | 1.068800           | 268,670,640                                                               |                        |                 | 23,837,768              | 3,562,620                              | 16,791,663                                              | 1,590,735                 | 0                            | 5,777,036                                           | 8,604,000                                             | 60,163,822                                  | 328,834,462                                                              |
| 2024        | 1.039400           | 279,256,263                                                               |                        |                 | 25,050,748              | 3,742,618                              | 17,664,146                                              | 1,673,845                 | 0                            | 5,645,200                                           | 9,770,233                                             | 63,546,790                                  | 342,803,058                                                              |







Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Revisions to the Debt Management and Disclosure Policy

RECOMMENDATION

Adopt a Resolution accepting revisions to the Debt Management and Disclosure Policy.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts from approving the revisions to the Debt Management and Disclosure Policy.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley currently have a Debt Management and Disclosure Policy.

This Policy was intended to comply with Government Code Section 8855(i), effective January 1, 2017. Per SB 1029 the policies set forth in the Debt Management Policy (the "Policy") was developed to provide clear and comprehensive guidelines for the issuance and financial management of the debt portfolio of the City of Berkeley and any other entity for which the City Council acts as legislative body, and the term "City" shall refer to each of such entities. The policy confirms the commitment of the City Council, management, staff and other decision makers to adhere to sound financial management practices, including full and timely repayment of borrowings, achieving the lowest possible cost of capital within prudent risk parameters.

Revisions to the Debt Management and Disclosure Policy:

**1. Recommendation:**

Section VII. DEBT CAPACITY

Current Language: "The City is subject to debt capacity limit for its general obligation bonds: 15% of assessed value".

Revised Language: The City is subject to debt capacity limit for its general obligation bonds: 6% of assessed value".

The City developed a more locally appropriate debt limit with the guidance of GFOA who conducted a debt capacity study, rather than rely on the statutory limit of 15% (which is set without regard to local context).

BACKGROUND

Senate Bill 1029 (“SB 1029”), which was signed by the California Governor on September 12, 2016, requires California public agencies that issue debt to adopt debt management policies that meet certain criteria.

Securities and Exchange Commission (the “SEC”) recommends that issuers of municipal securities adopt policies and procedures to govern compliance and implement training with respect to their initial disclosure and continuing disclosure undertakings.

In response to SB 1029 and the SEC’s recommendations, and in order to adhere to sound financial management practices, the City of Berkeley, the Berkeley Joint Powers Financing Authority and the Successor Agency for the former Berkeley Redevelopment Agency find it desirable to adopt and maintain a debt management and disclosure policy.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Debt Management and Disclosure Policy provides an opportunity to make environmentally responsible Debt Management goals.

RATIONALE FOR RECOMMENDATION

State law.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 981-7326

Attachments:

1: Resolution

Exhibit A: Debt Management and Disclosure Policy

RESOLUTION NO. ##,###-N.S.

ADOPTING REVISIONS TO THE DEBT MANAGEMENT AND DISCLOSURE POLICY

WHEREAS, pursuant to Senate Bill 1029 (“SB 1029”), which was signed by the California Governor on September 12, 2016, requires California public agencies that issue debt to adopt debt management policies that meet certain criteria; and

WHEREAS, the Securities and Exchange Commission (the “SEC”) recommends that issuers of municipal securities adopt policies and procedures to govern compliance and implement training with respect to their initial disclosure and continuing disclosure undertakings; and

WHEREAS, in response to SB 1029 and the SEC’s recommendations and in order to adhere to sound financial management practices, the City of Berkeley, the Berkeley Joint Powers Financing Authority and the Successor Agency for the former Berkeley Redevelopment Agency find it desirable to adopt and maintain a debt management and disclosure policy; and

WHEREAS, the Director of Finance has recommended revisions to the debt management and disclosure policy (the “Policy”).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley shall adopt a resolution affirming the revisions made to the debt management and disclosure policy.

**CITY OF BERKELEY  
DEBT MANAGEMENT AND DISCLOSURE POLICY  
JANUARY 2017**

**I. INTRODUCTION**

The policies set forth in this Debt Management Policy (the "Policy") have been developed to provide clear and comprehensive guidelines for the issuance and financial management of the debt portfolio of the City of Berkeley and any other entity for which the City Council acts as legislative body, and the term "City" shall refer to each of such entities. This policy confirms the commitment of the City Council, management and staff and other decision makers to adhere to sound financial management practices, including full and timely repayment of borrowings, achieving the lowest possible cost of capital within prudent risk parameters. This Policy is not intended to be so restrictive that it interferes with the City's legitimate efforts to prudently provide public services and facilities.

This Policy is intended to comply with Government Code Section 8855(i), effective January 1, 2017.

**Purpose and Goals:**

The purpose of the Policy is to provide a functional tool for debt management and capital planning, as well as to enhance the Cities ability to manage its debt obligations and lease financings (collectively referred to as "debt" in this Policy) in a conservative and prudent manner. In following this Policy, the Cities shall pursue the following goals:

- D The City shall endeavor to attain the best possible credit rating for each debt issue in order to reduce interest costs while preserving financial flexibility and meeting capital funding requirements.
- D The City shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.
- D The City shall remain mindful of its statutory debt limit in relation to assessed value growth and the tax burden needed to meet long-term capital requirements.
- D The City shall consider market conditions and City cash flows when timing the issuance of debt.
- D The City shall determine the amortization (maturity) schedule which will best fit with the overall debt structure of the City at the time the new debt is issued.
- D The City shall match the term of the issue to the useful lives of assets whenever practicable and economic, while considering repair and replacement costs of those assets to be incurred in the future.
- D The City shall, when planning for the issuance of new debt, consider the impact of such new debt on overlapping debt of local, state and other governments that overlap with the City.
- D The City shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches, including whenever feasible categorical grants, revolving loans or other State/federal aid, so as to minimize the contribution from the City's General Fund.

- D *The City shall, when planning for the sizing and timing of debt issuance, consider its ability to expend the funds obtained in a timely, efficient and economical manner.*

## II. SCOPE

*The guidelines established by this policy will govern the issuance and management of all debt funded for short and long term capital financing needs and cash flow needs. The Finance Department recognizes that changes in the capital markets and other unforeseen circumstances may require exception to this Policy, for which approval from the City Council will be necessary for implementation. The Policy may be amended by the City Council as it deems appropriate from time to time in the prudent management of the debt of the City. Any approval of debt by the City Council that is not consistent with this Policy shall constitute a waiver of this Policy.*

## III. DELEGATION OF AUTHORITY

*Pursuant to the provisions of Sections 37209 and 40805.5 of the Government Code of the State of California, the Finance Director (Director of Finance) shall be the head of the finance department and shall be responsible for all of the financial affairs of the City. This Policy grants the Finance Director the authority to select the financing team, coordinate the administration and issuance of debt, communicate with the rating agencies, as well as to fulfill all the pre-issuance and post-issuance disclosure information.*

*The Finance Director or designee will select various Financing Team Members. Below is a brief description of the main Financing Team, along with their functions.*

1. *Municipal Advisor*
  - *Assists with capital planning and long term planning*
  - *Coordinates the financing and debt issuance process*
  - *Helps evaluate underwriter proposals and provides financial analysis and recommendations*
  - *Assists with the securing of other professional services and other members of the financing team*
  - *Monitors and evaluates market conditions for opportunities to issue debt at low interest rates*
  - *Works with the City and Underwriter to develop investor outreach and market approach*
  - *Manages competitive bid process*
  - *Ensures negotiated prices are "fair" and reasonable in the marketplace.*
2. *Bond Counsel*
  - *Prepare an approving legal opinion*
  - *Provide expert and objective legal opinion and advice*
  - *Prepare and review documents necessary to authorize, issue sale and delivery of the bonds as well as coordination of the authorization and execution of closing documents*
  - *Review legal issues relating to the structure of the bond issue*
  - *Prepare election proceedings or pursue validation proceedings if necessary*
  - *Review or prepare those sections of the official statement that relate to the Bonds, financing documents, bond counsel opinion and tax exemption*
  - *Assist the City in presenting information to bond rating organizations and credit enhancements providers relating to legal issues affecting the issuance of the Bonds*
  - *Review or prepare the Notice of Sale of Bond Purchase Contract for the Bonds and review or draft the continuing disclosure undertaking of the City*
  - *Post-issuance advice for bond covenant compliance, when requested*

3. Disclosure Counsel

- Assists the City with preparing a disclosure document in connection with a public offering of debt.
- Provide expert and objective legal opinion and advice on federal securities laws
- Post-issuance advice for bond covenant compliance, when requested

4. Underwriter

- Provide the City with market knowledge
- Assist with credit analysis and preparation
- Premarketing of the Bonds
- Pricing and Sale of Bonds
- Trading of the Bonds

5. Trustee/Fiscal Agent/Paying Agent

- Establishes and holds the funds and account relating to the bond issue
- Maintains the list of names and addresses of all registered owners of the bonds and recordings of transfers and exchanges of the bonds
- Acts as the authenticating agent
- Acts as the paying agent
- Protects the interests of the bondholders by monitoring compliance with covenants and acts on behalf of the bondholders in the event of default.
- As the escrow agent holds the investments acquired with the proceeds of an advance refunding and uses those funds for payments on those investments to pay debt service of the refunding bonds
- As a dissemination agent, acts on behalf of the issuer or other obligated person to disseminate annual reports and event notices to repositories under SEC Rule 15c12-12

#### IV. TYPES OF DEBT

The following are types of debt the City could issue:

1. New Money Debt

New money debt is debt issued to finance the cost of capital improvement project or other large or extraordinary costs as approved by the City Council.

2. Refunding Debt

Refunding debt is debt issued to refinance (refund) previously issued outstanding debt. The City may issue refunding debt to refinance the principal and of and interest on outstanding bonds or other debt to achieve debt service savings, restructure schedule debt service or convert from variable to fixed interest rate, change or modify the source(s) of payment and security for the refunded debt, or modify covenants otherwise binding upon the City. Refunding may be issued on either on a current or advance basis under federal tax law.

3. Revenue Debt

Revenue debt is generally issued for enterprise funds that are financially self-sustaining without the use of general fund revenue sources and therefore rely on the revenues collected by the enterprise fund to repay the debt.

4. Land-Secured Debt

Examples of land-secured debt include special tax revenue bonds issued under the Mello-Roos Community Facilities Act of 1982, as amended, and limited obligation bonds issued under



applicable assessment statutes. Land-secured debt is payable from special taxes or assessments that the City will levy on the secured property tax roll.

5. General Obligation (GO) Bonds

In California, GO Bonds require a supermajority voter approval. Most GO bonds are backed by the issuer's ability to level ad valorem tax in amounts sufficient to meet debt service.

6. Lease Financings

Lease revenue bonds, certificates of participation (also known as "COPs") and lease-purchase transactions are examples of lease financings. Lease financings are typically used when the City wishes to pay for debt with its general fund.

7. Bond Anticipation Notes, Grant Anticipation Notes

This type of debt is issued to finance a project in anticipation of other funding sources becoming available at a later time.

8. Tax and Revenue Anticipation Notes (TRAN)

A TRAN is issued when the City's anticipated operating revenues are not available when the City's operating expenses need to be paid, which is a common operational challenge for California cities given the irregular distribution of sales tax and property tax revenues.

9. Tax Increment Financings

Tax increment financing may be used to the extent available under California law.

10. Conduit Financings

The City may agree to provide conduit financing for specific public purposes, such as financings for affordable rental housing and qualified 501 c3 organizations. In a conduit financing, the debt is typically repaid with non-City revenues.

**V. DEBT TERM**

The City Council recognizes that new debt obligations may impact the long-term affordability of all outstanding debt and any future planned debt, as well as budgetary impacts associated with the maintenance and operating costs of debt-financed facilities.

Term of Debt – Debt will be structured for the shortest period possible, consistent with a fair allocation of costs to current and future beneficiaries or users. Debt shall not be issued for a term that exceeds the useful life of the debt-financed asset.

Debt Repayment – Typically the City desires level debt service payments over the term of the debt. However, the cost of capital, financial risk, current economic conditions, future financial flexibility, credit rating and available cash flow will be evaluated to determine the most appropriate method of debt amortization for each debt issue. Notwithstanding the above, back loading of debt service will be evaluated as the circumstances dictate. Back loading occurs when debt service payments are lower in the initial years of a debt term and higher toward the later years of a debt term.

**VI. DEBT ISSUANCE**

The City has the capacity to issue long and short-term debt and to refund any outstanding debt. The following section details the purposes for debt issuance, the method of sale for such debt and the practices for obtaining professional assistance in the debt issuance process.

Long-term debt – Long-term debt may be used to finance the acquisition or improvement of land, infrastructure, facilities or equipment for which it is appropriate to spread the costs of such over more than one budget year. Long-term debt may be used to fund capitalized interest, cost of issuance, required reserves and any other financing related costs that may be legally capitalized. Long-term debt should not be used to fund City operating costs.

Short-term debt – Short-term debt will be considered as an interim source of funding in anticipation of long-term debt. Short-term may be issued for any purpose for which long-term debt may be issued, including capitalized interest and financing-related costs. Short-term debt is also appropriate to address legitimate short-term cash flow requirements during a given fiscal year to fund the operating costs of the City to provide necessary public services. The City will not engage in short-term borrowing solely for the purpose of generating investment income.

Refunding – Refunding opportunities will be identified by periodic review of outstanding debt obligations. Refunding will be considered when there is a net economic benefit from the refunding. Non-economic refundings may be undertaken to achieve City objectives relating to changes in covenants, call provisions, operational flexibility, tax status, issuer or other non-economic factors related to the debt.

Method of sale – Debt is typically issued under either a competitive or a negotiated sale, but also may be sold in a private placement. The City shall have the flexibility to determine which method of sale is appropriate for each debt issuance. Determination of the appropriate method of sale will rest collectively with the City Manager, Finance Director and City Attorney. There are a number of market factors that will affect the success of a debt offering and each should be carefully considered before selecting a method of sale. These factors include, but are not limited to, 1) market perception of the City's credit quality, 2) interest rate volatility, 3) size of the proposed issue, 4) complexity of the proposed issue and 5) competition with other issuers for investor interest (bond supply).

Pooled Financing – The City may also consider the use of pooled financing as a method of accessing the capital markets. Use of pooled financing will be evaluated collectively by the City Manager, Finance Director and City Attorney on a case-by-case basis.

**VII. DEBT CAPACITY**

The City is subject to debt capacity limit for its general obligation bonds: 6% of assessed value.

For non-general obligation bonds, determining what the City's debt capacity is at any point in time is difficult. It depends on a number of factors including market conditions, amount of undesignated fund balance in the General Fund, fluctuating cash balances, financial policies, management and staff experience, new or existing revenues to support additional debt and availability of financial consultants to assist in the financial analysis. In the development of this Policy, the goal is to serve as a framework within which the City can evaluate each potential debt issuance.

**VIII. PERFORMANCE STANDARDS**

The City of Berkeley strives to maintain "investment grade" standings in the municipal market. Below is an Investment Grade Table of the three (3) major rating agencies:

| Moody's Investors Service Inc. | Standard & Poor's Corporation | Fitch Investors Service Inc. | Definition              |
|--------------------------------|-------------------------------|------------------------------|-------------------------|
| Aaa                            | <b>AAA</b>                    | <b>AAA</b>                   | Highest rating assigned |



|     |     |     |                                                                                                              |
|-----|-----|-----|--------------------------------------------------------------------------------------------------------------|
|     |     |     | Strong security                                                                                              |
| Aa  | AA  | AA  | Very strong security, Only slightly below the best rating                                                    |
| A   | A   | A   | Average security but more subject to adverse financial and economic developments                             |
| Baa | BBB | BBB | Adequate capacity to secure debt. Adverse developments may affect ability to meet debt service requirements. |

Note: Mood's use the designation "1" to indicate a greater strength with the "Baa" "A" and "Aa" categories. Standard and Poor's and Fitch use "+" and "-" to indicate relative strength or weakness in the "BBB", "A", and "AA" categories.

**IX. RELATIONSHIP OF DEBT TO OTHER CITY POLICIES**

**A. Relationship of Debt to Capital Improvement Program and Budget**

The City is committed to long-term capital planning. The City intends to issue debt for the purposes stated in this Policy and to implement policy decisions incorporated in the City's capital budget and the capital improvement plan.

The City will integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the City's public purposes.

The City shall seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its general fund.

**B. Policy Goals Related to Planning Goals and Objectives**

The City is committed to long-term financial planning, maintaining appropriate reserves levels and employing prudent practices in governance, management and budget administration. The City intends to issue debt for the purposes stated in this Policy and to implement policy decisions incorporated in the City's annual operations budget.

**X. ON-GOING DEBT ADMINISTRATION**

The Finance Director will regularly review the City's outstanding obligations, particularly in declining interest rate environment. When rates begin to approach levels at which refunding is cost effective, the City shall select a financing team to begin preparations for a refunding issue.

**Use of Debt Proceeds**

The Finance Director and other appropriate City personnel shall:

- Monitor the use of debt proceeds and the use of debt-financed assets (e.g., facilities, furnishings or equipment) throughout the term of the debt (and in some cases beyond the term of the debt) to ensure compliance with covenants and restrictions set forth in applicable City resolutions and Tax Certificates;

- *Maintain records identifying the assets or portion of assets that are financed or refinanced with proceeds of each issue of debt;*
- *Employ appropriate internal controls and redundancy of review to ensure all approved contracts and expenditures are consistent with the terms of the bond sale and ballot language by following the City's established work flow procedures;*
- *Consult with Bond Counsel and other professional expert advisers in the review of any contracts or arrangements involving use of debt-financed facilities to ensure compliance with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates;*
- *Maintain records for any contracts or arrangements involving the use of debt-financed facilities as might be necessary or appropriate to document compliance with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates; and*
- *Meet at least annually with personnel responsible for debt-financed assets to identify and discuss any existing or planned use of debt-financed assets to ensure that those uses are consistent with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates.*

*All relevant records and contracts shall be maintained as described below.*

#### *Record Keeping Requirements*

*Unless otherwise specified in applicable City resolutions or Tax Certificates, the City shall maintain the following documents for the term of each issue of debt (including refunding debt, if any) plus at least three years:*

- *A copy of the debt closing transcript(s) and other relevant documentation delivered to the City at or in connection with closing of the issue of debt;*
- *A copy of all material documents relating to capital expenditures financed by debt proceeds, including (without limitation) construction contracts, purchase orders, invoices, trustee requisitions and payment records, as well as documents relating to costs reimbursed with debt proceeds and records identifying the assets or portion of assets that are financed or refinanced with debt proceeds;*
- *Copies of all records of investments, investment agreements, arbitrage reports and underlying documents, including trustee statements.*

#### *Arbitrage Rebate*

*The use and investment of tax-exempt debt proceeds must be monitored to ensure compliance with arbitrage restrictions. Existing regulation require that issuers calculate rebate liabilities related to tax-exempt debt issues, with rebates paid to the Federal Government every five years and otherwise required by applicable provisions of the Internal Revenue Code and regulations. The Finance Director shall contract with a specialist to ensure that proceeds and investments are tracked in a manner that facilitates accurate, complete calculations and if necessary timely rebate payments.*

## **XI. Disclosure Policy**

### Purpose

These disclosure policies and procedures are intended to (a) ensure that the City complies with federal securities laws as they relate to initial disclosure, (b) ensure that the City's Continuing Disclosure Documents (as defined below) are accurate and comply with all applicable federal and state securities laws, and (c) promote best practices regarding the preparation of the City's initial disclosure documents and Continuing Disclosure Documents.

### Definitions

1. "Continuing Disclosure Documents" means (a) annual continuing disclosure reports filed with the MSRB and (b) event notices and any other filings with the MSRB.
2. "EMMA" means the MSRB's Electronic Municipal Market Access website.
3. "MSRB" means the Municipal Securities Rulemaking Board.
4. "Official Statements" means preliminary and final official statements, private placement memoranda and remarketing memoranda relating to the City's securities, together with any supplements, for which a continuing disclosure obligation is required.

### Disclosure Working Group

Composition. The Disclosure Working Group consists of the Finance Director, who is designated as the Chief Disclosure Officer, the Accounting Manager, who is the Disclosure Coordinator and other internal City staff that are pertinent to the disclosures. The Finance Director has general oversight over the entire continuing disclosure process. Membership in the Disclosure Working Group shall be augmented by the Finance Director and consist of persons relevant to the disclosure process.

The Disclosure Working Group shall consult with external professionals (such as those with expertise as bond counsel, tax counsel, disclosure counsel and municipal advisor) or other interested parties as the Disclosure Working Group determine is advisable related to continuing disclosure issues and practices. Meetings of the Disclosure Working Group may be held in person or via conference call.

The Disclosure Working Group is an internal working group of City staff.

Responsibilities. The Disclosure Working Group is responsible for:

- a. Reviewing and approving all Preliminary and Final Official Statements before such documents are posted;
- b. Reviewing and approving all continuing disclosure undertakings as contained in the City's Preliminary and Final Official Statements before such documents are posted;
- c. Reviewing annually the City's status and compliance with continuing disclosure undertakings including filings of Annual Reports and Notices of Listed Events;
- d. Reviewing any items referred to the Disclosure Working Group; and
- e. Evaluating the effectiveness of this Disclosure Policy.

Official Statements. The Disclosure Coordinator of the City shall review any Official Statement prepared in connection with any debt issuance by the City in order to ensure there are no

misstatements or omissions of material information in any sections that contain descriptions of information prepared by the City.

In connection with its review of the Official Statement, the Disclosure Coordinator shall consult with third parties, including outside professionals assisting the City, and all members of City staff, to the extent that the Disclosure Coordinator concludes they should be consulted so that the Official Statement will include all "material" information (as defined for purposes of federal securities law).

As part of the review process, the Disclosure Coordinator shall submit all Official Statements to the Disclosure Working Group. The Disclosure Working Group, after determining that it meets the requirements of federal tax law, shall instruct the Disclosure Coordinator to send the Official Statement to the City Council for approval. The cover letter used by the Disclosure Coordinator to submit the Official Statements shall be in substantially the form of Attachment 1.

The approval of an Official Statement by the City Council shall be docketed as a new business matter and shall not be approved as a consent item. The City Council shall undertake such review as deemed necessary by the City Council, following consultation with the Disclosure Coordinator, to fulfill the City Council's responsibilities under applicable federal and state securities laws. In this regard, the Disclosure Coordinator shall consult with the City's disclosure counsel to the extent the Disclosure Coordinator considers appropriate.

#### Continuing Disclosure Filings

##### Overview of Continuing Disclosure Filings

1. Under its continuing disclosure undertakings it has entered into in connection with its debt offerings, the City is required to file annual reports ("Annual Reports") with the MSRB's EMMA system. Such Annual Reports are required to include the City's audited financial statements and certain updated financial and operating information (or may incorporate by reference publicly-available documents that contain such information).
2. In accordance with each continuing disclosure undertaking, if audited financial statements are not available by the date the Annual Report is required to be filed, unaudited financial statements are to be included in such Annual Report and audited financial statements shall be filed when such statements become available. If unaudited financial statements are filed, the cover page may include a disclaimer stating that such financial statements are unaudited and are subject to adjustments and modifications, the result of which will be presented in the audited financial statements. In addition, in accordance with the applicable continuing disclosure undertaking, the City shall file or cause to be filed a notice of any failure to provide its Annual Report on or before the date specified in a Continuing Disclosure Document.
3. The City is also required under its continuing disclosure undertakings to file notices of certain events on EMMA ("Notices of Listed Events").

The CAFR will serve as the repository for statements of indebtedness. The fiscal year debt statements in each CAFR certify the amount of (i) new debt issued, (ii) debt outstanding, (iii) debt authorized but not issued (iv) assessed valuation and (v) outstanding debt expressed as a percentage of assessed valuation, each as of the end of the fiscal year to which the CAFR relates.

The City shall prepare or cause to be prepared appropriate disclosures as required by Securities and Exchange Commission Rule 15c2-12, the federal government, the State of California, rating agencies, bond insurers, underwriters, bond counsel, investors, taxpayers, and other persons or entities entitled

to disclosure to ensure compliance with applicable laws and regulations and agreements to provide ongoing disclosure.

Public Statements Intended to Reach Financial Markets

Whenever the City makes statements or releases information relating to its finances to the public that are reasonably expected to reach investors and the trading markets, the City is obligated to ensure that such statements and information are complete, true, and accurate in all material respects.

Training

The Disclosure Coordinator shall ensure that the members of the City staff involved in the initial or continuing disclosure process and the City Council are properly trained to understand and perform their responsibilities.

The Disclosure Coordinator shall arrange for disclosure training sessions conducted by the City's disclosure counsel. Such training sessions shall include education on these Disclosure Procedures, the City's disclosure obligations under applicable federal and state securities laws and the disclosure responsibilities and potential liabilities of members of the City's staff and members of the City Council. Such training sessions may be conducted using a recorded presentation.

**XII. DEBT MANAGEMENT AND DISCLOSURE POLICY REVIEW**

The Finance Director shall review this Debt Management and Disclosure Policy at a minimum of every five (5) years or as required by law and recommend any changes to the City Manager and City Council.





Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: FY 2024 Reaffirming the Investment Policy and Designation of Investment Authority

RECOMMENDATION

Adopt a Resolution reaffirming the current Investment Policy (*no revisions are recommended*) and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2024.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts from accepting the current Investment Policy and renewing the delegation of authority to the Director of Finance to make investments.

CURRENT SITUATION AND ITS EFFECTS

**A. FY 2024 Reaffirming the City's Investment Policy**

The City's Statement of Investment Policies requires the City Council to annually reaffirm the Statement of Investment Policy.

**B. Delegating Authority to Make Investments**

The Investment Policy requires the City Council to annually confirm the delegation of investment authority to the Director of Finance.

BACKGROUND

The State statutes that govern investment activity requires the City Council to annually affirm the Investment Policy and to annually confirm the delegation of investment authority.

INVESTMENT OVERSIGHT

All investments included in the portfolio comply with the City's adopted investment policies and State law.



ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Investment Policy provides opportunities to make environmentally responsible investments that support the City’s environmental sustainability goals.

RATIONALE FOR RECOMMENDATION

The State requires City Council to annually affirm the Investment Policy, and to annually confirm the delegation of investment authority to the Director of Finance.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 981-7326

Attachments:

- 1: Resolution
2. Investment Policies for Idle Pooled Cash (Effective July 1, 2023)
3. Investment Policies for Retiree Medical Plan Trust Funds (Effective July 1, 2023)



RESOLUTION NO. ##,###-N.S.

AFFIRMING THE INVESTMENT POLICY AND RENEWING THE DELEGATION OF  
AUTHORITY TO MAKE INVESTMENTS TO THE DIRECTOR OF FINANCE

WHEREAS, by Resolution No. 70,421-N.S. dated June 28, 2022, the City Council adopted the Investment Policy for the City of Berkeley; and

WHEREAS, the Statement of Investment Policies requires the Director of Finance to submit and make recommendations for amendments to the investment policy; and

WHEREAS, the Director of Finance has no recommendation or amendments to the investment policy to the City Council.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley affirms the Statement of Investment Policies, and confirms the delegation of investment authority to make investments to the Director of Finance for FY 2024.

Public

# City of Berkeley Investment Policy



*Effective July 1, 2023*

# City of Berkeley Investment Policy

July 1, 2023

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## I. Introduction

Pursuant to Sections 2.44.040 and 2.44.060 of the Berkeley Municipal Code, Resolution No. 45,087-N.S., and Sections 53601, 53607, 53636 and 53648 of the State Government Code, the Director of Finance, the Treasurer of the City, is authorized to make investments of the City's idle funds. The Code also directs the City to present an annual investment policy to the City Council for approval. This Investment Policy, after approval of the amendments by the City Council, will serve as the Investment Policy for the City of Berkeley for fiscal year 2019.

### A. Scope of Policies

These investment policies apply to the investments of the City of Berkeley and the Rent Stabilization Board. All financial assets of any non-trust funds, including the general fund and other funds that may be created from time to time, shall be administered in accordance with the provisions of these policies.

### B. Investment Objectives

The City's primary investment objective is to achieve a reasonable rate of return on public funds while minimizing the potential for capital losses arising from market changes or issuer default. Although the generation of revenues through interest earnings on investments is an appropriate City goal, the primary consideration in the investment of City funds is capital preservation in the overall portfolio. As such, the City's yield objective is to achieve a reasonable rate of return on City investments rather than the maximum generation of income, which could expose the City to unacceptable levels of risk.

The following investment objectives, in order of priority, shall be applied in the management of City funds: safety, liquidity and yield.

#### 1. Safety of principal is the foremost objective of the investment program

Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk, summarized as follows:

- a. Credit risk. This is the risk of loss due to the failure of the security issuer or backer. Credit risk may be mitigated by:
  - Limiting investments to the safest types of securities.
  - Determining the credit worthiness of the financial institutions, broker/dealers, and intermediaries with which the City does business.
  - Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
- b. Interest rate risk. This is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity; and
- Investing operating funds primarily in shorter-term securities.

## 2. Liquidity

No investment shall be made that could not appropriately be held to maturity without compromising liquidity requirements. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary markets (dynamic liquidity).

## 3. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a reasonable return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- i. Liquidity needs of the portfolio require that the security be sold.
- ii. A security swap would improve the quality, yield, or target duration in the portfolio.

## 4. Responsible Investing

Investment policies of the City of Berkeley shall comply with the letter of the following ordinances, resolutions and directives:

- Nuclear-Free Berkeley Act
- Resolution No. 59,853-N.S.-Oppressive States Contract prohibition
- Divestment from Gun Manufacturers and Tobacco Companies
- Divestment from Publicly Traded Fossil Fuel Companies and Banks that Finance Pipelines and Fossil Fuel Infrastructure
- Divestment from Prisons Resolution No. 67,640-N.S. and Immigration Detention Companies
- Divest from Any Companies Designing, Building or Financing the U.S. – Mexico Border Wall Resolution No. 67,865-N.S.
- No Investment in Any Entity Involve in the Production and Manufacturing of Weapons-Resolution No. 68,766-N.S.
- Integrate Environmental, Social, and Governance Principles (ESG) for All Investment Decision Making Process (See Appendix B for details.)

a. **Nuclear-Free Berkeley Act**

To the extent possible, without compromising the City's safety, liquidity and yield objectives, it is the City's policy to prefer investments in U.S. Agency securities. They are preferred because of their generally higher yields and generally socially preferable uses, such as housing loans or student loans, versus investments in Treasury securities with their association with nuclear weapons.

All financial institutions, which hold deposits or investments of the City, shall file a statement with the Director of Finance indicating the percentage of the bank's assets which are loaned to or invested in nuclear weapons agents as defined in Section 12.90 of the Nuclear-Free Berkeley Act. The Director of Finance shall use this information as a factor in selecting banks which have minimum involvement in the nuclear weapons industry. A summary of these reports shall be attached to the annual Statement of Investment Policies.

- Investments in United States Treasury securities may be made by the City of Berkeley.
- The City of Berkeley shall ensure that any City funds, or any funds controlled by the City, invested or other third parties, are invested according to the provisions of this section and, to this end, shall obtain written assurances to this effect from any such trustees or third parties.

b. **Divestment From Publicly-Traded Fossil Fuel Companies and Companies that Provide Direct Financing or On-going Lines of Credit for the Funding of Fossil Fuel Infrastructure**

The City of Berkeley has a responsibility to protect the lives and livelihoods of its inhabitants from the threat of climate change. While fossil fuel companies provide an attractive return on investment, the City of Berkeley will suffer greater economic and financial losses from the impact of unchecked climate change. The City's infrastructure, businesses and communities would face greater risk of damages and losses due to that climate change. The City believes that its investments should support a future where all citizens can live healthy lives without the negative impacts of a warming environment. For the purposes of the Investment Policy, a "fossil fuel company" shall be defined as any of the two hundred publicly-traded companies with the largest coal, oil and gas reserves as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned, as listed in the Carbon Tracker Initiative's "Unburnable Carbon" report.

Staff responsible for managing the City's investment portfolio are directed to divest all City funds held in fossil fuel companies or companies that provide direct financing or on-going lines of credit for the funding of fossil fuel infrastructure such as the Dakota Access Pipeline and are prohibited from making any new investments in such companies.

**c. Divestment from Gun Manufacturers and Tobacco Companies**

The City of Berkeley has a responsibility to protect the lives and livelihoods of its inhabitants from the threat of dangerous weapons and products. There is no better role for city government than to protect people. If the City invests in companies that are putting dangerous weapons and dangerous products on our streets, then the City is part of the problem.

Staff responsible for managing the City's investment portfolio are directed to divest all City funds held in gun manufacturers and tobacco companies and are prohibited from making any new investments in such companies.

**d. Divestment from Prisons and Immigration Detention Companies**

The prison and immigration detention industry reaps large monetary benefits from the imprisonment of these communities. Prison companies admit that their companies benefit from high incarceration rates. With the increasing economic benefits that come with commodifying human lives, the City of Berkeley should divest from prison and immigration detention companies to make a statement that the industry harms human lives and degrades them as monetary investment.

Staff responsible for managing the City's investment portfolio are directed to divest all City funds held in Prisons and Immigration Detention Companies and are prohibited from making any new investments in such companies.

**e. Divestment from any Companies Designing, Building or Financing the U.S.-Mexico Border Wall - Resolution No. 67,865-N.S.**

The City of Berkeley is strongly opposed to the construction of a border wall between the United States and Mexico as called for in Presidential Executive Order 13767. Immigration has been part of this country's history since its inception. Construction of a border wall with tightened security will harm refugees who are feeling violence and conflict in Central American countries including Honduras and El Salvador. A border wall would increase international tensions and cause environmental damage by increasing emissions, cutting off natural water flows, and disturbing wildlife migration routes. The wall would cut through ancestral native lands and would significantly disrupt tribal communities. In addition, construction of a wall would be huge financial burden to taxpayers. Therefore, to ensure that local tax dollars in no way support the construction of the proposed border wall, the City of Berkeley will divest from all companies involved with designing, building, and financing the border wall.

Staff responsible for managing the City's investment portfolio are directed to divest all city funds from companies that design, build or finance the U.S.-Mexico border wall as called for in Presidential Executive Order 13767, and are prohibited from making any new investments in such companies.

**f. No Investment in Any Entity Involve in the Production and Manufacturing of Weapons-Resolution No. 68,766-N.S.**

The City of Berkeley joins the cities nationwide that oppose militarism and violence, and encourages other cities to follow Berkeley's lead. U.S. weapons manufacturers continue to supply repressive regimes around the world and U.S. produced weapons are being used in attacks that the international community deems unlawful for their disproportionate and excessive harm to civilians.

Staff responsible for managing the City's investment portfolio are directed to divest all City funds from companies that are involved in the production or manufacturing of weapons and weapons system, whether conventional or nuclear and including the manufacture of civilian arms.

These guidelines apply to all cash-equivalent assets included within the scope of the City's audited financial statements and held either directly by the City or held and invested by fiscal agents.

**g. Integrate Environmental, Social, and Governance Principles (ESG) for All Investment Decision Making Process (See Appendix B for details.)**

This combines environmental, social, and governance issues with traditional financial factors in the investment decision-making process. ESG investing helps cities like Berkeley to benefit from both impact driven and financially prudent investments. ESG principles would put Berkeley's values into our investment dollars.

**C. Use of State Investment Guidelines**

Government Code Sections 16481.2, 53601, 53607, 53635, and 53646 of the State of California regulate the investment practices. It is the policy of the City of Berkeley to use the State's provisions for local government investments as the base for developing and implementing the City's investment policies and practices.

As required under Government Code Sections 16481.2 and 53646, the Statement of Investment Policies will be reviewed by the Council annually.



## II. Investment Authority and Responsibilities

### A. Authorized Investment Officers

#### 1. Idle Funds

Pursuant to Sections 2.44.040, 2.44.060 of the Berkeley Municipal Code, Resolution No. 45,087-N.S., and Sections 53601, 53636 and 53648 of the State Government Code, the Director of Finance, the Treasurer of the City, is authorized to make investments of the City's idle funds. Responsibility for the operation of the investment program is hereby delegated to the Director of Finance, who shall carry out established written procedures and internal controls for the operation of the investment program consistent with this plan. Procedures should include references to: safekeeping, delivery versus payment basis of settling transactions, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts. In the exercise of this responsibility, the authority to perform specific investment tasks and duties is delegated as follows:

- Treasury Manager/Revenue Collection Manager. In the absence, and under the direction, of the Finance Director, to invest idle funds on a daily basis as required for cash flow purposes pursuant to the requirements of the Statement of Investment Policies.
- Senior Accountant or Accounting Manager. To execute necessary investment documents, and obtain the approval of the Director of Finance to authorize wire transfers and execute bank authorizations.
- Deputy City Manager. To execute necessary investment documents, authorize wire transfers; execute bank authorization in absence of the Director of Finance, Treasury Manager/ Revenue Collection Manager, Senior Accountant, and the Accounting Manager.

### B. Internal Controls

The Director of Finance shall establish a system of internal controls designed to prevent losses of public funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City of Berkeley. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management. These controls shall include:

- Separation of transaction authority from accounting and physical custody.

- By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
- Also, securities purchased from any bank or dealer including appropriate collateral (as defined by State Law), shall be placed with an independent third party for custodial safekeeping.
- Avoidance of physical delivery of securities by using a delivery versus payment “Basis of Settlement Only.”
- All trades will be executed on a delivery versus payment (DVP) basis. This ensures that securities are delivered to the City’s safekeeping bank at the same time the funds are released by the City’s safekeeping bank.
- Third-Party custodial safekeeping of securities held in the name of the City. Delivered securities must be properly safeguarded against loss or destruction. Book entry securities are recorded in electronic records and the potential for fraud and loss increases with physically delivered securities. All investment securities, except collateralized certificates of deposit and money market funds, purchased by the City will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by a City-approved custodian bank, its correspondent New York Bank or the Depository Trust Corporation (DTC). Whenever possible, securities purchased are to be recorded in “book entry” form.
- All securities and applicable collateral will be held by the City’s third party custodian and evidenced by safekeeping receipts. All book entry securities owned by the City shall be evidenced by a safekeeping receipt issued to the City by the custodian bank to acknowledge that the securities are held in the Federal Reserve system in a “customer account” for the custodian bank which names the City as “customer”;

The Director of Finance will require each approved safekeeping financial institution to submit a copy of its Consolidated Report of Condition and Income (Call Report) to the City within 60 days after the end of each calendar quarter.

- Competitive bidding on investment transactions. Before the City invests in any secondary market funds, competitive bids shall be requested. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, bids will be requested from at least three financial institutions for instruments which meet the maturity requirement. If no specific maturity is required, a yield curve analysis will be conducted to determine which maturities would be most advantageous.
- Written confirmation and documentation of all financial transactions.

- Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.
- Rapid deposit of funds received by the City (i.e., large checks.)
- Bonding of all investment officials.

### **C. Evaluation of Investment Officer Actions**

Section 53600.3 of the Government Code identifies trustees as those persons authorized to make investment decisions on behalf of a local agency. As a trustee, the standard of prudence to be used by investment officials shall be the "prudent investor" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this plan.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.

## **III. Capital Preservation and Risk**

### **A. Overview**

Some level of risk is inherent in any investment transaction. Losses may be incurred due to issuer default, market price changes, or technical cash flow complications such as investments in non-marketable certificates of deposit. Diversification of the City's portfolio by institution, investment vehicle, and maturity term is the primary tool available to the City in minimizing investment risk and capital losses by safeguarding the overall portfolio from any individual loss.

## B. Portfolio Diversification Practices

The following sections summarize the City's major portfolio diversification practices and guidelines in determining:

- Authorized Dealers
- Investment Vehicles
- Investment Maturity

Portfolio limitations included in these guidelines are to be based on the portfolio composition and investment management plan policies in effect at the time of placement; the actual composition of the City's investments may vary over time from plan limitations due to overall portfolio changes from when the individual placement was made as well as changes in the City's investment management plan

## IV. Eligible Financial Institutions

### A. Authorized Dealers

- Investments shall be purchased only through well-established, financially sound institutions. The Finance Director shall maintain a list of financial institutions and broker/dealers approved for investment. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions will be given a copy of the City's Statement of Investment Policies, and a return cover letter which must be signed indicating that the Statement of Investment Policies has been read and understood.

Qualified financial institutions and broker/dealers must supply the Director of Finance with the following:

- Financial Institutions
  - Current audited financial statements
  - Depository contracts, as appropriate
  - A copy of the latest FDIC call report or the latest FHLBB report, as appropriate.
- Broker/Dealers
  - Current audited financial statements
  - Proof that brokerage firm is a member in good standing with a national securities exchange.
- Except for repurchase agreements, investments shall be awarded based on competitive bids. Documentation relating to investment quotes shall be maintained by the Finance Department for a period of one year.

## **B. Individual Placement of Deposits**

Individual placement of negotiable, collateralized, and other time certificates of deposit with eligible financial institutions shall be based on the following practices and procedures:

- Deposits shall only be placed with financial institutions maintaining offices within the City of Berkeley.
- Unless collateralized by eligible securities as provided in Sections 53651 and 53652 of the Government Code, the maximum amount of Certificates of Deposit to be placed with any single institution is \$250,000.

## **V. Investment Vehicles**

### **A. State of California Limitations**

As provided in Sections 53601, 53635, and 16429.1 of the Government Code, the State of California limits the investment vehicles available to local agencies to the following:

#### **1. U.S. Treasury Instruments**

As authorized in Government Code Section 53601(b), this category includes bills, notes, bonds or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. There are no portfolio limitations on the amount.

#### **2. Government Sponsored Enterprises**

As authorized in Government Code Section 53601(f), this category includes a wide variety of government securities. These securities include U. S. government-sponsored enterprise obligations, such as issues by the Federal National Mortgage Association (FNMA's), Federal Home Loan Bank (FHLB), Federal Farm Credit (FFCB), Student Loan Marketing Association (SLMA), etc. There are no portfolio limitations on the amount.

#### **3. Municipal Securities**

As authorized in Government Code Section 53601(a)(c)(d)(e), this category includes obligations of the City, the State of California, any of the other 49 states, and any local agency within the State of California, provided that:

- The securities are rated "A" or higher by at least one nationally recognized statistical rating organization.
- No more than 5% of the portfolio may be invested in any issuer.
- The maximum maturity does not exceed five years.

**4. Banker's Acceptances**

As provided in Government Code Section 53601(f)g, 40% of the City's portfolio may be invested in Banker's Acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank, although no more than 30% of the portfolio may be invested in Bankers' Acceptances with any one commercial bank. Additionally, the maturity period cannot exceed 180 days.

**5. Commercial Paper**

Commercial paper is a short-term, unsecured promissory note issued by financial and non- financial companies to raise short-term cash. As provided in Government Code Section 53601(h) up to 25% of the City's portfolio may be invested in "prime" commercial paper of the highest ranking or of the highest letter and number rating as provided by a nationally recognized statistical-rating organization (i.e., Moody's or Standard and Poor's or Fitch), with maturities not to exceed 270 days. The issuer must have total assets in excess of \$500 million, and have debt other than Commercial Paper rated "A" or higher by a nationally recognized statistical-rating organization.

**6. Negotiable Certificates of Deposit**

Negotiable certificates of deposit are a fixed deposit certificate that may be negotiated (traded) to a third party. The institution issuing the certificate promises to pay the holder the initial investment plus the interest rate stated on the certificate at maturity. As authorized in Government Code Section 53601(i), the City may invest 30% of its portfolio in negotiable certificates of deposit issued by commercial banks, thrifts and foreign banks.

**7. Repurchase Agreements**

Repurchase agreements are agreements between the local agency and seller for the local agency to purchase government securities to be resold back to the seller at a specific date and for a specific amount and are authorized by Government Code Section 53601(j). Although the legal maximum maturity on these investments is 360 days, repurchase agreements are generally short-term investments varying from one day to two weeks. Investments in repurchase agreements must be collateralized, and collateral required for repurchase agreements is limited to Treasury and Agency securities. In order to anticipate market changes and provide a level of security for all funds, the required collateralization level is 102% of market value of principal and accrued interest.

**8. Reverse Repurchase Agreements**

Reverse repurchase agreements are a sale of securities by the local agency with a simultaneous agreement for the local agency to repurchase the securities on or before a specified date. As provided in Government Code section 53635(j), reverse repurchase agreements require the prior approval of the City Council. Reverse repurchase agreements can only be made with primary dealers of the Federal

Reserve Bank of New York or with a nationally or state-chartered bank that has or has had a significant banking relationship with the local agency. There are no portfolio limitations on the amount for these investments.

**9. Medium-Term Corporate Notes**

As authorized in Government Code Section 53601(k), local agencies may invest in corporate bonds and notes of industrial companies, banks, bank holding companies, insurance companies, thrifts and finance companies that are rated "A" or better by a nationally recognized rating service; and issued by corporations organized and operating in the United States. The maximum remaining maturity is limited to five years, and the amount invested must not exceed 30% of the agency's portfolio.

**10. Shares of Beneficial Interest Issued By Diversified Management Companies**

As authorized in Government Code Section 53601(l), local agencies are also authorized to invest in shares of beneficial interest issued by diversified management companies (i.e., mutual funds) as defined in Section 23701(m) of the Revenue and Taxation Code in an amount not to exceed 20% of the agency's portfolio.

**11. Financial Futures and Financial Option Contracts**

As authorized in Government Code Section 53601.1, local agencies may invest in financial futures or option contracts in any of the above investment categories subject to the same overall portfolio limitations.

**12. Time Certificates of Deposit**

As authorized in Government Code Section 53635, time certificates of deposit are fixed term, non-negotiable investments which are required to be collateralized 110% by eligible pooled securities. The pool is administered by the State, and is composed of a wide variety of government securities, secured by first mortgages on improved residential property located in the State. There are no portfolio limits on the amount; however the maturity period for this investment vehicle may not exceed five years unless approved by the Council.

**13. Local Agency Investment Fund**

As authorized in Government Code Section 16429.1, local agencies may invest in the Local Agency Investment Fund (LAIF), a pooled investment fund managed by the State Treasurer's Office. It operates like a money market fund, but is for the exclusive benefit of governmental entities within the State. The current maximum amount of money that may be invested is \$40 million.

**14. Moneys Held By A Trustee Or Fiscal Agent**

As authorized in Government Code Section 53601(m), debt proceeds held by a trustee or fiscal agent, which are pledged to the payment or security of bonds or other indebtedness may be invested in accordance with the statutory provisions governing the issuance of those bonds or other agreement; or to the extent not

inconsistent with statutory provisions, or if there are no specific statutory provisions, investments may be made in accordance with the ordinance, resolution, indenture, or agreement of the local agency for the issuance.

This category includes investment agreements approved in writing by insurance companies, supported by appropriate opinions of counsel with notice to Standard and Poor's.

**15. Other Secured Notes, Bonds Or Other Obligations**

As authorized in Government Code Section 53601(n), notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Section 53651 as eligible securities.

**16. Mortgage Pass Through, Collateralized Mortgage Obligation, Mortgage-backed Bond, Equipment Lease-backed Certificate, Consumer Receivable Pass through Certificate, and Consumer Receivable-backed Bond**

As authorized in Government Code Section 53601(o), securities in this category must be rated "AA" or its equivalent or better by a nationally recognized rating service. Purchases may not exceed 20% of the agency's portfolio.

**17. Public Bank Obligations**

As authorized in Government Code Section 53601(r), 53635(c), and 57603 local agencies may invest on commercial paper, debt securities or other obligations of a public bank. The maximum remaining maturity is limited to five years.

**B. City Policies**

**1. Allowable Investment Vehicles and Restrictions**

The Director of Finance/City Treasurer is authorized to invest in any of the investment vehicles allowed by Sections 53601, 53635 and 16429.1 of the Government Code above, with the following limitations:

Financial futures; option contracts, floaters, inverse floaters, range notes, interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest income if held to maturity may not be purchased. Exclusion of these vehicles is consistent with the City's overall objective of achieving reasonable yields on public funds while minimizing risk and capital losses. Although the potential exists for greater interest yields with these vehicles, it is believed that the potential level of risk exceeds their benefits except in very limited circumstances.

- Reverse repurchase agreements shall be entered into only to effect a "matched" transaction whereby the proceeds of the reverse are reinvested for the same



period as the term of the reverse repurchase agreement.

- Funds will only be invested in negotiable Certificates of Deposit that are fully insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC) in amounts up to \$250,000 (including interest).
- The authority to invest in certain securities is restricted by the provisions of the section entitled “Responsible Investing”.
- No more than 45% of the portfolio may be invested in callable agency or government- sponsored enterprise securities.
- Commercial paper is limited to a maturity of 180 days, and the issuer must have the highest rating from two nationally recognized rating agencies, not one (as required by the State).
- The greater of \$5 million or 2% of the short-term portfolio can be in the commercial paper of any single corporation or group under essentially common ownership or control.
- Purchases of such corporate notes as mortgage pass through, collateralized mortgage obligation, mortgage-backed bond, equipment lease-backed certificate, consumer receivable pass through certificate and consumer receivable-backed bond must be rated “Aa” or AA or its equivalent or better by a nationally recognized rating service. As authorized in Government Code Section 53601(j), staff may invest in corporate bonds and notes of industrial companies, banks, bank holding companies, insurance companies, thrifts and finance companies that are rated “A” or better by a nationally recognized rating service; and issued by corporations organized and operating in the United States. The amount invested must not exceed 30% of the agency's portfolio.
- No investment shall be made which involve a “hidden” reduction in the investment rate or yield in order to subsidize other investment programs. For example, the City invests \$10,000,000 for a year at a rate of 1% less than “market” rates.
- Up to 100% of the portfolio may be placed in money market accounts.

See Appendix A for the Investment Portfolio/Diversification Requirements, which lists the maximum amounts that may be invested in the various investment types and the maximum authorized maturities.

## 2. Term

Reserve funds from the proceeds of debt issues may be invested by the Director of Finance/City Treasurer in government agency securities with terms exceeding five (5) years, if the maturity of such investments are made to coincide as nearly as practicable with the life of the debt issue. A maximum of 30 percent of the par value of the portfolio may be invested in a stated maturity of up to 10 years.

## 3. New Investments

No new types of investments will be purchased for the first time without at least two weeks notification to the City Council. For example, although Mortgage Pass through securities are authorized investments, none will be purchased for the first time without such prior City Council notification.

## VI. Investment Maturity

In addition to the risks associated with the credit-worthiness of the financial institution and the security of the investment vehicle, the maturity period of investments is also a significant consideration in the management of the City's portfolio. In order to minimize the impact of market risk, it is intended that all investments will be held until maturity. Investments may be sold prior to maturity for cash flow or appreciation purposes; however, no investment shall be made based solely on yields resulting from anticipated capital gains.

Also, except for debt proceeds, a maximum of 30 percent of the par value of the portfolio may exceed five years.

## VII. Cash Management

To achieve a reasonable return on public funds, the following cash management practices will be followed:

- Maintain maximum investment of all City funds not required to meet immediate cash flow needs while maintaining adequate compensating balances as required under the City's banking services agreement.
- Pool resources available for investment from all City-administered funds, with interest earnings allocated to each of the funds in accordance with generally accepted accounting principles.
- Maximize the City's cash flow through the immediate deposit of all cash receipts, use of direct deposits and wire transfers when available, and appropriate timing of payments to vendors.

- Maximize the cash flow information available through the use of only one operating bank account.

## VIII. Evaluation of Investment Performance

As indicated in the Introduction section of this document, it is the City's primary investment objective to achieve a reasonable rate of return on public funds while minimizing risks and preserving capital. In evaluating the performance of the City's portfolio in achieving this objective, it is expected that yields on City investments will regularly meet or exceed the average return on the State Local Agency Investment Fund (LAIF).

## IX. Investment Reporting

Consistent with Sections 16481.2 and 53646 of the Government Code, the Department of Finance shall submit an annual Statement of Investment Policies to the Council for consideration at a public meeting.

In addition to the submittal of an annual Statement of Investment Policies, the Department of Finance shall provide the Council with a quarterly and annual investment report providing the following information for each investment or security:

- Issuer or broker/dealer (financial institution)
- Type of investment
- Certificate or other reference number if applicable
- Percentage yield on an annualized basis
- Purchase date
- Maturity date for each investment and the weighted average maturity of all the investments within the portfolio
- Current book value
- Current market value
- Total cost and market value, including source of this valuation, of the City's portfolio
- A description of the compliance with the Statement of Investment Policies
- An evaluation of investment operations for the preceding year. This shall include an evaluation of how well the objectives have been achieved: the accuracy of forecasting expenditures and revenues, as well as a comparison of the average returns on the investment portfolio with that of the Local Agency Investment Fund (LAIF).
- Report of investments. The Director of Finance shall prepare a report that provides a clear status of the current investment portfolio and transactions. The report will be prepared in a manner which allows the City Manager and Council to ascertain whether investment activities during the reporting period have conformed to the investment policies.

- Summary of key or unusual events, including but not limited to:
  - Any exceptions to policies;
  - Adherence to or deviations from social investment goals;
  - Purchases of Treasury securities, other than in repurchase agreements with maturities of seven days or less;
  - Purchases of securities that exceed maturity limits;
  - Sales of securities more than three months before maturity;
  - Changes in investment procedures, dealers, staff, etc.
  
- Investment performance:
  - A glossary, defining all funds or accounts referred to elsewhere in the report; and a listing of banks, securities dealers and custodians that the City has had investment transactions during the period.
  - A summary of the certifications for deposits of City funds.
  - Other information regarding the City's portfolio as appropriate

The Quarterly Investment Report shall include all investments as of the end of the quarter from all funds held in the City's portfolio, and shall be issued within 60 days after the end of the quarterly reporting period to the City Manager, and the City Council; the annual report shall be issued within 90 days after the end of the fiscal year to the City Manager, and the City Council.

## X. Appendices

### A. Investment Portfolio – Diversification Requirements

#### Investment Portfolio Diversification Requirements

| Investment Instrument                                         | Maximum Amount of Portfolio     | Maximum Length to Maturity |
|---------------------------------------------------------------|---------------------------------|----------------------------|
| Bank / Time Deposit Accounts                                  | 100%                            | 5 Years                    |
| Money Market Deposit Accounts                                 | 100%                            | N/A                        |
| Repurchase Agreements                                         | 10%                             | 1 Year                     |
| Reverse Repurchase Agreements                                 | 10%                             | 7 Days                     |
| Bankers Acceptances                                           | 40%                             | 7 Days                     |
| U.S. Government Securities (Treasury Bills, Notes, and Bonds) | 100%                            | 10 Years                   |
| U.S. Government Agency Securities by Agency                   | 100%                            | 10 Years                   |
| Certificates of Deposit (Negotiable)                          | 30%                             | 10 Years                   |
| Municipal Bonds                                               | 100%                            | 5 Years                    |
| Commercial Paper                                              | 25%                             | 180 Days                   |
| Medium Term Notes                                             | 30%                             | 10 Years                   |
| Public Bank Obligations                                       | 10% of Unrestricted Investments | 5 Years                    |

## B. Berkeley's ESG Investing Initiative



CITY OF BERKELEY

### BERKELEY'S ESG INVESTING INITIATIVE

On November 27, 2018, City of Berkeley City Council approved the recommendation to incorporate the Environmental, Social, and Governance (ESG) principles in the City of Berkeley's investment policy. This is a new effort to integrate ESG considerations into Berkeley's investment decision-making process would lead the way for responsible investment in the United States and across the globe. ESG factors makes good business sense and leads to more sustainable markets and better outcomes for societies.

### WHAT IS ESG INVESTING?

ESG investing describes the consideration of environmental, social, and governance (ESG) factors alongside traditional financial factors in the investment decision-making process, ensuring that investments are financially prudent and impact driven. ESG factors may include greenhouse gas emissions, energy usage, labor standards, business ethics, gender and racial diversity, executive compensation, and more.

### WHY IS ESG INVESTING IMPORTANT?

First, ESG investing drives better risk-adjusted returns, since companies that score higher on ESG factors tend to have stronger fundamentals that mitigate financial risk, putting those companies in a better position for long-run stability and profitability.

And second, ESG investing helps guide investment dollars to make a positive impact on some of the most fundamental challenges facing Berkeleyans. Through promoting investments in companies that prioritize conservation and sustainable business practices, it helps protect our environment for future generations. Through promoting investments in companies that promote a better quality of life for all of us, it helps create a more equitable, just corporate eco-system and world. And through promoting investments in companies with strong corporate governance, it helps promote sound and representative management practices.

### WHAT IS THE CITY OF BERKELEY'S APPROACH?

We plan to take clear, defined steps toward fully integrating ESG factors into the investment decisions within our operating portfolio, potentially including the following actions and commitments:

- **100% Integration:** Ensure that 100% of investment decisions on corporate securities are analyzed through ESG factors, making Berkeley one of the few cities in the country to take this step with its operating portfolio. Specific factors will include (but will not be limited to):
  - *Environmental:* Carbon Footprint; Energy Consumption; Water/Waste; External Conservation Initiatives; and Sector-Specific Adjustments.
  - *Social:* Labor Rights; Employee Diversity; Corporate Social Responsibility; and Human Rights/Ethics.
  - *Governance:* Leadership Structure; Executive Compensation; Human Capital Management; Transparency/Disclosure; and Shareholder Rights.
- **Comprehensive Approach:** Seek to maintain a minimum ESG portfolio rating of investment grade or higher.
- **Proactive, Responsible Investing:** Pursue opportunities for sustainable investments, including purchasing securities from market leaders in disclosure and corporate board diversity, securities that fund community development projects, and other securities with strongly positive effects on our communities.
- **Commitment to Carbon-Neutrality:** Achieve a carbon-neutral portfolio from an investment perspective, which may include seeking to offset existing investments in the top 200 publicly-owned coal, oil, and gas reserve owners (ranked by the carbon emissions embedded in their reserves) with socially responsible investments.

CITY OF BERKELEY

INVESTMENT POLICY

FOR RETIREE MEDICAL PLAN TRUST FUNDS



Effective July 1, 2023

Public

City of Berkeley
INVESTMENT POLICIES FOR RETIREE MEDICAL PLAN
TRUST FUNDS
July 1, 2023

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Public

## **I. INTRODUCTION**

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Pursuant to Sections 2.44.040 and 2.44.060 of the Berkeley Municipal Code, Resolution No. 45,087-N.S., and Sections 53601, 53607, 53636 and 53648 of the State Government Code, the Director of Finance, the Treasurer of the City, is authorized to make investments of the City's idle funds. The Code also directs the City to present an annual investment policy to the City Council for approval. This Investment Policy, after approval of the amendments by the City Council, will serve as the Investment Policy for the City of Berkeley for the subsequent fiscal year.

Notwithstanding Section 53601 or 53635, the governing body of a local agency may invest funds designated for the payment of employee retiree health benefits in any form or type of investment deemed prudent by the governing pursuant to Section 53622. The authority of the governing body to invest or to reinvest funds intended for the payment of employee retiree health benefits, or to sell or exchange securities purchased for that purpose, may be delegated by the governing body to designated officers. The City Council has designated the Director of Finance, the Treasurer of the City, or his/her designee, the authority to make investments of the City's retiree medical plan trust funds.

Funds intended for the payment of employee retirement health benefits shall only be held for the purpose of providing benefits to participants in the retiree health benefit plan and defraying reasonable expenses of administering that plan.

The governing board or designated officer, when making investments of the funds, shall discharge its duties with respect to the investment of the funds.

- (1) Solely in the interest of, and for the exclusive purposes of providing benefits to, participants in the retiree health benefit plan, minimizing employer contributions thereto, and defraying reasonable expenses of administering the plan.
- (2) With care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.
- (3) Shall diversify the investments of the funds so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly prudent not to do so.

### **A. SCOPE OF POLICIES**

These investment policies apply to the investments of the Retiree Medical Plan Trust Funds.

### **B. INVESTMENT OBJECTIVES**

The Treasurer adheres to the principle which maintains that over the long-term, prudent investment risk-taking may be rewarded with higher incremental returns. Consequently, while capital preservation (i.e., Safety) is regarded to be of paramount importance, the Treasurer regards prudent risk-taking as justifiable.

### **C. USE OF STATE INVESTMENT GUIDELINES**

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As required under Government Code Sections 16481.2 and 53646, the Statement of Investment Policies will be reviewed by the Council annually.

## **II. INVESTMENT AUTHORITY AND RESPONSIBILITIES**

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### **A. AUTHORIZED INVESTMENT OFFICERS**

#### *1. Retiree Medical Trust Funds:*

A Trust is to be established by the City for the purpose of holding and investing assets separate and apart from the other funds of the City to fund the benefits of the Program. The specific terms governing the Trust are to be set forth in a separate trust instrument.

- The trustee of the Trust (the “Trustee”) may be the City Treasurer (i.e., Director of Finance) or an independent third party qualified to act as a trustee under California law and designated by the City.
- The Trustee shall be a fiduciary of the Program and shall act solely in the interest of the Participants, minimizing employer contributions to the Trust, and defraying reasonable expenses of administering the Program.
- The City Manager may, with the written concurrence of the City Council, appoint an “investment manager” (as that term is defined in section 3(38) of the Employee Retirement Income Security Act) to have responsibility for investment of the Trust assets. In this case, the Trustee shall act as directed by the investment manager. The investment manager shall act as a fiduciary of the Program and shall act with the same duties and responsibilities set out in “Investment Objectives” section above.

### **B. INTERNAL CONTROLS**

The Director of Finance shall establish a system of internal controls designed to prevent losses of trust funds arising from fraud, employee error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City of Berkeley. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management. These controls shall include:

- Separation of transaction authority from accounting and physical custody.
- By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
- Also, securities purchased from any bank or dealer including appropriate collateral (as defined by State Law), shall be placed with an independent third party for custodial safekeeping.
- Avoidance of physical delivery of securities by using a delivery versus payment “Basis of Settlement Only”.
- All trades will be executed on a delivery versus payment (DVP) basis. This ensures that securities are delivered to the City’s safekeeping bank at the same time the funds

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are released by the City's safekeeping bank.

- Third-Party custodial safekeeping of securities held in the name of the City. Delivered securities must be properly safeguarded against loss or destruction. Book entry securities are recorded in electronic records and the potential for fraud and loss increases with physically delivered securities. All investment securities, except collateralized certificates of deposit and money market funds, purchased by the City will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by a City-approved custodian bank, its correspondent New York Bank or the Depository Trust Corporation (DTC). Whenever possible, securities purchased are to be recorded in "book entry" form.
- All securities and applicable collateral will be held by the City's third party custodian and evidenced by safekeeping receipts. All book entry securities owned by the City shall be evidenced by a safekeeping receipt issued to the City by the custodian bank to acknowledge that the securities are held in the Federal Reserve system in a "customer account" for the custodian bank which names the City as "customer";

The Director of Finance will require each approved safekeeping financial institution to submit a copy of its Consolidated Report of Condition and Income (Call Report) to the City within 60 days after the end of each calendar quarter.

- Competitive bidding on investment transactions. Before the City invests in any secondary market funds, competitive bids shall be requested. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, bids will be requested from at least three financial institutions for instruments which meet the maturity requirement. If no specific maturity is required, a yield curve analysis will be conducted to determine which maturities would be most advantageous.
- Written confirmation and documentation of all financial transactions.
- Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.
- Rapid deposit of funds received by the City (i.e., large checks.)
- Bonding of all investments officials.

### C. EVALUATION OF INVESTMENT OFFICER ACTIONS

Section 53600.3 of the Government Code identifies trustees as those persons authorized to make investment decisions on behalf of a local agency. As a trustee, the standard of prudence to be used by investment officials shall be the "prudent investor" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this plan.

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Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.

### **III. CAPITAL PRESERVATION AND RISK**

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#### **A. OVERVIEW**

The Treasurer adheres to the principle which maintains that over the long-term, prudent investment risk-taking may be rewarded with higher incremental returns. Consequently, while capital preservation (i.e., Safety) is regarded to be of paramount importance, the Treasurer regards prudent risk-taking as justifiable.

Some level of risk is inherent in any investment transaction. Losses may be incurred due to issuer default, market price changes, or technical cash flow complications such as investments in non-marketable certificates of deposit. Diversification of the City's portfolio by institution, investment vehicle, and maturity term is the primary tool available to the City in minimizing investment risk and capital losses by safeguarding the overall portfolio from any individual loss.

#### **B. PORTFOLIO DIVERSIFICATION PRACTICES**

The following sections summarize the City's major portfolio diversification practices and guidelines in determining:

- Authorized Dealers
- Investment Vehicles
- Investment Maturity

Portfolio limitations included in these guidelines are to be based on the portfolio composition and investment management plan policies in effect at the time of placement; the actual composition of the City's investments may vary over time from plan limitations due to overall portfolio changes from when the individual placement was made as well as changes in the City's investment management plan.

### **IV. ELIGIBLE FINANCIAL INSTITUTIONS**

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#### **A. AUTHORIZED DEALERS**

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- Investments shall be purchased only through well-established, financially sound institutions. The Finance Director shall maintain a list of financial institutions and broker/dealers approved for investment. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions will be given a copy of the City's Statement of Investment Policies, and a return cover letter which must be signed indicating that the Statement of Investment Policies has been read and understood.

Qualified financial institutions and broker/dealers must supply the Director of Finance with the following:

Financial Institutions

Current audited financial statements

Depository contracts, as appropriate

A copy of the latest FDIC call report or the latest FHLBB report, as appropriate.

Broker/Dealers

Current audited financial statements

Proof that brokerage firm is a member in good standing with a national securities exchange.

- Except for repurchase agreements, investments shall be awarded based on competitive bids. Documentation relating to investment quotes shall be maintained by the Finance Department for a period of one year.

**B. INDIVIDUAL PLACEMENT OF DEPOSITS**

Individual placement of negotiable, collateralized, and other time certificates of deposit with eligible financial institutions shall be based on the following practices and procedures:

- Deposits shall only be placed with financial institutions maintaining offices within the City of Berkeley.
- Unless collateralized by eligible securities as provided in Sections 53651 and 53652 of the Government Code, the maximum amount of Certificates of Deposit to be placed with any single institution is \$250,000.

**V. INVESTMENT VEHICLES**

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The governing body of a local agency may invest funds designated for the payment of employee retiree health benefits in any form or type of investment deemed prudent by the governing pursuant to Section 53622. Some of the investment vehicles the City Council has authorized are the following:

Public

**1. U.S. Treasury Instruments**

As authorized in Government Code Section 53601(b), this category includes bills, notes, bonds or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. There are no portfolio limitations on the amount.

**2. Government Sponsored Enterprises**

As authorized in Government Code Section 53601(f), this category includes a wide variety of government securities. These securities include U. S. government-sponsored enterprise obligations, such as issues by the Federal National Mortgage Association (FNMA's), Federal Home Loan Bank (FHLB), Federal Farm Credit (FFCB), Student Loan Marketing Association (SLMA), etc. There are no portfolio limitations on the amount.

**3. Municipal Securities**

As authorized in Government Code Section 53601(a)(c)(d)(e), this category includes obligations of the City, the State of California, any of the other 49 states, and any local agency within the State of California, provided that:

- The securities are rated "A" or higher by at least one nationally recognized statistical rating organization.
- 
- There are no limitations on the amount or period.

**4. Banker's Acceptances**

As provided in Government Code Section 53601(f)g, 40% of the City's portfolio may be invested in Banker's Acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank, although no more than 30% of the portfolio may be invested in Bankers' Acceptances with any one commercial bank. Additionally, the maturity period cannot exceed 180 days.

**5. Commercial Paper**

Commercial paper is a short-term, unsecured promissory note issued by financial and non-financial companies to raise short-term cash. As provided in Government Code Section 53601(h) up to 25% of the City's portfolio may be invested in "prime" commercial paper of the highest ranking or of the highest letter and number rating as provided by a nationally recognized statistical-rating organization (i.e., Moody's or Standard and Poor's or Fitch), with maturities not to exceed 270 days. The issuer must have total assets in excess of \$500 million, and have debt other than Commercial Paper rated "A" or higher by a nationally recognized statistical-rating organization.

**6. Negotiable Certificates of Deposit**

Negotiable certificates of deposit are a fixed deposit certificate that may be negotiated (traded) to a third party. The institution issuing the certificate promises to pay the holder the initial investment plus the interest rate stated on the certificate at maturity. As authorized in Government Code Section 53601(i), the City may invest 30% of its portfolio in negotiable certificates of deposit issued by commercial banks, thrifts and foreign banks.

Public

**7. Repurchase Agreements**

Repurchase agreements are agreements between the local agency and seller for the local agency to purchase government securities to be resold back to the seller at a specific date and for a specific amount and are authorized by Government Code Section 53601(j). Although the legal maximum maturity on these investments is 360 days, repurchase agreements are generally short-term investments varying from one day to two weeks. Investments in repurchase agreements must be collateralized, and collateral required for repurchase agreements is limited to Treasury and Agency securities. In order to anticipate market changes and provide a level of security for all funds, the required collateralization level is 102% of market value of principal and accrued interest.

**8. Reverse Repurchase Agreements**

Reverse repurchase agreements are a sale of securities by the local agency with a simultaneous agreement for the local agency to repurchase the securities on or before a specified date. As provided in Government Code section 53635(j), reverse repurchase agreements require the prior approval of the City Council. Reverse repurchase agreements can only be made with primary dealers of the Federal Reserve Bank of New York or with a nationally or state-chartered bank that has or has had a significant banking relationship with the local agency. There are no portfolio limitations on the amount for these investments.

**9. Medium-Term Corporate Notes**

As authorized in Government Code Section 53601(k), local agencies may invest in corporate bonds and notes of industrial companies, banks, bank holding companies, insurance companies, thrifts and finance companies that are rated "A" or better by a nationally recognized rating service; and issued by corporations organized and operating in the United States. There are no portfolio limitations for these investments.

**10. Shares of Beneficial Interest Issued By Diversified Management Companies**

As authorized in Government Code Section 53601(l), local agencies are also authorized to invest in shares of beneficial interest issued by diversified management companies (i.e., mutual funds) as defined in Section 23701(m) of the Revenue and Taxation Code in an amount not to exceed 20% of the agency's portfolio.

**11. Financial Futures and Financial Option Contracts**

As authorized in Government Code Section 53601.1, local agencies may invest in financial futures or option contracts in any of the above investment categories subject to the same overall portfolio limitations.

**12. Time Certificates of Deposit**

As authorized in Government Code Section 53635, time certificates of deposit are fixed term, non-negotiable investments which are required to be collateralized 110% by eligible pooled securities. The pool is administered by the State, and is composed of a wide variety of government securities, secured by first mortgages on improved residential property located in the State. There are no portfolio limits on the amount; however the maturity period for this investment vehicle may not exceed five years unless approved by the Council.



Public

**13. Local Agency Investment Fund**

As authorized in Government Code Section 16429.1, local agencies may invest in the Local Agency Investment Fund (LAIF), a pooled investment fund managed by the State Treasurer's Office. It operates like a money market fund, but is for the exclusive benefit of governmental entities within the State. The current maximum amount of money that may be invested is \$40 million.

**14. Moneys Held By A Trustee Or Fiscal Agent**

As authorized in Government Code Section 53601(m), debt proceeds held by a trustee or fiscal agent, which are pledged to the payment or security of bonds or other indebtedness may be invested in accordance with the statutory provisions governing the issuance of those bonds or other agreement; or to the extent not inconsistent with statutory provisions, or if there are no specific statutory provisions, investments may be made in accordance with the ordinance, resolution, indenture, or agreement of the local agency for the issuance.

This category includes investment agreements approved in writing by insurance companies, supported by appropriate opinions of counsel with notice to Standard and Poor's.

**15. Other Secured Notes, Bonds Or Other Obligations**

As authorized in Government Code Section 53601(n), notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Section 53651 as eligible securities.

**16. Mortgage Pass Through, Collateralized Mortgage Obligation, Mortgage-backed Bond, Equipment Lease-backed Certificate, Consumer Receivable Pass through Certificate, and Consumer Receivable-backed Bond**

As authorized in Government Code Section 53601(o), securities in this category must be rated "AA" or its equivalent or better by a nationally recognized rating service. Purchases may not exceed 20% of the agency's portfolio.

In addition to the authorized investments above, the following investments may be made by Retiree Medical plan funds:

- Up to 100% of the retiree medical plans funds may be invested in equity mutual funds<sup>1</sup> or equity index funds<sup>2</sup>, preferred stock<sup>3</sup> and bond funds<sup>4</sup>.

<sup>1</sup>Equity Mutual Fund – A financial intermediary that allows a group of investors to pool their money together with a predetermined investment objective. The mutual fund will have a fund manager who is responsible for investing the pooled money into specific securities. When you invest in a mutual fund, you are buying shares of the mutual fund and become a shareholder of the fund. They are very cost effective, as the fund can purchase securities with much lower trading costs than an individual investor. But the biggest advantage to mutual funds is diversification.

<sup>2</sup>Equity Index Fund – A mutual fund that attempts to copy the performance of a stock market index. The most common index fund tries to track the S&P 500 by purchasing all 500 stocks



Public

using the same percentages as the index. Index funds have lower fees because computers do most of the work. There is no need to hire an expensive fund manager or research analysts. Index funds can have an expensive ratio as low as .18%, while actively managed funds can have an expense ratio over 3%. Over the long-term, the S&P 500 beats the returns of 80% of actively managed funds.

<sup>3</sup>Preferred Stock – A hybrid between common stock and a bond. Each share of preferred stock is normally paid a guaranteed dividend that receives first priority (i.e., the common stockholders cannot receive a dividend until the preferred dividend has been paid in full) and has priority over the common stockholders relative to the company's assets in the event of bankruptcy.

<sup>4</sup>Bond Fund- A bond fund is a more efficient way of investing in bonds than buying individual securities. Bond mutual funds are just like stock mutual funds in that you put your money into a pool with other investors, and a professional invests that pool of money according to what he or she thinks the best opportunities are. They are very cost effective, as the fund can purchase securities with much lower trading costs than an individual investor. But the biggest advantage to mutual funds is diversification.

Some of the investment vehicles that are Unallowable Investment Vehicles and Restrictions:

The Director of Finance/City Treasurer is not authorized to invest in any of the following investment vehicles:

Financial futures; option contracts, floaters, inverse floaters, range notes, interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest income if held to maturity may not be purchased. Exclusion of these vehicles is consistent with the City's overall objective of achieving reasonable yields on public funds while minimizing risk and capital losses. Although the potential exists for greater interest yields with these vehicles, it is believed that the potential level of risk exceeds their benefits except in very limited circumstances.

See Appendix A for the Investment Portfolio/Diversification Requirements, which lists the maximum amounts that may be invested in the various investment types and the maximum authorized maturities.

In accordance with Government Code Sections 53620-53622, the assets of the City of Berkeley Retiree Medical Plan Trust may be invested in any form or type of investment deemed prudent by the City Council. The maximum maturity for Retiree Medical Plan Trust funds is 30 years.

## **VI. CASH MANAGEMENT**

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To achieve a reasonable return on public funds, the following cash management practices will be followed:

- Maintain maximum investment of all City funds not required to meet immediate cash flow needs.

Public

- Maximize the City's cash flow through the immediate deposit of all cash receipts, use of direct deposits and wire transfers when available, and appropriate timing of payments to vendors.
- Maximize the cash flow information available through the use of only one operating bank account.

## **VII. EVALUATION OF INVESTMENT PERFORMANCE**

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An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees' retiree medical trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero for the last 10 years, the average rate currently earned is significantly below that 7% level.

## **VIII. INVESTMENT REPORTING**

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Consistent with Sections 16481.2 and 53646 of the Government Code, the Department of Finance shall submit an annual Statement of Investment Policies to the Council for consideration at a public meeting.

In addition to the submittal of an annual Statement of Investment Policies, the Department of Finance shall provide the Council with a quarterly and annual investment report providing the following information for each investment or security:

- Issuer or broker/dealer (financial institution)
- Type of investment
- Certificate or other reference number if applicable
- Percentage yield on an annualized basis
- Purchase date
- Maturity date for each investment and the weighted average maturity of all the investments within the portfolio
- Current book value
- Current market value
- Total cost and market value, including source of this valuation, of the City's portfolio
- A description of the compliance with the Statement of Investment Policies
- An evaluation of investment operations for the preceding year. This shall include an evaluation of how well the objectives have been achieved: the accuracy of forecasting expenditures and revenues, as well as a comparison of the average returns on the investment portfolio with that of the Local Agency Investment Fund (LAIF).
- Report of investments. The Director of Finance shall prepare a report that provides a clear status of the current investment portfolio and transactions. The report will be prepared in a manner which allows the City Manager and Council to ascertain whether investment activities during the reporting period have conformed to the investment policies.
- Summary of key or unusual events, including but not limited to:
  - Any exceptions to policies;
  - Adherence to or deviations from social investment goals;

Public

- Purchases of Treasury securities, other than in repurchase agreements with maturities of seven days or less;
- Purchases of securities that exceed maturity limits;
- Sales of securities more than three months before maturity;
- Changes in investment procedures, dealers, staff, etc.
- Investment performance;
  - A glossary, defining all funds or accounts referred to elsewhere in the report; and
  - A listing of banks, securities dealers and custodians that the City has had investment transactions during the period.
  - A summary of the certifications for deposits of City funds.
  - Other information regarding the City's portfolio as appropriate

The Quarterly Investment Report shall include all investments as of the end of the quarter from all funds held in the City's portfolio, including funds held and invested by trustees; and shall be issued within 30 days after the end of the quarterly reporting period to the City Manager, and the City Council; the annual report shall be issued within 90 days after the end of the fiscal year to the City Manager, and the City Council.

Public

**APPENDIX A****INVESTMENT PORTFOLIO  
Diversification Requirements**

| <b><u>Investment Instrument</u></b>                                 | <b><u>Maximum<br/>Amount<br/>Of Portfolio</u></b> | <b><u>Maximum<br/>Length<br/>To Maturity</u></b> |
|---------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------|
| Bank / Time Deposit<br>Accounts                                     | 100%                                              | 5 Years                                          |
| Money Market Deposit<br>Accounts                                    | 100%                                              | N/A                                              |
| Repurchase Agreements                                               | 10%                                               | 1 Year                                           |
| Reverse Repurchase<br>Agreements                                    | 10%                                               | 7 Days                                           |
| Bankers Acceptances                                                 | 40%                                               | 7 Days                                           |
| U.S. Government Securities<br>(Treasury Bills,<br>Notes, and Bonds) | 100%                                              | 30 Years                                         |
| U.S. Government Agency<br>Securities by Agency                      | 100%                                              | 30 Years                                         |
| Certificates of Deposit<br>(Negotiable)                             | 30%                                               | 30 Years                                         |
| Municipal Bonds                                                     | 100%                                              | 30 Years                                         |
| Commercial Paper                                                    | 25%                                               | 180 Days                                         |
| Medium Term Notes                                                   | 30%                                               | 30 years                                         |

In addition to the investments above, the following investments may be made by Retiree Medical plan funds:

- Up to 25% of the retiree medical plans funds may be invested in equity mutual funds<sup>1</sup> or equity index funds<sup>2</sup>, and preferred stock<sup>3</sup>.

Public

<sup>1</sup>Equity Mutual Fund – A financial intermediary that allows a group of investors to pool their money together with a predetermined investment objective. The mutual fund will have a fund manager who is responsible for investing the pooled money into specific securities. When you invest in a mutual fund, you are buying shares of the mutual fund and become a shareholder of the fund. They are very cost effective, as the fund can purchase securities with much lower trading costs than an individual investor. But the biggest advantage to mutual funds is diversification.

<sup>2</sup>Equity Index Fund – A mutual fund that attempts to copy the performance of a stock market index. The most common index fund tries to track the S&P 500 by purchasing all 500 stocks using the same percentages as the index. Index funds have lower fees because computers do most of the work. There is no need to hire an expensive fund manager or research analysts. Index funds can have an expense ratio as low as .18%, while actively managed funds can have an expense ratio over 3%. Over the long-term, the S&P 500 beats the returns of 80% of actively managed funds.

<sup>3</sup>Preferred Stock – A hybrid between common stock and a bond. Each share of preferred stock is normally paid a guaranteed dividend that receives first priority (i.e., the common stockholders cannot receive a dividend until the preferred dividend has been paid in full) and has priority over the common stockholders relative to the company's assets in the event of bankruptcy.





Office of the City Manager

CONSENT  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: David Sprague, Fire Chief  
Subject: Contract: ZOLL Medical Corporation for ECG Monitor/Defibrillator Support

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and all amendments with Zoll Medical Corporation for data storage, preventative maintenance and service of X-Series Electrocardiogram (ECG) Monitor / Defibrillators for emergency response vehicles from July 1, 2023 to June 30, 2025 in an amount not to exceed \$106,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding will be recommended for appropriation through the first amendment to the FY 2024 appropriations ordinance using Measure GG or the General Fund.

CURRENT SITUATION AND ITS EFFECTS

Each ambulance is required by the Alameda County Local EMS Authority (LEMSA) to carry an ECG Monitor / Defibrillator. The Department uses ZOLL X Series ECG's on every piece of suppression and transport apparatus. These devices have two years of remaining service life.

ECG Monitor / Defibrillators are highly specialized pieces of bio-medical equipment that require regular maintenance and repair. The data plans are used to store critical patient care data for documentation of care, and for quality improvement purposes. The current data, preventative maintenance and repair contract will expire on July 1, 2023.

BACKGROUND

In 2017 the Fire Department (Department) conducted a comprehensive Request for Proposal (RFP) process and selected ZOLL Medical Corporation. On May 2, 2017 the City Council approved resolution #69-933-N.S. to execute a Purchase Order and any amendments with ZOLL Medical Corporation for the purchase and maintenance of twenty-six Advanced Life Support (ALS) ECG Monitor/Defibrillators for emergency response vehicles in an amount not to exceed \$780,491.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

In order to maintain and optimize its current fleet of ZOLL X Series Monitor / Defibrillators for the remainder of its service life the Department requires a data, preventative maintenance and service plan.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

David McPartland, Assistant Fire Chief, Fire Department, (510) 981-3473  
David Sprague, Fire Chief, Fire Department, (510) 981-3473

Attachments:

1: Resolution



RESOLUTION NO. ##,###-N.S.

CONTRACT: ZOLL MEDICAL CORPORATION FOR ECG  
MONITOR/DEFIBRILLATOR SUPPORT

WHEREAS, in 2017 the Fire Department (Department) conducted a comprehensive Request for Proposal (RFP) process and selected ZOLL Medical Corporation. On May 2, 2017 the City Council approved resolution #69-933-N.S. to execute a Purchase Order and any amendments with ZOLL Medical Corporation for the purchase and maintenance of twenty-six Advanced Life Support (ALS) ECG Monitor/Defibrillators for emergency response vehicles in an amount not to exceed \$780,491; and

WHEREAS, each ambulance is required by the Alameda County Local EMS Authority (LEMSA) to carry an ECG Monitor / Defibrillator. The Department uses ZOLL X Series ECG's on every piece of suppression and transport apparatus. These devices have two years of remaining service life; and

WHEREAS, ECG Monitor / Defibrillators are highly specialized pieces of bio-medical equipment that require regular maintenance and repair. The data plans are used to store critical patient care data for documentation of care, and for quality improvement purposes; and

WHEREAS, the current data, preventative maintenance and repair contract will expire on July 1, 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley adopt a Resolution authorizing the City Manager to execute a contract and all amendments with Zoll Medical Corporation for data storage, preventative maintenance and service of X-Series Electrocardiogram (ECG) Monitor / Defibrillators for emergency response vehicles from July 1, 2023 to June 30, 2025 in an amount not to exceed \$106,000.





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: David Sprague, Fire Chief  
 Subject: Contract: Stryker Corp. Preventative Maintenance and Service

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, with Stryker Corporation to provide preventative maintenance and service to the Departments mechanical Cardio Pulmonary Resuscitation (CPR) units for three years from August 1, 2023 until August 1, 2026 in the amount not to exceed \$62,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding will be recommended for appropriation through the first amendment to the FY 2024 Annual Appropriations Ordinance in the Measure GG Fund.

CURRENT SITUATION AND ITS EFFECTS

The fire department currently deploys eleven mechanical Cardio Pulmonary Resuscitation (CPR) devices by the Stryker Corporation named LUCAS. There are three years of service life remaining on the Departments LUCAS devices and the current maintenance and service contract expires on August 1, 2023. Stryker is the only provider who can perform preventative maintenance and service on the devices.

The current fleet of LUCAS 3.1 systems carried on all first responder apparatus have played an integral role in the City of Berkeley achieving a very high, 13.5% survival rate among cardiac arrest patients. In this context, "survival" refers to patients who suffer a cardiac arrest and are subsequently discharged from the hospital. This percentage is the highest in Alameda County and above the national average of 10.2%.

The preventative maintenance and service contract will continue to support the Department's goal of providing sustained and effective chest compressions to patients in cardiac arrest which sustains blood circulation to the brain, the heart and vital organs. This increases the probability that a victim of cardiac arrest to regain spontaneous circulation and be discharged from the hospital.

BACKGROUND

Mechanical CPR devices became a required piece of equipment by the Alameda County Local Emergency Medical Services Agency in 2011.

In 2018 the mechanical CPR devices (LUCAS 2s) that were provided to the fire department by the ambulance provider Paramedics Plus reached the end of their service life. To replace the end-of-life LUCAS 2s, LUCAS 3.1s were purchases with a five-year preventative maintenance and service contract.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The existing LUCAS 3.1 systems require regular maintenance and repair to be kept in good working order. Having these systems operable and available on first responder apparatus will continue to be a critical factor in providing life-saving care to the cardiac arrest patients we serve each year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

David McPartland, Assistant Fire Chief, Fire Department, (510) 981-3473  
David Sprague, Fire Chief, Fire Department, (510) 981-3473

Attachments:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: STRYKER CORP. PREVENTATIVE MAINTENANCE AND SERVICE

WHEREAS, mechanical CPR devices became a required piece of equipment by the Alameda County Local Emergency Medical Services Agency in 2011, and

WHEREAS, the Fire Department currently deploys eleven mechanical Cardio Pulmonary Resuscitation (CPR) devices by the Stryker Corporation named LUCAS, and

WHEREAS, the current fleet of LUCAS 3.1 systems carried on all first responder apparatus have played an integral role in the City of Berkeley achieving a very high, 13.5% survival rate among cardiac arrest patients. In this context, "survival" refers to patients who suffer a cardiac arrest and are subsequently discharged from the hospital. This percentage is the highest in Alameda County and above the national average of 10.2%, and

WHEREAS, there are three years of service life remaining on the Departments LUCAS devices and the current maintenance and service contract expires on August 1, 2023. Stryker is the only provider who can perform preventative maintenance and service on the devices, and

WHEREAS, the preventative maintenance and service contract will continue to support the Department's goal of providing sustained and effective chest compressions to patients in cardiac arrest which sustains blood circulation to the brain, the heart and vital organs. This increases the probability that a victim of cardiac arrest to regain spontaneous circulation and be discharged from the hospital.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council adopt a Resolution authorizing the City Manager to execute a contract and any amendments, with Stryker Corporation to provide preventative maintenance and service to the Departments mechanical Cardio Pulmonary Resuscitation (CPR) units for three years from August 1, 2023 until August 1, 2026 in the amount not to exceed \$62,000.





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: David Sprague, Fire Chief  
 Subject: Contract: US Digital Designs for Fire Station Emergency Alerting System

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a piggyback contract and any amendments with US Digital Designs using the National Purchasing Partners (NPP) contract No. 2020 in an amount not to exceed \$1,600,000 for the purchase, installation and maintenance of a Fire Station Emergency Alerting System from July 12, 2023 through June 2, 2026.

FISCAL IMPACTS OF RECOMMENDATION

The purchase price of Fire Station Emergency Alerting System, installation and maintenance will not exceed \$1,600,000. This total includes state and local sales taxes. Funding will be recommended for appropriation through the first amendment to the FY 2024 Annual Appropriations Ordinance using funds from Measure GG and Measure FF.

CURRENT SITUATION AND ITS EFFECTS

The ability for dispatchers to promptly alert responders to a call for help is critical to the very core of the Fire Departments mission: to provide prompt response and render aid to the community. Delays in this critical lifeline of a 9-1-1 response system has direct negative impacts to patient outcome during medical emergencies, structural damage from fire, the chances of being successful in search and rescue, and responder safety.

This purchase is necessary to replace the currently obsolete, failing, and unsupported fire emergency alerting system. The new alerting system will ensure that when a customer calls 9-1-1 that the dispatcher is able to reliably alert the appropriate fire station to begin their response to an incident.

Over the past five (5) years the current system has required an increasing amount of maintenance, which became more problematic through the pandemic as replacement parts were difficult to obtain. Recently the Department was notified that the vendor Comtech, went out of business – leaving the Department with no mechanism to obtain support or have emergency repairs completed. This was the catalyst to begin emergency procurement.

Following several months of research, the Department has learned that most Fire Departments in Alameda County have contracted with US Digital Designs to install and maintain new Fire Station Emergency Alerting systems. This fact provides redundancy to Berkeley in that the Alameda County Regional Communications System could more easily serve as a backup dispatching center to Berkeley's fire stations in the event that Berkeley's dispatch center is temporarily unable to provide dispatching service. This redundancy is not just best practice but is specifically recommended as a priority project in the Dispatch Needs Assessment recently completed by Federal Engineering for the City of Berkeley. US Digital Designs has a competitively bid contract through National Purchasing Partners (NPP) which covers all the parts and installation for these systems. The Department has done due diligence in researching the system, checking references, and conducting multiple detailed on-site walk throughs and subsequent design meetings with US Digital Design representatives.

The US Digital Design system also meets or exceeds all applicable National Fire Protection Association standards.

### BACKGROUND

On March 10, 2009 the City Council approved Resolution No. 64,365-N.S. to enter into a contract with Comtech Communications for a Fire Station Alerting System. This system was installed in the dispatch center and all seven fire stations and operated somewhat reliably for almost ten (10) years. Over the past five (5) years the performance of the system has deteriorated and it now frequently malfunctions which causes delays in the dispatch of responders, or responders completely missing a notification to respond to an emergency incident.

On January 6, 2020 the League of Oregon Cities on behalf of the National Purchasing Partners "NPP" and its Government Division dba NPPGov issued RFP No. 2020 for the procurement of "Public Safety Software Solutions, Data Collection, Storage and Utilization". The RFP was published in the Daily Journal of Commerce and USA Today on January 9th, 2020. The RFP closed March 9, 2020 and contracts were awarded on April 27, 2020. The contract with US Digital started on June 2, 2020 and ends on June 2, 2026. This is a publicly solicited contract established through an RFP process conducted by a Lead Public Agency and satisfies Berkeley's formal competitive bid requirements.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

The ability for dispatchers to promptly alert responders to a call for help is critical to the very core of the Fire Departments mission: to provide prompt response and render aid to the community. The current Fire Station Alerting System is failing, no longer supported and causes delays in notification of responders that may cause negative



impacts to patient outcome during medical emergencies, structural damage from fire, the chances of being successful in search and rescue and responder safety.

ALTERNATIVE ACTIONS CONSIDERED

Conduct a City of Berkeley procurement process. This option would take months during which time the core of the City's failing Fire Station Emergency Alerting System would be left in a vulnerable state without qualified external vendor support.

CONTACT PERSON

David Sprague, Fire Chief, (510) 981-3473

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: US DIGITAL FOR FIRE STATION EMERGENCY ALERTING SYSTEM

WHEREAS, the ability for dispatchers to promptly alert responders to a call for help is critical to the very core of the Fire Departments mission: to provide prompt response and render aid to the community. Delays in this critical point of a 9-1-1 response has direct negative impacts to patient outcome during medical emergencies, structural damage from fire, the chances of being successful in search and rescue and responder safety, and

WHEREAS, on March 10, 2009 the City Council approved Resolution No. 64,365-N.S. to enter into a contract with Comtech Communications for a Fire Station Alerting System. This system was installed in the dispatch center and all seven fire stations and operated somewhat reliably for almost ten (10) years. Over the past five (5) years the performance of the system has deteriorated and it now frequently malfunctions which causes delays in the dispatch of responders, or responders completely missing a notification to respond to an emergency incident, and

WHEREAS, the current system has required an increasing amount of maintenance, which became more problematic through the pandemic as replacement parts were difficult to obtain. Recently the Department was notified that the vendor Comtech, went out of business – leaving the Department with no mechanism to obtain support or have emergency repairs completed. This was the catalyst to begin emergency procurement, and

WHEREAS, this purchase is necessary to replace the currently obsolete, failing, and unsupported fire emergency alerting system. The new alerting system will ensure that when a customer calls 9-1-1 that the dispatcher is able to reliably alert the appropriate fire station to begin their response to an incident, and

WHEREAS, following several months of research, the Department has learned that most Fire Departments in Alameda County have contracted with US Digital Designs to install and maintain new Fire Station Emergency Alerting systems. This fact provides redundancy in that the Alameda County Regional Communications System could more easily serve as a backup dispatching center in the event that Berkeley's dispatch center is temporarily unable to provide dispatching service. US Digital Designs has a competitively bid contract through National Purchasing Partners (NPP) which covers all the parts and installation for these systems. The Department has done due diligence in researching the system, checking references, and conducting multiple detailed on-site walk throughs and subsequent design meetings with vendor representatives, and

WHEREAS, on January 6, 2020 the League of Oregon Cities on behalf of the National Purchasing Partners "NPP" and its Government Division dba NPPGov issued RFP No. 2020 for the procurement of "Public Safety Software Solutions, Data Collection, Storage

and Utilization". The RFP was published in the Daily Journal of Commerce and USA Today on January 9th, 2020. The RFP closed March 9, 2020 and contracts were awarded on April 27, 2020. The contract with US Digital starts on June 2, 2020 and ends on June 2, 2026. This is a publicly solicited contract established through an RFP process conducted by a Lead Public Agency and satisfies Berkeley's formal competitive bid requirements.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with US Digital Designs using the National Purchasing Partners (NPP) contract No. 2020 in an amount not to exceed \$1,600,000 for the purchase, installation and maintenance of a Fire Station Emergency Alerting System from July 12, 2023 through June 2, 2026.





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Contract No. 32300112 Amendment: Harold Dichoso COVID-19 Outreach and Education

RECOMMENDATION

Adopt a Resolution amending Contract No. 32300112 with Harold Dichoso, to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$35,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$90,000 to \$125,000.

FISCAL IMPACTS OF RECOMMENDATION

The amendment will add \$35,000 with a total not-to-exceed amount of \$125,000. The funding for this amendment is available in the FY 2024 Adopted Budget in Bio-Terrorism Grant Fund (Fund 350).

CURRENT SITUATION AND ITS EFFECTS

Amending contract number 32300112 with Harold Dichoso will allow Harold Dichoso to continue to refine and implement culturally responsive curriculum that will expose Berkeley youth to job readiness skills and provide work-based learning experiences while serving as COVID-19 youth ambassadors through the end of the COVID-19 Workforce Development (WFD) grant period.

Under the original contract, Harold Dichoso has designed and facilitated 36 two hour professional development workshops for the 67 youth who enrolled in three cohorts of the Health Justice Internship (HJI) program, met with City of Berkeley staff on a weekly basis to provide program updates and coordinate program services, engaged in on-going communication with external stakeholders including staff from Berkeley Unified School District, Berkeley City College, and organizations hosting interns, developed weekly mentor guides and engaged mentors in weekly electronic communications, met individually with all mentors during cohorts 1-3 to identify goals for HJI participants and develop support plans for participants when needed, met individually with all interns during cohorts 1-3, designed a program evaluation framework, collected data, and published an HJI program evaluation report.

This program will continue to aid in slowing the spread of COVID-19 and ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures.

BACKGROUND

In response to the COVID-19 Pandemic, the City of Berkeley received a COVID-19 Workforce Development grant from the California Department of Public Health (CDPH). The City partnered with Harold Dichoso to ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures through the implementation of the Health Justice Internship (HJI) Program. The HJI program provides Berkeley youth the opportunity to participate in paid internships while serving as COVID-19 youth ambassadors.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The additional funding identified will continue to aid in slowing the spread of COVID-19 throughout the Berkeley community and will ensure all Berkeley residents have equitable access to COVID-19 vaccines, testing, treatment, and other infection control and healthcare measures.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify other alternatives that are consistent with both the grant purpose, City priorities, and CDC's COVID-19 guidance.

CONTACT PERSON

Katharine Sullivan, Community Services Specialist III, HHCS, 510-981-5286

Attachment:

1. Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32300112 AMENDMENT: HAROLD DICHOSO COVID-19  
OUTREACH AND EDUCATION

WHEREAS, the City of Berkeley issued a Request for Proposal No. 23-11542-C to obtain consulting services through a single contract with a community-based organization or individual related to the COVID-19 pandemic through the Health Justice Internship Program.

WHEREAS, a panel of experts reviewed applications and recommended agencies to provide services. The finalist was invited to meet with the selection committee for a more in-depth review of their proposal and describe their past work with other, resulting in the selection of Harold Dichoso as the best-qualified vendor.

WHEREAS, additional funds from the Workforce Development (WFD) grant in the amount of \$35,000 are available to increase the contract amount which will allow Harold Dichoso to continue to design and implement culturally responsive curriculum that will expose Berkeley youth to job readiness skills and provide work-based learning experiences while serving as COVID-19 youth ambassadors through the end of the COVID-19 Workforce Development (WFD) grant period.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32300112 with Harold Dichoso. to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$35,000 to a total of \$125,000 utilizing one-time grant funds.







Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Fiscal Year 2023 Community Development Block Grant (CDBG) Public Facility Improvement Program Funds for Insight Housing's (formerly Berkeley Food and Housing Project (BFHP)) Dwight Way Center

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to:

1. Allocate \$680,000 of FY 2023 federal CDBG funds available to the Public Facility Improvement Program, to Insight Housing (IH) to rehabilitate IH's Dwight Way Center (DWC); and
2. Execute all resultant agreements and amendments with IH for the above-mentioned funds; and
3. Recapture any unspent CDBG funds awarded to IH for the resulting contract, if the funds are not spent by June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

On April 26, 2022, City Council adopted Resolution 70,332-N.S. which authorized the City Manager to allocate \$621,746 in FY 2023 CDBG (Fund 128) funds, and any program income and earlier unexpended funds, that were more than was estimated, for Public Facility Improvement project(s). Adopting this resolution will allow \$680,000 of currently available funds to a Public Facility Improvement project, to be allocated to the IH Dwight Way Center project. There is no impact to the city's General Fund as the project will be entirely funded with federal CDBG funds.

CURRENT SITUATION AND ITS EFFECTS

CDBG funds are made available for public facility improvement projects on a first-come, first-served basis and applications are accepted at any point in the year.

On April 5, 2023 IH submitted an application for renovations to the Dwight Way Center (DWC) located at 2140 Dwight Way, Berkeley, CA 94704. IH requested \$680,000 to rehabilitate the facility. The full scope includes addressing the major repairs needed, accessibility barriers, and safety issues throughout the building and provides a safer, cleaner, more energy efficient facility for clients and staff. The scope of work addresses

path-of-travel accessibility, safety, balcony repair, age-damaged bathrooms and flooring, and brings all restrooms up to ADA code.

Housing and Community Services staff reviewed the proposal and confirmed that the project is CDBG eligible and project ready. The request can be met with currently available funds.

At its June 1, 2023 meeting, the HAC reviewed the IH DWC Public Facility Improvement application and passed a motion (M/S/C: Calavita/Ortiz-Cedeño) recommending to Council that IH's Dwight Way Center public facility be awarded \$680,000 of FY2023 CDBG Public Facility Improvement funding, to meet the IH's requested amount for the project. (Vote: Ayes: Calavita, Mendonca, Ortiz-Cedeño, Potter, and Rodriguez. Noes: None. Abstain: None. Absent: Fain (unexcused), Johnson (unexcused), and Simon-Weisberg (excused).

#### BACKGROUND

CDBG funds are used for improvements to public facilities located within Berkeley that are open to the public and primarily serve low-to-moderate income Berkeley residents. Expenditures for public facilities have included health and safety repairs, improving accessibility access and/or energy efficiency improvements. Recently funded projects include the West Berkeley Service Center and the Larkin Street Turning Point Facility.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The use of CDBG funds for the IH DWC renovation project will increase energy efficiency by updating the electrical system, installing new windows, exhaust fans upgrade, and upgrading the light fixtures. It will also help preserve an existing building.

#### RATIONALE FOR RECOMMENDATION

DWC offers those who are experiencing homelessness supportive services and a safe place to live while they build income, skills, and seek permanent housing. DWC operates 24 hours/day, 365 days/year and offers clean, warm beds, meals, shower and laundry facilities, access to computers and telephones, case management, mental health resources, dental and medical health support, and links to mainstream services.

As of November 2022, DWC has been unoccupied due to fire damage. When completed, the repairs and renovation will support:

- Women's Shelter for 32 women on the 1st floor
- Transitional Housing for 26 Veterans on the 2nd floor
- 15 Board and Care beds for formerly homeless adults with serious mental illness on the 3rd floor
- An industrial kitchen which will produce meals for all 73 clients in the building.

FY 2023 CDBG Public Facility Improvement Program Funds  
for the Berkeley Food & Housing Project

CONSENT CALENDAR  
June 27, 2023

ALTERNATIVE ACTIONS CONSIDERED

Staff did not consider an alternative, given the high need and public benefit of funding this project and availability of applicable funds. If not funded, IH would be in immediate need to find additional funds to complete these critical repairs necessary to reoccupy the DWC, and for the safety and comfort of their vulnerable clients.

CONTACT PERSON

Mary-Claire Katz, Associate Management Analyst, HHCS, 510-981-5414

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

FISCAL YEAR 2023 COMMUNITY DEVELOPMENT BLOCK GRANT  
(CDBG) FUNDING FOR PUBLIC FACILITY IMPROVEMENTS TO  
INSIGHT HOUSING (IH)

WHEREAS, the City of Berkeley is an entitlement jurisdiction which receives annual allocations of Community Development Block Grant (CDBG) funds from the US Department of Housing and Urban Development (HUD); and

WHEREAS, the City's allocation of CDBG funds currently includes an annual allocation for public facility improvements (CDBG Special Revenue Fund 128) these funds to the community through a first come, first served rolling application basis; and

WHEREAS, the City's Program Year (PY) 2022 (Fiscal Year (FY) 2023) CDBG funds available for the Public Facility Improvement Program, as adopted by Council on April 26, 2022 (Resolution 70,332-N.S.) was \$621,746, plus program income and earlier unexpended funds that were more than anticipated; and

WHEREAS, Insight Housing (IH) (formerly Berkeley Food and Housing Project (BFHP)) has applied for \$680,000 of FY 2023 CDBG funds available for the Public Facility Improvement Program and has a demonstrated need for eligible rehabilitation repairs; and

WHEREAS, on June 1, 2023, the Housing Advisory Commission (HAC) reviewed IH's application and passed a motion to support the City Manager's recommendation to the City Council to allocate \$680,000 of FY 2023 CDBG funds available for the Public Facility Improvement Program funding for one public facility rehabilitation project at the IH Dwight Way Center (DWC) location.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley and the City Manager or her designee is authorized to allocate \$680,000 of FY 2023 CDBG funds available to the Public Facility Improvement Program, to Insight Housing (IH) to rehabilitate IH's Dwight Way Center (DWC).

BE IT FURTHER RESOLVED that the City Manager is authorized to execute a contract with IH in accordance with the proposal approved hereunder. A record copy of said contracts and any amendments are on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager is authorized to recapture any unspent CDBG funds awarded to IH for the resulting contract, if the funds are not spent by June 30, 2024.



Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Kevin Fong, Director, Information Technology Department

Subject: Dell Computers, Inc.: Using County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. for Computer Hardware and Software Purchases

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2024 for an amount not-to-exceed (NTE) \$1,939,538 in Fiscal Year 2024.

FISCAL IMPACTS OF RECOMMENDATION

Council authority is requested for continued hardware and software purchases from Dell Computers, Inc. under County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. (a cooperative purchasing agreement) to support citywide desktop replacement, laptops, servers, storage, network equipment, and software licensing for desktops, servers, and line-of-business applications.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley participates in a cooperative pricing agreement negotiated by County of Riverside with Dell Marketing L.P. to obtain hardware, software, and related services from Dell Computers, Inc. County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. was awarded to Dell Technologies, Inc. Currently, Dell provides the City of Berkeley with standardized hardware and software which facilitates efficient troubleshooting, quick turnaround times for equipment replacement, and standardized desktop imaging.

Hardware for the City of Berkeley's PC-Replacement and Server/Storage Replacement programs, as well as all corresponding supporting software are purchased from Dell, Inc. The purpose of these programs is to maximize the value of the City's investment by adopting a citywide standard for desktops, desktop deployment, and centralized servers.

BACKGROUND

Formally, the City utilized a cooperative purchasing agreement known as WSCA, a

cooperative purchasing arm of NASPO (a conglomeration of purchasing directors from fifteen western states formed to leverage their combined purchasing power to achieve competitive pricing discounts, and streamline the acquisition of quality products and services from industry-leading vendors). The WSCA NASPO cooperative agreement is terminating effective July 31, 2023 and no extension is currently available.

As a result, the City changed its cooperative agreement to use the County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. This cooperative agreement is used by multiple cities and counties in the State of California, including the State itself. Leveraging this cooperative agreement provides the City the best pricing vs. all competitive bids and cost models.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The technology equipment purchased from Dell Technologies is energy efficient and meets the standards required by law. The purchase and subsequent disposal of equipment is done responsibly using e-waste vendors and community non-profit agencies that provide technology equipment back into local communities to address the digital divide.

Additionally, keeping the City's inventory updated helps achieve the purchase of most energy efficient hardware keeping up with changing standards and meets the City's goal of reducing energy consumption City buildings and maintaining an environmentally sound information technology infrastructure.

#### RATIONALE FOR RECOMMENDATION

Using cooperative purchasing agreements allows the City to gain greater efficiencies and economies of scale. County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. is used by multiple cities and counties in the State of California and including the State itself.

Dell continues to provide excellent hardware and software to support the City's network infrastructure, servers, and desktop computers. Dell also continues to provide exemplary customer service and response times. This contributes to overall employee productivity and addresses the cybersecurity requirements of the City.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff considered issuing a specific bid for the City of Berkeley's computer hardware and software requirements, but at this time, doing so would not yield better pricing than that which is currently established through the County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. purchasing agreement.

#### CONTACT PERSON

Kevin Fong, Director, Information Technology Department 510-981-6541

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

DELL COMPUTERS, INC.: USING COUNTY OF RIVERSIDE AMENDMENT NO. 1 TO THE LICENSING SOLUTION PROVIDER AGREEMENT WITH DELL MARKETING L.P. FOR HARDWARE AND SOFTWARE PURCHASES

WHEREAS, the City of Berkeley relies upon a technically sound and efficient computer network; and

WHEREAS, by purchasing from cooperative purchasing agreements such as County of Riverside to No.1 Amendment to the licensing Solution Provider Agreement with Dell Marketing L.P., the City of Berkeley is able to take advantage of pre-negotiated prices, economies of scale, and increased efficiencies; and

WHEREAS, hardware for the City of Berkeley's PC-Replacement and Server Replacement programs, as well as all corresponding supporting software are purchased from Dell, Inc. The purpose of these programs is to maximize the value of the City's investment by adopting a citywide standard for desktops, desktop deployment, and centralized servers; and

WHEREAS, Dell Computers, Inc. continues to offer the best overall value, reliable hardware, and excellent customer service since 1994; and

WHEREAS, funding for the PC and Server Replacement Programs are funded by the Department of Information Technology's Internal Service Fund, and citywide purchases will be made as needed by Departments by multiple funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to increase the spending authority for purchase orders for computer hardware, software, and related services from Dell Computer, Inc., utilizing pricing from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2024 for an amount not-to-exceed (NTE) \$1,939,538.







Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Kevin Fong, Director, Information Technology Department  
Subject: Contract 10549B Amendment: Tyler Technologies Enterprise Resource Planning System for ongoing software licensing, maintenance services, and disaster recovery services.

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract amendment with Tyler Technologies for software licensing, maintenance services, and disaster recovery services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed \$1,000,000 and a total contract value not to exceed \$4,705,342.68 from April 1, 2017 to June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Funding for ongoing services related to software licensing, maintenance services, and disaster recovery services for the online Enterprise Resource Planning (ERP) system for FY 2024 is available in the FUND\$ Replacement fund. FY 2025 funding will be available in IT Cost Allocation Budget, subject to Council’s approval of the proposed citywide FY 2025-2026 Budget and Annual Appropriation Ordinances.

| Fiscal Year | Fund Description        | Amount      |
|-------------|-------------------------|-------------|
| FY 2024     | FUND\$ Replacement Fund | \$450,000   |
| FY 2025     | IT Cost Allocation Fund | \$550,000   |
|             | TOTAL:                  | \$1,000,000 |

CURRENT SITUATION AND ITS EFFECTS

The City currently uses Tyler Technologies' Enterprise Resource Planning (ERP) software for core financials, accounts receivables, budget, and payroll, which requires funding to cover licenses, maintenance services and disaster recovery services on an ongoing annual basis.

BACKGROUND

The City entered into contract with Tyler Technologies on May 11, 2017 to implement the City's new Enterprise Resource Planning (ERP) software. The initial agreement included a launch of Financials, Human Resources and Payroll modules. Licenses, maintenance services and disaster recovery services (aka "Operations and Maintenance" or O&M) were not factored into the initial costs, and invoices received were paid out of the FUND\$ replacement fund. Ongoing annual funding to cover the O&M for the City's Enterprise Resource Planning (ERP) is critical for the City's operational functions.

ENVIRONMENTAL SUSTAINABILITY

The adoption and implementation of a modern ERP system reduced the amount of paper for processing the City's business activities. The new system also reduced the paperwork involved in timesheet processing for the City employees.

RATIONALE FOR RECOMMENDATION

Ongoing annual funding to cover the licenses, maintenance services and disaster recovery services for the City's Enterprise Resource Planning (ERP) is critical for the City's operational functions.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Kevin Fong, Director, Information Technology, 510-981-6541

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S

CONTRACT AMENDMENT: TYLER TECHNOLOGIES, INC FOR ENTERPRISE  
RESOURCE PLANNING SYSTEM

WHEREAS, on May 11, 2017, the City entered into a contract with Tyler Technologies to implement the Munis Enterprise Resource Planning (ERP) System; and

WHEREAS, on July 28, 2020, by Resolution No. 69-518-N.S., the Berkeley City Council approved spending authority for Tyler Technologies, Inc. not-to-exceed \$3,952,663.

WHEREAS, Licenses, maintenance services and disaster recovery services (aka "Operations and Maintenance" or O&M) were not factored into the initial costs, and invoices received were paid out of the FUND\$ replacement fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract amendment with Tyler Technologies, Inc. for software licensing, maintenance services, disaster recovery services for the online Enterprise Resource Planning (ERP) system for a total contract value not to exceed \$4,705,342.68 from April 1, 2017 to June 30, 2025.





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Contract: R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the West Side Aquatic Park Tree Planting and Irrigation Project, Specification No. 23-11587-C; and
2. Accepting the bid of the lowest responsive and responsible bidder, R.X. Lodge, Inc.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project in an amount not to exceed \$263,000, which includes a contract amount of \$213,000 and a 23.5% contingency in the amount of \$50,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available per Fiscal Year (FY) 2024 budget using portions of the following: the state Environmental Enhancement and Mitigation Program (EEMP) grant fund awarded to Berkeley (336-52-542-566-0000-000-461-663110), the Bayer Fund (145-52-545-000-0000-000-461-663110), and the PRW CIP Fund (501-52-545-000-0000-000-461-663110).

CURRENT SITUATION AND ITS EFFECTS

In 2022, the City received a state EEMP grant to plant new trees throughout the City, including the west side of Aquatic Park. Using a portion of the grant, this project will install new planting beds, irrigation, and one hundred native trees along the entire length of the western side of Aquatic Park. This project will provide a natural buffer between I-80 and the park to help decrease noise levels within the park, improve the natural “park like” feel within the park, and improve habitat for birds, bees, and butterflies, etc. A contract with R.X. Lodge, Inc. will allow this project to be implemented in a timely manner.

### BACKGROUND

The Forestry Unit of the Parks, Recreation and Waterfront Department applies for grants for new trees and new tree infrastructure in order to maintain and expand the City's urban forest. On Thursday, April 13, 2023, the City published an Invitation For Bid (IFB) to provide excavation, irrigation installation and tree planting services along the west side of the Aquatic Park parcel (Specification No. 23-11587-C). On May 18, 2023, the City received four bids. R.X. Lodge, Inc. was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback. Staff recommends that a contract for this project be awarded to R.X. Lodge, Inc.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The project involves the planting of 100 new trees on the west side of Aquatic Park, and helps the City work towards the goals contained in the City Climate Action Plan, as well as Strategic Plan Goal Number

### ENVIRONMENTAL SUSTAINABILITY

Section D.2 in chapter 3 of the City's **Climate Action Plan** seeks to promote tree planting, landscaping, and the creation of green and open space that is safe and attractive and that helps restore natural processes with significant environmental benefits in the form of carbon dioxide absorption and oxygen production as well as storm water retention, and climate control. This project will also meet the water conservation requirements from the East Bay Municipal Utility District (EBMUD).

### RATIONALE FOR RECOMMENDATION

The City does not have the in-house capacity to install the necessary irrigation and tree site infrastructure to implement this project to plant 100 new trees on the west side of Aquatic Park, and must use contracted services to perform the work.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront, 981-6700  
Bruce Pratt, Parks Superintendent, Parks Recreations and Waterfront 981-6632  
Walter Vandernald, Senior Building Maintenance Supervisor, Parks, Recreation and Waterfront 981-6667

### Attachments:

1. Resolution: R.X. Lodge, Inc.
  - a. Exhibit A: Bid Abstract

RESOLUTION NO. ##,###-N.S.

CONTRACT: R.X. LODGE, INC. FOR THE WEST SIDE AQUATIC PARK TREE  
PLANTING AND IRRIGATION PROJECT

WHEREAS, the Forestry Unit of the Parks, Recreation and Waterfront Department applies for grants for new trees and new tree infrastructure in order to maintain and expand the City's urban forest; and

WHEREAS, on Thursday, April 13, 2023, the City published an Invitation For Bid (IFB) to provide excavation, irrigation installation and tree planting services along the west side of the Aquatic Park parcel (Specification No. 23-11587-C). On May 18, 2023, the City received four bids (Exhibit A). R.X. Lodge, Inc. was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback. Staff recommends that a contract for this project be awarded to R.X. Lodge, Inc.; and

WHEREAS, funding is available per the PRW Fiscal Year (FY) 2024 budget using portions of the following: the state Environmental Enhancement and Mitigation Program (EEMP) grant fund awarded to Berkeley (336-52-542-566-0000-000-461-663110), the Bayer Fund (145-52-545-000-0000-000-461-663110), and the PRW CIP Fund (501-52-545-000-0000-000-461-663110).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley adopts a Resolution:

1. Approving the plans and specifications for the West Side Aquatic Park Tree Planting and Irrigation Project, Specification No. 23-11587-C; and
2. Accepting the bid of the lowest responsive and responsible bidder, R.X. Lodge, Inc.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project in an amount not to exceed \$263,000, which includes a contract amount of \$213,000 and a 23.5% contingency in the amount of \$50,000. A recorded signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

Attachment

Exhibit A: Bid Abstract



Finance Department  
General Services Division

City of Berkeley  
Abstract of Bid Worksheet

Exhibit A: Bid Abstract

Bid Date: 5/18/2023  
Spec. # 23-11587-C

FOR: [West Side Aquatic Park: Site Modification, Irrigation Installation and Tree Planting](#)

required w/ bid

|    | Bidders                                              | Base Bid     | Addenda (3) | Bid Bond | Exp/Fin | Tax ID | NF | OS | EBO | SC |
|----|------------------------------------------------------|--------------|-------------|----------|---------|--------|----|----|-----|----|
| 1  | ERA Construction, Inc.                               | \$460,000.00 | X           | X        | X       | X      | X  | X  | X   | X  |
| 2  | Mark Lee & Yong Kay, Inc. dba://Bay Construction Co. | \$390,000.00 | X           | X        | X       | X      | X  | X  | X   | X  |
| 3  | RX Lodge, Inc.                                       | \$213,387.00 | X           | X        | X       | X      | X  | X  | X   | X  |
| 4  | OBS Engineering, Inc.                                | \$243,995.00 | X           | X        | X       | X      | X  | X  | X   | X  |
| 5  |                                                      |              |             |          |         |        |    |    |     |    |
| 6  |                                                      |              |             |          |         |        |    |    |     |    |
| 7  |                                                      |              |             |          |         |        |    |    |     |    |
| 8  |                                                      |              |             |          |         |        |    |    |     |    |
| 9  |                                                      |              |             |          |         |        |    |    |     |    |
| 10 |                                                      |              |             |          |         |        |    |    |     |    |

Bid Recorder: \_\_\_\_\_ Date \_\_\_\_\_  
 Bid Opener: \_\_\_\_\_ Date \_\_\_\_\_  
 Project Manager: Ian Kesterson *Ian Kesterson* \_\_\_\_\_ Date May 19, 2023  
(Ian Kesterson: May 19, 2023 01:02 PDT)





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Grant Application: USDA Forest Service – Berkeley Urban Forestry Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of up to \$3,800,000 to the federal USDA Forest Service grant program for the Berkeley Urban Forestry Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize up to \$4,200,000 in local in-kind match, including up to \$3,200,000 in local cash match, and authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FINANCIAL IMPLICATIONS

This grant program requires a 100% local match that can be comprised of in-kind staff, materials, equipment, and volunteer costs as well as cash match. The PRW Department will allocate up to \$640,000 per year for five years from the Parks Tax (Fund 138) to cover the local cash match requirement, subject to grant award approval, and subject to the annual appropriations process. The total cost of the project is anticipated to be \$8,000,000 over five years

CURRENT SITUATION AND ITS EFFECTS

On April 24, 2023, the U.S. Department of Agriculture (USDA) published a Notice of Funding Opportunity for the Forest Service Urban and Community Forestry Program, funded by the federal Inflation Reduction Act. The purpose of the grant program is to provide five-year, programmatic, competitive grants for tree planting and related activities, with a priority for projects that benefit underserved populations. The City's Forestry Division will submit a proposal to develop a new Urban Forestry Master Plan to guide the City's efforts to maintain and expand the City's urban forest in light of climate change and the need for resiliency for the next century. The project will involve the updating of the City's Tree Inventory, the development of climate-based tree planting and maintenance guidelines, as well as the planting of 3,000 new climate adaptable trees through staff-led projects, volunteer efforts, and effective tree giveaway programs. Proposals are due in June of 2023, and grant awards will be announced in the Fall of 2023 and must be completed within five years.

BACKGROUND

The City maintains an inventory of 35,000 trees along City rights-of-way and City parks, and will seek to create an additional 15,000 tree planting sites throughout the City, focusing on low tree canopy areas of West Berkeley. For the past three decades, the City has funded the planting of approximately 500 new trees per year through environmental grant programs from Caltrans and the State Department of Forestry. A new Urban Forestry Master Plan is needed to guide the City's efforts to maintain and expand the City's urban forest in light of climate change and the need for resiliency for the next century.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The development of a new Urban Forestry Master Plan and associated activities will help the City achieve Strategic Goal Number 7, to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

RATIONALE FOR RECOMMENDATION

Newly-released funds from the federal Inflation Reduction Act provides the City with a unique opportunity to develop a new Urban Forestry Master Plan and plant over 3,000 new trees over the next five years.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director of Parks, Recreation & Waterfront, 981-6703  
Ian Kesterson, Forestry Planting Arborist, 542,0746

Attachments

1: Resolution

RESOLUTION NO. -N.S

GRANT APPLICATION: USDA FOREST SERVICE – THE BERKELEY URBAN FORESTRY PROJECT

WHEREAS on April 24, 2023, the U.S. Department of Agriculture (USDA) published a Notice of Funding Opportunity for the Forest Service Urban and Community Forestry Program, funded by the federal Inflation Reduction Act. The purpose of the grant program is to provide five-year, programmatic, competitive grants for tree planting and related activities, with a priority for projects that benefit underserved populations; and

WHEREAS, the City's Forestry Division will submit a proposal to develop a new Urban Forestry Master Plan to guide the City's efforts to maintain and expand the City's urban forest in light of climate change and the need for resiliency for the next century. The project will involve the updating of the City's Tree Inventory, the development of climate-based tree planting and maintenance guidelines, as well as the planting of 3,000 new climate adaptable trees through staff-led projects, volunteer efforts, and effective tree giveaway programs; and

WHEREAS, proposals are due in June of 2023, and grant awards will be announced in the Fall of 2023 and must be completed within five years; and

WHEREAS, this grant program requires a 100% local match that can be comprised of in-kind staff, materials, equipment, and volunteer costs as well as cash match. The PRW Department will allocate up to \$640,000 per year for five years from the Parks Tax (Fund 138) to cover the local match requirement, subject to grant award approval, and subject to the annual appropriations process. The total cost of the project is anticipated to be \$8,000,000 over five years.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to submit a grant application in the amount of up to \$3,800,000 to the federal USDA Forest Service grant program for the Berkeley Urban Forestry Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize up to \$4,200,000 in local in-kind match, including up to \$3,200,000 in local cash match, and authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Donation: Two Memorial Benches at Cesar Chavez Park in memory of Richard & Gloria Crocker

RECOMMENDATION

Adopt a Resolution accepting a cash donation in the amount of \$6,800 for two memorial benches to be placed at Cesar Chavez Park in memory of Richard and Gloria Crocker.

FISCAL IMPACTS OF RECOMMENDATION

The value of a single bench and memorial plaque is \$3,400, which covers the purchasing and installation costs performed by the City. The cash donation for two benches, totaling \$6,800, will be deposited into Parks Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2023.

CURRENT SITUATION AND ITS EFFECTS

The family of Richard & Gloria Crocker wishes to donate a two memorial benches in their memory to be placed side by side at the Cesar Chavez Park with a cash donation of \$6,800. Per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND

Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

Donation: Two Memorial Benches at Cesar Chavez Park – Crocker Family

CONSENT CALENDAR

June 27, 2023

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations, including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

CONTACT PERSON

Alexandra Endress, Waterfront Manager, 510-981-6737

Attachments:

1: Resolution

RESOLUTION NO. \_\_\_\_\_ -N.S.

DONATION: MEMORIAL BENCHS AT CESAR CHAVEZ PARK IN MEMORY OF  
RICHARD CROCKER & GLORIA CROCKER

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-N.S.); and

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, the family of Richard & Gloria Crocker wishes to donate two memorial benches in their memory to be placed at Cesar Chavez Park with a cash donation of \$6,800; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation; and

WHEREAS, the Director has determined that the proposed donation complies with City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation of \$6,800 will be deposited into Marina Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$6,800 for two memorial benches to be placed at Cesar Chavez Park in memory of Richard & Gloria Crocker is hereby accepted.







Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Louis, Chief of Police  
 Subject: Contract: Citygate for Police Department Staffing and Workload Study

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide a staffing and workload study from June 30, 2023 to June 30, 2024, in an amount not to exceed \$120,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.

FISCAL IMPACTS OF RECOMMENDATION

These services will be funded by general fund in an amount not to exceed \$120,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.

CURRENT SITUATION AND ITS EFFECTS

The Police Department last conducted a comprehensive staffing and workload study in 2014. This staffing study will provide analysis of resources necessary to provide public safety services to the City of Berkeley.

BACKGROUND

Following the conclusion of the work of the Reimagine Public Safety Task Force in early 2022, Council approved funding of \$70,000 to study and assess police staffing and alternative responses. Additionally, the City Auditor made recommendations to study BPD staffing in her report "Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities. March 3, 2022". In December of 2022, the City of Berkeley opened a request for proposals to study BPD staffing and make staffing recommendations to optimize police resources in our response to public safety needs in Berkeley. Citygate's proposal was selected as best able to meet the needs of the project. The additional funding for the contract was approved during the second amendment to the Fiscal Year 2023 Annual Appropriations Ordinance.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

While the Department has many skilled and experienced employees, it needs external assistance and expertise to conduct a study of this magnitude.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jennifer Louis, Chief of Police, (510) 981-5700

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CITYGATE FOR POLICE DEPARTMENT STAFFING AND WORKLOAD STUDY

WHEREAS, The Berkeley Police Department is currently experiencing an unprecedented staffing crisis; and

WHEREAS, the Reimagine Public Safety Task Force in early 2022, Council approved funding study and assess police staffing and alternative responses.

WHEREAS, the City Auditor made recommendations to study BPD staffing in her report "Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities. March 3, 2022"; and

WHEREAS, The Police Department last conducted a comprehensive staffing and workload study in 2014. This staffing study will provide analysis of resources necessary to provide public safety services to the City of Berkeley; and

WHEREAS, the Department has many skilled and experienced employees, it needs external assistance and expertise to conduct a study of this magnitude.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Citygate Associated, LLC (Contractor) to provide a comprehensive Staffing and Workload Study including analysis of police resources necessary to provide public safety services to the City of Berkeley for the Berkeley Police Department from June 30, 2023 to June 30, 2024, in an amount not to exceed \$120,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.





Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Contracts: On-Call Survey Services

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call survey services for capital improvement projects and the Engineering Division, each for a period of July 1, 2023 through June 30, 2026:

1. Cunha Surveying, Inc. (Cunha) in an amount not to exceed \$400,000;
2. Kister, Savio & Rei, Inc. (KSR) in an amount not to exceed \$400,000;
3. MNS Engineers, Inc. (MNS) in an amount not to exceed \$400,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding for each consultant contract is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616) and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for on-call survey services. Funding for these on-call consultant's services is project based and will be budgeted within the capital program of the Fiscal Year.

CURRENT SITUATION AND ITS EFFECTS

In order to continue with the design and construction of current and future capital improvement programs, including work associated with Measure T1 and the Sanitary Sewer Consent Decree, the City's survey resources must be supplemented by outside survey consultants. The City established three on-call survey services contracts in 2018 which will expire in June 30, 2023. There is a continuing need for topographic information, construction staking, and survey monument preservation associated with capital improvement projects. The preservation of survey monuments required by State law has and continues to consume the greater part of in-house survey staff resources. If the survey function is not supplemented with outside survey consultants, design and construction of capital improvement projects will be impacted. Survey consultants also provide supplemental services associated with a licensed surveyor review and approval of subdivision application maps for private development projects. City staff does not have the capacity to perform this important work on a timely basis.

**BACKGROUND**

City survey staff resources are largely occupied by survey monument preservation tasks. As a result, City survey resources require supplementation with outside survey consultants so that planned capital improvement work (e.g., topographic surveys, control surveys, construction staking) is not impacted and delayed. The City initiated use of outside survey consultants in 2002, and entered into contracts with three consultants in 2018 enabling capital program work and development review to continue moving forward. These contracts will expire June 30, 2023.

On February 16, 2023, the City issued a request for qualifications for On-Call Survey Services, Specification No. 23-11574-C. Nine firms submitted a Statement of Qualifications (SOQ). A panel of City staff reviewed the SOQs and selected Cunha Surveying Inc. of Pinole; Kister, Savio & Rei, Inc. of Pinole; and MNS Engineers, Inc. of San Jose as the best qualified firms to meet the City’s needs.

On-call surveying services support the Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure, amenities.

**ENVIRONMENTAL SUSTAINABILITY**

Work performed under these contracts will support various capital improvement programs, including green infrastructure improvements that protect water quality, and sanitary sewer system improvements that also protect water quality and minimize impacts of untreated sewer discharge into the San Francisco Bay.

**RATIONALE FOR RECOMMENDATION**

Securing new on-call contracts is critical to enable Public Works to provide timely survey services to various capital programs and other departments as the need arises.

**ALTERNATIVE ACTIONS CONSIDERED**

No alternative action was considered. The City does not have the personnel necessary to provide the amount of survey services needed in a timely manner without causing delays to capital improvement programs.

**CONTACT PERSON**

Ron Nevels, Interim Manager of Engineering, Department of Public Works, 981-6439  
Srinivas Muktevi, Supervising Civil Engineer, Department of Public Works, 981-6402

**Attachments:**

- 1: Resolution – Cunha Surveying Inc.
- 2: Resolution – Kister, Savio & Rei, Inc.
- 3: Resolution – MNS Engineers, Inc.

RESOLUTION NO. ##,###-N.S.

CONTRACT: CUNHA SURVEYING INC. FOR ON-CALL SURVEY SERVICES

WHEREAS, the City desires to retain on-call survey services for various Public Works projects and requests from other departments; and

WHEREAS, the necessary survey services cannot be performed by City staff due to the volume of survey information required within the needed time frame; and

WHEREAS, the desired on-call survey services will be available on an as-needed basis over a three years period for an amount not to exceed \$400,000; and

WHEREAS, a request for qualifications, Specification No. 23-11574-C, was released in February 16, 2023, with Nine firms responding; and Cunha Surveying Inc. was selected as one of the firms best meeting the City's survey needs; and

WHEREAS, initial funding for each consultant contract is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616), and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for on-call survey services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute contracts and any amendments, extension or change orders, with Cunha Surveying Inc. to provide on-call survey services for various City departments and various projects for a term of three years for an amount not to exceed \$400,000. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: KISTER, SAVIO & REI, INC. FOR ON-CALL SURVEY SERVICES

WHEREAS, the City desires to retain on-call survey services for various Public Works projects and requests from other departments; and

WHEREAS, the necessary survey services cannot be performed by City staff due to the volume of survey information required within the needed time frame; and

WHEREAS, the desired on-call survey services will be available on an as-needed basis over a three years period for an amount not to exceed \$400,000; and

WHEREAS, a request for qualifications, Specification No. 23-11574-C, was released in February 16, 2023 with nine firms responding; and Kister, Savio & Rei, Inc. was selected as one of the firms best meeting the City's survey needs; and

WHEREAS, initial funding for each consultant contract is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616) and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for on-call survey services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute contracts and any amendments, extension or change orders, with Kister, Savio & Rei, Inc. to provide on-call survey services for various City departments and various projects for a term of three years for an amount not to exceed \$400,000. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.



RESOLUTION NO. ##,###-N.S.

CONTRACT: MNS ENGINEERS, INC. FOR ON-CALL SURVEY SERVICES

WHEREAS, the City desires to retain on-call survey services for various Public Works projects and requests from other departments; and

WHEREAS, the necessary survey services cannot be performed by City staff due to the volume of survey information required within the needed time frame; and

WHEREAS, the desired on-call survey services will be available on an as-needed basis over a three years period for an amount not to exceed \$400,000; and

WHEREAS, a request for qualifications, Specification No. 23-11574-C, was released in February 16, 2023, with five firms responding; and MNS Engineers, Inc. was selected as one of the firms best meeting the City's survey needs; and

WHEREAS, initial funding for each consultant contract is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616), and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for on-call survey services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute contracts and any amendments, extension or change orders, with MNS Engineers, Inc. to provide on-call survey services for various City departments and various projects for a term of three years for an amount not to exceed \$400,000. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Contracts: On-Call Geotechnical and Engineering Testing Services

RECOMMENDATION

Adopt five Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call geotechnical and engineering testing services for capital improvement projects, each for a period of July 1, 2023 through June 30, 2026:

1. BSK Associates (BSK), for an amount not to exceed \$400,000;
2. Inspection Services, Inc. (ISI), for an amount not to exceed \$400,000;
3. Ninyo & Moore, for an amount not to exceed \$400,000;
4. Alan Kropp & Associates (Alan Kropp), for an amount not to exceed \$150,000;
5. Fisher Geotechnical, for an amount not to exceed \$150,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding for each consultant contract is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616), and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for geotechnical and engineering testing services. Funding for these on-call consultant's services is project based and will be budgeted within the capital program of the Fiscal Year.

CURRENT SITUATION AND ITS EFFECTS

A Request for Qualifications (RFQ) was issued on February 16, 2023 (Specification No. 23- 11573-C) seeking qualified firms or individuals to provide on-call geotechnical and engineering testing services for capital improvement projects.

On March 30, 2023, the City received Statements of Qualifications (SOQs) from six geotechnical and engineering testing firms. A panel of City staff reviewed the SOQs and selected BSK, ISI, Ninyo & Moore, Alan Kropp, and Fisher Geotechnical as the best qualified firms to meet the City's needs.

BACKGROUND

Geotechnical and engineering testing services are required for a majority of sewer, street, parks, facility, and environmental assessment capital improvement projects. In

addition to supporting the City's capital improvement projects, on-call geotechnical services provide crucial support that City staff need when responding to emergency situations including landslides. City staff does not have the expertise to provide these specialized technical services.

The City contracted for on-call geotechnical and engineering testing services in FY 2018. These contracts are due to expire on June 30, 2023 and there is continuing need for services. The City seeks to enter into new on-call contracts for use on an as needed basis for a term of three years.

On-call Geotechnical and Engineering Testing Contracts support the Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities, and of creating a resilient, safe, connected, and prepared City.

#### ENVIRONMENTAL SUSTAINABILITY

Work performed under these contracts will support various capital improvement programs, including green infrastructure improvements that protect water quality, and sanitary sewer system improvements that also protect water quality and minimize impacts of untreated sewer discharge into the San Francisco Bay.

#### RATIONALE FOR RECOMMENDATION

BSK, ISI, Ninyo & Moore, Alan Kropp, and Fisher Geotechnical are all highly qualified geotechnical and engineering testing firms. The City does not have the capability to provide these services in-house. Establishing on-call contracts allows City staff to retain services as-needed quickly and based on a standard fee schedule.

City staff recommends awarding larger contracts to BSK, ISI, and Ninyo and Moore as these firms were found to be the most qualified to perform engineering testing and inspections, the tasks which account for the majority of dollars spent in the City's current on-call contracts for geotechnical and engineering testing services.

#### ALTERNATIVE ACTIONS CONSIDERED

No other alternative actions were considered. The City does not have the staff expertise to provide the necessary technical and testing services.

#### CONTACT PERSON

Ron Nevels, Interim Manager of Engineering, Department of Public Works, 981-6439  
Srinivas Muktevi, Supervising Civil Engineer, Department of Public Works, 981-6402

#### Attachments:

- 1: Resolution: Contract with BSK
- 2: Resolution: Contract with ISI
- 3: Resolution: Contract with Ninyo & Moore
- 4: Resolution: Contract with Alan Kropp
- 5: Resolution: Contract with Fisher Geotechnical

RESOLUTION NO. ##,###-N.S.

CONTRACT: BSK ASSOCIATES FOR ON-CALL GEOTECHNICAL AND  
ENGINEERING TESTING SERVICES

WHEREAS, the City desires to retain geotechnical and engineering testing support services for various Public Works projects and requests from other departments; and

WHEREAS, the necessary geotechnical and engineering testing services cannot be performed by City staff due to the specialized nature of the work; and

WHEREAS, on February 16, 2023, the City released a Request for Qualifications (Specification No. 17-11573-C) seeking firms or individuals to provide on-call geotechnical and engineering testing services for capital improvement projects; and

WHEREAS, on March 30, 2023, the City received 6 submissions, which were reviewed and rated; and

WHEREAS, the submission from BSK Associates (BSK) has been found to be fully qualified and responsive to the City's request; and

WHEREAS, the desired on-call survey services will be available on an as-needed basis over a three-year period for an amount not to exceed \$400,000; and

WHEREAS, initial funding is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616), and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for geotechnical and engineering testing services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with BSK for on-call geotechnical and engineering testing for capital improvement projects for the contract period of July 1, 2023 through June 30, 2026 in an amount not to exceed \$400,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: INSPECTION SERVICES, INC. FOR ON-CALL GEOTECHNICAL AND  
ENGINEERING TESTING SERVICES

WHEREAS, the City desires to retain geotechnical and engineering testing support services for various Public Works projects and requests from other departments; and

WHEREAS, the necessary geotechnical and engineering testing services cannot be performed by City staff due to the specialized nature of the work; and

WHEREAS, on February 16, 2023, the City released a Request for Qualifications (Specification No. 23-11573-C) seeking firms or individuals to provide on-call geotechnical and engineering testing services for capital improvement projects; and

WHEREAS, on March 30, 2023, the City received six submissions, which were reviewed and rated; and

WHEREAS, the submission from Inspection Services, Inc. (ISI) has been found to be fully qualified and responsive to the City's request; and

WHEREAS, the desired on-call survey services will be available on an as-needed basis over a three-year period for an amount not to exceed \$400,000; and

WHEREAS, initial funding is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616), and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for geotechnical and engineering testing services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with ISI for on-call geotechnical and engineering testing for capital improvement projects for the contract period of July 1, 2023 through June 30, 2026 in an amount not to exceed \$400,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: NINYO & MOORE FOR ON-CALL GEOTECHNICAL AND  
ENGINEERING TESTING SERVICES

WHEREAS, the City desires to retain geotechnical and engineering testing support services for various Public Works projects and requests from other departments; and

WHEREAS, the necessary geotechnical and engineering testing services cannot be performed by City staff due to the specialized nature of the work; and

WHEREAS, on February 16, 2023, the City released a Request for Qualifications (Specification No. 17-11573-C) seeking firms or individuals to provide on-call geotechnical and engineering testing services for capital improvement projects; and

WHEREAS, on March 30, 2023, the City received 6 submissions, which were reviewed and rated; and

WHEREAS, the submission from Ninyo & Moore has been found to be fully qualified and responsive to the City's request; and

WHEREAS, the desired on-call survey services will be available on an as-needed basis over a three-year period for an amount not to exceed \$400,000; and

WHEREAS, initial funding is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616), and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for geotechnical and engineering testing services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with Ninyo & Moore for on-call geotechnical and engineering testing for capital improvement projects for the contract period of July 1, 2023 through June 30, 2026 in amount not to exceed \$400,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: ALAN KROPP & ASSOCIATES FOR ON-CALL GEOTECHNICAL AND ENGINEERING TESTING SERVICES

WHEREAS, the City desires to retain geotechnical and engineering testing support services for various Public Works projects and requests from other departments; and

WHEREAS, the necessary geotechnical and engineering testing services cannot be performed by City staff due to the specialized nature of the work; and

WHEREAS, on February, 2023, the City released a Request for Qualifications (Specification No. 23-11573-C) seeking firms or individuals to provide on-call geotechnical and engineering testing services for capital improvement projects; and

WHEREAS, on March 30, 2023, the City received 6 submissions, which were reviewed and rated; and

WHEREAS, the submission from Alan Kropp & Associates has been found to be fully qualified and responsive to the City's request; and

WHEREAS, the desired on-call survey services will be available on an as-needed basis over a three-year period for an amount not to exceed \$150,000; and

WHEREAS, initial funding is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616), and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for geotechnical and engineering testing services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with Alan Kropp & Associates for on-call geotechnical and engineering testing for capital improvement projects for the contract period of July 1, 2023 through June 30, 2026 in an amount not to exceed \$150,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



RESOLUTION NO. ##,###-N.S.

CONTRACT: FISHER GEOTECHNICAL FOR ON-CALL GEOTECHNICAL AND  
ENGINEERING TESTING SERVICES

WHEREAS, the City desires to retain geotechnical and engineering testing support services for various Public Works projects and requests from other departments; and

WHEREAS, the necessary geotechnical and engineering testing services cannot be performed by City staff due to the specialized nature of the work; and

WHEREAS, on February, 2023, the City released a Request for Qualifications (Specification No. 23-11573-C) seeking firms or individuals to provide on-call geotechnical and engineering testing services for capital improvement projects; and

WHEREAS, on March 30, 2023, the City received 6 submissions, which were reviewed and rated; and

WHEREAS, the submission from Fisher Geotechnical has been found to be fully qualified and responsive to the City's request; and

WHEREAS, the desired on-call survey services will be available on an as-needed basis over a three-year period for an amount not to exceed \$150,000; and

WHEREAS, initial funding is available in Fiscal Year (FY) 2024 in the Capital Improvement Fund (501), the Clean Stormwater Fund (616), and the Sanitary Sewer Fund (611). Additional funding for these on-call contracts is subject to appropriation in FY 2024 through FY 2026 based on the department's needs for geotechnical and engineering testing services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve a contract and any amendments with Fisher Geotechnical for on-call geotechnical and engineering testing for capital improvement projects for the contract period of July 1, 2023 through June 30, 2026 in an amount not to exceed \$150,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works Department  
 Subject: Contract: Bay Cities Paving & Grading, Inc. for Southside Complete Streets Project

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for the Southside Complete Streets Project ("Project"), Specification No. 23-11572-C, Federal Aid Project No. CMSTPL-5057(051);
2. Accepting the bid of Bay Cities Paving & Grading, Inc., the lowest responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract with Bay Cities Paving & Grading, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$12,973,925, which includes a 20% contingency for unforeseen circumstances.

SUMMARY

Due to continued growth of commercial activity and residential occupancy in the Southside neighborhood, there have been increased demands on the use of sidewalks and roadways for walking, biking, transit, ride-hailing, and commercial deliveries. In conjunction with citywide plans and policies to improve safety for the traveling public, transit reliability, and economic and cultural vitality, and funded in large part by a Federal-aid grant, the Southside Complete Streets Project is designed to address these identified challenges on three major streets: Bancroft Way, from Piedmont Avenue to Milvia Street, and Fulton Street and Dana Street, both from Bancroft Way to Dwight Way. Telegraph Avenue was initially part of the Project scope but was removed after initial community engagement indicated a desire to further study a "Car Free Telegraph", or curbless street option from Channing Way to Bancroft Way in which there would be operating restrictions or limits on private automobiles. City Council subsequently affirmed this approach. Such an approach is not compatible with the Project's grant funding amount or deadlines, therefore must be performed as a separate project.

This Project has been in development for several years and has been shaped by numerous actions by City Council, including approval of conceptual designs in early 2022 that led directly to the development of final design plans and specifications. Over the course of two years, from early 2021 to early 2023, City staff have performed extensive outreach and coordination with numerous internal and external stakeholders during both the conceptual design and detailed engineering design phases, including transit agencies, schools, business improvement districts for the Southside and Downtown neighborhoods, businesses and residents, waste and recycling pickup, fire marshals and police for the City and UC Berkeley, and many others. The Project design has been approved by the Berkeley Fire Department (BFD). Three of BFD’s comments were received during the bid period; two will be addressed prior to construction as relatively minor contract change orders and the remaining comment involved a clarification that required no further changes to the design. Construction is scheduled to begin in late summer 2023, with a duration of about one year.

Staff are requesting a Council resolution for the above three recommendations, which are time sensitive and are needed to keep the Project on schedule with regard to grant funding requirements.

**FISCAL IMPACTS OF RECOMMENDATION**

The construction budget for the Southside Complete Streets Project is \$12,973,925, including contingency. Partial funding is available in the FY 2023 budget, and remaining funding will be appropriated in the FY 2024 and/or FY 2025 budgets for UC Settlement Fund 147 and Capital Improvement Fund 501.

**Construction Funding for Southside Complete Streets Project**

|                                                                        |                     |
|------------------------------------------------------------------------|---------------------|
| Federal Grant (Fund 305 – Federal Surface Transportation Program)..... | \$7,335,000         |
| UC Settlement (Fund 147 – Long-Range Development Plan).....            | \$2,063,732         |
| Alameda County Measure BB (Fund 134 – Local Streets & Roads).....      | \$150,538           |
| General Fund (Fund 011).....                                           | \$1,000,000         |
| Capital Improvements (Fund 501).....                                   | \$2,424,655         |
| <b>Total Project Funding .....</b>                                     | <b>\$12,973,925</b> |

|                                              |                     |
|----------------------------------------------|---------------------|
| Low Bid by Bay Cities Paving & Grading, Inc. | \$10,811,604        |
| <u>20% Contingency</u>                       | <u>\$ 2,162,321</u> |
| Total Not-To-Exceed Construction Cost        | \$12,973,925        |

**CURRENT SITUATION AND ITS EFFECTS**

Following the February 22, 2022 City Council meeting (described in detail in the *City Council Actions* subsection, including travel lane and parking changes), in which Council approved the conceptual design for transportation improvements on Bancroft Way, Dana Street, and Fulton Street, City staff and the Project design consultant prepared the Project plans and specifications in substantial conformance with the

conceptual design. A significant component of the final design includes complete pavement reconstruction for the proposed new transit lanes on Bancroft Way and Dana Street, which will have a 20-year design life. In addition to overall pedestrian, bicycle, and transit improvements and substantial repaving, the final design also includes the following major safety, accessibility, and green infrastructure components:

- Pedestrian accessibility upgrades to numerous curb ramps,
- Protected bikeways based on the design of the Milvia Street Bikeway, which had detailed input from the Commission on Disability,
- Shortened pedestrian crossing distances at curb bulbouts and locations where traffic islands are part of the protected bikeway design,
- Protected traffic signal phases for pedestrian and bicycle crossings where feasible,
- A new traffic signal at the Bancroft Way/Barrow Lane intersection to facilitate bicycle access and pedestrian accessibility onto the University of California Berkeley (UC Berkeley) campus at one of three identified bicycle access points from the Southside (the others being the Bancroft Way/Dana Street intersection, which is controlled by a traffic signal, and the Bancroft Way/College Avenue intersection, which has all-way stop controls),
- A reconstructed slip ramp with a raised crosswalk at the Bancroft Way/Fulton Street intersection that is intended to create a safer and more accessible pedestrian and bicycle crossing,
- A raised intersection at the Bancroft Way/Telegraph Avenue intersection, which is intended to slow vehicles at this major pedestrian thoroughfare and provide a transition into a potential future development of a curbsless street with possible private automobile restrictions on the adjacent portion of Telegraph Avenue, and
- Several green infrastructure elements consisting of stormwater retention and treatment areas along Bancroft Way at the Shattuck Avenue, Fulton Street, Ellsworth Street, Sather Lane, and College Avenue intersections.

A table of estimated on-street parking and loading spaces is summarized below. Segments match the description of traffic lane and parking lane changes as described in the *City Council Actions* subsection. Numbers of parking and loading spaces are based on the assumption that 20 linear feet of curb equals one parking or loading space. In practice, actual parking spaces may be individually marked or not depending on the curbside parking management system used (i.e., meters or pay stations) or type of space (e.g., accessible – blue curb), and typically vary from 18 feet to 22 feet in length. Likewise, actual loading zones vary in length depending on the operational

needs of the adjacent properties. Please refer to the final design documents in Attachment 4 for parking and loading locations on each of the three Project corridors.

### Estimated Numbers of On-Street Parking and Loading Spaces

| Segment                                    | Existing   | Conceptual Design<br>(February 2022) | Final Design<br>(June 2023) |
|--------------------------------------------|------------|--------------------------------------|-----------------------------|
| Bancroft Way (Piedmont Ave to College Ave) | 40         | 21                                   | 32                          |
| Bancroft Way (College Ave to Dana St)      | 98         | 57                                   | 47                          |
| Bancroft Way (Dana St to Fulton St)        | 35         | 77                                   | 47                          |
| Bancroft Way (Fulton St to Milvia Street)  | 53         | 24                                   | 20                          |
| Fulton St (Bancroft Way to Durant St)      | 7          | 9                                    | 9                           |
| Fulton St (Durant St to Channing Way)      | 12         | 8                                    | 7                           |
| Fulton St (Channing Way to Dwight Way)     | 36         | 8                                    | 12                          |
| Dana St (Bancroft Way to Haste St)         | 25         | 20                                   | 15                          |
| Dana St (Haste St to Dwight Way)           | 7          | 4                                    | 4                           |
| <b>Totals</b>                              | <b>313</b> | <b>228</b>                           | <b>193</b>                  |

The numbers of curbside parking spaces for the Final Design differ from those for the Conceptual Design due to successive refinements that occurred during the detailed design phase of the Project, which is the phase that immediately followed conceptual design. Reasons for the discrepancies include:

- Inclusion of fire lanes and access areas as a result of detailed discussions and meetings with BFD,
- Inclusion of access areas for waste and recycling trucks,
- On-street parking layout refinements as a result of vehicle turn movement analyses into and out of driveways,
- Bus stop and bus layover length revisions as a result of discussions with Alameda-Contra Costa Transit (AC Transit) in which proposed bus bulbs were removed from the design,
- Traffic queuing analysis that resulted in a longer right-turn-lane length on Bancroft approaching Fulton,
- Inclusion of bicycle parking areas, and
- Larger motorcycle/scooter parking areas.

On May 4, 2023, three bids were opened for the Project, with bids ranging from \$10,811,604.34 to \$14,948,567.00. The determination of the lowest responsive and responsible bidder was based on the total bid price, as described in the bid documents. The low bidder is Bay Cities Paving & Grading, Inc., with a bid of \$10,811,604.34. Staff have identified funding to cover the total bid price of the low bidder, plus a 20% contingency, as indicated above. Staff have verified that Bay Cities Paving & Grading, Inc. is the lowest responsive and responsible bidder.

The Living Wage Ordinance does not apply to this Project as Department of Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. Bay Cities Paving & Grading, Inc. has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement does not apply because this Project is federally funded and such an agreement is precluded by Federal regulations.

### BACKGROUND

In recent years, the Southside neighborhood has experienced continuing growth in both commercial activity and residential occupancy, with increased walking, biking, transit use, ride-hailing, and freight and small package delivery. The Southside Complete Streets Project aims to meet these challenges by taking the visions laid out in City plans and other documents and coupling them with a community- and data-driven approach to design transportation improvements.

The goals of the Southside Complete Streets Project are:

1. Ensure safety for all street users consistent with the City's Vision Zero policy, which relies in large part on the City's Pedestrian and Bicycle plans.
2. Improve transit reliability consistent with the City's Transit-First policy.
3. Support the economic and cultural vitality of Berkeley's Southside neighborhood consistent with the Economic Development goals of the City's Southside Plan.

### City Council Actions

The Southside Complete Streets Project delivers on past City Council direction and referrals, as described below.

In 2013, City Council directed staff to study conversion of Bancroft Way and Durant Street from one-way to two-way streets consistent with the Southside Area Plan recommendation to study this change. In 2015, staff delivered a traffic study and identified a cost estimate of \$5 million for the conversion project. Also in 2015, as a follow-up to the two-way streets study, City Council adopted a referral to consider making Dana Street two-way for bicycle travel. This project considered but ultimately rejected the options to convert one-way Southside streets to two-way vehicle traffic, due to cost considerations and the poor performance of these options in meeting Project goals. The Project does carry forward the referral to implement a two-way bikeway on Dana Street.

In 2016, in response to a near-fatal vehicle-bicycle crash, City Council authorized installation of a one-way southbound protected bikeway on Fulton Street between Bancroft Way and Channing Way. This Project continues that bikeway two blocks further to the south to connect at Dwight Way with the Fulton Street Bicycle Boulevard project (currently in the early design stage), and makes the bikeway two-way for all four blocks.

In 2016, City Council approved the Southside Pilot Project (SPP), which included the Phase I: Bancroft Way West bus lane and bikeway pilot project between Dana Street and Fulton Street, as well as a future Dana Complete Street Pilot Project as part of the overall SPP vision. This Project proposes to upgrade the Phase I: Bancroft Way West project using more permanent, low-maintenance materials, as well as constructing the remaining phases of Bancroft Way as described in the SPP City Council report.

In 2017, City Council approved the Berkeley Bicycle Plan, which calls for evaluation of two-way cycletracks on Bancroft Way, Dana Street, Fulton Street, and Telegraph Avenue. This project evaluated bikeways on all project corridors and prioritized Bancroft Way, Dana Street, and Fulton Street for implementation of protected bikeways. Telegraph Avenue was considered for a protected bikeway but due to the space needs for wider sidewalks, abundant loading zones, and a bus-only lane, a protected bikeway could not be included.

On June 27, 2017, City Council authorized the filing of an application and subsequent acceptance of funds for the Southside Complete Streets Project. In 2018, the City received an \$8,335,000 Federal-aid grant from Alameda County Transportation Commission (Alameda CTC) and the California Department of Transportation (Caltrans) for transportation improvements in Berkeley's Southside neighborhood. Grant-funded improvements could include physically protected bikeways (i.e., cycletracks), signal modifications, transit efficiency and reliability improvements (transit signal priority, transit only lanes), more useful commercial and passenger loading zones, pedestrian sidewalk and crosswalk safety upgrades, and street repaving. Of this grant, \$1 million is allocated for preliminary engineering (planning, conceptual design, and public engagement); environmental (California Environmental Quality Act and National Environmental Policy Act) compliance; plans, specifications and estimates (detailed engineering design and preparation of construction documents); and construction bid and engineering support. The remaining \$7,335,000 of the grant is for construction of transportation improvements.

In 2021, City Council approved the AC Transit Dana Complete Street Pilot project, which is being developed and delivered through a partnership between AC Transit and the City of Berkeley. AC Transit's Dana Complete Street Pilot Project complements the City's Southside Complete Streets Project by piloting a two-way cycletrack and bus boarding island on Dana Street, from Bancroft Way to Dwight Way. Construction of the Dana Complete Street Pilot project is expected to occur prior to the City's work on Dana Street for the Southside Complete Streets Project. The work of the two projects has been coordinated: AC Transit's scope generally includes the two-way cycletrack and bus boarding island, and the City's scope generally includes repaving the non-cycletrack portion of Dana Street and implementing traffic signal improvements.

In 2021, City Council approved the most recent Five-Year Street Repair Plan. Consistent with this plan, the Southside Complete Streets Project repaves Dana Street



from Bancroft Way to Dwight Way and Bancroft Way from Piedmont Avenue to Dana Street and from Fulton Street to Milvia Street. During the detailed design phase of the Project in 2022, engineering analyses indicated the need to repave (a) Bancroft Way from Dana Street to Fulton Street and (b) Fulton Street from Bancroft Way to Dwight Way, so these segments were also included in the Project scope.

On January 26, 2021, City Council authorized the City Manager to execute a contract with Toole Design Group for planning, design, and engineering of the Project. The contract was subsequently executed on August 2, 2021. Planning and community outreach efforts immediately began in earnest, culminating in recommended conceptual design options that were approved by Council on February 22, 2022. Key components of the Council-approved conceptual design include the following Project corridors:

- Bancroft Way (Piedmont Avenue to Milvia Street): Concrete curb-protected cycletrack for bicyclists on the south side of Bancroft, with one general purpose westbound lane from Piedmont to Shattuck and two general purpose lanes (one westbound and one eastbound) from Shattuck to Milvia, and a transit lane (College to Shattuck). Between Piedmont and College, the existing on-street parking and loading lane would be preserved on the north side of the street, and the existing parking lane on the south side of the street would be repurposed to install the new cycletrack.

Between College and Dana, the existing parking and loading lane on the north side of the street would be repurposed to install the new bus-only lane, and the existing on-street parking and loading lane on the south side of the street would be preserved and integrated into the new parking-protected cycletrack. Between Dana and Fulton, on the north side of the street the existing bus-only lane would be moved out from the curb, allowing restoration of the parking and loading lane removed by the previous Bancroft bikeway project, and the existing on-street parking and loading lane on the south side of the street would be preserved as part of the existing parking-protected cycletrack. Between Fulton and Shattuck, the existing parking and loading lane on the north side of the street would be repurposed to install the new bus-only lane, and the existing on-street parking and loading lane on the south side of the street would be preserved and integrated into the new parking-protected cycletrack. Between Shattuck and Milvia, the existing on-street parking and loading lane would be preserved on the north side of the street, and the existing parking and loading lane on the south side of the street would be repurposed to install the new cycletrack.

- Telegraph Avenue (Dwight Way to Bancroft Way): Community input strongly suggested further study of a proposed curbless street with wider sidewalks on both sides of the street from Channing to Bancroft, operating restrictions on private automobiles, and transit lane from Dwight to Bancroft. Due to budget and

schedule constraints, the Telegraph corridor was removed from this Project and will be programmed as a separate project once funding is identified.

- **Fulton Street (Bancroft Way to Dwight Way):** Concrete curb-protected cycletrack for bicyclists on the east side of Fulton, two general purpose lanes (one southbound and one northbound) from Bancroft to Durant, one general purpose lane in the southbound direction from Durant to Dwight, and on-street parking on the west side where feasible.

From Bancroft to Durant, on the east side of the street the existing parking lane would be repurposed to install the new cycletrack, and on the west side of the street the existing one-way cycletrack would be removed in order to restore the on-street parking and loading lane previously removed by the Fulton bikeway project. From Durant to Channing, on the east side of the street the existing parking lane would be repurposed to install the new cycletrack, and on the west side of the street the existing one-way cycletrack would be removed in order to move the existing on-street parking lane back against the curb. From Channing to Dwight, on the east side of the street the existing parking lane would be repurposed to install the new cycletrack, and on the west side of the street the existing parking lane would be preserved.

- **Dana Street (Bancroft Way to Dwight Way):** Concrete curb-protected cycletrack for bicyclists on the west side of Dana, one general purpose southbound lane (Bancroft to Dwight), maintaining a bus boarding island and associated bus-only zone (on Dana at Haste) that AC Transit will install as part of its Dana Complete Street Pilot Project.

From Bancroft to Dwight the existing on-street parking and loading lane will be preserved and switched from the west side of the street to the east side of the street, with the exception of Haste to Dwight, where the AC Transit bus boarding island requires removal of all on-street parking and loading on the northern half of the block. The street reconfiguration for Dana was previously approved in 2021 by City Council.

On February 22, 2022, City Council directed the City Manager to direct staff to proceed with detailed engineering design of the Southside Complete Streets Project.

#### Stakeholder and Public Engagement – Conceptual Design

City staff initiated the Project in 2020 by convening an Institutional Stakeholder Group (ISG) consisting of the following members:

- City Public Works Department: Transportation, Engineering, Zero Waste, and Streets & Utilities
- City Fire Department: Fire Marshal

- City Police Department
- City Planning Department
- City Office of Economic Development
- UC Berkeley: Planning & Capital Strategies, Transportation
- Lawrence Berkeley National Laboratory (LBNL): Shuttle Operator
- AC Transit: Planning, Operations

The ISG met multiple times, first to provide input on the draft consultant Request For Proposals, project scope, and project schedule, and subsequently to provide guidance to City staff identifying and refining preliminary conceptual design options for each Project corridor, and provide input on the selection of the preferred conceptual designs.

In 2020, City staff also conducted preliminary outreach with the Telegraph Business Improvement District (TBID) and engaged in a robust public process with AC Transit for the Dana Complete Street Pilot Project. Refer to the *City Council Actions* subsection for more information on these and other pre-Project activities.

Following the kickoff of the design consultant contract in August 2021, City staff and consultants deployed an extensive public engagement strategy consisting of two online public meetings engaging dozens of attendees; an online public survey with over 1,300 individual respondents; six Commission meetings, including the Transportation, Public Works, and Disability Commissions; and multiple stakeholder group meetings with the Associated Students of the University of California Berkeley (ASUC), TBID, Downtown Berkeley Association (DBA), Walk Bike Berkeley, and East Bay Transit Rider's Union (EBTRU). City staff and project consultants publicized the process by distributing and mailing thousands of postcards and flyers; installing temporary sidewalk decals on Project streets, especially at or near AC Transit bus stops; and issuing press releases and conducting a social media campaign, all with the support of partner organizations including AC Transit, UC Berkeley, and TBID to publicize the Project.

City staff presented the recommended conceptual design options for each Project corridor to the Berkeley Transportation Commission on January 20, 2022. The Transportation Commission passed a motion supporting the staff-recommended design options, as follows:

*Item B2 - Southside Complete Streets*

*It was Moved/Seconded (Parolek/Ghosh) that the Transportation Commission:*

*support Bancroft Option #1, support prioritized transit lanes on Bancroft and Telegraph, and ask staff to consider a wider sidewalk on the south side to create a pedestrian corridor between downtown and Telegraph;*

*that the Transportation Commission support Fulton Option #1;*

*and that the Transportation Commission support Telegraph Option #4. The Commission strongly recommends that staff demonstrate how Option #4 can be operationalized as a car-free street with a transit lane, and with 2-way bike and micromobility facilities.*

*Finally, the Transportation Commission is in favor of making the Dana project permanent.*

*Ayes: Bruzzone, Ghosh, Gosselin, Greene, Leung, Lutzker, Parolek, Walton  
Motion carried 8-0-0-0*

In response to the Transportation Commission action, City staff directed the Project design consultant to consider potentially widening the sidewalk and adding street trees and green infrastructure along Bancroft Way to create a more appealing pedestrian corridor between Downtown Berkeley and Telegraph Avenue. Due to budget constraints, these additional improvements were ultimately not included in the Project. Further, City staff directed the Project design consultants to prepare additional graphics for the second online public meeting and other upcoming public engagement activities, to clearly demonstrate how the staff-recommended conceptual design option for Telegraph Avenue could be operationalized as a car-free street. As described above in the *City Council Actions* subsection, due to budget and schedule constraints, the Telegraph corridor was removed from this Project and will be programmed as a separate project once funding is identified.

|                   |                                                                                    |
|-------------------|------------------------------------------------------------------------------------|
| November 18, 2021 | Transportation Commission meeting                                                  |
| December 5, 2021  | EBTRU meeting                                                                      |
| December 8, 2021  | Commission on Disability meeting                                                   |
| December 14, 2021 | TBID meeting                                                                       |
| January 7, 2022   | Institutional Stakeholder Group Meeting                                            |
| January 10, 2022  | Institutional Stakeholder Group - Public Works Traffic Engineering Focused Meeting |
| January 13, 2022  | Public Works Commission Special Meeting                                            |
| January 20, 2022  | Transportation Commission meeting                                                  |
| January 27, 2022  | DBA Executive Project Briefing                                                     |
| January 27, 2022  | Online Open House                                                                  |
| February 3, 2022  | DBA Board Meeting                                                                  |
| February 22, 2022 | City Council Meeting (Concept Design Approval)                                     |

*Stakeholder Engagement – Detailed Engineering Design*

During the detailed design phase of the Project, which occurred after Council approved the conceptual design in February 2022, City staff worked closely with members of the

original ISG and additional stakeholders (indicated below in *italics*) to develop and refine the design, including dozens of staff from the following departments and groups:

- City Public Works Department: Transportation, Engineering, Zero Waste, Streets & Utilities
- City Fire Department: Fire Marshal
- City Police Department
- *Parks Department: Urban Forestry, Maintenance*
- City Planning Department
- City Office of Economic Development
- *TBID*
- *DBA*
- UC Berkeley: Planning & Capital Strategies; Transportation; *Fire; Police; Facilities, Operations & Maintenance; Housing & Dining; Cal Performances; Government & Community Relations; Public Information Office; Cal Athletics; Cal Recreational Sports*
- LBNL: Shuttle Operator
- AC Transit: Planning, *Traffic Engineering*, Operations
- *East Bay Municipal Utility District (EBMUD): Engineering*

The members of the ISG were afforded several opportunities to provide input at various stages of the detailed design phase, including review and comment on 35%, 65%, and 95% draft submittals. The additional stakeholders were engaged at vital points during the design process. Key dates involving coordination with the ISG and additional stakeholders include the following:

**Stakeholder Engagement – Key Dates in Detailed Engineering Design Phase**

|                   |                                                                                                                                                                     |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| March 7, 2022     | DBA Field Visit (and follow-up design refinement discussions through May 2022)                                                                                      |
| April 7, 2022     | Initial Project review meeting with BFD at pre-35% design stage                                                                                                     |
| April 25, 2022    | 35% design submittal for review by ISG                                                                                                                              |
| May 10, 2022      | 35% design review meeting with ISG                                                                                                                                  |
| June 23, 2022     | Pre-65% design submittal for review by BFD                                                                                                                          |
| July 15, 2022     | 65% design submittal for review by ISG                                                                                                                              |
| July 19, 2022     | On-site meeting with Zero Waste Division of the Public Works Department to review affected properties to ensure continued waste and recycling collection operations |
| July 27, 2022     | Detailed Project review meeting with BFD                                                                                                                            |
| August 1, 2022    | 65% design review meeting with ISG                                                                                                                                  |
| October 17, 2022  | 95% design submittal for review by ISG                                                                                                                              |
| November 29, 2022 | Design review meeting with TBID                                                                                                                                     |

|                                       |                                                                           |
|---------------------------------------|---------------------------------------------------------------------------|
| December 14, 2022 – February 15, 2023 | Numerous meetings and correspondence with various groups from UC Berkeley |
|---------------------------------------|---------------------------------------------------------------------------|

City staff received and addressed approximately 1,000 comments from the ISG and additional stakeholders during this extensive review process. The final Project plans and specifications were prepared as a result of this process.

On April 27, 2023, during the bid period which occurred from March 31, 2023 to May 4, 2023, City staff received a conditional approval of the Project design from BFD, which included three additional comments. Discussions between City staff and BFD ensued and, as a result, BFD has since approved the design of the Project. Two of BFD’s comments will be addressed prior to construction as relatively minor contract change orders and the remaining comment involved a clarification that required no further changes to the design. Construction is scheduled to begin in late summer 2023, with a duration of about one year.

Construction is scheduled to begin in late summer 2023, with a duration of about one year. As the Project is largely funded by federal grant monies, award of the construction contract must be to the lowest responsive and responsible bidder – in this case, Bay Cities Paving & Grading, Inc. This contractor has worked on recent successful citywide roadway repaving projects. Construction will be managed by a City consultant staffed by a dedicated resident engineer and inspectors, each with over 20 years of experience and with expertise in delivering federally-funded transportation projects, which will be overseen by engineering staff.

The Southside Complete Streets Project is one of the Public Works Department’s Top Projects for FY23, advancing the City’s Strategic Goals to (1) provide state-of-the art, well-maintained infrastructure, amenities, and facilities, (2) create a resilient, safe, connected, and prepared city, and (3) be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Installation of protected bikeways and improving pedestrian crossings is anticipated to increase walking and biking, which is consistent with the 2009 Berkeley Climate Action Policy that calls for expanding and improving Berkeley’s bicycle and pedestrian infrastructure. Installation of transit-only lanes is anticipated to improve bus reliability and decrease travel times, making on-street transit a more attractive mode of transportation. The 2009 Berkeley Climate Action Plan sets targets of reducing transportation emissions 33% below year 2000 levels by 2020, and 80% below year 2000 levels by 2050. The Plan further states that transportation modes such as public transit, walking, and bicycling must become the primary means of fulfilling the City’s mobility needs in order to meet those targets.

RATIONALE FOR RECOMMENDATION

Contract: Bay Cities Paving & Grading, Inc. for  
Southside Complete Streets Project

CONSENT CALENDAR  
June 27, 2023

Approval of the plans and specifications, accepting the bid of Bay Cities Paving & Grading, Inc. as the lowest responsive and responsible bidder, and authorizing the City Manager to execute a contract with Bay Cities Paving & Grading, Inc., all for the Southside Complete Streets Project, will keep the Project on schedule in accordance with the grant funding agreement.

ALTERNATIVE ACTIONS CONSIDERED

If City Council chose not to take the proposed actions at this time and instead defer the item to a future Council agenda, such an action could increase the risk of loss of federal grant funds and the Project not being completed.

CONTACT PERSON

Hamid Mostowfi, Acting Transportation Manager, Public Works Department (510) 981-6403

Kenneth Jung, Supervising Civil Engineer, Public Works Department (510) 981-7028

Eric Anderson, Acting Principal Planner, Public Works Department (510) 981-7062

Attachments:

- 1: Resolution
- 2: Site Map
- 3: Abstract of Bids
- 4: Signage and Striping Plans

RESOLUTION NO. ##,###-N.S.

CONTRACT: BAY CITIES PAVING & GRADING, INC. FOR  
SOUTHSIDE COMPLETE STREETS PROJECT

WHEREAS, the Southside Complete Streets Project includes the following Southside neighborhood corridors: Bancroft Way from Piedmont Avenue to Milvia Street, Fulton Street from Bancroft Way to Dwight Way, and Dana Street from Bancroft Way to Dwight Way;

WHEREAS, the Berkeley Vision Zero Action Plan has documented severe and fatal crashes on Project streets, Southside sidewalks carry some of the highest numbers of people walking in the East Bay, gaps in the low-stress protected bikeway network on Project streets result in connectivity problems that discourage bicycling for transportation, the Five-year Street Repair Plan documents poor pavement quality on Project streets, AC Transit buses have on-time performance issues that discourage bus ridership in the Project area, and competition for limited loading zones creates operational issues for neighborhood businesses; and

WHEREAS, to address these needs, the Project delivers on the City's Vision Zero, Complete Streets, Transit-First, and Climate Action Plan policies, and builds upon the specific recommendations of numerous plans and studies including the Southside Area Plan, the Berkeley Bicycle and Pedestrian Plans, the Five-year Street Repair Plan, and the AC Transit Major Corridors study, among others; and

WHEREAS, with the support of an engineering and design consultant team and partner government agencies, City staff identified conceptual design options for each of the Project corridors, obtained public input on and analyzed the conceptual design options, and selected recommended conceptual designs for consideration by the Council of the City of Berkeley; and

WHEREAS, on February 22, 2022 the Council of the City of Berkeley approved the City staff-recommended conceptual designs and directed the City Manager to direct staff to proceed with the detailed engineering design of the Project; and

WHEREAS, with the support of an engineering and design consultant team, City staff completed the final design of the Project in substantial conformance with the conceptual design options that were approved by the Council of the City of Berkeley; and

WHEREAS, the Project is one of the Public Works Department's Top Projects for FY 2023; and



June 27, 2023

WHEREAS, the City has received an \$8,335,000 Federal-aid grant from Alameda County Transportation Commission and the California Department of Transportation for the work of this Project; and

WHEREAS, the City has neither the staff nor the equipment needed to undertake the construction of this Project; and

WHEREAS, on March 31, 2023, the City released an Invitation for Bids (Specification No. 23-11572-C, Federal Aid Project No. CMSTPL-5057(051)) for the work of this Project; and

WHEREAS, Bay Cities Paving & Grading, Inc. was found to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2023, FY 2024 and planned FY 2025 budgets in the Federal Grants (Fund 305), UC Settlement (Fund 147), Alameda County Measure BB Local Streets & Roads (Fund 134), General Fund (Fund 011), and Capital Improvements (Fund 501); and

WHEREAS, no other funding is required, and no other project from the Public Works Department's Top Projects for FY 2023 will be delayed due to this expenditure.

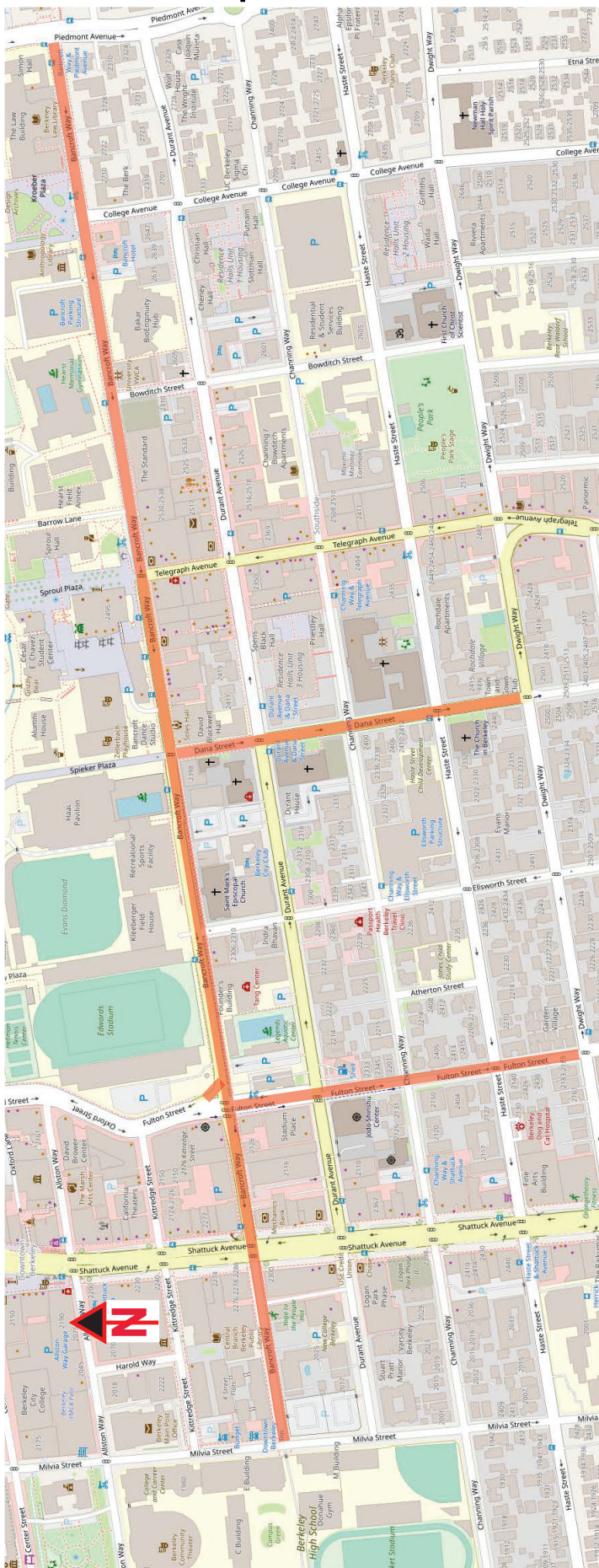
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for the Southside Complete Streets Project (Specification No. 23-11572-C, Federal Aid Project No. CMSTPL-5057(051)) are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of Bay Cities Paving & Grading, Inc. as the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved Plans and Specifications with Bay Cities Paving & Grading, Inc. in an amount not to exceed \$12,973,925, which includes a 20 percent contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments will be on file in the Office of the City Clerk.

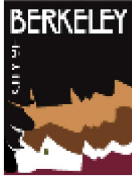
# ATTACHMENT 2: SITE MAP

## Southside Complete Streets Project



# ATTACHMENT 3: ABSTRACT OF BIDS

## Southside Complete Streets Project



**City of Berkeley**  
**Abstract of Bid Worksheet**

Finance Department  
General Services Division

**Spec. No. 23-11572-C Bid Date: 5/4/2023**  
**FOR: [Southside Complete Streets](https://www.ci.berkeley.ca.gov) | [City of Berkeley \(berkeleyca.gov\)](https://www.ci.berkeley.ca.gov)**

required w/ bid

|   | Bidders                       | Base Bid         | Bid Bond | Addendum (1-5) | Experience - Fin. Qual. | Traveller ID | Nuclear Free | Opp.States | Sanctuary City | EBO | Non collusion affidavit | CA Contractor registration | Debarment | 12-B | 15-G | 15-H | PCC Statement | PCC questionnaire | Iran Contra | Non-bidding disclosure |   |
|---|-------------------------------|------------------|----------|----------------|-------------------------|--------------|--------------|------------|----------------|-----|-------------------------|----------------------------|-----------|------|------|------|---------------|-------------------|-------------|------------------------|---|
| 1 | Bay Cities Paving and Grading | \$ 10,811,604.34 | X        | X              | X                       | X            | X            | X          | X              | X   | X                       | X                          | X         | X    | X    | N/A  | X             | X                 | X           | X                      | X |
| 2 | Gallagher & Burk Inc.         | \$ 11,943,943.00 | X        | X              | X                       | X            | X            | X          | X              | X   | X                       | X                          | X         | X    | X    | X    | X             | X                 | X           | X                      | X |
| 3 | Chiodi Bros. Inc              | \$ 14,948,567.00 | X        | X              | X                       | X            | X            | X          | X              | X   | X                       | X                          | X         | X    | X    | N/A  | X             | X                 | X           | X                      | X |
| 4 |                               |                  |          |                |                         |              |              |            |                |     |                         |                            |           |      |      |      |               |                   |             |                        |   |
| 5 |                               |                  |          |                |                         |              |              |            |                |     |                         |                            |           |      |      |      |               |                   |             |                        |   |
| 6 |                               |                  |          |                |                         |              |              |            |                |     |                         |                            |           |      |      |      |               |                   |             |                        |   |
| 7 |                               |                  |          |                |                         |              |              |            |                |     |                         |                            |           |      |      |      |               |                   |             |                        |   |
| 8 |                               |                  |          |                |                         |              |              |            |                |     |                         |                            |           |      |      |      |               |                   |             |                        |   |

Bid Recorder: Kenneth Jung *Kenneth Jung* Kenneth Jung (May 4, 2023 1:52 PM) Date May 4, 2023

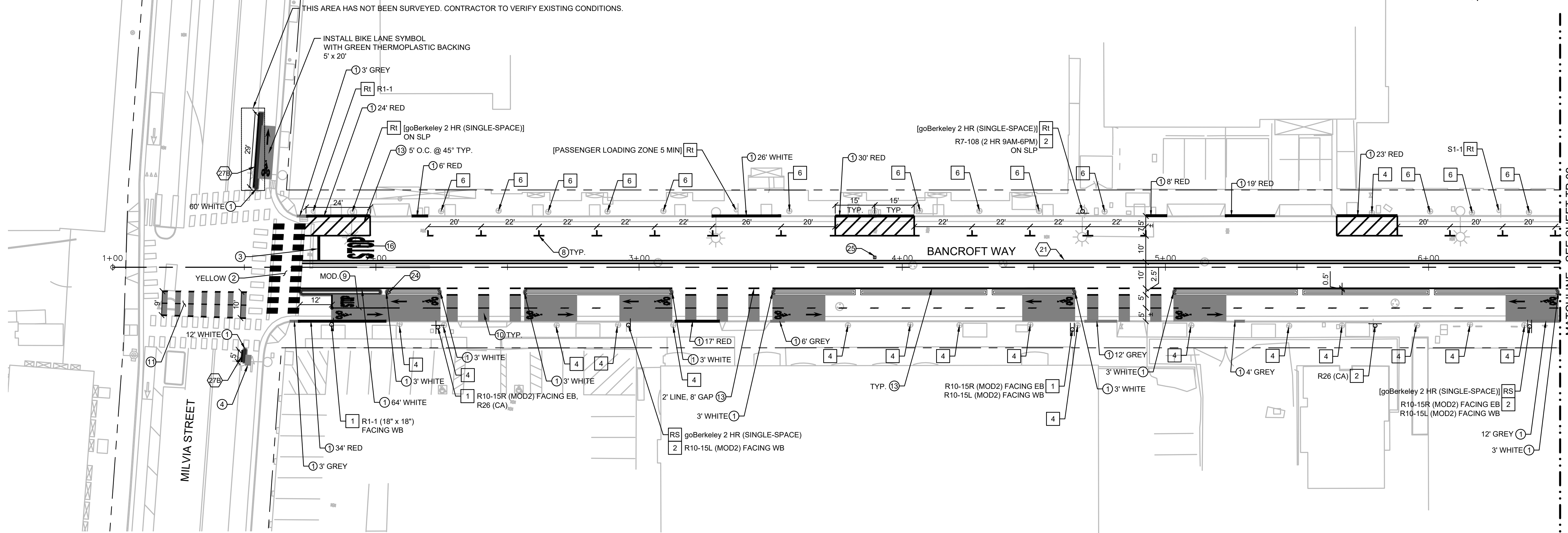
Bid Opener: Josh Roben *JR* Josh Roben (May 5, 2023 08:11 PM) Date May 5, 2023

Project Manager: Kenneth Jung *Kenneth Jung* Kenneth Jung (May 4, 2023 1:52 PM) Date May 4, 2023



| SIGN           | DESCRIPTION                                            | SIZE      | REMOVE | INSTALL |
|----------------|--------------------------------------------------------|-----------|--------|---------|
| CUSTOM         | goBerkeley 2 HR (SINGLE-SPACE)                         | 18" x 24" | 2      |         |
| R10-15L (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW)  | 30" x 30" |        | 3       |
| R10-15R (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (RIGHT ARROW) | 30" x 30" |        | 3       |
| R1-1           | STOP (BIKE)                                            | 18" x 18" |        | 1       |
| R26 (CA)       | NO PARKING ANYTIME                                     | 12" x 18" |        | 2       |
| R7-108         | 2 HR PARKING 9AM-6PM                                   | 12" x 18" |        | 1       |

| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 3        |
| REMOVE EXISTING POST |          |



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| XX  | CALTRANS STRIPING DETAIL | R1 | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊙  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊙  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

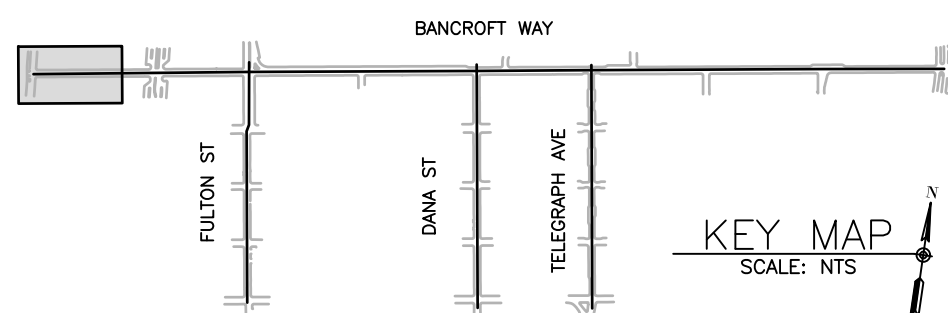
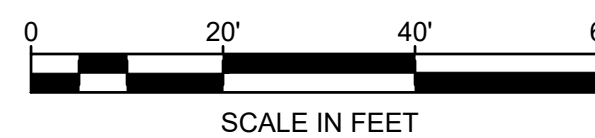
|   |                                                                            |
|---|----------------------------------------------------------------------------|
| 1 | INSTALL SIGNS ON 2" POST. SEE DETAIL [14] ON SHEET TP-19.                  |
| 2 | INSTALL SIGNS ON EXISTING POST/POLE                                        |
| 3 | REMOVE SIGN POST                                                           |
| 4 | REMOVE PARKING METER POLE. CITY TO REMOVE METER HEAD. SEE GENERAL NOTE 15. |
| 5 | CITY TO REMOVE PAY STATION. SEE GENERAL NOTE 15.                           |
| 6 | RETAIN EXISTING PARKING METER POST AND METER OR PAY STATION                |
| 7 | INSTALL PAY STATION (BY OTHERS). SEE GENERAL NOTE 17.                      |
| 8 | INSTALL SIGN ON 2" FLEX POST                                               |

**STRIPING KEYNOTES**

|    |                                                                                |    |                                                          |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|----------------------------------------------------------|----|----------------------------------------------------------------------|
| 1  | PAINT/REFRESH CURB                                                             | 12 | STRIPES BIKEWAY CROSSWALK. SEE DETAIL [2] ON SHEET TP-17 | 23 | INSTALL TYPE VIII ARROW                                              |
| 2  | STRIPES HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17             | 13 | INSTALL 6" WHITE LINE                                    | 24 | INSTALL 36" WHITE FLEXPOST                                           |
| 3  | STRIPES 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)      | 14 | INSTALL 6" YELLOW LINE                                   | 25 | INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER                        |
| 4  | INSTALL GREEN THERMOPLASTIC                                                    | 15 | INSTALL 4" YELLOW 3' LENGTH 9" SKIP LINE                 | 26 | INSTALL ADA STENCIL PAVEMENT MARKING                                 |
| 5  | INSTALL RED MMA                                                                | 16 | INSTALL THERMOPLASTIC "STOP" STENCIL                     | 27 | INSTALL BLUE ZONE STRIPING TREATMENT. SEE DETAIL [10] ON SHEET TP-18 |
| 6  | INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18                              | 17 | INSTALL THERMOPLASTIC "ONLY" STENCIL                     | 28 | INSTALL BICYCLE BLVD STENCIL                                         |
| 7  | INSTALL BIKEWAY YIELD LINE. SEE DETAIL [8] ON SHEET TP-18                      | 18 | INSTALL THERMOPLASTIC "BUS" STENCIL                      | 29 | INSTALL BIKEWAY BUFFER WITH PARKING. SEE DETAIL [3] ON SHEET TP-17   |
| 8  | STRIPES PARKING T'S. SEE DETAIL [9] ON SHEET TP-18                             | 19 | INSTALL THERMOPLASTIC BIKE LANE SYMBOL                   | 30 | INSTALL BUS LANE STRIPING. SEE DETAIL [11] ON SHEET TP-18            |
| 9  | INSTALL BIKEWAY INTERSECTION APPROACH TREATMENT. SEE DETAIL [4] ON SHEET TP-17 | 20 | INSTALL TYPE I ARROW                                     | 31 | INSTALL SPEED HUMP MARKING. SEE DETAIL [12] ON SHEET TP-18           |
| 10 | INSTALL BIKEWAY DRIVEWAY TREATMENT. SEE DETAIL [5] ON SHEET TP-17              | 21 | INSTALL TYPE IV ARROW                                    | 32 | INSTALL BIKE LANE SPEED HUMP MARKING. SEE DETAIL [13] ON SHEET TP-18 |
| 11 | INSTALL CROSS BIKE MARKING. SEE DETAIL [6] ON SHEET TP-17                      | 22 | INSTALL TYPE VII ARROW                                   |    |                                                                      |

**CONSTRUCTION NOTES**

- SEE CD-01 TO CD-16 FOR PAVEMENT DELINEATION DEMO
- SEE TP-17 FOR STRIPING DETAILS
- PAVEMENT MARKINGS PER 2018 CALTRANS STANDARD PLANS A20A-E AND A24A-F
- CONTRACTOR SHALL PROVIDE MINIMUM TWO WORKING DAY NOTICE TO ALLOW THE CITY TRAFFIC ENGINEER TO REVIEW AND APPROVE ALL STRIPING AND MARKINGS AS "CAT-TRACKS" PRIOR TO PLACING PERMANENT MARKINGS
- DIMENSIONS ARE MEASURED FROM CENTER OF STRIPE AND FACE OF CURB
- SEE SIGNAL PLANS FOR SIGNS MOUNTED ON MAST ARMS AND SIGNAL POLES.
- SEE TP-22 DETAIL 13 FOR TRAFFIC SIGN INSTALLATION DETAIL. EXISTING SIGNS TO REMAIN, UNLESS OTHERWISE NOTED



**TOOLE DESIGN**  
 1322 WEBSTER ST, SUITE 208  
 OAKLAND, CA 94612  
 PHONE: 510.298.0740  
 FAX: 301.927.2800  
 www.tooledesign.com

PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
 SURVEY CHIEF OF PARTY: \_\_\_\_\_ DATE \_\_\_\_\_  
 WATERSHED REVIEW: \_\_\_\_\_ DATE \_\_\_\_\_  
 FOR REDUCED PLANS - ORIGINAL SCALE IS IN INCHES

DEPICTION OF MONUMENTS: \_\_\_\_\_ DATE \_\_\_\_\_  
 SUBMITTED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 SUPERVISING CIVIL ENGINEER  
 APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 CITY ENGINEER

DESIGN: AK  
 DRAWN: AK  
 CHECK: KM/MD  
 AS BUILT: \_\_\_\_\_  
 DATE: MAR 2023

HORIZ. AS NOTED  
 VERT. \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 DATE: MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 1 OF 10)

PLAN: 8263  
 FILE: 503-633  
 TP-01  
 SHEET: 64 OF 155



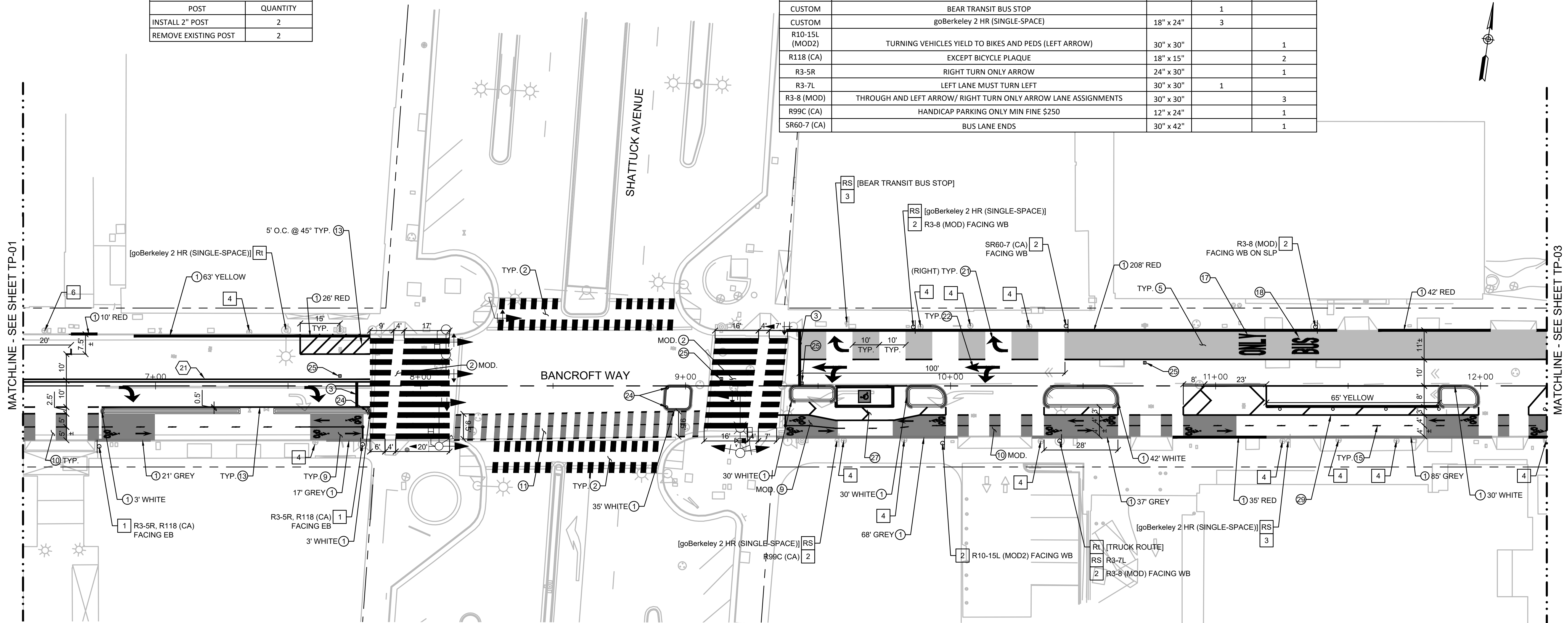
| REVISION | MARK | DATE | DESCRIPTION |
|----------|------|------|-------------|
|          |      |      |             |
|          |      |      |             |
|          |      |      |             |
|          |      |      |             |

H:\F0001\F0085\_P\_Berkeley Southside Complete Streets Project\PRODUCTION\CAD\PLANS\F0085\_TP.dwg 3/22/2023



| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 2        |
| REMOVE EXISTING POST | 2        |

| SIGN           | DESCRIPTION                                                    | SIZE      | REMOVE | INSTALL |
|----------------|----------------------------------------------------------------|-----------|--------|---------|
| CUSTOM         | BEAR TRANSIT BUS STOP                                          |           | 1      |         |
| CUSTOM         | goBerkeley 2 HR (SINGLE-SPACE)                                 | 18" x 24" | 3      |         |
| R10-15L (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW)          | 30" x 30" |        | 1       |
| R118 (CA)      | EXCEPT BICYCLE PLAQUE                                          | 18" x 15" |        | 2       |
| R3-5R          | RIGHT TURN ONLY ARROW                                          | 24" x 30" |        | 1       |
| R3-7L          | LEFT LANE MUST TURN LEFT                                       | 30" x 30" |        | 1       |
| R3-8 (MOD)     | THROUGH AND LEFT ARROW/ RIGHT TURN ONLY ARROW LANE ASSIGNMENTS | 30" x 30" |        | 3       |
| R99C (CA)      | HANDICAP PARKING ONLY MIN FINE \$250                           | 12" x 24" |        | 1       |
| SR60-7 (CA)    | BUS LANE ENDS                                                  | 30" x 42" |        | 1       |



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| XX  | CALTRANS STRIPING DETAIL | Rt | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊙  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊙  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

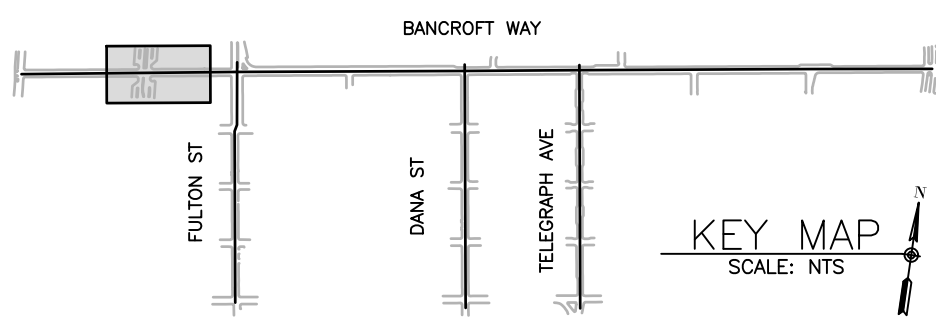
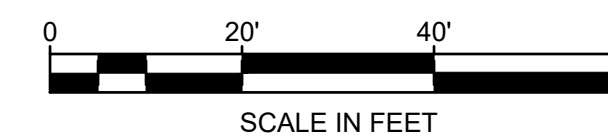
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**STRIPING KEYNOTES**

- 1 PAINT/REFRESH CURB
- 2 STRIPE HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17
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**CONSTRUCTION NOTES**

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**TOOLE DESIGN**  
 1322 WEBSTER ST, SUITE 208  
 OAKLAND, CA 94612  
 PHONE: 510.298.0740  
 FAX: 301.927.2800  
 www.tooledesign.com

PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
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SUBMITTED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 SUPERVISING CIVIL ENGINEER  
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 CITY ENGINEER

DESIGN: \_\_\_\_\_ DATE \_\_\_\_\_  
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 CHECK: **KM/MD**  
 AS BUILT: \_\_\_\_\_  
 HORIZ. AS NOTED  
 VERT. \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 DATE **MAR 2023**

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 2 OF 10)

PLAN **8263**  
 FILE **503-633**  
 TP-02  
 SHEET **65** OF **155**



| REVISION | MARK | DATE | DESCRIPTION |
|----------|------|------|-------------|
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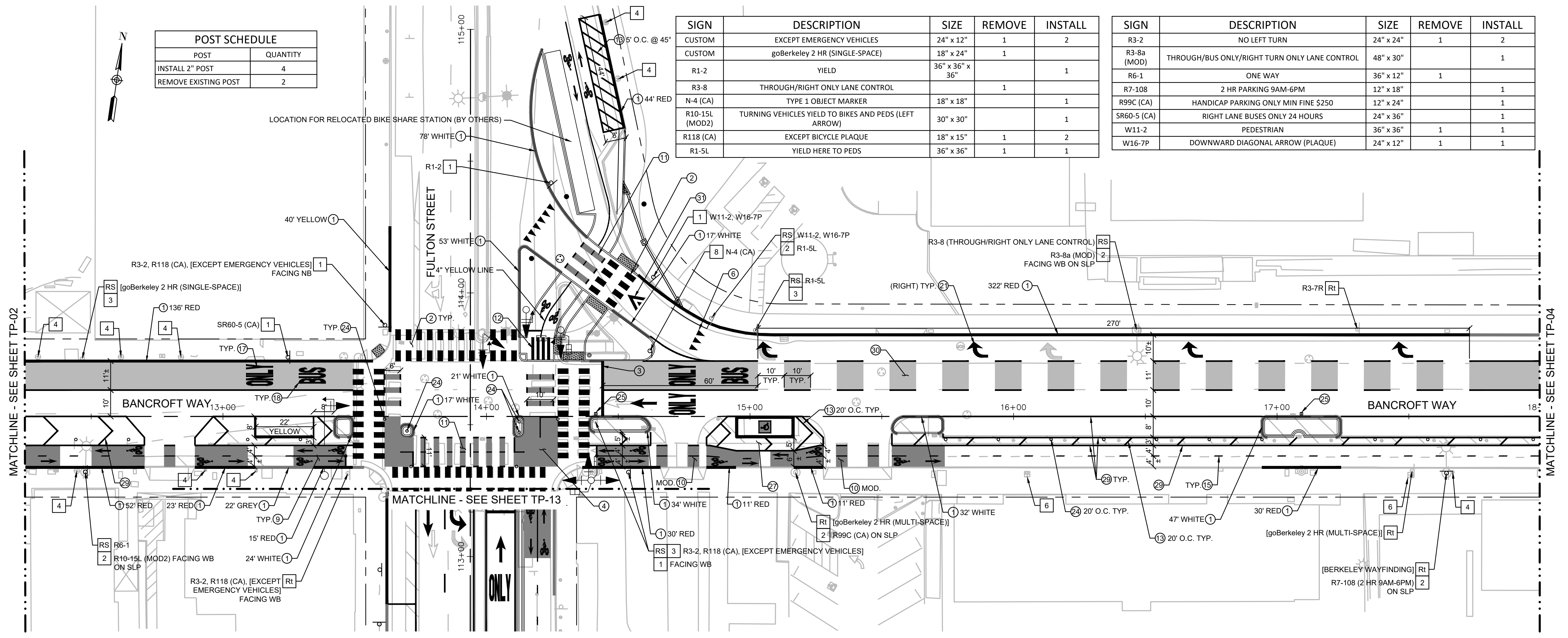
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| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 4        |
| REMOVE EXISTING POST | 2        |

| SIGN           | DESCRIPTION                                           | SIZE            | REMOVE | INSTALL |
|----------------|-------------------------------------------------------|-----------------|--------|---------|
| CUSTOM         | EXCEPT EMERGENCY VEHICLES                             | 24" x 12"       | 1      | 2       |
| CUSTOM         | goBerkeley 2 HR (SINGLE-SPACE)                        | 18" x 24"       | 1      |         |
| R1-2           | YIELD                                                 | 36" x 36" x 36" |        | 1       |
| R3-8           | THROUGH/RIGHT ONLY LANE CONTROL                       |                 | 1      |         |
| N-4 (CA)       | TYPE 1 OBJECT MARKER                                  | 18" x 18"       |        | 1       |
| R10-15L (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW) | 30" x 30"       |        | 1       |
| R118 (CA)      | EXCEPT BICYCLE PLAQUE                                 | 18" x 15"       | 1      | 2       |
| R1-5L          | YIELD HERE TO PEDS                                    | 36" x 36"       | 1      | 1       |

| SIGN        | DESCRIPTION                                   | SIZE      | REMOVE | INSTALL |
|-------------|-----------------------------------------------|-----------|--------|---------|
| R3-2        | NO LEFT TURN                                  | 24" x 24" | 1      | 2       |
| R3-8a (MOD) | THROUGH/BUS ONLY/RIGHT TURN ONLY LANE CONTROL | 48" x 30" |        | 1       |
| R6-1        | ONE WAY                                       | 36" x 12" | 1      |         |
| R7-108      | 2 HR PARKING 9AM-6PM                          | 12" x 18" |        | 1       |
| R99C (CA)   | HANDICAP PARKING ONLY MIN FINE \$250          | 12" x 24" |        | 1       |
| SR60-5 (CA) | RIGHT LANE BUSES ONLY 24 HOURS                | 24" x 36" |        | 1       |
| W11-2       | PEDESTRIAN                                    | 36" x 36" | 1      | 1       |
| W16-7P      | DOWNWARD DIAGONAL ARROW (PLAQUE)              | 24" x 12" | 1      | 1       |



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| XX  | CALTRANS STRIPING DETAIL | Rt | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊙  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊙  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

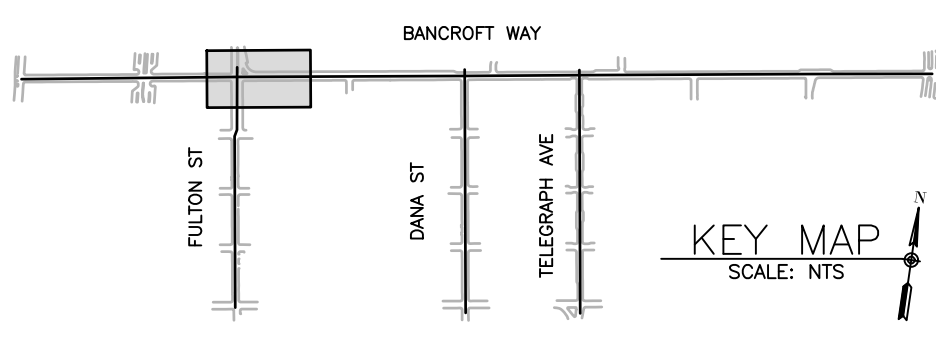
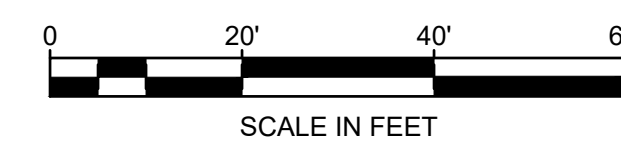
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 VERT. \_\_\_\_\_  
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 DATE: MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 3 OF 10)

PLAN 8263  
 FILE 503-633  
 TP-03  
 SHEET 66 OF 155



| REVISION | MARK | DATE | DESCRIPTION |
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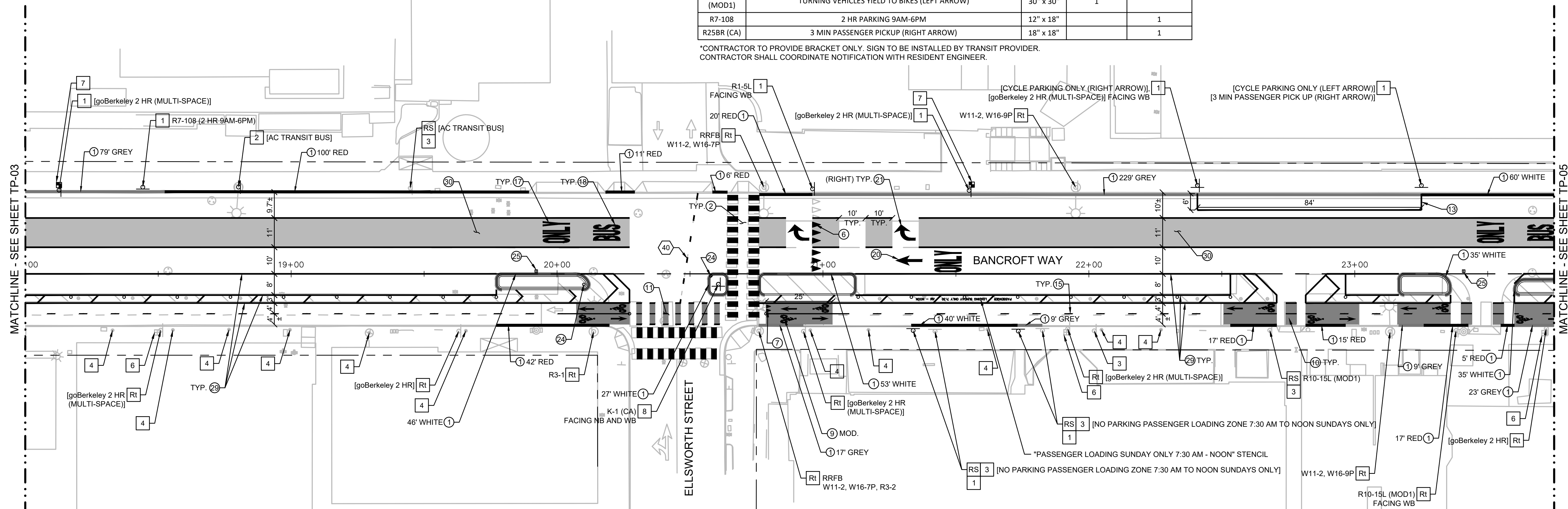
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| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 8        |
| REMOVE EXISTING POST | 4        |

| SIGN           | DESCRIPTION                                                   | SIZE      | REMOVE | INSTALL |
|----------------|---------------------------------------------------------------|-----------|--------|---------|
| CUSTOM         | CYCLE PARKING ONLY (LEFT ARROW)                               | 12" x 18" |        | 1       |
| CUSTOM         | CYCLE PARKING ONLY (RIGHT ARROW)                              | 12" x 18" |        | 1       |
| CUSTOM         | AC TRANSIT BUS*                                               |           | 1      | 1       |
| CUSTOM         | goBerkeley 2 HR (MULTI-SPACE)                                 | 18" x 24" |        | 3       |
| CUSTOM         | NO PARKING PASSENGER LOADING ZONE 7:30AM TO NOON SUNDAYS ONLY |           | 2      | 2       |
| K-1 (CA)       | TYPE 2 OBJECT MARKER                                          | 6" x 12"  |        | 2       |
| R1-5L          | YIELD HERE TO PEDS                                            | 36" x 36" |        | 1       |
| R10-15L (MOD1) | TURNING VEHICLES YIELD TO BIKES (LEFT ARROW)                  | 30" x 30" | 1      |         |
| R7-108         | 2 HR PARKING 9AM-6PM                                          | 12" x 18" |        | 1       |
| R25BR (CA)     | 3 MIN PASSENGER PICKUP (RIGHT ARROW)                          | 18" x 18" |        | 1       |

\*CONTRACTOR TO PROVIDE BRACKET ONLY. SIGN TO BE INSTALLED BY TRANSIT PROVIDER.  
CONTRACTOR SHALL COORDINATE NOTIFICATION WITH RESIDENT ENGINEER.



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
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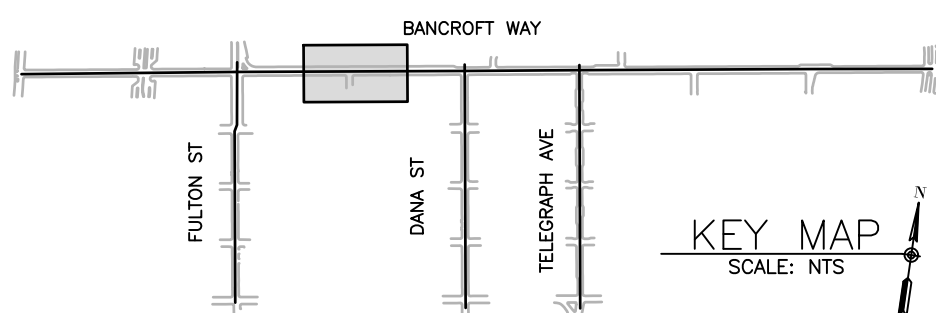
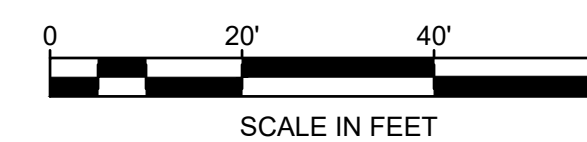
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 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 4 OF 10)

PLAN 8263  
 FILE 503-633  
 TP-04  
 SHEET 67 OF 155

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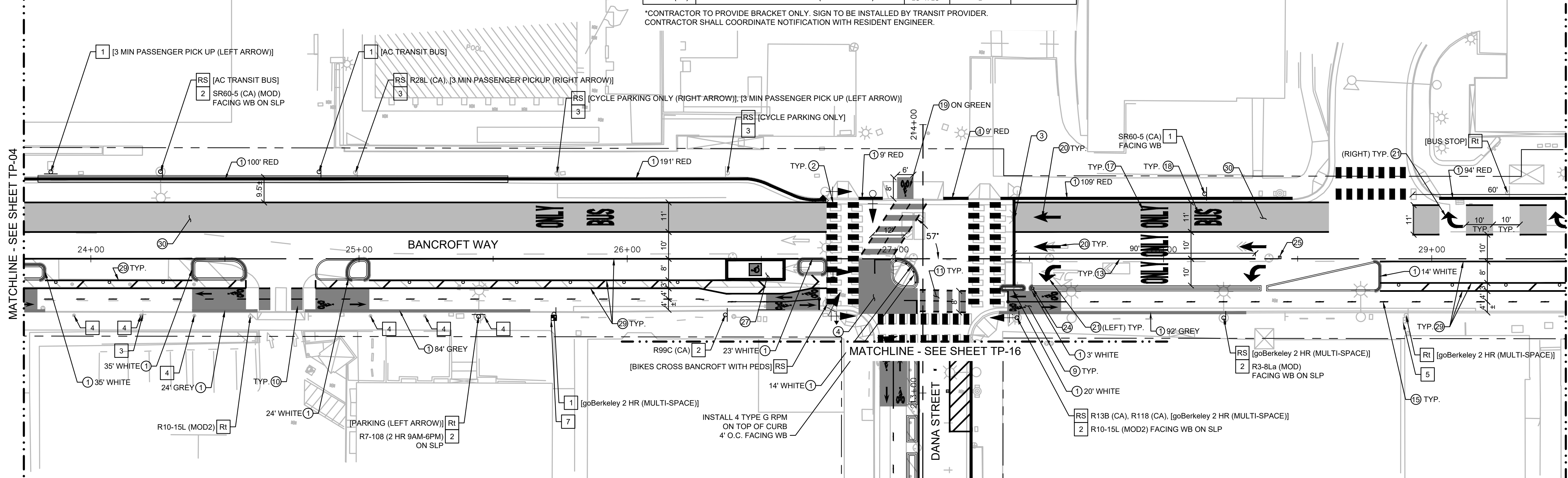


| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 4        |
| REMOVE EXISTING POST | 3        |

| SIGN              | DESCRIPTION                                | SIZE      | REMOVE | INSTALL |
|-------------------|--------------------------------------------|-----------|--------|---------|
| SR60-5 (CA) (MOD) | RIGHT LANE BUSES RIGHT TURNS ONLY 24 HOURS | 24" x 36" |        | 1       |
| R25BL (CA)        | 3 MIN PASSENGER PICKUP (LEFT ARROW)        | 18" x 18" | 1      | 1       |
| CUSTOM            | AC TRANSIT BUS*                            |           | 1      | 1       |
| CUSTOM            | BIKES CROSS BANCROFT WITH PEDS             |           | 1      |         |
| CUSTOM            | CYCLE PARKING ONLY                         | 12" x 18" | 1      |         |
| CUSTOM            | CYCLE PARKING ONLY (RIGHT ARROW)           | 12" x 18" | 1      |         |
| CUSTOM            | goBerkeley 2 HR (MULTI-SPACE)              | 18" x 24" | 2      | 1       |
| R99C (CA)         | HANDICAP PARKING ONLY MIN FINE \$250       | 12" x 24" |        | 1       |
| R25BR (CA)        | 3 MIN PASSENGER PICKUP (RIGHT ARROW)       | 18" x 18" | 1      |         |

| SIGN           | DESCRIPTION                                           | SIZE      | REMOVE | INSTALL |
|----------------|-------------------------------------------------------|-----------|--------|---------|
| R10-15L (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW) | 30" x 30" |        | 1       |
| R118 (CA)      | EXCEPT BICYCLE PLAQUE                                 | 18" x 15" | 1      |         |
| R13B (CA)      | NO LEFT TURN ON RED                                   | 18" x 30" | 1      |         |
| R28L (CA)      | NO PARKING ANYTIME (LEFT ARROW)                       | 12" x 18" | 1      |         |
| R3-8La (MOD)   | LEFT TURN ONLY/STRAIGHT ONLY/ BUS ONLY LANE CONTROL   | 48" x 30" |        | 1       |
| R7-108         | 2 HR PARKING 9AM-6PM                                  | 12" x 18" |        | 1       |
| SR60-5 (CA)    | RIGHT LANE BUSES ONLY 24 HOURS                        | 24" x 36" |        | 1       |

\*CONTRACTOR TO PROVIDE BRACKET ONLY. SIGN TO BE INSTALLED BY TRANSIT PROVIDER. CONTRACTOR SHALL COORDINATE NOTIFICATION WITH RESIDENT ENGINEER.



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| ⊗   | CA TRANS STRIPING DETAIL | Rt | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊙  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊙  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

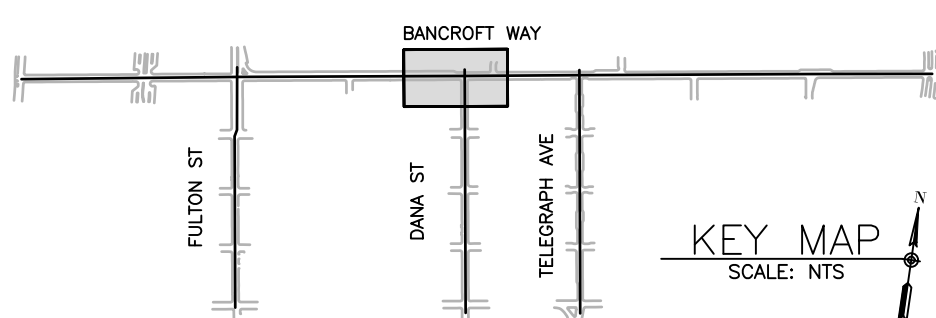
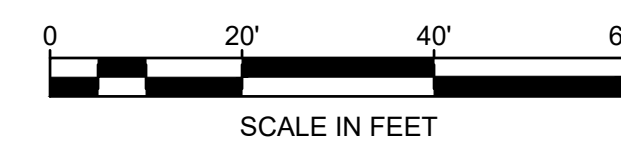
|   |                                                                            |
|---|----------------------------------------------------------------------------|
| 1 | INSTALL SIGNS ON 2" POST. SEE DETAIL [14] ON SHEET TP-19.                  |
| 2 | INSTALL SIGNS ON EXISTING POST/POLE                                        |
| 3 | REMOVE SIGN POST                                                           |
| 4 | REMOVE PARKING METER POLE. CITY TO REMOVE METER HEAD. SEE GENERAL NOTE 15. |
| 5 | CITY TO REMOVE PAY STATION. SEE GENERAL NOTE 15.                           |
| 6 | RETAIN EXISTING PARKING METER POST AND METER OR PAY STATION                |
| 7 | INSTALL PAY STATION (BY OTHERS). SEE GENERAL NOTE 17.                      |
| 8 | INSTALL SIGN ON 2' FLEX POST                                               |

**STRIPING KEYNOTES**

|    |                                                                                |    |                                                        |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|--------------------------------------------------------|----|----------------------------------------------------------------------|
| 1  | PAINT/REFRESH CURB                                                             | 12 | STRIP BIKEWAY CROSSWALK. SEE DETAIL [2] ON SHEET TP-17 | 23 | INSTALL TYPE VIII ARROW                                              |
| 2  | STRIP HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17               | 13 | INSTALL 6" WHITE LINE                                  | 24 | INSTALL 36" WHITE FLEXPOST                                           |
| 3  | STRIP 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)        | 14 | INSTALL 6" YELLOW LINE                                 | 25 | INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER                        |
| 4  | INSTALL GREEN THERMOPLASTIC                                                    | 15 | INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE               | 26 | INSTALL ADA STENCIL PAVEMENT MARKING                                 |
| 5  | INSTALL RED MMA                                                                | 16 | INSTALL THERMOPLASTIC "STOP" STENCIL                   | 27 | INSTALL BLUE ZONE STRIPING TREATMENT. SEE DETAIL [10] ON SHEET TP-18 |
| 6  | INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18                              | 17 | INSTALL THERMOPLASTIC "ONLY" STENCIL                   | 28 | INSTALL BICYCLE BLVD STENCIL                                         |
| 7  | INSTALL BIKEWAY YIELD LINE. SEE DETAIL [8] ON SHEET TP-18                      | 18 | INSTALL THERMOPLASTIC "BUS" STENCIL                    | 29 | INSTALL BIKEWAY BUFFER WITH PARKING. SEE DETAIL [3] ON SHEET TP-17   |
| 8  | STRIP PARKING T'S. SEE DETAIL [9] ON SHEET TP-18                               | 19 | INSTALL THERMOPLASTIC BIKE LANE SYMBOL                 | 30 | INSTALL BUS LANE STRIPING. SEE DETAIL [11] ON SHEET TP-18            |
| 9  | INSTALL BIKEWAY INTERSECTION APPROACH TREATMENT. SEE DETAIL [4] ON SHEET TP-17 | 20 | INSTALL TYPE I ARROW                                   | 31 | INSTALL SPEED HUMP MARKING. SEE DETAIL [12] ON SHEET TP-18           |
| 10 | INSTALL BIKEWAY DRIVEWAY TREATMENT. SEE DETAIL [5] ON SHEET TP-17              | 21 | INSTALL TYPE IV ARROW                                  | 32 | INSTALL BIKE LANE SPEED HUMP MARKING. SEE DETAIL [13] ON SHEET TP-18 |
| 11 | INSTALL CROSS BIKE MARKING. SEE DETAIL [6] ON SHEET TP-17                      | 22 | INSTALL TYPE VII ARROW                                 |    |                                                                      |

**CONSTRUCTION NOTES**

- SEE CD-01 TO CD-16 FOR PAVEMENT DELINEATION DEMO
- SEE TP-17 FOR STRIPING DETAILS
- PAVEMENT MARKINGS PER 2018 CALTRANS STANDARD PLANS A20A-E AND A24A-F
- CONTRACTOR SHALL PROVIDE MINIMUM TWO WORKING DAY NOTICE TO ALLOW THE CITY TRAFFIC ENGINEER TO REVIEW AND APPROVE ALL STRIPING AND MARKINGS AS "CAT-TRACKS" PRIOR TO PLACING PERMANENT MARKINGS
- DIMENSIONS ARE MEASURED FROM CENTER OF STRIPE AND FACE OF CURB
- SEE SIGNAL PLANS FOR SIGNS MOUNTED ON MAST ARMS AND SIGNAL POLES.
- SEE TP-22 DETAIL 13 FOR TRAFFIC SIGN INSTALLATION DETAIL. EXISTING SIGNS TO REMAIN, UNLESS OTHERWISE NOTED



**TOOLE DESIGN**  
 1322 WEBSTER ST, SUITE 208  
 OAKLAND, CA 94612  
 PHONE: 510.298.0740  
 FAX: 301.927.2800  
 www.tooledesign.com

PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
 SURVEY CHIEF OF PARTY \_\_\_\_\_ DATE \_\_\_\_\_  
 WATERSHED REVIEW: \_\_\_\_\_ DATE \_\_\_\_\_  
 FOR REDUCED PLANS - ORIGINAL SCALE IS IN INCHES

DEPICTION OF MONUMENTS: \_\_\_\_\_ DATE \_\_\_\_\_  
 SURVEY CHIEF OF PARTY \_\_\_\_\_ DATE \_\_\_\_\_  
 WATERSHED REVIEW: \_\_\_\_\_ DATE \_\_\_\_\_

SUBMITTED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 SUPERVISING CIVIL ENGINEER  
 APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 CITY ENGINEER

DESIGN: AK  
 DRAWN: AK  
 CHECK: KM/MD  
 AS BUILT: \_\_\_\_\_  
 HORIZ. AS NOTED  
 VERT. \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 DATE: MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 5 OF 10)

PLAN: 8263  
 FILE: 503-633  
 TP-05  
 SHEET: 68 of 155



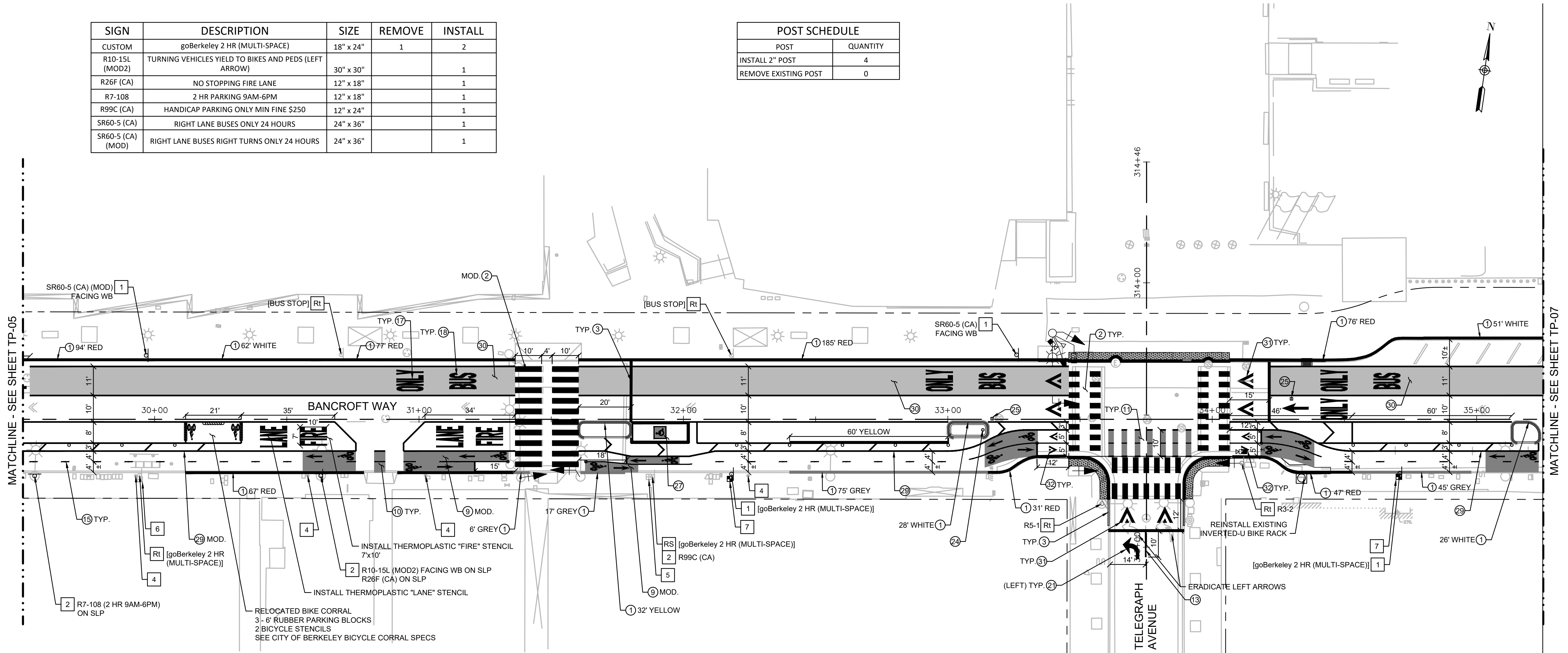
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| SIGN              | DESCRIPTION                                           | SIZE      | REMOVE | INSTALL |
|-------------------|-------------------------------------------------------|-----------|--------|---------|
| CUSTOM            | goBerkeley 2 HR (MULTI-SPACE)                         | 18" x 24" | 1      | 2       |
| R10-15L (MOD2)    | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW) | 30" x 30" |        | 1       |
| R26F (CA)         | NO STOPPING FIRE LANE                                 | 12" x 18" | 1      |         |
| R7-108            | 2 HR PARKING 9AM-6PM                                  | 12" x 18" | 1      |         |
| R99C (CA)         | HANDICAP PARKING ONLY MIN FINE \$250                  | 12" x 24" | 1      |         |
| SR60-5 (CA)       | RIGHT LANE BUSES ONLY 24 HOURS                        | 24" x 36" | 1      |         |
| SR60-5 (CA) (MOD) | RIGHT LANE BUSES RIGHT TURNS ONLY 24 HOURS            | 24" x 36" |        | 1       |

| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 4        |
| REMOVE EXISTING POST | 0        |



**LEGEND & ABBREVIATIONS**

|      |                          |    |                        |
|------|--------------------------|----|------------------------|
| (XX) | CALTRANS STRIPING DETAIL | Rt | RETAIN                 |
| TYP  | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD  | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP  | STREET LIGHT POLE        | ⊕  | EXISTING METER HEAD    |
| SNS  | STREET NAME SIGN         | ⊕  | PROPOSED METER HEAD    |
| RR   | REMOVE AND REUSE         | ⊕  | EXISTING PARKING KIOSK |
| RS   | REMOVE AND SALVAGE       | ⊕  | PROPOSED PARKING KIOSK |
| ■    | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

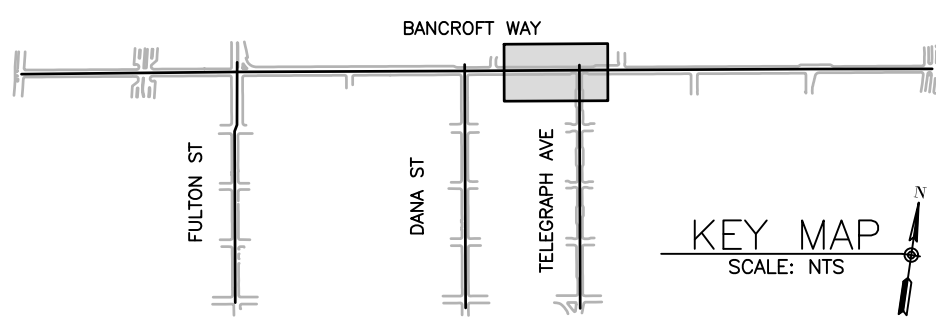
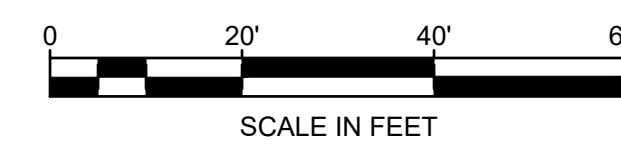
|   |                                                                            |
|---|----------------------------------------------------------------------------|
| 1 | INSTALL SIGNS ON 2" POST. SEE DETAIL [14] ON SHEET TP-19.                  |
| 2 | INSTALL SIGNS ON EXISTING POST/POLE                                        |
| 3 | REMOVE SIGN POST                                                           |
| 4 | REMOVE PARKING METER POLE. CITY TO REMOVE METER HEAD. SEE GENERAL NOTE 15. |
| 5 | CITY TO REMOVE PAY STATION. SEE GENERAL NOTE 15.                           |
| 6 | RETAIN EXISTING PARKING METER POST AND METER OR PAY STATION                |
| 7 | INSTALL PAY STATION (BY OTHERS). SEE GENERAL NOTE 17.                      |
| 8 | INSTALL SIGN ON 2' FLEX POST                                               |

**STRIPING KEYNOTES**

|    |                                                                                |    |                                                          |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|----------------------------------------------------------|----|----------------------------------------------------------------------|
| 1  | PAINT/REFRESH CURB                                                             | 12 | STRIPES BIKEWAY CROSSWALK. SEE DETAIL [2] ON SHEET TP-17 | 23 | INSTALL TYPE VIII ARROW                                              |
| 2  | STRIPES HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17             | 13 | INSTALL 6" WHITE LINE                                    | 24 | INSTALL 36" WHITE FLEXPOST                                           |
| 3  | STRIPES 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)      | 14 | INSTALL 6" YELLOW LINE                                   | 25 | INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER                        |
| 4  | INSTALL GREEN THERMOPLASTIC                                                    | 15 | INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE                 | 26 | INSTALL ADA STENCIL PAVEMENT MARKING                                 |
| 5  | INSTALL RED MMA                                                                | 16 | INSTALL THERMOPLASTIC "STOP" STENCIL                     | 27 | INSTALL BLUE ZONE STRIPING TREATMENT. SEE DETAIL [10] ON SHEET TP-18 |
| 6  | INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18                              | 17 | INSTALL THERMOPLASTIC "ONLY" STENCIL                     | 28 | INSTALL BICYCLE BLVD STENCIL                                         |
| 7  | INSTALL BIKEWAY YIELD LINE. SEE DETAIL [8] ON SHEET TP-18                      | 18 | INSTALL THERMOPLASTIC "BUS" STENCIL                      | 29 | INSTALL BIKEWAY BUFFER WITH PARKING. SEE DETAIL [3] ON SHEET TP-17   |
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**CONSTRUCTION NOTES**

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PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
 DEPICTION OF MONUMENTS: \_\_\_\_\_ DATE \_\_\_\_\_  
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SUBMITTED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 SUPERVISING CIVIL ENGINEER  
 APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 CITY ENGINEER

DESIGN: AK HORIZ. AS NOTED  
 DRAWN: AK VERT. \_\_\_\_\_  
 CHECK: KM/MD BOOK \_\_\_\_\_  
 AS BUILT \_\_\_\_\_ DATE MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS  
**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 6 OF 10)

|       |           |
|-------|-----------|
| PLAN  | 8263      |
| FILE  | 503-633   |
|       | TP-06     |
| SHEET | 69 of 155 |

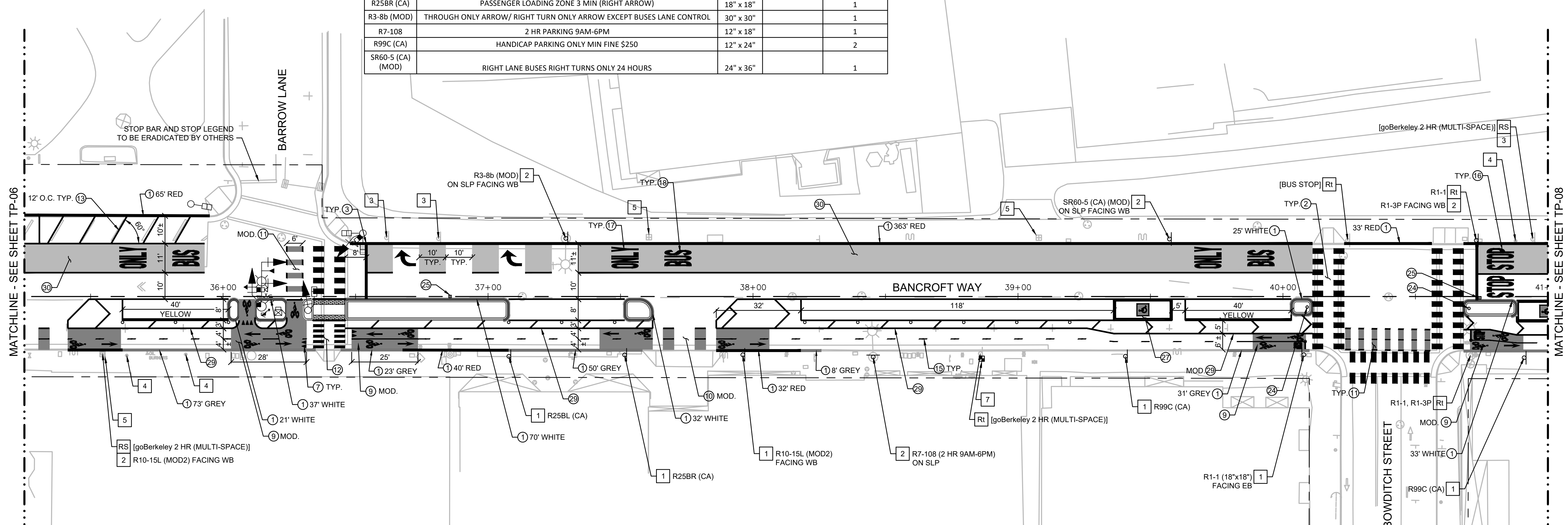
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| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 6        |
| REMOVE EXISTING POST | 3        |

| SIGN              | DESCRIPTION                                                         | SIZE      | REMOVE | INSTALL |
|-------------------|---------------------------------------------------------------------|-----------|--------|---------|
| CUSTOM            | goBerkeley 2 HR (MULTI-SPACE)                                       | 18" x 24" | 2      |         |
| R10-15L (MOD2)    | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW)               | 30" x 30" |        | 2       |
| R1-1              | STOP (BIKE)                                                         | 18" x 18" |        | 1       |
| R1-3P             | ALL WAY                                                             | 18" x 6"  |        | 1       |
| R25BL (CA)        | PASSENGER LOADING ZONE 3 MIN (LEFT ARROW)                           | 18" x 18" |        | 1       |
| R25BR (CA)        | PASSENGER LOADING ZONE 3 MIN (RIGHT ARROW)                          | 18" x 18" |        | 1       |
| R3-8b (MOD)       | THROUGH ONLY ARROW/ RIGHT TURN ONLY ARROW EXCEPT BUSES LANE CONTROL | 30" x 30" |        | 1       |
| R7-108            | 2 HR PARKING 9AM-6PM                                                | 12" x 18" |        | 1       |
| R99C (CA)         | HANDICAP PARKING ONLY MIN FINE \$250                                | 12" x 24" |        | 2       |
| SR60-5 (CA) (MOD) | RIGHT LANE BUSES RIGHT TURNS ONLY 24 HOURS                          | 24" x 36" |        | 1       |



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| ⊗   | CALTRANS STRIPING DETAIL | R1 | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊙  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊙  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

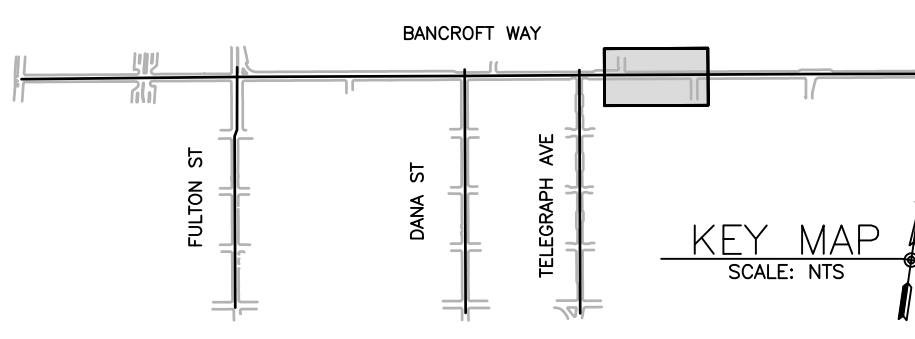
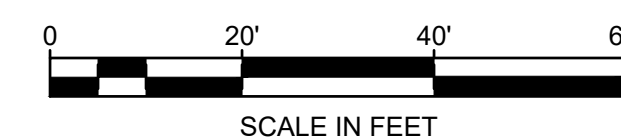
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**STRIPING KEYNOTES**

- 1 PAINT/REFRESH CURB
- 2 STRIPE HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17
- 3 STRIPE 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)
- 4 INSTALL GREEN THERMOPLASTIC
- 5 INSTALL RED MMA
- 6 INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18
- 7 INSTALL BIKEWAY YIELD LINE. SEE DETAIL [8] ON SHEET TP-18
- 8 STRIPE PARKING T'S. SEE DETAIL [9] ON SHEET TP-18
- 9 INSTALL BIKEWAY INTERSECTION APPROACH TREATMENT. SEE DETAIL [4] ON SHEET TP-17
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- 11 INSTALL CROSS BIKE MARKING. SEE DETAIL [6] ON SHEET TP-17
- 12 STRIPE BIKEWAY CROSSWALK. SEE DETAIL [2] ON SHEET TP-17
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- 15 INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE
- 16 INSTALL THERMOPLASTIC "STOP" STENCIL
- 17 INSTALL THERMOPLASTIC "ONLY" STENCIL
- 18 INSTALL THERMOPLASTIC "BUS" STENCIL
- 19 INSTALL THERMOPLASTIC BIKE LANE SYMBOL
- 20 INSTALL TYPE I ARROW
- 21 INSTALL TYPE IV ARROW
- 22 INSTALL TYPE VII ARROW
- 23 INSTALL TYPE VIII ARROW
- 24 INSTALL 36" WHITE FLEXPOST
- 25 INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER
- 26 INSTALL ADA STENCIL PAVEMENT MARKING
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PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
 SURVEY CHIEF OF PARTY \_\_\_\_\_ DATE \_\_\_\_\_  
 WATERSHED REVIEW: \_\_\_\_\_ DATE \_\_\_\_\_  
 FOR REDUCED PLANS - ORIGINAL SCALE IS IN INCHES

DEPICTION OF MONUMENTS: \_\_\_\_\_ DATE \_\_\_\_\_  
 SUBMITTED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 SUPERVISING CIVIL ENGINEER  
 APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 CITY ENGINEER

DESIGN: AK  
 DRAWN: AK  
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 AS BUILT: \_\_\_\_\_  
 HORIZ. AS NOTED  
 VERT. \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 DATE: MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS  
**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 7 OF 10)

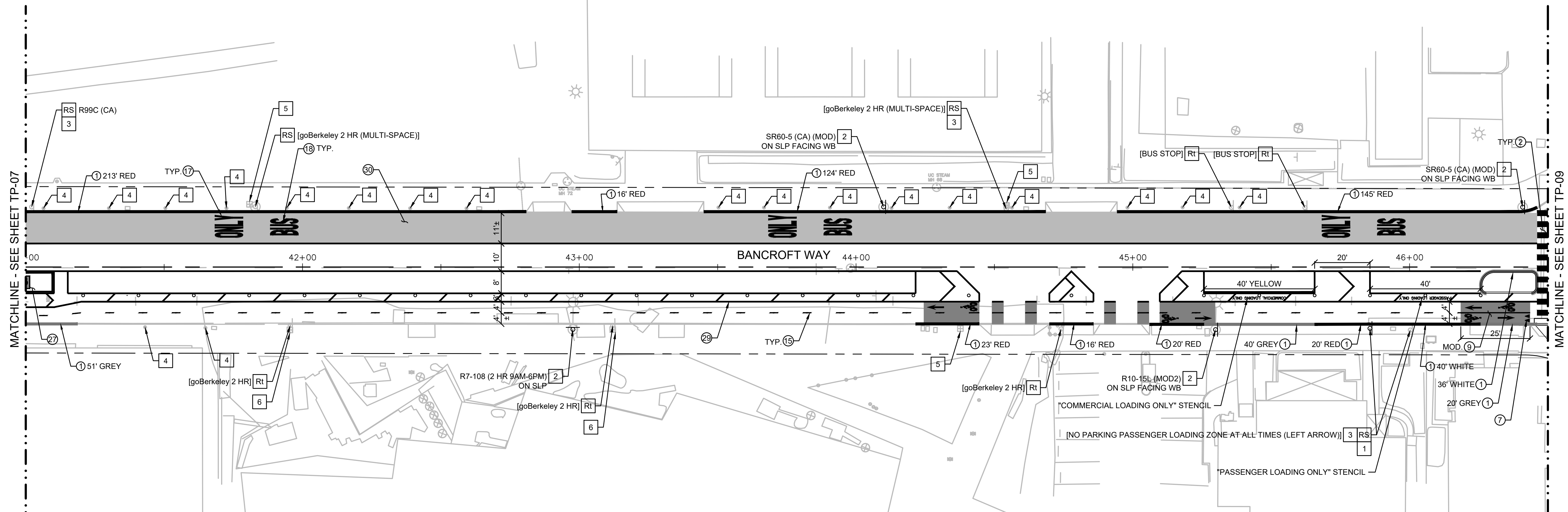
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| SIGN              | DESCRIPTION                                                 | SIZE      | REMOVE | INSTALL |
|-------------------|-------------------------------------------------------------|-----------|--------|---------|
| CUSTOM            | goBerkeley 2 HR (MULTI-SPACE)                               | 18" x 24" | 2      |         |
| CUSTOM            | NO PARKING PASSENGER LOADING ZONE AT ALL TIMES (LEFT ARROW) |           | 1      | 1       |
| R10-15L (MOD2)    | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW)       | 30" x 30" |        | 1       |
| R7-108            | 2 HR PARKING 9AM-6PM                                        | 12" x 18" |        | 1       |
| R99C (CA)         | HANDICAP PARKING ONLY MIN FINE \$250                        | 12" x 24" | 1      |         |
| SR60-5 (CA) (MOD) | RIGHT LANE BUSES RIGHT TURNS ONLY 24 HOURS                  | 24" x 36" |        | 2       |

| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 1        |
| REMOVE EXISTING POST | 3        |



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| ⊗   | CALTRANS STRIPING DETAIL | Rt | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊙  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊙  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

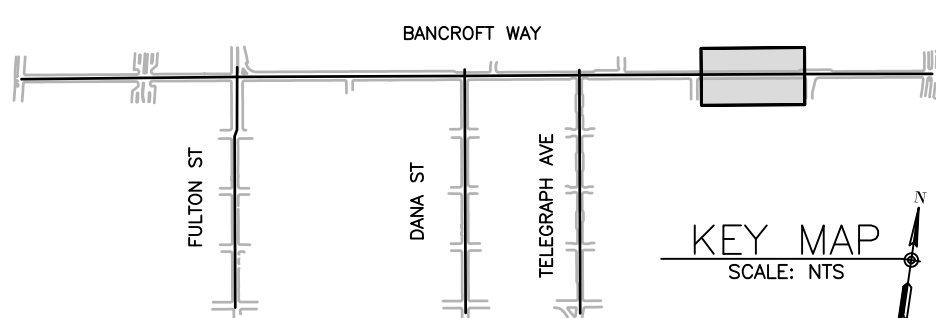
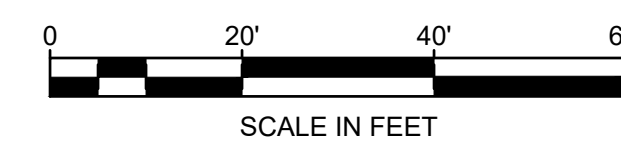
|   |                                                                            |
|---|----------------------------------------------------------------------------|
| 1 | INSTALL SIGNS ON 2" POST. SEE DETAIL [14] ON SHEET TP-19.                  |
| 2 | INSTALL SIGNS ON EXISTING POST/POLE                                        |
| 3 | REMOVE SIGN POST                                                           |
| 4 | REMOVE PARKING METER POLE. CITY TO REMOVE METER HEAD. SEE GENERAL NOTE 15. |
| 5 | CITY TO REMOVE PAY STATION. SEE GENERAL NOTE 15.                           |
| 6 | RETAIN EXISTING PARKING METER POST AND METER OR PAY STATION                |
| 7 | INSTALL PAY STATION (BY OTHERS). SEE GENERAL NOTE 17.                      |
| 8 | INSTALL SIGN ON 2' FLEX POST                                               |

**STRIPING KEYNOTES**

|    |                                                                                |    |                                                        |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|--------------------------------------------------------|----|----------------------------------------------------------------------|
| 1  | PAINT/REFRESH CURB                                                             | 12 | STRIP BIKEWAY CROSSWALK. SEE DETAIL [2] ON SHEET TP-17 | 23 | INSTALL TYPE VIII ARROW                                              |
| 2  | STRIP HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17               | 13 | INSTALL 6" WHITE LINE                                  | 24 | INSTALL 36" WHITE FLEXPOST                                           |
| 3  | STRIP 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)        | 14 | INSTALL 6" YELLOW LINE                                 | 25 | INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER                        |
| 4  | INSTALL GREEN THERMOPLASTIC                                                    | 15 | INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE               | 26 | INSTALL ADA STENCIL PAVEMENT MARKING                                 |
| 5  | INSTALL RED MMA                                                                | 16 | INSTALL THERMOPLASTIC "STOP" STENCIL                   | 27 | INSTALL BLUE ZONE STRIPING TREATMENT. SEE DETAIL [10] ON SHEET TP-18 |
| 6  | INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18                              | 17 | INSTALL THERMOPLASTIC "ONLY" STENCIL                   | 28 | INSTALL BICYCLE BLVD STENCIL                                         |
| 7  | INSTALL BIKEWAY YIELD LINE. SEE DETAIL [8] ON SHEET TP-18                      | 18 | INSTALL THERMOPLASTIC "BUS" STENCIL                    | 29 | INSTALL BIKEWAY BUFFER WITH PARKING. SEE DETAIL [3] ON SHEET TP-17   |
| 8  | STRIP PARKING T'S. SEE DETAIL [9] ON SHEET TP-18                               | 19 | INSTALL THERMOPLASTIC BIKE LANE SYMBOL                 | 30 | INSTALL BUS LANE STRIPING. SEE DETAIL [11] ON SHEET TP-18            |
| 9  | INSTALL BIKEWAY INTERSECTION APPROACH TREATMENT. SEE DETAIL [4] ON SHEET TP-17 | 20 | INSTALL TYPE I ARROW                                   | 31 | INSTALL SPEED HUMP MARKING. SEE DETAIL [12] ON SHEET TP-18           |
| 10 | INSTALL BIKEWAY DRIVEWAY TREATMENT. SEE DETAIL [5] ON SHEET TP-17              | 21 | INSTALL TYPE IV ARROW                                  | 32 | INSTALL BIKE LANE SPEED HUMP MARKING. SEE DETAIL [13] ON SHEET TP-18 |
| 11 | INSTALL CROSS BIKE MARKING. SEE DETAIL [6] ON SHEET TP-17                      | 22 | INSTALL TYPE VII ARROW                                 |    |                                                                      |

**CONSTRUCTION NOTES**

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- SEE TP-17 FOR STRIPING DETAILS
- PAVEMENT MARKINGS PER 2018 CALTRANS STANDARD PLANS A20A-E AND A24A-F
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- DIMENSIONS ARE MEASURED FROM CENTER OF STRIPE AND FACE OF CURB
- SEE SIGNAL PLANS FOR SIGNS MOUNTED ON MAST ARMS AND SIGNAL POLES.
- SEE TP-22 DETAIL 13 FOR TRAFFIC SIGN INSTALLATION DETAIL. EXISTING SIGNS TO REMAIN, UNLESS OTHERWISE NOTED



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 1322 WEBSTER ST, SUITE 208  
 OAKLAND, CA 94612  
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PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
 SURVEY CHIEF OF PARTY: \_\_\_\_\_ DATE \_\_\_\_\_  
 WATERSHED REVIEW: \_\_\_\_\_ DATE \_\_\_\_\_  
 FOR REDUCED PLANS - ORIGINAL SCALE IS IN INCHES

DEPICTION OF MONUMENTS: \_\_\_\_\_ DATE \_\_\_\_\_  
 SUBMITTED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 SUPERVISING CIVIL ENGINEER  
 APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 CITY ENGINEER

DESIGN: AK  
 DRAWN: AK  
 CHECK: KM/MD  
 AS BUILT: \_\_\_\_\_  
 HORIZ. AS NOTED  
 VERT. \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 DATE: MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS  
**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 8 OF 10)

PLAN: 8263  
 FILE: 503-633  
 TP-08  
 SHEET: 71 of 155

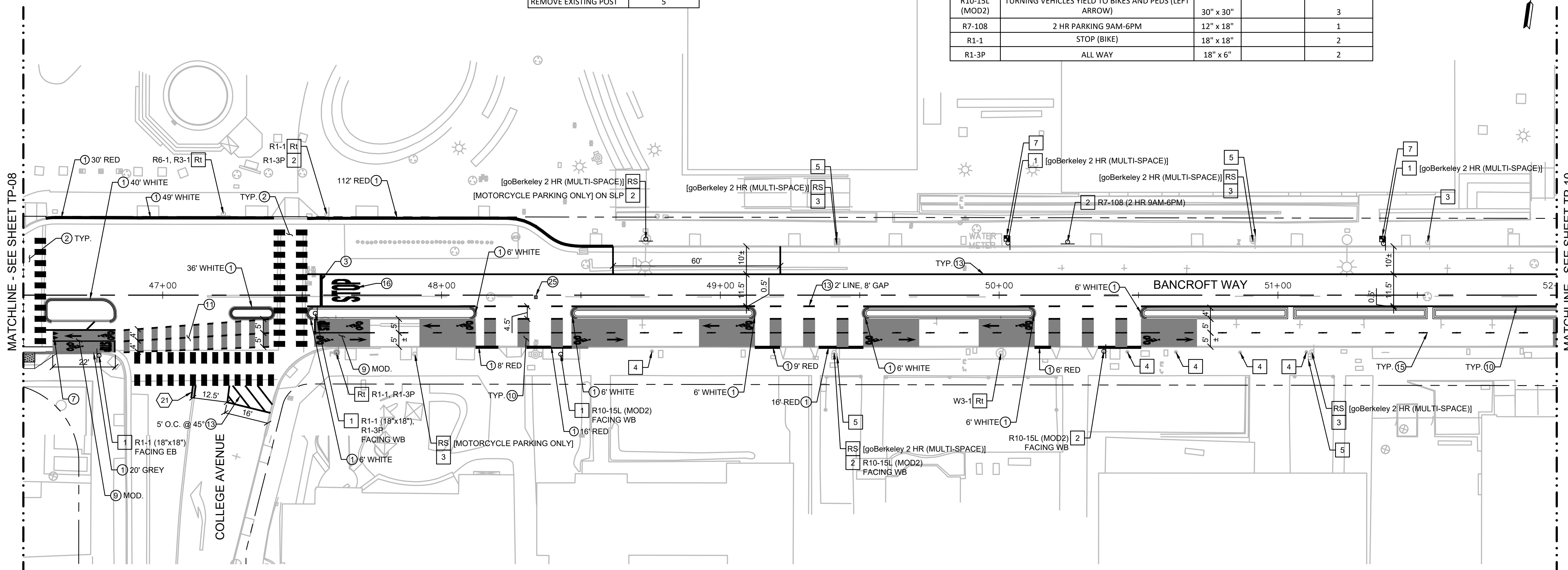
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| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 5        |
| REMOVE EXISTING POST | 5        |

| SIGN           | DESCRIPTION                                           | SIZE      | REMOVE | INSTALL |
|----------------|-------------------------------------------------------|-----------|--------|---------|
| CUSTOM         | goBerkeley 2 HR (MULTI-SPACE)                         | 18" x 24" | 5      | 2       |
| CUSTOM         | MOTORCYCLE PARKING ONLY                               |           | 1      | 1       |
| R10-15L (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW) | 30" x 30" |        | 3       |
| R7-108         | 2 HR PARKING 9AM-6PM                                  | 12" x 18" |        | 1       |
| R1-1           | STOP (BIKE)                                           | 18" x 18" |        | 2       |
| R1-3P          | ALL WAY                                               | 18" x 6"  |        | 2       |



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| XX  | CALTRANS STRIPING DETAIL | R1 | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊕  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊕  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊕  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊕  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

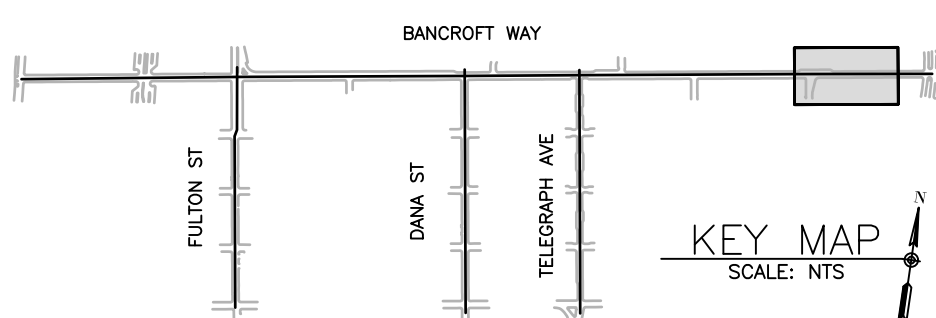
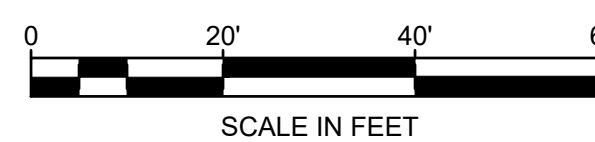
|   |                                                                            |
|---|----------------------------------------------------------------------------|
| 1 | INSTALL SIGNS ON 2" POST. SEE DETAIL [14] ON SHEET TP-19.                  |
| 2 | INSTALL SIGNS ON EXISTING POST/POLE                                        |
| 3 | REMOVE SIGN POST                                                           |
| 4 | REMOVE PARKING METER POLE. CITY TO REMOVE METER HEAD. SEE GENERAL NOTE 15. |
| 5 | CITY TO REMOVE PAY STATION. SEE GENERAL NOTE 15.                           |
| 6 | RETAIN EXISTING PARKING METER POST AND METER OR PAY STATION                |
| 7 | INSTALL PAY STATION (BY OTHERS). SEE GENERAL NOTE 17.                      |
| 8 | INSTALL SIGN ON 2' FLEX POST                                               |

**STRIPING KEYNOTES**

|    |                                                                                |    |                                                        |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|--------------------------------------------------------|----|----------------------------------------------------------------------|
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| 2  | STRIP HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17               | 13 | INSTALL 6" WHITE LINE                                  | 24 | INSTALL 36" WHITE FLEXPOST                                           |
| 3  | STRIP 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)        | 14 | INSTALL 6" YELLOW LINE                                 | 25 | INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER                        |
| 4  | INSTALL GREEN THERMOPLASTIC                                                    | 15 | INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE               | 26 | INSTALL ADA STENCIL PAVEMENT MARKING                                 |
| 5  | INSTALL RED MMA                                                                | 16 | INSTALL THERMOPLASTIC "STOP" STENCIL                   | 27 | INSTALL BLUE ZONE STRIPING TREATMENT. SEE DETAIL [10] ON SHEET TP-18 |
| 6  | INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18                              | 17 | INSTALL THERMOPLASTIC "ONLY" STENCIL                   | 28 | INSTALL BICYCLE BLVD STENCIL                                         |
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PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
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 WATERSHED REVIEW: \_\_\_\_\_ DATE \_\_\_\_\_  
 FOR REDUCED PLANS - ORIGINAL SCALE IS IN INCHES

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 CITY ENGINEER

DESIGN: AK  
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 AS BUILT: \_\_\_\_\_  
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HORIZ. AS NOTED  
 VERT. \_\_\_\_\_  
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**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

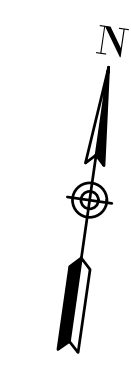
**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 9 OF 10)

PLAN 8263  
 FILE 503-633  
 TP-09  
 SHEET 22 OF 155

| REVISION | MARK | DATE | DESCRIPTION |
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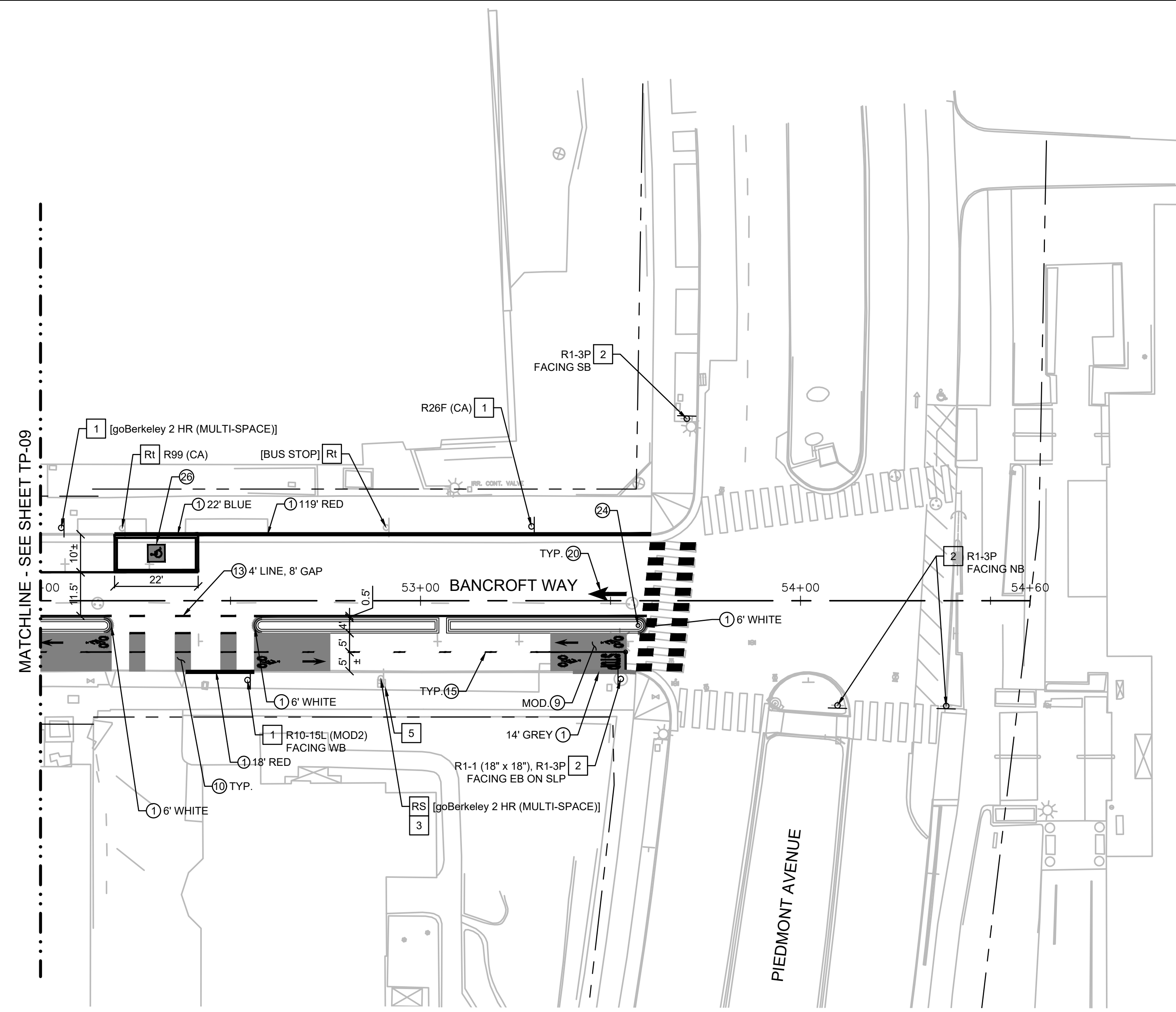
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| SIGN           | DESCRIPTION                                           | SIZE      | REMOVE | INSTALL |
|----------------|-------------------------------------------------------|-----------|--------|---------|
| CUSTOM         | goBerkeley 2 HR (MULTI-SPACE)                         | 18" x 24" | 1      | 1       |
| R10-15L (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW) | 30" x 30" |        | 1       |
| R1-3P          | ALL WAY                                               | 18" x 6"  |        | 4       |
| R1-1           | STOP (BIKE)                                           | 18" x 18" |        | 1       |
| R26F (CA)      | NO STOPPING FIRE LANE                                 | 12" x 18" |        | 1       |

| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 3        |
| REMOVE EXISTING POST | 1        |



**LEGEND & ABBREVIATIONS**

|             |                          |           |                        |
|-------------|--------------------------|-----------|------------------------|
| (XX)        | CALTRANS STRIPING DETAIL | (R)       | RETAIN                 |
| TYP         | TYPICAL                  | (S)       | EXISTING SIGN          |
| MOD         | MODIFIED                 | (P)       | PROPOSED SIGN          |
| SLP         | STREET LIGHT POLE        | (M)       | EXISTING METER HEAD    |
| SNS         | STREET NAME SIGN         | (PM)      | PROPOSED METER HEAD    |
| (RR)        | REMOVE AND REUSE         | (PK)      | EXISTING PARKING KIOSK |
| (RS)        | REMOVE AND SALVAGE       | (PKP)     | PROPOSED PARKING KIOSK |
| (Green Box) | GREEN THERMOPLASTIC      | (Red Box) | RED MMA                |

**SIGNING KEYNOTES**

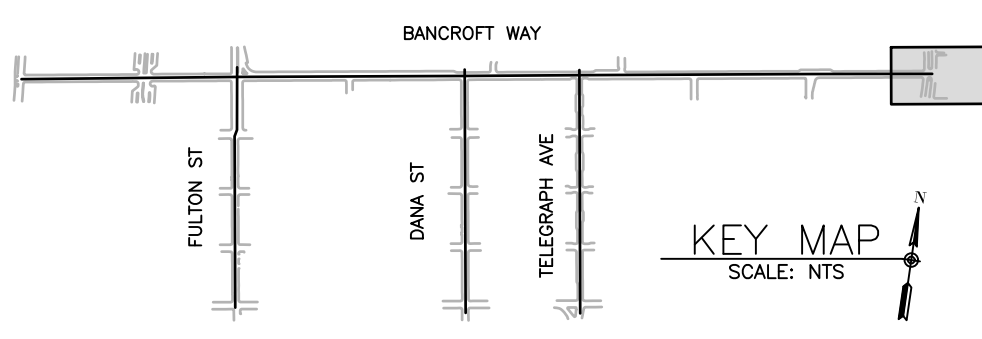
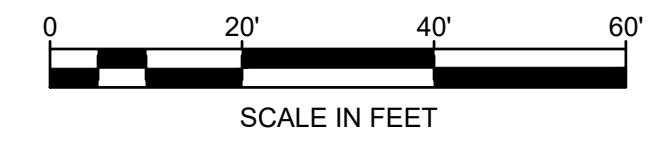
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**STRIPING KEYNOTES**

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- 5 INSTALL RED MMA
- 6 INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18
- 7 INSTALL BIKEWAY YIELD LINE. SEE DETAIL [8] ON SHEET TP-18
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- 18 INSTALL THERMOPLASTIC "BUS" STENCIL
- 19 INSTALL THERMOPLASTIC BIKE LANE SYMBOL
- 20 INSTALL TYPE I ARROW
- 21 INSTALL TYPE IV ARROW
- 22 INSTALL TYPE VII ARROW
- 23 INSTALL TYPE VIII ARROW
- 24 INSTALL 36" WHITE FLEXPOST
- 25 INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER
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|                         |      |
|-------------------------|------|
| PROJECT MANAGER:        | DATE |
| DEPICTION OF MONUMENTS: | DATE |
| SURVEY CHIEF OF PARTY:  | DATE |
| WATERSHED REVIEW:       | DATE |

|                             |      |
|-----------------------------|------|
| SUBMITTED:                  | DATE |
| SUPERVISING CIVIL ENGINEER: | EXP. |
| APPROVED:                   | DATE |
| CITY ENGINEER:              | EXP. |

|               |                 |
|---------------|-----------------|
| DESIGN: AK    | HORIZ. AS NOTED |
| DRAWN: AK     | VERT. ---       |
| CHECK: KM/MD  | BOOK ---        |
| AS BUILT: --- | DATE: MAR 2023  |

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 BANCROFT WAY (SHEET 10 OF 10)

|                  |               |
|------------------|---------------|
| PLAN: 8263       | FILE: 503-633 |
| SHEET: 23 OF 155 | TP-10         |

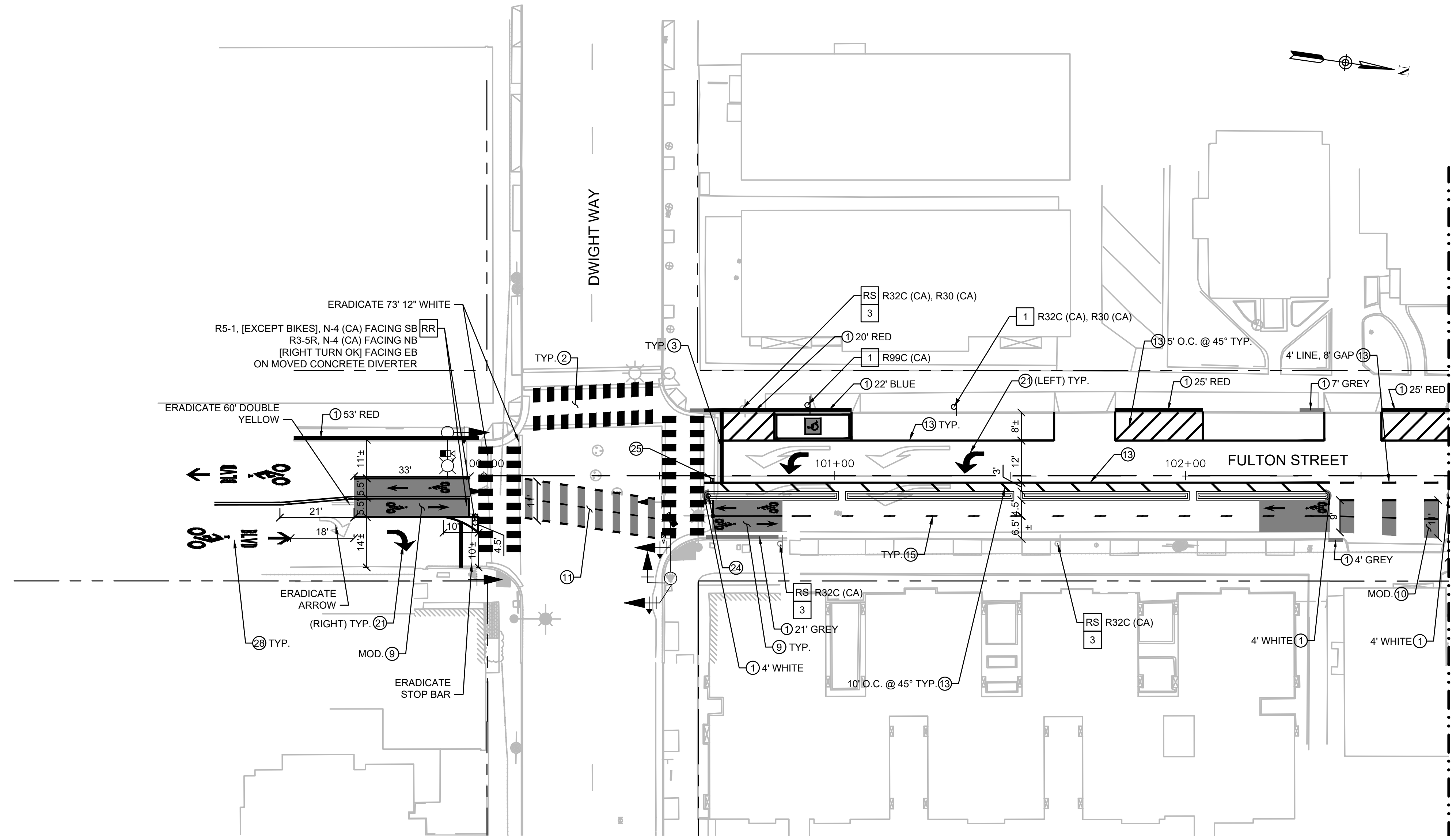
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|          |      |      |             |

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| SIGN      | DESCRIPTION                          | SIZE      | REMOVE | INSTALL |
|-----------|--------------------------------------|-----------|--------|---------|
| R30 (CA)  | NO PARKING 12:30PM TO 3:30PM         | 12" x 18" | 1      | 1       |
| R32C (CA) | 2 HR PARKING 8AM-7PM                 | 12" x 18" | 3      |         |
| N-4 (CA)  | TYPE 1 OBJECT MARKER                 | 18" x 18" |        | 2       |
| R99C (CA) | HANDICAP PARKING ONLY MIN FINE \$250 | 12" x 24" |        | 1       |

| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 2        |
| REMOVE EXISTING POST | 3        |



**LEGEND & ABBREVIATIONS**

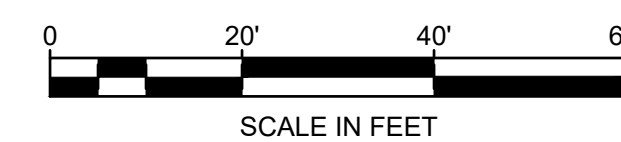
|      |                          |     |                        |
|------|--------------------------|-----|------------------------|
| (XX) | CALTRANS STRIPING DETAIL | (R) | RETAIN                 |
| TYP  | TYPICAL                  | (S) | EXISTING SIGN          |
| MOD  | MODIFIED                 | (P) | PROPOSED SIGN          |
| SLP  | STREET LIGHT POLE        | (M) | EXISTING METER HEAD    |
| SNS  | STREET NAME SIGN         | (P) | PROPOSED METER HEAD    |
| (RR) | REMOVE AND REUSE         | (K) | EXISTING PARKING KIOSK |
| (RS) | REMOVE AND SALVAGE       | (K) | PROPOSED PARKING KIOSK |
| (G)  | GREEN THERMOPLASTIC      | (R) | RED MMA                |

**SIGNING KEYNOTES**

|   |                                                                            |
|---|----------------------------------------------------------------------------|
| 1 | INSTALL SIGNS ON 2" POST. SEE DETAIL [14] ON SHEET TP-19.                  |
| 2 | INSTALL SIGNS ON EXISTING POST/POLE                                        |
| 3 | REMOVE SIGN POST                                                           |
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| 7 | INSTALL PAY STATION (BY OTHERS). SEE GENERAL NOTE 17.                      |
| 8 | INSTALL SIGN ON 2' FLEX POST                                               |

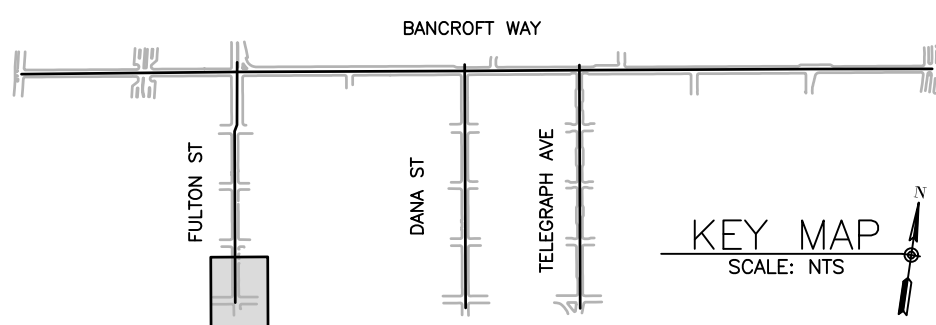
**STRIPING KEYNOTES**

|    |                                                                                |    |                                                          |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|----------------------------------------------------------|----|----------------------------------------------------------------------|
| 1  | PAINT/REFRESH CURB                                                             | 12 | STRIPES BIKEWAY CROSSWALK. SEE DETAIL [2] ON SHEET TP-17 | 23 | INSTALL TYPE VIII ARROW                                              |
| 2  | STRIPES HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17             | 13 | INSTALL 6" WHITE LINE                                    | 24 | INSTALL 36" WHITE FLEXPOST                                           |
| 3  | STRIPES 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)      | 14 | INSTALL 6" YELLOW LINE                                   | 25 | INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER                        |
| 4  | INSTALL GREEN THERMOPLASTIC                                                    | 15 | INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE                 | 26 | INSTALL ADA STENCIL PAVEMENT MARKING                                 |
| 5  | INSTALL RED MMA                                                                | 16 | INSTALL THERMOPLASTIC "STOP" STENCIL                     | 27 | INSTALL BLUE ZONE STRIPING TREATMENT. SEE DETAIL [10] ON SHEET TP-18 |
| 6  | INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18                              | 17 | INSTALL THERMOPLASTIC "ONLY" STENCIL                     | 28 | INSTALL BICYCLE BLVD STENCIL                                         |
| 7  | INSTALL BIKEWAY YIELD LINE. SEE DETAIL [8] ON SHEET TP-18                      | 18 | INSTALL THERMOPLASTIC "BUS" STENCIL                      | 29 | INSTALL BIKEWAY BUFFER WITH PARKING. SEE DETAIL [3] ON SHEET TP-17   |
| 8  | STRIPES PARKING T'S. SEE DETAIL [9] ON SHEET TP-18                             | 19 | INSTALL THERMOPLASTIC BIKE LANE SYMBOL                   | 30 | INSTALL BUS LANE STRIPING. SEE DETAIL [11] ON SHEET TP-18            |
| 9  | INSTALL BIKEWAY INTERSECTION APPROACH TREATMENT. SEE DETAIL [4] ON SHEET TP-17 | 20 | INSTALL TYPE I ARROW                                     | 31 | INSTALL SPEED HUMP MARKING. SEE DETAIL [12] ON SHEET TP-18           |
| 10 | INSTALL BIKEWAY DRIVEWAY TREATMENT. SEE DETAIL [5] ON SHEET TP-17              | 21 | INSTALL TYPE IV ARROW                                    | 32 | INSTALL BIKE LANE SPEED HUMP MARKING. SEE DETAIL [13] ON SHEET TP-18 |
| 11 | INSTALL CROSS BIKE MARKING. SEE DETAIL [6] ON SHEET TP-17                      | 22 | INSTALL TYPE VII ARROW                                   |    |                                                                      |



**CONSTRUCTION NOTES**

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- SEE TP-17 FOR STRIPING DETAILS
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- SEE TP-22 DETAIL 13 FOR TRAFFIC SIGN INSTALLATION DETAIL. EXISTING SIGNS TO REMAIN, UNLESS OTHERWISE NOTED



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PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
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 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 CITY ENGINEER

DESIGN: AK  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 DRAWN: AK  
 R.C.E. \_\_\_\_\_  
 EXP. \_\_\_\_\_  
 CHECK: KM/MD  
 AS BUILT: \_\_\_\_\_

HORIZ. AS NOTED  
 VERT. \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 DATE: MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 FULTON STREET (SHEET 1 OF 3)

PLAN: 8263  
 FILE: 503-633  
 TP-11  
 SHEET 24 OF 155

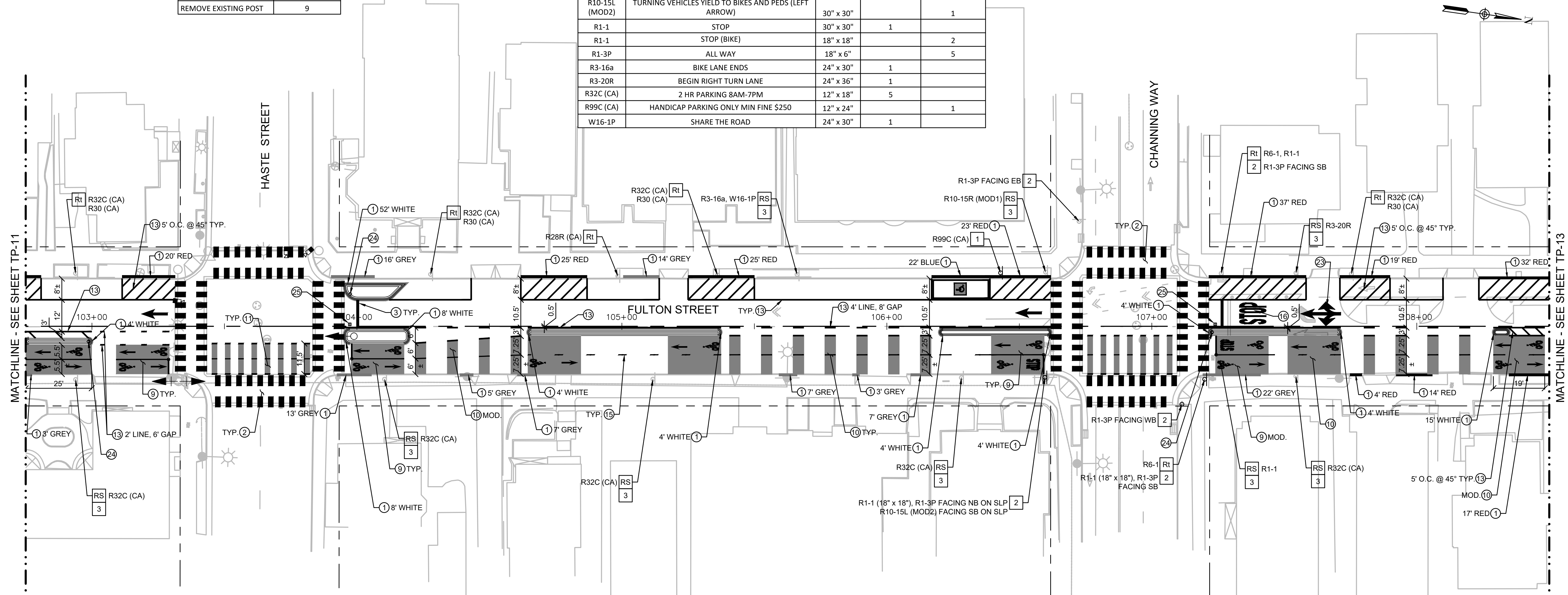
| REVISION | MARK | DATE | DESCRIPTION |
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|          |      |      |             |
|          |      |      |             |
|          |      |      |             |

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| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 1        |
| REMOVE EXISTING POST | 9        |

| SIGN           | DESCRIPTION                                           | SIZE      | REMOVE | INSTALL |
|----------------|-------------------------------------------------------|-----------|--------|---------|
| R10-15R (MOD1) | TURNING VEHICLES YIELD TO BIKES (RIGHT ARROW)         | 30" x 30" | 1      |         |
| R10-15L (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (LEFT ARROW) | 30" x 30" |        | 1       |
| R1-1           | STOP                                                  | 30" x 30" | 1      |         |
| R1-1           | STOP (BIKE)                                           | 18" x 18" |        | 2       |
| R1-3P          | ALL WAY                                               | 18" x 6"  |        | 5       |
| R3-16a         | BIKE LANE ENDS                                        | 24" x 30" | 1      |         |
| R3-20R         | BEGIN RIGHT TURN LANE                                 | 24" x 36" | 1      |         |
| R32C (CA)      | 2 HR PARKING 8AM-7PM                                  | 12" x 18" | 5      |         |
| R99C (CA)      | HANDICAP PARKING ONLY MIN FINE \$250                  | 12" x 24" |        | 1       |
| W16-1P         | SHARE THE ROAD                                        | 24" x 30" | 1      |         |



**LEGEND & ABBREVIATIONS**

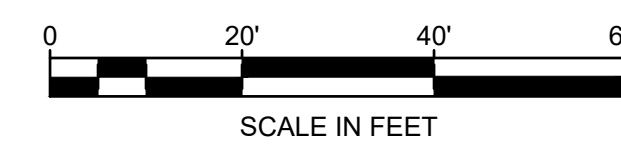
|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| ⊗   | CALTRANS STRIPING DETAIL | R1 | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊕  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊕  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

|   |                                                                            |
|---|----------------------------------------------------------------------------|
| 1 | INSTALL SIGNS ON 2" POST. SEE DETAIL [14] ON SHEET TP-19.                  |
| 2 | INSTALL SIGNS ON EXISTING POST/POLE                                        |
| 3 | REMOVE SIGN POST                                                           |
| 4 | REMOVE PARKING METER POLE. CITY TO REMOVE METER HEAD. SEE GENERAL NOTE 15. |
| 5 | CITY TO REMOVE PAY STATION. SEE GENERAL NOTE 15.                           |
| 6 | RETAIN EXISTING PARKING METER POST AND METER OR PAY STATION                |
| 7 | INSTALL PAY STATION (BY OTHERS). SEE GENERAL NOTE 17.                      |
| 8 | INSTALL SIGN ON 2' FLEX POST                                               |

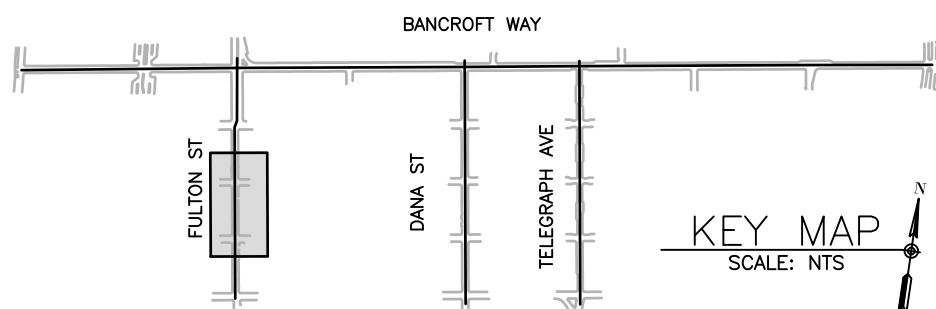
**STRIPING KEYNOTES**

|    |                                                                                |    |                                                          |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|----------------------------------------------------------|----|----------------------------------------------------------------------|
| 1  | PAINT/REFRESH CURB                                                             | 12 | STRIPES BIKEWAY CROSSWALK. SEE DETAIL [2] ON SHEET TP-17 | 23 | INSTALL TYPE VIII ARROW                                              |
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| 3  | STRIPES 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)      | 14 | INSTALL 6" YELLOW LINE                                   | 25 | INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER                        |
| 4  | INSTALL GREEN THERMOPLASTIC                                                    | 15 | INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE                 | 26 | INSTALL ADA STENCIL PAVEMENT MARKING                                 |
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| 11 | INSTALL CROSS BIKE MARKING. SEE DETAIL [6] ON SHEET TP-17                      | 22 | INSTALL TYPE VII ARROW                                   |    |                                                                      |



**CONSTRUCTION NOTES**

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PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
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 FOR REDUCED PLANS - ORIGINAL SCALE IS IN INCHES

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 EXP. \_\_\_\_\_  
 CITY ENGINEER

DESIGN: AK HORIZ. AS NOTED  
 DRAWN: AK VERT. \_\_\_\_\_  
 CHECK: KM/MD BOOK \_\_\_\_\_  
 AS BUILT \_\_\_\_\_ DATE MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS  
**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 FULTON STREET (SHEET 2 OF 3)

PLAN 8263  
 FILE 503-633  
 TP-12  
 SHEET 25 OF 155

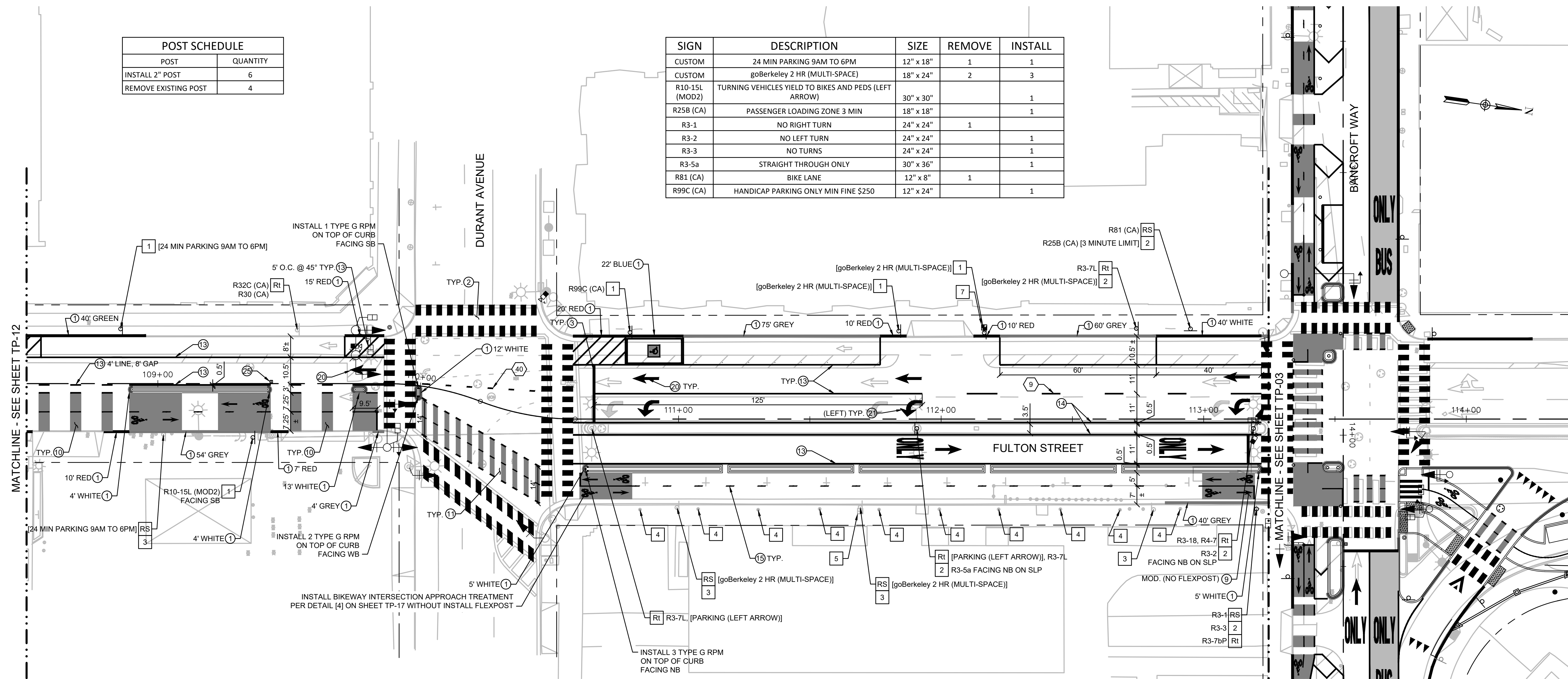


| REVISION | MARK | DATE | DESCRIPTION |
|----------|------|------|-------------|
|          |      |      |             |
|          |      |      |             |
|          |      |      |             |



| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 6        |
| REMOVE EXISTING POST | 4        |

| SIGN           | DESCRIPTION                                           | SIZE      | REMOVE | INSTALL |
|----------------|-------------------------------------------------------|-----------|--------|---------|
| CUSTOM         | 24 MIN PARKING 9AM TO 6PM                             | 12" x 18" | 1      | 1       |
| CUSTOM         | goBerkeley 2 HR (MULTI-SPACE)                         | 18" x 24" | 2      | 3       |
| R10-15L (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PIDS (LEFT ARROW) | 30" x 30" |        | 1       |
| R25B (CA)      | PASSENGER LOADING ZONE 3 MIN                          | 18" x 18" |        | 1       |
| R3-1           | NO RIGHT TURN                                         | 24" x 24" | 1      |         |
| R3-2           | NO LEFT TURN                                          | 24" x 24" |        | 1       |
| R3-3           | NO TURNS                                              | 24" x 24" |        | 1       |
| R3-5a          | STRAIGHT THROUGH ONLY                                 | 30" x 36" |        | 1       |
| R81 (CA)       | BIKE LANE                                             | 12" x 8"  | 1      |         |
| R99C (CA)      | HANDICAP PARKING ONLY MIN FINE \$250                  | 12" x 24" |        | 1       |



**LEGEND & ABBREVIATIONS**

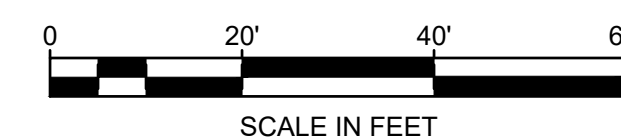
|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| XX  | CALTRANS STRIPING DETAIL | R1 | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊙  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊙  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

|   |                                                                            |
|---|----------------------------------------------------------------------------|
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| 3 | REMOVE SIGN POST                                                           |
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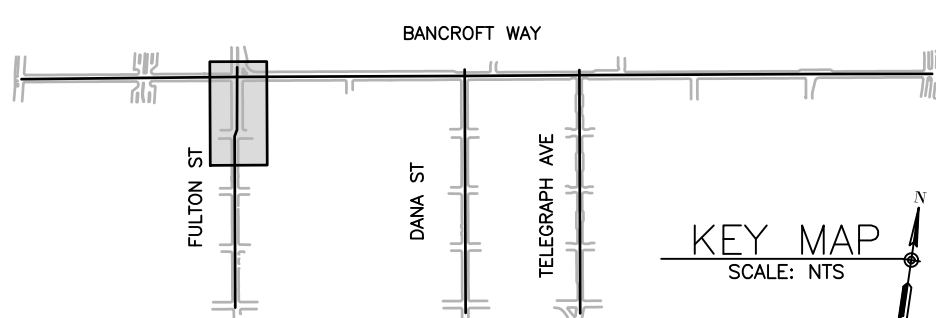
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|    |                                                                                |    |                                                          |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|----------------------------------------------------------|----|----------------------------------------------------------------------|
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 CITY ENGINEER

DESIGN: AK  
 DRAWN: AK  
 CHECK: KM/MD  
 AS BUILT: \_\_\_\_\_

HORIZ. AS NOTED  
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**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 FULTON STREET (SHEET 3 OF 3)

PLAN 8263  
 FILE 503-633  
 TP-13  
 SHEET 76 OF 155



| REVISION | MARK | DATE | DESCRIPTION |
|----------|------|------|-------------|
|          |      |      |             |
|          |      |      |             |
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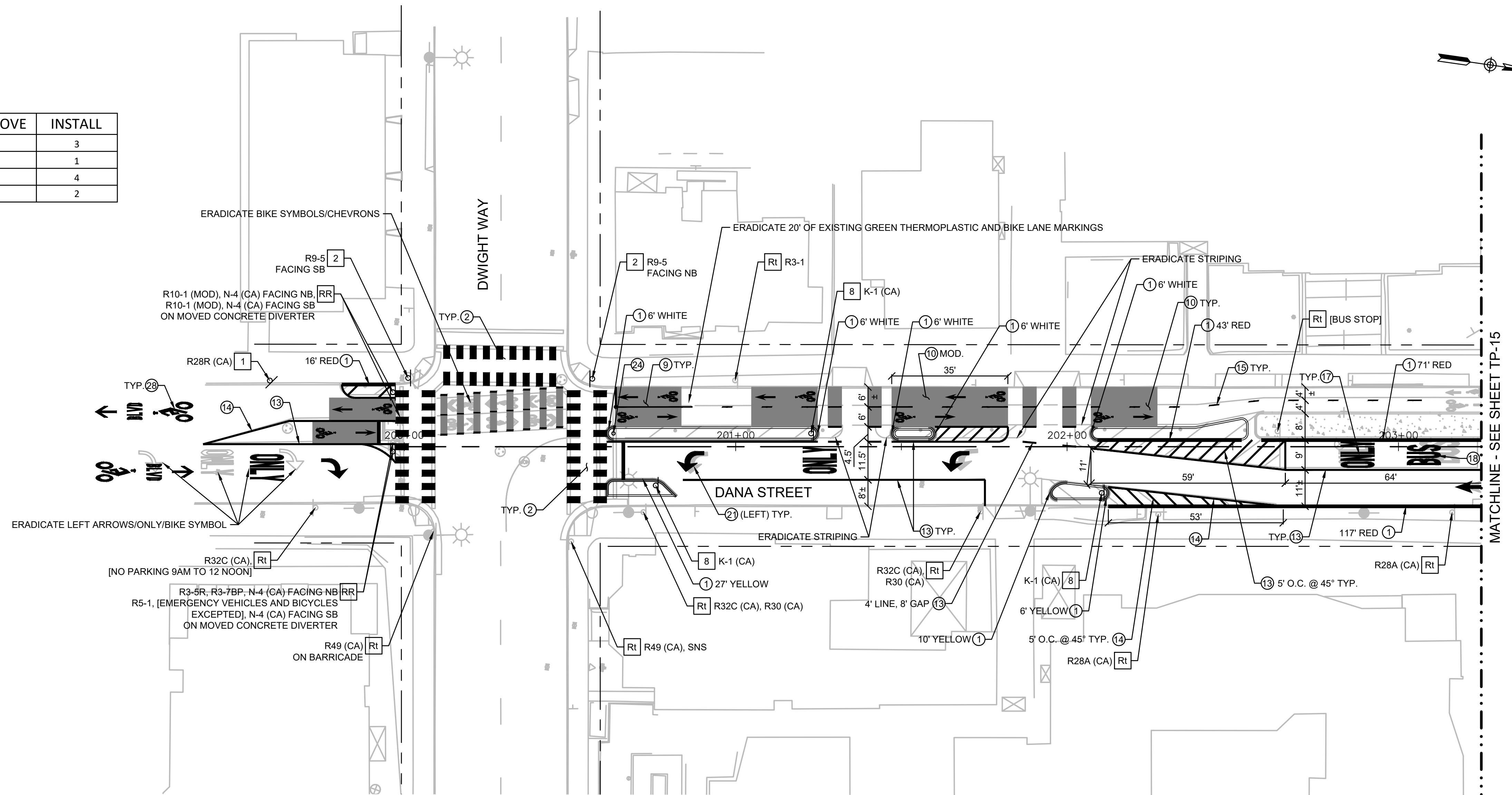


**GENERAL NOTES (THIS SHEET)**

- THIS SIGNAGE AND STRIPING PLAN IS BASED ON THE ASSUMPTION THAT THE AC TRANSIT PILOT PROJECT HAS BEEN COMPLETED.

| SIGN      | DESCRIPTION                      | SIZE      | REMOVE | INSTALL |
|-----------|----------------------------------|-----------|--------|---------|
| K-1 (CA)  | TYPE 2 OBJECT MARKER             | 6" x 12"  |        | 3       |
| R28R (CA) | NO PARKING ANYTIME (RIGHT ARROW) | 12" x 18" | 1      |         |
| N-4 (CA)  | TYPE 1 OBJECT MARKER             | 18" x 18" |        | 4       |
| R9-5      | BICYCLE USE PED SIGNAL           | 12" x 18" |        | 2       |

| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 2        |
| REMOVE EXISTING POST | 1        |



**LEGEND & ABBREVIATIONS**

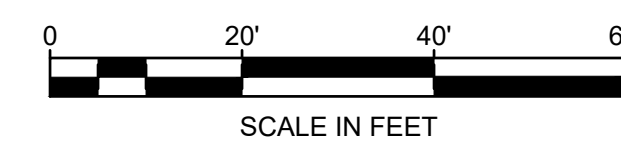
|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
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| SNS | STREET NAME SIGN         | ⊕  | PROPOSED METER HEAD    |
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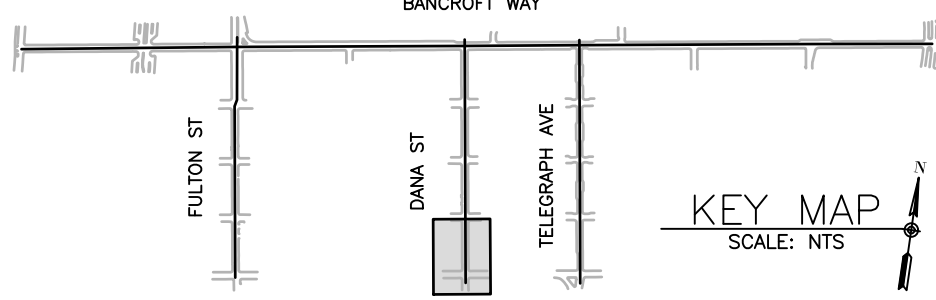
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- INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE
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- INSTALL 36" WHITE FLEXPOST
- INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER
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**CONSTRUCTION NOTES**

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- SEE TP-22 DETAIL 13 FOR TRAFFIC SIGN INSTALLATION DETAIL. EXISTING SIGNS TO REMAIN, UNLESS OTHERWISE NOTED
- CONTRACTOR TO ERADICATE BIKE BUFFER PAVEMENT MARKINGS FROM RECENTLY INSTALLED PROJECT (AC TRANSIT DANA STREET PILOT PROJECT) ON DANA STREET FROM DWIGHT WAY TO HASTE STREET



**TOOLE DESIGN**  
 1322 WEBSTER ST, SUITE 208  
 OAKLAND, CA 94612  
 PHONE: 510.298.0740  
 FAX: 301.927.2800  
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PROJECT MANAGER: \_\_\_\_\_ DATE \_\_\_\_\_  
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 SUPERVISING CIVIL ENGINEER  
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 EXP. \_\_\_\_\_  
 CITY ENGINEER

DESIGN: AK  
 DRAWN: AK  
 CHECK: KM/MD  
 AS BUILT: \_\_\_\_\_

HORIZ. AS NOTED  
 VERT. \_\_\_\_\_  
 BOOK \_\_\_\_\_  
 DATE: MAR 2023

**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 DANA STREET (SHEET 1 OF 3)

PLAN 8263  
 FILE 503-633  
 TP-14  
 SHEET ZZ OF 155



| APPROVAL | DESCRIPTION | DATE | MARK | REVISION |
|----------|-------------|------|------|----------|
|          |             |      |      |          |

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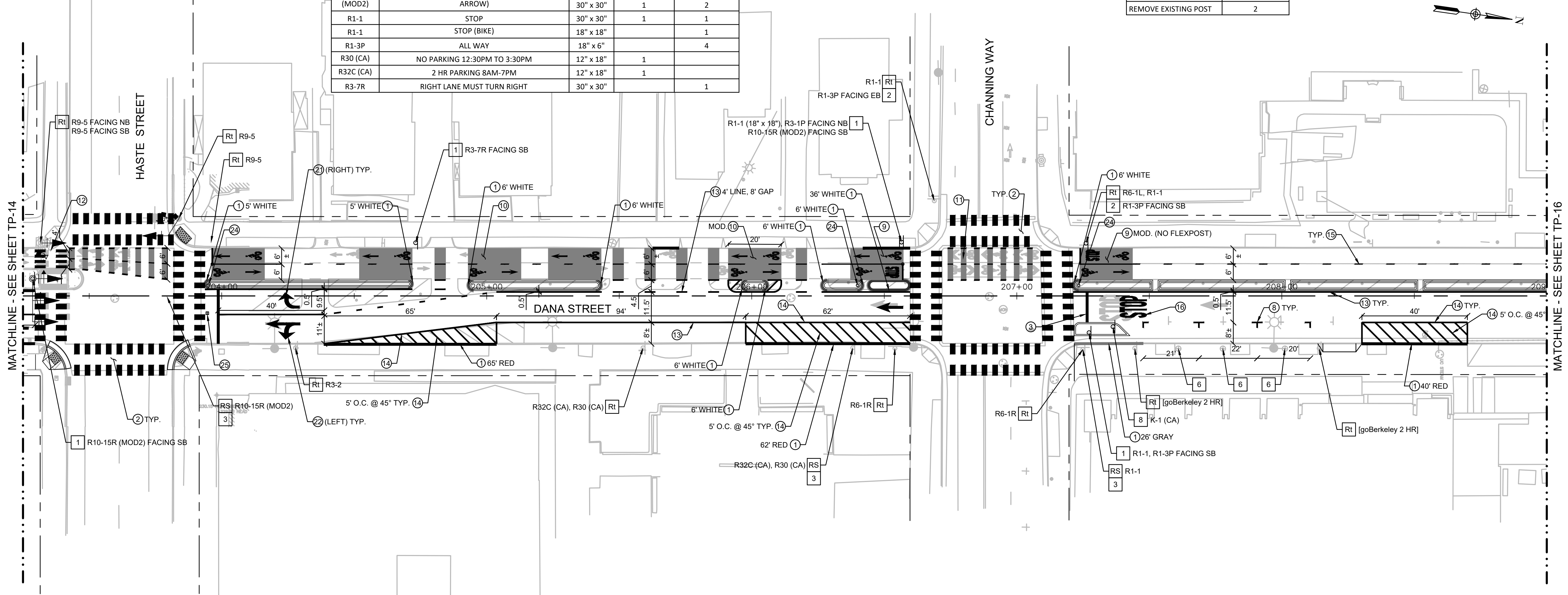


**GENERAL NOTES (THIS SHEET)**

1. THIS SIGNAGE AND STRIPING PLAN IS BASED ON THE ASSUMPTION THAT THE AC TRANSIT PILOT PROJECT HAS BEEN COMPLETED.

| SIGN           | DESCRIPTION                                            | SIZE      | REMOVE | INSTALL |
|----------------|--------------------------------------------------------|-----------|--------|---------|
| K-1 (CA)       | TYPE 2 OBJECT MARKER                                   | 6" x 12"  |        | 1       |
| R10-15R (MOD2) | TURNING VEHICLES YIELD TO BIKES AND PEDS (RIGHT ARROW) | 30" x 30" | 1      | 2       |
| R1-1           | STOP                                                   | 30" x 30" | 1      | 1       |
| R1-1           | STOP (BIKE)                                            | 18" x 18" |        | 1       |
| R1-3P          | ALL WAY                                                | 18" x 6"  |        | 4       |
| R30 (CA)       | NO PARKING 12:30PM TO 3:30PM                           | 12" x 18" | 1      |         |
| R32C (CA)      | 2 HR PARKING 8AM-7PM                                   | 12" x 18" | 1      |         |
| R3-7R          | RIGHT LANE MUST TURN RIGHT                             | 30" x 30" |        | 1       |

| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 3        |
| REMOVE EXISTING POST | 2        |



**LEGEND & ABBREVIATIONS**

|     |                          |    |                        |
|-----|--------------------------|----|------------------------|
| ⊗   | CALTRANS STRIPING DETAIL | Rt | RETAIN                 |
| TYP | TYPICAL                  | ⊖  | EXISTING SIGN          |
| MOD | MODIFIED                 | ⊕  | PROPOSED SIGN          |
| SLP | STREET LIGHT POLE        | ⊙  | EXISTING METER HEAD    |
| SNS | STREET NAME SIGN         | ⊙  | PROPOSED METER HEAD    |
| RR  | REMOVE AND REUSE         | ⊞  | EXISTING PARKING KIOSK |
| RS  | REMOVE AND SALVAGE       | ⊞  | PROPOSED PARKING KIOSK |
| ■   | GREEN THERMOPLASTIC      | ■  | RED MMA                |

**SIGNING KEYNOTES**

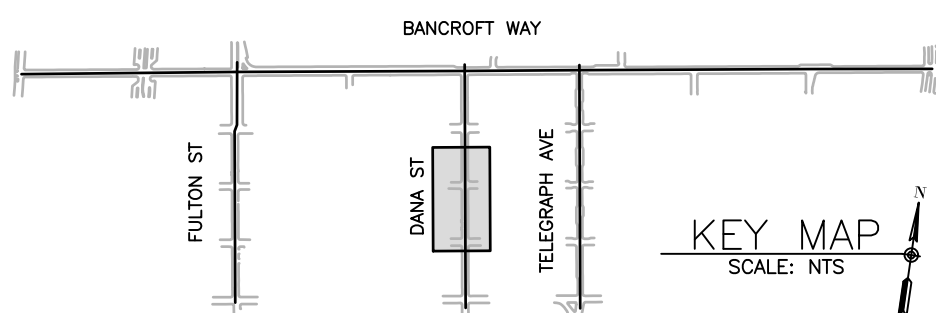
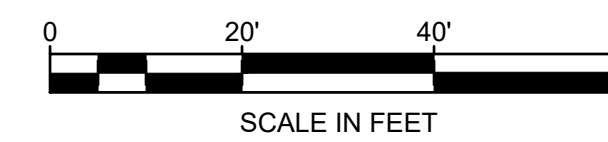
|   |                                                                            |
|---|----------------------------------------------------------------------------|
| 1 | INSTALL SIGNS ON 2" POST. SEE DETAIL [14] ON SHEET TP-19.                  |
| 2 | INSTALL SIGNS ON EXISTING POST/POLE                                        |
| 3 | REMOVE SIGN POST                                                           |
| 4 | REMOVE PARKING METER POLE. CITY TO REMOVE METER HEAD. SEE GENERAL NOTE 15. |
| 5 | CITY TO REMOVE PAY STATION. SEE GENERAL NOTE 15.                           |
| 6 | RETAIN EXISTING PARKING METER POST AND METER OR PAY STATION                |
| 7 | INSTALL PAY STATION (BY OTHERS). SEE GENERAL NOTE 17.                      |
| 8 | INSTALL SIGN ON 2" FLEX POST                                               |

**STRIPING KEYNOTES**

|    |                                                                                |    |                                                        |    |                                                                      |
|----|--------------------------------------------------------------------------------|----|--------------------------------------------------------|----|----------------------------------------------------------------------|
| 1  | PAINT/REFRESH CURB                                                             | 12 | STRIP BIKEWAY CROSSWALK. SEE DETAIL [2] ON SHEET TP-17 | 23 | INSTALL TYPE VIII ARROW                                              |
| 2  | STRIP HIGHER VISIBILITY CROSSWALK. SEE DETAIL [1] ON SHEET TP-17               | 13 | INSTALL 6" WHITE LINE                                  | 24 | INSTALL 36" WHITE FLEXPOST                                           |
| 3  | STRIP 1'-WIDE WHITE THERMOPLASTIC STOP BAR (5' BEHIND CROSSWALK U.O.N.)        | 14 | INSTALL 6" YELLOW LINE                                 | 25 | INSTALL BLUE RETRO-REFLECTIVE PAVEMENT MARKER                        |
| 4  | INSTALL GREEN THERMOPLASTIC                                                    | 15 | INSTALL 4" YELLOW 3' LENGTH 9' SKIP LINE               | 26 | INSTALL ADA STENCIL PAVEMENT MARKING                                 |
| 5  | INSTALL RED MMA                                                                | 16 | INSTALL THERMOPLASTIC "STOP" STENCIL                   | 27 | INSTALL BLUE ZONE STRIPING TREATMENT. SEE DETAIL [10] ON SHEET TP-18 |
| 6  | INSTALL YIELD LINE. SEE DETAIL [7] ON SHEET TP-18                              | 17 | INSTALL THERMOPLASTIC "ONLY" STENCIL                   | 28 | INSTALL BICYCLE BLVD STENCIL                                         |
| 7  | INSTALL BIKEWAY YIELD LINE. SEE DETAIL [8] ON SHEET TP-18                      | 18 | INSTALL THERMOPLASTIC "BUS" STENCIL                    | 29 | INSTALL BIKEWAY BUFFER WITH PARKING. SEE DETAIL [3] ON SHEET TP-17   |
| 8  | STRIP PARKING T'S. SEE DETAIL [9] ON SHEET TP-18                               | 19 | INSTALL THERMOPLASTIC BIKE LANE SYMBOL                 | 30 | INSTALL BUS LANE STRIPING. SEE DETAIL [11] ON SHEET TP-18            |
| 9  | INSTALL BIKEWAY INTERSECTION APPROACH TREATMENT. SEE DETAIL [4] ON SHEET TP-17 | 20 | INSTALL TYPE I ARROW                                   | 31 | INSTALL SPEED HUMP MARKING. SEE DETAIL [12] ON SHEET TP-18           |
| 10 | INSTALL BIKEWAY DRIVEWAY TREATMENT. SEE DETAIL [5] ON SHEET TP-17              | 21 | INSTALL TYPE IV ARROW                                  | 32 | INSTALL BIKE LANE SPEED HUMP MARKING. SEE DETAIL [13] ON SHEET TP-18 |
| 11 | INSTALL CROSS BIKE MARKING. SEE DETAIL [6] ON SHEET TP-17                      | 22 | INSTALL TYPE VII ARROW                                 |    |                                                                      |

**CONSTRUCTION NOTES**

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**CITY OF BERKELEY**  
 DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
 SIGNAGE AND STRIPING PLAN  
 DANA STREET (SHEET 2 OF 3)

PLAN 8263  
 FILE 503-633  
 TP-15  
 SHEET 78 OF 155



| REVISION | MARK | DATE | DESCRIPTION |
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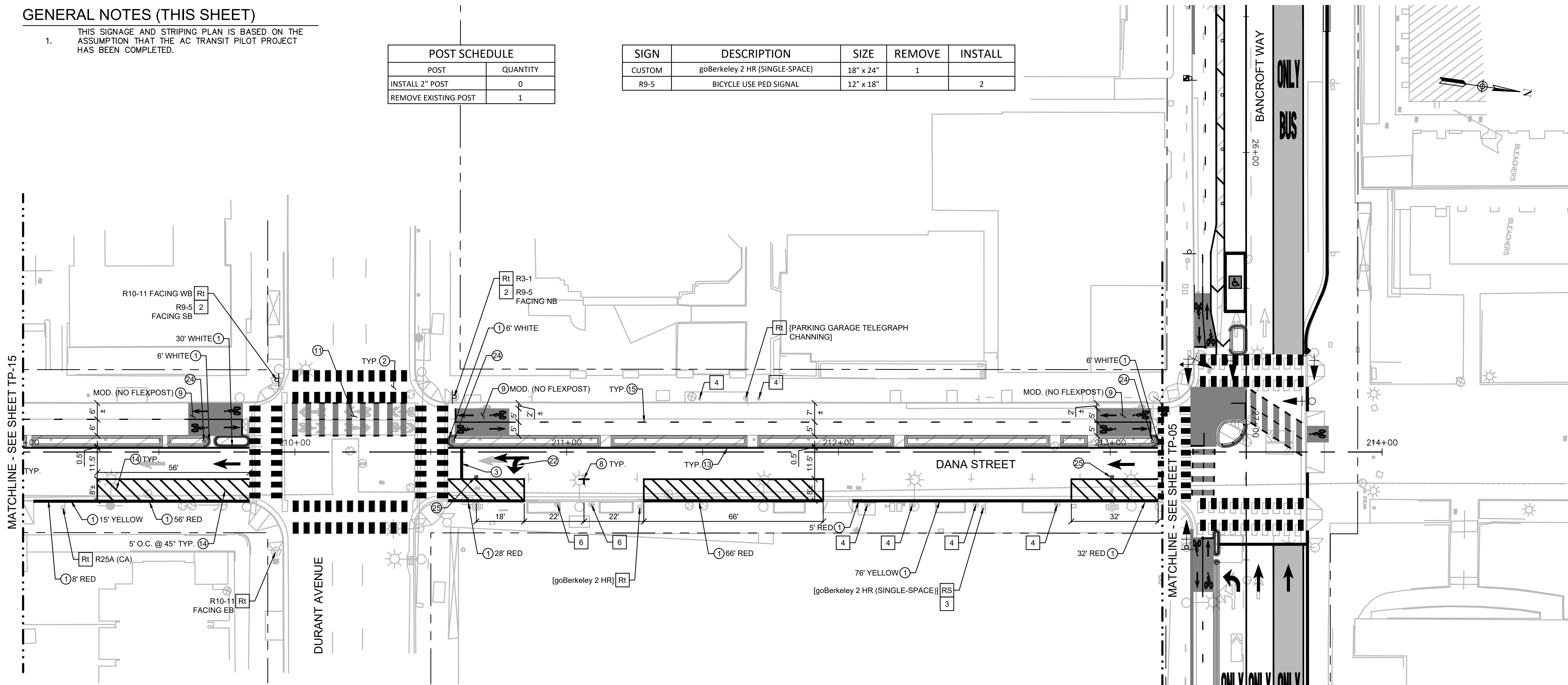


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| POST SCHEDULE        |          |
|----------------------|----------|
| POST                 | QUANTITY |
| INSTALL 2" POST      | 0        |
| REMOVE EXISTING POST | 1        |

| SIGN   | DESCRIPTION                    | SIZE      | REMOVE | INSTALL |
|--------|--------------------------------|-----------|--------|---------|
| CUSTOM | goBerkeley 2 HR (SINGLE-SPACE) | 18" x 24" | 1      |         |
| R9-5   | BICYCLE USE PED SIGNAL         | 12" x 18" |        | 2       |



**LEGEND & ABBREVIATIONS**

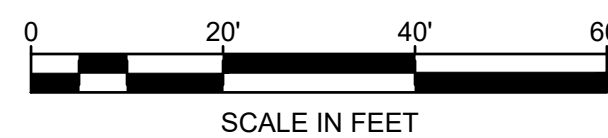
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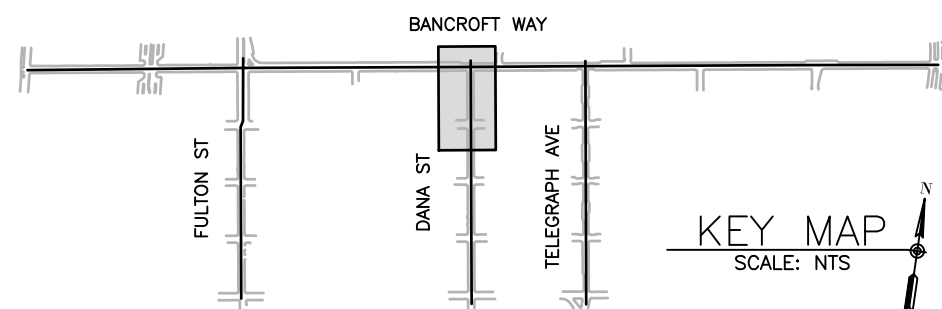
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|                       |      |                         |      |
|-----------------------|------|-------------------------|------|
| PROJECT MANAGER:      | DATE | DEPICTION OF MONUMENTS: | DATE |
| SURVEY CHIEF OF PARTY |      | WATERSHED REVIEW:       | DATE |

FOR REDUCED PLANS - ORIGINAL SCALE IS IN INCHES

|                            |      |           |      |
|----------------------------|------|-----------|------|
| SUBMITTED:                 | DATE | DESIGN:   | DATE |
| SUPERVISING CIVIL ENGINEER |      | DRAWN:    |      |
| APPROVED:                  | DATE | CHECK:    |      |
| CITY ENGINEER              |      | AS BUILT: |      |

|         |      |                  |      |
|---------|------|------------------|------|
| R.C.E.: | DATE | HORIZ. AS NOTED: | DATE |
| EXP.:   |      | VERT.:           |      |
| BOOK:   |      | DATE:            |      |

|           |       |                  |          |
|-----------|-------|------------------|----------|
| DESIGN:   | AK    | HORIZ. AS NOTED: |          |
| DRAWN:    | AK    | VERT.:           |          |
| CHECK:    | KM/MD | BOOK:            |          |
| AS BUILT: |       | DATE:            | MAR 2023 |

**CITY OF BERKELEY**  
DEPARTMENT OF PUBLIC WORKS

**SOUTHSIDE COMPLETE STREETS**  
SIGNAGE AND STRIPING PLAN  
DANA STREET (SHEET 3 OF 3)

PLAN 8263  
FILE 503-633  
TP-16  
SHEET 79 OF 155



| REVISION | MARK | DATE | DESCRIPTION |
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|          |      |      |             |
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|          |      |      |             |





Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Contract: Downtown Streets Team for hand sweeping, graffiti and litter abatement, poster removal, and low barrier volunteer work experience program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Downtown Streets Team for hand sweeping, graffiti and litter abatement, poster removal, and low barrier volunteer work experience program. The contract will be in an amount not to exceed \$1,625,500 for the period August 1, 2023 through August 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Annual expected costs are anticipated to be approximately \$530,000. Funding in the amount of \$225,000 is available in FY 2024 in the General Fund. Funding in the amount of \$331,250 is available in the Zero Waste Fund. There is additional one-time funding of \$100,000 in the General Fund that will be appropriated as part of the FY 2024 budget to support expansion to the Gilman District and support efforts to place low-level violators into the Downtown Streets program.

Future funding is subject to appropriation in the FY 2025 and FY 2026 budgets.

CURRENT SITUATION AND ITS EFFECTS

On May 31, 2022, City Council approved Resolution No. 70, 394-N.S to allow for City staff to enter into sole source negotiations with DST for new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of hand sweeping, leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts.

Public Works and the City Manager's Homeless Response Team worked on new pricing and scope of services to continue the important work of the Downtown Streets Team (DST). DST is a volunteer work experience model in which unhoused Team Members beautify their community in exchange for supportive services such as employment services and a basic needs stipend. Through their work, team members build effective work habits, take on leadership opportunities, further their education, and ready

themselves to reenter the workforce and housing through the support of a positive community. DST has placed over 1,500 individuals into employment (lasting at least 90 days) and almost 1,200 into permanent housing.

DST will focus in the following areas of the city: North Shattuck, Elmwood, Solano, Downtown, Adeline, Telegraph, West Berkeley, and Gilman. DST will provide regular reports on their team members, amount of debris collected, and other key metrics.

This contract supports the Strategic Plan Priorities of advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities and providing housing support services for our most vulnerable community members.

#### BACKGROUND

Since August 2018, DST has supported the City's Clean City Program by hand sweeping to remove excess leaves, litter, and trash from sidewalks and gutters throughout the City, and strive for clean, safe, beautiful commercial districts. Downtown Streets Team (DST) was selected (Specification No. 18-11185-C) as the lowest responsive and best-qualified bidder to meet the Clean City Program's needs; demonstrating both a thorough comprehension of the scope of services to be delivered and a proven program model by which very low income, unhoused persons, receive employment services, training, and other support to promote self-sufficiency in preparation for reentering the workforce and securing permanent housing.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Clean City Program supports the City's Zero Waste Program by ensuring litter and debris is properly removed from the City. Also, the Municipal Regional Stormwater Permit (MRP) requires the City to reduce the amount of trash flowing into local waterways and the Bay via the City's storm drainage system. Hand sweeping removes excess leaves, litter, and debris from sidewalks and gutters which prevents these items from getting into the City's storm drainage system.

#### RATIONALE FOR RECOMMENDATION

Public Works does not have sufficient staff to absorb the hand sweeping, debris, and litter abatement duties performed by DST.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Joy Brown, Operations Manager, Public Works, (510) 981-6629  
Joshua Jacobs, Homeless Services Coordinator, City Manager's Office (510) 225-8035

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: DOWNTOWN STREETS TEAM FOR HANDSWEEPING, LEAF AND LITTER REMOVAL, GRAFFITI ABATEMENT, POSTER REMOVAL AND LOW BARRIER VOLUNTEER WORK EXPERIENCE PROGRAM

WHEREAS, Downtown Streets Team is an organization committed to helping low-income and un-housed members in the local community achieve health and self-sufficiency; and

WHEREAS, Downtown Streets Team supports the Public Works Clean City program by providing additional cleaning services in select neighborhoods and around encampment hot spots; and

WHEREAS, Downtown Streets Team is a proven partner of Public Works supporting the Clean City program in areas throughout the City: and

WHEREAS, on May 31, 2022, City Council approved Resolution No. 70, 394-N.S to allow for City staff to enter into sole source negotiations with Downtown Streets Team for new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of hand sweeping, leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts through their low barrier volunteer work experience program; and

WHEREAS, annually, General Fund Measure P funding is available in the amount of \$225,000 and Zero Waste Fund in the amount of \$331,250 is available in the FY 2024 baseline budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract with Downtown Streets Team hand sweeping, graffiti and litter abatement, poster removal, and low barrier volunteer work experience program for a not to exceed amount of \$1,625,500 for the period August 1, 2023 through August 30, 2027.







Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Public Works  
Subject: Contract Amendment: Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. (Trip Stop) for FY2020 Sidewalk Inspection and Shaving Services, increasing the contract amount by \$835,969 for a total not-to-exceed amount of \$2,285,969.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in FY 2023 Public Works Engineering Sidewalks Budget in Measure F - Vehicle Registration Fees (VRF) (Fund 133), Measure BB Local Streets and Roads (Fund 134), and the Capital Improvement Fund (Fund 501). No other funding is required, and no further projects will be delayed due to this expenditure.

**Funding Sources**

|                                           |                  |
|-------------------------------------------|------------------|
| Measure F VRF Fund (Fund 133).....        | \$42,548         |
| Measure BB Fund (Fund 134).....           | \$477,688        |
| Capital Improvement Fund (Fund 501) ..... | \$315,733        |
| <b>Total Amendment Amount .....</b>       | <b>\$835,969</b> |

|                                               |                    |
|-----------------------------------------------|--------------------|
| Current Authorized Contract Amount .....      | \$1,450,000        |
| This Amendment Amount.....                    | \$835,969          |
| <b>Total Construction Contract Cost .....</b> | <b>\$2,285,969</b> |

CURRENT SITUATION AND ITS EFFECTS

The current authorized contract amount was fully expended in January 2023. Trip Stop has completed over 26,750 shave repairs at approximately 5,100 locations, but there continue to be areas of need. This contract amendment is essential to continue cost-effective repairs of displaced and uplifted sidewalks that pose urgent trip hazards to public safety.

The FY2020 Sidewalk Inspection and Shaving Services are a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

In October 2011, the City established the 50-50 program to share sidewalk replacement costs with property owners on a 50-50 basis. The cost of sidewalk repair and the lack of funding to keep pace with requests resulted in a ten-year backlog of customers awaiting replacement. As an alternative, Public Works has deployed the concrete shaving process as a cost-effective and expeditious means of repairing displaced and uplifted sidewalks that pose urgent trip hazards to the public. Shaving costs a fraction of sidewalk replacement. Due to the nature of shaving, there is minimal need for sidewalk closures and more sites per day can be repaired versus sidewalk replacement.

Requests for Qualifications (RFQ) were issued on August 26, 2019 (Specification No. 20-11345-C), seeking qualified firms or individuals to provide citywide sidewalk inspection and shaving services for the City's Sidewalk Program to address uplifted sidewalks that pose trip hazards to the public throughout the City. On December 3, 2019, by Resolution No. 69,195-N.S., the City council authorized Contract No. 32000147 with Trip Stop in an amount not to exceed \$450,000. On April 27, 2021, by Resolution 69,822-N.S., the City council authorized an amendment to Contract No. 32000147 with Trip Stop to authorize an additional \$1,000,000 to a total amount not to exceed \$1,450,000.

### ENVIRONMENTAL SUSTAINABILITY

The City's sidewalk repair program is a component of the City's climate action plan, as well-maintained sidewalks help to facilitate safe walking, which is a healthy and clean form of transportation. In addition, there are environmental benefits to be realized from concrete grinding and shaving versus full sidewalk replacement, which creates significant amounts of waste we deliver to landfills. Further, concrete grinding and shaving necessitates the production of far less cement and lowers total fuel costs compared with complete sidewalk replacement.

### RATIONALE FOR RECOMMENDATION

This sidewalk project is part of the City's ongoing annual program to address deteriorated sidewalks. The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete the project.

### ALTERNATIVE ACTIONS CONSIDERED

City Council could choose not to amend this contract, in which case, the progress of planned sidewalk repairs would be delayed.

### CONTACT PERSON

Ronald A. Nevels, Interim Manager of Engineering, Public Works, (510) 981-6439  
Srinivas Muktevi, Supervising Civil Engineer, Public Works (510) 981-6402

Contract Amendment: Contract No. 32000147  
Trip Stop Sidewalk Repair, Inc. for the FY2020 Sidewalk  
Inspection and Shaving Services Project

CONSENT CALENDAR  
June 27, 2023

**Attachment:**

1: Resolution – Amendment to Contract with Trip Stop Sidewalk Repairs, Inc.

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32000147 AMENDMENT: TRIP STOP SIDEWALK REPAIR, INC. FOR FY 2020 SIDEWALK INSPECTION AND SHAVING SERVICES PROJECT

WHEREAS, the FY2020 Sidewalk Inspection and Shaving Services Project, Specification No. 20-11345-C, is part of the City's ongoing Sidewalk Capital Improvement Program to address uplifted sidewalks that pose trip hazards to the public on sidewalks located throughout the City; and

WHEREAS, on August 26, 2019, the City released a Request for Qualifications for the FY2020 Sidewalk Inspection and Shaving Services Project, Specification No. 20-11345-C, seeking firms to provide inspection, analysis, and concrete shaving services; and

WHEREAS, on December 3, 2019, by Resolution No. 69,195-N.S., the City Council authorized Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services, in an amount not to exceed \$450,000; and

WHEREAS, on April 27, 2021, by Resolution No. 69,822-N.S., the City Council authorized the City Manager to amend Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc., increasing the contract amount by \$1,000,000 to an amount not to exceed \$1,450,000; and

WHEREAS, Public Works continues to identify areas of interest to deploy Trip Stop Sidewalk Repair, Inc. to address trip hazards; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake the FY2020 Sidewalk Inspection and Shaving Services Project; and

WHEREAS, funds are available in the current year budget in the Measure F VRF Fund (Fund 133), the Measure BB Fund (Fund 134), and the Capital Improvement Fund (Fund 501).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services, increasing the amount by \$835,969 for a total not to exceed \$2,285,969. A record signature copy of the said contract and any amendments are to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Ground Lease Agreement – RM Ventures LLC, d.b.a *In the Wood* Grill and Bar for Nonexclusive Use of Elmwood Parking Lot Pedestrian Paseo

RECOMMENDATION

Adopt the first reading of an Ordinance authorizing the City Manager to execute a ground lease agreement with RM Ventures LLC d.b.a., *In the Wood* Grill and Bar for the nonexclusive use of a portion of the Elmwood Parking Lot Pedestrian Access Path (“Paseo”), a City-owned midblock pedestrian path connecting the City’s Elmwood Parking Lot to College Avenue in the Elmwood Neighborhood Shopping District, for an initial term of ten (10) years with one optional ten (10) year lease extension.

FISCAL IMPACTS OF RECOMMENDATION

This land lease agreement for nonexclusive use of 557 square feet anticipates total revenue of \$19,156 for the initial ten (10) year term. The initial monthly price per square foot is \$0.25 with an annual adjustment of 3% beginning the second year after the Commencement Date of the lease. The tenant is also required to maintain the entire width and length of the Paseo, including the pedestrian path, clean and free of trash on a daily basis. Rent will be deposited into the Off-Street Parking Fund for Surface Parking Lot Revenue.

CURRENT SITUATION AND ITS EFFECTS

Prospective tenant, RM Ventures LLC, d.b.a, *In the Wood*, a restaurant located at 2930 College Avenue currently uses a portion of the Elmwood Parking Lot Paseo, a midblock paved pedestrian path connecting the City’s Elmwood Parking Lot to College Avenue in the Elmwood Neighborhood Shopping District to serve food and drinks, including beer and wine. Owners of *In the Wood* Grill and Bar recently applied and had approved a Planning Use Permit to add license for service of distilled spirits, in addition to beer and wine at the restaurant and outdoor dining area. Approval of this lease will correct a prior incorrect determination that the area is public right of way, ensure tenant has sufficient liability insurance coverage for the nonexclusive use of the property, and ensure conformance with an existing easement requiring a pedestrian access path at all times.

BACKGROUND

In 2022, RM Ventures applied for a Planning Use Permit to add license for service of distilled spirits at *In the Wood Grill and Bar*, a restaurant with outdoor dining area. During the application review process, City staff determined that previous approvals for the outdoor dining area incorrectly categorized the area as public right of way and issued approval for the use with a sidewalk café permit. Sidewalk café permits are only for public right of way.

The area is the Elmwood Parking Lot Paseo and is private property owned by the City of Berkeley. It consists of a portion of two parcels (APNs 052-156800700 and 052-156800601) that combined with six other parcels are the City's Elmwood Parking Lot. The portion of interest is a midblock, paved passageway between the parking lot and College Avenue. The Planning Use Permit (ZP2022-0139) to add a license for distilled spirits included Outdoor Dining Conditions and was approved February 23, 2023 and the outdoor dining area is shown in Exhibit A (Premises). With input from the City Attorney's Office it was determined that a land lease granting nonexclusive use of the Paseo to RM Ventures, LLC is the solution that ensures appropriate liability protections and a fair rent is collected by the City.

If approved, the restaurant's use of the area is nonexclusive because during nonoperational hours *In the Wood Grill and Bar* will remove all tables and chairs in the outdoor dining area and store them in a 60 square foot area at the west end of the Paseo. To ensure conformance with the existing easement agreement, the potential tenant and Public Works will work together to clearly mark the limits of the patio dining area to ensure no encroachment into the six-foot wide public access path at all times. This ensures adjacent business owners and operators, their customers, City maintenance staff, and the general public will have a generous access path at all times as required by the easement. The storage area and pedestrian path are shown in Exhibit A (Premises).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

The Elmwood Parking Lot Paseo is not public right of way. Approval of this lease will correct a prior incorrect determination that the area is public right of way, ensure tenant has sufficient liability insurance coverage for the nonexclusive use of the property, and ensure conformance with an existing easement requiring a pedestrian access path at all times.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dionne Early, Community Development Project Coordinator, Public Works Department,  
(510) 981-6453

Attachments:

1: Ordinance

    Exhibit A: Ground Lease

        Exhibit A: Premises

        Exhibit B: Term and Payment

        Exhibit C: Use Permit

ORDINANCE NO. -N.S.

LAND LEASE AGREEMENT BETWEEN CITY OF BERKELEY AND RM VENTURES,  
LLC D.B.A., IN THE WOOD GRILL AND BAR

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. FINDINGS:

The City owns six parcels upon which the Elmwood Parking Lot and Paseo, a midblock pedestrian pathway is located. The Paseo (located on APNs 052-156800700 and 052-156800601) connects visitors from the parking lot to College Avenue and back. Additionally, an easement established when the City purchased the property guarantees access through the Paseo and throughout the parking lot for all property and business owners adjacent to the Lot. The City previously, and incorrectly, issued a sidewalk café permit agreement for partial use of the Paseo for dining and flower sales. The City and tenant, RM Ventures, LLC d.b.a., *In the Wood Grill and Bar* agreed to enter into this nonexclusive use land lease agreement which replaces the previous sidewalk café permit and designates 497 square feet along the southern property line of 2930 College be used as an outdoor dining area, 60 square feet be used for storage of outdoor furniture during restaurant closures, and the remainder to be a minimum six-foot-wide pedestrian path maintained at all times. The initial term of the new agreement shall be for an initial ten-year term with an option to extend for one additional ten-year term. The total revenue for the initial ten-year term of the agreement will be \$19,156 which will be entered into Off-Street Parking Fund account code 627-54-622-6665-3004-000-000462110 for Surface Parking Lot Revenue.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO NONEXCLUSIVE USE LAND LEASE AT APNs 052-156800700 and 052-156800601 as set forth in Exhibit A.

The City Manager is hereby authorized to enter into a ten-year lease agreement with the option for a 10-year extension with RM Ventures, LLC d.b.a., *In the Wood Grill and Bar* for real property located on parcels designated sections of APNs 052-156800700 and 052-156800601. Such lease shall be on substantially the terms set forth in Exhibit A.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



**GROUND LEASE BETWEEN  
THE CITY OF BERKELEY AND  
RM VENTURES, LLC D.B.A., IN THE WOOD GRILL & BAR**

This lease is made retroactively effective on March 1, 2023 the CITY OF BERKELEY ("Landlord"), a Charter City organized and existing under the laws of the State of California and RM Ventures LLC ("Tenant"), a limited liability corporation d.b.a., *In the Wood Grill and Bar*, a restaurant who agree as follows:

*This lease is made with reference to the following facts and objectives:*

A. Landlord is the owner of the real property assessor parcel numbers (APN) 052-156800700 and 052-1568601, adjacent to the property line of 2930 College Avenue, Berkeley, California, ("premises") as further described in Exhibit A, attached to and made a part of this lease.

B. Tenant is willing to accept a nonexclusive use lease of the premises from Landlord pursuant to the provisions stated in this lease.

C. Tenant wishes to lease the premises for the purpose of using 497 square feet of land as outdoor dining patio during *In the Wood Grill and Bar*'s hours of operation and using an additional 60 square feet of space for storage of outdoor dining furniture during hours of nonoperation.

D. Tenant has examined the premises and is fully informed of the condition thereof.

**1. DESCRIPTION OF PREMISES**

Landlord leases to Tenant and Tenant leases from Landlord the premises described as: Approximately 557 square feet ("Premises") of paved land owned by the Landlord, located within the midblock access path connecting the City's Elmwood Parking Lot to College Avenue between Russell Street and Ashby Avenue in the northwest corner of the neighborhood shopping district in Berkeley, California and commonly known as the Elmwood Parking Lot pedestrian access alley ("Paseo"), as shown outlined on Exhibit A - Premise, attached hereto and made a part of this Lease.

**2. TERM**

The term of this lease shall commence retroactively on March 1, 2023. The effective date of the ordinance provides and shall be for a period of ten (10) years. Lease includes one (1) optional ten (10) year extension as shown in Exhibit B – Term and Rent, attached hereto and made a part of this Lease. In order to exercise this option, Tenant must give written notice of its election to do so to Landlord at least 180 days, but not more than one year, prior to the expiration date of the initial lease term. Tenant shall have no other right to extend the term beyond the option period.

**3. RENT**

Tenant shall pay to Landlord as annual rent, without deduction, setoff, prior notice, or demand, the sum of \$1,671.00 for the first year of the initial term within 30 days of approval and execution of the lease. Thereafter, annual rent will be due on the first day of each term year commencing on the date the term commences, and continuing during the term. Annual rent for the first year shall be paid on the day the term commences (March 1<sup>st</sup>). All rent shall be paid to Landlord at the address to which notices to Landlord are given.

**4. PERIODIC RENT INCREASES**

The monthly rent shall be increased at the commencement of the second year of the term and each year thereafter ("the adjustment date") by three percent (3%). The following table list the amount due for each year of the initial term:

|         | <u>TIME PERIOD</u>                | <u>ANNUAL RENTAL</u> |
|---------|-----------------------------------|----------------------|
| Year 1  | March 1, 2023 – February 29, 2024 | \$1,671.00           |
| Year 2  | March 1, 2024 – February 28, 2025 | \$1,721.13           |
| Year 3  | March 1, 2025 – February 28, 2026 | \$1,772.76           |
| Year 4  | March 1, 2026 – February 28, 2027 | \$1,825.95           |
| Year 5  | March 1, 2027 – February 29, 2028 | \$1,880.73           |
| Year 6  | March 1, 2028 – February 28, 2029 | \$1,937.15           |
| Year 7  | March 1, 2029 – February 28, 2030 | \$1,995.26           |
| Year 8  | March 1, 2030 – February 28, 2031 | \$2,055.12           |
| Year 9  | March 1, 2031 – February 29, 2032 | \$2,116.77           |
| Year 10 | March 1, 2032 – February 28, 2033 | \$2,180.28           |

Rent shall be payable in advance on the first (1<sup>st</sup>) day of the month of each year of the Term of this Lease and paid to City of Berkeley at the address to which notices to Landlord are given.

**5. SECURITY DEPOSIT**

The lease is for nonexclusive use of the Premises, a paved outdoor space open to inspection by the Landlord at any and all times. No security deposit for the Premises is requested or required by the Landlord.

**6. LATE CHARGES**

Tenant acknowledges that late payment by Tenant to Landlord of rent and other

sums due hereunder will cause Landlord to incur costs not contemplated by this lease, the exact amount of which will be extremely difficult to ascertain. Therefore, if any installment of rent or any other sum due from Tenant is not received by Landlord within ten (10) days after such amount is due, then, without any requirement for notice to Tenant, Tenant shall pay to Landlord a late charge equal to ten percent (10%) of such overdue amount. The parties agree that this late charge represents a fair and reasonable estimate of the costs that Landlord will incur by reason of late payment by Tenant. Acceptance of such late charge by Landlord shall in no event constitute a waiver of Tenant's default with respect to such overdue amount, nor prevent Landlord from exercising any of the other rights and remedies available to it.

**7. USE OF PREMISES; OPERATION**

a. Tenant agrees and understands the premises is lease in its "AS IS" condition and that use of the premises is nonexclusive.

b. Tenant will use the premises for the purpose of outdoor dining including service of beer, wine, and spirits as detailed in approved Use Permit #ZP2022-0139 for the restaurant located at 2930 College Avenue and storage of furniture used for that outdoor dining area and agrees to continuously and uninterruptedly occupy and use the entire leased premises for said purpose and to maintain adequate personnel for the efficient service of clients or customers. Tenant shall not use nor permit the use of the whole or any part of the premises for any other purpose without the Landlord's prior written consent.

b. Business may be conducted with the public on the leased premises at any time on any day, provided that, to do business after 10:00 p.m. on any day Tenant shall have obtained any permit required by federal, state or local law. Tenant shall operate the outdoor dining area with sufficient staff to serve patrons and only during the hours of operation of the associated restaurant and in conformance with any and all permits required by federal, state, or local law. Tenant shall serve beer, wine, and spirits in conformance with City of Berkeley Use Permit #ZP2022-0139 for a Type 47 ABC license.

c. In addition to Tenant's agreement to abide by all other restrictions on Tenant's use, Tenant shall maintain at all times a minimum six-foot wide pedestrian path parallel to the outdoor dining and storage area to ensure a midblock pedestrian path to and from the Elmwood Parking Lot and College Avenue is continuously maintained in the Paseo. Tenant agrees that any violation of this use restriction shall constitute a default by Tenant under the lease, and that Landlord's notice to Lessee of this specific use restriction shall not be deemed a waiver by Landlord of any other use restriction imposed on the Tenant for the use of the demised premises.

**8. TAXES AND ASSESSMENTS**

a. Tenant understands that because this lease is for the nonexclusive use of land owned and operated by the City of Berkeley no possessory interest in the property will be created

and therefore the tenant will not be subject to property tax, assessments or utility taxes for the ground leased to the tenant.

b. Tenant shall pay all taxes on its personal property, fixtures and on its leasehold or possessory interest in the leased premises and any other assessment that may be lawfully levied.

**9. UTILITIES**

Tenant agrees to pay any and all charges for electricity, gas, heat, cooling, telephone, sewer use, water, refuse collection and other utilities used in the premises. Tenant shall arrange for refuse collection services by the City of Berkeley. Landlord is responsible for the pedestrian lighting and utilities associated with pedestrian lighting in the Paseo.

**10. MAINTENANCE AND REPAIR**

a. Tenant is responsible for ensuring that the premises meet all applicable City of Berkeley codes prior to occupancy under this lease.

b. Tenant shall keep and maintain in good order, condition and repair (except for reasonable wear and tear) all portions of the premises including without limitation, sewage facilities serving the leased premises, landscaping, and the sidewalk adjacent to the premises.

c. Tenant shall make all required repairs upon demand by Landlord. Failure to make such repairs within thirty (30) days of the Landlord's demand shall constitute a default by Tenant.

**11. IMPROVEMENTS**

a. Tenant shall not erect additions or structures nor make nor cause to be made any alterations, improvements, additions, or fixtures that affect the premises, nor shall Tenant mark, paint, drill or in any way deface any floors, walls, or partitions of the premises without first providing thirty (30) days' written notice to Landlord. If Landlord raises no objections within thirty (30) days after receipt of such notice, Tenant may proceed.

b. Tenant shall require all contractors to provide a labor and materials bond for the full amount of the contract. Tenant shall pay, when due, all sums of money that may be due or become due for any labor, services, materials, supplies or equipment furnished to or for Tenant, in, at, upon or about the leased premises and which may be secured by any mechanic's, materialmen's or other lien against the premises or Landlord's interest therein.

c. All alterations, improvements or additions that are now or in the future

attached permanently to the premises shall be the property of Landlord and remain with the premises at the termination of this lease, except that Landlord can elect within thirty (30) days of the termination of the lease to require Tenant, at its cost, to remove any alterations, improvements or additions Tenant has made to the premises.

**12. INDEMNIFICATION**

Tenant shall indemnify, defend and hold Landlord, its officers, agents, volunteers and employees harmless from: 1) all claims of liability for any damage to property or injury or death to any person occurring in, on, or about the premises; 2) all claims of liability arising out of Tenant's failure to perform any provision of this lease, or any act or omission by Tenant, its agents, contractors, invitees or employees; and 3) all damages, liability, fines, penalties, and any other consequences arising from any noncompliance or violation of any laws, ordinances, codes, or regulations, including but not limited to the Occupational Safety and Health Act of 1979 and the Americans with Disabilities Act of 1990. Except, however, that Landlord shall hold Tenant harmless from all claims of liability for damage resulting from the acts or omissions of Landlord or its authorized representatives.

**13. INSURANCE**

a. Tenant at its cost shall maintain public liability and property damage insurance with a single combined liability limit of \$2,000,000 and property damage limits of not less than \$200,000 insuring against all liability of Tenant and its authorized representatives arising out of and in connection with Tenant's use or occupancy of the premises. All such insurance shall insure performance by Tenant of the preceding indemnity provisions. All insurance shall name the City of Berkeley, its officers, agents, volunteers and employees as additional insureds and shall provide primary coverage with respect to the City.

b. If the insurance referred to above is written on a Claims Made Form, then following termination of this lease, coverage shall survive for a period of not less than five years. Coverage shall also provide for a retroactive date of placement coinciding with the effective date of this lease.

c. Tenant at its cost shall maintain on all its personal property, tenant's improvements, and alterations, in on, or about the premises, a policy of standard fire and extended coverage insurance, with vandalism and malicious mischief endorsements. This coverage shall be considered primary, and the proceeds from any such policy shall be used by Tenant for the replacement of personal property or the restoration of tenant's improvements or alterations.

d. If Tenant employs any person, it shall carry workers' compensation and employer's liability insurance and shall provide a certificate of insurance to the Landlord. The workers' compensation insurance shall: provide that the insurance carrier shall not cancel,

terminate, or otherwise modify the terms and conditions of said insurance except upon thirty (30) days prior written notice to the Landlord; provide for a waiver of any right of subrogation against Landlord to the extent permitted by law; and be approved as to form and sufficiency by the Landlord's Risk Manager.

e. Tenant shall forward all insurance documents to: Real Property, Department of Public Works, 1947 Center Street, Fifth Floor, Suite 521, Berkeley, California, 94704.

#### **14. COMPLIANCE WITH LAW AND SAFETY**

a. Tenant shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal and local governing bodies having jurisdiction over any or all of the Tenant's activities, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal, and local safety regulations. All Tenant's activities must be in accordance with these laws, ordinances, codes, and regulations.

b. If a death, serious personal injury, or substantial property damage occurs in, on, or about the premises, Tenant shall immediately notify the Landlord's Risk Management Office by telephone. If any accident occurs on the premises, Tenant shall promptly submit a written report to Landlord, in such form as Landlord may require. This report shall include the following information: 1) name and address of the injured or deceased person(s), (2) name and address of Tenant's contractor, if any, (3) name and address of Tenant's liability insurance carrier, and (4) a detailed description of the accident.

c. If a release of hazardous materials or hazardous waste that cannot be controlled occurs on the premises, Tenant shall immediately notify the City of Berkeley Police Department and the City's Emergency and Toxics Management Office. Tenant shall not store hazardous materials or hazardous waste on the premises without a proper permit from the City.

#### **15. NON-DISCRIMINATION AGAINST PERSONS WITH DISABILITIES**

a. If Tenant provides any aid, service or benefit to others on the City's behalf, Tenant shall, in the provision of such aid, service or benefit, observe and comply with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 and any amendments thereto. Tenant shall further observe and comply with all applicable federal, state, municipal and local laws, ordinances, codes and regulations prohibiting discrimination against individuals with disabilities or ensuring that individuals with disabilities are not excluded from participating in or receiving benefits, services or activities of the City.

b. If Tenant is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Tenant shall observe and comply with all applicable provisions of the Act and any amendments thereto, and all applicable federal, state, municipal

and local laws, ordinances, codes and regulations prohibiting discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations offered by the Tenant. All Tenant's activities must be in accordance with these laws, ordinances, codes, and regulations, and Tenant shall be solely responsible for complying therewith.

**16. CITY NON-DISCRIMINATION ORDINANCE**

Tenant agrees to comply with the provisions of Berkeley Municipal Code Chapter 13.26 as amended from time to time. In the performance of this lease, the Tenant agrees as follows:

a. The Tenant shall not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age (over 40), sex, pregnancy, marital status, disability, sexual orientation or AIDS.

b. The Tenant shall permit the Landlord access to records of employment advertisements, application forms, EEO-1 forms, affirmative action plans and any other documents which, in the opinion of the Landlord, are necessary to monitor compliance with this non-discrimination provision, and will, in addition, fill-out in a timely fashion, forms supplied by the Landlord to monitor these non-discrimination provisions.

**17. NUCLEAR FREE BERKELEY**

Tenant agrees to comply with Berkeley Municipal Code Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

**18. OPPRESSIVE STATES**

a. In accordance with Resolution No. 59,853-N.S., Tenant certifies that it has no contractual relations with, and agrees during the term of this Lease to forego contractual relations to provide personal services to or to purchase, sell, lease or distribute commodities in the conduct of business with, the following entities:

- (1) The governing regime in any Oppressive State.
- (2) Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- (3) Any individual, firm, partnership, corporation, association, or any other commercial organization, and including parent-entities and wholly-owned subsidiaries (to the extent that their operations are related to the purpose of its contract with the City), for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

b. For purposes of this lease, the Tibet Autonomous Region and the provinces of Abo, Kham, and U-Tsang shall be deemed oppressive states.

c. Tenant's failure to comply with this section shall constitute a default of this lease and Landlord may terminate this lease pursuant to Section 26. In the event that the City terminates this lease due to a default under this provision, City may deem Tenant a non-responsible bidder for five (5) years from the date this lease is terminated.

## **19. BERKELEY LIVING WAGE ORDINANCE**

a. Tenant agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance. If Tenant employs six (6) or more part-time, full-time or stipend employees, and generates \$350,000 or more in annual gross receipts, Tenant will be required to provide all eligible employees with City mandated minimum compensation during the term of this lease, as defined in B.M.C. Chapter 13.27, and well as comply with the terms enumerated herein.

b. Tenant shall be required to maintain all reasonable records and documents that would establish whether Tenant is subject to Berkeley's Living Wage Ordinance (LWO). If Tenant is subject to the LWO, as defined therein, Tenant shall be further required to maintain monthly records of those employees located on the leased premises. These records shall include the total number of hours worked, the number of hours spent providing service on the leased property, the hourly rate paid, and the amount paid by Tenant for health benefits, if any, for each of its employees providing services under the lease. The records described in this Section shall be made available upon the City's request. The failure to produce these records upon demand shall be considered a default, subject to the provisions contained in sections 25 and 26 herein.

c. If Tenant is subject to the LWO, Tenant shall include the requirements of the ordinance, as defined in B.M.C. Chapter 13.27, in any and all subleases in which Tenant enters with regard to the subject premises. Subtenants shall be required to comply with this ordinance with regard to any employees who spend 25% or more of their compensated time on the leased property.

d. If Tenant fails to comply with the requirements of this the LWO and this lease, the City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 26.



In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50 per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Tenant's failure to pay any of its eligible employees at least the applicable living wage rate will result in damages being sustained by the City; that the nature and amount of the damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damage for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty of forfeiture for Tenant's breach.

**20. BERKELEY EQUAL BENEFITS ORDINANCE**

a. Tenant hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Tenant is currently subject to the Berkeley Equal Benefits Ordinance, Tenant will be required to provide all eligible employees with City mandated equal benefits during the term of this lease, as defined in B.M.C. Chapter 13.29, as well as comply with the terms enumerated herein.

b. If Tenant is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Tenant agrees to supply the City with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be considered a default, subject to the provisions of Sections 25 and 26 of this lease.

c. If Tenant fails to comply with the requirements of this Section, City shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Tenant's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this lease pursuant to Section 26.

In addition, at City's sole discretion, Tenant may be responsible for liquidated damages in the amount of \$50.00 per employee per day for each and every instance of violation of this Section. It is mutually understood and agreed that Tenant's failure to provide its employees with equal benefits will result in damages being sustained by City; that the nature and amount of these damages will be extremely difficult and impractical to fix; that the liquidated damages set forth herein is the nearest and most exact measure of damages for such breach that can be fixed at this time; and that the liquidated damage amount is not intended as a penalty or forfeiture for Tenant's breach.

**21. PESTICIDES**

All use of pesticides on the premises shall be in compliance with the City of Berkeley's Pesticide Use Policy as it exists at the time of such use.

**22. SIGNS**

Tenant shall not install or letter any signs on the premises without the prior written consent of Landlord. All signs on the premises shall conform to the provisions of Berkeley Municipal Code Chapter 20.04.

**23. DAMAGE OR DESTRUCTION**

If the premises are totally or partially destroyed from any cause, rendering the premises totally or partially inaccessible or unusable, Landlord may elect to terminate this lease or continue this lease in effect by giving notice to Tenant within thirty (30) days of the date of destruction. If Landlord elects to continue this lease in full force and effect, then Landlord shall restore the premises and the rent shall be abated, from the date of destruction until the date restoration is completed, in an amount proportionate to the extent to which the destruction interferes with Tenant's use of the premises. If Landlord fails to give notice of its decision to terminate or continue this lease within the period stated, Tenant may elect to terminate this lease. Tenant waives the provisions of Civil Code sections 1932(2) and 1933(4) with respect to any destruction of the premises.

**24. EMINENT DOMAIN**

If the whole or any portion of the premises is taken by any paramount public authority under the power of eminent domain, then the rights and obligations of the parties shall be determined as follows: If the premises are totally taken by condemnation, this lease shall terminate on the date of taking. If any portion of the premises is taken by condemnation, Tenant shall have the right to either terminate this lease or to continue in possession of the remainder of the premises under the terms of this lease. Such right to terminate must be exercised by notifying Landlord within thirty (30) days after possession of the part taken by eminent domain. If Tenant does not terminate this lease within the thirty (30) day period, this lease shall remain in full force and effect except that the fixed rent shall be reduced in the same proportion that the square footage of the premises taken bears to the square footage of the premises immediately before the taking. All damages awarded for such taking shall belong to and be the property of Landlord; provided, however, that Landlord shall not be entitled to any portion of the award made for loss of business and of business installations or improvements made by Tenant in accordance with this lease.

**25. DEFAULT BY TENANT**

a. The occurrence of any of the following shall constitute a default by Tenant:

1. Failure to pay rent when due, if the failure continues for 10 days after notice has been given to Tenant.

2. Abandonment and vacation of the premises (failure to occupy and operate the premises for 14 consecutive days shall be deemed an abandonment and vacation).

3. Failure to perform any other provision of this lease if the failure to perform is not cured within 30 days after notice has been given to Tenant. If the default cannot reasonably be cured within 30 days, Tenant shall not be in default of this lease if Tenant commences to cure the default within the 30-day period and diligently and in good faith continues to cure the default.

b. Notices given under this paragraph shall specify the alleged default and the applicable lease provisions, and shall demand that Tenant perform the provisions of this lease or pay the rent that is in arrears, as the case may be, within the applicable period of time, or quit the premises. No such notice shall be deemed a forfeiture or a termination of this lease unless Landlord so elects in the notice. The purpose of the notice requirements set forth in this section is to extend the notice requirements of the unlawful detainer statutes of California.

## **26. LANDLORD'S REMEDIES**

Landlord shall have the following remedies if Tenant commits a default. These remedies are not exclusive; they are cumulative in addition to any remedies now or later allowed by law.

a. Tenant's Right to Possession Not Terminated. Landlord can continue this lease in full force and effect, and the lease will continue in effect as long as Landlord does not terminate Tenant's right to possession, and Landlord shall have the right to collect rent when due. During the period Tenant is in default, Landlord can enter the premises and relet them, or any part of them, to third parties for Tenant's account. Tenant shall be liable immediately to Landlord for all costs Landlord incurs in reletting the premises. Reletting can be for a period shorter or longer than the remaining term of this lease. Tenant shall pay to Landlord the rent due under this lease on the dates the rent is due, less the rent Landlord receives from any reletting. No act by Landlord allowed by this paragraph shall terminate this lease unless Landlord notifies Tenant that Landlord elects to terminate this lease. After Tenant's default and for as long as Landlord does not terminate Tenant's right to possession of the premises, Tenant shall have the right to assign or sublet its interest in this lease if Tenant obtains Landlord's consent, but Tenant shall not be released from liability.

If Landlord elects to relet the premises as provided in this paragraph, rent that Landlord receives from reletting shall be applied to the payment of: first, any indebtedness from Tenant to Landlord other than rent due from Tenant; second, all costs, including for maintenance, incurred by Landlord in reletting; third, rent due and unpaid under this lease. After

deducting the payments referred to in this paragraph, any sum remaining from the rent Landlord receives from reletting shall be held by Landlord and applied in payment of future rent as rent becomes due under this lease. In no event shall Tenant be entitled to any excess rent received by Landlord. If, on the date rent is due under this lease, the rent received from the reletting is less than the rent due on that date, Tenant shall pay to Landlord, in addition to the remaining rent due, all costs, including for maintenance, Landlord incurred in reletting that remain after applying the rent received from the reletting as provided in this paragraph.

b. Termination of Tenant's Right to Possession. Landlord can terminate Tenant's right to possession of the premises at any time. No act by Landlord other than giving notice to Tenant shall terminate this lease. Acts of maintenance, efforts to relet the premises, or the appointment of a receiver on Landlord's initiative to protect Landlord's interest under this lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant:

i. The worth, at the time of award, of the unpaid rent that had been earned at the time of termination of this lease;

ii. The worth, at the time of award, of the amount by which the unpaid rent that would have been earned after the date of termination of this lease until the time of award exceeds the amount of the loss of rent that Tenant proves could have been reasonably avoided;

iii. The worth, at the time of award, of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of the loss of rent that Tenant proves could have been reasonably avoided; and

iv. Any other amount, and court costs, necessary to compensate Landlord for all detriment proximately caused by Tenant's default.

"The worth, at the time of award," as used in i and ii of this section, is to be computed by allowing interest at the maximum rate an individual is permitted by law to charge. "The worth, at the time of award," as referred to in iii of this section, is to be computed by discounting the amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of the award, plus 1%.

c. Appointment of Receiver. If Tenant is in default of this lease Landlord shall have the right to have a receiver appointed to collect rent and conduct Tenant's business. Neither the filing of a petition for the appointment of a receiver nor the appointment itself shall constitute an election by Landlord to terminate this lease.

d. Landlord's Right to Cure. Landlord, at any time after Tenant commits a default, can cure the default at Tenant's cost. If Landlord at any time, by reason of Tenant's

default, pays any sum or does any act that requires the payment of any sum, the sum paid by Landlord shall be due immediately from Tenant to Landlord at the time the sum is paid, and if paid at a later date shall bear interest at the maximum rate an individual is permitted by law to charge from the date the sum is paid by Landlord until Landlord is reimbursed by Tenant. The sum, together with interest on it, shall be additional rent.

**27. ASSIGNMENT AND SUBLETTING**

Tenant shall not voluntarily assign or encumber its interest in this lease or in the premises, or sublease all or any part of the premises, or allow any other person or entity (except Tenant's authorized representative) to occupy or use all or any part of the premises, without first obtaining Landlord's consent in writing with signature from City of Berkeley City Manager. Any assignments, encumbrance, or sublease without Landlord's consent shall be voidable and, at Landlord's election, shall constitute a default. No consent to any assignment, encumbrance, or sublease shall constitute a further waiver of the provisions of this paragraph.

**28. ENTRY**

Landlord and its authorized representatives shall have the right to enter the premises at all reasonable times for any of the following purposes: to determine whether the premises are in good condition and whether Tenant is complying with its obligations under the lease; to do any acts that may be necessary to protect Landlord's interest in the premises; or to perform Landlord's duties under this lease. Landlord shall not be liable in any manner for any inconvenience, disturbance, loss of business, nuisance, or other damage arising out of Landlord's entry on the premises as provided in this section, except damage resulting from the acts or omissions of Landlord or its authorized representatives.

**29. NOTICES**

A written notice is deemed served when a party sends the notice in an envelope addressed to the other party to this lease and deposits it with the U.S. Postal Service, registered mail, postage prepaid. For purposes of this lease, notices shall be addressed as follows, as appropriate:

To the Landlord:      Real Property Administrator  
                                 Department of Public Works  
                                 1947 Center Street, Fifth Floor, Suite 521  
                                 Berkeley, CA 94704

To the Tenant:         RM Ventures, LLC – In the Wood Gastro Pub  
                                 2930 College Avenue  
                                 Berkeley, CA 94705

**30. WAIVER**

No delay or omission in the exercise of any right or remedy of Landlord on any default by Tenant shall impair such a right or remedy or be construed as a waiver. The receipt and acceptance by Landlord of delinquent rent shall not constitute a waiver of any other default; it shall constitute only a waiver of timely payment for the particular rent payment involved. Any waiver by Landlord of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of the lease.

No act or conduct of Landlord, including, without limitation, the acceptance of the keys to the premises, shall constitute an acceptance of the surrender of the premises by Tenant before the expiration of the term. Only a notice from Landlord to Tenant shall constitute acceptance of the surrender of the premises and accomplish a termination of the lease.

Landlord's consent to or approval of any act by Tenant requiring Landlord's consent or approval shall not be deemed to waive or render unnecessary Landlord's consent to or approval of any subsequent act by Tenant.

**31. EXCUSABLE DELAYS**

If the performance of any act required of Landlord or Tenant is prevented or delayed by reason of strikes, lockouts, labor disputes, act of God, acts of the public enemy, fire, floods, epidemics, freight embargoes or other cause beyond the control of the party required to perform an act, the performance of such act shall be excused for the period of the delay and the period for the performance of such act shall be extended for thirty (30) days.

**32. OPTION TO RENEW**

a. Option Period. So long as Tenant is not in default under this lease, either at the time of exercise or at the time the extended term commences, Tenant will have the option to extend the initial term of this lease for an additional period of ten (10) years (the "option period") on the same terms, covenants, and conditions of this lease, except that the initial monthly rent and yearly rent increases during the option period will be determined as described below. In order to exercise this option, Tenant must give written notice of its election to do so to Landlord at least 180 days, but not more than one year, prior to the expiration date of the initial lease term. Tenant shall have no other right to extend the term beyond the option period.

b. Option Period Monthly Rent. For the purposes of this section, the "then-fair market rental value of the premises" means what a Landlord under no compulsion to lease the premises and a Tenant under no compulsion to lease the premises would determine as rents (including initial monthly rent and rental increases) for the option period, as of its

commencement, taking into consideration the uses permitted under this lease, the quality, size, design and location of the premises, and the rent for comparable buildings located in the vicinity of the premises. Except, however, that the initial monthly rent and yearly rent increases for the option period shall not be less than that provided during the initial lease term.

Landlord and Tenant shall have thirty (30) days after Landlord receives the option notice within which to agree on the then-fair market rental value of the premises. If Landlord and Tenant are unable to agree on the then-fair market value of the premises during that period, the then-fair market rental value of the premises shall be determined as follows:

Within seven (7) days after the expiration of the thirty (30) day period set forth in the preceding paragraph, Landlord and Tenant shall each, at their own expense, appoint a real estate appraiser with at least five (5) years' full-time commercial appraisal experience in the area in which the premises are located to determine the then-fair market rental value of the premises. If either Landlord or Tenant does not appoint an appraiser within ten (10) days after receiving notice by the other of the name of its appraiser, the single appraiser appointed will be the sole appraiser and will set the then-fair market rental value of the premises. If two appraisers are appointed, they will meet promptly and attempt to agree upon the then-fair market rental value of the premises.

If the two appraisers are unable to agree within thirty (30) days after the second appraiser has been appointed, they shall attempt to select a third appraiser within ten (10) days after said thirty (30) day period. If they are unable to agree on the third appraiser, either Landlord or Tenant, by giving ten (10) days' prior notice to the other, can apply to the president of the Alameda County Real Estate Board or the American Arbitration Association for the selection of a third appraiser. The third appraiser, however selected, must meet the qualifications stated in this subsection and be a person who has not previously acted in any capacity for either Landlord or Tenant. Landlord and Tenant shall each bear one-half (1/2) of the cost of appointing the third appraiser and of paying the third appraiser's fee.

Within thirty (30) days after the selection of the third appraiser, the appraisers shall attempt to agree upon the then-fair market rental value of the premises. If a majority of the appraisers is unable to so agree, the three appraisals will be averaged and the average shall be the then-fair market rental value of the premises.

### **33. HOLDING OVER**

If Tenant remains in possession of the premises with Landlord's consent after the expiration of the term of this lease without having exercised any option to renew this lease, or after the termination of any such option period, such possession by Tenant shall be construed to be a tenancy from month-to-month, terminable on thirty (30) days' notice given at any time by either party. All provisions of this lease, except those pertaining to term, shall apply to the month-to-month tenancy.

**34. SURRENDER OF PREMISES, REMOVAL OF PERSONAL PROPERTY**

At the termination of this lease, Tenant shall: 1) give up and surrender the premises, in as good state and condition as reasonable use and wear and tear thereof will permit, damage by fire and the elements excepted; and 2) remove all property which is not a fixture of or permanent attachment to the premises and which is owned and was installed by Tenant during the term of this lease.

**35. TERMS BINDING ON SUCCESSORS**

All the terms, covenants and conditions of this lease shall inure to the benefit of and be binding upon the successors and assigns of the parties to this lease. The provisions of this section shall not be deemed as a waiver of any of the conditions against assignment set forth above.

**36. TIME OF ESSENCE**

Time shall be of the essence of each provision of this lease.

**37. COVENANTS AND CONDITIONS**

Each term and each provision of this lease performable by Tenant shall be construed to be both a covenant and condition.

**38. GOVERNING LAW**

The laws of the State of California shall govern this lease.

**39. ENTIRE AGREEMENT, AMENDMENTS**

This lease and all exhibits attached and any documents expressly incorporated by reference contain the entire agreement between the parties regarding the lease of the premises described herein and shall supersede any and all prior agreements, oral or written, between the parties regarding the lease of these premises. This lease cannot be altered or otherwise modified except by a written amendment.

**40. CONSENT OF PARTIES**

Whenever consent or approval of either party is required, that party shall not



unreasonably withhold such consent or approval.

**41. BUSINESS LICENSE**

Tenant certifies that it has obtained or applied for a City of Berkeley business license number as required by Berkeley Municipal Code Chapter 9.04; or Tenant claims that it is exempt from the provisions of B.M.C. Ch. 9.04 and has written below the specific B.M.C. section under which it is exempt.

///

///

IN WITNESS WHEREOF, Landlord and Tenant have executed this lease as of the date written on the first paragraph of this lease.

LANDLORD  
CITY OF BERKELEY

By:

\_\_\_\_\_  
City Manager

THIS CONTRACT HAS BEEN  
APPROVED AS TO FORM BY  
THE CITY ATTORNEY FOR  
THE CITY OF BERKELEY  
06/2004

Registered on behalf  
of the City Auditor by:

\_\_\_\_\_  
Finance Department

Attest by:

\_\_\_\_\_  
City Clerk

TENANT

By:

\_\_\_\_\_

Printed Name:

Richard Tapp

Title:

Managing Member of RM

Berkeley Business

Ventures LLC dba In the Wood

License No.:

BL-008950

568

The Berry-Bangs Tract Map No. 3 < Bk. 13 Pg. 78 >

Scale: - 1" = 40'

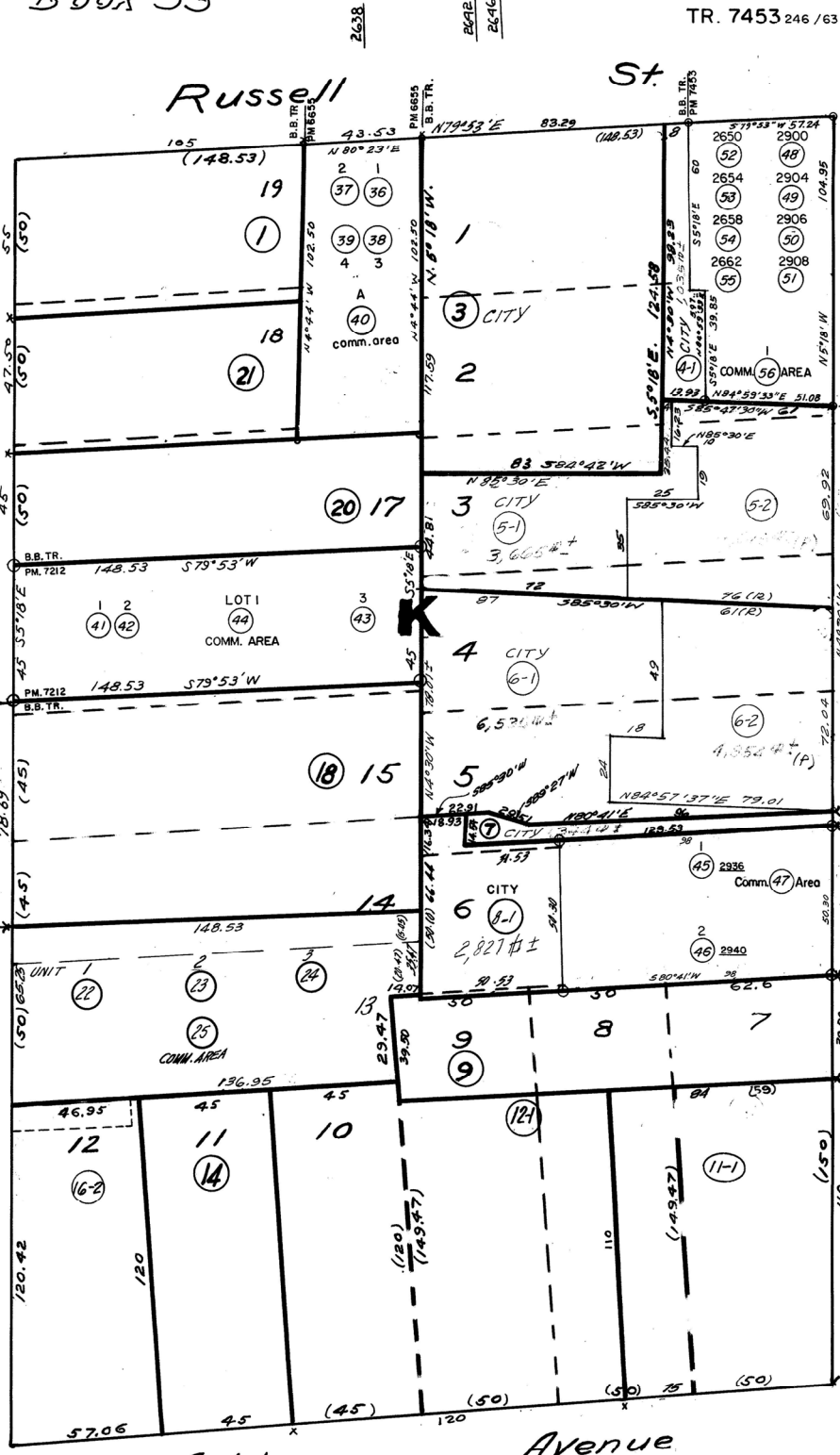
BOOK 53

TR. 5130 140/95 P.M. 7212 234/43  
P.M. 6655 223/95 P.M. 7160 236/88  
TR. 7453 246/63

3-17-84 B.C.S.  
5-24-86 B.B.  
9-02-88 U.C.B.  
1-13-99 P.B.  
3-9-00 P.B.  
11-3-00 P.B.

2901  
2905  
1569  
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Avenue  
Benvenue



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College

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2940  
2942  
2944  
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2956

Ashby

Avenue

2627

2629  
2635

2637

1573

**EXHIBIT B TO THE LEASE:**  
PAYMENT, TERM AND DATES

**LEASE PAYMENT SCHEDULE FOR ELMWOOD PASEO CAFÉ SPACE**

|                      | YEAR | 1                  | 2                  | 3                  | 4                  | 5                  | 6                  | 7                  | 8                  | 9                                   | 10                 |
|----------------------|------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-------------------------------------|--------------------|
| MONTH                | 1    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 2    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 3    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 4    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 5    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 6    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 7    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 8    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 9    | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 10   | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 11   | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| MONTH                | 12   | \$ 139.25          | \$ 143.43          | \$ 147.73          | \$ 152.16          | \$ 156.73          | \$ 161.43          | \$ 166.27          | \$ 171.26          | \$ 176.40                           | \$ 181.69          |
| <b>ANNUAL TOTAL:</b> |      | <b>\$ 1,671.00</b> | <b>\$ 1,721.13</b> | <b>\$ 1,772.76</b> | <b>\$ 1,825.95</b> | <b>\$ 1,880.73</b> | <b>\$ 1,937.15</b> | <b>\$ 1,995.26</b> | <b>\$ 2,055.12</b> | <b>\$ 2,116.77</b>                  | <b>\$ 2,180.28</b> |
|                      |      |                    |                    |                    |                    |                    |                    |                    |                    | <b>TEN YEAR TOTAL: \$ 19,156.14</b> |                    |

|                                       |                   |
|---------------------------------------|-------------------|
| <b>PREMISES AREA (SQFT):</b>          | 557               |
| <b>MONTHLY RATE PER SQFT:</b>         | \$ 0.25           |
| <b>INITIAL MONTHLY RENT:</b>          | \$ 139.25         |
| <b>ANNUAL INCREASE:</b>               | 3.00%             |
| <b>LEASE START DATE:</b>              | March 1, 2023     |
| <b>INITIAL TERM:</b>                  | 120 MONTHS        |
| <b>INITIAL TERM TERMINATION DATE:</b> | February 28, 2033 |
| <b>NOTIFY LANDLORD FOR OPTION BY:</b> | September 1, 2032 |
| <b>OPTION START DATE:</b>             | March 1, 2033     |
| <b>OPTION TERM:</b>                   | 120 MONTHS        |
| <b>OPTION TERMINATION DATE:</b>       | February 28, 2043 |

Payments must name the **CITY OF BERKELEY** as the payee.

Please include the follow **ACCOUNT NUMBER** in the notes section of checks, money orders, or other payments made to CITY OF BERKELEY:

627-54-622-6665-3004-000-000-462110-

Please send lease payments to the following **ADDRESS:**

**City of Berkeley**  
**Public Works Real Property**  
**1947 Center Street, 5th Flr, Suite 521**  
**Berkeley, CA 94704**

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

FEBRUARY 23, 2023

### 2930 College Avenue

**Use Permit #ZP2022-0139 to add the service of distilled spirits under a new Type 47 ABC license, expand the existing outdoor seating area by 239 square feet on private property, and allow indoor unamplified live music at an existing full-service restaurant.**

#### PERMITS REQUIRED

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.310.020, to add distilled spirits under a new Type 47 ABC license.

#### I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”). The project meets all of the requirements of this exemption, as follows:
  - A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
  - B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
  - C. The parcel within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
  - D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
  - E. The site can be adequately served by all required utilities and public services.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

**II. FINDINGS FOR APPROVAL**

1. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - A. The project is consistent with all applicable C-E District standards, including use and hours of operation;
  - B. The addition of distilled spirits alcoholic beverage service in the existing restaurant will not expand the footprint of the business. The proposed service will provide an additional option for patrons in the College Avenue area;
  - C. The alcohol service will be incidental to the overall food service use, and as such, alcohol sales will not have detrimental impact on public health, safety, or peace; and
  - D. The permit is subject to the standard conditions for alcohol sales, which will ensure that the restaurant will continue to be a good neighbor.

**III. OTHER FINDINGS FOR APPROVAL**

1. As required by Section 23.204.080(E) of the BMC, the Zoning Adjustments Board finds that:
  - 1) *The proposed use will:*
    - a) *Encourage and maintain the present street frontage and pedestrian orientation of the district;*
    - b) *Be compatible in design and character with the commercial district and the adjacent residential neighborhoods; and*
    - c) *Be compatible with the purposes set forth in Section 23.204.080.A and the existing character of the district.*
  - 2) *The proposed use will not:*
    - a) *Interfere with the continuity of retail or compatible service facilities at the ground level;*
    - b) *Interrupt a continuous wall of building facades;*
    - c) *Generate traffic and parking demand beyond the capacity of the commercial district or significantly increase impacts on adjacent residential neighborhoods;*
    - d) *Result in domination of this district by one type of use; and*
    - e) *Generate objectionable odors nor excessive levels of noise.*
2. As required by Section 23.310.020(D) of the BMC, the Zoning Adjustments Board finds that:
  - A. There are two other Type 47 ABC permits within a 1,000-foot radius of the subject site.
  - B. The proposed establishment of distilled spirits service will promote the City's economic health, contribute to General Plan or Area Plan policies, or further the district purposes because the addition of distilled spirits would mean greater tax revenue for the City of Berkeley, would increase the economic health of the business, whose cuisine offers a unique culinary opportunity for the community, and the additional service would contribute to the cultural, economic, and social opportunities in the Elmwood Commercial District.
  - C. The addition of distilled spirits to the menu would potentially increase the economic success of the business in a way that would likely not be available with just beer and wine service.
  - D. This restaurant, which already exists in this neighborhood, has not been the subject of any State of California violations, and has not had any calls for service from the Berkeley Police Department in the last three years.

- E. There are no public parks or schools within 1,000 feet of the project site.
- F. The Berkeley Police Department has indicated support for the proposed project.

#### **IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

##### **1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

##### **2. Compliance Required (BMC Section 23.102.050)**

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

##### **3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

##### **4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)**

All work performed under an approved permit shall comply with the approved plans and any conditions of approval.

##### **5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)**

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

**6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

**8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

**9. Indemnification Agreement**

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

**ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)**

10. The Food Service Establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC).
11. Alcoholic beverage service shall be "incidental" to the primary food service use, as defined in Zoning Ordinance 23F.04.010. An incidental use shall not exceed 25 percent of the floor area of the primary use, and if it consists of the commercial sales of a different line of products or



- services than the primary use, such incidental use may not generate gross receipts in excess of 33 percent of the gross receipts generated by the primary use.
12. Alcohol beverage service shall be only be allowed as part of a “bona fide eating place” making “actual and substantial sales of meals,” and stringently enforces this requirement as determined and required by the ABC.
  13. The service of alcohol shall be limited to normal meal hours (per ABC) during the restaurant’s hours of operation. Patrons may only purchase food or finish drinks already purchased within the approved service hours. The Zoning Adjustments Board shall approve any change in the hours of restaurant operations and/or alcohol service (except decreased hours in compliance with applicable ABC regulations). Hours of operation are subject to review and amendment by the Zoning Adjustments Board as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City standards or policies.
  14. During operating hours, 100 percent of the service area shall be designed and used for and must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.
  15. The sale of alcoholic beverages for consumption off the premises is prohibited.
  16. There shall be no service or consumption of alcohol on the public right-of-way, unless authorized by a Public Works sidewalk seating permit.
  17. All alcoholic beverages served to patrons must be served in durable restaurant tableware (i.e. cups or glasses). No beer or wine may be distributed in its original bottle or can, or in any other potentially disposable container.
  18. There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.
  19. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
  20. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
  21. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within six months of employment at the establishment. Employees who have completed the course within the last five years shall be exempt from this requirement.
  22. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.

23. Any operator of the licensed establishment shall not have had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations to be confirmed by the Zoning Officer prior to issuance or transfer of a business license at this location.
24. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.
25. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
26. At no time shall the operator rent the restaurant space to a third-party promoter.
27. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity. Furthermore, the operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.
28. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
29. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

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### **OUTDOOR DINING CONDITIONS**

30. There shall be no live entertainment in the outdoor seating area.
31. There shall be a signed land lease agreement, approved by Berkeley City Council within 90 days of the issuance of this use permit, for outdoor dining to continue on the City-owned property adjacent to the restaurant. Use of the leased space shall adhere strictly to the conditions of the lease agreement and of this Use Permit.
32. Seating and tables in the outdoor dining area shall not exceed that designated on the approved plans accompanying this permit.
33. Outdoor patrons shall be in sight of, and monitored by, restaurant staff to ensure that alcohol consumption remains within the designated outdoor dining area.

- 34.** The applicant shall provide a means of demarcation of the leased area permitted for outdoor dining in the form of stanchions, railing, or similarly effective visual barriers. The area outside of the leased area shall be kept clear of tables, chairs, and patrons at all times.

**HOURS OF OPERATION**

- 35.** Patrons shall only be permitted on the restaurant site between the hours of 7:00am to 11:00pm, Sunday through Saturday.



Z O N I N G  
A D J U S T M E N T S  
B O A R D  
S T A F F R E P O R T

FOR BOARD ACTION  
FEBRUARY 23, 2023

## 2930 College Avenue

Use Permit #ZP2022-0139 to add the service of distilled spirits under a new Type 47 ABC license, expand the existing outdoor seating area by 239 square feet on private property, and allow indoor unamplified live music at an existing full-service restaurant.

### I. Background

#### A. Land Use Designations:

- General Plan: NC (Neighborhood Commercial)
- Zoning: C-E (Elmwood Commercial District)

#### B. Zoning Permits Required:

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.310.020, to add the service of distilled spirits under a new Type 47 ABC license.

**C. CEQA Recommendation:** It is staff's recommendation that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by the ZAB.

#### D. Parties Involved:

- Applicant: RM Ventures, LLC (In the Wood), 2930 College Avenue, Berkeley, CA 94705
- Property Owners: John and Molly Gordon, 2091 Rose Street, Berkeley, CA 94709

Figure 1: Vicinity Map

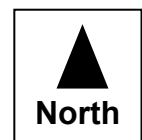
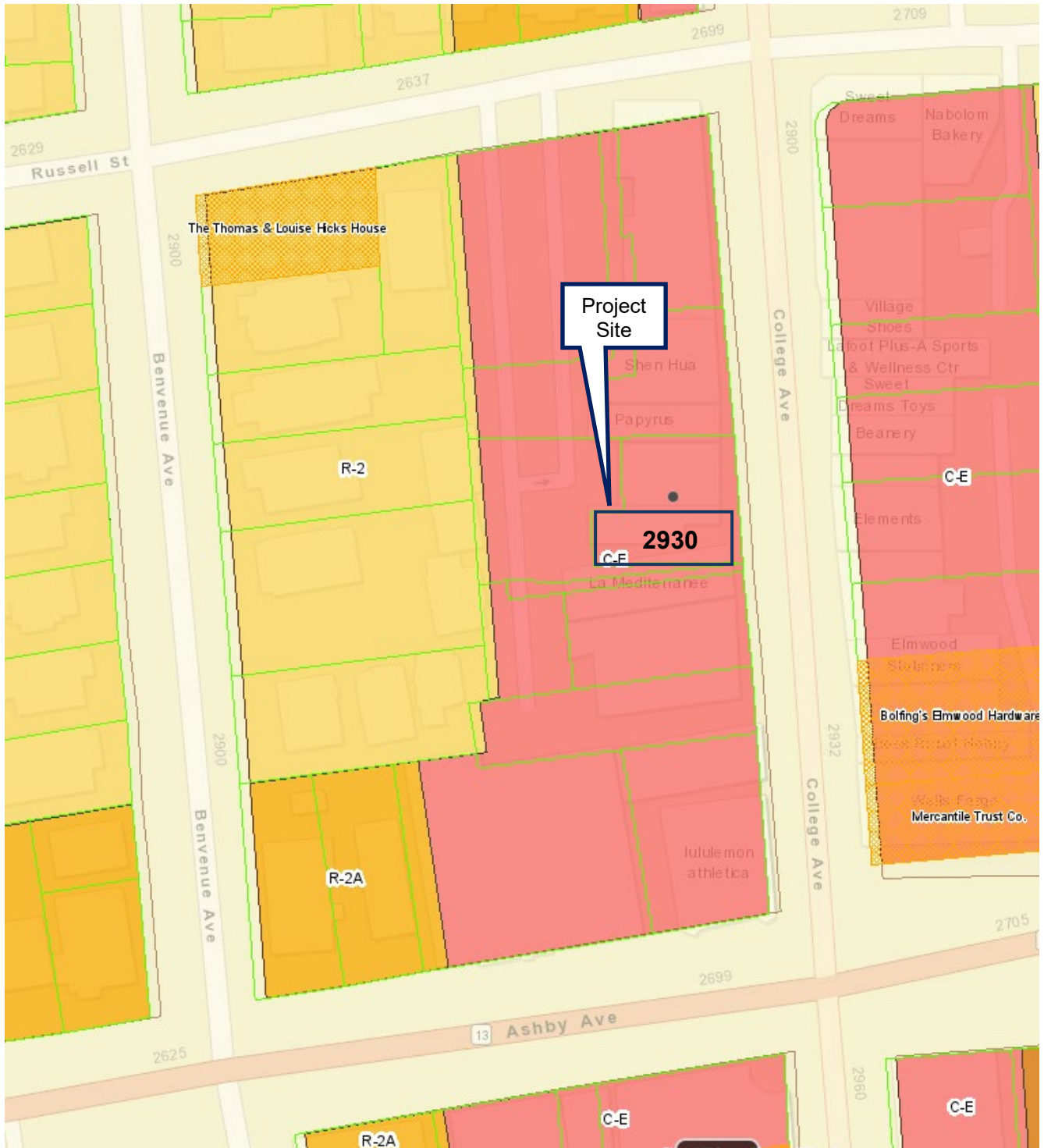


Figure 2: Restaurant Floor Plan

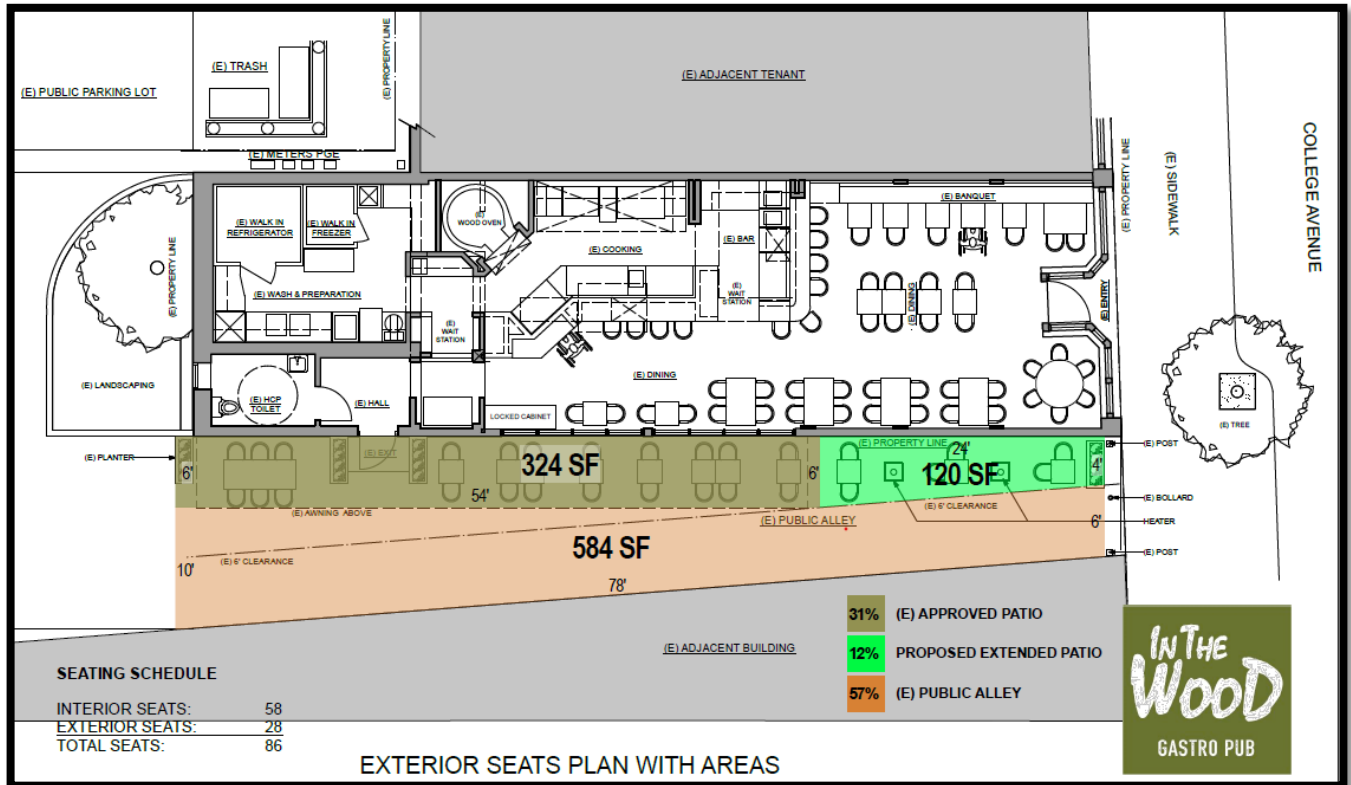


Figure 3: Liquor Licenses within 1,000 feet of the project site



|   |    |                                |
|---|----|--------------------------------|
| ■ | 20 | Off-site beer and wine         |
| ▲ | 42 | On-site beer and wine          |
| ▲ | 47 | On-site beer, wine, and liquor |





**Table 1: Land Use Information**

| Location               |       | Existing Use       | Zoning District | General Plan Designation |
|------------------------|-------|--------------------|-----------------|--------------------------|
| Subject Property       |       | Restaurant         | C-E             | Elmwood Commercial       |
| Surrounding Properties | North | Restaurant         | C-E             |                          |
|                        | South | Restaurant         | C-E             |                          |
|                        | East  | Retail             | C-E             |                          |
|                        | West  | Public Parking Lot | C-E             |                          |

**Table 2: Special Characteristics**

| Characteristic                                                                                                               | Applies to Project? | Explanation                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alcohol                                                                                                                      | Yes                 | The site currently has approval for on-site incidental service of beer and wine (Type 41 ABC license). The operator has applied to add service of distilled spirits (Type 47 ABC License). |
| Public Convenience or Necessity                                                                                              | Yes                 | There are two other Type 47 ABC licenses within 1,000 feet. Therefore, public convenience and necessity findings are required.                                                             |
| Affordable Child Care or Housing Fee for qualifying non-residential projects<br>(Per Resolutions 66,618-N.S. & 66,617-N.S.)) | No                  | The proposed project does not include new floor area or a new use in a space vacant for more than three years; therefore, this mitigation fee payment does not apply.                      |
| Creeks                                                                                                                       | No                  | No new construction is proposed.                                                                                                                                                           |
| Green Building Score                                                                                                         | No                  |                                                                                                                                                                                            |
| Historic Resources                                                                                                           | No                  |                                                                                                                                                                                            |
| Liquefaction (Seismic Hazards Mapping Act)                                                                                   | No                  |                                                                                                                                                                                            |
| Oak Trees                                                                                                                    | No                  |                                                                                                                                                                                            |
| Soil/Groundwater Contamination                                                                                               | No                  |                                                                                                                                                                                            |

**Table 3: Project Chronology**

| Date              | Action                        |
|-------------------|-------------------------------|
| October 11, 2022  | Application submitted         |
| January 13, 2023  | Application deemed complete   |
| February 9, 2023  | Public hearing notices mailed |
| February 23, 2023 | ZAB hearing                   |

**II. Project Setting**

**A. Neighborhood/Area Description:** The project site is located on the west side of College Avenue between Ashby Avenue and Russell Street, within the Elmwood Commercial (C-E) District. The C-E District consists primarily of low-rise buildings containing various retail and dining establishments. The surrounding neighborhood consists primarily of a mix of single-family and two-family residences.



**B. Site Conditions:** The project site is located on 4,854 square-foot parcel developed with a 4,331 square-foot single story commercial building. The building includes three individual commercial retail spaces. The existing restaurant, and proposed project, operates in a 1,522 square-foot unit. A public surface parking lot is located directly behind the commercial building.

### III. Project Description

The existing restaurant, In the Wood, is currently permitted to serve beer and wine incidental to food service under a Type 41 ABC license (ZCBL2018-0047). The applicant proposes to add the service of distilled spirits under a Type 47 ABC license. The proposed project would also expand the existing outdoor seating area by 239 square feet on private property, and allow indoor un-amplified live music. The proposed hours of operation are 7 a.m. – 11 p.m., seven days a week. The proposed hours for selling alcoholic beverages are 9 a.m. – 11 p.m., seven days a week. The use of the outdoor dining area will require a land lease agreement with the City of Berkeley, which is expected to go before City Council for approval in March, 2023, and which will be a condition of this use permit.

### IV. Community Discussion

- A. Neighbor/Community Concerns:** A pre-application poster was installed on the building by the applicant in October 2022. On February 9, 2023, public hearing notices were mailed to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices within the neighborhood in three locations. At the time of writing this report, staff has not received any public comment regarding the project.
- B. Committee Review:** This project is not subject to design or landmark review. If exterior changes and/or signage are later proposed as part of the associated tenant improvement(s), they will be evaluated by the applicable land use staff at that time.

**V. Issues and Analysis**

- A. Alcoholic Beverage Service:** The sale and service of distilled spirits incidental to food service is allowed in the C-E District if a Use Permit is granted by the Zoning Adjustments Board (ZAB) in accordance with required findings as specified under BMC 23.310.020.

Alcoholic beverage service is also regulated by BMC 23.310.020(D) for Special Use Standards. This section requires the City to make all of the "Public Convenience or Necessity" findings if an existing establishment has an ABC license of the same type, other than beer and wine service incidental to food service, within a 1,000-foot radius of the project site. As shown in Figure 3, there are two other existing Type 47 ABC licenses within 1,000 feet of the project site, these licenses are held by: Donato & Co. at 2635 Ashby Avenue and King Yen Restaurant at 2995 College Avenue. Therefore, the "Public Convenience or Necessity" findings must be made.

In order to approve the Use Permit, the Board must affirm all of the "Public Convenience or Necessity" findings under BMC Section 23.310.020(D) as follows:

- 1) *The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.*

Staff Analysis: The proposed addition of distilled spirits service would mean greater tax revenue for the City of Berkeley, with a greater variety of menu options to attract more people. It would also increase the economic health of the business whose cuisine offers a unique culinary opportunity to the community. The additional service would contribute to the cultural, economic, and social opportunities in the C-E District.

- 2) *The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales.*

Staff Analysis: The addition of distilled spirits to the menu would potentially increase the economic success of the business in a way that would likely not be available with just beer and wine service. Staff notes that the increased business revenue would result in increased tax revenue for the City.

- 3) *If the applicant has operated a licensed establishment that has been the subject of violations regarding alcohol in the State of California, or violations of public safety or nuisance statutes or regulations in the City of Berkeley as verified by the Police Department, the ZAB shall determine whether such violations indicate a high likelihood of further violations and/or detrimental impacts from the proposed establishment. In making this determination, the ZAB may consider the number, frequency, and severity of prior violations, the time elapsed since the last violation, and other relevant factors.*

Staff Analysis: A letter from the Berkeley Police Department, dated January 18, 2023, (Attachment 2) notes that there was an incident in 2019 where an In the Wood

employee was cited for selling alcohol to a minor. However, the letter indicates that this seems to have been an isolated incident.

- 4) *If the proposed establishment is located within 1,000 feet of any public park or Berkeley Unified School District (BUSD) school, the Board shall take into consideration the effect of the proposed establishment upon such sensitive public uses.*

Staff Analysis: The project site is not located within 1,000 feet from a public park or school.

- 5) *The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.*

Staff Analysis: Staff referred this application to the BPD for review and comment. In a letter dated January 18, 2023, the BPD stated that, "We see no reason to believe this business would increase crime or calls for service in the neighborhood, and see no reason it would have an adverse effect on the health, safety, or morals of the people in the area."

**B. C-E District Findings:** To approve a Use Permit in the C-E District, the ZAB must make the following permit findings in accordance with required findings BMC Section 23.204.080(E):

1) *The proposed use will:*

- a) *Encourage and maintain the present street frontage and pedestrian orientation of the district;*
- b) *Be compatible in design and character with the commercial district and the adjacent residential neighborhoods; and*
- c) *Be compatible with the purposes set forth in Section 23.204.080.A and the existing character of the district.*

2) *The proposed use will not:*

- a) *Interfere with the continuity of retail or compatible service facilities at the ground level;*
- b) *Interrupt a continuous wall of building facades;*
- c) *Generate traffic and parking demand beyond the capacity of the commercial district or significantly increase impacts on adjacent residential neighborhoods;*
- d) *Result in domination of this district by one type of use; and*
- e) *Generate objectionable odors nor excessive levels of noise.*

Staff Analysis: This project will not alter the present street frontage and, therefore, is compatible with the pedestrian orientation and character of the district and neighborhood. It may result in a slight increase in customers to the restaurant, but effects on the surrounding neighborhood and businesses would be negligible.

**C. General Non-Detriment Finding:** BMC Section 23.406.040(E) requires that, before the ZAB approves an application for a Use Permit, it must find that the project, under the circumstances of this particular case existing at the time at which the application

is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use and the project must not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Staff Analysis: The alcohol service would be incidental to food service, and due to the incidental nature of the service, as well as the size and location of the restaurant, the addition of distilled spirits would not have a detrimental impact on public health, safety, or peace. The permit is subject to the standard conditions for food and alcohol service (alcohol service will remain incidental to food service, will be limited to normal meal hours of operation, off-site sales of alcoholic beverages will be prohibited, all applicable ABC regulations will be in effect, etc.). The outdoor service area will be demarcated with a physical barrier as a condition of the use permit and in accordance with ABC rules. Restaurant operating hours will comply with those allowed in the C-E zoning district. These factors will ensure that the restaurant tenant is a good neighbor.

**B. General Plan Consistency:** The 2002 General Plan contains a policy applicable to the project:

1. Policy LU-1 Community Character: Maintain the character of Berkeley as a special, diverse, unique place to live and work.

Staff Analysis: The service and sale of distilled spirits at an existing restaurant will enhance the customer experience and help the restaurant continue to promote the character of Berkeley as a special, diverse, and unique place to live and work.

2. Policy LU-26 Neighborhood Commercial Areas: Maintain and improve Neighborhood Commercial areas, such as Elmwood, Solano, and North Shattuck, as pedestrian-friendly, visually attractive areas and ensure that Neighborhood Commercial areas fully serve neighborhood needs.

Staff Analysis: Enhancing the variety of beverages at the existing restaurant will help to maintain and promote the neighborhood character of the College Avenue Commercial Area and attract increased business.

## VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the ZAB: **APPROVE** Use Permit #ZP2022-0139 pursuant to Section 23.406.040, subject to the attached Findings and Conditions (see Attachment 1).

### Attachments:

1. Findings and Conditions
2. Berkeley Police Department comment letter dated January 18, 2023
3. Notice of Public Hearing

**Staff Planner:** Russell Roe [rroe@cityofberkeley.info](mailto:rroe@cityofberkeley.info), (510) 981-7548





Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: SteelWave donation for pedestrian safety improvements in West Berkeley

RECOMMENDATION

Adopt a Resolution accepting \$40,000 cash donation for the Addison Bike Boulevard project and Vision Zero traffic safety improvements in West Berkeley from SteelWave LLC.

FISCAL IMPACTS OF RECOMMENDATION

The \$40,000 donation will be received in FY 2024 and deposited in the CIP Fund (ERMA Budget Code 501-54-622-668-0000-000-431-664110-) and will be appropriated as part of the First Amendment to the FY 2024 Annual Appropriations Ordinance for supporting implementation of the Addison Bicycle Boulevard project and Vision Zero improvements. The donation will offset some costs of designing and installing pedestrian and bicyclist safety improvements on Addison Street in West Berkeley.

CURRENT SITUATION AND ITS EFFECTS

Berkeley needs as many resources as possible to achieve Vision Zero and to reduce Greenhouse Gas Emissions that contribute to climate change. Since committing to Vision Zero and adopting the Vision Zero Action Plan in 2019, the number of people killed and severely injured in traffic each year has remained relatively unchanged. Since adopting the Climate Action Plan in 2009, Berkeley's share of greenhouse gas emissions from transportation increased from 47-percent in 2005 to 60-percent in 2019.

In particular, the Vision Zero Action Plan identified Addison Street between Sixth Street and San Pablo Avenue as a High-Injury Street, and the City of Berkeley has made the Addison Bicycle Boulevard a Tier I priority project for implementation. Installing pedestrian and bicyclist safety improvements at the intersection of Sixth and Addison streets is anticipated to reduce collisions at this busy crossing.

SteelWave and Walton Street Capital have formed a partnership to develop theLAB Berkeley life science campus in West Berkeley. The companies are showing their commitment to West Berkeley by providing a one-time payment of \$40,000 that is intended to go towards pedestrian safety improvements at Sixth and Addison streets. The

intersection has a well-documented history of crashes, and the community has shown its strong support for making it safer to walk, bike and otherwise cross this busy intersection.

The City's High-Injury Streets are the streets with the most concentrated fatal and severe injury crashes in the ten-year period analyzed for the Vision Zero Action Plan. Severe crashes requiring emergency response are more than twice as common as less serious collisions in this area. This puts people who travel along Addison Street west of San Pablo Avenue at greater risk of suffering a life-altering crash.

### BACKGROUND

City Council approved the Vision Zero Action Plan in March 2019. The plan's goal is to eliminate fatal and severe traffic crashes by 2028. The plan identifies Addison Street, between San Pablo Avenue and Sixth Street, as a High-Injury Street and, thus, a priority for safety improvements. The Addison Bicycle Boulevard project, including Addison between Sixth Street and San Pablo Avenue, was identified as a Tier I priority project in the Berkeley Bicycle Plan approved by the Berkeley City Council in May 2017.

Sixth Street is a residential street, and walking and biking across it can be challenging for many people, especially parents with children, elders and those with disabilities.

In April 2023, six neighborhood organizations and 94 local residents sent a petition to the Mayor, City Council, City Manager and Public Works asking for safety improvements at Sixth and Addison streets. Local groups included the Black Pine Circle School, Berkeley Individuals Living with Disabilities (BuILD House), Franklin Brothers Market, Kids "N" Clay Pottery Studio, LifeLong Medical Care (on Addison and Sixth Street) and the Nia House Learning Center.

In 2022, City staff won a \$4.8 million grant from the California Active Transportation Program (ATP) to design and implement the Addison Bicycle Boulevard and associated Vision Zero safety improvements. Several intersections along Addison Street, including Sixth Street, present unsafe conditions for people walking and biking, and the grant proposes to directly address these risks. It includes traffic circles, traffic diverters, rapid rectangular flashing beacons, refuge medians and other safety countermeasures along Addison Street west of San Pablo Avenue, ranging in cost from \$30,000 to \$200,000. These measures will address the persistent history of collisions and ensure equity in traffic calming infrastructure.

Addison Street serves as a parallel route to University Avenue, a heavily trafficked major thoroughfare. Between 2010 and 2021, collisions on Addison Street accounted for 2.2% of all bicycle collisions and 2% of all pedestrian collisions in the city. During this same time period, there were almost twice as many bicycle and pedestrian collisions on University Avenue (87) as on Addison Street, including two fatalities. Creating a Bicycle Boulevard and other Vision Zero safety improvements will address Addison Street's collision history and create a safe, low-stress alternative route for people to reach neighborhood destinations.



ENVIRONMENTAL SUSTAINABILITY

Improving safety along Addison Street supports the City of Berkeley’s 2009 Climate Action Plan goal that by 2050 “[p]ublic transit, walking, cycling, and other sustainable mobility modes are the primary means of transportation for Berkeley residents and visitors.” The City’s 2022 Climate Action Plan Report stated that Berkeley’s transportation-related greenhouse gas emissions have not changed since 2000 and that Berkeley’s share of greenhouse gas emissions from transportation increased from 47-percent in 2005 to 60-percent in 2019. Projects like this, that make streets more inviting for people to walk and bike, make the largest difference in reversing the current trend and reducing Berkeley’s transportation-related Greenhouse Gas Emissions.

People who travel on foot, wheelchair, bicycle and under their own power produce zero greenhouse gases. Implementing the Addison Bicycle Boulevard and other Vision Zero improvements in West Berkeley is expected to increase walking and biking. This is consistent with the 2009 Berkeley Climate Action Plan Policy that calls for expanding and improving Berkeley’s bicycle and pedestrian infrastructure. The 2009 Berkeley Climate Action Plan sets targets of reducing transportation emissions 33% below year 2000 levels by 2020, and 80% below year 2000 levels by 2050. The Plan further states that transportation modes such as walking, bicycling and public transit must become the primary means of fulfilling the City’s mobility needs in order to meet these targets.

RATIONALE FOR RECOMMENDATION

This donation from SteelWave LLC will allow the City to design and implement critical traffic safety improvements at Sixth and Addison streets in support of Berkeley’s Bicycle Plan and Vision Zero Action Plan. The funding will help offset costs of the Addison Bicycle Boulevard Project. This donation is being accepted per City of Berkeley Administrative Regulation 3.19.

ALTERNATIVE ACTIONS CONSIDERED

Council can opt to refuse accepting this donation, however this would not be consistent with the City’s Strategic Plan, its Climate Action Plan, Bicycle Plan and the Vision Zero Action Plan’s goal to eliminate traffic deaths and severe injuries by 2028.

CONTACT PERSON

Liam Garland, Director, Department of Public Works (510) 981- 6303

Attachment:

1. Resolution

RESOLUTION NO. ##,###-N.S.

STEELWAVE DONATIONS FOR THE BERKELEY VISION ZERO PROGRAM

WHEREAS, The City of Berkeley adopted its Vision Zero Action Plan in March 2019 and set a goal of eliminating fatal and severe traffic crashes by 2028; and

WHEREAS, the annual number of traffic fatalities and severe traffic injuries has remained relatively unchanged since; and

WHEREAS, SteelWave LLC is developing theLAB Berkeley life sciences center at 2222 Fifth Street, which will increase visitors, commerce, traffic and risk of collisions on surrounding streets; and

WHEREAS, Addison Street between San Pablo Avenue and Sixth Street is identified as a High-Injury Street in Berkeley's Vision Zero Action Plan; and

WHEREAS, community members, neighborhood businesses and local leaders support improving safety for people walking and biking across the intersection of Sixth and Addison streets; and

WHEREAS, at the June 23, 2022 Zoning Adjustment Board meeting, SteelWave LLC agreed to donate \$40,000 to the City of Berkeley for traffic safety improvements in West Berkeley; and

WHEREAS, the donation will be deposited into the CIP Fund (ERMA Budget Code 501-54-622-668-0000-000-431-664110-) and will be appropriated as part of the First Amendment to the FY 2024 Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a donation of \$40,000 to the Addison Bike Boulevard project from SteelWave LLC is accepted to support pedestrian and bicycle safety improvements in West Berkeley.



Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: goBerkeley SmartSpace Pilot Program Evaluation & Next Steps

RECOMMENDATION

1. Adopt a Resolution directing staff to maintain SmartSpace visitor paid parking in the Southside and employee parking permits in the Elmwood; and
2. Adopt a Resolution updating existing schedule of parking violations and fines to include parking violations and late payment penalties related to pay-by-plate pay stations in the SmartSpace area and enforcing transit-only lanes, and rescinding Resolution 68,902-N.S.
3. Direct staff to incorporate into existing Residential Preferential Parking (RPP) referral(s) an assessment of the use of visitor paid parking and/or employee parking permits in other RPP areas.<sup>1</sup>

SUMMARY

The recommended actions follow the conclusion of the goBerkeley SmartSpace pilot program, which studied how to reduce the “two-hour shuffle” in residential areas adjacent to the Elmwood and Southside/Telegraph commercial districts.<sup>2</sup> The two-hour shuffle occurs when those without permits re-park their vehicles every two hours to avoid citation for exceeding posted residential time limits. Following Council approval on June 28, 2022, the City implemented employee parking permits in the Elmwood and visitor paid parking in a part of RPP Area I in the Southside. The strategies reduced the number of shuffling vehicles by approximately one-half in the Elmwood and one-third in the Southside, with CO2 reductions of approximately one-third in both areas. Based on these findings and public outreach, staff recommend the following:

- **Elmwood:** Keep employee parking passes.
- **Southside:** Maintain visitor paid parking.
- Assess expanding visitor paid parking and/or employee passes in other locations as part of an existing RPP related referral(s), and work with business districts to facilitate employer transit pass programs as staff capacity allows.

FISCAL IMPACTS OF RECOMMENDATION

<sup>1</sup> “Residential Preferential Parking (RPP) Program Expansion/Reform (PRJ0016358) and for West Berkeley Neighborhoods Within Two Blocks of Commercial Corridors (DMND0004053)

<sup>2</sup> Berkeley City Council Resolution No. 67,382-N.S. <https://bit.ly/3MfXO3q>

The SmartSpace pilot program is funded by a \$950,000 Congestion Management and Air Quality (CMAQ) grant from the Federal Highway Administration (FHWA) via the Metropolitan Transportation Commission (MTC). The City is reimbursed for 80% of all eligible non-infrastructure pilot program expenses, with 20% supplemented by local match funding.

Elmwood employee parking permits generated approximately \$5,500. Southside visitor paid parking generated approximately \$80,400 between November 2022 and April 2023. If Council approves the recommendation to maintain visitor paid parking, staff will continue to adjust rates periodically to increase availability. Because parking rate changes are responding to future parking occupancy, revenues are difficult to forecast but expected to cover incremental costs of the parking program.

### CURRENT SITUATION AND ITS EFFECTS

On June 28, 2022, Council approved a package of parking management strategies for the SmartSpace pilot. After making a few adjustments in fall and winter 2022, staff implemented the following:

- **Elmwood:** Sell up to 120 new parking permits for local employees in adjacent RPP areas.
- **Southside:** Implement paid parking for visitors in a part of RPP Area I.
- **Both pilot areas:** Facilitate a transit pass program for employees of local businesses.

### Implementation

#### **Elmwood Employee Parking Permits**

Staff refined the pilot employee permit program after further analysis and discussion with the Elmwood Merchants Association. To reduce potential impacts on residents and visitors, permits would be assigned to specific blocks, like Merchant Permits. In turn, the maximum number of permits was reduced from 220 to 120. Staff developed an allocation process modeled after the Neighborhood Serving Community Facility program, limiting the total number of permits to no more than 60% of full-time equivalent staff.<sup>3</sup> Merchants also had to fulfill Commute Benefit requirements to purchase permits.<sup>4</sup>

As of May 2023, 51 transferable dashboard permits for specific blocks in RPP Areas A, B, D, or L were purchased by a total of 15 businesses. Permits were valid from January 1 to July 31, 2023 and cost \$108 each, prorated for seven months from the \$185 Merchant Permit annual fee.

#### **Southside Visitor Paid Parking**

<sup>3</sup> Berkeley Municipal Code, Section 14.72.105 Neighborhood-Serving Community Facility Permits, <https://berkeley.municipal.codes/BMC/14.72.105>

<sup>4</sup> Berkeley Municipal Code, Chapter 9.88 Commuter Benefit Program, <https://berkeley.municipal.codes/BMC/9.88>

The Southside visitor paid parking pilot program launched on October 17, 2022. Payment was accepted via new license plate entry pay stations and ParkMobile zone #19800. Prices for visitors without RPP Area I permits were initially set at \$2.00 per hour, up to eight (8) hours, from Monday to Friday, 8 a.m. to 7 p.m.

Staff collected data in February 2023 to determine whether the new visitor pricing had improved parking availability. At the 3pm weekday peak hour, nearly all block faces were still above the optimum 65-85% occupancy rate (1-2 open spaces).<sup>5</sup> In accordance with goBerkeley Program guidelines, prices were raised to \$2.50/hour on Monday, March 6, 2023 to improve availability.

### **AC Transit EasyPass Programs**

The AC Transit EasyPass Program allows businesses to offer discounted transit passes as a benefit of employment, whether or not an employee uses transit.<sup>6</sup> In fall 2022, staff worked with AC Transit and Elmwood merchants to set up an EasyPass Program. Ultimately, not enough Elmwood merchants were interested and a program was not established. A similar effort with the Telegraph Business Improvement District was postponed in early 2023 due to staff capacity shortages.

### Evaluation & Key Findings

The City collected data before and after the pilot launched to test whether the strategies achieved project goals. Some key findings follow below. For more detail, refer to Attachment 4.

#### **Goal: Reduce occurrences of, and greenhouse gas emissions from, the “two-hour shuffle”**

- The number of vehicles observed doing the “two-hour shuffle” dropped by nearly one-half (from 61 to 33) in the Elmwood and by one-third (from 43 to 29) in the Southside on an average weekday. These reductions may in part reflect employees who were assigned parking permits in the Elmwood, and/or regular visitors to the Southside paying to park for up to eight hours in the pilot zone.
- CO2 emissions from shuffling dropped by approximately one-third in each area. Assuming most shufflers in the Elmwood were local employees and in the Southside were visitors to UC Berkeley, the estimated annual CO2 reduction from fewer observed shuffling vehicles is -286 kg in the Elmwood and -153 kg in the Southside.

#### **Goal: Increase parking availability in residential areas**

- Parking remained consistently full in the Southside pilot area, even after prices went into effect. Excluding permit holders, the number of block faces at the target

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<sup>5</sup> A block face is defined as one side of one street, e.g., the north side of Center Street between MLK Jr. Way and Milvia Street.

<sup>6</sup> AC Transit EasyPass Program, <https://www.actransit.org/easypass>

goBerkeley occupancy rate of 65-85% hovered between zero and one, with most blocks exceeding the target rate. Further price adjustments may be needed to achieve optimum occupancy in this area.

- Parking availability in the Southside “spillover” areas—i.e., streets with unpaid RPP two-hour limits within one block of the paid parking pilot—did not consistently change. In fact, slightly more block faces had better parking availability than worse after the paid parking pilot was implemented.
- Parking availability increased in the Elmwood pilot area between 2021 and 2023 at the weekday peak hour, though it is not clear to what extent the new parking permits may have played a role.

Public Feedback & Recommended Next Steps

Staff presented initial findings and a menu of potential next steps at a hybrid in-person and online public meeting on May 2, 2023. While the meeting was sparsely attended, it included residents and at least one merchant from each pilot area. A Zoom poll was used to gauge support for proposed next steps, but in-person participation was difficult to incorporate into the final tallies. Overall, most participants supported keeping both pilot treatments in place at a minimum, with some also supporting exploring expansion. Elmwood residents in particular advocated for keeping the employee parking permits as a quality of life improvement for service workers doing the two-hour shuffle outside their homes during the day. Still, a few meeting participants remained skeptical of the changes and advocated for reverting to pre-pilot conditions.

At the April 21, 2023 Elmwood Business Association meeting, feedback from merchants was positive, with attendees sharing that the employee permits were “wildly popular and effective,” and an “enormous improvement [for Elmwood] small businesses.”

Below are next steps for each pilot area, with recommendations based on the evaluation and public feedback indicated with an asterisk (\*):

| <b>Elmwood</b>                          | <b>Southside</b>                                                                                   | <b>Citywide</b><br><i>(per staff capacity, analysis, and public outreach)</i>                 |
|-----------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <i>* Keep employee parking permits.</i> | <i>* Keep visitor paid parking in place, and make periodic price adjustments for availability.</i> | <i>* Explore expanding RPP visitor paid parking and/or employee passes to other locations</i> |
| Phase out employee parking permits.     | Remove visitor paid parking and revert to unpaid two-hour limit.                                   | <i>* Work with business districts to introduce employer transit pass programs.</i>            |

The recommendations to Council reflect these findings:

- **Resolution - SmartSpace Findings & Recommendations:** Directs staff to maintain employee parking permits in the Elmwood and visitor paid parking in the Southside area.
- **Resolution - Schedule of Parking Violations and Late Fines:** Augments current violation schedule to include citations and late fines related to pay-by-plate pay stations, which are used in the Southside visitor paid parking area.<sup>7</sup> New citation amounts are in line with existing analogous fines.
- **Direction to staff** to incorporate into existing RPP referral(s) an assessment of the use of visitor paid parking and/or employee parking permits in other RPP areas.

### BACKGROUND

Over the years, City staff have received feedback about the “two-hour shuffle” in residential areas adjacent to commercial districts. The two-hour shuffle occurs when those without permits re-park their vehicles every two hours to avoid being cited for parking longer than posted residential time limits. In 2015, the City was awarded a \$950,000 grant from the Metropolitan Transportation Commission (MTC) to specifically study the two-hour shuffle. The goals of the resulting goBerkeley Residential Shared Parking Pilot (aka “goBerkeley SmartSpace”) are:

- Reduce occurrences of the “two-hour shuffle” in residential neighborhoods, alleviating inconvenience for local employees and reducing greenhouse gas emissions associated with the behavior;
- Increase parking availability on residential streets;
- Increase information about and/or access to alternatives to driving; and
- Improve customer service and technology related to the City’s parking program.

Public engagement began in 2019 with the launch of a project website<sup>8</sup>, public surveys, and the formation of a Community Advisory Group. Unfortunately, the project was delayed due to the coronavirus pandemic, and outreach resumed in mid-2021. Staff introduced initial concepts for visitor paid parking in both Elmwood and Southside at virtual meetings in November 2021. Residents and merchants strongly opposed the concepts, and offered suggestions for different strategies. In December 2021 staff returned with new pilot proposals derived from or modified by community input. In spring 2022 staff refined the proposals, which were prioritized by the public in April 2022 and then approved for implementation by Council on June 28, 2022.

The goBerkeley SmartSpace pilot is a Strategic Plan Priority Project, advancing our goals to:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

<sup>7</sup> Also adds a violation for parking or loading in a Transit-Only Lane, addressing an omission and supporting enforcement of the upcoming Durant Transit Lane and Southside Complete Streets projects.

<sup>8</sup> Project website available at <https://smartspace.goberkeley.info>.

- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.
- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This pilot program tested ways to reduce greenhouse gas emissions among commuters to the Elmwood and Southside/Telegraph commercial districts, particularly those parking in nearby residential neighborhoods. Reducing greenhouse gas emissions produced by vehicular traffic is one of the City's 2009 Climate Action Plan goals.

Staff observed that the number of vehicles doing the "two-hour shuffle" in both pilot areas dropped after the pilot was implemented. The number of shuffling vehicles on a weekday was reduced by approximately one-half in the Elmwood and one-third in the Southside area, resulting in about a one-third reduction in CO2 emissions from this behavior in each area.

#### RATIONALE FOR RECOMMENDATION

The SmartSpace pilot program was modified to reflect public feedback about how best to reduce the "two-hour shuffle" in residential neighborhoods. Staff analysis of "two-hour shuffle" behavior before and after the pilot implementation suggests that the strategies successfully reduced the number of shuffling vehicles and associated carbon dioxide emissions, accomplishing a primary goal of the study.

Keeping these strategies in place should maintain the reduced number of shuffling vehicles observed in the Southside and Elmwood. Moving forward, the two strategies tested under this pilot provide more tools the City could use to manage visitor parking demand in RPP areas. Future expansion of employee permits and/or visitor paid parking where feasible could further reduce excess emissions from the two-hour shuffle in support of City climate goals.

#### ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to maintain any of the pilot elements; or maintain the program in the Elmwood but not in the Southside, or vice versa. However, removing any of the pilot elements would probably result in more shuffling behavior. Also, pending future referral prioritization, it is not known when employee permits or visitor paid parking could be expanded elsewhere in the City. While providing a benefit, issuing employee permits in the Elmwood alone disproportionately benefits these workers, while others elsewhere continue to do the "two-hour shuffle" without an existing remedy.

#### CONTACT PERSON

Hamid Mostowfi, Acting Transportation Manager, Public Works, 510-981-6403  
Danette Perry, Parking Services Manager, Public Works, 510-981-7057  
Gordon Hansen, Acting Principal Planner, Public Works, 510-981-7064



Attachments:

- 1: Resolution: goBerkeley SmartSpace Evaluation & Next Steps
- 2: Resolution: Schedule of Parking Violations and Late Fees
- 3: Summary of Pilot Implementation & Key Findings

RESOLUTION NO. ##,###-N.S.

GOBERKELEY SMARTSPACE PILOT PROGRAM FINDINGS AND NEXT STEPS

WHEREAS, the Council of the City of Berkeley accepted a \$950,000 Congestion Mitigation and Air Quality Improvement (CMAQ) grant from the Federal Highway Administration (FHWA) under the Metropolitan Transportation Commission's (MTC) Climate Initiatives Program for the goBerkeley Residential Shared Parking Pilot (aka goBerkeley SmartSpace) via Resolution No. 67,382-N.S.; and

WHEREAS, the goBerkeley SmartSpace pilot program studied ways to reduce the inconvenience and greenhouse gas emissions associated with the "two-hour shuffle," among other goals, in Residential Preferential Parking (RPP) areas adjacent to the Elmwood and Southside/Telegraph commercial districts; and

WHEREAS, Council adopted staff recommendations to implement new parking permits for Elmwood employees, implement visitor paid parking in parts of RPP Area I in the Southside, and facilitate transit pass programs for employees of local businesses via Resolution No. 70,444-N.S.; and

WHEREAS, staff launched visitor paid parking in October 2022, wherein visitors could pay to park for up to eight hours at a rate of \$2.00 per hour, and where prices were increased to \$2.50 per hour in March 2023 after analysis showed parking was still too full; and

WHEREAS, staff also issued approximately 50 employee parking permits to local businesses in the Elmwood in January 2023, with permits assigned for specific blocks to reduce potential resident parking impacts; and

WHEREAS, not enough Elmwood merchants were interested in setting up a transit pass program, and a similar effort in Telegraph was put on hold due to staff shortages; and

WHEREAS, staff found that the number of vehicles doing the "two-hour shuffle" on a weekday fell by nearly half in the Elmwood and nearly one-third in the Southside, with associated CO2 emissions decreasing by approximately one-third in each area, achieving the primary goal of the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that in light of these findings the City Manager is authorized to maintain RPP visitor paid parking in the Southside and employee parking permits in the Elmwood.

RESOLUTION NO. ##,###-N.S.

ESTABLISHING A NEW SCHEDULE OF PARKING VIOLATIONS AND FINES FOR PARKING VIOLATIONS AND LATE PAYMENT PENALTIES; AND RESCINDING RESOLUTION NO. 68,902-N.S.

WHEREAS, the State of California Vehicle Code Section 40203.5 states “the schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued;” and

WHEREAS, the Council enacted Ordinance No. 7,829-N.S. on July 12, 2022 to include provisions for the operation and use of Pay-by-Plate pay stations for parking payment;

WHEREAS, staff subsequently identified the need to establish specific parking violations and late payment penalties associated with use and/or misuse of Pay-by-Plate pay stations in concurrence with this Ordinance; and

WHEREAS, staff identified the need to include specific parking violations and late payment penalties for vehicles parking in transit-only lanes, to support other transportation projects in the Southside neighborhood; and

WHEREAS, in June 2019, the City Council adopted Resolution No. 68,902-N.S. establishing a new schedule of fines for parking violations to enable enforcement of new “Enhanced Fine Areas” around the UC Berkeley campus on Cal football days.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a new schedule of parking violations and late payment penalties is established, as set forth in Exhibit A, which includes fines and late penalties for violations of BMC Section 14.24.230 pertaining to parking in a transit-only lane; and BMC Sections 14.52.050 C and 14.52.060 C pertaining to payments for parking at Pay-by-Plate pay stations; and

BE IT FURTHER RESOLVED that Resolution No. 68,902-N.S. is hereby rescinded.

Exhibits

- A: Schedule of Fines and Late Payment Penalties for Parking Violations
- B: List of New Parking Violations

## Exhibit A: Schedule of Fines and Late Payment Penalties for Parking Violations

| <b>Code</b> | <b>Section</b> | <b>Violation Description</b><br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | <b>Fine<br/>Amount</b> | <b>On Day 28<br/>+\$30</b> | <b>On Day 47<br/>+\$50</b> |
|-------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------|----------------------------|
| BMC         | 6.24.020       | Off-St Rsrv Pkg No Permit Displayed                                                                                                                                                                                  | \$48                   | \$78                       | \$128                      |
| BMC         | 6.24.020       | FD Off-St Rsrv Pkg No Permit Displayed                                                                                                                                                                               |                        |                            |                            |
| BMC         | 6.24.020       | Non-Electric Vehicle Parked in Electric Vehicle Space                                                                                                                                                                | \$35                   | \$65                       | \$115                      |
| BMC         | 6.24.060       | Electric Vehicle Exceeding EV Parking Space Time Limit                                                                                                                                                               | \$30                   | \$60                       | \$110                      |
| BMC         | 6.24.020       | Electric Vehicle Not Actively Charging in EV Parking Space                                                                                                                                                           | \$35                   | \$65                       | \$115                      |
| BMC         | 6.24.093       | P&D Dispensing Mach Tkt Not Displayed                                                                                                                                                                                | \$43                   | \$73                       | \$123                      |
| BMC         | 6.24.093       | FD P&D Dispensing Mach Tkt Not Displayed                                                                                                                                                                             | \$65                   | \$95                       | \$145                      |
| BMC         | 6.24.096       | Improper Display of P&D Disp Mach Tkt                                                                                                                                                                                | \$43                   | \$73                       | \$123                      |
| BMC         | 6.24.096       | FD Improper Display of P&D Disp Mach Tkt                                                                                                                                                                             | \$65                   | \$95                       | \$145                      |
| BMC         | 6.24.100 B     | P&D Station Expired Time                                                                                                                                                                                             | \$43                   | \$73                       | \$123                      |
| BMC         | 6.24.100 B     | FD P&D Station Expired Time                                                                                                                                                                                          | \$65                   | \$95                       | \$145                      |
| BMC         | 6.24.103 B     | Time Limits Enforced at Inoperable P&D Sta                                                                                                                                                                           | \$43                   | \$73                       | \$123                      |
| BMC         | 6.24.103 B     | FD Time Limits Enforced at Inoperable P&D Sta                                                                                                                                                                        | \$65                   | \$95                       | \$145                      |
| BMC         | 6.24.130       | Off-St Facility: Motorcycle Zone Only                                                                                                                                                                                | \$48                   | \$78                       | \$128                      |
| BMC         | 6.24.130       | Off-St Facility: Pkg Outside Markings                                                                                                                                                                                | \$48                   | \$78                       | \$128                      |
| BMC         | 6.24.130       | FD Off-St Facility: Pkg Outside Markings                                                                                                                                                                             | \$72                   | \$102                      | \$152                      |
| BMC         | 6.24.130       | Off-St Facility: Disabled Zone                                                                                                                                                                                       | \$288                  | \$318                      | \$368                      |
| BMC         | 6.24.130       | FD Off-St Facility: Disabled Zone                                                                                                                                                                                    | \$288                  | \$318                      | \$368                      |
| BMC         | 6.24.130       | Off-St Facility: Restricted Load Zone                                                                                                                                                                                | \$48                   | \$78                       | \$128                      |
| BMC         | 6.24.130       | FD Off-St Facility: Restricted Load Zone                                                                                                                                                                             | \$72                   | \$102                      | \$152                      |
| BMC         | 6.24.130       | Off-St Facility: Unmarked Space                                                                                                                                                                                      | \$48                   | \$78                       | \$128                      |
| BMC         | 6.24.130       | FD Off-St Facility: Unmarked Space                                                                                                                                                                                   | \$72                   | \$102                      | \$152                      |
| BMC         | 6.24.140       | Off-St Facility: Backed-In                                                                                                                                                                                           | \$48                   | \$78                       | \$128                      |
| BMC         | 9.52.140       | Unattended Taxi Over 5 Min                                                                                                                                                                                           | \$91                   | \$121                      | \$171                      |
| BMC         | 13.52.040      | Unauth Pkg on Private Property                                                                                                                                                                                       | \$41                   | \$71                       | \$121                      |
| BMC         | 14.24.070      | Unauth Vehicle on Private Prop                                                                                                                                                                                       | \$64                   | \$94                       | \$144                      |
| BMC         | 14.24.230      | No Parking/Loading in Transit-Only Lane                                                                                                                                                                              | \$263                  | \$293                      | \$343                      |
| BMC         | 14.24.230      | FD No Parking/Loading in Transit-Only Lane                                                                                                                                                                           | \$263                  | \$293                      | \$343                      |
| BMC         | 14.36.030 A    | No Parking on Divisnl Islands                                                                                                                                                                                        | \$55                   | \$85                       | \$135                      |
| BMC         | 14.36.030 A    | FD No Parking on Divisnl Islands                                                                                                                                                                                     | \$83                   | \$113                      | \$163                      |
| BMC         | 14.36.030 C    | No Parking Zone (Sign Posted)                                                                                                                                                                                        | \$64                   | \$94                       | \$144                      |
| BMC         | 14.36.030 C    | FD No Parking Zone (Sign Posted)                                                                                                                                                                                     | \$96                   | \$126                      | \$176                      |
| BMC         | 14.36.030 C    | No Parking Zone (Red Curb)                                                                                                                                                                                           | \$64                   | \$94                       | \$144                      |
| BMC         | 14.36.030 C    | FD No Parking Zone (Red Curb)                                                                                                                                                                                        | \$96                   | \$126                      | \$176                      |

| Code | Section     | Violation Description<br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | Fine<br>Amount | On Day 28<br>+\$30 | On Day 47<br>+\$50 |
|------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------|
| BMC  | 14.36.030 D | No Parking Street Sweeping (sign)                                                                                                                                                                             | \$49           | \$79               | \$129              |
| BMC  | 14.36.030 E | No Parking on Railroad Tracks                                                                                                                                                                                 | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 F | Hazard Obstructing Traffic                                                                                                                                                                                    | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 F | FD Hazard Obstructing Traffic                                                                                                                                                                                 | \$96           | \$126              | \$176              |
| BMC  | 14.36.030 G | Construct: No Permit on Dashboard                                                                                                                                                                             | \$64           | \$94               | \$144              |
| BMC  | 14.36.030 G | FD Construct: No Permit on Dashboard                                                                                                                                                                          | \$96           | \$126              | \$176              |
| BMC  | 14.36.050   | On Street 72 or More Consec hrs                                                                                                                                                                               | \$60           | \$90               | \$140              |
| BMC  | 14.36.060   | Repair Vehicle on Street                                                                                                                                                                                      | \$52           | \$82               | \$132              |
| BMC  | 14.36.080   | Vehicle Parked in School Zone                                                                                                                                                                                 | \$51           | \$81               | \$131              |
| BMC  | 14.36.090   | Pkg on Grade Brake/Block Wheels                                                                                                                                                                               | \$55           | \$85               | \$135              |
| BMC  | 14.36.110   | Emerg Prkg w/o Permit (Tow CVC<br>22651)                                                                                                                                                                      | \$52           | \$82               | \$132              |
| BMC  | 14.40.010   | 3 min Limit Zone Overtime                                                                                                                                                                                     | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | FD 3 min Limit Zone Overtime                                                                                                                                                                                  | \$65           | \$95               | \$145              |
| BMC  | 14.40.010   | 5 min Limit Zone Overtime                                                                                                                                                                                     | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | FD 5 min Limit Zone Overtime                                                                                                                                                                                  | \$65           | \$95               | \$145              |
| BMC  | 14.40.010   | 10 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | FD 10 min Limit Zone Overtime                                                                                                                                                                                 | \$65           | \$95               | \$145              |
| BMC  | 14.40.010   | 12 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | 15 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | 24 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.010   | FD 24 min Limit Zone Overtime                                                                                                                                                                                 | \$65           | \$95               | \$145              |
| BMC  | 14.40.020   | 30 min Limit Zone Overtime                                                                                                                                                                                    | \$43           | \$73               | \$123              |
| BMC  | 14.40.020   | FD 30 min Limit Zone Overtime                                                                                                                                                                                 | \$65           | \$95               | \$145              |
| BMC  | 14.40.030   | 1 hr Limit Zone Overtime                                                                                                                                                                                      | \$43           | \$73               | \$123              |
| BMC  | 14.40.030   | FD 1 hr Limit Zone Overtime                                                                                                                                                                                   | \$65           | \$95               | \$145              |
| BMC  | 14.40.030   | Faulty Meter Over 1 hr Limit                                                                                                                                                                                  | \$43           | \$73               | \$123              |
| BMC  | 14.40.040   | 2 hr Limit Zone Overtime                                                                                                                                                                                      | \$43           | \$73               | \$123              |
| BMC  | 14.40.040   | FD 2 hr Limit Zone Overtime                                                                                                                                                                                   | \$65           | \$95               | \$145              |
| BMC  | 14.40.040   | Faulty Meter Over 2 hr Limit                                                                                                                                                                                  | \$43           | \$73               | \$123              |
| BMC  | 14.40.050 A | Parallel Pkg Veh Outside Markers                                                                                                                                                                              | \$48           | \$78               | \$128              |
| BMC  | 14.40.050 B | Veh Facing Wrong Way 1-way St                                                                                                                                                                                 | \$48           | \$78               | \$128              |
| BMC  | 14.40.050 B | FD Veh Facing Wrong Way 1-way St                                                                                                                                                                              | \$72           | \$102              | \$152              |
| BMC  | 14.40.050 B | Pkg Over 18" from Curb 1-way St                                                                                                                                                                               | \$51           | \$81               | \$131              |
| BMC  | 14.40.050 B | FD Pkg Over 18" fr Curb 1-way St                                                                                                                                                                              | \$77           | \$107              | \$157              |
| BMC  | 14.40.060 A | Diagonal Pkg Veh Outside Markers                                                                                                                                                                              | \$51           | \$81               | \$131              |
| BMC  | 14.40.060 B | Diagonal Pkg FW Over 6" from Curb                                                                                                                                                                             | \$51           | \$81               | \$131              |
| BMC  | 14.40.070 A | No Stopping 4-6pm (Tow CVC 22651)                                                                                                                                                                             | \$64           | \$94               | \$144              |
| BMC  | 14.40.070 A | FD No Stopping 4-6pm (Tow CVC<br>22651)                                                                                                                                                                       | \$96           | \$126              | \$176              |
| BMC  | 14.40.070 A | No Stopping 7-9am (Tow CVC 22651)                                                                                                                                                                             | \$64           | \$94               | \$144              |
| BMC  | 14.40.070 A | No Stopping 9pm-6am (Tow CVC<br>22651)                                                                                                                                                                        | \$64           | \$94               | \$144              |
| BMC  | 14.40.070 A | Posted No Stopping Tow Away                                                                                                                                                                                   | \$64           | \$94               | \$144              |

| Code | Section     | Violation Description<br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | Fine<br>Amount | On Day 28<br>+\$30 | On Day 47<br>+\$50 |
|------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------|
| BMC  | 14.40.090   | RPP Zone No RPP Permit Displayed                                                                                                                                                                              | \$49           | \$79               | \$129              |
| BMC  | 14.40.090   | FD RPP Zone A,B,D No Permit Dsply                                                                                                                                                                             | \$98           | \$128              | \$178              |
| BMC  | 14.40.090   | RPP Zone K No Permit Displayed                                                                                                                                                                                | \$57           | \$87               | \$137              |
| BMC  | 14.40.090   | RPP Zone RPP Permit Expired                                                                                                                                                                                   | \$49           | \$79               | \$129              |
| BMC  | 14.40.090   | FD RPP Zone A,B,D Permit Expired                                                                                                                                                                              | \$98           | \$128              | \$178              |
| BMC  | 14.40.090   | RPP Zone Permit Improper Display                                                                                                                                                                              | \$49           | \$79               | \$129              |
| BMC  | 14.40.090   | FD RPP A,B,D Permit Impropr Dsply                                                                                                                                                                             | \$98           | \$128              | \$178              |
| BMC  | 14.40.090   | No RPP Permit Displayed in Enhanced<br>Fine Area (Football Game Days)                                                                                                                                         | \$225          | \$255              | \$305              |
| BMC  | 14.40.130   | Pkg/Standing in City Lots/Spaces                                                                                                                                                                              | \$55           | \$85               | \$135              |
| BMC  | 14.40.130 A | City Lot No Permit Displayed                                                                                                                                                                                  | \$57           | \$87               | \$137              |
| BMC  | 14.40.130 C | Reserved Pkg No Permit Displayed                                                                                                                                                                              | \$49           | \$79               | \$129              |
| BMC  | 14.40.130 E | Reserved City Hall Pkg Towable                                                                                                                                                                                | \$64           | \$94               | \$144              |
| BMC  | 14.40.150 A | Car Parking in Motorcycle Area                                                                                                                                                                                | \$51           | \$81               | \$131              |
| BMC  | 14.40.150 B | Motorcycle Zone Overtime                                                                                                                                                                                      | \$51           | \$81               | \$131              |
| BMC  | 14.40.160   | DbI-Pkd Commer Vehicle Center St                                                                                                                                                                              | \$60           | \$90               | \$140              |
| BMC  | 14.44.020 B | Commer Zone No Permit (yellow)                                                                                                                                                                                | \$57           | \$87               | \$137              |
| BMC  | 14.44.020 B | FD Commer Zone No Permit (yellow)                                                                                                                                                                             | \$86           | \$116              | \$166              |
| BMC  | 14.44.020 A | Commercial Zone Overtime                                                                                                                                                                                      | \$57           | \$87               | \$137              |
| BMC  | 14.44.020 A | FD Commercial Zone Overtime                                                                                                                                                                                   | \$86           | \$116              | \$166              |
| BMC  | 14.44.030   | Passenger Load Zone (white curb)                                                                                                                                                                              | \$57           | \$87               | \$137              |
| BMC  | 14.44.030   | FD Passgr Load Zone (white curb}                                                                                                                                                                              | \$86           | \$116              | \$166              |
| BMC  | 14.44.040   | No Stopping Bicycle Zone                                                                                                                                                                                      | \$55           | \$85               | \$135              |
| BMC  | 14.44.040   | FD No Stopping Bicycle Zone                                                                                                                                                                                   | \$83           | \$113              | \$163              |
| BMC  | 14.44.050   | Special Passenger Load Zone only                                                                                                                                                                              | \$57           | \$87               | \$137              |
| BMC  | 14.44.060   | Parking in Coach (bus) Zone                                                                                                                                                                                   | \$64           | \$94               | \$144              |
| BMC  | 14.44.060   | FD Parking in Coach (bus} Zone                                                                                                                                                                                | \$96           | \$126              | \$176              |
| BMC  | 14.44.070   | Unauthorized Use of Funeral Zone                                                                                                                                                                              | \$51           | \$81               | \$131              |
| BMC  | 14.44.080   | Taxicab Parking Only                                                                                                                                                                                          | \$51           | \$81               | \$131              |
| BMC  | 14.44.080   | Unauthorized Taxicab Stand Pkg                                                                                                                                                                                | \$51           | \$81               | \$131              |
| BMC  | 14.46.040 B | Non-Electric Vehicle Parked in EV<br>Space                                                                                                                                                                    | \$49           | \$79               | \$129              |
| BMC  | 14.46.050 B | Electric Vehicle Exceeding EV Space<br>Time Limit                                                                                                                                                             | \$43           | \$73               | \$123              |
| BMC  | 14.46.050 C | Electric Vehicle Not Actively Charging in<br>EV Space                                                                                                                                                         | \$43           | \$73               | \$123              |
| BMC  | 14.52.050 A | Meter Street: Expired Meter                                                                                                                                                                                   | \$43           | \$73               | \$123              |
| BMC  | 14.52.050 A | FD Meter Street: Expired Meter                                                                                                                                                                                | \$65           | \$95               | \$145              |
| BMC  | 14.52.050 B | Pay & Display Station Expired Time                                                                                                                                                                            | \$43           | \$73               | \$123              |
| BMC  | 14.52.050 B | FD Pay & Display Sta Expired Time                                                                                                                                                                             | \$65           | \$95               | \$145              |
| BMC  | 14.52.050 C | Pay by Plate Station Expired Time                                                                                                                                                                             | \$43           | \$73               | \$123              |
| BMC  | 14.52.050 C | FD Pay by Plate Station Expired Time                                                                                                                                                                          | \$65           | \$95               | \$145              |
| BMC  | 14.52.060 A | Meter St: Extending Meter Time                                                                                                                                                                                | \$43           | \$73               | \$123              |
| BMC  | 14.52.060 A | FD Meter St: Extending Meter Time                                                                                                                                                                             | \$65           | \$95               | \$145              |

| Code | Section     | Violation Description<br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | Fine<br>Amount | On Day 28<br>+\$30 | On Day 47<br>+\$50 |
|------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------|
| BMC  | 14.52.060 B | Pay & Display Station Extend Time                                                                                                                                                                             | \$43           | \$73               | \$123              |
| BMC  | 14.52.060 B | FD Pay & Display Sta Extend Time                                                                                                                                                                              | \$65           | \$95               | \$145              |
| BMC  | 14.52.060 C | Pay by Plate Station Extend Time                                                                                                                                                                              | \$43           | \$73               | \$123              |
| BMC  | 14.52.060 C | FD Pay by Plate Sta Extend Time                                                                                                                                                                               | \$65           | \$95               | \$145              |
| BMC  | 14.52.063   | P&D Dispensing Mach Tkt Not<br>Displayed                                                                                                                                                                      | \$43           | \$73               | \$123              |
| BMC  | 14.52.063   | FD P&D Dispens Mach Tkt Not<br>Displayed                                                                                                                                                                      | \$65           | \$95               | \$145              |
| BMC  | 14.52.066   | Improper Display of P&D Disp Mach Tkt                                                                                                                                                                         | \$43           | \$73               | \$123              |
| BMC  | 14.52.066   | FD Improper Display of P&D Disp Mach<br>Tkt                                                                                                                                                                   | \$65           | \$95               | \$145              |
| CVC  | 4000        | No Evidence Current Registration                                                                                                                                                                              | \$50           | \$80               | \$130              |
| CVC  | 4000        | Expired Registration                                                                                                                                                                                          | \$50           | \$80               | \$130              |
| CVC  | 4461 B      | Improper Lending of DP Placard or Plate                                                                                                                                                                       | \$550          | \$580              | \$630              |
| CVC  | 4461 C      | Improper Display of DP Placard or Plate                                                                                                                                                                       | \$550          | \$580              | \$630              |
| CVC  | 4461 D      | Improper Use of DP Placard or Plate                                                                                                                                                                           | \$550          | \$580              | \$630              |
| CVC  | 4463 C      | Use of Forged, Counterfeit, or False DP<br>Placard or Plate                                                                                                                                                   | \$550          | \$580              | \$630              |
| CVC  | 5200        | Missing License Plates                                                                                                                                                                                        | \$25           | \$55               | \$105              |
| CVC  | 5201        | Lic Plates Improperly Positioned                                                                                                                                                                              | \$25           | \$55               | \$105              |
| CVC  | 5202        | Hanging/Detached License Plate                                                                                                                                                                                | \$25           | \$55               | \$105              |
| CVC  | 5204 A      | Expired Tags (read back)                                                                                                                                                                                      | \$25           | \$55               | \$105              |
| CVC  | 5204 A      | Missing Tags                                                                                                                                                                                                  | \$25           | \$55               | \$105              |
| CVC  | 21113 A     | Parking on Public Grounds                                                                                                                                                                                     | \$54           | \$84               | \$134              |
| CVC  | 21211 B     | Vehicle Blocking Bicycle Lane                                                                                                                                                                                 | \$54           | \$84               | \$134              |
| CVC  | 21718       | Parking on Freeway                                                                                                                                                                                            | \$54           | \$84               | \$134              |
| CVC  | 22500 A     | Parking in an Intersection                                                                                                                                                                                    | \$60           | \$90               | \$140              |
| CVC  | 22500 A     | FD Parking in an Intersection                                                                                                                                                                                 | \$86           | \$116              | \$166              |
| CVC  | 22500 B     | Parking in Crosswalk                                                                                                                                                                                          | \$60           | \$90               | \$140              |
| CVC  | 22500 B     | FD Parking in Crosswalk                                                                                                                                                                                       | \$90           | \$120              | \$170              |
| CVC  | 22500 C     | Parking in Safety Zone                                                                                                                                                                                        | \$60           | \$90               | \$140              |
| CVC  | 22500 C     | FD Parking in Safety Zone                                                                                                                                                                                     | \$90           | \$120              | \$170              |
| CVC  | 22500 D     | Parking within 15' of Fire Station                                                                                                                                                                            | \$60           | \$90               | \$140              |
| CVC  | 22500 D     | FD Parking within 15' of Fire Station                                                                                                                                                                         | \$90           | \$120              | \$170              |
| CVC  | 22500 E     | Parking in Driveway                                                                                                                                                                                           | \$60           | \$90               | \$140              |
| CVC  | 22500 E     | FD Parking in Driveway                                                                                                                                                                                        | \$90           | \$120              | \$170              |
| CVC  | 22500 F     | Parking On/Across Sidewalk                                                                                                                                                                                    | \$60           | \$90               | \$140              |
| CVC  | 22500 F     | FD Parking On/Across Sidewalk                                                                                                                                                                                 | \$90           | \$120              | \$170              |
| CVC  | 22500 G     | Parking Construction No Permit                                                                                                                                                                                | \$60           | \$90               | \$140              |
| CVC  | 22500 G     | FD Parking Construction No Permit                                                                                                                                                                             | \$90           | \$120              | \$170              |
| CVC  | 22500 H     | Double-Parked                                                                                                                                                                                                 | \$60           | \$90               | \$140              |
| CVC  | 22500 H     | FD Double-Parked                                                                                                                                                                                              | \$90           | \$120              | \$170              |
| CVC  | 22500 I     | Parking/Stopping in Coach Zone                                                                                                                                                                                | \$263          | \$293              | \$343              |
| CVC  | 22500 I     | FD Parking/Stopping in Coach Zone                                                                                                                                                                             | \$263          | \$293              | \$343              |

| <b>Code</b> | <b>Section</b> | <b>Violation Description</b><br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | <b>Fine Amount</b> | <b>On Day 28<br/>+\$30</b> | <b>On Day 47<br/>+\$50</b> |
|-------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------|----------------------------|
| CVC         | 22500 J        | Parking in Tunnel                                                                                                                                                                                                    | \$54               | \$84                       | \$134                      |
| CVC         | 22500 K        | Parking on Bridge                                                                                                                                                                                                    | \$54               | \$84                       | \$134                      |
| CVC         | 22500 L        | Blocking Disabled Ramp                                                                                                                                                                                               | \$288              | \$318                      | \$368                      |
| CVC         | 22502 A        | Parking Over 18" from Curb 2-Way St                                                                                                                                                                                  | \$69               | \$99                       | \$149                      |
| CVC         | 22502 A        | FD Parking Over 18" from Curb 2-Way St                                                                                                                                                                               | \$104              | \$134                      | \$184                      |
| CVC         | 22503 E        | Parking Over 10" from Curb 1-Way St                                                                                                                                                                                  | \$58               | \$88                       | \$138                      |
| CVC         | 22507.8 A      | Parking in Disabled Zone                                                                                                                                                                                             | \$317              | \$347                      | \$397                      |
| CVC         | 22507.8 B      | Obstructing Access Disabled Zone                                                                                                                                                                                     | \$317              | \$347                      | \$397                      |
| CVC         | 22507.8 B      | FD Obstructing Access Disabled Zone                                                                                                                                                                                  | \$317              | \$347                      | \$397                      |
| CVC         | 22514 a        | Parking within 15' of Fire Hydrant                                                                                                                                                                                   | \$78               | \$108                      | \$158                      |
| CVC         | 22514 a        | FD Parking within 15' of Fire Hydrant                                                                                                                                                                                | \$117              | \$147                      | \$197                      |
| CVC         | 22521          | Parking within 7.5' of Railroad Tracks                                                                                                                                                                               | \$54               | \$84                       | \$134                      |
| CVC         | 22522          | Parking within 3' of Wheelchair Ramp                                                                                                                                                                                 | \$317              | \$347                      | \$397                      |
| CVC         | 22522          | FD Parking within 3' of Wheelchair Ramp                                                                                                                                                                              | \$317              | \$347                      | \$397                      |
| CVC         | 22523 a        | Abandon Vehicle on Highway                                                                                                                                                                                           | \$168              | \$198                      | \$248                      |
| CVC         | 22523 b        | Abandon Vehicle on Pub/Prvt Prop                                                                                                                                                                                     | \$168              | \$198                      | \$248                      |

Note: In addition to citation placed on vehicle, "Notice of Violation" is mailed to registered owner seven (7) days after citation and indicated when the fine penalty increases will occur: On Day 28 after citation issuance, the fine increases by \$30. If payment is not received within 45 days after issuance, on Day 47, the fine increases by an additional \$50.

#### Exhibit B: New Parking Violations

| <b>Code</b> | <b>Section</b> | <b>Violation Description</b><br>(For citations issued to a vehicle)<br>FD = Football Game Days 9 a.m. to 11 p.m.<br>FD fines = 50% higher on most violations &<br>100% higher for violations in RPP Zones A,<br>B, D | <b>Fine Amount</b> | <b>On Day 28<br/>+\$30</b> | <b>On Day 47<br/>+\$50</b> |
|-------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------|----------------------------|
| BMC         | 14.24.230      | No Parking/Loading in Transit-Only Lane                                                                                                                                                                              | \$263              | \$293                      | \$343                      |
| BMC         | 14.24.230      | FD No Parking/Loading in Transit-Only Lane                                                                                                                                                                           | \$263              | \$293                      | \$343                      |
| BMC         | 14.52.050 C    | Pay by Plate Station Expired Time                                                                                                                                                                                    | \$43               | \$73                       | \$123                      |
| BMC         | 14.52.050 C    | FD Pay by Plate Station Expired Time                                                                                                                                                                                 | \$65               | \$95                       | \$145                      |
| BMC         | 14.52.060 C    | Pay by Plate Station Extend Time                                                                                                                                                                                     | \$43               | \$73                       | \$123                      |
| BMC         | 14.52.060 C    | FD Pay by Plate Sta Extend Time                                                                                                                                                                                      | \$65               | \$95                       | \$145                      |



## Attachment 3

# goBerkeley SmartSpace Pilot Program – Implementation & Key Findings

On June 28, 2022, Council approved a package of parking management strategies that would be evaluated for their effectiveness in reducing the “two-hour shuffle” and associated greenhouse gas emissions under the pilot program. The two-hour shuffle occurs when those without permits re-park their vehicles every two hours to avoid being cited for parking longer than posted time limits.

Staff made a few adjustments to the strategies during the implementation phase in fall and winter 2022. These changes are summarized below:

| <b>Pilot Area</b> | <b>June 28, 2022 Council Approval</b>                                                                                     | <b>SmartSpace Pilot Implementation</b>                                                            | <b>Changes</b>                                                                                                                                                                                                     |
|-------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Elmwood</b>    | Sell up to 220 employee parking permits for in adjacent RPP Areas A, D, and L                                             | Sell up to 120 employee parking permits for specific block locations in RPP Areas A, B, D, and L. | Permits assigned to specific block locations like Merchant Permits<br><br>Occupancy analysis identified opportunity to allocate permits in RPP Area B<br><br>Reduction in permits issuance maximum from 220 to 120 |
| <b>Southside</b>  | Implement paid parking for visitors in parts of RPP Area I<br><br>Encourage employee parking in Telegraph Channing Garage | Implement paid parking for visitors in parts of RPP Area I                                        | Limited staff capacity prevented efforts to encourage employee parking in garage                                                                                                                                   |
| <b>Both areas</b> | Facilitate a transit pass program for employees of local businesses.                                                      | Coordinate with Elmwood merchants to establish an AC Transit EasyPass program                     | Limited staff capacity prevented efforts to facilitate Telegraph transit pass program                                                                                                                              |

## Pilot Implementation

Following Council approval, staff implemented the pilot programs in phases during fall and winter 2022.

### **Elmwood Employee Parking Permits**

Staff refined the pilot employee permit program after further analysis and discussion with the Elmwood Merchants Association. To reduce potential impacts on residents and visitors, permits would be assigned to specific blocks, like Merchant Permits. In October and November 2022 staff conducted a thorough analysis of parking occupancy and the location of Fiscal Year 2023 annual residential permits to identify where new permits could be allocated without negatively impacting resident parking expectations.

Second, the maximum number of permits was reduced from 220 to 120 given the change to assigned blocks. Staff developed an application process for employee parking permits modeled after the Neighborhood Serving Community Facility program. Merchants applying for employee permits were assigned either the number of permits requested, or no more than 60% of their full-time equivalent staff, whichever was lower. Merchants with 10+ employees and thereby subject to the Commute Benefit ordinance<sup>1</sup> could only purchase permits if they demonstrated current provision of or future intent to provide employee commute benefits. Once approved, local businesses were assigned permits by proximity to their business on a first-come, first-serve basis.

In all, 51 transferable dashboard permits for specific blocks in RPP Areas A, B, D, or L were purchased by a total of 15 businesses. Permits were valid from January 1 to July 31, 2023 and cost \$108 each, prorated for seven months from the \$185 Merchant Permit annual fee.

### **Southside Visitor Paid Parking**

The Southside visitor paid parking pilot program launched on October 17, 2022. Payment was accepted via new license plate entry pay stations and ParkMobile zone #19800. Prices for visitors without RPP Area I permits were initially set at \$2.00 per hour, up to eight (8) hours, from Monday to Friday, 8 a.m. to 7 p.m. All other parking restrictions, including street sweeping and football game day restrictions, are still applicable.

In advance of the changes, staff posted flyers in the area and sent letters to all adjacent addresses with information about the upcoming pay station installation and pilot program. Staff also created windshield flyers to alert parkers of the upcoming pilot.

#### *March 2023 Price Adjustment*

Staff collected data in February 2023 to determine whether the new visitor pricing had improved parking availability. Staff developed a special occupancy calculation to

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<sup>1</sup> Berkeley Municipal Code, Chapter 9.88 Commuter Benefit Program, <https://berkeley.municipal.codes/BMC/9.88>

account for the presence of permitted vehicles, which are able to park without paying hourly and would skew a standard occupancy calculation.<sup>2</sup> At the 3pm peak hour, nearly all block faces were still above the optimum 65-85% rate (1-2 open spaces).<sup>3</sup> After posting flyers on pay stations and driver windshields, prices were raised to \$2.50 per hour on Monday, March 6, 2023 in accordance with goBerkeley Program guidelines. Subsequent analysis in April 2023 found that while parking occupancy rates remained high after this rate adjustment, the proportion of paid parking transactions for the full eight hours dropped in half.

**Transit Passes & Telegraph Channing Garage Promotion**

The AC Transit EasyPass Program allows businesses to offer discounted transit passes as a benefit of employment, whether or not an employee uses transit.<sup>4</sup> In fall 2022, staff worked with AC Transit and Elmwood merchants to set up an EasyPass Program. Ultimately, not enough Elmwood merchants were interested and a program was not established. Efforts to establish an EasyPass Program with the Telegraph Business Improvement District (and promote employee parking in the Telegraph Channing Garage) were postponed in early 2023 due to staff capacity shortages.





Evaluation & Key Findings

The City collected data before and after the pilots launched to test whether the strategies achieved project goals.

Key Findings

Some key findings from the City’s data analysis evaluation follow below.

**Goal: Reduce occurrences of and greenhouse gas emissions from the “two-hour shuffle”**

| Metric                                                                       | Elmwood                                                                                                                                                                               | Southside                                                                                                                                                                             |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Number of vehicles shuffling <sup>5</sup>                                    | <br>61 → 33<br><b>-45%</b>                                                                         | <br>43 → 29<br><b>-33%</b>                                                                        |
| Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions <sup>6</sup> | <br>10.3 → 6.8 mi/day<br>(-3.5 mi/day)<br>3.4 → 2.2 kg CO2/day<br>(-1.2 kg CO2/day)<br><b>-34%</b> | <br>8.9 → 5.8 mi/day<br>(-3.1 mi/day)<br>2.9 → 1.9 kg CO2/day<br>(-1.0 kg CO2/day)<br><b>-35%</b> |

<sup>2</sup> The equation used is: Effective Occupancy = (Total number of vehicles – permitted vehicles) / (Total number of legal spaces – permitted vehicles).

<sup>3</sup> A block face is defined as one side of one street, e.g., the north side of Center Street between MLK Jr. Way and Milvia Street.




<sup>4</sup> AC Transit EasyPass Program, <https://www.actransit.org/easypass>

<sup>5</sup> Count of non-permitted vehicles observed in two or more locations in Elmwood study area on Tue 9/20/22 and Thu 3/16/23 and in Southside on Wed 10/12/22 and Wed 2/8/23.

<sup>6</sup> “Shuffling” VMT derived from measuring minimum legal driving distance between consecutive locations. GHG emissions factors from Calif. Air Resources Board EMFAC2021 model.

- The number of vehicles observed doing the “two-hour shuffle” dropped by nearly one-half (from 61 to 33) in the Elmwood and by one-third (from 43 to 29) in the Southside on an average weekday. These reductions may in part reflect employees who were assigned parking permits in the Elmwood, and/or regular visitors to the Southside paying to park for up to eight hours in the pilot zone.
- CO2 emissions from shuffling dropped by approximately one-third in each area. Assuming most shufflers in the Elmwood were local employees and in the Southside were visitors to UC Berkeley, the estimated annual CO2 reduction from fewer observed shuffling vehicles is -286 kg in the Elmwood and -153 kg in the Southside.<sup>7</sup>

**Goal: Increase parking availability in residential areas**

| Metric                                                                                                     | Elmwood                                                                                                                     | Southside                                                                                                                    |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Block faces with optimum 65-85% occupancy (1-2 open spaces) at peak hour <sup>8</sup>                      |  27% (2021)<br>38% (2023)                  |  0 (Oct '22)<br>1 (Feb '23)<br>0 (Apr '23) |
| How often parking search does NOT require circling for a space <sup>9</sup>                                |  No circling (2021)<br>No circling (2023) |  80% of runs (2021)<br>88% of runs (2023) |
| Parking availability on unpaid RPP streets within one block of paid pilot (“spillover” area) <sup>10</sup> | N/A                                                                                                                         | Slightly more block faces decreased in occupancy than increased between Oct 2022 and Feb 2023                                |

- Parking remained consistently full in the Southside pilot area, even after prices went into effect. Excluding permit holders, the number of block faces at the target goBerkeley occupancy rate of 65-85% hovered between zero and one, with most

<sup>7</sup> The pilot led to a measurable reduction in shuffling-related CO2 emissions on an average weekday of between -1.0 and -1.2 kg CO2/day from 14 and 28 vehicles in the Southside and Elmwood study areas, respectively. For context, the daily per capita emissions from surface transportation in Alameda County is 8.9 kg CO2 (per MTC, Vital Signs database <https://vitalsigns.mtc.ca.gov>). Assuming that most shufflers in the Elmwood are local employees working five days a week, and most of those observed in the Southside are students or visitors to UC Berkeley during the fall and spring semesters, the annual GHG reduction in each area is -286 kg and -153 kg, respectively.

<sup>8</sup> Elmwood parking occupancy measures all vehicles throughout pilot area. Southside shows “effective occupancy” in paid parking blocks, i.e., excluding vehicles with annual permits. The equation used is: Effective Occupancy = (Total number of vehicles – permitted vehicles) / (Total number of legal spaces – permitted vehicles).

<sup>9</sup> “Parking search time” survey included drivers running two predetermined routes per pilot area to simulate the experience of trying to find a parking space. Southside route included new paid blocks.

<sup>10</sup> Comparing total parking occupancy from Weds 10/12/23 (before) and Weds 2/8/23 (after).

blocks exceeding the target rate. Further price adjustments may be needed to achieve optimum occupancy in this area.

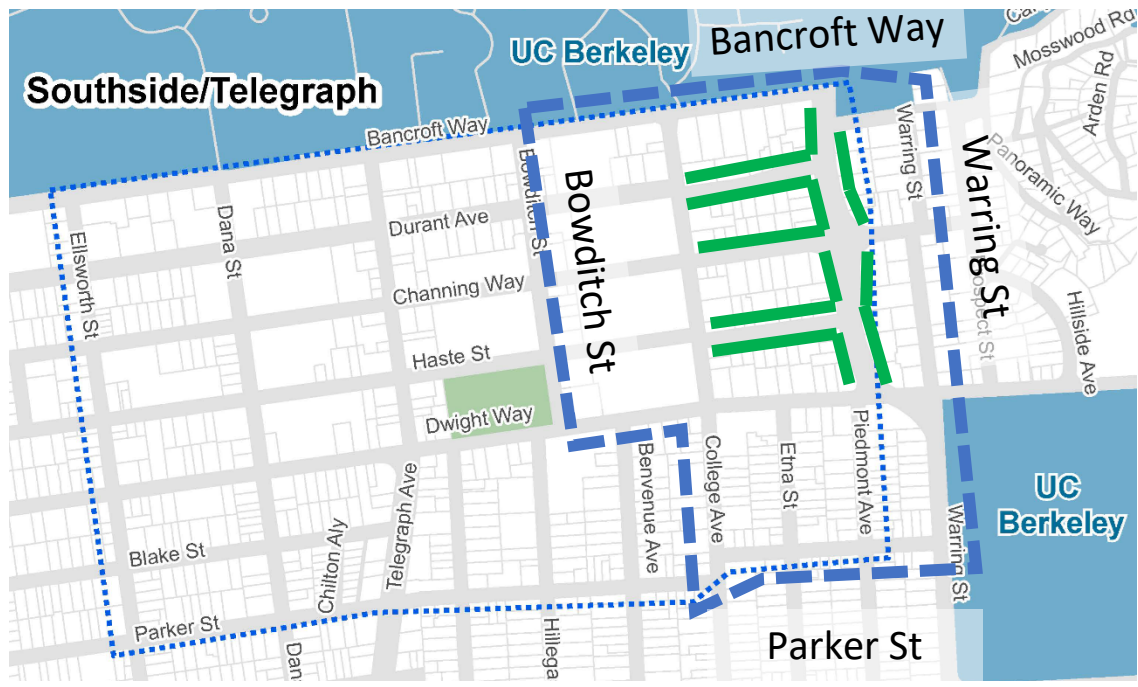
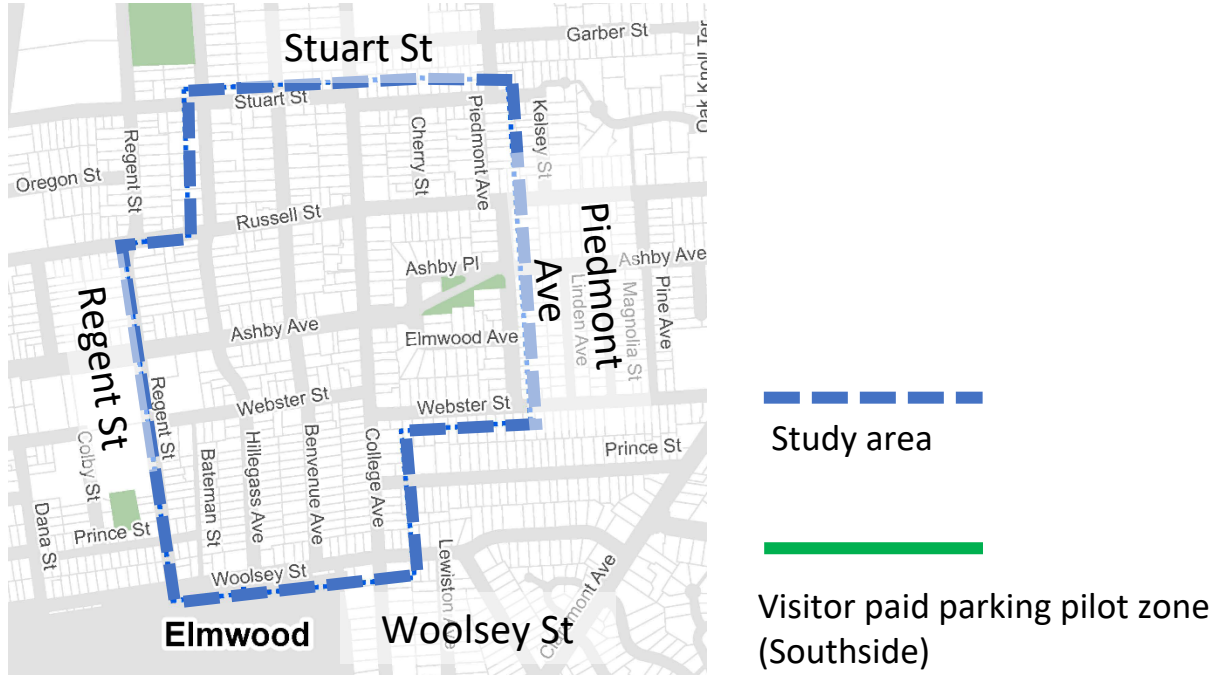
- Parking availability increased in the Elmwood pilot area between 2021 and 2023 at the weekday peak hour, though it is not clear to what extent the new parking permits may have played a role.
- Staff also modeled the behavior of a visitor searching for parking in each pilot area via the “Parking Search Time” survey. Surveyors followed two established routes in each pilot area, noting how many times they had to circle for a space. In the Elmwood, no circling was required on either route before and after the pilot. On the Southside route in the paid parking area, the need to circle for a space decreased between 2021 and 2023.
- Total parking occupancy in the Southside “spillover” areas—i.e., streets with unpaid RPP two-hour limits within one block of the paid parking pilot—varied depending on the block and time period after the pilot was implemented. Generally, occupancy fell on slightly more blocks than it increased between October 2022 and February 2023.

#### Two-hour shuffle analysis methodology

- Parking Enforcement Officer (PEO) runs a specified route using license plate readers (LPRs), four (4) times per day, before and after pilot strategies were implemented
- LPR vendor exports metadata (i.e., license plate numbers, GPS coordinates of plate read, nearest address, which camera captured the information, date/time of plate read) from data collection runs, which are compared with list of Fiscal Year (FY) 2023 annual parking permits – license plate based as well
- Staff review filtered list of presumed visitors to identify which unique plates were observed at multiple locations within four (4) hours within each study area, assumed to be vehicles shuffling for parking
- These “shuffles” were mapped in GIS and quality checked to identify likeliest candidates, accounting for GPS accuracy of LPR units (12-30 feet), whether vehicles were observed in a legal parking space, etc.
- Staff measured the shortest legal driving distance between each set of points to calculate vehicle miles traveled (VMT)
- Staff multiplied total VMT by California Air Resources Board (CARB)’s Emissions Factor (EMFAC) model output for Light Duty Autos going 25 mph:
  - Alameda County specific data, accounts for multiple vehicle model years and proportion of electric vehicles
  - GHG emissions factor: 326.3 g CO<sub>2</sub> / mile

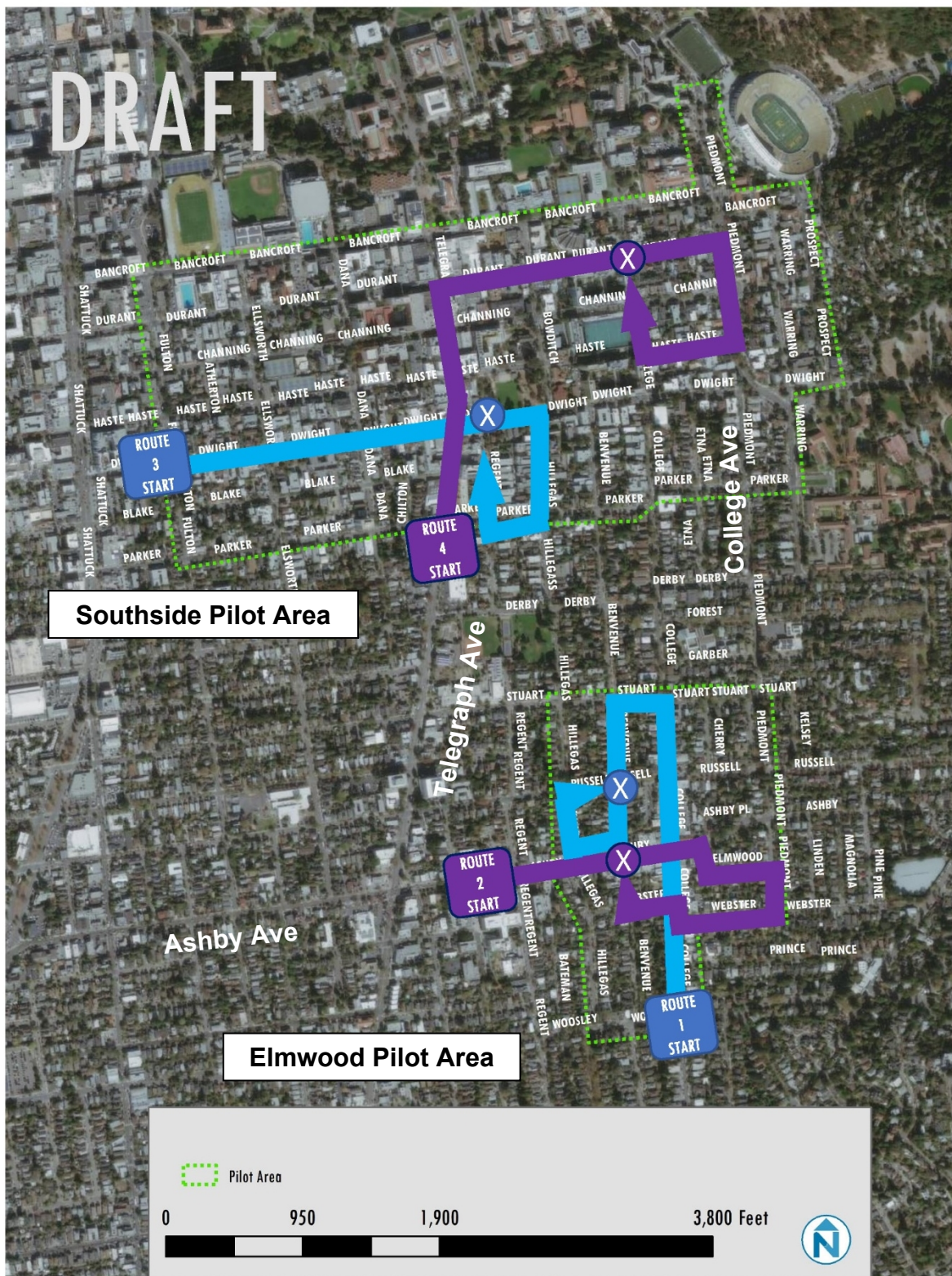
### Study Areas

Data were collected in discrete study areas, within 2-3 blocks of the Elmwood commercial district and within one block of the new visitor paid parking in the Southside, each area approximately 0.12-0.13 square miles in size. See below:





Parking Search Time Survey Route Map









Office of the City Manager

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account Funds for FY 2023-24

RECOMMENDATION

Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.

FISCAL IMPACTS OF RECOMMENDATION

Based on information provided by CaliforniaCityFinance.com and the League of California Cities, the City of Berkeley can expect to collect an estimated \$3,135,540 in Road Maintenance and Rehabilitation Account (RMRA) allocated funding in Fiscal Year (FY) 2024. No budgetary action is required at this time. RMRA appropriations will be addressed with the adoption of the FY 2024 Budget.

CURRENT SITUATION AND ITS EFFECTS

California Senate Bill 1 (SB1), signed into law on April 28, 2017, increased certain vehicle fuel and registration taxes and fees, and with those funds has created an RMRA, a portion of which will be distributed to jurisdictions. The California Transportation Commission (CTC) requires jurisdictions to submit documentation annually that RMRA funds were specifically adopted for allowed local streets and roads purposes. In order to receive this funding, the City must annually submit to the State a list of projects anticipated to be completed. For FY 2024, the CTC requires the submission of a list of projects proposed to be funded with RMRA during FY 2024 by July 1 2023. The adoption of the attached resolution by Council is a CTC requirement for RMRA funding; however, the provided project list is a plan and RMRA allows for the funding of projects not included in this list as long as they meet RMRA's requirements.

BACKGROUND

On April 28, 2017, the Governor signed Road Repair and Accountability Act (SB1) to address basic road maintenance, rehabilitation, and critical safety needs on both the state highway and local streets and road system. SB1 provides for the deposit of various funds for the program in the RMRA, which SB1 created in the State Transportation Fund, including the following:

- Revenues attributable to a \$0.12 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment;
- 50% of a \$0.20 per gallon increase in the diesel excise tax, with an inflation adjustment;
- A portion of a new transportation improvement fee imposed under the Vehicle License Fee Law with a varying fee between \$25 and \$175 based on vehicle value and with an inflation adjustment; and
- A new \$100 annual vehicle registration fee applicable only to zero-emission vehicles model year 2020 and later, with an inflation adjustment.

The fuel excise tax increases took effect on November 1, 2017, the transportation improvement fee took effect on January 1, 2018, and the zero-emission vehicle registration fee takes effect on July 1, 2020.

Similar to the Highway Users Tax Account (HUTA), the Road Maintenance and Rehabilitation Account (RMRA) is continuously appropriated, and apportioned on a monthly basis. There is not a set monthly amount as it is use-based. The first apportionments to the City of Berkeley were received in February 2018.

According to the applicable California Streets and Highways Code, eligible projects “shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects”<sup>1</sup>. There is no use-it-or-lose-it requirement in SB1, so multi-year projects are eligible. Eligible projects include, but are not limited to:

- Road maintenance and rehabilitation
- Safety projects
- Railroad grade separations
- Complete streets components, including active transportation, bike/pedestrian, transit facilities, and stormwater capture projects, in conjunction with an allowable project
- Traffic control devices
- Match for state/federal funds for eligible projects

SB1 requires cities and counties to provide basic project reporting to the CTC annually for projects to be funded through the RMRA. On August 16, 2017, the CTC adopted annual reporting guidelines for this funding. The guidelines require jurisdictions to submit documentation annually to show that RMRA funds were specifically adopted for allowed local streets and roads purposes, and also requires the submission of a list of projects proposed to be funded with RMRA during the fiscal year. The legislation also requires an annual expenditure report on work completed during the previous fiscal year to be submitted no later than October 31<sup>st</sup>.

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<sup>1</sup> Streets and Highways Code – SHC Division 3. Apportionment And Expenditure Of Highway Funds Chapter 2. Road Maintenance And Rehabilitation Program Section 2030(A)

Complete streets improvements such as bike lanes, curb ramps, and pedestrian crossing improvements are allowable uses of RMRA funds. In addition to the previously designated projects listed in last year's Resolution No. 70,384–N.S., which will have RMRA expenditures taking place in FY 2024, staff has selected the FY 2024 Street Rehabilitation projects for use of RMRA. The projects are summarized in the following paragraph, and the complete list is provided in the Resolution (Attachment 1).

Pavement maintenance or rehabilitation as part of the FY 2024 Street Rehabilitation Project (PWENST2401). Selected segments include Derby Street from Sacramento Street to Martin Luther King Jr. Way (overlay; 10-year useful life), Derby Street from Milvia Street to Telegraph Avenue (overlay; 10-year useful life), Grizzly Peak Boulevard from Spruce Street to Marin Avenue (overlay; 10-year useful life), Creston Road from Grizzly Peak Boulevard to Sunset Lane (overlay; 10-year useful life), Bancroft Way from Piedmont Avenue to Milvia Street (reconstruct; 20-year useful life), Dana Street from Bancroft Way to Dwight Way (reconstruct; 20-year useful life), Fulton Street from Bancroft Way to Dwight Way (overlay; 10-year useful life), and Hopkins Street from San Pablo Avenue to Sutter Street (reconstruct; 20-year useful life).

Continuing projects with FY 2023 RMRA funding to be expended in FY 2024 include: Pavement maintenance or rehabilitation as part of the FY 2023 Street Rehabilitation Project (PWENST2301). Selected segments include Channing Way from Sacramento Street to McKinley Avenue (reconstruct; 20-year useful life), Creston Road from Sunset Lane to Grizzly Peak Boulevard (overlay; 10-year useful life), Dana Street From Dwight Way to Ward Street (surface seal; 10-year useful life), Derby Street from Telegraph Avenue to College Avenue (reconstruct; 20-year useful life), Durant Avenue from Milvia Street to Fulton Street (reconstruct; 20-year useful life), Dwight Way from Piedmont Avenue to East End (reconstruct; 20-year useful life), Grizzly Peak Boulevard from Spruce Street to Marin Avenue (reconstruct; 20-year useful life), Hillegass Avenue from Dwight Way to Woolsey Street (surface seal; 10-year useful life), Latham Lane from Miller Avenue to Grizzly Peak Boulevard (overlay; 10-year useful life), McGee Avenue from Russell Street to Dwight Way (surface seal; 10-year useful life), Miller Avenue from Hilldale Avenue to Shasta Road (surface seal; 10-year useful life), Otis Street from Russell Street to Ashby Avenue (overlay; 10-year useful life), Rose Street from Sacramento Street to Martin Luther King Junior Way (reconstruct; 20-year useful life), and Woolsey Street from Hillegass Avenue to College Avenue (reconstruct; 20-year useful life).

Utilization of the RMRA funding will support the City's Strategic Plan goal of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well maintained infrastructure, amenities, and facilities.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

RMRA funds will benefit all modes of transportation by improving road surfaces for bicyclists and transit riders as well as for auto riders, which could result in lessening greenhouse gas emissions.

RATIONALE FOR RECOMMENDATION

A project list is required to be adopted by City Council in order for the City to receive RMRA disbursements from the State Controller's office. Staff proposes use of RMRA funds for maintenance or rehabilitation of local streets as part of the FY 2024 Street Rehabilitation (PWENST2401). It should be noted that the provided project list is a plan; in the end-of-year reporting on actual spending of RMRA funds, the CTC allows for the completion of projects not included in this list as long as they meet the requirements for RMRA funding.

ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City's pavement condition is currently in the "at risk" category as defined by the Metropolitan Transportation Commission and is in need of continued maintenance and rehabilitation.

CONTACT PERSON

Liam Garland, Director, Department of Public Works (510) 981-6303  
Ronald Nevels, Interim Manager of Engineering (510) 981-6439

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

RESOLUTION APPROVING PROPOSED PROJECTS ANTICIPATED TO BE PAID FOR BY THE STATE'S ROAD AND MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) FUNDS FOR THE CITY OF BERKELEY FISCAL YEAR 2023-24

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must approve by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$3,135,540 in RMRA funding in Fiscal Year 2023-24 from SB 1; and

WHEREAS, this is the seventh year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a public process to ensure public input into our community's street priorities and the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will be used by the City for basic street maintenance and rehabilitation, critical safety projects on local roadways, and pedestrian safety and transportation projects throughout the City this year and for similar projects into the future; and

WHEREAS, the 2020 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in the low end of the fair condition category,

and this revenue will help us increase the overall quality of our road system, and improve their bicycle and pedestrian mobility and safety; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide; and

WHEREAS, the following list of proposed projects is anticipated to be funded in-part or solely with Fiscal Year 2023-24 Road Maintenance and Rehabilitation Account revenues:

#### FY 24 Street Rehabilitation

- Segment 1, Derby Street from Sacramento Street to Martin Luther King Jr. Way (0.48 miles)– overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in July 2023 and will be completed by December 2023.
- Segment 2, Derby Street from Milvia Street to Telegraph Avenue (0.56 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in July 2023 and will be completed by December 2023.
- Segment 3, Grizzly Peak Boulevard from Spruce Street to Marin Avenue (0.67 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2024 and will be completed by December 2024.
- Segment 4, Creston Road from Grizzly Peak Boulevard to Sunset Lane (0.36 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2024 and will be completed by December 2024.
- Segment 5, Bancroft Way from Piedmont Avenue to Milvia Street (0.61 miles) - reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in August 2024 and will be completed by December 2025.
- Segment 6, Dana Street from Bancroft Way to Dwight Way (0.25 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in August 2024 and will be completed by December 2025.
- Segment 7, Fulton Street from Bancroft Way to Dwight Way (0.25 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in August 2024 and will be completed by December 2025.
- Segment 8, Hopkins Street from San Pablo Avenue to Sutter Street (1.62 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2024 and will be completed by December 2024.

The following previously proposed and approved projects may utilize FY 2023-24 Funds Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

FY 2023 Street Rehabilitation

- Segment 1, Channing Way from Sacramento Street to McKinley Avenue (0.43 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 2, Creston Road from Sunset Lane to Grizzly Peak Boulevard (0.36 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 3, Dana Street from Dwight Way to Ward Street (0.31 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 4, Derby Street from Telegraph Avenue to College Avenue (0.31 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 5, Durant Avenue from Milvia Street to Fulton Street (0.23 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 6, Dwight Way from Piedmont Avenue to East End (0.26 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 7, Grizzly Peak Boulevard from Spruce Street to Marin Avenue (0.67 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 8, Hillegass Avenue from Dwight Way to Woolsey Street (0.77 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.

- Segment 9, Latham Lane from Miller Avenue to Grizzly Peak Boulevard (0.10 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 10, McGee Avenue from Russell Street to Dwight (0.51 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 11, Miller Avenue from Hilldale Avenue to Shasta Road (0.66 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 12, Otis Street from Russell Street to Ashby Avenue (0.13 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 13, Rose Street from Sacramento Street to Martin Luther King Junior Way (0.48 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 14, Woolsey Street from Hillegass Avenue to College Avenue (0.11 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit the list of proposed projects to the California Transportation Commission as required by Senate Bill 1, Road Repair and Accountability Act of 2017.





Office of the City Manager

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Department of Public Works

Subject: Extending the Community Workforce Agreement with Building & Construction Trades Council, et al., for Construction Projects Over \$500,000.

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract amendment to the Community Workforce Agreement with the Alameda County Building & Construction Trades Council, and twenty-two labor organizations on City capital improvement projects with an estimated value in excess of \$500,000 to extend the agreement through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

The impact of a Community Workforce Agreement (CWA) on construction costs is difficult to ascertain. While construction costs have increased in the last several years, those increases are likely attributable to the high demand for construction services, not necessarily the existing CWA.

Staff within the Employment Programs Division of the Health, Housing & Community Services Department provide administrative oversight of the CWA. Because the item proposes continuing the existing terms of the CWA, staffing levels would not need to increase to maintain oversight and administration of the program.

CURRENT SITUATION AND ITS EFFECTS

The CWA's purpose is to support the City's efforts to increase training and employment opportunities for Berkeley residents, including youths, for placement on covered capital improvement projects valued at \$500,000 and above. The CWA provides for peaceful resolution of labor disputes and grievances without work stoppages. Construction contracts remain subject to the competitive bidding process, and to the requirement to pay prevailing wages. Further, the City retains the absolute right to select the lowest responsive and responsible bidder. This agreement shall be effective until June 30, 2026, and apply to all covered projects. Staff have been in contact with the Building and Construction Trades Council of Alameda County (Building Trades), and the Building Trades support this contract amendment.

**Local Jobs Creation**

The CWA local workforce hiring goal is 20% of total craft hours worked, on a craft by craft basis for all covered projects. The Agreement does not require counting of workers or number of jobs created. In order to measure effectiveness of the CWA's impact on local jobs created, however, it is important to note the actual numbers of Berkeley residents who have worked on the projects. The CWA requires all contractors subject to the program to make good faith efforts to connect with pre-apprentice training programs, obliges the Alameda County Building Trades unions to attempt to find eligible Berkeley residents to work on covered capital improvement projects, and encourages new apprenticeships in order to create pathways for career entry into the building trades.

**Impact on Construction Costs**

The financial impact of adopting a CWA is challenging to ascertain as it is difficult to attribute project cost impact—positive or negative—solely to the presence of a CWA. Construction costs have been higher than anticipated, but those increases are likely attributable to the high demand for construction services, not necessarily the existing CWA.

CWA compliance to commence construction necessitates approximately 1-3 weeks of additional time to obtain CWA documentation and schedule/attend the CWA mandatory pre-job meeting with all the relevant trades representative, city staff and all contractors and subcontractors. This additional time varies depending on the discussion between the contractor and union regarding the contractor's hiring plan.

**Efforts to Improve Outcomes**

In an effort to increase the number of Berkeley residents hired for construction projects, coordinating referrals with the trades and workforce development programs has been a priority. One practical aspect of this coordination is reliance on locally funded training programs for appropriate referrals. Through the community agency funding process, the City funds the construction-related Green Energy Training Services (GETS) program of Rising Sun Energy Center with CDBG funds to provide training for Berkeley residents. This program has become a primary referral source to the trades for these projects, and was recently approved to utilize the Multi-Craft Core Curriculum (MC3), a nationally-recognized pre-apprenticeship curriculum developed by the National Building and Construction Trades Council. Completion of the 120-hour MC3 certification prepares individuals for entry into building trades apprenticeships. The CWA includes apprenticeship as a priority for Berkeley residents.

This Council action supports the City's Strategic Plan Priorities of attracting and retaining a talented and diverse local workforce, while supporting the construction of state-of-the-art, well-maintained infrastructure, amenities, and facilities.

**BACKGROUND**

The CWA was originally authorized on January 18, 2011, authorizing the City Manager to execute a Community Workforce Agreement (CWA) with the Alameda County Building

and Construction Trades Council, AFL-CIO and twenty-two labor organizations regarding the provision of union labor to the City's capital improvement projects. On January 23, 2018, Council authorized the City Manager to extend the CWA until June 30, 2020. On December 15, 2020, City Council authorized the City Manager to extend the CWA until June 30, 2023.

The CWA's purpose is to support the City's efforts to increase employment opportunities for workers who reside in Berkeley by:

1. Increasing training and employment opportunities for the City's residents in the construction trades through apprenticeship and pre-apprentice programs,
2. Promoting efficiency of construction operations performed for and within the City of Berkeley, and
3. Providing for peaceful settlement of labor disputes and grievances without strikes or lockouts, thus promoting the public interest in assuring the timely and economical completion of the projects.

#### ENVIRONMENTAL SUSTAINABILITY

Supporting the hire of local area workers for construction projects may result in increased use of alternative transportation modes, and shorter distances traveled by those workers to job sites, which may in turn effect an accompanying reduction in the level of greenhouse gases generated per worker per trip. Reduction in the level of greenhouse gases is a goal of the City's 2009 Climate Action Plan.

#### RATIONALE FOR RECOMMENDATION

Since its original January 2011 adoption, the City has operated under the guidelines of the CWA, which has continued to enhance local hiring efforts by ensuring local workers in the building trades are given an opportunity to work on City capital improvement projects valued at \$500,000 or more. CWA guidelines also ensure City projects will not be affected by work stoppages due to labor issues. The new Agreement continues those efforts, and extends the current agreement through June 30, 2026.

#### ALTERNATIVE ACTIONS CONSIDERED

The CWA has been, and continues to be important to the City's building and trades industry. No alternative actions are considered.

#### CONTACT PERSON

Liam Garland, Director, Department of Public Works (510) 981- 6303

Emily Rose, Coordinator, Department of Health, Housing, and Community Services, (510) 981-5427

Attachments:

1. Resolution
2. Community Workforce Agreement

RESOLUTION NO. ##,###-N.S.

CONTRACT AMENDMENT: COMMUNITY WORKFORCE AGREEMENT EXTENSION WITH BUILDING AND CONSTRUCTION TRADES COUNCIL ET AL. FOR CONSTRUCTION PROJECT AT OR ABOVE \$500,000

WHEREAS, since its January 18, 2011 adoption, the Community Workforce Agreement (hereafter CWA) has incorporated community interests by providing Berkeley residents access to quality union jobs with better standards for pay and benefits; and

WHEREAS, by Resolution No. 65,157-N.S. on January 18, 2011, Council approved the CWA for a term of three years and authorized the City Manager to execute the Agreement with the Alameda County Building and Construction Trades Council, AFL-CIO and twenty-two labor organizations regarding the provision of union labor to City construction projects in excess of \$1 million dollars; and

WHEREAS, on May 15, 2012, City Council maintained the CWA's \$1 million dollar threshold for publicly-funded construction projects for an additional twelve months; and

WHEREAS, on June 23, 2015, Council approved Resolution No. 67,111-N.S. reducing the threshold from \$1 million to \$500,000, with that threshold continuing to be based on the engineer's estimate and authorizing the City Manager to extend the then-current CWA for three years; and

WHEREAS, on January 23, 2018, and December 15, 2020, City Council again authorized the City Manager to extend the CWA, the latter extension until June 30, 2023; and

WHEREAS, the CWA will support the efforts of the City to increase employment opportunities for Berkeley residents, including youth, through apprenticeship and pre-apprenticeship programs; and

WHEREAS, the CWA helps to provide for peaceful settlement of labor disputes and grievances without strikes or lockouts, thus promoting the public interest in assuring the timely and economical completion of the projects.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract amendment with the Building Trades Council and twenty-two labor organizations regarding the provision of labor to construction projects in Berkeley with an estimated value in excess of \$500,000 for a three-year term that will expire June 30, 2026.

**CITY OF BERKELEY**  
**COMMUNITY WORKFORCE AGREEMENT**

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**Agreement to be Bound**

**COMMUNITY WORKFORCE AGREEMENT**  
**For the**  
**City of Berkeley**

This Agreement is made and entered into this July 1st, ~~2020~~-2023 by and between the City of Berkeley ("City") together with other contractors and/or sub-contractors, who shall become parties to this Agreement by signing the "Agreement to be Bound" (Attachment A), and the Local Unions signatory hereto and the Alameda County Building & Construction Trades Council ("Council") and its affiliated local unions who have executed this Agreement.

**PURPOSE**

The purpose of this Agreement is to support the efforts of the City to increase employment opportunities for workers who reside in Berkeley, to help increase training and employment opportunities for Berkeley residents in the construction trades through apprenticeship and pre-apprentice programs as the students graduate from the City's schools, to promote efficiency of construction operations performed for and within the City of Berkeley and to provide for peaceful settlement of labor disputes and grievances without strikes or lockouts, thereby promoting the public interest in assuring the timely and economical completion of the projects.

**RECITALS**

WHEREAS, the successful completion of the City's construction projects is of the utmost importance to the City of Berkeley; and

WHEREAS, the interests of the general public, the City, the Unions and Contractor(s) would be best served if the construction work proceeded in an orderly manner without disruption because of strikes, sympathy strikes, work stoppages, picketing, lockouts, slowdowns or other interferences with work; and

WHEREAS, the Contractor(s) and the Unions desire to mutually establish and stabilize wages, hours and calendar conditions for the workers employed on construction work for and within the City of Berkeley by the Contractor(s), and further, to encourage close cooperation among the Contractor(s) and the Union(s) to the end that a satisfactory, continuous and harmonious relationship will exist among the parties to this Agreement; and

WHEREAS, contracts for construction work within the City of Berkeley will be awarded in accordance with the applicable provisions of the Charter of the City of Berkeley, the California State Public Contract Code and the Labor Code, including but not limited to requiring competitive bidding and prevailing wages; and

WHEREAS, the City of Berkeley has the absolute right to select the lowest responsive and responsible bidder for the award of the construction contracts on the Projects; and

WHEREAS, the parties signatory to this Agreement pledge their full good faith and trust to work towards a mutually satisfactory completion of the Projects;

NOW, THEREFORE, IT IS AGREED BETWEEN AND AMONG THE PARTIES HERETO, AS FOLLOWS:

**ARTICLE 1**  
**DEFINITIONS**

1.1 "Agreement" means this Community Workforce Agreement.

1.2 "Berkeley Resident" means any individual who is a current resident of Berkeley can certify through a utility bill, or other similar means acceptable to the parties to this Agreement, that the individual resides within the boundaries of the Berkeley City Limits.

1.4 "City" means the City of Berkeley.

1.5 "Completion" means that point at which the City accepts a project at issue by filing a Notice of Completion, or as otherwise provided by applicable state law. "Punch list" items and any other work within the scope of this Agreement not completed prior to commencement of revenue service shall nonetheless be included within the scope of this Agreement. It is understood by the parties that portions of the Projects may be completed in phases and Completion of any such phase may occur prior to Completion of the Projects.

1.6 "Contractor(s)" and/or "Subcontractor(s)" means any individual, firm, partnership or corporation, or combination thereof, including joint ventures, which is an independent business enterprise and has entered into a contract with the City or any of its contractors or subcontractors of any tier, with respect to the construction work necessary for any part of the Projects. This shall include subcontractors not required to be listed in the bid documents. As applicable depending on its context, "Contractor" shall refer to Contractor or Contractor and Subcontractor.

1.7 "Construction Contract(s)" means all of the contract(s) for construction of any of the Projects.

1.8 "Council" means the Alameda County Building and Construction Trades Council, AFL-CIO.

1.9 "New Apprentice" is a Berkeley Resident who is enrolled in a State of California approved apprenticeship program that is a joint labor management apprentice program for no more than twenty-four months



1.11 "Projects" mean any construction project of the City whose value as estimated by the City meets or exceeds \$500,000 (Five hundred thousand) dollars.

1.12 "Union" or "Unions" means the Council and any other labor organization signatory to this Agreement, acting on their own behalf and on behalf of their respective affiliates and member organizations whose names are subscribed hereto and who have through their officers executed this Agreement.

1.13 "Project Manager" means the person or persons or business entity designated by the City to oversee all phases of construction on the Projects.

1.14 "Master Labor Agreement" or "MLA" shall mean the collective bargaining agreement of each craft Union that is Signatory to this Agreement

1.15 "Calendar Day" shall mean any day, relating to any day of the week including Saturday, Sunday and public holidays.

1.16 "Apprenticeship Program" -Recognizing the need to develop adequate numbers of competent workers in the construction industry, the Contractor(s)/Employer(s) shall employ apprentices of a California State-approved Joint Apprenticeship Program in the respective crafts to perform such work as is within their capabilities and which is customarily performed by the craft in which they are indentured.

The apprentice ratios will be in compliance with the applicable provisions of the applicable "Master Labor Agreement".

## **ARTICLE 2**

### **SCOPE OF AGREEMENT**

2.1 Parties: This Agreement shall apply and is limited to all Contractors and subcontractors performing Construction Contracts necessary for the Projects, the City, the Council and any other labor organization signatory to this Agreement, acting in their own behalf and behalf of their respective affiliates and member organizations whose names are subscribed hereto and who have through their officers executed this Agreement.

2.2 Project Description: This Agreement shall govern the award of all of the Construction Contracts identified by the City as part of the Projects. The City has the absolute right to combine, change, consolidate, suspend or cancel Construction Contract(s) or portions of Construction Contract(s) identified as part of the Projects. Should the City suspend or remove any contract from the Projects and thereafter authorize that construction work be commenced on such contract, then such contract shall be performed under the terms of this Agreement. Once a Construction Contract is completed it is no longer covered by this Agreement except when a Contractor is directed to engage in repairs, warranty work or modifications required by its

Construction Contract with the City. For the purposes of this Agreement, a Construction Contract shall be considered Completed as set forth in Section 1.5 of this Agreement.

2.3 Covered work:

2.3.1 This Agreement covers, without limitation, all on-site construction, demolition, alteration, painting or repair of buildings, structures, landscaping, temporary fencing and other works and related activities for the Projects that is within the craft jurisdiction of one of the Unions and that is part of the Projects, including, without limitation, pipelines, site preparation, survey work, demolition of existing structures and all construction, demolition or improvements required to be performed as a condition of approval by any public agency. This scope of work includes all soils and materials testing and inspection where such testing and inspection is a classification in which a prevailing wage determination has been published.

2.3.2 The Projects include work necessary for the Projects and/or in temporary yards or areas adjacent to and dedicated to the Projects, and at any on-site batch plant(s) constructed solely to supply materials to the Projects, when those sites are dedicated exclusively to the Projects. This Agreement covers all on-site fabrication work over which the City, Contractor(s) or subcontractor(s) possess the right of control (including work done for the Projects in any temporary yard or area established for the Projects.)

2.3.3 The furnishing of supplies, equipment or materials which are stockpiled for later use shall in no case be considered subcontracting. Construction trucking work, such as the delivery of ready-mix, asphalt, aggregate, sand or other fill material which are directly incorporated into the construction process as well as the off-hauling of debris and excess fill material and/or mud, shall be covered by the terms and conditions of this Agreement, to the fullest extent provided by law and by prevailing wage determinations of the California Department of Industrial Relations. Employers, including brokers, of persons providing construction trucking work shall provide certified payroll records to the City within ten (10) calendar days of written request or as required by bid specifications.

2.4 Exclusions: The following shall be excluded from the scope of this Agreement:

2.4.1 This Agreement is not intended to, and shall not affect or govern the award of public works contracts by the City which are outside the identified scope of work of the Projects.

2.4.2 This Agreement is not intended to, and shall not affect the current or anticipated operation, maintenance, access or use of any of the City's buildings or facilities, whether or not such facilities are identified in Section 1.7 above.

2.4.3 This Agreement shall not apply to a Contractor or subcontractor's executives, managerial employees, engineering employees, design employees, supervisors (except

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those covered by existing building and construction trades collective bargaining agreements), office and clerical employees.

2.4.4 This Agreement shall not apply to any work performed on or near or leading to the site of work covered by this Agreement that is undertaken by state, county or other governmental bodies or their contractors; or by public or private utilities or their contractors; or by the City or its contractors for work not part of the scope of the Projects. Parties performing work shall notify in writing, The Council and The District of any work being performed near or leading to the site work that is not covered by this agreement. Further, this Agreement shall not be construed to prohibit or restrict the City or its employees from performing work on or around the Project construction sites or from entering the sites for any purposes deemed necessary or appropriate by the City.

2.4.5 This Agreement shall not apply to the off-site maintenance of leased equipment or the on-site supervision of such work.

2.4.6 This Agreement shall not apply to any start-up, calibration, performance testing, repair, maintenance, operational revisions to systems and/or subsystems performed after Completion.

2.5 Termination, Suspension and/or Delay of Work: It is understood and agreed that the City, at its sole option, may change, terminate, delay and/or suspend any and all portions of the covered work at any time. Further, the City may prohibit some or all work on certain days or during certain hours of the day to comply with applicable codes, laws or regulations, permits or to accommodate the ongoing operations of the City's facilities and/or to mitigate the effect of the ongoing Projects' work on the businesses and residents in the neighborhood of the Project sites; and/or require such other operational or schedule changes that it may be deemed necessary, in its sole judgment, to effectively maintain the primary purpose of the City's facilities and to remain a good neighbor to the residents and businesses in the area of any Projects. In order to permit the Contractors and Unions to make appropriate scheduling plans, the City will provide the affected Contractor and Union(s) with reasonable notice of any changes it requires pursuant to this Section.

2.6 Work covered by this Agreement within the following craft jurisdictions shall be performed under the terms of their National Agreements as follows: the NTL Articles of Agreement, the National Stack/Chimney Agreement, the National Cooling Tower Agreement, and the National Agreement of Elevator Constructors, and any instrument calibration work and loop checking shall be performed under the terms of the UA/IBEW Joint National Agreement for Instrument and Control Technicians, with the exception that Articles 4, 8, 12 and 13 of this Agreement shall apply to such work.

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### **ARTICLE 3**

#### **EFFECT OF AGREEMENT/SUBCONTRACTORS**

3.1 By executing this Agreement, the Unions and the City agree to be bound by each and every provision of this Agreement.

3.2 By accepting the award of a Construction Contract for the Projects, whether as contractor or subcontractor at any tier, the Contractor/Subcontractor agrees to be bound by each and every provision of this Agreement.

3.3 This Agreement shall only be binding on the signatory parties hereto and shall not apply to the parents, affiliates, subsidiaries, or other ventures of any other party.

3.4 It is understood that this Agreement, together with the referenced MLA , constitute an integrated, self-contained, stand-alone agreement, and that by virtue of having become bound to this Agreement, the Contractor will not be obligated to sign any other local, area, or national agreement as a condition of performing work within the scope of this Agreement. In addition, it is understood and agreed that all grievances and disputes involving the interpretation or application of this Agreement, including the MLA, shall be resolved according to the procedures set forth in Article 12 of this Agreement; provided, however, that should a dispute involve a single MLA and a Contractor signatory thereto, and not involve interpretation or application of this Agreement, then such dispute shall be processed and resolved pursuant to the grievance provisions of that MLA. Should there be a dispute in the first instance as to whether the provisions of Article 12 of this Agreement or the grievance procedures of a MLA apply, the dispute shall be presented initially to arbitrator Judge William Cahill or, if unavailable, arbitrator Earnest Brown, for resolution as to the applicable procedure. Such referral of a dispute as to the applicable procedures shall be done by an immediate conference call among the parties and the arbitrator, and heard and decided within three (3) calendar days. Should the arbitrator hold that Article 12 applies, the parties may, by mutual agreement, submit the issue to the same arbitrator pursuant to the provisions of Article 12, or, absent mutual agreement, commence processing the dispute at Step 1 of that Article.

3.5 Subcontractors. At the time that any Contractor enters into a subcontract with any subcontractor of any tier for the performance of construction or construction trucking work within the scope of this Agreement, the Contractor shall provide a copy of this Agreement, as it may from time to time be modified by the negotiating parties, to said subcontractor and shall require the subcontractor as a part of accepting an award of a construction subcontract to agree to be bound by each and every provision of the Agreement prior to the commencement of work.

3.5.1 Each Contractor and Subcontractor shall evidence their agreement to be bound to this Agreement by executing the Agreement To Be Bound form attached hereto as Appendix A. A copy of the Agreement To Be Bound executed by the Contractors and Subcontractors shall be submitted to the Union(s) prior to both the commencement of work and the Pre-Job Conference and will be a required submittal within the City's bid packages. If the Contractor or Subcontractor refuses to execute the Agreement To Be

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Bound, then such Contractor or Subcontractor shall not be awarded a Construction Contract to perform work on the Projects. A Contractor or Subcontractor who executes the Agreement to Be Bound shall be considered a signatory party to this Agreement.

3.6 It is understood that the liability of each Contractor and Subcontractor and the liability of each Union under this Agreement shall be several and not joint. The Unions agree that this Agreement does not have the effect of creating any joint employment status between or among the City and/or any Contractor or Subcontractor.

3.7 With regard to any Contractor or subcontractor that is independently signed to any MLA, this Agreement shall in no way supersede or prevent the enforcement of any subcontracting clause contained in such MLA, except as specifically set forth in section 3.7.1 of this Agreement. Any such subcontracting clause in a MLA shall remain and be fully enforceable between each craft union and its signatory employers and no provision of this Agreement shall be interpreted and/or applied in any manner that would give this Agreement precedence over subcontracting obligations and restrictions that exist between craft Unions and their respective signatory employers under a MLA, except as specifically set forth in section 3.7.1 in this Agreement. To the extent that the provisions of this Agreement are inconsistent with any other provisions contained in a MLA, the provisions of this Agreement shall prevail

3.7.1 If a craft Union (“Aggrieved Union”) believes that an assignment of work on this Project has been made improperly by a Contractor or subcontractor, even if that assignment was as a result of another craft Union’s successful enforcement of the subcontracting clause in its MLA, as permitted by section 3.7 of this Agreement, the Aggrieved Union may submit a claim under the jurisdictional dispute resolution procedure contained in Article 13 of this Agreement and the decision rendered as part of that process shall be enforceable to require the Contractor or subcontractor that made the work assignment to assign that work prospectively to the Aggrieved Union. An award made to a craft Union under the subcontracting clause of its MLA, as permitted under section 3.7 of this Agreement, shall be valid and fully enforceable by that craft Union unless it conflicts with a jurisdictional award made pursuant to Article 12 of this Agreement. If the award made under MLA conflicts with the jurisdictional award, the award of any damages under the former shall be null and void *ab initio*.

**ARTICLE 4**  
**WORK STOPPAGES, STRIKES, SYMPATHY STRIKES, JURISDICTIONAL**  
**DISPUTES AND LOCKOUTS**

4.1 The Unions, City and Contractor agree that for the duration of the Projects:

4.1.1 There shall be no strikes, sympathy strikes, work stoppages, picketing, hand-billing or otherwise advising the public that a labor dispute exists, or slowdowns of any kind, for any reason, by the Unions or construction persons employed on the Projects, at a job site of the Projects or at any other facility of the City because of a dispute on the Projects. Nor shall the Unions or construction persons employed on the Projects participate in any strikes, sympathy strikes, work stoppages, picketing, hand billing,

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slowdowns, or otherwise advising the public that a labor dispute exists at a Project jobsite because of a dispute between Unions and Contractor(s) on any other project.

4.1.2 As to construction persons employed on the Projects, there shall be no lockout of any kind by a Contractor covered by this Agreement. It shall not be a violation of this Article if a Contractor or Subcontractor (1) suspends or terminates a portion of the Project work or (2) discharges an employee for just cause.

4.1.3 If a MLA between a Contractor and the Union expires before the Contractor completes the performance of a Construction Contract and the Union or Contractor gives notice of demand for a new or modified MLA, the Union agrees that it will not strike, picket, hand-bill, slowdown or engage in any other disruptive activity against the Contractor and the Contractor will not lockout construction persons of the Union on said Construction Contract for work covered under this Agreement and the Union and the Contractor agree that the expired MLA shall continue in full force and effect for work covered under this Agreement until a new or modified MLA is reached between the Union and Contractor. If the new or modified MLA reached between the Union and Contractor provides that any terms of the new MLA shall be retroactive, the Contractor agrees to comply with any retroactive terms of the new or modified MLA which are applicable to construction persons employed on the Projects within seven (7) calendar days.

4.2 A party to this Agreement shall institute the following procedure, prior to invoking any other action at law or equity when a breach of this Article 4 is alleged to have occurred:

4.2.1 A party invoking this procedure shall notify, by the most expeditious means available, with notice by facsimile, electronic mail or telephone to the City, to the party alleged to be in violation, to the Council and to the involved local Union if a Union is alleged to be in violation.

4.2.2 Upon receipt of said notice, the City will contact the designated permanent arbitrator, Judge William Cahill, or if unavailable, his alternate Ernest Brown, who shall attempt to convene a hearing within twenty-four (24) hours if it is contended that the violation still exists.

4.2.3 The Arbitrator shall notify the parties by facsimile, electronic mail or telephone of the place and time for the hearing. Said hearing shall be completed in one session, which, with appropriate recesses at the arbitrator's discretion, shall not exceed twenty-four (24) hours unless otherwise agreed upon by all parties. A failure of any party to attend said hearings shall not delay the hearing of evidence or the issuance of any award by the arbitrator.

4.2.4 The sole issue at the hearing shall be whether or not a violation of Article 4, Section 4.1 of this Agreement has occurred. The arbitrator shall have no authority to consider any matter of justification, explanation or mitigation of such violation or to



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award damages, which issue is reserved for court proceedings, if any. The award shall be issued in writing within three (3) hours after the close of the hearing, and may be issued without a written opinion. If any party desires a written opinion, one shall be issued within fifteen (15) calendar days, but its issuance shall not delay compliance with or enforcement of the award. The arbitrator may order cessation of the violation of this Article 4 and other appropriate relief and such award shall be served on all parties by hand or registered mail upon issuance.

4.2.5 Such award may be enforced by any Court of competent jurisdiction upon the filing of this Agreement and all other relevant documents referred to above in the following manner. Written notice of the filing of such enforcement proceedings shall be given to the other party. In the proceeding to obtain a temporary order enforcing the arbitrator's award as issued under Section 4.2.4 of this Article 4, all parties waive the right to a hearing and agree that such proceedings may be ex parte. Such agreement does not waive any party's right to participate in a hearing for a final order or enforcement. The Court's order or orders enforcing the arbitrator's award shall be served on all parties by hand or delivered by certified mail.

4.2.6 Any rights created by statute or law governing arbitration proceedings inconsistent with the above procedure or which interfere with compliance are waived by the parties.

4.2.7 The fees and expenses of the arbitrator shall be divided equally between the party instituting the arbitration proceedings provided in this Article and the party alleged to be in breach of its obligations under this article.

4.3 Liquidated Damages. If the arbitrator determines that a violation of Section 4.1 has occurred, the breaching party shall, within eight (8) hours of the issuance of the decision take all steps necessary to immediately cease such activities and return to work. If the breaching party involved does not cease such activities by the beginning of the next regularly scheduled shift following the expiration of the eight (8) hour period after the arbitrator's issuance of the decision, then the breaching party shall pay the sum of ten thousand dollars (\$10,000) as liquidated damages to the City per shift until the breach is remedied. The arbitrator shall retain jurisdiction for the sole purpose of determining compliance with this obligation and determining the amount of liquidated damages, if any; but such retention shall not prevent the moving party from seeking judicial enforcement of the initial decision.

## **ARTICLE 5**

### **PRE-JOB CONFERENCE**

5.1 A mandatory pre-job conference shall be held prior to the commencement of each Construction Contract. Such conference shall be attended by a representative each from the participating Contractor(s) and Union(s) and the Project Manager. All efforts will be made to hold the pre-job conference in sufficient time to ensure all parties the ability to properly raise and resolve any issue that may arise out of such meeting, with a

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goal that such conferences will be held at least 21 work days before the work commences.

## **ARTICLE 6**

### **NO DISCRIMINATION**

6.1 The Contractors and Unions agree not to engage in any form of discrimination on the ground of or because of race, color, creed, national origin, ancestry, age, religious or political affiliation, gender, sexual orientation or disability against any person, or applicant for employment on the Projects.

## **ARTICLE 7**

### **UNION SECURITY**

7.1 The Contractors recognize the Union(s) as the sole bargaining representative of all construction persons working within the scope of this Agreement.

7.2 All construction persons who are employed by the Contractor(s) shall, as a condition of employment, on or before the eighth (8th) day of consecutive or cumulative employment on the Projects, be responsible for the payment of the applicable monthly working dues and any associated fees uniformly required for union membership in the applicable local union which is signatory to this Agreement. Further, there is nothing in this Agreement that would prevent non-union construction persons from joining the local union.

## **ARTICLE 8**

### **REFERRAL AND LOCAL HIRE PROGRAM**

#### 8.1 Referral

8.1.1 Contractor (s) performing construction work on the Projects described in the Agreement shall, in filling craft job requirements, utilize and be bound by the registration facilities and referral systems established or authorized by the Unions signatory hereto ("Job Referral System"). Such Job Referral System will be operated in a non-discriminatory manner and in full compliance with all federal, state, and local laws and regulations, including those which require equal employment opportunities and nondiscrimination.

8.1.2 The Contractor(s) shall have the right to reject any applicant referred by the Union(s), in accordance with the applicable Master Agreement.

8.1.3 The Contractor(s) shall have the unqualified right to select and hire directly all supervisors above general foreman it considers necessary and desirable, without such persons being referred by the Unions(s).

8.1.4 In the event that referral facilities maintained by the Union(s) are unable to fill the requisition of a Contractor(s) for employees within a seventy-two (72) hour period after



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such requisition is made by the Contractor(s), the Contractor(s) shall be free to obtain employees from any source. Contractor(s) shall promptly notify the Union(s) of any applicants hired from other sources. This provision does NOT affect core employees as defined below.

8.1.5 Unions shall exert their utmost efforts to recruit sufficient numbers of skilled craft persons to fulfill the requirements of the Contractor(s).

#### 8.1.6 Core Employees

All parties agree to make a good faith effort to refer on a priority basis, consistent with the non-discriminatory referral procedures of the hall, qualified and available, and bona-fide Berkeley Residents for Project work.

8.1.7 The parties also recognize and support the City's commitment to provide opportunities for participation on the Projects to Berkeley Residents who are regular, experienced employees ("Core" employees) of contractors and subcontractors awarded work on the Projects and who do not traditionally work under a local collective bargaining agreement(s). In furtherance of this commitment, the parties agree that such contractors and subcontractors awarded work on the Projects may request by name, and the local will honor, referral of persons who have applied to the local union for Project work and who demonstrate the following qualifications:

- (1) Possess any license required by state or federal law for the Project work to be performed;
- (2) Have worked a total of at least one thousand (1,000) hours in the construction craft during the prior three (3) years;
- (3) Were on the Contractor's active payroll for at least sixty (60) out of the one hundred and eighty (180) calendar days prior to the contract award;
- (4) Have the ability to perform safely the basic functions of the applicable trade, and
- (5) Are Berkeley residents.

The Union will refer to such Contractor one journeyman employee from the hiring hall out-of-work list for the affected trade or craft, and will then refer one of such Contractor's "core" employees as a journeyman and shall repeat the process, one and one, until such Contractor's crew requirements are met or until such Contractor has hired five (5) "core" employees, whichever occurs first. Thereafter, all additional employees in the affected trade or craft shall be hired exclusively from the hiring hall out-of-work list(s). For the duration of the Contractor's work the ratio shall be maintained and when the Contractor's workforce is reduced, employees shall be reduced in the same ratio of core employees to hiring hall referrals as was applied in the initial hiring.

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8.1.8 The Contractor shall notify the appropriate Union of the name and social security number of each direct hire and each direct hire shall register with the Union's hiring hall before commencing Project work. If there is any question regarding an employee's eligibility under this Subsection 8.2.1, the City Representative, at a Union's request, shall obtain satisfactory proof of such from the Contractor.

## 8.2 Local Hire

8.2.1 To the extent allowed by law and consistent with the non-discriminatory referral procedures of the Union hiring halls, the Parties agree to a goal that Berkeley Residents will perform a minimum of 20% of the hours worked, on a craft by craft basis for the Projects. The Contractor(s) shall make good faith efforts to reach this goal through the utilization of the Unions' hiring hall procedures. The Unions shall exercise their best efforts in their recruiting and training of Berkeley Resident workers and in their hiring hall procedures to facilitate this 20% goal on the Projects. In the event that referral facilities maintained by the Union(s) are unable to fulfill the 20% local hire requirement, paragraph 8.2.2 of this Article shall not apply. Contractors shall document all efforts to hire locally and provide such documents to the City of Berkeley. The Council will provide an annual census of Berkeley residents, in each of the crafts party to this agreement, to the City of Berkeley. This report will be provided by August 1 of each year of this agreement.

8.2.2 Should any of the contractors performing work on the Projects fail to meet this 20% goal and fail to demonstrate efforts to do so, through a specific submittal process to be included in their contractual requirements and enforced by the grievance procedure. The contract's 10% retention will be held until such time that this failure is remedied, but not longer than sixty (60) calendar days after the date of substantial completion of the Projects or as required by law, in addition to the breach of contract remedies available to the parties for non-performance under this Agreement.

## 8.2.3 Apprenticeship & Workforce Development

A) Consistent with the requirements of California Labor Code §§ 1776, 1777.5 and 1777.6, Contractor(s) will be required to hire 1 New Apprentice Berkeley resident as for every \$500,000 dollars or more of total construction bid amount. The New Apprentice(s) must work a minimum of 10% of the projects work hours. The contractor may deploy the apprentice to work on another concurrent project in order to meet the minimum hours, and those hours will be counted towards the total hours of the craft on the Berkeley project. Certified Payroll must reflect the hours worked.

Contractor must fully document efforts to hire a New Apprentice, through the following steps: 1) requesting New Apprentices through the Union dispatch procedure, 2) contacting a minimum of three MC3-approved pre-apprenticeship training programs for referral of Berkeley residents. Unions shall provide written documentation to the contractor in response to dispatch requests to fulfill the New Apprentice requirement, the next tier of residents will come from the Green Corridor.

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B) There can be no more than 1 entry-level New Apprentices for each craft, provided said crafts have apprenticeship openings and the general contractor will be able to include New Apprentices hired by their subcontractor to meet this requirement. Unions will agree to cooperate with Contractor(s) in furnishing apprentices as requested and the hiring of the apprentices will be in accordance to the Apprenticeship provisions listed in the Master Agreements and or the union agreements with the division of apprenticeship standards, and the apprentices shall be properly supervised and paid in accordance with provisions contained within the MLA'S. The Unions and Contractors will agree to cooperate with local pre-apprenticeship programs to ensure Berkeley residents have the opportunity to apply for and enter the into the apprenticeship programs.

C) The intent of this provision is to utilize Berkeley Resident New Apprentices to the fullest extent permissible by state law and the MLA. Failure of Contractor(s) and their subcontractors to maintain qualified apprentices on the job will be subject to further penalties as determined by the Grievance Committee as identified in Article 12.

#### 8.11 Enforcement, Compliance & Reporting.

Contractors will be required to submit Certified Weekly Payrolls to the City along with monthly workforce utilization reports documenting the Contractor's compliance with the requirements described in this article. At a minimum the monthly reports must include 1) data on Berkeley Resident's work hour utilization on a craft by craft basis, 2) number of New Apprentices hired and the hours they have worked, 3) documentation showing any requests made to the union dispatchers for Berkeley Residents and the Union's response to the request. Enforcement of this article shall be according to the Grievance and Arbitration procedure outlined in Article 12.

### **ARTICLE 9** **HELMETS TO HARDHATS**

9.1 The parties recognize a desire to facilitate the entry into the Building and Construction Trade Union(s) of Veterans who are interested in careers in the building and construction industry. The parties agree to utilize the services of the Center for Military Recruitment, Assessment and Veteran's Employment ("Center") and the Center's "Helmets to Hardhats" program to serve as a resource for preliminary orientation, assessment of construction aptitude, referral to apprenticeship programs or hiring halls, counseling and mentoring, support network, employment opportunities and other needs as identified by the parties.

9.2 The Union(s) and Contractor(s) agree to coordinate with the Center to participate in an integrated database of Veterans interested in working on this Project and of apprenticeship and employment opportunities for this Project. To the extent permitted by law, the Union(s) will give credit to such Veterans for bona fide, provable past experience.

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**ARTICLE 10**  
**GRIEVANCE PROCEDURE**

10.1 Any Contractor which is not otherwise bound through an agreement with a Union to a grievance procedure which confers jurisdiction to consider and resolve disputes over the imposition of discipline or dismissal of its construction persons working on this Project shall be bound to the arbitration procedure contained in the MLA of the craft representing the employee(s) involved in the dispute. For the purposes of this Article, such grievance procedure shall be limited to disputes regarding the imposition of discipline or dismissal arising from work covered by the Agreement. Such Contractor shall not impose discipline or dismissal on its construction persons covered by this Agreement without just cause.

**ARTICLE 11**  
**JOINT ADMINISTRATIVE COMMITTEE**

11.1 The parties to this Agreement shall establish a five (5) person Joint Administrative Committee comprised of at least one and up to two (2) representatives representing the City; two (2) representatives of the signatory Unions and The Council; and one industry representative, mutually selected by the City and The Council. Each representative shall designate an alternate who shall serve in his or her absence for any purpose contemplated by this Agreement.

11.2 The Joint Administrative Committee shall meet at the request of either party, but not less than once each quarter, to review the implementation of the Agreement and the progress of the Projects including, but not limited to, compliance with Article 8, prevailing wage, safety, Workforce development and Industry trends. Requests for certified payroll made by a Joint Labor/Management Committee to which the Union(s) signatory to this Agreement are a party shall be provided as allowed by law.

**ARTICLE 12**  
**GRIEVANCE ARBITRATION PROCEDURE**

12.1 The parties understand and agree that in the event any dispute arises out of the meaning, interpretation or application of the provisions of this Agreement, the same shall be settled by means of the procedures set out herein. No grievance shall be recognized unless the grieving party provides notice in writing to the signatory party with whom it has a dispute within seven (7) calendar days after becoming aware of the dispute, but in no event more than thirty (30) calendar days after it reasonably should have become aware of the event giving to the dispute. The time limits in this Article 12 may be extended by mutual written agreement of the parties.

12.2 Grievances shall be settled according to the following procedures:

**Step 1:** Within seven (7) calendar days after the receipt of the written notice of grievance, the Business Representative of the involved Local Union, the City's

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authorized representative, representative of the construction person, and the representative of the involved Contractor shall confer and attempt to resolve the grievance.

**Step 2:** In the event that the representatives are unable to resolve the dispute within seven (7) calendar days after its referral to Step 1, either involved party may submit it within three (3) calendar days to Grievance Committee. The Grievance Committee shall consist of one (1) person selected by the City and one (1) person selected by the Council, which shall meet within seven (7) calendar days after such referral (or such longer time as mutually agreed upon by all representatives of the subcommittee), to confer in an attempt to resolve the grievance. The decision of the Grievance Committee shall be legal, final and binding. If the dispute is not resolved within such time seven (7) calendar days after its referral or such longer time as mutually agreed upon) it may be referred within seven (7) calendar days by either party to Step 3.

**Step 3:** Within seven (7) seven calendar days after referral of a dispute to Step 3, the representatives shall submit the matter to the designated permanent Arbitrator, Judge William Cahill.

12.3 In the event that Judge Cahill is unavailable, the arbitrator shall be Earnest Brown.

12.4 The Arbitrator shall arrange for a hearing no later than fourteen days (14) calendar days after the matter has been submitted to arbitration. A decision shall be given to the parties within five (5) calendar days after completion of the hearing unless such time is extended by mutual agreement. A written opinion may be requested by a party from the Arbitrator. The time limits specified in any step of the Grievance Procedure set forth in Section 12.1 may be extended by mutual agreement of the parties initiated by the written request of one party to the other, at the appropriate step of the Grievance Procedure. However, failure to process a grievance, or failure to respond in writing within the time limits provided above, without the request for an extension of time, shall be deemed a waiver of such grievance without prejudice, or without precedent to the processing of and/or resolution of like or similar grievances or disputes.

12.5 The decision of the Arbitrator shall be binding by all parties. The Arbitrator shall not have authority to change, amend, add, or detract from any of the provisions of the Agreement. The expense of the Arbitrator shall be borne equally by both parties.

12.6 In order to encourage the resolution of disputes and grievances at Step 1 and 2 of this Grievance Procedure, the parties agree that such settlements shall not be precedent-setting.

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### **ARTICLE 13**

#### **JURISDICTIONAL DISPUTES**

13.1 The assignment of Covered Work will be solely the responsibility of the Contractor/Employer(s) performing the work involved; and such work assignments will be in accordance with the Plan for the Settlement of Jurisdictional Disputes in the Construction Industry (the "Plan") or any successor Plan.

13.2 All jurisdictional disputes on this Project between or among the Union(s) and the Contractor/Employer(s), parties to this Agreement, shall be settled and adjusted according to the present Plan established by the Building and Construction Trades Department, or any other plan or method of procedure that may be adopted in the future by the Building and Construction Trades Department. Decisions rendered shall be final, binding and conclusive on the Contractor/Employer(s) and Union(s) parties to this Agreement.

13.2.1 If a dispute arising under this Article involves the Northern California Carpenters Regional Council or any of its subordinate bodies, an Arbitrator shall be chosen by the procedures specified in Article V, Section 5, of the Plan from a list composed of John Kagel, Thomas Angelo, Robert Hirsch and Thomas Pagan and the Arbitrator's hearing on the dispute shall be held at the offices of the California State Building and Construction Trades Council in Sacramento, California, within fourteen (14) calendar days of the selection of the Arbitrator. All other procedures shall be as specified in the Plan.

13.3 All jurisdictional disputes shall be resolved without the occurrence of any strike, work stoppage, or slow-down of any nature, and the Contractor/Employer(s)' assignment shall be adhered to until the dispute is resolved. Individuals violating this Section shall be subject to immediate discharge.

13.4 Each Contractor/Employer(s) shall conduct a Pre-Job Conference with the Council prior to commencing Covered Work. The Primary Employer, Coordinator and the District will be advised in advance of all such conferences and may participate if they wish. Pre-job conferences for different Contractor(s) may be held together.

### **ARTICLE 14**

#### **APPRENTICES**

14.1 Recognizing the need to maintain continuing support of programs designed to develop adequate numbers of competent workers in the construction industry, the Contractor (s) shall employ apprentices in the respective crafts to perform such work as is within their capabilities and which is customarily performed by the craft in which they are indentured.

14.2 The apprentice ratios will be in compliance with the applicable provisions of the California Labor Code and Prevailing Wage Rate Determination.



Internal

14.3 There shall be no restrictions on the utilization of apprentices in performing the work of their craft provided they are properly supervised.

14.4 All Apprentices will come from a State approved Labor Management Apprenticeship program.

## **ARTICLE 15** **MANAGEMENT RIGHTS**

15.1 The Contractor shall retain full and exclusive authority for the management of their operations, including the right to direct their work force in their sole discretion with regard to the following: the hiring, promotion, transfer, layoff, corrective action or discharge for just cause of its employees (in accordance with Article 9); the determination of the number of employees needed for the Project work; the selection/hiring of foremen and supervisors; the assignment and schedule of work; the requirement of overtime work, the determination of when it will be worked, and the number of employees engaged in such work, except as otherwise limited by the terms of this Agreement and/or the MLA. No rules, customs or practices shall be permitted or observed which limit or restrict production, or limit or restrict the working efforts of construction persons except that the lawful manning provisions of the MLA shall be recognized.

## **ARTICLE 16** **WAGES/BENEFITS**

16.1 **Wages.** All construction persons covered by this Agreement shall be classified in accordance with work performed and paid the hourly wage rates for those classifications in the applicable MLA for such craft work and in compliance with the applicable prevailing wage rate determination.

16.2 **Benefits.** Contractor agrees to pay contributions into established construction person benefit funds in the amounts designated in the appropriate MLA; provided, however, that each Contractor and Union agree that only such bona fide construction person benefits as included in the prevailing wage determination shall be included in this requirement and required to be paid by the Contractor under this Agreement; provided further, however, that this provision does not relieve Contractors signatory to a local collective bargaining agreement with a signatory Union which would be applicable to the Projects from making any other fund contributions (including, but not limited to, those for contract administration), required by such local agreement. Contractor shall not be required to pay contributions to any other trust funds to satisfy their obligation under this Article. By signing this Agreement, the Contractors adopt and agree to be bound by the written terms of the legally established Trust Agreements, specifying the detailed basis on which the payments are to be made into, and the benefits paid out of, such Trust Funds.

Internal

16.3 **Compliance.** It shall be the responsibility of the Contractor(s) and Unions to investigate and monitor compliance with the provisions of the agreement contained in Article 15. Nothing in this agreement shall be construed to interfere with or supersede the usual and customary legal remedies available to the Unions and/or employee benefit Trust Funds to collect delinquent Trust Fund contributions from Contractors on the Project.

## **ARTICLE 17** **MODIFIED MASTER LABOR AGREEMENTS**

17.1 Certain Provisions Shall Not Apply. Provisions negotiated into the new or modified MLA which are less favorable to the Contractor than those uniformly required of employers for construction work normally covered by those agreements or which may be construed to apply exclusively or predominately to work covered by this Agreement shall not apply to work covered by this Agreement. Any disagreement between the parties regarding the application of the provisions of any new or modified collective bargaining agreement to work covered by this Agreement shall be resolved under the dispute and grievance arbitration procedures set forth in Article 12 hereof.

## **ARTICLE 18** **DRUG and ALCOHOL TESTING**

18.1 The use, sale, transfer, purchase and/or possession of a controlled substance, alcohol and/or firearms at any time during the work day is prohibited.

18.2 Employer shall be allowed to utilize employment drug screens. All personnel are subject to random alcohol and drug/alcohol testing at any time, except, the following changes will apply. Employer shall follow said Unions Master Labor Agreement drug polices, regulations and limits. Body fluid tests will utilize urine and saliva specimens. Employer may also selectively require an employee to undergo alcohol or drug/alcohol testing if Employer has reasonable cause to believe that an employee's ability to work safely may be impaired. All requirements and activities of the Employer with regard to drug/alcohol testing shall comply with the provisions of State law.

## **ARTICLE 19** **SAVINGS CLAUSE**

19.1 The parties agree that in the event any article, provision, clause, sentence or word of this Agreement is determined to be illegal or void as being in contravention of any applicable law, by a court of competent jurisdiction the remainder of the Agreement shall remain in full force and effect. The parties further agree that if any article, provision, clause, sentence or word of the Agreement is determined to be illegal or void, by the court of competent jurisdiction, the parties shall substitute, by mutual agreement, in its place and stead, an article, provision, clause, sentence or word which will meet the objections to its validity and which will be in accordance with the intent and purpose of the article, provision, clause, sentence or word in question.



Internal

19.2 The parties also agree that in the event that a decision of a court of competent jurisdiction materially alters the terms of this Agreement such that the intent of the parties is defeated, then the entire Agreement shall be null and void.

## **ARTICLE 20** **ENTIRE AGREEMENT**

20.1 This Agreement represents the complete understanding of the parties. The provisions of this Agreement, including the MLA, shall apply to the work covered by this Agreement. Where a subject covered by the provisions of this Agreement is also covered by a MLA, the provisions of this Agreement shall prevail. Where a subject is covered by the provisions of a MLA and is not covered by this Agreement, the provisions of the MLA shall prevail. Nothing contained in a MLA, working rule, by-laws, constitution or other similar document of the Unions shall in any way affect, modify or add to this Agreement unless otherwise specifically set forth in this Agreement or mutually agreed to in writing executed by the parties.

20.2 The parties agree that this Agreement covers all matters affecting wages, hours, and other terms and conditions of employment and that during the term of this Agreement the parties will not be required to negotiate on any further matters affecting these or any other subject not specifically set forth in this Agreement except by mutual agreement of the parties.

20.3 This Agreement may be executed in counterparts, such that original signatures may appear on separate pages and when bound together all necessary signatures shall constitute an original. Facsimile signature pages transmitted to other parties to this Agreement shall be deemed the equivalent to original signatures.

## **ARTICLE 21** **TERM**

21.1 The Agreement shall be included as a condition of the award of the Construction Contracts.

21.2 The Agreement shall continue in full force and effect for a term of three years from the Effective Date of June July 1-30, 20202023 through June 30, 20232026, and shall be applicable to all Projects until completion that are advertised for bidding during the term.

21.3 This Agreement shall continue in full force and effect until Completion of the Project. The parties may mutually agree to extend and/or amend this Agreement.

Internal

**SIGNATURES**

**City of Berkeley**

By: \_\_\_\_\_

Title:

Date: \_\_\_\_\_

**Alameda County Building & Construction Trades Council, AFL-CIO**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**Signatory Unions**

**Asbestos Workers, Local 16 Boilermakers, Local 549**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Bricklayers & Allied Craftsmen, Local 3 Cement Masons, Local 300**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Electrical Workers, Local 595 Elevator Constructors, Local 8**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Hod Carriers, Local 166 Iron Workers, Local 378**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Laborers, Local 67 Laborers, Local 304**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Operating Engineers, Local 3 Plasterers, Local 66**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Roofers, Local 81 Sheet Metal Workers, Local 104**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Sign Display, Local 510 Sprinkler Fitters, Local 483**

By: \_\_\_\_\_ By: \_\_\_\_\_

Internal

**Teamsters, Local 853 United Association of Journeymen and Apprentices Fitting Industry, Underground Utility & Landscape, Local 355**

By: \_\_\_\_\_ By: \_\_\_\_\_

**United Association of Steamfitters, Ironworkers City and the RDA Council of Pipefitters, Plumbers, & Gas California Fitters, Local 342**

By: \_\_\_\_\_ By: \_\_\_\_\_

**Council No. 16 Northern California**

**International Union of Laborers Painters & Allied Trades** (On behalf of Painters, Local 3; Carpet & Linoleum Layers, Local 12; Glass Workers, Local 169; Auto & Marine Painters, Local 1176)

By: \_\_\_\_\_ By: \_\_\_\_\_

**Northern California Carpenters Regional Council** (on behalf of Carpenters, Local 713; Carpenters, Local 2236; Lathers, Local 68L; Millwrights, Local 102; Pile Drivers, Local 34)

By: \_\_\_\_\_

Internal

**AGREEMENT TO BE BOUND**

The undersigned, as a Contractor or Subcontractor ("Contractor") on a City Project ("Project"), for and in consideration of the award to it of a contract to perform work on said Project, and in further consideration of the mutual promises made in the Project's Community Workforce Agreement ("Agreement"), a copy of which was received and is acknowledged, hereby:

1. Accepts and agrees to be bound by the terms and conditions of the Agreement, together with any and all amendments and supplements now existing or which are later made to said Agreement.
2. Certifies that it has no commitments or agreements which would preclude its full and complete compliance with the terms and conditions of said Agreement;
3. Agrees to secure from any Contractor (as defined in said Agreement) which is or becomes a subcontractor (of any tier) to it, and from any successors, a duly executed Agreement to be bound in form identical to this document.
4. Contractor agrees that it shall be bound by all applicable trust agreements and plans for the provision of such fringe benefits as accrue to the direct benefit of the construction persons, including Health and Welfare, Pension, Training, Vacation, and/or other direct benefits provided pursuant to the appropriate craft agreement contained in Schedule "A" of Agreement.

Date: \_\_\_\_\_

Company Name: \_\_\_\_\_

Name of Prime Contractor or Higher Level Subcontractor:  
\_\_\_\_\_

Name of Project: \_\_\_\_\_

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor's License #: \_\_\_\_\_

Motor Carrier Permit (CA) #: \_\_\_\_\_



Disaster and Fire Safety Commission

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Weldon Bradstreet, Chairperson, Disaster and Fire Safety Commission

Subject: Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley

RECOMMENDATION

The Disaster and Fire Safety Commission (DFSC) is requesting that Berkeley City Council strongly recommend that The Department of Housing and Urban Development (HUD) owned Harriet Tubman Terrace Apartments install solar battery back-up battery capability to meet the medical needs of their residents during loss of electrical power and consider the same action for other HUD properties in Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts to the City of Berkeley.

CURRENT SITUATION AND ITS EFFECTS

It has been brought to the DFSC's attention that during recent electrical power shutdowns residents in the Harriet Tubman Terrace Apartments were without electrical power for around 10 hours. Since this is a facility for the elderly and disabled this is a problem for those that need electricity for refrigeration of prescriptions and operation of some medical equipment. This facility is owned and operated by HUD. Since the building is currently undergoing a planned renovation it seems reasonable that such a requirement for the installation of a battery backup to meet the medical requirements of their residents be considered at this particular time. While there are other HUD owned properties in Berkeley, it is also a reasonable requirement that the Council consider such a requirement for them as well, however, that should be left for the Council to consider when that should be done.

Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley June 27, 2023

### BACKGROUND

The Harriet Tubman Terrace Apartments, located at 2870 Adeline Street, is a 90-unit affordable housing community that was built in 1990. It is owned by HUD which selects a management system to operate it. It provides housing for adults 62 years or older and for adults with disabilities and as I understand, the facility is historically and currently at full occupancy.

The building is now undergoing a planned renovation. That renovation has proven to be controversial. We are not proposing that the Commission engage in the issues around renovation since that would not be within our purview. However, the renovation does provide an opportunity to address one issue that is within our purview, i.e. the health and safety of residents when electric power shut-offs occur. As we all know and expect, is that the loss of electrical power is likely to happen again in the future for periods of time that are not predictable. We believe that the issue of ensuring access to medical care during these times is within the purview of the Commission to address. However, it should be clear that this one issue is the only focus of this request for action being made by the Commission.

There is a reasonable solution in requiring the installation of a battery driven back up system which will generate enough electricity to maintain a central location within the facility to meet the essential medical needs of the residents.

### ENVIRONMENTAL SUSTAINABILITY

Such a back-up should be powered by a solar panel rather than by a natural gas generator. Gas powered generators are noisy and result in complaints from neighbor properties and residents themselves. Solar powered back-ups are quiet. Environmentally friendly and cost less to operate.

### RATIONALE FOR RECOMMENDATION

The existence of such a back-up not only would benefit the physical health of individual residents it would lessen the anxiety and panic over the loss of medical care for extended periods of time. Furthermore, as a sign of caring for the needs of everyone, it would contribute to an overall positive sense of being cared for by everyone living in the facility.

Vote: 5 Ayes: W. Bradstreet, T. Gordon, S. Dean, G. Murphy, H. Raines: 0 Noes; 2 Absent: J. Bedolla, A. Stein; 0 Abstain

### ALTERNATIVE ACTIONS CONSIDERED

None.

Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley June 27, 2023

CITY MANAGER

The City Manager takes no position on the recommendation in this report.

CONTACT PERSON

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-5508







Peace and Justice Commission

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Peace and Justice Commission  
 Submitted by: Grace Morizawa, Chair, Peace and Justice Commission  
 Subject: Establishment of a Sister City Relationship with Las Vegas, Santa Bárbara, Honduras

#### RECOMMENDATION

Adopt a Resolution establishing a sister city relationship with the municipality of Las Vegas in the Santa Bárbara department of Honduras.

#### SUMMARY

The Peace and Justice Commission is tasked with recommending the establishments of new Sister Cities. Las Vegas, Santa Bárbara, Honduras has approached Berkeley with the request of becoming a Sister City. Certain criteria must be met to become a Sister City, which Las Vegas, Honduras meets.

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### CURRENT SITUATION AND ITS EFFECTS

Pursuant to Resolution 56,069-N.S., the City of Berkeley has an established criterion for the establishment of a Sister City relationship. Below is a list of what the proposal must require:

- A) A description of the proposed sister city, township, or community; and
- B) A list of similarities between Berkeley and the proposed sister community;
- C) An explanation of why this particular sister city should be selected by showing how it fits the below listed criteria.

There are seven criteria points that must be met:

- 1) The Sister City relationship should benefit the human rights, health, safety, culture, and education of the citizens of Berkeley; and

- 2) New opportunities for exchange programs, cultural enrichment or curriculum enhancement should result from the relationship; and
- 3) From these new opportunities, there should accrue direct benefits to the students of the Berkeley Unified School District; and
- 4) It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship; and
- 5) It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship; and
- 6) There should be no direct nor indirect costs to the City of Berkeley; and
- 7) The Sister City relationship should increase the harmony in Berkeley and be in the best interests of the City.

At its regular meeting May 1, 2023, the Peace and Justice Commission adopted the following recommendation proposing the establishment of a sister city relationship with Las Vegas, Santa Bárbara, Honduras.

M/S/C: Lippman, Jaquin.

Ayes: Bohn, Jacquelin, Lippman, Morizawa.

Noes: None.

Abstain: Maran.

Absent: Lee, Gussmann.

#### BACKGROUND

Berkeley currently has 15 active Sister City relationships throughout the world, including two with Native American tribes. There are no Sister Cities in Honduras. The first establishment of a Sister City was in 1967 with Sakai, Japan, and latest took place in 2018, with Gonju, Republic of Korea.

The municipality of Las Vegas has sent two delegations to the City of Berkeley over the past several months to talk about setting up a Sister City relationship. The SHARE Foundation has also been in communication with the Mayor's offices in both Berkeley and Las Vegas, Honduras on the creation of such a relationship.

**A. List of criteria****1) The Sister City relationship should benefit the human rights, health, safety, culture, and education of the citizens of Berkeley**

There currently is no Sister City located in Honduras. Establishing one would provide new opportunities to experience the Honduran culture and share ideas that can mutually benefit our cities on a variety of fronts.

**2) New opportunities for exchange programs, cultural enrichment or curriculum enhancement should result from the relationship**

The proposal would proposal calls for mutual visits of delegations, with residents of Las Vegas, Honduras in Berkeley for our festivals, cultural events and community gardens with our community learning about the efforts to bring back cultural activities lost to Las Vegas under the previous government, and the campaign "Vamos a la Milpa," developing family and community gardens to provide food independence. There are also several student exchange programs which are described below.

**3) From these new opportunities, there should accrue direct benefits to the students of the Berkeley Unified School District**

Discussions have already begun with Berkeley elementary schools and Berkeley High for teacher and student delegations to share the rich music program in the Berkeley schools and a vision of the mayor of Las Vegas, "Guitars and Violins for Las Vegas," which has become a national campaign with the partnership of SHARE Foundation to bring music to all of the schools in Honduras. Las Vegas will send their students to Berkeley to see BUSD's rich educational opportunities and music program first hand.

**4) It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship**

There have been many Berkeley residents, churches, and organizations who have been working with the population of Honduras over the past decade, in the shadows of the oppression and corruption of the previous national government, and will continue traveling to Honduras to work with the current government for the betterment of the Honduran people. The president-elect invited SHARE to her inauguration because she wanted the world to see that the relationship is only stronger now.

**5) It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship**

There have been twelve SHARE delegations to Honduras in the past four years, including many individuals and organizations representing Berkeley. SHARE Foundation has participated in a radio program on Radio Progreso (Honduran national non-profit radio), speaking to the Honduran people every Monday for three years.

**6) There should be no direct nor indirect costs to the City of Berkeley**

The SHARE Foundation and partnering organizations take responsibility for fundraising for any expenses related to this agreement. SHARE has raised significant funds over the years to support the work in Honduras.

**7) The Sister City relationship should increase the harmony in Berkeley and be in the best interests of the City**

Berkeley has a large Central American community that includes Hondurans who have come to love our city, and our Berkeley residents who have made the journey have fallen in love with Honduras and have developed deep friendships with individuals and organizations that will only get stronger with this agreement.

ENVIRONMENTAL SUSTAINABILITY

No environmental effects.

RATIONALE FOR RECOMMENDATION

Establishing a new Sister City, the first in five years, would continue Berkeley's legacy of being an international city.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Okeya Vance-Dozier, Peace and Justice Commission Secretary, City Manager's Office  
510-529-5376

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

ESTABLISHING A SISTER CITY RELATIONSHIP WITH THE MUNICIPALITY OF LAS VEGAS IN THE SANTA BÁRBARA DEPARTMENT OF HONDURAS

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice, and initiates and develops cultural and educational foreign exchange (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, the Peace and Justice Commission has been charged by the Berkeley City Council with reviewing proposals for new Sister City relationships; and

WHEREAS, the SHARE Foundation presented a proposal for a Sister City relationship with the municipality of Las Vegas in the Santa Bárbara department of Honduras;<sup>1</sup> and

WHEREAS, the Peace and Justice Commission has concluded that the proposal meets the City's criteria for establishing a Sister City, namely:

1. The Sister City relationship should benefit the human rights, health, safety, culture and education of the citizens of Berkeley; and
2. New opportunities for exchange programs, cultural enrichment, or curriculum enhancement should result from the relationship; and
3. From these new opportunities there should accrue direct benefits to the students of the Berkeley Unified School District; and
4. It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship; and
5. It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship; and
6. There should be no direct or indirect costs to the City of Berkeley; and

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<sup>1</sup> The city of Berkeley has maintained a long relationship with Central America during the war years, including establishing a formal sister relationship with San Antonio Los Ranchos in El Salvador, and declaring Berkeley as a Sanctuary City for Central American refugees.

The city of Berkeley is the home of the original five sanctuary congregations that helped launch the national sanctuary movement, the East Bay Sanctuary Covenant, which continues to serve thousands of Central American refugees annually, and the SHARE Foundation, which has maintained sister-relationships across the region for more than 40 years

7. The Sister City relationship should increase the harmony in Berkeley and be in the best interest of the City; and

WHEREAS, Mayor Victor Hugo Tejada of the municipality of Las Vegas has expressed to the Berkeley City Council his municipality's desire for a Sister City relationship with Berkeley in a regular Council meeting on April 25, 2023.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby approves the establishment of a Sister City relationship with the Municipality of Las Vegas in the Santa Bárbara department of Honduras.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley asks the Peace and Justice Commission to coordinate with the SHARE Foundation to create the sister city committee and to look for ways to strengthen solidarity and friendship activities with the city of Las Vegas, Santa Bárbara, Honduras.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley directs the city clerk to forward a copy of this resolution to Mayor Victor Hugo Tejado of Las Vegas, Santa Bárbara in Honduras; U.S. Secretary of State Antony Blinken; and to Berkeley's congressional representatives.



Office of the Mayor

CONSENT CALENDAR

June 27, 2023

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Contract No. 32000196 Amendment: Szabo &amp; Associates for Communications Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$78,000 for a new total not to exceed \$303,500, and extending the contract term to June 30, 2024.

FINANCIAL IMPLICATIONS

This amendment will add \$78,000 to extend the Mayor's Office's existing contract for communications consulting services. The term of the contract will be extended by one year to June 30, 2024. Funds for this contract amendment are available from the Mayor's Office budget.

CURRENT SITUATION AND ITS EFFECTS

Under Berkeley Municipal Code Chapter 7.18.010A, "expenditures...which exceed the amount of \$50,000 shall require Council approval", as adopted under Ordinance No. 7,566 and mandated under Article XI, Section 67.5 of the City Charter.

Contract No. 32000196 was entered into on March 16, 2020, originally at \$35,000. Since then, amendments have been made to extend the term of the contract. A new extension was approved by Council in July 2021, which was required as the increase in the cumulative amount of the contract went beyond the \$50,000 threshold, thus requiring Council approval.

In 2021 during the first contract extension, as a courtesy, bargaining unit members of SEIU CSU/PTRLA were advised by City of Berkeley Human Resources Department of this contract extension and offered the opportunity to meet. The services provided under this contract are not of the kind, nature or type of work presently performed by the bargaining unit members.

BACKGROUND

Under Article VI, Section 21 of the City Charter, the Mayor is the ceremonial head of the City. As such, the Mayor serves as a spokesperson for the City, and should provide consistent information to residents and businesses on the operations and policies of the

City. Providing open and transparent lines of communication is a cornerstone of democracy and good governance. Relaying critical information, such as communications during the ongoing local state of emergency in response to COVID-19, PG&E Power Safety Shutoff events, other critical events, and City policies and programs, are important to the health, safety and operation of the City.

Services provided by Szabo & Associates include development of press releases and media advisories on issues of importance to the Berkeley community, maintaining social media accounts, press coordination, graphic design, and other support services relating to the communications from the Mayor's Office.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution



RESOLUTION NO. ##,###-N.S.

CONTRACT: SZABO & ASSOCIATES FOR COMMUNICATIONS CONSULTING SERVICES FOR THE MAYOR'S OFFICE

WHEREAS, as the ceremonial head of the city under the City Charter, the Mayor must serve as a city spokesperson and provide consistent information to residents and businesses on the operations and policies of the City; and

WHEREAS, Szabo & Associates is a communications consulting firm whose services include development of press releases and media advisories on issues of importance to the Berkeley community, maintaining social media accounts, press coordination, and other support services relating to the communications; and

WHEREAS, providing open and transparent lines of communication is a cornerstone of democracy and good governance. Relaying critical information, such as communications during the ongoing local state of emergency in response to COVID-19, PG&E Power Safety Shutoff events, other critical events, and City policies and programs, are important to the health, safety and operation of the City; and

WHEREAS, under Berkeley Municipal Code Chapter 7.18.010A, "expenditures...which exceed the amount of \$50,000 shall require Council approval", as adopted under Ordinance No. 7,566 and mandated under Article XI, Section 67.5 of the City Charter; and

WHEREAS, Contract No. 32000196 was entered into on March 16, 2020, originally at \$35,000, with additional amendments having been made, and requires Council approval by passing the \$50,000 threshold; and

WHEREAS, in July 2021, Council approved Resolution No. 69,985-N.S. to increase the contract by \$78,000 and extending the contract to June 30, 2022; and

WHEREAS, in July 2022, Council approved Resolution No. 70,451-N.S. to increase the contract by \$78,000 and extending the contract to June 30, 2023; and

WHEREAS, funding for this amendment to extend the contract by one year is available in the Mayor's Office budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$78,000 for a new total not to exceed \$303,500, and extending the contract term to June 30, 2024.





## BEN BARTLETT

VICE MAYOR

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Vice Mayor Ben Bartlett (Author), Mayor Jesse Arreguin, Councilmember Kate Harrison, and Councilmember Sophie Hahn (Co-Sponsors)  
 Subject: Berkeley Food Utility and Access Resilience Measure (FARM)

### RECOMMENDATION

1. Refer to the City Manager the task of protecting the City's food supply from natural disasters and economic disruptions by promoting the efforts of community-based organizations to design and implement an integrated local food production and distribution system for the City of Berkeley.
2. Refer to the City Manager and the Office of Economic Development resources to research and return to the Council potential economic incentives for non-profits, agricultural producers, and small businesses to partner with the City of Berkeley to support the implementation of FARM.
3. Adopt a resolution to support the goals of the FARM initiative and the development of hyperlocal urban food production with community-based organizations.

### POLICY COMMITTEE RECOMMENDATION

On May 8, 2023, the Health, Life Enrichment, Equity, & Community Committee adopted the following action: M/S/C (Bartlett/Taplin) to send the item to Council with a positive recommendation. Vote: All Ayes.

### BACKGROUND & CURRENT SITUATION

To support food resilience for the residents, the City of Berkeley should adopt a "hyper-local" in place of a "local" approach to food production and distribution. Food labeled as "local" receives its definition from a provision of the Farm Act from 2008. Under that law, a food item is deemed local when "the total distance that the product is transported is less than 400 miles from the origin or the product."<sup>1</sup> Hence, under this definition, fruits and vegetables sourced from Southern California are still considered "local" to the City of Berkeley. Given the recent floods that have destroyed many homes, lands, and crops, there is an urgent need to develop a program for stronger food resilience in California.<sup>2</sup>

The FARM initiative, on the other hand, supports the development of *hyper-local* urban

<sup>1</sup> Food, Conservation, and Energy Act of 2008 (June 18, 2008)  
<https://www.govinfo.gov/content/pkg/PLAW-110publ246/pdf/PLAW-110publ246.pdf>

<sup>2</sup> Staff, RICH RODRIGUEZ | . KMPH. "It's Just a Mess': California Farmers Growing Concerned over Lingering Flood Waters." *KRCR*, 27 Mar. 2023, <https://krcrtv.com/news/videos/its-just-a-mess-california-farmers-growing-concerned-over-lingering-flood-waters-pistachio-trees-kings-county-farm-breckenridge-corcoran-tule-river-deer-creek-cal-fire>.

food production to support community resilience in Berkeley. Hyper-local produce is food grown right in a community's backyard and available for purchase and consumption at local markets and restaurants. The benefit of being a hyper-local food supplier is that produce can be harvested and delivered on the same day. This results in food being fresh longer than produce delivered from long distances and lessening the risk of supply chain disruption. For example, Gotham Greens in New York City produces hyper-local commercial food via urban rooftop gardens. Opportunities for hyper-local and building "Agri-hoods" (urban neighborhoods focused on local food production) continue to grow. This includes communities integrating food production into neighborhood design, with hyper-local methods of urban agriculture including SPIN Farming, (small plot intensive) vertical farming, and rooftop growing. According to Curtis Stone, SPIN farming expert and author of "The Urban Farmer" and, urban farmers can earn \$75,000 on 15,000 Square Feet and can grow between 6,000 to 7,000 pounds of food on 1/10th of an acre. The City of Berkeley is 17 square miles or approximately 11,000 acres.<sup>3</sup> One scenario envisions using distributed local production and SPIN farming to cultivate 5% of Berkeley's total acreage. Assuming a yield of 7,000 pounds of produce per 1/10<sup>th</sup> of an acre, the scenario would provide 38 million pounds of fresh produce a year. While not enough to fully support the entire city, it is a significant step forward to food resilience, particularly for the 20,000 low-income individuals in the community.

By March of 2023, the emergency allotment for low-income individuals and households enrolled in the Federal Supplemental Nutrition Assistance Program (SNAP) will end.<sup>4</sup> This change comes at a time of historic inflation, with food prices increasing by 10%. According to Cal Policy Research, 10% of students in the UC System access SNAP Benefits, which helps students make ends meet while attending university.<sup>5</sup> The FARM Initiative sets the framework to not only increase the production and supply of fresh produce in Berkeley, but also to facilitate group buying power for SNAP participants in Berkeley, to help lower the cost, support local growers, and help the community eat healthier.

Berkeley is home to the local foods revolution, yet thousands of Berkeley residents are food insecure. Natural disasters and economic downturns exacerbate this insecurity, and climate change increases the likelihood and severity of food supply interruption.

Berkeley has the framework for food resiliency through its successful farmers' markets; service providers who have been providing meals to homeless individuals since the early 1970s; community groups like Consider the Homeless and Food Not Bombs, which distribute food to homeless populations; and the Berkeley Food Network (BFN). Founded in 2016 in collaboration

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<sup>3</sup> Maki, Olivia, How Urban Farmers Can Earn \$75,000 on 15,000 Square Feet (February 29, 2016)

<https://civileats.com/2016/02/29/how-urban-farmers-curtis-stone-earns-75000-on-15000-square-feet/>

<sup>4</sup> "McCorvey, J., and Rob Wile. ""With Foods Stamp Cuts just Days Away, Millions of Americans Brace for Tougher Times Int He Grocery Aisle" Feb 26, 2023 [https://www.nbcrightnow.com/national/with-food-stamp-cuts-just-days-away-millions-of-americans-brace-for-tougher-times-in/article\\_3e070c3e-b616-11ed-a950-0f3c90f9985b.html](https://www.nbcrightnow.com/national/with-food-stamp-cuts-just-days-away-millions-of-americans-brace-for-tougher-times-in/article_3e070c3e-b616-11ed-a950-0f3c90f9985b.html)

<sup>5</sup> California Community College and University of California student participation in CalFresh food benefits (February 23, 2022) <https://www.capolicylab.org/california-community-college-and-university-of-california-student-participation-in-calfresh-food-benefits/>

with community organizations, BFN promotes access to nutritional food by using “innovative, community-centered solutions to build a more sustainable, resilient, and equitable food system.”<sup>6</sup>

The City should preemptively safeguard its residents from a food supply chain interruption through a Food Utility and Access Resilience Measure (FARM). The FARM initiative achieves food resilience by (1) developing hyper-local food production sources; (2) connecting these sources to each other and local community hubs, including food banks, grocery stores, restaurants, and schools; and (3) powering hyper-local food production sources using renewable energy with battery backup storage that can operate despite disruptions to the main power grid. These efforts will be assisted by the requirements under SB 1383, which requires restaurants and grocery stores to compost leftover food. These businesses would benefit from having a lower-cost method of disposing of still-fresh but excess food.

1. Community resilience

Government planners are faced with an emergent set of existential threats to populations and infrastructure. Many threats stem from the rapid advancement of climate change, with the increasing frequency of extreme weather events, such as hurricanes, tornadoes, floods, droughts, and fires. In addition to climate disasters, disaster preparedness must brace for pandemics, electrical failure, targeted violence, cyber-attacks, water and energy infrastructure failure, sea level rise, supply chain breakdown, and food insecurity. These threats arise from various sources and therefore require a systems-level approach that addresses all the possible points of failure in an urban food supply chain.

Accordingly, policymakers are embracing new emergency preparedness and disaster mitigation models centered on equity and resilience at the community level (community resilience). Community resilience refers to the ability of a community to withstand and recover from disruptions, such as natural disasters, economic downturns, or health crises. Community resilience leverages local community networks; local knowledge; local communication channels; local resources; and local bodies of governance and leadership.

2. Food resilience

One component of community resilience is food resilience, which refers to the ways in which a community can ensure its members have access to healthy and nutritious food, even during times of crisis. This can involve a variety of strategies, such as growing food locally, supporting local agriculture, building community gardens, developing food storage and preservation facilities, and forming relationships with local food producers. By building a resilient local food system, communities can reduce their

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<sup>6</sup> Berkeley Food Network, *About BFN*, (last accessed Jan. 5, 2023), <https://berkeleyfoodnetwork.org/who-we-are/about/>.

reliance on remote sources of food and ensure that they are able to continue providing sustenance for residents, even during challenging times.

FARM’s development of a local, resilient food system empowers the City of Berkeley to achieve one of its key Climate Action Plan goals. Adopted in 2009, the Climate Action Plan calls for the “majority of food consumed in Berkeley” to be produced locally.<sup>7</sup> By creating a network of local food production, FARM lays the foundation for local, higher-yield production of nutritious food that the City can scale up to meet its goal. This environmental objective is intertwined with resilience. Lowering the distance between the location of production and consumption improves the ability to supply food to the people of Berkeley despite disruptions to transportation.

The State of California and the U.S. Federal Government are increasingly incorporating food resilience in disaster planning and view food security as foundational to any resilience effort. For example, California’s budget for the fiscal year 2022-23 allocates \$477 million toward agricultural resilience measures, including climate-friendly agriculture, soil health, water efficiency, and wildfire prevention.<sup>8</sup>

Additionally, California’s Strategic Growth Council (SGC) has called for local-level resilience through its Community Resilience Centers (CRC) program. The CRC program will “fund new construction and upgrades of neighborhood-level resilience centers to provide shelter and resources during climate and other emergencies . . .”<sup>9</sup>

At the federal level, President Joe Biden signed National Security Memorandum-16 (NSM-16) in November 2022 “to strengthen the security and resilience of United States food and agriculture.” NSM-16 provides a process for identifying and assessing threats to food security, strengthens relationships with the private sector, and promotes systems that respond to disruptions in the food sector.<sup>10</sup>

### 3. Food is a fundamental human right.

It has been often said, “There are only nine meals between mankind and anarchy.” And Vladimir Lenin said, “Every society is three meals away from chaos.” Like air and water, food is essential for survival and the only commodity that cannot be postponed. When social, economic, or ecological barriers block access to nutritious

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<sup>7</sup> City of Berkeley, *Berkeley Climate Action Plan*, (June 2, 2009), <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>.

<sup>8</sup> Arohi Sharma, *FY22 California Budget Invests in Agricultural Resilience*, NRDC (Sep. 21, 2022), <https://www.nrdc.org/experts/arohi-sharma/fy22-california-budget-invests-food-farm-resilience>.

<sup>9</sup> Cal. Strategic Growth Council, *SGC Launches Development of Community Resilience Centers (CRC) Program*, (July 5, 2022), <https://sgc.ca.gov/news/2022/07-05.html>.

<sup>10</sup> See National Security Memorandum on Strengthening the Security and Resilience of United States Food and Agriculture, (Nov. 10, 2022), <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/10/national-security-memorandum-on-on-strengthening-the-security-and-resilience-of-united-states-food-and-agriculture/>.

food, people suffer. Food-insecure individuals have higher rates of mental health issues, and hungry children attain lower academic achievement than their peers.<sup>11</sup>

The United Nations recognizes the fundamental right to food for all. At its core, this right is the right to “all nutritional elements” necessary to live a “healthy and active life” and to the means to access these elements.<sup>12</sup> The access portion of this right focuses on physical and economic access.<sup>13</sup>

The U.S. federal government has failed to legally recognize such a right, but some states have made progress. In 2021, the State of Maine recognized the right to food in its constitution.<sup>14</sup> The amendment declares that “all individuals have the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health, and well-being.”<sup>15</sup> This amendment follows Maine’s 2017 Food Sovereignty Act, which built a food sovereignty foundation by permitting municipal governments to regulate local food systems with the guarantee of state recognition.<sup>16</sup>

#### 4. Food insecurity rates are rising in the Bay Area.

Food insecurity is a growing crisis throughout the U.S.. The U.S. Department of Agriculture (USDA) defines food insecurity as “a household-level economic and social condition of limited or uncertain access to adequate food.”<sup>17</sup> The USDA found that in 2020, almost 14 million households (10.5% of the population) did not have enough food to meet their needs. In California alone, more than 4 million people were reported to be food insecure in May 2022,<sup>18</sup> and in the Bay Area, food insecurity is increasing. In 2018, the San Francisco Chronicle reported that 11.5% of Bay Area residents, 870,000 people, were food insecure.<sup>19</sup> The economic and public health impacts of COVID-19 exacerbated food insecurity. A 2021 study by San Jose State University found that Bay Area food

<sup>11</sup> Arohi Pathak, Ryan Richards & Marc Jarsulic, *The United States Can End Hunger and Food Insecurity for Millions of People*, Center for American Progress Action Fund (Aug. 11, 2022), <https://www.americanprogress.org/article/the-united-states-can-end-hunger-and-food-insecurity-for-millions-of-people/>.

<sup>12</sup> Off. of the High Comm’r for Hum. Rts., *The Right to Adequate Food*, Fact Sheet No. 34 (Apr. 2010), <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>.

<sup>13</sup> *Id.*

<sup>14</sup> Tess Brennan, *Maine Becomes the First US State to Recognize the Right to Food in a Constitutional Amendment*, Universal Rts. Grp. Geneva (Jan. 19, 2022), <https://www.universal-rights.org/blog/maine-becomes-the-first-us-state-to-recognise-the-right-to-food-in-a-constitutional-amendment/>.

<sup>15</sup> *Id.*

<sup>16</sup> *See id.*

<sup>17</sup> USDA, *Definitions of Food Security*, <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/definitions-of-food-security/>.

<sup>18</sup> Toni Koraza, *California to Face a Devastating Crisis*, NewsBreak (May 5, 2022), <https://original.newsbreak.com/@toni-koraza-561162/2590989189701-california-to-face-a-devastating-crisis>.

<sup>19</sup> Tara Duggan, *How Families Slip Through*, San Francisco Chronicle (Nov. 18, 2018), <https://www.sfchronicle.com/food/article/The-hidden-hungryA-Bay-Area-paradox-13379274.php>.

insecurity rates spiked from 20% to 33% from the beginning of the COVID-19 pandemic to March 2021.<sup>20</sup>

In Berkeley and Albany pre-pandemic, an estimated 24,000 individuals were food insecure.<sup>21</sup> The demand for food aid in Berkeley increased sharply during the pandemic, forcing the Berkeley Food Network (BFN) to *triple* its operations in the first half of 2020.<sup>22</sup>

Although many households are still bearing the economic impacts of COVID-19, the USDA is cutting SNAP benefits (CalFresh) to pre-pandemic levels after the February 2023 issuance.<sup>23</sup> This deduction comes at a time of record-high food inflation; the U.S. Bureau of Labor Statistics reported that prices for food at home increased by 13.5% in the 12 months ending in August 2022.<sup>24</sup> This spike is “the largest 12-month percentage increase since the period ending in March 1979.”<sup>25</sup>

The growing demand for food aid in Berkeley, coupled with recent reductions in government food benefits, highlights the fragility of the degree of food accessibility at any given time. If there is a disruption in the food supply chain, households that are already food insecure will face even greater barriers to food access. Further, the COVID-19 pandemic demonstrated that disruption would drastically increase the number of households that are food insecure. Without a safety net to insulate our community from these devastating supply chain shocks, a large proportion of households would find themselves in a struggle to survive.

5. *Natural disasters, climate change, and foreign conflicts further threaten food access.*

Climate change, natural disasters, and increasing global conflict jeopardize the world’s food security. The market for food spans internationally, so disruptions in one region send ripple effects, in the form of food scarcity or price shocks, throughout the rest of the food supply chain. The supply chain is fragile; it only takes a disruption in one of the chain’s many links for consumers to lose access to healthy food.<sup>26</sup> Recognizing the supply chain's vulnerability, the USDA built a Food System Transformation framework to

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<sup>20</sup> Giselle Pignotti et al., *Food Insecurity and Food Access during COVID-19 in the San Francisco Bay Area*, San Jose State Univ. (Mar. 2021).

<sup>21</sup> Berkeley Food Network, *Programs*, (last accessed Dec. 20, 2022), <https://berkeleyfoodnetwork.org/what-we-do/programs/>.

<sup>22</sup> Berkeley Food Network, *Major Hunger-Relief Investment Will Help Alleviate Growing Food Insecurity in Berkeley*, (May 19, 2020), <https://berkeleyfoodnetwork.org/major-hunger-relief-investment-will-help-alleviate-growing-food-insecurity-in-berkeley/>.

<sup>23</sup> USDA, *Changes to SNAP Benefit Amounts - 2023*, (updated on Feb. 17, 2023), <https://www.fns.usda.gov/snap/changes-2023-benefit-amounts>.

<sup>24</sup> Bureau of Labor Statistics, *Prices for Food at Home Up 13.5 Percent for Year Ended August 2022*, *The Economics Daily* (Sep. 15, 2022), <https://www.bls.gov/opub/ted/2022/prices-for-food-at-home-up-13-5-percent-for-year-ended-august-2022.htm>.

<sup>25</sup> *Id.*

<sup>26</sup> Mario Lubetkin, *2021 Revealed the Fragility of Food Systems*, ReliefWeb (Dec. 16, 2021), <https://reliefweb.int/report/world/2021-revealed-fragility-food-systems>.



create a more resilient food network.<sup>27</sup> Climate change reduces food availability and is exacerbated by transporting food long distances that could be grown locally.

The COVID-19 pandemic disrupted “all segments of food supply chains,” including farming, food processing, transportation, and final demand.<sup>28</sup> At the farming level, labor-intensive farms – those producing crops like fruits and vegetables – suffered from production shortages when their sick workers were unable to work.<sup>29</sup> Labor shortages also inhibited food processing facilities, with many reporting high rates of worker absences during the pandemic.<sup>30</sup> Necessary pandemic measures severely impacted the transportation of fruits and vegetables. Fruits and vegetables are perishable foods with a “high value-to-weight ratio,” so they are transported on passenger planes. Declines in passenger air travel thus caused bottlenecks in fruit and vegetable transportation.<sup>31</sup> The last step in the supply chain is getting food to consumers. When consumers lost their jobs due to the initial economic downturn in 2020, they lost economic access to food, endangering those without social safety nets.

Like the COVID-19 pandemic, other natural disasters threaten global food security by disrupting agriculture production, food availability, and food accessibility. A survey on natural disasters between 2003 and 2013 by the Food and Agriculture Organization of the United Nations “showed 25% of disaster-related losses are in agriculture sectors . . .”<sup>32</sup> The impact of a natural disaster depends on the type of natural disaster that occurs. For example, researchers report that droughts in China cut wheat yields by 5.8% over 30 years.<sup>33</sup>

These dangers hit close to home. A report by leading conservation research group NatureServe found that California, Texas, and the southeastern United States are where the highest percentages of plants, animals, and ecosystems are at risk.<sup>34</sup> Droughts are a growing danger in California that reduces usable farmland. In 2022, California’s irrigated farmland shrank by 752,000 acres (nearly 10%) compared with

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<sup>27</sup> USDA, *USDA Announces Framework for Shoring Up the Food Supply Chain and Transforming the Food System to Be Fairer, More Competitive, More Resilient*, (June 1, 2022), <https://www.usda.gov/media/press-releases/2022/06/01/usda-announces-framework-shoring-food-supply-chain-and-transforming>.

<sup>28</sup> OECD, *Food Supply Chains and COVID-19: Impacts and Policy Lessons*, (June 2, 2020), <https://www.oecd.org/coronavirus/policy-responses/food-supply-chains-and-covid-19-impacts-and-policy-lessons-71b57aea/>.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> James Ducker, *Investigating the Impact of Disasters on Food and Agriculture*, AZO Life Sciences (last updated Nov. 26, 2021), <https://www.azolifesciences.com/article/Investigating-the-Impact-of-Disasters-on-Food-and-Agriculture.asp>.

<sup>33</sup> Shi et al., *Crop Yield and Production Responses to Climate Disasters in China*, 750 *Science of the Total Environment* (2021).

<sup>34</sup> Brad Brooks, *Huge Chunk of Plants, Animals in U.S. at Risk of Extinction - Report*, Yahoo!News (Feb. 6, 2023), <https://news.yahoo.com/exclusive-huge-chunk-plants-animals-090952175.html>.

2019, the year before the drought.<sup>35</sup> The amount of fallowed farmland in 2022 surpassed the peak during California's last drought, which lasted from 2012 to 2016.<sup>36</sup>

While droughts are long-term natural disasters with creeping effects, wildfires can impact the supply chain immediately. During the 2020 California wildfires, the intense smoke made it unsafe for farm workers and livestock to be outdoors.<sup>37</sup> Without workers, farms had to plow under many crops, meaning these crops never reached consumers. Additionally, the wildfires destroyed vital land where farmers grew food; the fires destroyed the existing crops and contaminated the soil, jeopardizing future harvests.<sup>38</sup>

War can also disrupt the food supply chain. The Russian invasion of Ukraine, one of the world's biggest wheat and corn producers, caused many countries to skyrocket food prices.<sup>39</sup> The invasion halted Ukrainian exports and damaged Ukraine's rail infrastructure. As a result, large quantities of grain were trapped in Ukraine, preventing the entire 2022 harvest from having adequate storage space.<sup>40</sup> This supply shock affected countries throughout the world, including India, Egypt, and South Korea. Further, Russia was one of the top exporters of fertilizers before the invasion. Stricter controls on Russian exports caused the price of fertilizer to spike worldwide, leading farmers to reduce their planned harvests.<sup>41</sup>

## 6. Food Citizenship

"Food citizenship" describes the rights and responsibilities that individuals have in relation to the food they eat and produce. Food citizenship can include making informed choices about food purchases and consumption, supporting sustainable and ethical food systems, and advocating for food policies that prioritize the health and well-being of individuals and the environment. Food citizenship can also involve taking action to address issues such as food waste, hunger, and access to healthy food in underserved communities. Essentially, being a food citizen means actively engaging in the food system and working toward creating a more sustainable and equitable food system for all.

Food citizenship can play an important role in promoting community resilience by supporting local food systems and promoting food security. When communities have

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<sup>35</sup> Ian James, 'It's a Disaster.' *Drought Dramatically Shrinking California Farmland, Costing \$1.7 Billion*, Los Angeles Times (Nov. 23, 2022), <https://www.latimes.com/environment/story/2022-11-23/drought-cost-california-agriculture-1-7-billion-this-year>.

<sup>36</sup> *Id.*

<sup>37</sup> Phil Lempert, *California Wildfires: The Enormous Effect on Our Food Supply*, Retail Dietitians Bus. Alliance (Dec. 9, 2020), <https://www.retaildietitians.com/articles/california-wildfires-the-enormous-effect-on-our-food-supply/>.

<sup>38</sup> *Id.*

<sup>39</sup> Rob Garver, *Global Food Prices Rise with Ukraine-Russia Agreement in Doubt*, VOA News (Oct. 31, 2022), <https://www.voanews.com/a/global-food-prices-rise-with-ukraine-russia-agreement-in-doubt-/6813606.html>.

<sup>40</sup> Dea Bankova, Prasanta Kumar Dutta & Michael Ovaska, *The War in Ukraine is Fuelling a Global Food Crisis*, Reuters (May 30, 2022), <https://graphics.reuters.com/UKRAINE-CRISIS/FOOD/zjvqkgomjvx/>.

<sup>41</sup> *Id.*

access to healthy and sustainable food sources, they are better able to withstand and recover from disruptions, such as natural disasters or economic downturns.

If a community is able to grow or produce its own food, it is less dependent on outside sources and can continue to provide for itself in the event of a supply chain disruption. Additionally, supporting local food systems can help to boost the local economy and create jobs, which can increase the overall resilience of the community.

Further, food citizenship can promote food justice and equity within a community, ensuring that all members have access to healthy and affordable food. This can reduce food insecurity and prevent vulnerable populations from being disproportionately affected by disruptions to the food system.

7. *A food resilience system could insure Berkeley against disruptions in the food supply chain.*

Building a food resilience system *before* a supply chain disruption protects food-insecure households and prevents more households from becoming food insecure. Food resilience is the ability to withstand and recover from disruptions to food access in a way that ensures a sufficient supply of acceptable and accessible food for all.<sup>42</sup>

8. *FARM as a Community Food Utility: Overview*<sup>43</sup>

The mission of FARM is to foster a resilient food system that can withstand supply chain shocks and ensure all people in the community have access to adequate amounts of wholesome, nutritious foods produced by ecologically sound and socially responsible means. FARM would be a chartered public utility based on the concept of food citizenship, similar to the existing utilities for energy and water systems. FARM would have three major components: a) Community Layer, b) Food Production Layer, and c) Energy Resilience.

a. Community Layer

Growing food locally promotes physical access to food in times of crisis. To ensure that enough food is locally grown, it is critical to connect community gardens, backyard gardens, and other urban farms into a production network with delivery centers.

i. Community Gardens and Backyard Gardens

The FARM should create a network of community gardens and backyard gardens in order to support community resilience by providing local food sources, fostering social connections, and promoting environmental sustainability.

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<sup>42</sup> Johns Hopkins Center for a Livable Future, *Food System Resilience*, <https://clf.jhsph.edu/projects/food-system-resilience>.

<sup>43</sup> Ikerd, J. (n.d.). *Enough Good Food For All; A Community Food Utility*. Communityfoodutility. Retrieved January 4, 2023, from <https://sites.google.com/site/communityfoodutility?pli=1>

Community gardens and backyard gardens can provide communities with a local source of fresh, healthy, and affordable produce. This can help to increase food security and reduce dependency on outside sources, making communities more resilient in the face of disruptions to the food supply chain. One backyard garden can provide food for up to six families.

Community gardens can also provide a space for community members to come together and engage in productive, healthy activities. This can help to build social connections and a sense of community, which are important for promoting resilience in the face of challenges.

Furthermore, community gardens and backyard gardens help to promote environmental sustainability and resilience by providing a space for growing food using sustainable and environmentally-friendly practices. This can help to reduce the community's overall ecological footprint and make it more resilient in the face of environmental challenges.

ii. Synchronizing Local Food Production with Food Banks, Restaurants, Schools, and Grocery Stores

Yields from local food production can be distributed to local food banks, restaurants, schools, and grocery stores. This omnichannel production and distribution model has two key benefits. First, it ensures that locally produced food is not wasted. Second, it provides a source of feedback for FARM because restaurants, schools, and grocery stores can provide guidance to FARM for improvements in usability, quantity, and quality.

iii. Supplemental Nutrition Assistance Program (SNAP)

The community layer should incorporate a SNAP group-buying mechanism whereby SNAP recipients can deposit assistance funds into a FARM account. In return, the FARM would ensure that each recipient received enough good food to meet their basic needs, regardless of the amount of their individual SNAP payment. Some non-profit organizations are currently operating in this manner.<sup>44</sup>

b. Production Layer

Additionally, FARM would partner with urban agriculture companies and nonprofits with experience and expertise in producing high crop yields with accelerated harvest velocity in urban settings. The yields from these producers could supplement yields from existing community gardens while minimizing seasonal fluctuations and other disruptions in the supply chain.

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<sup>44</sup> See e.g., *Community Resilience Centers*, CA.gov (last accessed Nov. 30, 2022), <https://sgc.ca.gov/programs/community-resilience-centers/>.

To increase local food production, the City would offer certain economic incentives to urban agriculture companies to co-locate within the City of Berkeley. In exchange for these incentives, companies would agree to give the City Most Favored Nation (“MFN”) status, with the right of first refusal and right of first offer on the companies’ food items in the event of a local food supply chain disruption event (food shock). As discussed below, the FARM board will institute policies that define a food shock that triggers the MFN agreement. For example, the board may define a food shock to include a week-long interruption of certain food staples at two grocery stores.

Recent innovations continue to mitigate the historical limitations of urban agriculture: land, labor, and potential yield. A study on urban farms in New York City found that the crops in urban farms produced higher yields than their conventional farm counterparts, thus making up for the spatial limitations that urban farms may face.<sup>45</sup> Additionally, peri-urban farming, which produces substantial amounts of food on a relatively small amount of land on the fringes of a city, has emerged as a space-efficient form of urban agriculture.<sup>46</sup> Gotham Greens addresses the yield limit issue by growing crops inside greenhouses with hydroponic technology. Gotham Greens’ greenhouses are located near cities, allowing for proximity to communities while avoiding real estate constraints.<sup>47</sup> Closer to home, Upside Foods has opened a production facility to produce high-quality laboratory-grown meat at scale.<sup>48</sup>

i. Controlled Environment Agriculture (CEA)

CEA is an indoor food production method that uses stacked shelves, modular rack systems, or tower gardens to increase crop yields using less surface area significantly.<sup>49</sup> Technologies such as ultra-efficient LED lighting, automated environmental control systems, and dehumidification recapture loops can dramatically reduce resource consumption, including consumption of energy, water, and nutrients. Photographs of such technologies are included in Attachment 1.

Exceptional yields and multiple harvests per year make indoor farming economically viable and sustainable over time. These two factors are

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<sup>45</sup> Mara Gittleman et al., *Using Citizen Science to Quantify Community Garden Crop Yields*, 5 *Cities and the Environment* (2012), <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1095&context=cate>.

<sup>46</sup> Ina Optiz et al., *Contributing to Food Security in Urban Areas: Differences Between Urban Agriculture and Peri-Urban Agriculture in the Global North*, 33 *Agriculture and Human Values* (2016), <https://link.springer.com/article/10.1007/s10460-015-9610-2>.

<sup>47</sup> Gotham Greens, *Our Story*, <https://www.gothamgreens.com/our-story/>.

<sup>48</sup> Katie Spalding, *World’s Most Advanced Lab-Grown Meat Facility Opens in California*, *IFL Science* (Nov. 8, 2021), <https://www.iflscience.com/worlds-most-advanced-labgrown-meat-facility-opens-in-california-61548>.

<sup>49</sup> Sarah Federman, *Vertical Farming for the Future*, *USDA* (Oct. 25, 2021), <https://www.usda.gov/media/blog/2018/08/14/vertical-farming-future>; see e.g., Gardyn, *How It Works*, (last accessed Mar. 3, 2023), <https://mygardyn.com/how-it-works/>.

possible because indoor farming creates an environment for resource-efficient methods such as aeroponics<sup>50</sup> (i.e., spraying nutrient-rich mist on root zones that are suspended in the air) and aquaponics.

Aquaponics is a sustainable farming method that combines traditional aquaculture (raising fish) with hydroponics (growing plants in water without soil). In an aquaponic system, fish produce waste that is converted into plant nutrients. The plants, in turn, help to purify the water for the fish. This closed-loop system can be highly efficient, as it reduces the need for external inputs such as synthetic fertilizers and pesticides, and it allows for year-round production in a controlled environment. Aquaponics can be used to grow various vegetables, herbs, and other plants, as well as raise fish such as tilapia, trout, and bass. It can be a great option for urban farming, as it requires less space and water than traditional farming methods.

Compared to traditional farming techniques, aeroponics and aquaponics dramatically increase yields and quality while reducing water consumption by as much as 90%.<sup>51</sup>

ii. Repurposing Empty Commercial Space

Indoor farms can be developed in underutilized warehouses, shuttered big boxes retail locations such as the vacant CVS on Shattuck and Bancroft, and the vacant Walgreens on Ashby and San Pablo, or under freeway overpasses such as Gilman and I-80. To create dual-purpose land use throughout the city, advanced greenhouses could be elevated above existing ground-level parking lots at locations such as Whole Foods in North Berkeley.

c. Energy Resilience

The food production network should integrate renewable energy systems that can remain resilient in the event of a disruption to the energy grid. Such a system could employ local micro-grids with solar and storage to provide power to local food production facilities. Additionally, a renewable energy system could help limit environmental impact and reduce long-term costs.<sup>52</sup>

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<sup>50</sup> See e.g., Rouses Markets, *Rouses Markets Creates Sustainable Aeroponic Rooftop Garden Above Downtown New Orleans Store*, Cision (May 17, 2012), <https://www.prnewswire.com/news-releases/rouses-markets-creates-sustainable-aeroponic-rooftop-garden-above-downtown-new-orleans-store-151890995.html>; *Rouses Roots on the Rooftop*, Tower Farms (last accessed Mar. 3, 2023), <https://www.towerfarms.com/us/en/possibilities/rooftop-farming/rouses-rooftop-farm>.

<sup>51</sup> Michelle Keller, *Aeroponics - What Is It & Why Is It Important?*, Living Greens Farm (Aug. 4, 2020), <https://www.livinggreensfarm.com/blog/what-is-aeroponics>.

<sup>52</sup> US Department of Agriculture, *Rural Energy for America Program Renewable Energy Systems & Energy Efficiency Improvement Guaranteed Loans & Grants*, <https://www.rd.usda.gov/programs-services/energy-programs/rural-energy-america-program-renewable-energy-systems-energy-efficiency-improvement-guaranteed-loans>.

This renewable energy system would combine various methods of production to maximize redundancies and extend grid independence of the food resilience program in the event of a major energy crisis. Existing technologies such as rooftop solar arrays and onsite battery storage systems can be combined with emerging technologies such as urban wind turbines,<sup>53</sup> transparent solar panels that allow crops below to absorb energy,<sup>54</sup> and biofuel co-generators<sup>55</sup> for use when other means of production are not available. These emerging technologies should be considered and planned for when developing the energy independence component of FARM, placing Berkeley at the forefront of sustainability in urban farming.

#### 9. FARM: Organization

The FARM will be a self-organized, self-funded non-profit serving the City of Berkeley. FARM will have a self-appointed Board of Directors, approved by the City Council, with duties and administrative powers also approved by the Council.

As the work of the FARM supplements sustainability, disaster preparedness, and community health work currently done by City workers. No current work performed by represented City employees will be contracted out through this community-based non-profit organization or other entity.

The FARM could be organized as a “vertical cooperative.”<sup>56</sup> A cooperative is a user-owned and controlled entity from which benefits are distributed equitably.<sup>57</sup> As a vertical cooperative, the FARM would operate on all levels of the vertical food system — linking producers, processors, distributors, retailers, and consumers. The system as a whole must be sustainable if the FARM continues to provide food security for the community. All recipients and participants in the vertical system would be members of the FARM cooperative.

#### 10. FARM: Governance

The FARM will begin with a volunteer, skills-based governing board, named the Food Security Council, with the City acting as a facilitator. Once the FARM has achieved grant funding, the Food Security Council members will be compensated. The Food Security Council should consist of community members, grant writers, SNAP recipients, food producers, an organized labor representative, and experts in resilience, logistics,

<sup>53</sup> IBIS Power, *Easily Upgrade Your Building to Renewable Energy*, (last accessed Dec. 20, 2022), <https://ibispower.eu/powernest/>.

<sup>54</sup> Anthony Cuthbertson, *Record-Breaking Transparent Solar Panels Pave Way for Electricity-Generating Windows*, Independent (Oct. 28, 2022), <https://www.independent.co.uk/tech/solar-panel-world-record-window-b2211057.html>.

<sup>55</sup> Diego Perrone et al., *Energy and Economic Investigation of a Biodiesel-Fired Engine for Micro-Scale Cogeneration*, 14 *Energies* (2021), [https://www.researchgate.net/publication/348594263\\_Energy\\_and\\_Economic\\_Investigation\\_of\\_a\\_Biodiesel-Fired\\_Engine\\_for\\_Micro-Scale\\_Cogeneration](https://www.researchgate.net/publication/348594263_Energy_and_Economic_Investigation_of_a_Biodiesel-Fired_Engine_for_Micro-Scale_Cogeneration).

<sup>56</sup> John Ikerd, *The Economic Pamphleteer: Reflections on Cooperation*, *Journal of Agriculture, Food Systems, and Community Development* (2013), <https://doi.org/10.5304/jafscd.2013.032.001>.

<sup>57</sup> USDA, *Understanding Cooperatives: Cooperative Business Principles*, (Revised Apr. 2011), [https://www.rd.usda.gov/sites/default/files/publications/CIR\\_45-2.pdf](https://www.rd.usda.gov/sites/default/files/publications/CIR_45-2.pdf).



renewable energy, agriculture technology, and public health. All members would be appointed by the nonprofit. The Food Security Council will have six core responsibilities:

1. Form the FARM as a non-profit organization;
2. Apply for grant funding;
3. Seek external partnerships;
4. Manage the FARM’s efforts to develop and maintain food production and distribution processes;
5. Determine the caloric needs of residents based on empirical evidence to set food production goals for the FARM; and
6. Define food shock events (e.g., how many days without staples constitute a food shock).

**11. FARM: Potential Funding Sources**

Funding sources include fees for administering government food assistance programs and grants from California, the USDA, and the Department of Energy (DOE) are available.

a. Federal and State Food Insecurity Related Grants and Programs

| Grant or Program                                                            | Amount                                                            | Source/ Sponsor | Eligible Projects                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Local Foods, Local Places</a>                                   | -                                                                 | USDA and EPA    | Developing the local food economy. Examples: community gardens, kitchens, farmer's markets, and other food-related enterprises that can create new businesses and revitalize main streets, improve access to fresh, local food, and protect the environment. |
| <a href="#">Community Food Projects Competitive Grants Program (CFPCGP)</a> | \$25K-35K in planning; Up to \$125K per year for up to four years | USDA            | Planning toward the improvement of community food security in accordance with the goals of CFPCGP.                                                                                                                                                           |
| <a href="#">The GusNIP - Nutrition Incentive Program</a>                    | -                                                                 | USDA            | Projects intended to increase the purchase of fruits and vegetables by providing incentives at the point of purchase among income-eligible consumers participating in the USDA Supplemental Nutrition Assistance Program (SNAP)                              |



|                                                             |                                                                                                                                |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Farm to School Grant</a>                        | Up to \$500K                                                                                                                   | USDA | Linking local producers with schools and other organizations participating in child nutrition programs working to purchase and include locally grown fruits, vegetables, grains, meat, dairy, and seafood in program meals.                                                                                                                                                                                                                                                                                                                                                                            |
| <a href="#">Conservation Innovation Grants</a>              | -                                                                                                                              | USDA | Projects supporting the development of farming technology to efficiently increase agricultural production through the conservation of natural resources, such as water and soil.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <a href="#">The Farmers Market Promotion Program (FMPP)</a> | -                                                                                                                              |      | Projects that develop, coordinate, and expand direct producer-to-consumer markets to help increase access to and availability of locally and regionally produced agricultural products by developing, coordinating, expanding, and providing outreach, training, and technical assistance to domestic farmers markets, roadside stands, community-supported agriculture programs, agritourism activities, online sales or other direct producer-to-consumer (including direct producer-to-retail, direct producer-to-restaurant, and direct producer-to-institutional marketing) market opportunities. |
| <a href="#">Local Food Promotion Program</a>                | \$25,000 to \$100,000 (for Planning projects) and \$100,000 to \$500,000 (for Implementation and Farm to Institution projects) | USDA | Grants for Planning projects help food businesses to develop and test services. Grants for Implementation projects fund the creation of food businesses like community kitchens. Grants for Farm to Institution projects support institutional food services like schools with linkage to farms.                                                                                                                                                                                                                                                                                                       |
| <a href="#">Food and Agriculture Service Learning</a>       | -                                                                                                                              | USDA | For private organizations or non-profits to increase the capacity for food, garden, and nutrition education within host organizations or entities, such as school cafeterias and                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                         |  |  |                                                                                                                                                                             |
|-------------------------|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Program</a> |  |  | classrooms while fostering higher levels of community engagement between farms and school systems by bringing together stakeholders from distinct parts of the food system. |
|-------------------------|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

b. Federal and State Resilience Grants and Programs

| Grant or Program                                                                     | Amount | Source/ Sponsor                            | Eligible Projects                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------|--------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">CA Community Resilience Centers</a> (anticipated release in spring 2023) | -      | California Strategic Growth Council        | New construction and upgrades of neighborhood-level resilience centers to provide shelter and resources during climate and other emergencies. The program will also fund year-round services and ongoing programming that build overall community resilience. |
| <a href="#">Building Resilient Infrastructure and Communities (BRIC) Grant</a>       | -      | FEMA                                       | Hazard mitigation projects, reducing the risks they face from disasters and natural hazards.                                                                                                                                                                  |
| <a href="#">Hazard Mitigation Grant Program (HMGP)</a>                               | -      | FEMA/ OEM                                  | Developing hazard mitigation plans and rebuilding in a way that reduces, or mitigates, future disaster losses in local communities.                                                                                                                           |
| <a href="#">Regional Resilience Planning and Implementation Grant Program</a>        | -      | Governor’s Office of Planning and Research | Advancing resilience and responding to their greatest climate risks through three major activities: capacity building, planning (including identifying climate resilience priorities), and project implementation.                                            |
| <a href="#">CA Transformative Climate Communities</a>                                | -      | California Strategic Growth Council        | Development and infrastructure projects that achieve major environmental, health, and economic benefits in California’s most disadvantaged communities.                                                                                                       |

c. Federal and State Renewable Energy Grants and Programs

| Grant or Program                                                               | Amount        | Source/<br>Sponsor                                      | Eligible Projects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------|---------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Energy Efficiency and Conservation Block Grant (EECBG) Program</a> | \$500,000,000 | Department of Energy                                    | Development and implementation of an energy efficiency and conservation strategy; establishment of financial incentive programs for energy efficiency improvements.                                                                                                                                                                                                                                                                                                                                                                                   |
| <a href="#">CA Transformative Climate Communities</a>                          | -             | California Strategic Growth Council                     | Development and infrastructure projects that achieve major environmental, health, and economic benefits in California's most disadvantaged communities.                                                                                                                                                                                                                                                                                                                                                                                               |
| <a href="#">CA Distributed Electricity Backup Assets Program</a>               | -             | California                                              | Construction of cleaner and more efficient distributed energy assets that would serve as on-call emergency supply or load reduction for the state's electrical grid during extreme events.                                                                                                                                                                                                                                                                                                                                                            |
| <a href="#">CA Climate Catalyst Revolving Loan Fund</a>                        | -             | California Infrastructure and Economic Development Bank | <p>Projects that promote climate-smart technologies and practices across the agricultural value chain</p> <p>Projects may include (but are not limited to):</p> <ul style="list-style-type: none"> <li>● On-farm and food processing renewable energy, including electricity, fuels, and bioenergy</li> <li>● Energy, water, and materials efficiency</li> <li>● Methane reduction projects that use best practice approaches consistent with state policy goals</li> <li>● Energy storage or microgrids</li> <li>● Equipment replacements</li> </ul> |
| <a href="#">Renewable Energy For Agricultural Program (REAP)</a>               | -             | California Energy Commission                            | Installation of renewable energy technologies serving agricultural operations to reduce greenhouse gas emissions.                                                                                                                                                                                                                                                                                                                                                                                                                                     |

12. Berkeley is well positioned for a food resilience program.

The City of Berkeley has already taken steps that facilitate a food resilience program. In 2018, the City updated its Urban Agriculture Ordinance, lowering barriers to urban farming in Berkeley.<sup>58</sup> The update reduced the permit costs for larger-scale farming projects to \$1,000.00 and removed requirements that restricted farming to select city-owned properties.<sup>59</sup>

ENVIRONMENTAL SUSTAINABILITY

A food resilience program that involves urban agriculture is expected to reduce pollution from food transportation. Urban agriculture shortens the supply chain, truncating the journey from farm to table.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Adopted in 2009, Berkeley’s Climate Action Plan outlines a vision for a more sustainable city. One key goal in the Plan is for the “majority of food consumed in Berkeley” to be produced locally.<sup>60</sup> FARM advances this goal by bringing food production and individuals closer together.

On July 24, 2022, the City of Berkeley adopted an ordinance that updated the municipal code on urban agriculture as follows<sup>61</sup>:

Purpose (23.318.010)

The purpose of the Urban Agriculture related regulations contained in this chapter is to provide the following community benefits:

- A. Support the local economy and increase access to fresh local produce.
- B. Strengthen the health and social fabric of communities by encouraging and supporting community gardens.
- C. Accomplish the Berkeley Climate Action Plan goal of supporting efforts to build more complete and sustainable local food production and distribution systems

Applicability (23.318.020)

These regulations supersede definitions of incidental or ancillary uses.

Urban Agriculture Uses and Levels of Discretion (23.318.030)

- A. Zoning Certificate. When all of the thresholds in Section [23.318.040](#) (Thresholds) are met, the use is considered Low-Impact Urban Agriculture (LIUA) and is allowed by right with a Zoning Certificate.
- B. Administrative Use Permit. When one or more of the thresholds in Section [23.318.040](#) (Thresholds) are not met, the use is considered High-Impact Urban Agriculture (HIUA) requires an AUP. (Ord. 7787-NS § 2 (Exh. A), 2021)

<sup>58</sup> Stuart Luman, *Berkeley’s New Urban Agriculture Ordinance Encourages Residents to Grow Their Own Food*, Berkeleyside (Aug. 27, 2018), <https://www.berkeleyside.org/2018/08/27/berkeley-urban-agriculture-law>.

<sup>59</sup> *Id.*

<sup>60</sup> City of Berkeley, *Berkeley Climate Action Plan*, (June 2, 2009), <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>.

<sup>61</sup> Berkeley Municipal Code 23.318.050.

#### Thresholds (23.318.040)

The levels of discretion for urban agriculture are based on the following thresholds:

- A. Maximum parcel size of 7,500 square feet.
- B. Maximum lot coverage of 20 percent for accessory structures and buildings.
- C. Maximum group classes and workshops of 20 participants per class conducted no more than three times per week.
- D. Hours of operation from 8:00 a.m. to 8:00 p.m., including but not limited to activities related to gardening and planting of horticultural crops, group classes, and sales.
- E. Use of organic pesticides. (Ord. 7787-NS § 2 (Exh. A), 2021)

#### Operation Standards (23.318.050)

- Performance Standards. The growing, production, or sale of urban agricultural products may not involve hazardous materials or processes or create offensive or objectionable noise, vibration, odors, heat, dirt, or electrical disturbance perceptible by a person beyond the lot line of the subject lot.
- Sales and Donations.
  - Sales and/or donations of urban agricultural products grown and produced on-site are permitted.
  - If selling or donating urban agricultural products to the public, the urban agriculture use shall comply with all applicable food safety laws, including the California Health and Safety Code.
- Garbage and Compost.
  - Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing, or storage structures and all garbage shall be removed from the site weekly.
  - Compost piles and containers must be set back at least 10 feet from residential buildings when an urban agriculture use abuts a residential use.
- Farm Equipment. Use of mechanized farm equipment is not permitted in Residential Districts and when the urban agriculture use abuts a residential use, with the following exceptions:
  - Heavy equipment may be used initially to prepare the land for agriculture use.
  - Landscaping equipment designed for household use is permitted.
  - Equipment when not in use must be enclosed or otherwise screened from sight. (Ord. 7787-NS § 2 (Exh. A), 2021)

#### FISCAL IMPACTS OF RECOMMENDATION

Fiscal impacts include staff time for analysis.

#### RATIONALE FOR RECOMMENDATION

Food insecurity rates in the Bay Area are worrying. Food shortages, natural disasters, and global conflicts further threaten the availability and economic accessibility of healthy food. The increasingly intense impacts of climate change create heightened cause for concern. Therefore, to create a food safety net in the City of Berkeley, it is necessary to implement FARM.

While FARM is not intended to replace conventional food retailing, it should produce enough food to supplement the normal food supply during times of distress. Reaching this quantity requires a coordinated effort and collaboration with experts in the field of urban agriculture, including small businesses and nonprofit organizations. Therefore, the Office of Economic Development should research incentives for these entities to partner with the City of Berkeley to design and implement a food utility pilot.

#### OUTCOMES AND EVALUATION

This food resilience initiative is expected to address food insecurity for the City's population and maintain that security in the event of environmental and economic shocks.

#### Contributors

Leanne Gluck, Project Director, Agriculture Innovation  
John Ikerd, Professor Emeritus of Agricultural Economics  
Ben Cadranel, Development Officer  
Ian Richards, Agricultural Technology Consultant

#### CONTACT PERSON

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Nina (Wenxin) Li

510-981-7131

#### ATTACHMENTS

1. Resolution No. XXXXX
2. The Lorin Business Association Letter of Support
3. Alameda County Democratic Central Committee Letter of Support
4. United Food & Commercial Workers 5 (UFCW 5) Letter of Support
5. Building and Construction Trades Council of Alameda County, AFL-CIO Letter of Support
6. IBEW Local Union 595 Letter of Support
7. NECA Letter of Support
8. SEIU 1021 Letter of Support
9. Vertical Crop Consultants Letter of Support
10. UC Berkeley Berkeley Food Institute Letter of Support
11. Future Table Letter of Support
12. Dig Deep Farm (DSAL) Letter of Support
13. DoorDash Letter of Support
14. Photographs of Urban Farming Installations
15. FARM PowerPoint Presentation May 2023

Attachment 1

RESOLUTION NO. ##,#### N.S.

A RESOLUTION OF THE BERKELEY CITY COUNCIL IN SUPPORT OF THE GOALS OF THE FOOD ACCESS AND RESILIENCE MEASURE (FARM) INITIATIVE AND THE DEVELOPMENT OF HYPERLOCAL URBAN FOOD PRODUCTION AND DISTRIBUTION WITH COMMUNITY-BASED ORGANIZATIONS

WHEREAS, the City of Berkeley and the Bay Area are experiencing increasing impacts of climate change, natural disasters, global conflicts, inflation, and food shortages; posing significant threat to the availability and economic accessibility of healthy foods; and

WHEREAS, the Berkeley Food Access and Resilience Measure (FARM) initiative calls for a self-funded community based organization, connecting producers, processors, distributors, retailers, and consumers to ensure food security in the community; and

WHEREAS, the FARM initiative will be governed by a Food Security Council; and

WHEREAS, the FARM initiative will be financed through a combination of government grants and private philanthropy; and

WHEREAS, the FARM initiative aligns with the goals of the Federal Government and State of California's food and energy resilience policies and grants; and

WHEREAS, The City of Berkeley's Climate Action Plan and Urban Agriculture Ordinance seeks to reduce pollution from the transportation of food by incentivizing urban farming and supporting local food production;

WHEREAS, the development and implementation of FARM will require collaboration with community-based organizations, SNAP recipients, organized labor, small businesses, and non-profit organizations;

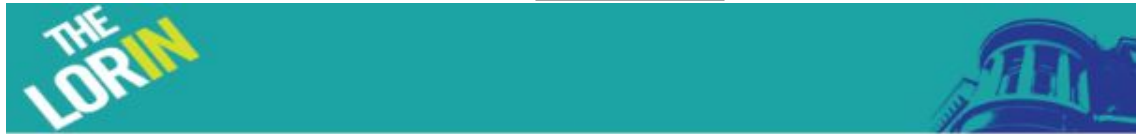
NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley hereby supports the goals of the Food Access and Resilience Measure (FARM) and the development of hyperlocal urban food production by providing incentives and funding opportunities for community based organizations;

BE IT FURTHER RESOLVED that the City of Berkeley will partner with community-based organizations implementing the goals of the FARM initiative.

THEREFORE, IT IS FURTHER RESOLVED that the City of Berkeley encourages the community, small businesses, labor organizations, and non-profits, to support the FARM initiative and participate in collaborative efforts to achieve food security and resilience within the City of Berkeley.



**Attachment 2**



3/17/2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the Lorin Business Association, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

Liz Lisle, YaVette Holts, and KC Cavanagh  
Board Member of the Lorin Business Association



Attachment 3



April 8, 2023

**SUPPORT FOR BERKELEY FOOD UTILITY AND ACCESS RESILIENCE MEASURE**

Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Dear Honorable Mayor and City Council:

On behalf of the Alameda County Democratic Party, I am writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

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We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

Igor A. Tregub  
Chair, Alameda County  
Democratic Party

**Attachment 4**



**John Nunes**  
President

**Jack Landes**  
Secretary - Treasurer

**Main Office:**

**United Food & Commercial  
Workers Union, Local 5**  
28870 Mission Boulevard  
Hayward, CA 94544-5510  
(510) 889-0870  
Fax: (510) 889-6415  
Toll Free: (877) 655-FIVE  
[www.ufcw5.org](http://www.ufcw5.org)

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(408) 998-0428  
Fax: (408) 971-8355

323 Miller Avenue  
So. San Francisco, CA 94080  
(650) 871-5730  
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4121 Alhambra Avenue  
Martinez, CA 94553-3823  
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1145 North Main Street  
Salinas, CA 93906-3614  
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323 Geary Street, Room 709  
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(415) 693-0143  
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85 Galli Drive, Suite H  
Novato, CA 94949-5716  
(415) 883-6833  
Fax: (415) 883-1043

840 E Street, Suite 8  
Eureka, CA 95501-6804  
(707) 442-1751  
Fax: (707) 442-9572

April 25, 2023  
Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of UFCW Local 5, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

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We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

James Araby  
Director of Strategic Campaigns



Attachment 5

Building and Construction Trades Council of Alameda County, AFL-CIO

7750 Pardee Lane, Suite 100 Oakland, CA 94621 btca@btcalameda.org | (510) 430-8664

Andreas Cluver Secretary-Treasurer

Rob Stoker President

Rafael Gonzalez Vice President

Chuck Leonard Sergeant in Arms

- Auto & Marine Painters, #1176 Boilemakers, #549 Brick & Tile Layers, #3 Carpet & Linoleum, #12 Cement Masons, #300 Electrical Workers, #595 Elevator Constructors #8 Glaziers #169 Insulators & Asbestos Workers, #16 Iron Workers, #378 Laborers, #67 Laborers, #304 Operating Engineers, #3 Painters, #3 Plasterers, #66 Plumbers & Steamfitters, #342 Roofers, #81 Sheet Metal Workers, #104 Sign & Display, #510 Sprinkler Fitters, #483 Teamsters, #853 U.A., Utilities / Landscape, #355

April 11, 2023

Berkeley Mayor and City Council City of Berkeley 2180 Milvia Street Berkeley, California 94704

RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)

Dear Honorable Mayor and City Council:

On behalf of the Alameda County Building & Construction Trades Council, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to triple its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community before a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

[Handwritten signature of Andreas Cluver]

Andreas Cluver, Secretary-Treasurer Building & Construction Trades Council of Alameda County

Attachment 6



**IBEW Local Union 595**  
International Brotherhood of Electrical Workers  
Established in 1907 - Over 100 Years of Service

**GREG BONATO**  
Business Manager  
Financial Secretary

March 8, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

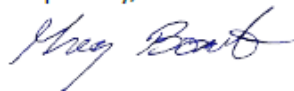
On behalf of IBEW Local Union 595, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Respectfully,



Greg Bonato  
Business Manager-Financial Secretary

GB:klp/opeiu#29/afl-cio

925.556.0595 • 925.556.0600 fax • [www.ibew595.org](http://www.ibew595.org) • 6250 Village Parkway, Dublin, CA 94568



Attachment 7



National Electrical Contractors Association

March 9, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the Northern California Chapter of the National Electrical Contractors Association (NECA), we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

Greg E. Armstrong  
Executive Director  
Northern California Chapter, NECA



Attachment 8



May 4, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**Qualified Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

I write on behalf of SEIU 1021 Alameda County Committee on Political Education to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM).

The Berkeley Chapter of SEIU 1021 represents the disaster, health, nutrition, and resilience workers who keep Berkeley safe and healthy. We strongly support the concept of this item, and appreciate that it establishes a program that supplements the work done by SEIU 1021 workers without contracting out any City work currently or potentially performed by represented employees.

We understand that this Council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster. Thousands of people in Berkeley are food insecure, including workers, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Given that threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We offer strong qualified support for this item and respectfully request you favorably consider this amended Berkeley Food Utility Access and Resilience Measure.

Sincerely,  
Andrea Mullarkey  
SEIU 1021 CSU/PTRLA COPE Coordinator

Attachment 9



102 Cedar Ln.  
Clinton NC 28328

5/5/2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:


On behalf of Vertical Crop Consultants Inc, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,



Tripp Williamson  
CEO  
Vertical Crop Consultants Inc.



Attachment 10



Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of Berkeley Food Institute, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to safeguard Berkeley residents' access to sustenance during natural and economic disasters.

Thousands of Berkeley residents are food insecure, and numerous others are on the verge of food insecurity. Natural disasters and economic downturns threaten to place even more households in food insecurity in Berkeley, which is already in a precarious position. The COVID-19 pandemic highlighted the precarious nature of our food supply. In 2020, the pandemic caused labor shortages and layoffs across industries, resulting in an increase in staple food prices, a decrease in staple food availability, and a reduction in consumers' ability to afford these foods. The combination of these factors drastically increased the demand for food assistance in Berkeley. The Berkeley Food Network, a local organization that provides food to those in need, had to quadruple its operations in the first half of 2020 alone in order to meet demand. Similarly, Berkeley Student Farms, a network of student led UC Berkeley Campus Gardens were the main supplier of fresh produce to the UC Berkeley Food Pantry during the first two weeks of shelter-in-place in 2020. Due to the increasing frequency of threats to food access caused by climate change, it is crucial to protect our community before a disruption to our food supply occurs.

FARM is a proactive initiative that mitigates the risk of food supply chain disruptions at multiple levels. At its foundation, FARM establishes a network of local food production to supplement the current supply chain. This network creates and integrates local food sources, including urban agriculture facilities and community farms. In addition, FARM safeguards this network from natural disasters by integrating a renewable energy system that can function despite disruptions to the primary power grid. FARM aligns with the emergency preparedness vision of the State of California and the disaster preparedness initiatives of federal agencies.

We strongly support this item and respectfully request the Mayor and City Council to vote in favor of the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

A handwritten signature in black ink that reads "Nathalie Muñoz". The signature is written in a cursive style with a large initial 'N'.

Nathalie Muñoz

BFI Community Engagement Program Manager

**Berkeley Food Institute**  
University of California, Berkeley  
50 University Hall, Berkeley, CA 94720-3102

(510) 529-1533  
food.berkeley.edu  
foodinstitute@berkeley.edu

Attachment 11



May 7, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of FutureTable, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

*Lorin Fries*

Lorin Fries  
Founder and Lead Partner, FutureTable

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Attachment 12

May 8, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the Alameda County Deputy Sheriffs' Activities League (DSAL) and Dig Deep Farms, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM, in partnership with our county-wide circular food economy, All In Eats, creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

DocuSigned by:  
  
A3383DE7738A464...

DocuSign Envelope ID: 93943A69-B03A-4282-B6AC-FF0F72B5A225

Patrick Eiser  
DSAL Director of Operations  
peiser@acdsal.org

**Attachment 13**



May 26, 2023

Mayor Arreguín and City Council Members  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of DoorDash, I am writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

As part of our mission to empower local economies, DoorDash is proud to broaden food access for the communities we serve. Launched in 2018, our Project DASH initiative enables food banks, food pantries, and other social service organizations to connect food and other important resources to neighbors in the community using the same logistics technology used by DoorDash merchant partners. Project DASH has powered over 3.5 million deliveries of food equal to more than an estimated 60 million meals provided to people experiencing food insecurity across the U.S. and Canada, building the capacity of local food banks and community hubs to serve more people, more effectively.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Natural disasters and economic downturns threaten to thrust even more households into food insecurity. FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production and local distribution network to supplement the existing supply chain. This network connects local food sources to community hubs including food banks, grocery stores, restaurants, and schools.

We support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure. We know local delivery can be a powerful tool in breaking down barriers to access, and we look forward to working with Berkeley as it seeks to further develop this initiative and other efforts to protect against food insecurity.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Curtis'.

Laura Curtis  
Senior Manager, Governmental Relations – West



Attachment 14



Attachment 15

## Berkeley Food Utility and Access Resilience Measure (FARM)



Ben Bartlett  
Vice Mayor, City of Berkeley

**“There are only  
nine meals  
between mankind  
and anarchy.”**

- Vladimir Lenin





## Recommendation

To the Honorable Mayor and Members of the City Council



Protecting the City's food supply from natural disasters and economic disruptions by creating a community-based non-profit organization to implement an integrated local food production and distribution system

To design and offer economic incentives for non-profits, agricultural producers, and small businesses to partner with the City



## Current Situation



- California is currently facing one of the worst flooding situations in many years
- After three years of droughts, many farmers are concerned about lingering flood waters
- Proving the importance of creating a program that will support food resiliency and local farm workers



## Achieving Food Resiliency



## Community Resilience



### What is community resilience?

Ability of a community to withstand and recover from disruptions

### Threats to the Community:

- Governments faced with existential threats to populations and infrastructure
- Rapid advancement of climate change
- Extreme weather events
- Disaster preparedness
- Soaring Food Prices

Need a systems – level approach to address possible points of failure in urban food supply chain



## Food Resilience



### What is food resilience?

The ways in which a community can ensure its members have access to health and nutritious food, even during times of crisis

- Berkeley's Climate Action Plan set a target of majority of food consumed to be from local food production
- A local food system empowers Berkeley to achieve a key Climate Action Plan goal → producing local food for consumption
- California allocated \$477 million toward agricultural resilience measures
- California's Strategic Growth Council called for local-level resilience through Community Resilience Centers program
- U.S. government is incorporating food resilience in disaster planning



## Food is a Fundamental Human Right



### Like air and water...

Food is essential for survival and the only commodity that cannot be postponed.

- Food insecure individuals have higher rates of mental health issues
  - Hungry children attain lower academic achievement
- United Nations recognizes that the right to all nutritional elements is necessary to live a healthy and active life



## Food Insecurity Data

Food insecurity is a growing crisis throughout the United States



**11.5%** Of people in the Bay Area are food insecure in 2018  
870,000 people



**10.5%** Of the US population did not have enough food to meet their needs  
14 million households



**20%** Spike in food insecurity in the Bay Area from the beginning of COVID-19 Pandemic  
20-33%, specifically



## Threats to Food Access



### Climate Change

If the land lacks the nutrients that crops need to grow, the food chain will be stopped from the beginning

### Natural Disasters

All segments of food supply chains can be affected by a natural disaster such as droughts, wildfires, and more

### Foreign Conflict

A disruption in one region can send ripple effects to the rest of the world



# FARM as a Community Food Utility

## Community Layer

- Community Gardens and Backyard Gardens
- Synchronizing Local food production with food banks, restaurants, schools and grocery stores
- Supplemental Nutrition Assistance Program (SNAP)

## Production Layer

- Controlled Environmental Agriculture (CEA)
- Repurposing Empty Commercial Space

## Energy Resilience

- Integrating renewable energy systems that remain resilient

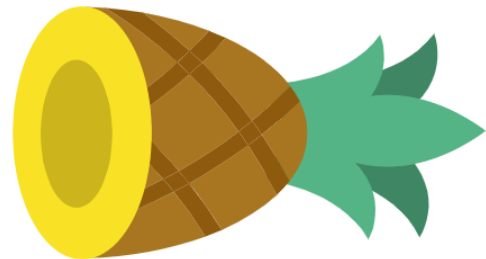


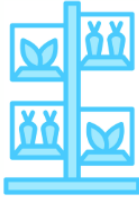
## FARM: Organization

The FARM will be a self-funded non-profit chartered by the City of Berkeley, with a self-appointed Board of Directors, approved by the City Council, with duties and administrative powers also approved by the City Council.

### Vertical Cooperative

- User-owned and controlled entity from which benefits are distributed equitably
- FARM would operate on all levels of vertical food system – linking producers, processors, distributors, retailers and consumers
- System must be sustainable, all recipients and participants would be members of FARM





## Defining Local

Synchronizing community gardens with food towers to maximize food production and reduce 100 mile radius to something closer to be determine by Food Security Council

### Hyper Local

- food grown right in a communities' backyard
- available for purchase at a market or consumption at local restaurants.
- benefit: produce can be harvested and delivered on the same day and can remain fresh longer than produce delivered from long distances.

### Local

- definition from Farm Act from 2008,
- definition= produced "so that the total distance that the product is transported is less than 400 miles from the origin or the product."



## Equity

Group buying power for SNAP participants in Berkeley to lower cost and eat healthier

### Making food more affordable

- Food prices have gone up by 10%
- FARM Initiative sets the framework to structure group buying power for SNAP participants, to help lower the cost, support local growers and help the community eat healthier



## FARM Governance: Food Security Council

- FARM will begin with a volunteer, skills-based governing board: Food Security Council
- Once the FARM has achieved grant funding, the Food Security Council members will be compensated
- The Food Security Council should consist of community members, grant writers, SNAP recipients, food producers, an organized labor representative
  - Experts in resilience, logistics, renewable energy, and public health.

### Food Security Council Responsibilities:

1. Form FARM as a non-profit
2. Apply for funding
3. Seek external partnerships
4. Develop and maintain food production and distribution processes;
5. Determine the caloric needs of residents
6. Define food shock



## Potential Funding Sources

Funding sources include fees for administering government food assistance programs and grants from California, the USDA, and the Department of Energy (DOE) are available.



**Food Insecurity  
Related Grants and  
Programs**



**Federal and State  
Resilience Grants and  
Programs**



**Federal and State  
Renewable Energy  
Grants and Programs**



## Self Directed and Self Funded



## FARM: Conclusion

Food shortages, natural disasters, and global conflicts further threaten the availability and economic accessibility of healthy food. The increasingly intense impacts of climate change create heightened cause for concern. Therefore, to create a food safety net in the City of Berkeley, it is necessary to implement FARM.





# Supporters

- The Lorin Business Association
- Alameda County Democratic Central Committee
- United Food & Commercial Workers 5 (UFCW 5)
- Building and Construction Trades Council of Alameda County, AFL-CIO
- IBEW Local Union 595
- NECA
- SEIU 1021
- Vertical Crop Consultants
- UC Berkeley Berkeley Food Institute
- Future Table
- Dig Deep Farm (DSAL)



# Thank you!

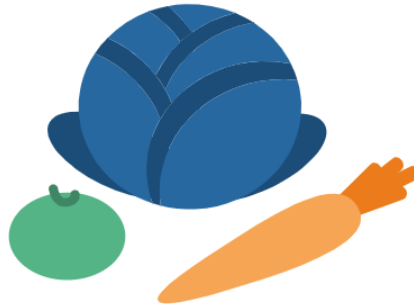
## Contact:

### Vice Mayor Ben Bartlett

- [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)
- 510-981-7130

### Additional Contributors:

Nina Li  
James Chang  
Dafne Cruz Rodriguez





**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett

Subject: Street Pavement Painting: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of funds, including \$1000.00 from Vice Mayor Bartlett, to Healthy Black Families, Inc. for the Ellis Street art renovation. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.

BACKGROUND

As part of the Juneteenth celebration, the Ellis Street Neighbors, Healthy Black Families, and various community groups hope to renovate a public street pavement mural. Recently, the streetwalk art has been painted over by staff from Public Works, and its removal has caused concern among community members.<sup>1</sup> Because of its position on the east side of Malcolm X Elementary School, streetwalk art has become an important touchstone for educators to re-incorporate community art and continue the conversations about reparations into their curriculum. Currently, reparations are actively being discussed at the local level by Berkeley Unified School District and the state level by our governor.

Several community members designed this artwork, including the famous local artists O'Brien Thiele and Edythe Boone<sup>2</sup>.

It is also a call to action to address the history of racial discrimination in South Berkeley and throughout our country. The mural has been shared and celebrated in the local press across the East Bay since it was completed in 2020. In the future, the art hopes to convey and celebrate the resilience of Black Americans, who have endured generations of oppression in the ongoing journey toward equal justice, equal dignity, equal rights, and equal opportunity in America.

<sup>1</sup> Markovich, A. (2023, May 23). Why the South Berkeley "reparations now" mural was painted over. Berkeleyside. <https://www.berkeleyside.org/2023/05/17/berkeley-reparations-now-mural-painted-over>

<sup>2</sup> Taylor, T. (2022, August 4). Berkeley neighbors start work on street mural calling for "reparations now!" Berkeleyside. <https://www.berkeleyside.org/2020/07/23/berkeley-neighbors-start-work-on-street-mural-calling-for-reparations-now>



**BEN BARTLETT**

VICE MAYOR

Other street murals, such as the “Ohlone Territory” and “Black Lives Matter” painted on Milvia Street and Martin Luther King Jr Way, respectively, have been created to serve as a visual reminder and message for the community.<sup>3</sup> These projects have previously been approved and supported by the City of Berkeley.



Photo courtesy of Berkeleyside. Credit to Ximena Natera<sup>4</sup>



Photo courtesy of Berkeleyside. Credit to UC Berkeley Art and Design<sup>5</sup>

It is also a call to action to address the history of racial discrimination in South Berkeley and throughout our country. The mural has been shared and celebrated in the local press across the East Bay since it was completed in 2020. In the future, the art hopes to convey and celebrate the resilience of Black Americans, who have endured generations of oppression in the ongoing journey toward equal justice, equal dignity, equal rights, and equal opportunity in America.

### ENVIRONMENTAL SUSTAINABILITY

No negative impact.

### FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1000.00 is available from the discretionary council office budget of Vice-Mayor Ben Bartlett.

### CONTACT PERSON

Vice Mayor Ben Bartlett

James Chang

Nina (Wenxin) Li

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)

[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)

510-981-7131

### ATTACHMENTS

<sup>3</sup> Hahn, Sophie. “Black Lives Matter and Ohlone Recognition.” 9, June, 2020. [https://drive.google.com/file/d/1GGNRruOKGrxIWQ3xprQSa5wj60\\_WQoh6/view](https://drive.google.com/file/d/1GGNRruOKGrxIWQ3xprQSa5wj60_WQoh6/view)

<sup>4</sup> Markovich, A. (2023, May 23). Why the South Berkeley “reparations now” mural was painted over. Berkeleyside. <https://www.berkeleyside.org/2023/05/17/berkeley-reparations-now-mural-painted-over>

<sup>5</sup> Markovich, Ally. “Berkeley School District Explores Giving Cash Payments to Students with Enslaved Ancestors.” Berkeleyside, 24 Mar. 2023. <https://www.berkeleyside.org/2023/03/24/busd-reparations-program-berkeley-unified-school-district>.



**BEN BARTLETT**

VICE MAYOR

1. Resolution No. XXXXX

Attachment 1

RESOLUTION NO. ##,###-N.S.

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO HEALTHY BLACK FAMILIES, INC. TO RENOVATE THE STREET PAVEMENT ART ON ELLIS STREET.

**WHEREAS**, Vice Mayor Ben Bartlett has surplus funds in his office expenditure account; and

**WHEREAS**, Healthy Black Families supports health equity, birth equity, and healthy food and beverages by supporting the Black community within the City of Berkeley; and

**WHEREAS**, Healthy Black Families will receive funds in the amount of \$1000.00 from Councilmember Ben Bartlett's office expenditure account for the purposes of restoring the public mural on Ellis Street; and

**WHEREAS**, the provisions of such services would allow for a street pavement preservation municipal public purpose of celebrating the power and resilience of Black Americans, who have endured generations of oppression in the ongoing journey toward equal justice, equal dignity, equal rights, and equal opportunity in America.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember, shall be granted to Healthy Black Families.



**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett (Author), Councilmember Sophie Hahn (Co-Sponsor)

Subject: *Reparations Now* Community Art Mural Restoration and Preservation

RECOMMENDATION

Direct the City Manager to authorize, preserve, protect, and authorize the *Reparations Now* mural on Ellis Street (next to Malcolm X Elementary School) to continue the legacy of educational spaces for all community members to view it in the City of Berkeley.

BACKGROUND

Recently, the public mural on Ellis Street was painted over by staff from Public Works.<sup>1</sup> As a matter of urgency, Berkeley community members urgently wish to restore the colorful and impactful mural to the street pavement. As this space is alongside the Malcolm X Elementary School, community members, and parents have expressed the importance of restoring the mural to celebrate Juneteenth and continue the pursuit of reparations in Berkeley.

Other street murals, such as the “Ohlone Territory” and “Black Lives Matter” painted on Milvia Street and Martin Luther King Jr Way, respectively, have been created to serve as a visual reminder and message for the community.<sup>2</sup> These projects have previously been approved and supported by the City of Berkeley.

It should be noted that on a local level, reparations are being discussed within the Berkeley Unified School District and at the state level with the Governor of California. This art is a call to action to address the history of racial discrimination in South Berkeley and throughout our country and is seen as an opportunity to educate everyone in the community (no matter how young) about the importance of reparations. The mural will serve as a visual representation of the community's resilience and determination to address racial discrimination and promote inclusivity.

<sup>1</sup> Markovich, Ally. “Why the South Berkeley ‘Reparations Now’ Mural Was Painted Over.” *Berkeleyside*, 17 May 2023, <https://www.berkeleyside.org/2023/05/17/berkeley-reparations-now-mural-painted-over>.

<sup>2</sup> Hahn, Sophie. “Black Lives Matter and Ohlone Recognition.” 9, June, 2020, [https://drive.google.com/file/d/1GGNRruOKGrxIWQ3xprQSa5wj60\\_WQoh6/view](https://drive.google.com/file/d/1GGNRruOKGrxIWQ3xprQSa5wj60_WQoh6/view)



**BEN BARTLETT**

VICE MAYOR

Through this collaborative effort, the community hopes to recreate a vibrant and thought-provoking mural that beautifies the neighborhood and catalyzes dialogue and action toward a more just and inclusive society.



Photo courtesy of Berkeleyside. Credit to Todd Matthews<sup>3</sup>



Photo courtesy of Berkeleyside. Credit to Ximena Natera<sup>4</sup>

### ENVIRONMENTAL SUSTAINABILITY

No negative impact.

### FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact

### CONTACT PERSON:

Vice Mayor Ben Bartlett

James Chang

Nina (Wenxin) Li

Dafne Cruz Rodriguez

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)

[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)

510-981-7130

510-981-7131

<sup>3</sup> Markovich, Ally. "Berkeley School District Explores Giving Cash Payments to Students with Enslaved Ancestors." *Berkeleyside*, 24 Mar. 2023, <https://www.berkeleyside.org/2023/03/24/busd-reparations-program-berkeley-unified-school-district>.

<sup>4</sup> Markovich, Ally. "Why the South Berkeley 'Reparations Now' Mural Was Painted Over." *Berkeleyside*, 17 May 2023, <https://www.berkeleyside.org/2023/05/17/berkeley-reparations-now-mural-painted-over>.





Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Wengraf and Councilmember Hahn  
Subject: Support for AB-660 Food Labeling (Assemblymember Irwin)

RECOMMENDATION

Adopt a Resolution in support of AB-660 Food Labeling: quality dates, safety dates, and sell by dates (Assemblymember Jacqui Irwin), and send copies to Assembly Members Irwin and Wicks and Senator Skinner.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

[AB-660](#) aims to mandate specific terminology around date labels on food packaging in California. Specifically, AB-660 would require the phrases “Best if used by” or “Best if used by or frozen by” to indicate quality, or “Use by” or “Use if frozen by” to indicate safety. Brands would no longer be able to use consumer-facing “Sell by” dates, which are references for stores and confuse consumers.

According to study results published in the Journal of Nutrition Education and Behavior, 84 percent of consumers toss food once the date on the package has passed, regardless of what the terminology means. About 64 percent of consumers knew the general meaning of the “Best if used by” and 44.8 percent understood “Use by labels”. Banning “Sell by” dates will help minimize food waste. Adopting uniform food labeling across the state will help prevent residents from throwing out good food and help them know when foods become a health concern. Consistent labeling will allow for effective consumer education.

ENVIRONMENTAL SUSTAINABILITY

AB-660 addresses food waste, keeps organics out of landfills and cuts methane generation that contributes to climate change.

CONTACT PERSON

Councilmember Wengraf                      Council District 6                      510-981-7160

Attachments: 1: Resolution

RESOLUTION NO. ##,###-N.S.

SUPPORT FOR AB-660 FOOD LABELING (ASM. IRWIN)

WHEREAS, consumers struggle to know if their food is still safe to eat with current food labels; and

WHEREAS, studies show that 20% of avoidable food waste is caused by consumer confusion over expiration dates; and

WHEREAS, wasted, decomposing food produces methane gas, a substance over 80 times more powerful as a greenhouse gas than carbon dioxide.

WHEREAS, AB-660 would require packaged food sold in California to be labeled with clear and consistent expiration dates; and

WHEREAS, streamlining food labeling dates would reduce food waste, financial losses to consumers, and methane emissions.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it supports AB-660.



Office of the City Manager

ACTION CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Public Works  
Subject: Public Hearing on Zero Waste Five-Year Rate Schedule

RECOMMENDATION

Conduct a public hearing, complete the majority protest process required by Proposition 218, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution setting FY 2024-2028 rates for residential and commercial refuse, compost, and recycling collection.

FISCAL IMPACTS OF RECOMMENDATION

If there is no majority protest and City Council adopts these rates, the Zero Waste fund remains positive for the next five fiscal years, although the fund balance declines from \$24.5 million to \$3.3 million.

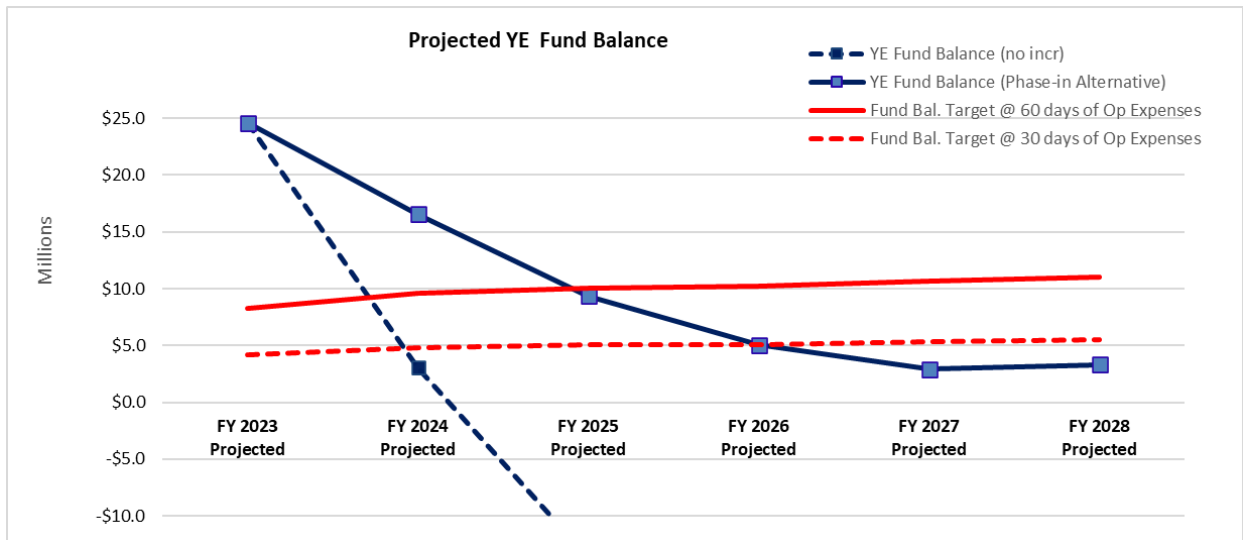


Figure 1 Zero Waste Fund Balances

If there is a majority protest and/or the City Council does not adopt the proposed rates, a negative fund balance (dotted blue line) is projected before the end of FY 2024 – 2025.

June 27, 2023

The proposed rate schedule enable customers' rate increases for the period of the rate schedule to be reduced, replaces the division's computerized management system, properly funds the Zero Waste Division's vehicle maintenance and replacement, sustains the Clean Cities Unit (street sweeping, illegal dumping, and other cleanups), remedies the damage of ZWD's vehicles on the City's pavement, completes the pre-construction phase of the Transfer Station Replacement, and gains the City's compliance on local and state laws (including SB 1383).

#### CURRENT SITUATION AND ITS EFFECTS

Work sessions on a five-year Zero Waste rate schedule occurred on September 17, 2019, December 7, 2021, and February 28, 2023. On April 25, 2023, City Council adopted a resolution initiating the Proposition 218 procedures for a proposed five-year rate schedule, set a public hearing for June 27, 2023, and directed staff to add Zero Waste customers to the City's *Very Low Income Refund* program. Additional direction was provided and is incorporated in the resolution recommended for adoption tonight if it is determined that there is no majority protest. Per City Council direction on April 25, 2023, staff initiated the Proposition 218 protest proceeding and public notices were mailed to property owners on May 12, 2023.

#### BACKGROUND

The activities of the Zero Waste Division are funded by the Zero Waste Fund, an enterprise fund in which sufficient revenue must be generated to cover ZWD costs. City staff have worked with HF&H Consultants to review and analyze costs associated with the City's collection and recycling programs, other programs such as Clean Cities (street sweeping, illegal dumping, and other cleanups), and services that make progress toward the City's Zero Waste goal. Proposition 218 allows the City to collect its costs of providing Zero Waste service through a tiered rate structure. Such rates can cover all costs necessary to deliver the service, including operational, maintenance, financial, and capital expenditures.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed rate schedules ensure sustainable and stable funding of the Zero Waste Fund to support City Strategic Plan Goals to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; be a global leader in addressing climate change, advancing environmental justice, and protecting the environment; and be a customer focused organization that provides excellent, timely, easily-accessible service and information to the community.

#### RATIONALE FOR RECOMMENDATION

Continuing with existing rates is projected to lead to a negative fund balance before the end of FY 2024/2025.

June 27, 2023

ALTERNATIVE ACTIONS CONSIDERED

Staff considered a no action alternative, but that would result in a negative Zero Waste Fund balance within the five-year period of the rate schedule and impede progress toward the City's Zero Waste goal. City Council could delay the rate adjustment, leaving the rates flat for a fourth consecutive fiscal year. This would require the use of more fund balance to cover operations until a new rate schedule was approved, and may require future rate adjustments be larger than the ones in the proposed five-year rate schedule.

CONTACT PERSON

Liam Garland, Public Works Director, 981-6100

Leticia Jauregui, Acting Solid Waste & Recycling Manager, Public Works, 981-6359

Attachments:

1: Resolution

2: Public Hearing Notice

RESOLUTION NO. XX,XXX-N.S.

SETTING RATES FOR RESIDENTIAL AND  
COMMERCIAL REFUSE COLLECTION

WHEREAS, the City is required by law, and in the interest of public health and resource conservation, to provide comprehensive waste management services to the public; and

WHEREAS, the Zero Waste (previously called the Refuse) Fund is an enterprise fund for solid waste management (refuse, recycling and organic) programs and services, and must generate revenue to meet its expenses; and

WHEREAS, the Fire Fuel Surcharge authorized by Resolution 66,600 is not revised by this resolution and shall remain unchanged; and

WHEREAS, on April 25, 2023, the City Council set a public hearing on June 27, 2023, to determine whether a majority protests exists and, if not, consider adopting the five-year rate schedule for residential and commercial refuse, recycling, and organic collection rates; and

WHEREAS, on April 25, 2023, the City Council also requested that the City Manager return to Council in two years, after the Strategic Plan is completed, to review the rates; referred to the City Manager the four alternatives from the staff report (opt out of service, bi-weekly collection, eliminate 96 gallon bin, and/or surcharge for 64- and 96-gallon bins); and referred to the City Manager analysis of possible solutions for subsidizing smaller bin sizes; and

WHEREAS, the City mailed written protest forms to all record owners of identified parcels whose names and addresses appear on the last equalized secured property tax assessment roll in compliance with the required Proposition 218 majority protest process to increase residential and commercial refuse, recycling, and organics collection rates; and

WHEREAS, the notice mailed established that all written ballots must be submitted before the noticed public hearing is closed by a vote of the Council. The City Clerk shall not accept or consider any ballot that is received after the public hearing is closed even if postmarked prior to that time. The City Clerk, or deputy, shall begin tabulating written protests immediately following the close of the public hearing. If, at the conclusion of the public hearing, cursory review of the protests received demonstrates that the number of protests is manifestly less than one-half of the ballots mailed, then the City Clerk may advise the City Council of the absence of a majority protest without tabulating the protests.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. Pursuant to Section 12.32.050 of the Berkeley Municipal Code, refuse, recycling and organic (previously termed garbage only) collection service is provided by the City, and all owners of premises and places in the City in or from which refuse, recyclables and organic materials are created, accumulated or produced shall use or cause to be used, and pay the fees charged for the City's collection service; and the City Council adopts the service provisions, charges, and fees set forth below.

Section 2. General Provisions.

- (a) Regular residential, single, and multi-family dwelling units of 4 or less, refuse

collections shall be made only once each week.

(b) Whenever collection services are discontinued or cancelled prior to the end of the period for which the collection fees have been paid, a refund shall be made of that portion of the fees for the period subsequent to the discontinuance or cancellation of such service; provided, however, that no refund of less than one month's fee shall be made. Requests for such refunds shall be processed administratively under such rules and regulations therefore as shall be prescribed by the City Manager. Refunds may be granted as herein authorized only upon the written approval of the City Manager, Solid Waste & Recycling Manager or her/his designee.

(c) For purposes of this resolution, the term "commercial" includes multi-family dwellings of 5 or more dwelling units.

Section 3. Regularly Scheduled Cart Service: Citywide refuse collected and removed in carts or bins, the provisions, rates, and charges, for FY 2024, shall be as follows. Rates for FY 2025 through FY 2028 can be found in Attachment 1.

(a) For residential units, the base refuse service also includes recycling and organics service (recycling and organics carts are 64-gallon (split body) and 64-gallon carts, respectively). The monthly residential solid waste management integrated rates for these City provided residential (4 dwelling units or less) carts shall be:

| Solid Waste Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                            | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon                  | \$23.78                        | \$49.81  | \$74.67  | \$104.33 | \$136.33 | \$170.72 | \$199.15 |
| 20 Gallon                  | \$33.30                        | \$69.82  | \$104.79 | \$146.38 | \$191.24 | \$239.52 | \$279.42 |
| 32 Gallon                  | \$49.66                        | \$104.25 | \$156.32 | \$218.37 | \$285.37 | \$357.26 | \$416.85 |
| 45 Gallon                  | \$66.63                        | \$139.87 | \$209.79 | \$293.06 | \$383.01 | \$479.53 | \$559.47 |
| 64 Gallon                  | \$75.60                        | \$158.74 | \$238.09 | \$332.59 | \$434.65 | \$544.26 | \$634.93 |
| 96 Gallon                  | \$94.47                        | \$198.42 | \$297.63 | \$415.76 | \$543.29 | \$680.33 | \$793.71 |

For residential units requiring refuse bin service, the monthly residential solid waste management integrated rates for these City-provided bins (refuse) and carts (recycling and organics) shall be:

| Cubic Yards | Monthly Rental Rate | Number of Collections Per Week |          |
|-------------|---------------------|--------------------------------|----------|
|             |                     | 1X                             | 2X       |
| 1           | \$26.98             | \$147.49                       | \$309.72 |
| 1.5         | \$30.19             | \$221.24                       | \$464.61 |
| 2           | \$33.59             | \$295.01                       | \$619.48 |

(b)

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon      | \$14.67                        | \$30.73  | \$46.07  | \$64.36  | \$84.11  | \$105.32 | \$122.87 |
| 20 Gallon      | \$22.53                        | \$47.24  | \$70.90  | \$99.03  | \$129.39 | \$162.05 | \$189.04 |
| 32 Gallon      | \$36.03                        | \$75.64  | \$113.43 | \$158.45 | \$207.06 | \$259.22 | \$302.46 |
| 45 Gallon      | \$50.65                        | \$106.33 | \$159.49 | \$222.80 | \$291.18 | \$364.56 | \$425.33 |
| 64 Gallon      | \$72.03                        | \$151.23 | \$226.83 | \$316.86 | \$414.09 | \$518.52 | \$604.90 |
| 96 Gallon      | \$108.00                       | \$226.83 | \$340.24 | \$475.28 | \$621.08 | \$777.74 | \$907.35 |

Rates for FY 2025-2028 are included in Attachment 1.

(c) The FY2024 monthly rates for commercial organics (compost) carts, multi-family dwelling units of 5 or more, and businesses, shall be:

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 32 Gallon      | \$28.83                        | \$60.51  | \$90.74  | \$126.76 | \$165.65 | \$207.38 | \$241.96 |
| 64 Gallon      | \$57.63                        | \$120.99 | \$181.46 | \$253.49 | \$331.28 | \$414.81 | \$483.92 |
| 96 Gallon      | \$86.40                        | \$181.46 | \$272.19 | \$380.23 | \$496.86 | \$622.19 | \$725.88 |

Rates for FY 2025-2028 are included in Attachment 1.

(d) New refuse residential service shall be provided a 20-gallon, 32-gallon, or 64-gallon carts. No new or replacement 13- or 45-gallon carts will be provided. Service will continue for existing containers. If the existing 13-gallon cart requires replacement due to age, damage or theft, a 20-gallon cart shall be provided as replacement and charged at the 20-gallon rate.

(e) No more than two 96-gallon carts will be provided for multi-family customers for refuse, recycling or organics, unless there is inadequate space for a bin (one cubic yard capacity).

Section 4. Regularly Scheduled Commercial Bin Service: The provisions, rates, and charges are applicable for front- and rear-loading refuse, recycling, and organic bins that are mechanically picked up and emptied by the collection vehicles shall be as follows:

(a) The FY2024 monthly rates for refuse and recycling bins (loose), available to 5 dwelling units or more, and businesses, shall be as follows:

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |          |          |          |            |            |            |
|-------------------------|---------------------|-------------------------------------------------------------------|----------|----------|----------|------------|------------|------------|
|                         |                     | 1X                                                                | 2X       | 3X       | 4X       | 5X         | 6X         | 7X         |
| 1                       | \$26.98             | \$147.49                                                          | \$309.72 | \$464.61 | \$649.00 | \$848.09   | \$1,061.95 | \$1,238.95 |
| 1.5                     | \$30.19             | \$221.24                                                          | \$464.61 | \$696.89 | \$973.45 | \$1,272.12 | \$1,592.94 | \$1,858.44 |



|   |         |          |            |            |            |            |            |            |
|---|---------|----------|------------|------------|------------|------------|------------|------------|
| 2 | \$33.59 | \$295.01 | \$619.49   | \$929.21   | \$1,297.92 | \$1,696.16 | \$2,123.90 | \$2,477.89 |
| 3 | \$40.38 | \$442.47 | \$929.21   | \$1,393.82 | \$1,946.93 | \$2,544.28 | \$3,185.86 | \$3,716.82 |
| 4 | \$60.39 | \$589.97 | \$1,238.95 | \$1,858.44 | \$2,595.88 | \$3,392.35 | \$4,247.82 | \$4,955.77 |
| 5 | \$60.39 | \$737.46 | \$1,548.69 | \$2,323.04 | \$3,244.86 | \$4,240.45 | \$5,309.76 | \$6,194.72 |
| 6 | \$66.83 | \$884.95 | \$1,858.44 | \$2,787.64 | \$3,893.81 | \$5,088.50 | \$6,371.69 | \$7,433.66 |

Rates for FY 2025-2028 are included in Attachment 1.

(b) The FY2024 monthly rates for refuse bins (compacted), available to 5 dwelling units or more, and businesses, shall be as follows:

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |             |             |             |
|-------------------------|---------------------|-------------------------------------------------------------------|------------|------------|------------|-------------|-------------|-------------|
|                         |                     | 1X                                                                | 2X         | 3X         | 4X         | 5X          | 6X          | 7X          |
| 1                       | \$26.98             | \$294.98                                                          | \$619.44   | \$929.23   | \$1,298.00 | \$1,696.18  | \$2,123.90  | \$2,477.90  |
| 1.5*                    | \$30.19             | \$442.49                                                          | \$929.23   | \$1,393.78 | \$1,946.90 | \$2,544.24  | \$3,185.87  | \$3,716.87  |
| 2                       | \$33.59             | \$590.02                                                          | \$1,238.97 | \$1,858.41 | \$2,595.85 | \$3,392.31  | \$4,247.80  | \$4,955.77  |
| 3                       | \$40.38             | \$884.95                                                          | \$1,858.41 | \$2,787.64 | \$3,893.87 | \$5,088.56  | \$6,371.72  | \$7,433.64  |
| 4                       | \$60.39             | \$1,179.95                                                        | \$2,477.90 | \$3,716.87 | \$5,191.77 | \$6,784.69  | \$8,495.64  | \$9,911.54  |
| 5*                      | \$60.39             | \$1,474.92                                                        | \$3,097.38 | \$4,646.08 | \$6,489.72 | \$8,480.90  | \$10,619.51 | \$12,389.44 |
| 6                       | \$66.83             | \$1,769.90                                                        | \$3,716.87 | \$5,575.28 | \$7,787.62 | \$10,177.00 | \$12,743.39 | \$14,867.31 |

\*Rates for FY 2025-2028 are included in Attachment 1.

(c) The FY2024 monthly rates for organic bins, available to 5 dwelling units or more, and businesses, shall be as follows:

| Capacity in Cubic Yards | Monthly Rental Rate | Plus Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|-------------------------|---------------------|------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                         |                     | 1X                                                                     | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                       | \$21.58             | \$117.99                                                               | \$247.78   | \$371.69   | \$519.20   | \$678.47   | \$849.56   | \$991.16   |
| 1.5*                    | \$24.15             | \$176.99                                                               | \$371.69   | \$557.51   | \$778.76   | \$1,017.70 | \$1,274.35 | \$1,486.75 |
| 2                       | \$26.87             | \$236.01                                                               | \$495.59   | \$743.36   | \$1,038.34 | \$1,356.93 | \$1,699.12 | \$1,982.31 |
| 3                       | \$32.30             | \$353.98                                                               | \$743.37   | \$1,115.06 | \$1,557.55 | \$2,035.42 | \$2,548.69 | \$2,973.46 |
| 4                       | \$48.31             | \$471.98                                                               | \$991.16   | \$1,486.75 | \$2,076.71 | \$2,713.88 | \$3,398.26 | \$3,964.62 |
| 5*                      | \$48.31             | \$589.97                                                               | \$1,238.95 | \$1,858.43 | \$2,595.89 | \$3,392.36 | \$4,247.81 | \$4,955.78 |
| 6                       | \$53.46             | \$707.96                                                               | \$1,486.75 | \$2,230.11 | \$3,115.05 | \$4,070.80 | \$5,097.35 | \$5,946.93 |

Rates for FY 2025-2028 are included in Attachment 1.

\*For the above commercial rates, no new 1.5 or 5 cubic yard bins are provided.

Section 4. Regularly Scheduled and Temporary Roll-off Container Service: The provisions, rates and charges for roll-off containers, shall be as follows:

(a) The FY2024 monthly rates for roll-off containers (loose) shall be as follows:

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |             |
|-------------------------|---------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                         |                     | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X          |
| 6                       | \$91.24             | \$1,122.82                                                        | \$2,366.08  | \$3,546.07  | \$4,954.77  | \$6,471.74  | \$8,103.05  | \$9,459.44  |
| 12                      | \$148.41            | \$2,251.73                                                        | \$4,723.64  | \$7,090.93  | \$9,907.11  | \$12,947.13 | \$16,212.19 | \$18,918.89 |
| 14                      | \$170.31            | \$2,626.41                                                        | \$5,514.36  | \$8,273.36  | \$11,557.89 | \$15,101.53 | \$18,910.37 | \$22,062.30 |
| 15                      | \$178.82            | \$2,816.18                                                        | \$5,915.80  | \$8,871.88  | \$12,393.62 | \$16,198.81 | \$20,283.79 | \$23,661.99 |
| 16                      | \$188.56            | \$3,001.09                                                        | \$6,306.30  | \$9,459.44  | \$13,206.24 | \$17,262.02 | \$21,613.42 | \$25,213.02 |
| 20                      | \$210.45            | \$3,333.19                                                        | \$7,881.65  | \$11,820.65 | \$16,509.02 | \$21,575.71 | \$27,014.64 | \$31,516.88 |
| 25                      | \$212.89            | \$3,685.97                                                        | \$9,848.72  | \$14,775.51 | \$20,637.79 | \$26,967.20 | \$33,772.26 | \$39,397.32 |
| 30                      | \$217.75            | \$4,058.22                                                        | \$11,820.65 | \$17,729.16 | \$24,762.92 | \$32,362.34 | \$40,526.22 | \$47,274.10 |

Rates for FY 2025-2028 are included in Attachment 1.

(b) The FY2024 monthly rates for roll-off containers (compacted) shall be as follows:

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |             |
|-------------------------|---------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                         |                     | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X          |
| 6                       | \$91.24             | \$2,245.64                                                        | \$4,732.15  | \$7,092.15  | \$9,909.55  | \$12,943.48 | \$16,206.11 | \$18,918.89 |
| 12                      | \$148.41            | \$4,503.45                                                        | \$9,447.28  | \$14,181.87 | \$19,814.23 | \$25,894.25 | \$32,424.38 | \$37,837.77 |
| 14                      | \$170.31            | \$5,252.81                                                        | \$11,028.72 | \$16,546.73 | \$23,115.79 | \$30,203.07 | \$37,820.74 | \$44,124.61 |
| 15                      | \$178.82            | \$5,632.36                                                        | \$11,831.60 | \$17,743.76 | \$24,787.25 | \$32,397.62 | \$40,567.58 | \$47,323.98 |
| 16                      | \$188.56            | \$6,002.17                                                        | \$12,612.59 | \$18,918.89 | \$26,412.48 | \$34,524.05 | \$43,226.83 | \$50,426.04 |
| 20                      | \$210.45            | \$6,666.38                                                        | \$15,763.31 | \$23,641.31 | \$33,018.03 | \$43,151.41 | \$54,029.29 | \$63,033.76 |
| 25                      | \$212.89            | \$7,371.94                                                        | \$19,697.44 | \$29,551.03 | \$41,275.58 | \$53,934.40 | \$67,544.51 | \$78,794.63 |
| 30                      | \$217.75            | \$8,116.44                                                        | \$23,641.31 | \$35,458.32 | \$49,525.83 | \$64,724.69 | \$81,052.44 | \$94,548.21 |

Rates for FY 2025-2028 are included in Attachment 1.

(c) There shall be a monthly surcharge of \$54.12 (FY 2024) multiplied by the number of service pickups per week where extra handling (spinning) of roll-off containers, or where reloading of a container onto a truck is required. Rates for FY 2025-2028 are included in Attachment 1.

(d) For short-term (4 consecutive days or less including delivery and removal) rental of roll-off containers, the service rates and additional charges per

haul will be as follows for FY 2024 (Rates for FY 2025-2028 are included in Attachment 1.):

| Temporary Roll-off (Loose) |                                  |                                    |
|----------------------------|----------------------------------|------------------------------------|
| Capacity in Cubic Yards    | Short-term Service Rate - Refuse | Short-term Service Rate - Organics |
| 6 (dirt only)              | \$540.15                         | \$432.12                           |
| 12                         | \$374.49                         | \$299.59                           |
| 14                         | \$437.74                         | \$350.20                           |
| 16                         | \$499.99                         | \$399.99                           |
| 20                         | \$567.26                         | \$453.81                           |
| 30                         | \$674.69                         | \$539.75                           |

| Temporary Roll-off (Compacted) |                                  |                                    |
|--------------------------------|----------------------------------|------------------------------------|
| Capacity in Cubic Yards        | Short-term Service Rate - Refuse | Short-term Service Rate - Organics |
| 6 (dirt only)                  | not applicable                   | not applicable                     |
| 12                             | \$748.98                         | \$599.19                           |
| 14                             | \$875.49                         | \$700.39                           |
| 16                             | \$999.98                         | \$799.99                           |
| 20                             | \$1,134.52                       | \$907.62                           |
| 30                             | \$1,349.38                       | \$1,079.50                         |

For containers left over 4 days there shall be an additional charge of \$22.40 per day for no more than 2 additional days. For containers left over 6 days the service will be considered a "new" service and a new full short-term rate shall be charged in addition to the original and extra day charges.

Section 5. Other Special Provisions & Collection Services, Rates & Charges:

(a) Bulky Waste Collection, left at the edge of the right-of-way (sidewalk or if no sidewalk at the curb) on the scheduled Bulky Pickup Day constitutes authorization

for the City to provide services to remove the materials, and charge the following for FY 2024:

| Customer Type | 1st Collection in Calendar Year                                  |
|---------------|------------------------------------------------------------------|
| Residential   | No Charge up to 3 Cubic Yard; \$42.15 each additional Cubic Yard |

Rates for FY 2025-2028 are included in Attachment 1.

(b) Extra Pickups. Additional charges apply for collection of carts and bins (any material type) in excess of regularly scheduled service, as follows (for FY 2024):

| Container Size | per Container per Collection |
|----------------|------------------------------|
| 13 Gallon      | \$15.11                      |
| 20 Gallon      | \$15.84                      |
| 32 Gallon      | \$17.10                      |
| 45 Gallon      | \$18.41                      |
| 64 Gallon      | \$19.10                      |
| 96 Gallon      | \$20.55                      |
| 1 Cubic Yd     | \$47.34                      |
| 1.5 Cubic Yds  | \$64.38                      |
| 2 Cubic Yds    | \$81.41                      |
| 3 Cubic Yds    | \$115.47                     |
| 4 Cubic Yds    | \$149.53                     |
| 5 Cubic Yds    | \$183.60                     |
| 6 Cubic Yds    | \$217.66                     |

Rates for FY 2025-2028 are included in Attachment 1.

(c) Collection of City-authorized pre-paid bags or containers for overages (i.e., materials do not fit in the customers container used for regularly scheduled collection services). Customers may use pre-paid bags and containers purchased at locations established or authorized by the Public Works Director. For reasons of worker safety and ready identification of items to be disposed, only bags procured from the City or containers provided by the City will be picked up.

1. Customers placing City-authorized pre-paid bags or containers (for extra garbage or plant debris) for collection alongside their regularly scheduled collection container, on a regularly scheduled collection day, will be collected at no additional charge.
2. For FY 2024, the collection of authorized pre-paid bags or containers (for

extra garbage or plant debris) placed for collection on a day other than a regularly scheduled collection day, or from locations not scheduled for service, shall be charged \$19.10 for collection of the first bag/container and no charge for additional bags/container (up to 10 bags maximum). Charges for FY 2025-2028 are included in Attachment 1.

(d) Customer-Owned Bin Repairs. For FY 2024, commercial customers who own their bins and requests the following repairs, shall be charged as follows:

1. Complete bin replacement 100% of City cost (3<sup>rd</sup> party vendor) plus 10% administrative cost.
2. Wheel replacement, per wheel, \$75.00.
  - With plate replacement, additional, per plate, \$75.00.
3. Side wall(s) replacement, 100% of City cost (3<sup>rd</sup> party vendor) plus 10% administrative fee.
4. Lid replacement, 100% of City cost (3<sup>rd</sup> party vendor) plus 10% administrative fee.

Rates for FY 2025-2028 are included in Attachment 1.

(e) For FY 2024, there shall be a charge of \$26.56 per month, multiplied by the number of service pickups per week of bins and/or carts, for handling customer keys and codes to access containers. There is no charge for use of the standard key recommended by the Zero Waste Division, Solid Waste & Recycling Manager. Rates for FY 2025-2028 are included in Attachment 1.

(f) Damaged Cart Charges. The charge for replacement of a solid waste cart that was maliciously or willfully destroyed, or for which reasonable care was not used in securing or maintaining the cart, shall be 100% of City's 3<sup>rd</sup> party vendor rate, plus a 10% administrative fee.

(g) Container Cleaning. For FY 2024, charges for cleaning containers upon customer's request shall be as follows:

| Container Type          | Cleaning Rate (per container) |
|-------------------------|-------------------------------|
| Wheeled cart (any size) | \$20.00                       |
| Bin (any size)          | \$90.36                       |

Rates for FY 2025-2028 are included in Attachment 1.

(h) Short-Term Bin Service. For FY 2024, short-term (4 consecutive days including delivery and removal days) rental rates are as follows:

| Container Type            | Short-Term Service Rate (per container) |
|---------------------------|-----------------------------------------|
| 1 Cubic Yard Bin          | not available                           |
| 1.5 Cubic Yard Bin        | not available                           |
| 2 Cubic Yard Bin          | \$96.38                                 |
| 3 Cubic Yard Bin          | \$116.46                                |
| 4 Cubic Yard Bin          | \$146.58                                |
| 5 Cubic Yard Bin          | \$166.66                                |
| 6 Cubic Yard Bin          | \$185.74                                |
| Additional Days (per day) | \$27.00                                 |

For bins left over 4 days there shall be an additional charge of \$27.00 per day, for no more than 2 additional days. For bins left over 6 days, the service will be considered a "new" service and a new full short-term rate will be charged in addition to the original and extra day.

Rates for FY 2025-2028 are included in Attachment 1.

(i) Distance Surcharge. To service containers that customers elect to not place at the curb (i.e., on property collection), there shall be an additional charge, as follows (for FY 2024):

| Customer/Container Type                  | Monthly Charge Based on Number of Collections Per Week |          |          |          |          |          |          |
|------------------------------------------|--------------------------------------------------------|----------|----------|----------|----------|----------|----------|
|                                          | 1X                                                     | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| <b>Residential</b>                       |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$34.50                                                | \$69.00  | \$103.50 | \$138.00 | \$172.50 | \$207.00 | \$241.50 |
| Bins (1 - 2 cubic yards), per Bin        | \$57.51                                                | \$115.01 | \$172.52 | \$230.03 | \$287.53 | \$345.04 | \$402.55 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$11.50                                                | \$23.00  | \$34.50  | \$46.00  | \$57.50  | \$69.00  | \$80.50  |
| Bins (1 - 2 cubic yards), per Bin        | \$23.00                                                | \$46.00  | \$69.00  | \$92.00  | \$115.00 | \$138.00 | \$161.00 |
|                                          |                                                        |          |          |          |          |          |          |
| <b>Commercial</b>                        |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Per cart                                 | \$11.50                                                | \$23.00  | \$34.50  | \$46.00  | \$57.50  | \$69.00  | \$80.50  |
| Bins (1 - 3 cubic yards), per Bin        | \$57.51                                                | \$115.01 | \$172.52 | \$230.03 | \$287.53 | \$345.04 | \$402.55 |
| Bins (4 - 6 cubic yards), per Bin        | \$63.26                                                | \$126.52 | \$189.78 | \$253.04 | \$316.30 | \$379.56 | \$442.82 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Per cart                                 | \$2.66                                                 | \$5.31   | \$7.97   | \$10.62  | \$13.28  | \$15.94  | \$18.59  |
| Bins (1 - 3 cubic yards), per Bin        | \$23.00                                                | \$46.00  | \$69.00  | \$92.00  | \$115.00 | \$138.00 | \$161.00 |
| Bins (4 - 6 cubic yards), per Bin        | \$25.30                                                | \$50.60  | \$75.90  | \$101.20 | \$126.50 | \$151.80 | \$177.10 |

Rates for FY 2025-2028 are included in Attachment 1

(j) Stair Surcharge. Where a can is located up or down a flight of stairs (for this purpose, a flight of stairs is at least 10 steps), there shall be a monthly surcharge for each flight of stairs of \$11.50 per can multiplied by the number of service pickups per week, as follows (for FY 2024):

|          | Monthly Charge Based on Number of Collections Per Week |         |         |         |         |         |         |
|----------|--------------------------------------------------------|---------|---------|---------|---------|---------|---------|
|          | 1X                                                     | 2X      | 3X      | 4X      | 5X      | 6X      | 7X      |
| Per Cart | \$11.50                                                | \$23.00 | \$34.50 | \$46.00 | \$57.50 | \$69.00 | \$80.50 |

Rates for FY 2025-2028 are included in Attachment 1

(k) There shall be a surcharge of 20% of the applicable base service charge rate where access to refuse, recycling, and/or organic bins is difficult, where moving the bin is dangerous due to narrow gateway, narrow passage or extreme slope, or where there is unusually high exposure to liability.

Section 6. Agreements. The City Council may authorize agreements with the Berkeley Unified School District, the University of California, or any other governmental agency or special district for collection and disposal of refuse, recycling, and organic materials upon such terms and conditions as may be mutually agreed upon.

**Attachment 1**  
**Proposed Solid Waste, Recycling, and Organics Collection Rates**  
**for FY2024-FY2028**

Residential Solid Waste Management Integrated Cart Rates

FY 2024

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon      | \$23.78                        | \$49.81  | \$74.67  | \$104.33 | \$136.33 | \$170.72 | \$199.15 |
| 20 Gallon      | \$33.30                        | \$69.82  | \$104.79 | \$146.38 | \$191.24 | \$239.52 | \$279.42 |
| 32 Gallon      | \$49.66                        | \$104.25 | \$156.32 | \$218.37 | \$285.37 | \$357.26 | \$416.85 |
| 45 Gallon      | \$66.63                        | \$139.87 | \$209.79 | \$293.06 | \$383.01 | \$479.53 | \$559.47 |
| 64 Gallon      | \$75.60                        | \$158.74 | \$238.09 | \$332.59 | \$434.65 | \$544.26 | \$634.93 |
| 96 Gallon      | \$94.47                        | \$198.42 | \$297.63 | \$415.76 | \$543.29 | \$680.33 | \$793.71 |

FY 2025

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon      | \$29.78                        | \$62.38  | \$93.51  | \$130.65 | \$170.73 | \$213.79 | \$249.40 |
| 20 Gallon      | \$39.30                        | \$82.40  | \$123.67 | \$172.75 | \$225.70 | \$282.68 | \$329.76 |
| 32 Gallon      | \$55.66                        | \$116.84 | \$175.21 | \$244.76 | \$319.85 | \$400.43 | \$467.21 |
| 45 Gallon      | \$72.63                        | \$152.46 | \$228.68 | \$319.44 | \$417.48 | \$522.69 | \$609.82 |
| 64 Gallon      | \$81.60                        | \$171.34 | \$256.98 | \$358.99 | \$469.15 | \$587.45 | \$685.32 |
| 96 Gallon      | \$100.47                       | \$211.02 | \$316.53 | \$442.16 | \$577.80 | \$723.54 | \$844.11 |

FY 2026

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon      | \$35.78                        | \$74.94  | \$112.35 | \$156.98 | \$205.13 | \$256.87 | \$299.65 |
| 20 Gallon      | \$45.30                        | \$94.98  | \$142.55 | \$199.13 | \$260.16 | \$325.83 | \$380.11 |
| 32 Gallon      | \$61.66                        | \$129.44 | \$194.10 | \$271.14 | \$354.33 | \$443.59 | \$517.57 |
| 45 Gallon      | \$78.63                        | \$165.05 | \$247.57 | \$345.83 | \$451.97 | \$565.87 | \$660.20 |
| 64 Gallon      | \$87.60                        | \$183.94 | \$275.88 | \$385.38 | \$503.64 | \$630.65 | \$735.71 |
| 96 Gallon      | \$106.47                       | \$223.62 | \$335.43 | \$468.57 | \$612.30 | \$766.75 | \$894.52 |



FY 2027

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon      | \$41.78                        | \$87.51  | \$131.19 | \$183.30 | \$239.52 | \$299.94 | \$349.90 |
| 20 Gallon      | \$51.30                        | \$107.56 | \$161.43 | \$225.50 | \$294.61 | \$368.99 | \$430.45 |
| 32 Gallon      | \$67.66                        | \$142.04 | \$212.99 | \$297.53 | \$388.81 | \$486.75 | \$567.94 |
| 45 Gallon      | \$84.63                        | \$177.65 | \$266.46 | \$372.22 | \$486.46 | \$609.05 | \$710.58 |
| 64 Gallon      | \$93.60                        | \$196.54 | \$294.77 | \$411.78 | \$538.14 | \$673.84 | \$786.10 |
| 96 Gallon      | \$112.47                       | \$236.22 | \$354.33 | \$494.97 | \$646.81 | \$809.96 | \$944.93 |

FY 2028

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon      | \$47.78                        | \$100.08 | \$150.04 | \$209.62 | \$273.92 | \$343.02 | \$400.15 |
| 20 Gallon      | \$57.30                        | \$120.14 | \$180.32 | \$251.88 | \$329.07 | \$412.15 | \$480.80 |
| 32 Gallon      | \$73.66                        | \$154.63 | \$231.87 | \$323.91 | \$423.28 | \$529.92 | \$618.30 |
| 45 Gallon      | \$88.09                        | \$184.92 | \$277.37 | \$387.47 | \$506.38 | \$633.99 | \$739.69 |
| 64 Gallon      | \$99.60                        | \$209.13 | \$313.67 | \$438.17 | \$572.63 | \$717.03 | \$836.49 |
| 96 Gallon      | \$118.47                       | \$248.82 | \$373.24 | \$521.38 | \$681.31 | \$853.16 | \$995.34 |

Residential Solid Waste Management Integrated Bin Rates

FY2024

| Number of Collections Per Week |                     |          |          |
|--------------------------------|---------------------|----------|----------|
| Cubic Yards                    | Monthly Rental Rate | 1X       | 2X       |
| 1                              | \$26.98             | \$147.49 | \$309.72 |
| 1.5                            | \$30.19             | \$221.25 | \$464.62 |
| 2                              | \$33.59             | \$295.01 | \$619.48 |

FY2025

| Number of Collections Per Week |                     |          |          |
|--------------------------------|---------------------|----------|----------|
| Cubic Yards                    | Monthly Rental Rate | 1X       | 2X       |
| 1                              | \$29.41             | \$160.76 | \$337.59 |
| 1.5                            | \$32.91             | \$241.16 | \$506.43 |
| 2                              | \$36.61             | \$321.56 | \$675.24 |

FY2026

| Number of Collections Per Week |                     |          |          |
|--------------------------------|---------------------|----------|----------|
| Cubic Yards                    | Monthly Rental Rate | 1X       | 2X       |
| 1                              | \$32.06             | \$175.23 | \$367.97 |
| 1.5                            | \$35.87             | \$262.87 | \$552.01 |
| 2                              | \$39.91             | \$350.50 | \$736.00 |

FY2027

| Number of Collections Per Week |                     |          |          |
|--------------------------------|---------------------|----------|----------|
| Cubic Yards                    | Monthly Rental Rate | 1X       | 2X       |
| 1                              | \$34.30             | \$187.50 | \$393.74 |
| 1.5                            | \$38.38             | \$281.27 | \$590.66 |
| 2                              | \$42.70             | \$375.04 | \$787.53 |

FY2028

| Number of Collections Per Week |                     |          |          |
|--------------------------------|---------------------|----------|----------|
| Cubic Yards                    | Monthly Rental Rate | 1X       | 2X       |
| 1                              | \$35.67             | \$195.00 | \$409.49 |
| 1.5                            | \$39.92             | \$292.51 | \$614.28 |
| 2                              | \$44.41             | \$390.04 | \$819.03 |

Refuse Commercial Carts and Multi-family Dwelling Units of 5 or More and Businesses

FY2024

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon      | \$14.67                        | \$30.73  | \$46.07  | \$64.36  | \$84.11  | \$105.32 | \$122.87 |
| 20 Gallon      | \$22.53                        | \$47.24  | \$70.90  | \$99.03  | \$129.39 | \$162.05 | \$189.04 |
| 32 Gallon      | \$36.03                        | \$75.64  | \$113.43 | \$158.45 | \$207.06 | \$259.22 | \$302.46 |
| 45 Gallon      | \$50.65                        | \$106.33 | \$159.49 | \$222.80 | \$291.18 | \$364.56 | \$425.33 |
| 64 Gallon      | \$72.03                        | \$151.23 | \$226.83 | \$316.86 | \$414.09 | \$518.52 | \$604.90 |
| 96 Gallon      | \$108.00                       | \$226.83 | \$340.24 | \$475.28 | \$621.08 | \$777.74 | \$907.35 |

FY2025

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 13 Gallon      | \$15.99                        | \$33.49  | \$50.21  | \$70.16  | \$91.68  | \$114.80 | \$133.92 |
| 20 Gallon      | \$24.56                        | \$51.49  | \$77.28  | \$107.95 | \$141.03 | \$176.63 | \$206.06 |
| 32 Gallon      | \$39.28                        | \$82.45  | \$123.63 | \$172.71 | \$225.69 | \$282.55 | \$329.68 |
| 45 Gallon      | \$55.21                        | \$115.90 | \$173.85 | \$242.85 | \$317.39 | \$397.37 | \$463.61 |
| 64 Gallon      | \$78.51                        | \$164.85 | \$247.24 | \$345.38 | \$451.36 | \$565.18 | \$659.34 |
| 96 Gallon      | \$117.72                       | \$247.24 | \$370.86 | \$518.06 | \$676.98 | \$847.74 | \$989.01 |

FY2026

| Container Size | Number of Collections per Week |         |         |         |         |          |          |
|----------------|--------------------------------|---------|---------|---------|---------|----------|----------|
|                | 1X                             | 2X      | 3X      | 4X      | 5X      | 6X       | 7X       |
| 13 Gallon      | \$17.43                        | \$36.51 | \$54.73 | \$76.47 | \$99.93 | \$125.14 | \$145.98 |

|           |          |          |          |          |          |          |            |
|-----------|----------|----------|----------|----------|----------|----------|------------|
| 20 Gallon | \$26.77  | \$56.12  | \$84.23  | \$117.66 | \$153.72 | \$192.53 | \$224.60   |
| 32 Gallon | \$42.81  | \$89.87  | \$134.76 | \$188.25 | \$246.01 | \$307.98 | \$359.35   |
| 45 Gallon | \$60.18  | \$126.33 | \$189.50 | \$264.71 | \$345.95 | \$433.13 | \$505.34   |
| 64 Gallon | \$85.58  | \$179.68 | \$269.49 | \$376.46 | \$491.99 | \$616.05 | \$718.68   |
| 96 Gallon | \$128.32 | \$269.49 | \$404.24 | \$564.68 | \$737.91 | \$924.03 | \$1,078.02 |

FY2027

| Container Size | Number of Collections per Week |          |          |          |          |          |            |
|----------------|--------------------------------|----------|----------|----------|----------|----------|------------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X         |
| 13 Gallon      | \$18.65                        | \$39.06  | \$58.57  | \$81.82  | \$106.92 | \$133.89 | \$156.20   |
| 20 Gallon      | \$28.64                        | \$60.05  | \$90.13  | \$125.90 | \$164.48 | \$206.01 | \$240.32   |
| 32 Gallon      | \$45.81                        | \$96.16  | \$144.19 | \$201.43 | \$263.23 | \$329.54 | \$384.50   |
| 45 Gallon      | \$64.40                        | \$135.18 | \$202.76 | \$283.24 | \$370.17 | \$463.45 | \$540.71   |
| 64 Gallon      | \$91.57                        | \$192.26 | \$288.36 | \$402.81 | \$526.42 | \$659.17 | \$768.99   |
| 96 Gallon      | \$137.30                       | \$288.36 | \$432.54 | \$604.21 | \$789.56 | \$988.72 | \$1,153.48 |

FY2028

| Container Size | Number of Collections per Week |          |          |          |          |            |            |
|----------------|--------------------------------|----------|----------|----------|----------|------------|------------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X         | 7X         |
| 13 Gallon      | \$19.40                        | \$40.63  | \$60.91  | \$85.10  | \$111.20 | \$139.25   | \$162.44   |
| 20 Gallon      | \$29.79                        | \$62.45  | \$93.73  | \$130.94 | \$171.06 | \$214.25   | \$249.94   |
| 32 Gallon      | \$47.64                        | \$100.01 | \$149.96 | \$209.49 | \$273.76 | \$342.72   | \$399.88   |
| 45 Gallon      | \$66.97                        | \$140.59 | \$210.87 | \$294.57 | \$384.97 | \$481.99   | \$562.34   |
| 64 Gallon      | \$95.23                        | \$199.95 | \$299.89 | \$418.93 | \$547.48 | \$685.54   | \$799.75   |
| 96 Gallon      | \$142.79                       | \$299.89 | \$449.84 | \$628.38 | \$821.14 | \$1,028.26 | \$1,199.62 |

Organics Commercial Carts, Multi-family Dwelling Units of 5 or More and Businesses

FY2024

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 32 Gallon      | \$28.82                        | \$60.51  | \$90.74  | \$126.76 | \$165.65 | \$207.38 | \$241.97 |
| 64 Gallon      | \$57.62                        | \$120.98 | \$181.46 | \$253.49 | \$331.27 | \$414.82 | \$483.92 |
| 96 Gallon      | \$86.40                        | \$181.46 | \$272.19 | \$380.23 | \$496.86 | \$622.19 | \$725.88 |

FY2025

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 32 Gallon      | \$31.42                        | \$65.96  | \$98.91  | \$138.17 | \$180.56 | \$226.04 | \$263.74 |
| 64 Gallon      | \$62.81                        | \$131.87 | \$197.79 | \$276.30 | \$361.09 | \$452.15 | \$527.47 |
| 96 Gallon      | \$94.18                        | \$197.79 | \$296.69 | \$414.45 | \$541.58 | \$678.19 | \$791.21 |

FY2026

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 32 Gallon      | \$34.24                        | \$71.90  | \$107.82 | \$150.60 | \$196.81 | \$246.38 | \$287.48 |
| 64 Gallon      | \$68.46                        | \$143.74 | \$215.59 | \$301.17 | \$393.58 | \$492.85 | \$574.95 |
| 96 Gallon      | \$102.65                       | \$215.59 | \$323.39 | \$451.75 | \$590.33 | \$739.23 | \$862.42 |

FY2027

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 32 Gallon      | \$36.64                        | \$76.93  | \$115.36 | \$161.14 | \$210.58 | \$263.63 | \$307.60 |
| 64 Gallon      | \$73.26                        | \$153.81 | \$230.68 | \$322.25 | \$421.14 | \$527.34 | \$615.19 |
| 96 Gallon      | \$109.83                       | \$230.68 | \$346.03 | \$483.38 | \$631.65 | \$790.98 | \$922.78 |

FY2028

| Container Size | Number of Collections per Week |          |          |          |          |          |          |
|----------------|--------------------------------|----------|----------|----------|----------|----------|----------|
|                | 1X                             | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| 32 Gallon      | \$38.10                        | \$80.01  | \$119.98 | \$167.59 | \$219.01 | \$274.18 | \$319.90 |
| 64 Gallon      | \$76.18                        | \$159.96 | \$239.90 | \$335.14 | \$437.98 | \$548.44 | \$639.80 |
| 96 Gallon      | \$114.22                       | \$239.90 | \$359.87 | \$502.71 | \$656.91 | \$822.62 | \$959.70 |

Refuse Commercial Bins (Loose), Multi-family Dwelling Units of 5 of More and Businesses

FY2024

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|-------------------------|---------------------|-------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                         |                     | 1X                                                                | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                       | \$26.98             | \$147.49                                                          | \$309.72   | \$464.61   | \$649.00   | \$848.09   | \$1,061.95 | \$1,238.95 |
| 1.5                     | \$30.19             | \$221.24                                                          | \$464.61   | \$696.89   | \$973.45   | \$1,272.12 | \$1,592.94 | \$1,858.44 |
| 2                       | \$33.59             | \$295.01                                                          | \$619.49   | \$929.21   | \$1,297.92 | \$1,696.16 | \$2,123.90 | \$2,477.89 |
| 3                       | \$40.38             | \$442.47                                                          | \$929.21   | \$1,393.82 | \$1,946.93 | \$2,544.28 | \$3,185.86 | \$3,716.82 |
| 4                       | \$60.39             | \$589.97                                                          | \$1,238.95 | \$1,858.44 | \$2,595.88 | \$3,392.35 | \$4,247.82 | \$4,955.77 |
| 5                       | \$60.39             | \$737.46                                                          | \$1,548.69 | \$2,323.04 | \$3,244.86 | \$4,240.45 | \$5,309.76 | \$6,194.72 |
| 6                       | \$66.83             | \$884.95                                                          | \$1,858.44 | \$2,787.64 | \$3,893.81 | \$5,088.50 | \$6,371.69 | \$7,433.66 |

FY2025

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|----------------------------|---------------------------|-------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                            |                           | 1X                                                                | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                          | \$29.41                   | \$160.76                                                          | \$337.59   | \$506.43   | \$707.41   | \$924.42   | \$1,157.52 | \$1,350.45 |
| 1.5                        | \$32.91                   | \$241.16                                                          | \$506.43   | \$759.61   | \$1,061.06 | \$1,386.61 | \$1,736.30 | \$2,025.69 |
| 2                          | \$36.61                   | \$321.56                                                          | \$675.24   | \$1,012.83 | \$1,414.74 | \$1,848.81 | \$2,315.05 | \$2,700.89 |
| 3                          | \$44.01                   | \$482.30                                                          | \$1,012.83 | \$1,519.26 | \$2,122.16 | \$2,773.27 | \$3,472.59 | \$4,051.34 |
| 4                          | \$65.82                   | \$643.07                                                          | \$1,350.45 | \$2,025.69 | \$2,829.51 | \$3,697.66 | \$4,630.12 | \$5,401.79 |
| 5                          | \$65.82                   | \$803.83                                                          | \$1,688.07 | \$2,532.11 | \$3,536.90 | \$4,622.09 | \$5,787.64 | \$6,752.24 |
| 6                          | \$72.85                   | \$964.59                                                          | \$2,025.69 | \$3,038.53 | \$4,244.25 | \$5,546.47 | \$6,945.15 | \$8,102.68 |

FY2026

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|----------------------------|---------------------------|-------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                            |                           | 1X                                                                | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                          | \$32.06                   | \$175.23                                                          | \$367.98   | \$552.01   | \$771.08   | \$1,007.62 | \$1,261.70 | \$1,471.99 |
| 1.5                        | \$35.87                   | \$262.86                                                          | \$552.01   | \$827.98   | \$1,156.56 | \$1,511.41 | \$1,892.57 | \$2,208.01 |
| 2                          | \$39.91                   | \$350.50                                                          | \$736.01   | \$1,103.99 | \$1,542.06 | \$2,015.20 | \$2,523.40 | \$2,943.98 |
| 3                          | \$47.97                   | \$525.70                                                          | \$1,103.99 | \$1,656.00 | \$2,313.15 | \$3,022.86 | \$3,785.12 | \$4,415.96 |
| 4                          | \$71.75                   | \$700.95                                                          | \$1,471.99 | \$2,208.01 | \$3,084.17 | \$4,030.45 | \$5,046.84 | \$5,887.95 |
| 5                          | \$71.75                   | \$876.18                                                          | \$1,840.00 | \$2,760.00 | \$3,855.22 | \$5,038.08 | \$6,308.52 | \$7,359.95 |
| 6                          | \$79.41                   | \$1,051.41                                                        | \$2,208.01 | \$3,312.00 | \$4,626.23 | \$6,045.65 | \$7,570.21 | \$8,831.93 |

FY2027

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|----------------------------|---------------------------|-------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                            |                           | 1X                                                                | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                          | \$34.30                   | \$187.50                                                          | \$393.74   | \$590.65   | \$825.05   | \$1,078.15 | \$1,350.02 | \$1,575.03 |
| 1.5                        | \$38.38                   | \$281.26                                                          | \$590.65   | \$885.94   | \$1,237.51 | \$1,617.21 | \$2,025.05 | \$2,362.57 |
| 2                          | \$42.70                   | \$375.04                                                          | \$787.53   | \$1,181.27 | \$1,650.01 | \$2,156.27 | \$2,700.04 | \$3,150.05 |
| 3                          | \$51.33                   | \$562.50                                                          | \$1,181.27 | \$1,771.92 | \$2,475.07 | \$3,234.46 | \$4,050.08 | \$4,725.07 |
| 4                          | \$76.77                   | \$750.01                                                          | \$1,575.03 | \$2,362.57 | \$3,300.06 | \$4,312.58 | \$5,400.11 | \$6,300.11 |
| 5                          | \$76.77                   | \$937.51                                                          | \$1,968.80 | \$2,953.20 | \$4,125.08 | \$5,390.74 | \$6,750.12 | \$7,875.14 |
| 6                          | \$84.96                   | \$1,125.01                                                        | \$2,362.57 | \$3,543.84 | \$4,950.07 | \$6,468.84 | \$8,100.12 | \$9,450.16 |

FY2028

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|-------------------------|---------------------|-------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                         |                     | 1X                                                                | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                       | \$35.67             | \$195.00                                                          | \$409.48   | \$614.28   | \$858.05   | \$1,121.27 | \$1,404.02 | \$1,638.04 |
| 1.5                     | \$39.92             | \$292.51                                                          | \$614.28   | \$921.37   | \$1,287.01 | \$1,681.90 | \$2,106.05 | \$2,457.07 |
| 2                       | \$44.41             | \$390.04                                                          | \$819.03   | \$1,228.52 | \$1,716.01 | \$2,242.52 | \$2,808.04 | \$3,276.06 |
| 3                       | \$53.38             | \$585.00                                                          | \$1,228.52 | \$1,842.79 | \$2,574.08 | \$3,363.84 | \$4,212.08 | \$4,914.08 |
| 4                       | \$79.84             | \$780.02                                                          | \$1,638.04 | \$2,457.07 | \$3,432.07 | \$4,485.08 | \$5,616.12 | \$6,552.11 |
| 5                       | \$79.84             | \$975.01                                                          | \$2,047.55 | \$3,071.33 | \$4,290.09 | \$5,606.37 | \$7,020.12 | \$8,190.15 |
| 6                       | \$88.36             | \$1,170.01                                                        | \$2,457.07 | \$3,685.59 | \$5,148.07 | \$6,727.60 | \$8,424.13 | \$9,828.17 |

Refuse Commercial Bins (Compacted), Multi-family Dwelling Units of 5 or More and Businesses

FY2024

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |             |             |             |
|-------------------------|---------------------|-------------------------------------------------------------------|------------|------------|------------|-------------|-------------|-------------|
|                         |                     | 1X                                                                | 2X         | 3X         | 4X         | 5X          | 6X          | 7X          |
| 1                       | \$26.98             | \$294.98                                                          | \$619.44   | \$929.23   | \$1,298.00 | \$1,696.18  | \$2,123.90  | \$2,477.90  |
| 1.5                     | \$30.19             | \$442.49                                                          | \$929.23   | \$1,393.78 | \$1,946.90 | \$2,544.24  | \$3,185.87  | \$3,716.87  |
| 2                       | \$33.59             | \$590.02                                                          | \$1,238.97 | \$1,858.41 | \$2,595.85 | \$3,392.31  | \$4,247.80  | \$4,955.77  |
| 3                       | \$40.38             | \$884.95                                                          | \$1,858.41 | \$2,787.64 | \$3,893.87 | \$5,088.56  | \$6,371.72  | \$7,433.64  |
| 4                       | \$60.39             | \$1,179.95                                                        | \$2,477.90 | \$3,716.87 | \$5,191.77 | \$6,784.69  | \$8,495.64  | \$9,911.54  |
| 5                       | \$60.39             | \$1,474.92                                                        | \$3,097.38 | \$4,646.08 | \$6,489.72 | \$8,480.90  | \$10,619.51 | \$12,389.44 |
| 6                       | \$66.83             | \$1,769.90                                                        | \$3,716.87 | \$5,575.28 | \$7,787.62 | \$10,177.00 | \$12,743.39 | \$14,867.31 |

FY2025

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |             |             |             |
|-------------------------|---------------------|-------------------------------------------------------------------|------------|------------|------------|-------------|-------------|-------------|
|                         |                     | 1X                                                                | 2X         | 3X         | 4X         | 5X          | 6X          | 7X          |
| 1                       | \$29.41             | \$321.52                                                          | \$675.19   | \$1,012.86 | \$1,414.82 | \$1,848.84  | \$2,315.05  | \$2,700.91  |
| 1.5                     | \$32.91             | \$482.31                                                          | \$1,012.86 | \$1,519.22 | \$2,122.12 | \$2,773.23  | \$3,472.60  | \$4,051.39  |
| 2                       | \$36.61             | \$643.13                                                          | \$1,350.48 | \$2,025.67 | \$2,829.47 | \$3,697.62  | \$4,630.10  | \$5,401.79  |
| 3                       | \$44.01             | \$964.59                                                          | \$2,025.67 | \$3,038.53 | \$4,244.32 | \$5,546.53  | \$6,945.17  | \$8,102.67  |
| 4                       | \$65.82             | \$1,286.14                                                        | \$2,700.91 | \$4,051.39 | \$5,659.03 | \$7,395.32  | \$9,260.25  | \$10,803.58 |
| 5                       | \$65.82             | \$1,607.67                                                        | \$3,376.15 | \$5,064.22 | \$7,073.79 | \$9,244.18  | \$11,575.27 | \$13,504.49 |
| 6                       | \$72.85             | \$1,929.19                                                        | \$4,051.39 | \$6,077.06 | \$8,488.50 | \$11,092.93 | \$13,890.29 | \$16,205.37 |

FY2026

| Capacity<br>in Cubic<br>Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |             |             |             |
|-------------------------------|---------------------------|-------------------------------------------------------------------|------------|------------|------------|-------------|-------------|-------------|
|                               |                           | 1X                                                                | 2X         | 3X         | 4X         | 5X          | 6X          | 7X          |
| 1                             | \$32.06                   | \$350.46                                                          | \$735.95   | \$1,104.02 | \$1,542.15 | \$2,015.23  | \$2,523.40  | \$2,943.99  |
| 1.5                           | \$35.87                   | \$525.72                                                          | \$1,104.02 | \$1,655.95 | \$2,313.11 | \$3,022.82  | \$3,785.13  | \$4,416.01  |
| 2                             | \$39.91                   | \$701.01                                                          | \$1,472.02 | \$2,207.98 | \$3,084.13 | \$4,030.40  | \$5,046.81  | \$5,887.95  |
| 3                             | \$47.97                   | \$1,051.41                                                        | \$2,207.98 | \$3,312.00 | \$4,626.31 | \$6,045.72  | \$7,570.24  | \$8,831.91  |
| 4                             | \$71.75                   | \$1,401.90                                                        | \$2,943.99 | \$4,416.01 | \$6,168.34 | \$8,060.89  | \$10,093.67 | \$11,775.90 |
| 5                             | \$71.75                   | \$1,752.36                                                        | \$3,680.00 | \$5,520.00 | \$7,710.43 | \$10,076.15 | \$12,617.05 | \$14,719.89 |
| 6                             | \$79.41                   | \$2,102.82                                                        | \$4,416.01 | \$6,623.99 | \$9,252.47 | \$12,091.30 | \$15,140.42 | \$17,663.85 |

FY2027

| Capacity<br>in Cubic<br>Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |             |             |             |
|-------------------------------|---------------------------|-------------------------------------------------------------------|------------|------------|------------|-------------|-------------|-------------|
|                               |                           | 1X                                                                | 2X         | 3X         | 4X         | 5X          | 6X          | 7X          |
| 1                             | \$34.30                   | \$374.99                                                          | \$787.47   | \$1,181.30 | \$1,650.10 | \$2,156.30  | \$2,700.04  | \$3,150.07  |
| 1.5                           | \$38.38                   | \$562.52                                                          | \$1,181.30 | \$1,771.87 | \$2,475.03 | \$3,234.41  | \$4,050.09  | \$4,725.13  |
| 2                             | \$42.70                   | \$750.08                                                          | \$1,575.07 | \$2,362.54 | \$3,300.02 | \$4,312.53  | \$5,400.08  | \$6,300.11  |
| 3                             | \$51.33                   | \$1,125.01                                                        | \$2,362.54 | \$3,543.84 | \$4,950.15 | \$6,468.92  | \$8,100.16  | \$9,450.15  |
| 4                             | \$76.77                   | \$1,500.03                                                        | \$3,150.07 | \$4,725.13 | \$6,600.13 | \$8,625.16  | \$10,800.23 | \$12,600.21 |
| 5                             | \$76.77                   | \$1,875.02                                                        | \$3,937.60 | \$5,906.40 | \$8,250.16 | \$10,781.48 | \$13,500.24 | \$15,750.28 |
| 6                             | \$84.96                   | \$2,250.01                                                        | \$4,725.13 | \$7,087.67 | \$9,900.14 | \$12,937.69 | \$16,200.25 | \$18,900.32 |

FY2028

| Capacity<br>in Cubic<br>Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |             |             |             |             |
|-------------------------------|---------------------------|-------------------------------------------------------------------|------------|------------|-------------|-------------|-------------|-------------|
|                               |                           | 1X                                                                | 2X         | 3X         | 4X          | 5X          | 6X          | 7X          |
| 1                             | \$35.67                   | \$389.99                                                          | \$818.97   | \$1,228.55 | \$1,716.11  | \$2,242.55  | \$2,808.04  | \$3,276.07  |
| 1.5                           | \$39.92                   | \$585.02                                                          | \$1,228.55 | \$1,842.75 | \$2,574.03  | \$3,363.79  | \$4,212.10  | \$4,914.14  |
| 2                             | \$44.41                   | \$780.08                                                          | \$1,638.07 | \$2,457.04 | \$3,432.02  | \$4,485.03  | \$5,616.09  | \$6,552.11  |
| 3                             | \$53.38                   | \$1,170.01                                                        | \$2,457.04 | \$3,685.59 | \$5,148.15  | \$6,727.68  | \$8,424.16  | \$9,828.15  |
| 4                             | \$79.84                   | \$1,560.03                                                        | \$3,276.07 | \$4,914.14 | \$6,864.13  | \$8,970.16  | \$11,232.24 | \$13,104.22 |
| 5                             | \$79.84                   | \$1,950.02                                                        | \$4,095.11 | \$6,142.66 | \$8,580.17  | \$11,212.74 | \$14,040.25 | \$16,380.30 |
| 6                             | \$88.36                   | \$2,340.01                                                        | \$4,914.14 | \$7,371.18 | \$10,296.15 | \$13,455.20 | \$16,848.26 | \$19,656.33 |

## Organics Commercial Bins, Multi-family Dwelling Units of 5 or More and Businesses

FY2024

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Plus Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|----------------------------|---------------------------|------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                            |                           | 1X                                                                     | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                          | \$21.58                   | \$117.99                                                               | \$247.78   | \$371.69   | \$519.20   | \$678.47   | \$849.56   | \$991.16   |
| 1.5                        | \$24.15                   | \$176.99                                                               | \$371.69   | \$557.51   | \$778.76   | \$1,017.70 | \$1,274.35 | \$1,486.75 |
| 2                          | \$26.87                   | \$236.01                                                               | \$495.59   | \$743.37   | \$1,038.34 | \$1,356.93 | \$1,699.12 | \$1,982.31 |
| 3                          | \$32.30                   | \$353.98                                                               | \$743.37   | \$1,115.06 | \$1,557.54 | \$2,035.42 | \$2,548.69 | \$2,973.46 |
| 4                          | \$48.31                   | \$471.98                                                               | \$991.16   | \$1,486.75 | \$2,076.70 | \$2,713.88 | \$3,398.26 | \$3,964.62 |
| 5                          | \$48.31                   | \$589.97                                                               | \$1,238.95 | \$1,858.43 | \$2,595.89 | \$3,392.36 | \$4,247.81 | \$4,955.78 |
| 6                          | \$53.46                   | \$707.96                                                               | \$1,486.75 | \$2,230.11 | \$3,115.05 | \$4,070.80 | \$5,097.35 | \$5,946.93 |

FY2025

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Plus Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|----------------------------|---------------------------|------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                            |                           | 1X                                                                     | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                          | \$23.53                   | \$128.61                                                               | \$270.07   | \$405.14   | \$565.93   | \$739.54   | \$926.02   | \$1,080.37 |
| 1.5                        | \$26.33                   | \$192.93                                                               | \$405.14   | \$607.69   | \$848.85   | \$1,109.29 | \$1,389.04 | \$1,620.55 |
| 2                          | \$29.29                   | \$257.25                                                               | \$540.19   | \$810.26   | \$1,131.79 | \$1,479.05 | \$1,852.04 | \$2,160.71 |
| 3                          | \$35.21                   | \$385.84                                                               | \$810.26   | \$1,215.41 | \$1,697.73 | \$2,218.62 | \$2,778.07 | \$3,241.07 |
| 4                          | \$52.66                   | \$514.46                                                               | \$1,080.36 | \$1,620.55 | \$2,263.61 | \$2,958.13 | \$3,704.10 | \$4,321.43 |
| 5                          | \$52.66                   | \$643.06                                                               | \$1,350.46 | \$2,025.69 | \$2,829.52 | \$3,697.67 | \$4,630.11 | \$5,401.79 |
| 6                          | \$58.28                   | \$771.67                                                               | \$1,620.55 | \$2,430.82 | \$3,395.40 | \$4,437.18 | \$5,556.12 | \$6,482.14 |

FY2026

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Plus Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|----------------------------|---------------------------|------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                            |                           | 1X                                                                     | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                          | \$25.65                   | \$140.18                                                               | \$294.38   | \$441.60   | \$616.86   | \$806.10   | \$1,009.37 | \$1,177.60 |
| 1.5                        | \$28.70                   | \$210.29                                                               | \$441.61   | \$662.38   | \$925.25   | \$1,209.12 | \$1,514.06 | \$1,766.40 |
| 2                          | \$31.92                   | \$280.40                                                               | \$588.81   | \$883.18   | \$1,233.66 | \$1,612.16 | \$2,018.72 | \$2,355.18 |
| 3                          | \$38.38                   | \$420.57                                                               | \$883.18   | \$1,324.79 | \$1,850.52 | \$2,418.29 | \$3,028.10 | \$3,532.77 |
| 4                          | \$57.39                   | \$560.76                                                               | \$1,177.59 | \$1,766.40 | \$2,467.34 | \$3,224.36 | \$4,037.46 | \$4,710.36 |
| 5                          | \$57.39                   | \$700.94                                                               | \$1,472.00 | \$2,208.00 | \$3,084.18 | \$4,030.46 | \$5,046.82 | \$5,887.95 |
| 6                          | \$63.53                   | \$841.12                                                               | \$1,766.40 | \$2,649.60 | \$3,700.98 | \$4,836.52 | \$6,056.17 | \$7,065.54 |



FY2027

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|----------------------------|---------------------------|-------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                            |                           | 1X                                                                | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                          | \$27.44                   | \$150.00                                                          | \$314.98   | \$472.51   | \$660.05   | \$862.52   | \$1,080.02 | \$1,260.03 |
| 1.5                        | \$30.70                   | \$225.01                                                          | \$472.52   | \$708.74   | \$990.02   | \$1,293.76 | \$1,620.04 | \$1,890.05 |
| 2                          | \$34.15                   | \$300.03                                                          | \$630.02   | \$945.01   | \$1,320.01 | \$1,725.01 | \$2,160.04 | \$2,520.03 |
| 3                          | \$41.06                   | \$450.01                                                          | \$945.01   | \$1,417.53 | \$1,980.06 | \$2,587.57 | \$3,240.06 | \$3,780.06 |
| 4                          | \$61.41                   | \$600.02                                                          | \$1,260.02 | \$1,890.05 | \$2,640.05 | \$3,450.06 | \$4,320.09 | \$5,040.09 |
| 5                          | \$61.41                   | \$750.00                                                          | \$1,575.04 | \$2,362.56 | \$3,300.07 | \$4,312.60 | \$5,400.10 | \$6,300.11 |
| 6                          | \$67.98                   | \$900.00                                                          | \$1,890.05 | \$2,835.07 | \$3,960.08 | \$5,175.08 | \$6,480.10 | \$7,560.12 |

FY2028

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |            |            |            |            |            |            |
|----------------------------|---------------------------|-------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
|                            |                           | 1X                                                                | 2X         | 3X         | 4X         | 5X         | 6X         | 7X         |
| 1                          | \$28.54                   | \$156.00                                                          | \$327.58   | \$491.42   | \$686.44   | \$897.02   | \$1,123.22 | \$1,310.43 |
| 1.5                        | \$31.94                   | \$234.01                                                          | \$491.42   | \$737.10   | \$1,029.61 | \$1,345.51 | \$1,684.84 | \$1,965.65 |
| 2                          | \$35.52                   | \$312.03                                                          | \$655.22   | \$982.81   | \$1,372.80 | \$1,794.01 | \$2,246.43 | \$2,620.84 |
| 3                          | \$42.70                   | \$468.01                                                          | \$982.81   | \$1,474.23 | \$2,059.26 | \$2,691.07 | \$3,369.66 | \$3,931.26 |
| 4                          | \$63.86                   | \$624.02                                                          | \$1,310.42 | \$1,965.65 | \$2,745.66 | \$3,588.06 | \$4,492.89 | \$5,241.69 |
| 5                          | \$63.86                   | \$780.00                                                          | \$1,638.04 | \$2,457.07 | \$3,432.07 | \$4,485.10 | \$5,616.11 | \$6,552.12 |
| 6                          | \$70.70                   | \$936.00                                                          | \$1,965.65 | \$2,948.47 | \$4,118.46 | \$5,382.08 | \$6,739.30 | \$7,862.53 |

Refuse Roll-off Containers (Loose)

FY2024

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |             |
|----------------------------|---------------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                            |                           | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X          |
| 6                          | \$91.24                   | \$1,122.82                                                        | \$2,366.08  | \$3,546.07  | \$4,954.77  | \$6,471.74  | \$8,103.05  | \$9,459.44  |
| 12                         | \$148.41                  | \$2,251.73                                                        | \$4,723.64  | \$7,090.93  | \$9,907.11  | \$12,947.13 | \$16,212.19 | \$18,918.89 |
| 14                         | \$170.31                  | \$2,626.41                                                        | \$5,514.36  | \$8,273.36  | \$11,557.89 | \$15,101.53 | \$18,910.37 | \$22,062.30 |
| 15                         | \$178.82                  | \$2,816.18                                                        | \$5,915.80  | \$8,871.88  | \$12,393.62 | \$16,198.81 | \$20,283.79 | \$23,661.99 |
| 16                         | \$188.56                  | \$3,001.09                                                        | \$6,306.30  | \$9,459.44  | \$13,206.24 | \$17,262.02 | \$21,613.42 | \$25,213.02 |
| 20                         | \$210.45                  | \$3,333.19                                                        | \$7,881.65  | \$11,820.65 | \$16,509.02 | \$21,575.71 | \$27,014.64 | \$31,516.88 |
| 25                         | \$212.89                  | \$3,685.97                                                        | \$9,848.72  | \$14,775.51 | \$20,637.79 | \$26,967.20 | \$33,772.26 | \$39,397.32 |
| 30                         | \$217.75                  | \$4,058.22                                                        | \$11,820.65 | \$17,729.16 | \$24,762.92 | \$32,362.34 | \$40,526.22 | \$47,274.10 |

FY2025

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |             |
|----------------------------|---------------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                            |                           | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X          |
| 6                          | \$99.45                   | \$1,223.88                                                        | \$2,579.02  | \$3,865.22  | \$5,400.70  | \$7,054.20  | \$8,832.33  | \$10,310.79 |
| 12                         | \$161.77                  | \$2,454.38                                                        | \$5,148.77  | \$7,729.12  | \$10,798.75 | \$14,112.37 | \$17,671.29 | \$20,621.59 |
| 14                         | \$185.64                  | \$2,862.78                                                        | \$6,010.65  | \$9,017.97  | \$12,598.10 | \$16,460.67 | \$20,612.30 | \$24,047.91 |
| 15                         | \$194.92                  | \$3,069.64                                                        | \$6,448.22  | \$9,670.35  | \$13,509.05 | \$17,656.70 | \$22,109.33 | \$25,791.57 |
| 16                         | \$205.53                  | \$3,271.18                                                        | \$6,873.86  | \$10,310.79 | \$14,394.80 | \$18,815.61 | \$23,558.62 | \$27,482.19 |
| 20                         | \$229.39                  | \$3,633.18                                                        | \$8,591.00  | \$12,884.51 | \$17,994.83 | \$23,517.52 | \$29,445.96 | \$34,353.40 |
| 25                         | \$232.05                  | \$4,017.71                                                        | \$10,735.11 | \$16,105.31 | \$22,495.19 | \$29,394.25 | \$36,811.76 | \$42,943.08 |
| 30                         | \$237.35                  | \$4,423.46                                                        | \$12,884.51 | \$19,324.78 | \$26,991.58 | \$35,274.95 | \$44,173.58 | \$51,528.77 |

FY2026

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |             |
|----------------------------|---------------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                            |                           | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X          |
| 6                          | \$108.40                  | \$1,334.03                                                        | \$2,811.14  | \$4,213.09  | \$5,886.77  | \$7,689.07  | \$9,627.24  | \$11,238.76 |
| 12                         | \$176.33                  | \$2,675.28                                                        | \$5,612.16  | \$8,424.74  | \$11,770.64 | \$15,382.48 | \$19,261.71 | \$22,477.53 |
| 14                         | \$202.34                  | \$3,120.43                                                        | \$6,551.61  | \$9,829.58  | \$13,731.93 | \$17,942.13 | \$22,467.41 | \$26,212.22 |
| 15                         | \$212.46                  | \$3,345.90                                                        | \$7,028.56  | \$10,540.68 | \$14,724.86 | \$19,245.81 | \$24,099.17 | \$28,112.81 |
| 16                         | \$224.02                  | \$3,565.59                                                        | \$7,492.51  | \$11,238.76 | \$15,690.33 | \$20,509.01 | \$25,678.90 | \$29,955.59 |
| 20                         | \$250.04                  | \$3,960.16                                                        | \$9,364.19  | \$14,044.12 | \$19,614.36 | \$25,634.10 | \$32,096.10 | \$37,445.21 |
| 25                         | \$252.93                  | \$4,379.30                                                        | \$11,701.27 | \$17,554.79 | \$24,519.76 | \$32,039.73 | \$40,124.82 | \$46,807.95 |
| 30                         | \$258.71                  | \$4,821.57                                                        | \$14,044.12 | \$21,064.01 | \$29,420.82 | \$38,449.70 | \$48,149.20 | \$56,166.36 |

FY2027

| Capacity in<br>Cubic Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |             |
|----------------------------|---------------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                            |                           | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X          |
| 6                          | \$115.99                  | \$1,427.41                                                        | \$3,007.92  | \$4,508.01  | \$6,298.84  | \$8,227.31  | \$10,301.15 | \$12,025.48 |
| 12                         | \$188.67                  | \$2,862.55                                                        | \$6,005.01  | \$9,014.47  | \$12,594.59 | \$16,459.25 | \$20,610.02 | \$24,050.96 |
| 14                         | \$216.51                  | \$3,338.86                                                        | \$7,010.22  | \$10,517.65 | \$14,693.17 | \$19,198.08 | \$24,040.13 | \$28,047.08 |
| 15                         | \$227.33                  | \$3,580.12                                                        | \$7,520.56  | \$11,278.53 | \$15,755.60 | \$20,593.01 | \$25,786.11 | \$30,080.71 |
| 16                         | \$239.71                  | \$3,815.18                                                        | \$8,016.99  | \$12,025.48 | \$16,788.66 | \$21,944.64 | \$27,476.42 | \$32,052.48 |
| 20                         | \$267.54                  | \$4,237.37                                                        | \$10,019.69 | \$15,027.21 | \$20,987.37 | \$27,428.48 | \$34,342.82 | \$40,066.37 |
| 25                         | \$270.64                  | \$4,685.85                                                        | \$12,520.35 | \$18,783.62 | \$26,236.14 | \$34,282.51 | \$42,933.56 | \$50,084.51 |
| 30                         | \$276.82                  | \$5,159.08                                                        | \$15,027.21 | \$22,538.49 | \$31,480.28 | \$41,141.18 | \$51,519.65 | \$60,098.01 |

FY 2028

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |             |
|-------------------------|---------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                         |                     | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X          |
| 6                       | \$120.63            | \$1,484.50                                                        | \$3,128.23  | \$4,688.33  | \$6,550.79  | \$8,556.40  | \$10,713.19 | \$12,506.50 |
| 12                      | \$196.22            | \$2,977.05                                                        | \$6,245.21  | \$9,375.05  | \$13,098.37 | \$17,117.63 | \$21,434.43 | \$25,012.99 |
| 14                      | \$225.17            | \$3,472.42                                                        | \$7,290.63  | \$10,938.36 | \$15,280.89 | \$19,966.01 | \$25,001.74 | \$29,168.96 |
| 15                      | \$236.43            | \$3,723.32                                                        | \$7,821.39  | \$11,729.67 | \$16,385.83 | \$21,416.73 | \$26,817.56 | \$31,283.94 |
| 16                      | \$249.29            | \$3,967.79                                                        | \$8,337.66  | \$12,506.50 | \$17,460.20 | \$22,822.43 | \$28,575.48 | \$33,334.58 |
| 20                      | \$278.24            | \$4,406.87                                                        | \$10,420.47 | \$15,628.30 | \$21,826.86 | \$28,525.62 | \$35,716.54 | \$41,669.02 |
| 25                      | \$281.46            | \$4,873.29                                                        | \$13,021.17 | \$19,534.97 | \$27,285.59 | \$35,653.81 | \$44,650.90 | \$52,087.89 |
| 30                      | \$287.89            | \$5,365.44                                                        | \$15,628.30 | \$23,440.03 | \$32,739.49 | \$42,786.83 | \$53,580.43 | \$62,501.93 |

Refuse Roll-off Containers (Compacted)

FY2024

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |             |
|-------------------------|---------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                         |                     | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X          |
| 6                       | \$91.24             | \$2,245.64                                                        | \$4,732.15  | \$7,092.15  | \$9,909.55  | \$12,943.48 | \$16,206.11 | \$18,918.89 |
| 12                      | \$148.41            | \$4,503.45                                                        | \$9,447.28  | \$14,181.87 | \$19,814.23 | \$25,894.25 | \$32,424.38 | \$37,837.77 |
| 14                      | \$170.31            | \$5,252.81                                                        | \$11,028.72 | \$16,546.73 | \$23,115.79 | \$30,203.07 | \$37,820.74 | \$44,124.61 |
| 15                      | \$178.82            | \$5,632.36                                                        | \$11,831.60 | \$17,743.76 | \$24,787.25 | \$32,397.62 | \$40,567.58 | \$47,323.98 |
| 16                      | \$188.56            | \$6,002.17                                                        | \$12,612.59 | \$18,918.89 | \$26,412.48 | \$34,524.05 | \$43,226.83 | \$50,426.04 |
| 20                      | \$210.45            | \$6,666.38                                                        | \$15,763.31 | \$23,641.31 | \$33,018.03 | \$43,151.41 | \$54,029.29 | \$63,033.76 |
| 25                      | \$212.89            | \$7,371.94                                                        | \$19,697.44 | \$29,551.03 | \$41,275.58 | \$53,934.40 | \$67,544.51 | \$78,794.63 |
| 30                      | \$217.75            | \$8,116.44                                                        | \$23,641.31 | \$35,458.32 | \$49,525.83 | \$64,724.69 | \$81,052.44 | \$94,548.21 |

FY2025

| Capacity in Cubic Yards | Monthly Rental Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |              |
|-------------------------|---------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
|                         |                     | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X           |
| 6                       | \$99.45             | \$2,447.75                                                        | \$5,158.05  | \$7,730.44  | \$10,801.40 | \$14,108.39 | \$17,664.66 | \$20,621.59  |
| 12                      | \$161.77            | \$4,908.77                                                        | \$10,297.53 | \$15,458.23 | \$21,597.51 | \$28,224.74 | \$35,342.58 | \$41,243.17  |
| 14                      | \$185.64            | \$5,725.57                                                        | \$12,021.30 | \$18,035.93 | \$25,196.21 | \$32,921.35 | \$41,224.61 | \$48,095.82  |
| 15                      | \$194.92            | \$6,139.27                                                        | \$12,896.45 | \$19,340.69 | \$27,018.10 | \$35,313.41 | \$44,218.66 | \$51,583.14  |
| 16                      | \$205.53            | \$6,542.37                                                        | \$13,747.72 | \$20,621.59 | \$28,789.60 | \$37,631.21 | \$47,117.25 | \$54,964.38  |
| 20                      | \$229.39            | \$7,266.35                                                        | \$17,182.00 | \$25,769.03 | \$35,989.65 | \$47,035.04 | \$58,891.92 | \$68,706.80  |
| 25                      | \$232.05            | \$8,035.42                                                        | \$21,470.21 | \$32,210.62 | \$44,990.38 | \$58,788.49 | \$73,623.52 | \$85,886.15  |
| 30                      | \$237.35            | \$8,846.92                                                        | \$25,769.03 | \$38,649.56 | \$53,983.16 | \$70,549.91 | \$88,347.16 | \$103,057.55 |

FY2026

| Capacity<br>in Cubic<br>Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |             |              |
|-------------------------------|---------------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
|                               |                           | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X          | 7X           |
| 6                             | \$108.40                  | \$2,668.05                                                        | \$5,622.27  | \$8,426.18  | \$11,773.53 | \$15,378.15 | \$19,254.48 | \$22,477.53  |
| 12                            | \$176.33                  | \$5,350.55                                                        | \$11,224.31 | \$16,849.48 | \$23,541.28 | \$30,764.96 | \$38,523.41 | \$44,955.06  |
| 14                            | \$202.34                  | \$6,240.87                                                        | \$13,103.22 | \$19,659.17 | \$27,463.86 | \$35,884.27 | \$44,934.82 | \$52,424.44  |
| 15                            | \$212.46                  | \$6,691.81                                                        | \$14,057.13 | \$21,081.36 | \$29,449.73 | \$38,491.61 | \$48,198.34 | \$56,225.62  |
| 16                            | \$224.02                  | \$7,131.18                                                        | \$14,985.02 | \$22,477.53 | \$31,380.67 | \$41,018.02 | \$51,357.80 | \$59,911.17  |
| 20                            | \$250.04                  | \$7,920.32                                                        | \$18,728.38 | \$28,088.24 | \$39,228.72 | \$51,268.19 | \$64,192.19 | \$74,890.41  |
| 25                            | \$252.93                  | \$8,758.61                                                        | \$23,402.53 | \$35,109.58 | \$49,039.52 | \$64,079.46 | \$80,249.64 | \$93,615.90  |
| 30                            | \$258.71                  | \$9,643.14                                                        | \$28,088.24 | \$42,128.02 | \$58,841.64 | \$76,899.40 | \$96,298.41 | \$112,332.73 |

FY2027

| Capacity<br>in Cubic<br>Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |              |              |
|-------------------------------|---------------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|--------------|--------------|
|                               |                           | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X           | 7X           |
| 6                             | \$115.99                  | \$2,854.81                                                        | \$6,015.83  | \$9,016.02  | \$12,597.68 | \$16,454.62 | \$20,602.29  | \$24,050.96  |
| 12                            | \$188.67                  | \$5,725.09                                                        | \$12,010.01 | \$18,028.94 | \$25,189.17 | \$32,918.51 | \$41,220.05  | \$48,101.91  |
| 14                            | \$216.51                  | \$6,677.73                                                        | \$14,020.45 | \$21,035.31 | \$29,386.33 | \$38,396.16 | \$48,080.26  | \$56,094.16  |
| 15                            | \$227.33                  | \$7,160.23                                                        | \$15,041.13 | \$22,557.05 | \$31,511.21 | \$41,186.03 | \$51,572.23  | \$60,161.41  |
| 16                            | \$239.71                  | \$7,630.36                                                        | \$16,033.97 | \$24,050.96 | \$33,577.31 | \$43,889.28 | \$54,952.85  | \$64,104.95  |
| 20                            | \$267.54                  | \$8,474.75                                                        | \$20,039.37 | \$30,054.42 | \$41,974.73 | \$54,856.97 | \$68,685.65  | \$80,132.74  |
| 25                            | \$270.64                  | \$9,371.71                                                        | \$25,040.71 | \$37,567.25 | \$52,472.28 | \$68,565.02 | \$85,867.11  | \$100,169.02 |
| 30                            | \$276.82                  | \$10,318.16                                                       | \$30,054.42 | \$45,076.99 | \$62,960.55 | \$82,282.36 | \$103,039.30 | \$120,196.02 |

FY2028

| Capacity<br>in Cubic<br>Yards | Monthly<br>Rental<br>Rate | Service Collection Charge Based on Number of Collections Per Week |             |             |             |             |              |              |
|-------------------------------|---------------------------|-------------------------------------------------------------------|-------------|-------------|-------------|-------------|--------------|--------------|
|                               |                           | 1X                                                                | 2X          | 3X          | 4X          | 5X          | 6X           | 7X           |
| 6                             | \$120.63                  | \$2,969.01                                                        | \$6,256.47  | \$9,376.66  | \$13,101.59 | \$17,112.80 | \$21,426.38  | \$25,012.99  |
| 12                            | \$196.22                  | \$5,954.10                                                        | \$12,490.41 | \$18,750.10 | \$26,196.74 | \$34,235.25 | \$42,868.85  | \$50,025.99  |
| 14                            | \$225.17                  | \$6,944.84                                                        | \$14,581.26 | \$21,876.72 | \$30,561.79 | \$39,932.01 | \$50,003.47  | \$58,337.92  |
| 15                            | \$236.43                  | \$7,446.64                                                        | \$15,642.77 | \$23,459.33 | \$32,771.66 | \$42,833.47 | \$53,635.12  | \$62,567.87  |
| 16                            | \$249.29                  | \$7,935.58                                                        | \$16,675.33 | \$25,012.99 | \$34,920.41 | \$45,644.86 | \$57,150.96  | \$66,669.15  |
| 20                            | \$278.24                  | \$8,813.74                                                        | \$20,840.95 | \$31,256.59 | \$43,653.72 | \$57,051.24 | \$71,433.07  | \$83,338.05  |
| 25                            | \$281.46                  | \$9,746.58                                                        | \$26,042.34 | \$39,069.94 | \$54,571.18 | \$71,307.62 | \$89,301.80  | \$104,175.78 |
| 30                            | \$287.89                  | \$10,730.88                                                       | \$31,256.59 | \$46,880.07 | \$65,478.98 | \$85,573.65 | \$107,160.87 | \$125,003.86 |

Hard to Service Roll off Containers.

There shall be a monthly surcharge, as shown below where extra handling (spinning) of roll-off containers, or where reloading of a container onto a truck is required. The surcharge shall be multiplied by the number of service pickups per week.

| FY2024  | FY2025  | FY2026  | FY2027  | FY2028  |
|---------|---------|---------|---------|---------|
| \$54.12 | \$55.74 | \$57.42 | \$59.14 | \$60.91 |

Temporary Roll-off Containers - Loose

FY2024

| Capacity in Cu Yards | Short-term Service Rate - Refuse | Short-term Service Rate - Organics |
|----------------------|----------------------------------|------------------------------------|
| (dirt) 6             | \$540.15                         | \$432.12                           |
| 12                   | \$374.49                         | \$299.59                           |
| 14                   | \$437.74                         | \$350.20                           |
| 16                   | \$499.99                         | \$399.99                           |
| 20                   | \$567.26                         | \$453.81                           |
| 30                   | \$674.69                         | \$539.75                           |

FY2025

| Capacity in Cu Yards | Short-term Service Rate - Refuse | Short-term Service Rate - Organics |
|----------------------|----------------------------------|------------------------------------|
| (dirt) 6             | \$588.77                         | \$471.01                           |
| 12                   | \$408.20                         | \$326.56                           |
| 14                   | \$477.14                         | \$381.71                           |
| 16                   | \$544.99                         | \$435.99                           |
| 20                   | \$618.31                         | \$494.65                           |
| 30                   | \$735.41                         | \$588.33                           |

FY2026

| Capacity in Cu Yards | Short-term Service Rate - Refuse | Short-term Service Rate - Organics |
|----------------------|----------------------------------|------------------------------------|
| (dirt) 6             | \$641.75                         | \$513.40                           |
| 12                   | \$444.93                         | \$355.95                           |
| 14                   | \$520.08                         | \$416.07                           |
| 16                   | \$594.04                         | \$475.23                           |
| 20                   | \$673.96                         | \$539.17                           |
| 30                   | \$801.60                         | \$641.28                           |

FY2027

| Capacity in Cu Yards | Short-term Service Rate - Refuse | Short-term Service Rate - Organics |
|----------------------|----------------------------------|------------------------------------|
| (dirt) 6             | \$686.68                         | \$549.34                           |
| 12                   | \$476.08                         | \$380.86                           |
| 14                   | \$556.49                         | \$445.19                           |
| 16                   | \$635.62                         | \$508.50                           |
| 20                   | \$721.14                         | \$576.91                           |
| 30                   | \$857.71                         | \$686.17                           |

FY2028

| Capacity in Cu Yards | Short-term Service Rate - Refuse | Short-term Service Rate - Organics |
|----------------------|----------------------------------|------------------------------------|
| (dirt) 6             | \$714.14                         | \$571.32                           |
| 12                   | \$495.12                         | \$396.10                           |
| 14                   | \$578.75                         | \$463.00                           |
| 16                   | \$661.05                         | \$528.84                           |
| 20                   | \$749.98                         | \$599.99                           |
| 30                   | \$892.02                         | \$713.61                           |

Temporary Roll-off Containers - Compacted

FY2024

| Capacity in Cu Yards | Short-term Service Rate - Refuse | Short-term Service Rate - Organics |
|----------------------|----------------------------------|------------------------------------|
| (dirt) 6             | not applicable                   | not applicable                     |
| 12                   | \$748.98                         | \$599.19                           |
| 14                   | \$875.49                         | \$700.39                           |
| 16                   | \$999.98                         | \$799.99                           |
| 20                   | \$1,134.52                       | \$907.62                           |
| 30                   | \$1,349.38                       | \$1,079.50                         |

FY2025

| Capacity<br>in Cu<br>Yards | Short-term<br>Service Rate -<br>Refuse | Short-term<br>Service Rate -<br>Organics |
|----------------------------|----------------------------------------|------------------------------------------|
| (dirt) 6                   | not applicable                         | not applicable                           |
| 12                         | \$816.39                               | \$653.11                                 |
| 14                         | \$954.28                               | \$763.43                                 |
| 16                         | \$1,089.98                             | \$871.99                                 |
| 20                         | \$1,236.63                             | \$989.30                                 |
| 30                         | \$1,470.82                             | \$1,176.66                               |

FY2026

| Capacity<br>in Cu<br>Yards | Short-term<br>Service Rate -<br>Refuse | Short-term<br>Service Rate -<br>Organics |
|----------------------------|----------------------------------------|------------------------------------------|
| (dirt) 6                   | not applicable                         | not applicable                           |
| 12                         | \$889.87                               | \$711.89                                 |
| 14                         | \$1,040.17                             | \$832.13                                 |
| 16                         | \$1,188.08                             | \$950.46                                 |
| 20                         | \$1,347.92                             | \$1,078.34                               |
| 30                         | \$1,603.19                             | \$1,282.55                               |

FY2027

| Capacity<br>in Cu<br>Yards | Short-term<br>Service Rate -<br>Refuse | Short-term<br>Service Rate -<br>Organics |
|----------------------------|----------------------------------------|------------------------------------------|
| (dirt) 6                   | not applicable                         | not applicable                           |
| 12                         | \$952.16                               | \$761.73                                 |
| 14                         | \$1,112.98                             | \$890.38                                 |
| 16                         | \$1,271.25                             | \$1,017.00                               |
| 20                         | \$1,442.28                             | \$1,153.82                               |
| 30                         | \$1,715.42                             | \$1,372.33                               |

FY2028

| Capacity<br>in Cu<br>Yards | Short-term<br>Service Rate -<br>Refuse | Short-term<br>Service Rate -<br>Organics |
|----------------------------|----------------------------------------|------------------------------------------|
| (dirt) 6                   | not applicable                         | not applicable                           |
| 12                         | \$990.24                               | \$792.20                                 |
| 14                         | \$1,157.50                             | \$926.00                                 |
| 16                         | \$1,322.10                             | \$1,057.68                               |
| 20                         | \$1,499.97                             | \$1,199.98                               |
| 30                         | \$1,784.03                             | \$1,427.23                               |

Bulky Waste Collection

FY2024

|               |                                                                  |
|---------------|------------------------------------------------------------------|
| Customer Type | 1st Collection in Calendar Year                                  |
| Residential   | No Charge up to 3 Cubic Yard; \$42.15 each additional Cubic Yard |

FY2025

|               |                                                                  |
|---------------|------------------------------------------------------------------|
| Customer Type | 1 per Year                                                       |
| Residential   | No Charge up to 3 Cubic Yard; \$43.41 each additional Cubic Yard |

FY2026

|               |                                                                  |
|---------------|------------------------------------------------------------------|
| Customer Type | 1 per Year                                                       |
| Residential   | No Charge up to 3 Cubic Yard; \$44.71 each additional Cubic Yard |

FY2027

|               |                                                                  |
|---------------|------------------------------------------------------------------|
| Customer Type | 1 per Year                                                       |
| Residential   | No Charge up to 3 Cubic Yard; \$46.06 each additional Cubic Yard |

FY2028

|               |                                                                  |
|---------------|------------------------------------------------------------------|
| Customer Type | 1 per Year                                                       |
| Residential   | No Charge up to 3 Cubic Yard; \$47.44 each additional Cubic Yard |

Extra Pickups (in excess of regularly schedule services) Refuse, Recycling, Organics

| Container Size | per Container<br>per Collection |         |         |         |         |
|----------------|---------------------------------|---------|---------|---------|---------|
|                | FY2024                          | FY2025  | FY2026  | FY2027  | FY2028  |
| 13 Gallon      | \$15.11                         | \$15.97 | \$16.84 | \$17.73 | \$18.63 |
| 20 Gallon      | \$15.84                         | \$16.70 | \$17.58 | \$18.46 | \$19.36 |
| 32 Gallon      | \$17.10                         | \$17.96 | \$18.84 | \$19.72 | \$20.62 |
| 45 Gallon      | \$18.41                         | \$19.27 | \$20.14 | \$21.03 | \$21.73 |
| 64 Gallon      | \$19.10                         | \$19.96 | \$20.83 | \$21.72 | \$22.62 |
| 96 Gallon      | \$20.55                         | \$21.41 | \$22.29 | \$23.17 | \$24.07 |
| 1 Cubic Yd     | \$47.34                         | \$50.81 | \$54.56 | \$57.81 | \$59.98 |
| 1.5 Cubic Yds  | \$64.38                         | \$69.37 | \$74.80 | \$79.47 | \$82.50 |



|             |          |          |          |          |          |
|-------------|----------|----------|----------|----------|----------|
| 2 Cubic Yds | \$81.41  | \$87.94  | \$95.04  | \$101.13 | \$105.03 |
| 3 Cubic Yds | \$115.47 | \$125.06 | \$135.50 | \$144.42 | \$150.05 |
| 4 Cubic Yds | \$149.53 | \$162.19 | \$175.97 | \$187.73 | \$195.09 |
| 5 Cubic Yds | \$183.60 | \$199.32 | \$216.44 | \$231.03 | \$240.12 |
| 6 Cubic Yds | \$217.66 | \$236.45 | \$256.91 | \$274.33 | \$285.16 |

### Pre-paid Bags and Containers

|                                      | FY2024  | FY2025  | FY2026  | FY2027  | FY2028  |
|--------------------------------------|---------|---------|---------|---------|---------|
| Collection of pre-paid bag/container | \$19.10 | \$19.67 | \$20.26 | \$20.87 | \$21.50 |

### Customer-Owned Bin Repairs

| Service                 | FY2024                                                         | FY2025  | FY2026  | FY2027  | FY2028  |
|-------------------------|----------------------------------------------------------------|---------|---------|---------|---------|
| Bin Replacement         | 100% of City Cost (3rd-party vendor) + 10% administration cost |         |         |         |         |
| Wheel Replacement       | \$77.25                                                        | \$79.57 | \$81.95 | \$84.41 | \$86.95 |
| Wheel Plate Replacement | \$77.25                                                        | \$79.57 | \$81.95 | \$84.41 | \$86.95 |
| Side Wall Replacement   | 100% of City Cost (3rd-party vendor) + 10% administration cost |         |         |         |         |
| Lid Replacement         | 100% of City Cost (3rd-party vendor) + 10% administration cost |         |         |         |         |

### Key/Access Code Charges

| FY2024  | FY2025  | FY2026  | FY2027  | FY2028  |
|---------|---------|---------|---------|---------|
| \$26.56 | \$27.36 | \$28.18 | \$29.02 | \$29.90 |

### Container Cleaning

|                         | FY2024  | FY2025  | FY2026   | FY2027   | FY2028   |
|-------------------------|---------|---------|----------|----------|----------|
| Container Type          |         |         |          |          |          |
| Wheeled cart (any size) | \$20.00 | \$21.80 | \$21.80  | \$21.40  | \$20.80  |
| Bin (any size)          | \$90.36 | \$98.49 | \$107.36 | \$114.87 | \$119.47 |

### Short-Term Bin Service

|                    | FY2024        | FY2025   | FY2026   | FY2027   | FY2028   |
|--------------------|---------------|----------|----------|----------|----------|
| 1 Cubic Yard Bin   | not available |          |          |          |          |
| 1.5 Cubic Yard Bin | not available |          |          |          |          |
| 2 Cubic Yard Bin   | \$96.38       | \$105.06 | \$114.51 | \$122.53 | \$127.43 |
| 3 Cubic Yard Bin   | \$116.46      | \$126.95 | \$138.37 | \$148.06 | \$153.98 |
| 4 Cubic Yard Bin   | \$146.58      | \$159.78 | \$174.16 | \$186.35 | \$193.80 |
| 5 Cubic Yard Bin   | \$166.66      | \$181.66 | \$198.01 | \$211.87 | \$220.35 |
| 6 Cubic Yard Bin   | \$185.74      | \$202.46 | \$220.68 | \$236.13 | \$245.57 |

Distance Surcharges

FY2024

| Customer/Container Type                  | Monthly Charge Based on Number of Collections Per Week |          |          |          |          |          |          |
|------------------------------------------|--------------------------------------------------------|----------|----------|----------|----------|----------|----------|
|                                          | 1X                                                     | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| <b>Residential</b>                       |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$34.50                                                | \$69.00  | \$103.50 | \$138.00 | \$172.50 | \$207.00 | \$241.50 |
| Bins (1 - 2 cubic yards), per Bin        | \$57.51                                                | \$115.01 | \$172.52 | \$230.03 | \$287.53 | \$345.04 | \$402.55 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$11.50                                                | \$23.00  | \$34.50  | \$46.00  | \$57.50  | \$69.00  | \$80.50  |
| Bins (1 - 2 cubic yards), per Bin        | \$23.00                                                | \$46.00  | \$69.00  | \$92.00  | \$115.00 | \$138.00 | \$161.00 |
| <b>Commercial</b>                        |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per cart                          | \$11.50                                                | \$23.00  | \$34.50  | \$46.00  | \$57.50  | \$69.00  | \$80.50  |
| Bins (1 - 3 cubic yards), per Bin        | \$57.51                                                | \$115.01 | \$172.52 | \$230.03 | \$287.53 | \$345.04 | \$402.55 |
| Bins (4 - 6 cubic yards), per Bin        | \$63.26                                                | \$126.52 | \$189.78 | \$253.04 | \$316.30 | \$379.56 | \$442.82 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per cart                          | \$2.66                                                 | \$5.32   | \$7.98   | \$10.64  | \$13.30  | \$15.96  | \$18.62  |
| Bins (1 - 3 cubic yards), per Bin        | \$23.00                                                | \$46.00  | \$69.00  | \$92.00  | \$115.00 | \$138.00 | \$161.00 |
| Bins (4 - 6 cubic yards), per Bin        | \$25.30                                                | \$50.60  | \$75.90  | \$101.20 | \$126.50 | \$151.80 | \$177.10 |

FY2025

| Container Type                           | Monthly Charge Based on Number of Collections Per Week |          |          |          |          |          |          |
|------------------------------------------|--------------------------------------------------------|----------|----------|----------|----------|----------|----------|
|                                          | 1X                                                     | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| <b>Residential</b>                       |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$35.54                                                | \$71.08  | \$106.62 | \$142.16 | \$177.70 | \$213.24 | \$248.78 |
| Bins (1 - 2 cubic yards), per Bin        | \$59.23                                                | \$118.46 | \$177.69 | \$236.92 | \$296.15 | \$355.38 | \$414.61 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$11.85                                                | \$23.69  | \$35.54  | \$47.39  | \$59.23  | \$71.08  | \$82.92  |
| Bins (1 - 2 cubic yards), per Bin        | \$23.69                                                | \$47.38  | \$71.07  | \$94.76  | \$118.45 | \$142.14 | \$165.83 |
| <b>Commercial</b>                        |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per cart                          | \$11.85                                                | \$23.69  | \$35.54  | \$47.39  | \$59.23  | \$71.08  | \$82.92  |
| Bins (1 - 3 cubic yards), per Bin        | \$59.23                                                | \$118.46 | \$177.69 | \$236.92 | \$296.15 | \$355.38 | \$414.61 |
| Bins (4 - 6 cubic yards), per Bin        | \$65.15                                                | \$130.30 | \$195.45 | \$260.60 | \$325.75 | \$390.90 | \$456.05 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per cart                          | \$2.74                                                 | \$5.47   | \$8.21   | \$10.94  | \$13.68  | \$16.42  | \$19.15  |
| Bins (1 - 3 cubic yards), per Bin        | \$23.69                                                | \$47.38  | \$71.07  | \$94.76  | \$118.45 | \$142.14 | \$165.83 |
| Bins (4 - 6 cubic yards), per Bin        | \$26.06                                                | \$52.12  | \$78.18  | \$104.24 | \$130.30 | \$156.36 | \$182.42 |

FY2026

| Container Type                           | Monthly Charge Based on Number of Collections Per Week |          |          |          |          |          |          |
|------------------------------------------|--------------------------------------------------------|----------|----------|----------|----------|----------|----------|
|                                          | 1X                                                     | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| <b>Residential</b>                       |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$36.61                                                | \$73.21  | \$109.82 | \$146.42 | \$183.03 | \$219.63 | \$256.24 |
| Bins (1 - 2 cubic yards), per Bin        | \$61.01                                                | \$122.02 | \$183.03 | \$244.03 | \$305.04 | \$366.05 | \$427.06 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$12.20                                                | \$24.40  | \$36.60  | \$48.80  | \$61.00  | \$73.20  | \$85.40  |
| Bins (1 - 2 cubic yards), per Bin        | \$24.40                                                | \$48.80  | \$73.20  | \$97.60  | \$122.00 | \$146.40 | \$170.80 |
| <b>Commercial</b>                        |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per cart                          | \$12.20                                                | \$24.40  | \$36.60  | \$48.80  | \$61.00  | \$73.20  | \$85.40  |
| Bins (1 - 3 cubic yards), per Bin        | \$61.01                                                | \$122.02 | \$183.03 | \$244.03 | \$305.04 | \$366.05 | \$427.06 |
| Bins (4 - 6 cubic yards), per Bin        | \$67.11                                                | \$134.22 | \$201.33 | \$268.44 | \$335.55 | \$402.66 | \$469.77 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per cart                          | \$2.82                                                 | \$5.64   | \$8.45   | \$11.27  | \$14.09  | \$16.91  | \$19.73  |
| Bins (1 - 3 cubic yards), per Bin        | \$24.40                                                | \$48.80  | \$73.20  | \$97.60  | \$122.00 | \$146.40 | \$170.80 |
| Bins (4 - 6 cubic yards), per Bin        | \$26.84                                                | \$53.68  | \$80.52  | \$107.36 | \$134.20 | \$161.04 | \$187.88 |

FY2027

| Container Type                           | Monthly Charge Based on Number of Collections Per Week |          |          |          |          |          |          |
|------------------------------------------|--------------------------------------------------------|----------|----------|----------|----------|----------|----------|
|                                          | 1X                                                     | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
| <b>Residential</b>                       |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$37.70                                                | \$75.40  | \$113.10 | \$150.80 | \$188.50 | \$226.20 | \$263.90 |
| Bins (1 - 2 cubic yards), per Bin        | \$62.84                                                | \$125.68 | \$188.52 | \$251.36 | \$314.19 | \$377.03 | \$439.87 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per account                       | \$12.57                                                | \$25.14  | \$37.70  | \$50.27  | \$62.84  | \$75.41  | \$87.97  |
| Bins (1 - 2 cubic yards), per Bin        | \$25.14                                                | \$50.27  | \$75.41  | \$100.54 | \$125.68 | \$150.81 | \$175.95 |
| <b>Commercial</b>                        |                                                        |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |                                                        |          |          |          |          |          |          |
| Carts, per cart                          | \$12.57                                                | \$25.14  | \$37.70  | \$50.27  | \$62.84  | \$75.41  | \$87.97  |
| Bins (1 - 3 cubic yards), per Bin        | \$62.84                                                | \$125.68 | \$188.52 | \$251.36 | \$314.19 | \$377.03 | \$439.87 |
| Bins (4 - 6 cubic yards), per Bin        | \$69.12                                                | \$138.24 | \$207.36 | \$276.48 | \$345.60 | \$414.72 | \$483.84 |
| Each Additional 20 feet, or part thereof |                                                        |          |          |          |          |          |          |
| Carts, per cart                          | \$2.90                                                 | \$5.80   | \$8.70   | \$11.60  | \$14.50  | \$17.40  | \$20.30  |
| Bins (1 - 3 cubic yards), per Bin        | \$25.14                                                | \$50.27  | \$75.41  | \$100.54 | \$125.68 | \$150.81 | \$175.95 |
| Bins (4 - 6 cubic yards), per Bin        | \$27.65                                                | \$55.30  | \$82.95  | \$110.60 | \$138.25 | \$165.89 | \$193.54 |

FY2028

| Container Type | Monthly Charge Based on Number of Collections Per Week |  |  |  |  |  |  |
|----------------|--------------------------------------------------------|--|--|--|--|--|--|
|----------------|--------------------------------------------------------|--|--|--|--|--|--|

|                                          | 1X      | 2X       | 3X       | 4X       | 5X       | 6X       | 7X       |
|------------------------------------------|---------|----------|----------|----------|----------|----------|----------|
| <b>Residential</b>                       |         |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |         |          |          |          |          |          |          |
| Carts, per account                       | \$38.83 | \$77.66  | \$116.49 | \$155.32 | \$194.15 | \$232.98 | \$271.81 |
| Bins (1 - 2 cubic yards), per Bin        | \$64.72 | \$129.44 | \$194.16 | \$258.88 | \$323.60 | \$388.32 | \$453.04 |
| Each Additional 20 feet, or part thereof |         |          |          |          |          |          |          |
| Carts, per account                       | \$12.94 | \$25.88  | \$38.82  | \$51.76  | \$64.70  | \$77.64  | \$90.58  |
| Bins (1 - 2 cubic yards), per Bin        | \$25.89 | \$51.78  | \$77.67  | \$103.56 | \$129.45 | \$155.34 | \$181.23 |
| <b>Commercial</b>                        |         |          |          |          |          |          |          |
| Distance from Curb (up to 25 feet)       |         |          |          |          |          |          |          |
| Carts, per cart                          | \$12.94 | \$25.88  | \$38.82  | \$51.76  | \$64.70  | \$77.64  | \$90.58  |
| Bins (1 - 3 cubic yards), per Bin        | \$64.72 | \$129.44 | \$194.16 | \$258.88 | \$323.60 | \$388.32 | \$453.04 |
| Bins (4 - 6 cubic yards), per Bin        | \$71.20 | \$142.39 | \$213.59 | \$284.79 | \$356.98 | \$427.18 | \$498.37 |
| Each Additional 20 feet, or part thereof |         |          |          |          |          |          |          |
| Carts, per cart                          | \$2.99  | \$5.98   | \$8.97   | \$11.96  | \$14.95  | \$17.94  | \$20.93  |
| Bins (1 - 3 cubic yards), per Bin        | \$25.89 | \$51.78  | \$77.67  | \$103.56 | \$129.45 | \$155.34 | \$181.23 |
| Bins (4 - 6 cubic yards), per Bin        | \$28.48 | \$56.96  | \$85.44  | \$113.91 | \$142.39 | \$170.87 | \$199.35 |

Stair Surcharges

FY2024

|          | Monthly Charge Based on Number of Collections Per Week |         |         |         |         |         |         |
|----------|--------------------------------------------------------|---------|---------|---------|---------|---------|---------|
|          | 1X                                                     | 2X      | 3X      | 4X      | 5X      | 6X      | 7X      |
| Per Cart | \$11.50                                                | \$23.00 | \$34.50 | \$46.00 | \$57.50 | \$69.00 | \$80.50 |

FY2025

|          | Monthly Charge Based on Number of Collections Per Week |         |         |         |         |         |         |
|----------|--------------------------------------------------------|---------|---------|---------|---------|---------|---------|
|          | 1X                                                     | 2X      | 3X      | 4X      | 5X      | 6X      | 7X      |
| Per Cart | \$11.85                                                | \$23.70 | \$35.55 | \$47.40 | \$59.25 | \$71.10 | \$82.95 |

FY2026

|          | Monthly Charge Based on Number of Collections Per Week |         |         |         |         |         |         |
|----------|--------------------------------------------------------|---------|---------|---------|---------|---------|---------|
|          | 1X                                                     | 2X      | 3X      | 4X      | 5X      | 6X      | 7X      |
| Per Cart | \$12.20                                                | \$24.40 | \$36.60 | \$48.80 | \$61.00 | \$73.20 | \$85.40 |

FY2027

|          | Monthly Charge Based on Number of Collections Per Week |         |         |         |         |         |         |
|----------|--------------------------------------------------------|---------|---------|---------|---------|---------|---------|
|          | 1X                                                     | 2X      | 3X      | 4X      | 5X      | 6X      | 7X      |
| Per Cart | \$12.57                                                | \$25.14 | \$37.71 | \$50.28 | \$62.85 | \$75.42 | \$87.99 |

FY2028

|          | Monthly Charge Based on Number of Collections Per Week |         |         |         |         |         |         |
|----------|--------------------------------------------------------|---------|---------|---------|---------|---------|---------|
|          | 1X                                                     | 2X      | 3X      | 4X      | 5X      | 6X      | 7X      |
| Per Cart | \$12.94                                                | \$25.88 | \$38.82 | \$51.76 | \$64.70 | \$77.64 | \$90.58 |

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**PROPOSED FIVE YEAR RATE SCHEDULE  
FOR ZERO WASTE SERVICES**

**The public may participate in this hearing by remote video or in-person.**

This notice concerns the City of Berkeley's proposal to increase the rates it charges for both residential and commercial Zero Waste services, including garbage collection, transfer & disposal, recyclables collection and processing, and organics collection and composting. The proposed rates for the five-year rate schedule would fund all costs to deliver these services, including operational, maintenance, financial, and capital expenditures. The costs include annual increases for landfill disposal expenses; labor; vehicle fuel, maintenance, and replacement; composting and recycling expenses; maintenance of the closed landfill; and environmental and design phases of the Transfer Station's Replacement Project. These rates have not been adjusted since July 2020. The proposed rates are calculated based upon the cost to provide Zero Waste services to each customer based upon each customer's volume and frequency of collection.

The five-year rate schedule, including the staff report and resolution, are available on the City website at <https://berkeleyca.gov/city-services/trash-recycling> or at the City Clerk Department at 2180 Milvia Street.

The hearing will be held on Tuesday, June 27, 2023, at 6 pm at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of June 15, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Leticia Jauregui, Acting Solid Waste & Recycling Manager, Public Works, 510-981-6359, or Liam Garland, Public Works Director, 510-981-6303.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not

include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [council@berkeleyca.gov](mailto:council@berkeleyca.gov) for further information.

**Published:** June 16, 2023 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 15, 2023.

\_\_\_\_\_  
Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Biennial Syringe Services Report

RECOMMENDATION

Conduct a public hearing and upon conclusion, accept the Biennial Syringe Services Report.

SUMMARY

In accordance with Health and Safety Code section 121349.3 this biennial report details the status of clean needle and syringe exchange programs operating in the City of Berkeley. The report will include relevant statistics on bloodborne infections associated with needle sharing activity and the use of public funds for these programs.

Syringe exchange is a documented public health intervention that reduces the transmission of blood-borne pathogens and also reduces the number of improperly discarded syringes in the community. Syringe service programs (SSPs) offer many services in addition to providing syringes and sterile injection equipment. These usually include overdose education and naloxone distribution, HIV and hepatitis C testing, and referrals to drug treatment, housing, and mental health services. Most SSPs also provide first aid and basic supplies, such as clean socks and bottled water, to meet the needs of people experiencing homelessness.

There are currently two syringe exchange programs operating in the City of Berkeley: Berkeley Needle Exchange Emergency Distribution (NEED) and the Berkeley Free Clinic.

CURRENT SITUATION AND ITS EFFECTS

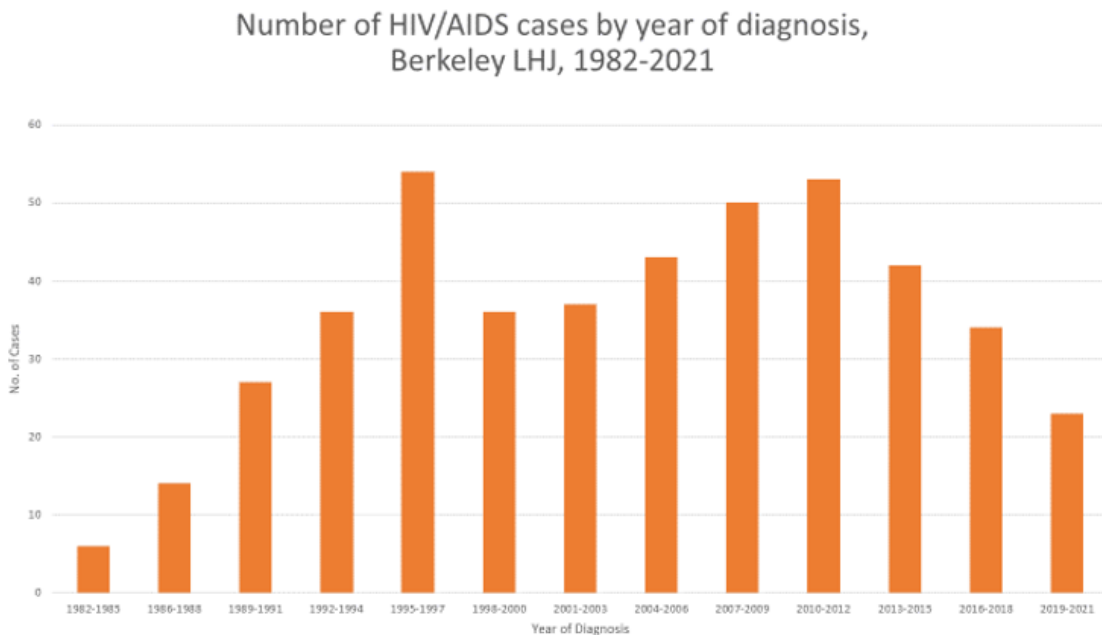
Since the late 1980s, California SSPs have been providing sterile syringes, collecting used ones, and acting as points of access to healthcare and providing aid to people who use drugs. SSPs are also essential components of California's infectious disease prevention strategy. They have played a crucial role in reducing HIV infections in the state and preventing the transmission of other blood-borne diseases and their complications. In fact, SSPs have been instrumental in significantly reducing the transmission of HIV, hepatitis B and C viruses, and preventing skin and soft tissue infections among people who inject drugs.

In addition to their role in infectious disease prevention, SSPs have also become frontline care providers in California's efforts to prevent drug overdose deaths. Studies have shown that individuals who participate in SSPs are five times more likely to enter drug treatment and three times more likely to reduce or stop injecting compared to those who have never accessed a SSP.

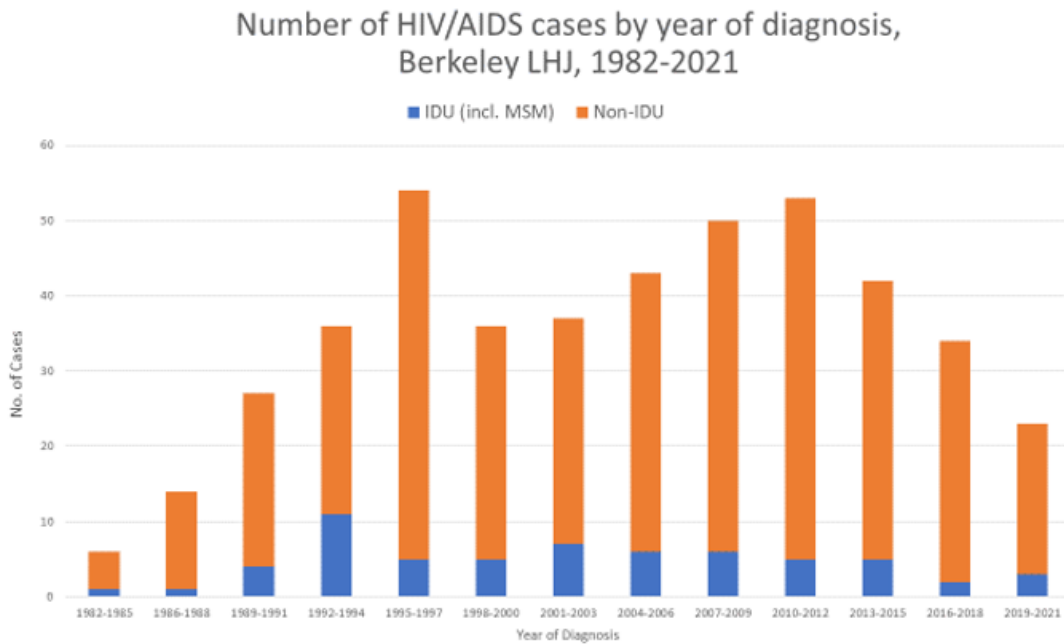
**Reducing Disease Transmission:**

HIV/AIDS:

After a rise and peak of overall HIV/AIDS infections in 2010-2012, cases have continued a downward trend for the last 10 years. HIV/AIDS cases due to injection drug use (IDU) have been on average below 5 cases per year and have continued a downward trend since the early 2000s.



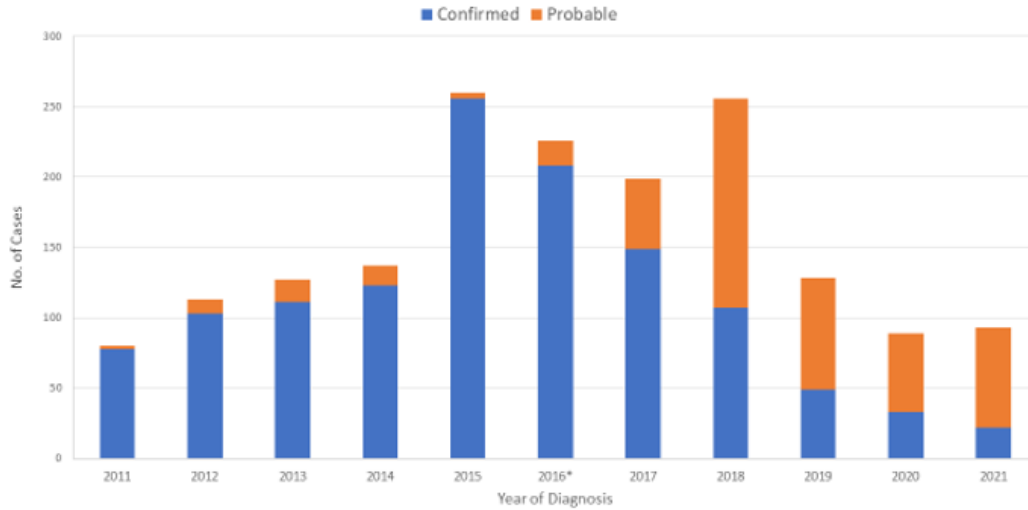




Hepatitis C:

The graph below shows newly reported cases of chronic hepatitis C among City of Berkeley residents from 2011 through 2021. The increase in cases starting in 2013 is likely due to the initiation of statewide electronic laboratory reporting (ELR) and auto processing of ELR hepatitis C data in October and December, 2013, respectively. The increase in probable cases in 2018 reflects a change in the Council of State and Territorial Epidemiologist/Centers for Disease Control and Prevention case definition for chronic hepatitis C in 2016. This change resulted in fewer cases meeting criteria for a confirmed case in 2018 compared to previous reporting years. Cases reported in 2012-2015 could be classified as confirmed with only a positive antibody result value above a certain threshold. In 2016, such cases were considered probable and ribonucleic acid (RNA) detection was necessary for confirmation. Cases in this report were classified based on the case definition current at the time of the case report. Case counts from 2019 to 2021 show a decrease or plateau in cases.

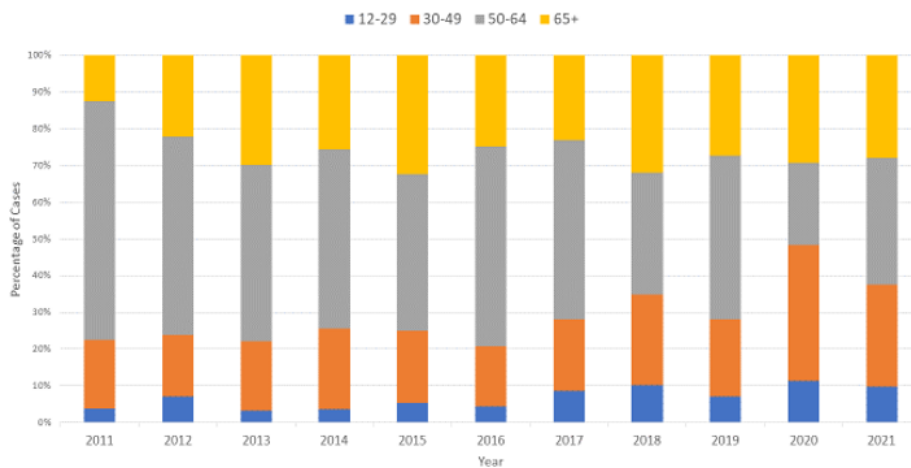
Number of newly reported cases of chronic hepatitis C by resolution status, Berkeley LHJ 2011-2021



\*As of January 2016, a positive hepatitis C virus antibody result with a high signal-to-cut-off ratio was considered probable; ribonucleic acid (RNA) was required for a confirmed case.

The graph below shows the age distribution of chronic hepatitis C cases in City of Berkeley residents. Since 2017, there has been a shift in the age predominance of hepatitis C cases, with an increase in cases among individuals aged 30 and younger, as opposed to the previous trend where the majority of cases were reported in those aged 50 and older.

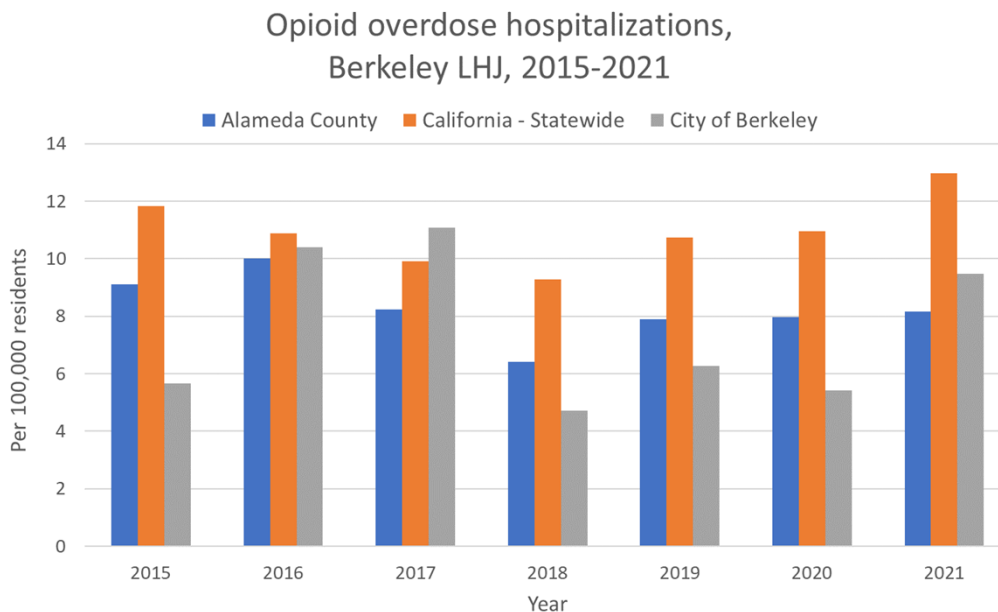
Chronic Hepatitis C – Age Distribution of Newly Reported Cases, Berkeley LHJ, 2011-2021



**Opioid Overdose:**

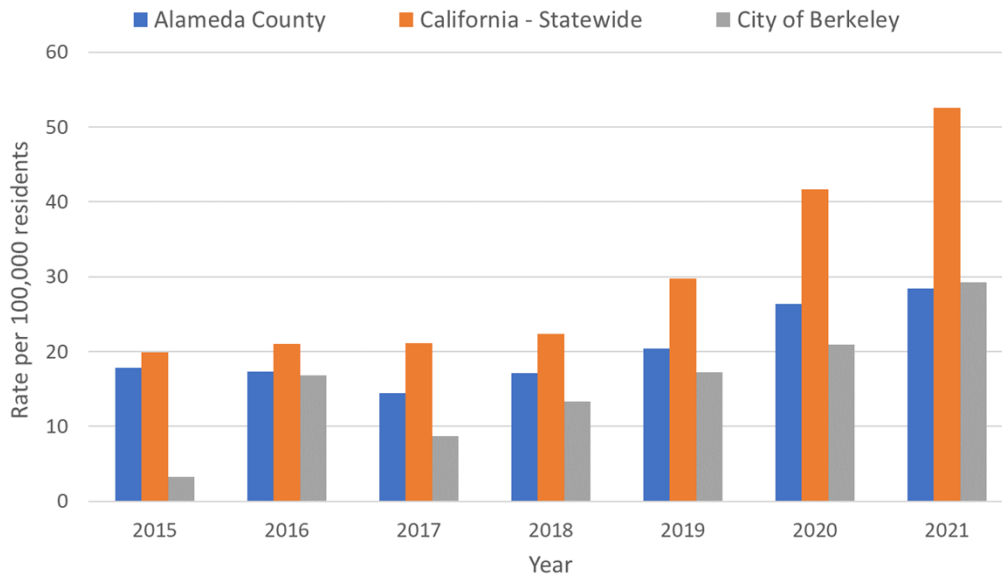
Using hospitalization and emergency department (ED) data from the Department of Health Care Access and Information (HCAI), trends in opioid overdose diagnoses among City of Berkeley residents can be monitored. Although opioid hospitalizations and ED visits are not necessarily linked with injection drug use, examining these patterns can provide useful background for evaluating harm reduction methods such as needle exchange services. The opioid crisis is a complex public health emergency that has gripped communities across the United States, including California. It stems from the widespread misuse and addiction to both prescription opioids, such as oxycodone and hydrocodone, and illicit opioids like heroin and fentanyl.

The graph below shows crude incident rates of opioid overdose hospitalizations for Berkeley residents with Alameda County and Statewide estimates for comparison. Berkeley's opioid overdose hospitalization rates ranged from a low of 4.7 per 100,000 in 2018 and to a high of 11.0 per 100,000 in 2017. The lowest rate was in 2018, while the highest was in 2017.



The next graph below shows crude rates of opioid overdose ED visits for Berkeley residents, with comparison rates for Alameda County and all of California. For the last five years, rates for Berkeley have increased, from 8.7 per 100,000 in 2017 to 29.2 per 100,000 in 2021. This over threefold increase mirrors a similar pattern of increasing ED visits for Alameda County and California.

Opioid overdose ED visits,  
Berkeley LHM, 2015-2021



**Syringe Exchange Program Data:**

Berkeley Needle Exchange Emergency Distribution (NEED) (01/01/22-12/31/22)

Program description:

NEED is a volunteer-based collective that was started in September 1990 by a group of HIV positive persons, people in recovery, and health activists as an underground program operating out of a baby carriage on the corner of Hearst and San Pablo Avenues in Berkeley.

Today, NEED operates from a van at three neighborhood sites each week, offering free and anonymous services in a client-centered manner. Their focus is on preventing infectious diseases and improving the physical, spiritual, and political health of drug users. In response to the rising number of overdoses among injection drug users, NEED also provides overdose prevention education.

In addition to syringes, NEED carries an assortment of harm reduction supplies including safer sex, wound care, and hygiene supplies. NEED provides information and referrals for medical, housing, social support, and treatment programs. Once a week, the NEED site is located across the street the Berkeley Free Clinic that provides free, anonymous hepatitis testing and vaccination.

## Exchange data:

- Number of individuals served: 6,089
- Number of syringes distributed: 515,361
- Numbers of syringes collected (note, this is often less as many communities have other alternatives for disposal): 207,490
- Number of overdose kits (Narcan) provided: 2,135
- Number of overdose reversals reported: 390
- Overdose trainings: 9 group trainings for outside groups and 500 individual trainings\*
- Number of referrals to substance use disorder treatment programs: Data not collected
- Number of HIV and HCV tests performed: NEED does not perform HIV/HCV tests but refers individuals to testing services, if requested
- Community served:
  - Demographics of primary exchange participants:
  - Gender
    - Male: 59.85% Female:19.95% Transgender/genderqueer:2.4% Other: 2.2% Declined: 12.8%
  - Race/ethnicity
    - White: 39.2% African American: 17.35% Latino/Hispanic: 10.2% Asian/Pacific Islander: 2.3% Multiracial 5.7% Other: 5.15% Declined: 16.35%
  - Age
    - 24 or younger: 2.15% 25-34: 19.9% 35-44: 20.9% 45-54:18.7% 55-64: 18.25% 65 or older:4.6% Declined: 13.55%

\*NEED offers training to anyone who receives naloxone from them. Most of the participants have used and/or been trained in how to use naloxone so they do not need or want training.

Berkeley Free Clinic Syringe Exchange (data from 01/01/22-01/01/23):

## Program description:

The Berkeley Free Clinic (BFC) is non-profit community clinic located on Durant Ave. It is operated as a worker-run collective by more than 100 volunteers, that has provided free medical care since opening in 1969. The mission of the BFC is to empower individuals and communities by providing accessible, client-centered health services and information. The BFC offers a variety of services including STI screening and treatment, peer counselling, dental services, vision screening, and local resource navigation and referrals in addition to syringe exchange services. The Clinic is widely known to the Berkeley community as a place to receive harm reduction supplies as well

as hygiene items, food, and water. Their harm reduction services are integrated into the clinical services and include needs-based distribution of services, safer injection supplies, fentanyl test strips, naloxone education and distribution, and wound care supplies.

#### Exchange data:

- Number of individuals served: 4,500
- Numbers of syringes distributed: 19,800
- Numbers of syringes collected (note, this is often less as many communities have other alternatives for disposal): 10,200
- Number of overdose kits (Narcan) provided: 1,820
- Number of overdose reversals reported: 25
- Overdose trainings: 2
- Number of referrals to substance use disorder treatment programs: 27
- Number of HIV and HCV tests performed: provided but not recorded
- Community served: mostly unhoused, drug of choice: Methamphetamine(crank)/heroin

#### Use of Public Funds:

NEED receives funding for syringe services supplies from the Public Health Division of Health, Housing, and Community Services Department. The funding is not to exceed \$150,000 over three years (or \$50,000 per year).

#### Outreach and Support-City of Berkeley Activities and Programs:

The City of Berkeley provides support to the injection drug using population in several ways.

#### Additional syringe disposal sites:

- The Berkeley Police Department maintains sharps and medication disposal at their office building. <https://resource.stopwaste.org/vendor/berkeley-police-department-berkeley-2100-martin-luther-king-jr-way?itemname=Needles%2B%26amp%3B%2BSyringes>
- The Mental Health Division of Health, Housing and Community Services has a sharps container available for syringes and appropriate items at its adult clinic.

Mental Health Division of Health, Housing, and Community Services (BMH):

- Overdose education and naloxone distribution (NARCAN): The HIV Education and Prevention Project of Alameda County (HEPPAC) has provided trainings to BMH and other community organizations for NARCAN administration and has distributed NARCAN to trained teams. BMH physicians prescribe NARCAN as clinically indicated. BMH also conducts drug screen testing when indicated.
- HIV and hepatitis C testing: As clinically indicated, BMH physicians order HIV and Hep C blood tests for their patients.
- Education/services/accomplishments: Options Recovery has contracted with BMH to provide co-located substance use disorder (SUD) information, education, and services. Options Recovery street outreach is via a contract with HHCS to provide SUD outreach services and referral to SUD programming. BMH is also utilizing Opioid Settlement funds and Mental Health Services Act (MHSA) funding to add a SUD staff person to the Berkeley High School Health Center to provide various SUD, referral, and harm reduction services.
- Referrals to drug treatment: BMH regularly refers to Alameda County SUD ACCESS for services, coordinating care with SUD providers for clients established in care with BMH. BMH also refers patients to various substance use programs including Alcoholics Anonymous, Narcotics Anonymous, Marijuana Anonymous, Nicotine Anonymous, Bonita House, Cronin House, Cherry Hill, Chrysalis, and others.
- Housing, and mental health services: BMH completes intakes for eligible individuals at Bonita House to facilitate access to MH/Dual Diagnosis services, coordinates services and housing assessments for unhoused clients with Bay Area Community Services (BACS), works with Shelter and Care program case managers and staff and partner agencies (e.g. ABODE) to obtain and maintain clients in housing. BMH also assists with linkage to mental health services if someone does not meet BMH criteria for services

Berkeley High School Health Center (BSHHC):

The BSHHC provides a myriad of harm reduction resources to students.

- Fentanyl Strips are provided as a “Grab and Go” item at the BSHHC front desk: The BSHHC provides education about drug use, focusing on overdose prevention and fentanyl information, in partnership with the Harm Education and Reduction Organization (HERO), a student group spearheading an effort to educate their Berkeley High peers.

Through the partnership with HERO and Berkeley High School Health Center, Fentanyl Strips are provided by Kaiser Permanente to HERO and then given to the Health Center to distribute.

- The BSHHC receives Narcan through NARCANDirect.com: BSHHC has distributed Narcan to the BHS Administrative Team to administer in the event that the health center is closed. In partnership with BHS, the health center has developed a protocol for how staff can support BHS in the event of a suspected opioid overdose when the health center is open.
- Identifying students under the influence with Berkeley High School (BHS) Administration: The BSHHC provides BHS administrative staff with substance use education regarding identifying students under the influence. This yearly training provides BHS staff with the knowledge in identifying students under the influence at BHS events such as Prom.
- Substance Use Education-Provided by BSHHC Staff to clients: The BSHHC provides Health Education on the following:
  - STI/HIV education, testing, and prevention
  - HIV Pre-exposure Prophylaxis (PrEP) and Post-exposure Prophylaxis (PEP) Education and Referrals
  - Alcohol, tobacco, and drug prevention

### BACKGROUND

The California State legislature acknowledges that data from the Needle Exchange Programs in the United States and in Europe have shown that syringe exchange does not increase drug use in the population, can serve as an important bridge to treatment and recovery from drug abuse, and can curtail the spread of Human Immunodeficiency Virus (HIV) infection among the intravenous drug user population. Support of SSPs is a Strategic Plan Priority project, advancing our goal to champion and demonstrate social and racial equity.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSON

Lisa B. Hernandez, MD, MPH, Health Officer, HHCS, (510) 981-5308



**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
BIENNIAL SYRINGE SERVICES REPORT**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Health, Housing, and Community Services is providing the Biennial Syringe Services Report.

The hearing will be held on Tuesday, June 27, 2023, at 6 pm at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of June 15, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Lisa B. Hernandez, MD, MPH, Health Officer at (510) 981-5300.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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**Published:** June 16, 2023 – The Berkeley Voice

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek

[Internal](#) June 27, 2023

Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 15, 2023.

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Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Approval and Levy of 2018 Clean Stormwater Fee in FY 2024

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2024.

FISCAL IMPACTS OF RECOMMENDATION

The Resolution would approve and order the levy of the 2018 Clean Stormwater Fee in Fiscal Year (FY) 2024. The fees are to be filed with the Alameda County Auditor and included in the County’s assessment roll. After collection by the County the total amount of the assessment minus a collection fee is paid to the City of Berkeley. The revenue is posted in the Clean Storm Water Fund (Fund 616). Approximately \$3.03 million is expected to be collected from the 2018 Clean Stormwater Fee in FY 2024. A summary of forecasted FY 2024 revenue and expenditures for Fund 616 is shown in the table below.

**Table 1 - FY 2024 Fund 616 Forecast**

|                                              |                     |
|----------------------------------------------|---------------------|
| <b>Clean Stormwater Program Expenditures</b> | <b>\$ 5,891,265</b> |
| <b>Revenue</b>                               |                     |
| Clean Stormwater Fee (1991)                  | \$ 1,921,318        |
| 2018 Clean Stormwater Fee                    | \$ 3,026,129        |
| <b>Total Revenue</b>                         | <b>\$ 4,947,447</b> |
| <b>Deficit/Surplus</b>                       | <b>\$ (943,818)</b> |

CURRENT SITUATION AND ITS EFFECTS

The 2018 Clean Stormwater Fee (“2018 Fee”) is subject to an annual adjustment tied to the Consumer Price Index - U for the San Francisco Bay Area as of December of each succeeding year (the “CPI”). Per the voter approved measure, any increase in the CPI in excess of 3% shall be cumulatively reserved as “Unused CPI” and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. To date there is a current “Unused CPI” balance of 1.24%. For the period beginning in December 2021 and ending in December 2022, the CPI increased by 4.88%; therefore

the annual adjustment for FY 2024 will be limited to the prescribed maximum of 3.00% and the excess CPI increase of 1.88% will be reserved as “Unused CPI” balance to be used in future years.

As approved by voters, the annual adjustment may be calculated by taking the sum of the 1991 Clean Stormwater Fee (“1991 Fee”) and the 2018 Clean Stormwater Fee, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for the inclusion of a 1991 Fee adjustment as part of the annual 2018 Fee increase. The cumulative adjustment of the 1991 Fee and the 2018 Fee, result in 2018 Fee increases of approximately 5.35%.

The table below details prior year and proposed FY 2024 annual rates for the property-related fee.

**Table 2 - Summary of Annual Rates for 2018 Clean Stormwater Fee**

| Rate Category                                                                                | FY 2023 Fee | Proposed FY 2024 Fee | Unit   |
|----------------------------------------------------------------------------------------------|-------------|----------------------|--------|
| <b>Single-Family Residential</b>                                                             |             |                      |        |
| Small                                                                                        | \$ 42.01    | \$ 44.25             | parcel |
| Medium                                                                                       | \$ 52.51    | \$ 55.32             | parcel |
| Large                                                                                        | \$ 63.51    | \$ 66.90             | parcel |
| Condominium                                                                                  | \$ 42.01    | \$ 44.25             | parcel |
| Single-Family Residential parcels with multiple single-family residences pay 22% higher rate |             |                      |        |
| <b>Non-Single-Family Residential**</b>                                                       |             |                      |        |
| Multi-Family Residential                                                                     | \$ 916.01   | \$ 964.98            | acre   |
| Comm / Industrial / Parking                                                                  | \$ 1,022.53 | \$ 1,077.19          | acre   |
| Office                                                                                       | \$ 958.62   | \$ 1,009.87          | acre   |
| Institutional / Church                                                                       | \$ 873.41   | \$ 920.10            | acre   |
| School / Hospital                                                                            | \$ 798.85   | \$ 841.56            | acre   |
| Recreational                                                                                 | \$ 617.78   | \$ 650.80            | acre   |
| Park                                                                                         | \$ 63.91    | \$ 67.32             | acre   |
| Vacant (developed)                                                                           | \$ 53.25    | \$ 56.10             | acre   |
| Open Space / Agricultural                                                                    |             | exempt               |        |

\* Single-Family Residential category also includes duplex, triplex and four-plex units.

\*\* Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion thereof

Detailed calculations of the annual adjustment and the corresponding rate increases are included in the 2018 Clean Stormwater Fee - Fiscal Year 2024 Adjustment Report (Attachment 2). Adoption of the Resolution would approve and order the levy of the 2018 Fee in FY 2024 at the rates described in this report. Following adoption, the fees will be filed with the Alameda County Auditor and included on the County’s assessment roll for collection. Revenue from the Fee will provide needed funding for the Stormwater Program which includes flood management, compliance with clean water requirements, operations and maintenance, and major capital improvements, all of which advance the strategic goals of: 1.) Providing state-of-the-art, well-maintained infrastructure, amenities, and facilities; and 2.) Being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

**BACKGROUND**

In 1991, the City was required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board to improve the water quality of urban runoff and discharge storm water runoff to the City’s waterways. The permit requires that the City implement a stormwater control program and best management practices.

To meet the NDPEs permit requirements, the City implemented a Clean Storm Water Fee in 1991 for all residences and businesses in the City. The City has been collecting approximately \$2 million annually for this fee and rates have not been increased since the fee was established in 1991. Initially, collected revenues were sufficient to fund ongoing maintenance, operations, and capital improvements. However, beginning in Fiscal Year 2014, the program began operating at a deficit. In 2018, in an effort to increase revenues for the program, the City introduced the 2018 Clean Stormwater Initiative to establish a new property-related fee to be assessed separately and in addition to the existing 1991 Fee. Following a Proposition 218 process the initiative was approved by voters and the City Council adopted Resolution No. 68,483-N.S., ordering the levy. The assessment has been levied for the 2019 through 2023 fiscal years.

Provisions of the California Health and Safety Code Section 5473.1 require that a public hearing be held each year that the fees are to be collected on the property tax roll and that a notice be published in a local newspaper. A public notice has been published designating June 27, 2023 as the date for the public hearing.

**ENVIRONMENTAL SUSTAINABILITY**

The 2018 Clean Stormwater Fee provides a secure funding source for environmental protection related to the impacts of stormwater on creeks and the San Francisco Bay. The fee maintains operations and maintenance activities and reduces environmental impacts of flooding, sink holes, trash, and debris.

**RATIONALE FOR RECOMMENDATION**

The additional funding will allow the City to fund the operating deficit without the use of general funds, continue maintenance service levels, meet clean water regulatory requirements, and develop a long-term financial plan for capital projects, to continue improving water quality and minimizing the impacts of flooding in local areas.

**CONTACT PERSON**

Ronald Nevels, Interim Manager of Engineering/City Engineer, (510) 981-6439  
Ricardo Salcedo, Associate Civil Engineer, Public Works, (510) 981-6407

**Attachments:**

- 1: Resolution – Ordering the Levy of 2018 Clean Stormwater Fee in Fiscal Year 2024
- 2: 2018 Clean Stormwater Fee – Fiscal Year 2024 Adjustment Report
- 3. Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

APPROVING THE LEVY AND COLLECTION OF THE CITY OF BERKELEY 2018  
CLEAN STORMWATER FEE IN FISCAL YEAR 2024

WHEREAS, on February 13, 2018, the Council adopted Resolutions No. 68,334-N.S. and No. 68,335-N.S., to initiate the property related fee process and establish the balloting procedures for the 2018 Clean Stormwater Initiative consistent with California Constitution Article XIII D; and

WHEREAS, on April 3, 2018, the council conducted a public hearing at which a majority protest was not achieved, and subsequently adopted Resolution No. 68,831-N.S. directing the mailing of fee ballots to all property owners of properties within the City subject to the fee; and

WHEREAS, on May 29, 2018, following tabulation of fee ballots and confirming voter approval of the 2018 Clean Stormwater Initiative, Council adopted Resolution No. 68,483-N.S. accepting the ballot tabulation and ordering the levy of the 2018 Clean Stormwater Fee; and

WHEREAS, pursuant to the authority granted by voters, the 2018 Clean Stormwater Fee is subject to an annual increase based on the San Francisco - U Consumer Price Index (CPI), not to exceed 3% per year; and any increase in excess of 3% shall be cumulatively reserved as "Unused CPI" and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. The maximum annual CPI adjustment for each property shall be calculated based upon the sum of the 1991 Clean Stormwater Fee and the 2018 Clean Stormwater Fee, and multiplying the sum by the CPI or 3% whichever is lower; and

WHEREAS, for the annual period ending in December 2022 the CPI increased by 4.88%, therefore the proposed annual adjustment can be applied at the maximum of 3.00%; and

WHEREAS, the proposed fee rate for FY 2024 of FIFTY-FIVE DOLLARS AND THIRTY-TWO CENTS (\$55.32) per single-family equivalent unit is in accordance with a City staff authored report dated May 2023 and titled "2018 Clean Stormwater Fee – Fiscal Year 2024 Fee Adjustment Report" ("Report"); and

WHEREAS, the rate increases and the methodology used in the calculation of the rates are described in the Report and are in accordance with the voter approved measure; and.

WHEREAS, provisions of California Health and Safety Code Section 5473.1, require a public hearing to be held each year that the fees are to be collected on the property tax roll and a notice to be published in a local newspaper; and

WHEREAS, the notice was published designating June 27, 2023, as the date for public hearing; and

WHEREAS, a public hearing was held on June 27, 2023 at a regular council meeting.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley authorizes the levy and collection of fees for FY 2024 at the rates specified in the Report.

BE IT FURTHER RESOLVED that shortly after the adoption of this Resolution, but in no event later than August 10th following such adoption, the City Clerk shall file a certified copy of this Resolution and a fee levy roll with the Auditor of Alameda County ("County Auditor"). Upon such filing, the County Auditor shall enter on the County's assessment roll opposite each lot or parcel of land the amount of fee thereupon as shown in the levy roll.

CITY OF BERKELEY

# 2018 CLEAN STORMWATER FEE

Fiscal Year 2024  
Fee Adjustment Report

May 2023

Prepared by

RONALD NEVELS, PE  
CITY OF BERKELEY  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION



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## INTRODUCTION

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### OVERVIEW

In 1991, the City of Berkeley was required to obtain a national Pollutant Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board to improve the water quality of urban runoff and discharge storm water runoff to the City's waterways. The permit requires that the City of Berkeley implement a stormwater control program and best management practices. The City adopted the Clean Stormwater Fee in 1991 to comply with clean water regulations and provide a secure funding source for stormwater operations, maintenance, and capital improvements. The program includes flood management, compliance with clean water requirements, operations and maintenance, and major capital improvements. Stormwater fees are paid by property owners and the fees have not been increased since the program's inception in 1991. The program has been running a deficit since 2014 attributable to basic operations, maintenance, and compliance with clean water regulations. The Stormwater program also faces a backlog in capital improvements, with more than \$208 million in project costs identified in the 2011 Watershed Management Plan<sup>1</sup>.

In order to increase revenues for the Stormwater program, the City adopted Resolutions No. 68,334-N.S. and Resolution No. 68,335-N.S., to initiate the property related fee process and establish balloting procedures for the 2018 Clean Stormwater Initiative consistent with California Constitution Article XIII D. A public hearing was conducted on April 3, 2018 at which a majority protest was not achieved, subsequently Resolution No. 68,381-N.S. was adopted ordering the mailing of fee ballots to all property owners of properties within the City subject to the fee. Following the tabulation of votes, and confirming approval of the measure, Council adopted Resolution No. 68,483-N.S., accepting the ballot tabulations and ordering the levy of the City of Berkeley's 2018 Clean Stormwater Fee.

As approved by voters, the 2018 Clean Stormwater Fee is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. Per the voter approved measure any increase in the CPI in excess of 3% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. The maximum authorized rate is equal to the maximum rate in the first fiscal year the Fee was approved adjusted annually by the lower of either 3% or the increase in the CPI plus any Unused CPI as described above. In order for the City's dedicated storm drainage revenue sources to satisfy costs requirement into the future, the annual

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<sup>1</sup> Watershed Management Plan: <https://berkeleyca.gov/your-government/our-work/adopted-plans/watershed-management-plan>

adjustment for property may be calculated based upon the sum of the storm drainage fee and the existing Clean Storm Water Fee.

This abbreviated fee adjustment report, has been prepared by City staff to document the annual adjustment of the 2018 Clean Stormwater Fee for Fiscal Year 2024. The report also includes an abbreviated description of the storm drainage system, the program's funding sources, and a five-year fund forecast.

## **CITY'S FACILITIES**

The City operates and maintains a storm drainage system, as it is empowered to do so per Government Code Sections §38900 and §38901. It is comprised of an integrated system of storm drain pipes, culverts and ditches. Local creeks are not considered part of the City's storm drain system, although they receive most of the urban runoff and are impacted by how the City's storm drainage system functions.

The Berkeley area began experiencing residential development over one hundred years ago. As the community grew, the storm drainage system was developed along with the neighborhoods and commercial areas while still maintaining many native creek segments. Although the City is highly urbanized, there are a large number of open creek segments that cross streets, private properties and roadways through numerous culvert sections.

In the early 1990s, in response to the federal Clean Water Act amendment of 1987, municipalities were, for the first time, required to obtain an NPDES<sup>2</sup> permit from the California Regional Water Quality Control Board to address urban storm drainage runoff pollution. Under this permit, the City works to reduce stormwater pollution, protect and enhance its watersheds, preserve beneficial uses of local waterways, and implement State and federal water quality regulations within the limits of its jurisdiction. Over the years, the range of actions taken by the City has greatly increased in response to evolving regulatory requirements and community needs.

## **STORM DRAINAGE FUNDING**

In response to the NPDES permit requirements, the City implemented a Clean Storm Water Fee in 1991 for all residences and businesses in the City. The City collects approximately \$2 million annually from this fee which has not been increased since its 1991 inception. Initially, revenues were sufficient to fund ongoing maintenance, operations and capital improvement projects. However, beginning in Fiscal Year 2014,

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<sup>2</sup> NPDES stands for the National Pollutant Discharge Elimination System as specified in the Federal Clean Water Act. The City is one of the co-permittees named on the Alameda County NPDES permit issued by the Regional Water Board. The most recent MRP was issued in November 2015, however, these permits typically are renewed every five years, with each new iteration containing additional requirements.

the program began operating at a deficit. In response to this deficit, the City implemented the 2018 Clean Stormwater Fee.

**FINANCIAL NEEDS SUMMARY**

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A Clean Stormwater Fund forecast for FY 2024 is provided below as Table 1.

**Table 1- FY 2024 Fund Forecast**

| <b>Costs</b>                                  |                     |
|-----------------------------------------------|---------------------|
| <i>Personnel Costs</i>                        | <b>\$ 1,379,847</b> |
| <i>Non-Personnel Costs</i>                    |                     |
| <i>Capital Improvement Program</i>            | \$ 2,005,455        |
| <i>Non-Personnel</i>                          | \$ 2,505,963        |
| <b><i>Subtotal Non-Personnel Costs</i></b>    | <b>\$ 4,511,418</b> |
| <b>Total Costs</b>                            | <b>\$ 5,891,265</b> |
| <b>Revenue</b>                                |                     |
| <i>Clean Stormwater Fee (1991)</i>            | \$ 1,921,318        |
| <i>2018 Clean Stormwater Fee</i>              | \$ 3,026,159        |
| <b>Total Revenue</b>                          | <b>\$ 4,947,447</b> |
| <b>To (from) General Fund and/or Reserves</b> | <b>\$ (943,818)</b> |

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## **2018 CLEAN STORMWATER FEE RATE STRUCTURE ANALYSIS**

All properties which generate storm and urban runoff which flow into the City's MS4 are served by the system. The amount of use attributed to each parcel is proportional to the amount of storm and urban runoff flow contributed by the parcel, which is proportional to the amount of impervious surface area (e.g. building roofs, pavement, etc.) on a parcel.

In this Report, the median single-family residential parcel is used as the basic unit of measure, called the single-family equivalent, or "SFE." Accordingly, since the primary quantifiable attribute for this fee structure is impervious surface area, the amount of impervious surface area on the median SFR parcel serves as the basic unit of impervious area.

The basic unit of impervious area can be expressed by the following formula:

$$\begin{aligned} & \textit{Median SFR Parcel Area} \\ & \times \textit{Average SFR Impervious Percentage} \\ & = \textit{SFE Impervious Area} \end{aligned}$$

The median SFR parcel is 0.11 acres (4,792 square feet). Careful analysis revealed that the average percentage of impervious area ("%IA") of the medium class of SFR parcels is 44.82%. Therefore, the amount of impervious area for the SFE is 2,148 square feet. This becomes the basis for calculating the SFEs for all other types of land uses. In order to accomplish this, a representative sample of each land use category was studied through aerial photographs to measure the actual impervious area, which was, in turn, used to calculate the %IA for each land use category.

### **SINGLE-FAMILY RESIDENTIAL PARCELS**

Berkeley has a wide range of sizes of SFR parcels, which have varying levels of %IA. Generally, smaller parcels tend to have a higher proportion of impervious area than larger parcels, which tend to have a lower percentage of impervious area. (This can be best visualized by the fact that larger residential properties tend to have a larger proportion of pervious landscaping, and therefore less impervious area.) Therefore, the range of SFRs were broken into three size categories as shown in Table 4 below. Since the size of a parcel is considered in finite groups, the resultant SFEs were calculated on a per-parcel basis for each size category using the formula above.

It should be noted that the SFR category also includes multiplex parcels of two, three or four units, since their lot development characteristics do not vary significantly from the SFR parcels of similar size. In all, this includes the approximately 3,400 multiplex parcels in the City. Any residential structure with five or more units is categorized as multi-family residential ("MFR"), which is calculated separately. For parcels with multiple SFRs, analysis showed that those parcels contained 22% more impervious area than single-home SFRs within the same size category. Therefore, multiple-SFR parcels are computed separately.

### Special Notes On Condominiums

Condominium units are particularly difficult to categorize as they are often on very small individual parcels, yet share larger common areas that are made up of landscaped (pervious) areas; parking lots and shared roofs (impervious); and other recreational uses (either pervious or impervious). The data for these variables are not readily available, so it is assumed that overall their characteristics were most similar to the small lot make up. Overall, condominium units are smaller than the average SFR, and may include two or more stories of residences in some cases. When combined with the various common areas (which were exempted from the SFE process), the overall effect would be less runoff impact than the median size SFR. Thus, the Small SFR rate was used.

**Table 2- Summary of Single-Family Residential Parcels**

| Lot Type     | Parcel Size Range (sf) | Total Parcels | % Imperv Area | SFE per Parcel |                |
|--------------|------------------------|---------------|---------------|----------------|----------------|
|              |                        |               |               | Single Home    | Multiple Homes |
| Small        | Under 3,200            | 2,416         | 65.73%        | 0.80           | 0.98           |
| Medium       | 3,200 to 7,200         | 16,385        | 44.82%        | 1.00           | 1.22           |
| Large        | 7,200 and over         | 2,689         | 29.81%        | 1.21           | 1.48           |
| Condos       | n/a                    | 2,490         | n/a           | 0.80           | n/a            |
| <b>TOTAL</b> |                        | <b>23,980</b> |               |                |                |

### NON-SINGLE-FAMILY RESIDENTIAL PARCELS

Unlike the SFR parcels, the non-SFR parcels can vary widely in size as well as characteristics. For this reason, the parcels have been grouped into land use categories according their %IA characteristics (as shown in Appendix B) so that SFE per acre can be computed for each category using the following formula:

$$\frac{(43,560 \text{ sf/acre}) \times \%IA}{2,148 \text{ sf/SFE}} = \text{SFE per Acre}$$

Where 2,148 square feet is the amount of the impermeable area in one SFE.

Table 3 below shows a summary of the non-single-family parcel SFEs for each non-SFR land use category.

**Table 3 – Summary of Non-SFR Parcels**

| Land Use Category                | Total Parcels | % Imperv Area | SFE per Acre |
|----------------------------------|---------------|---------------|--------------|
| Multi-Family (Apartments)        | 1,471         | 86%           | 17.44        |
| Commercial / Retail / Industrial | 1,627         | 96%           | 19.47        |
| Office                           | 243           | 90%           | 18.25        |
| Institutional / Church           | 282           | 82%           | 16.63        |
| School / Hospital                | 27            | 75%           | 15.21        |
| Recreational                     | 27            | 58%           | 11.76        |
| Vacant (developed)               | 571           | 5%            | 1.01         |
| Open Space / Agricultural        | 93            | Exempt        |              |
|                                  | <b>4,341</b>  |               |              |

Each individual parcel's SFE is then calculated by multiplying the parcel size (in acres<sup>3</sup>) times the SFE per acre for that land use category, as shown in the following formula:

#### **Developed Vacant Parcels**

Developed vacant parcels are distinguished from undeveloped vacant land by one of several characteristics. Typically, a developed vacant parcel has been graded to be ready for building construction (possibly as part of the original subdivision or adjacent street grading). In some cases, the parcel was previously improved, but the improvement has been removed. Although developed vacant parcels may have significant vegetative cover, the underlying soil conditions resulting from grading work can usually cause some rainfall to run off into the storm drainage system. The %IA for developed vacant parcels is conservatively assumed to be 5%. Vacant parcels that have significant impervious paving remaining from prior improvements may be classified as Commercial or some other classification best representing the %IA of the parcel.

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<sup>3</sup> Parcel size for non-single-family residential parcels is calculated to the tenth of an acre or portion thereof.

### Open Space and Agricultural Parcels are Exempt

The City's MS4 was developed in response to land development over the past several decades. Tracts of land that have not yet been developed, or have been used primarily for agricultural purposes, have not created an impact on the drainage system beyond the natural condition, and are therefore considered to receive no service from the MS4. In practical terms, these parcels generate no additional storm runoff beyond the natural condition. For these reasons, open space and agricultural parcels are exempt from the storm drainage fee.

Berkeley is a City with some open space land, which can be situated on portions of developed parcels. For parcels that have a significant portion that is considered open space (or agricultural), those portions have been taken into consideration in the calculations of the %IA and SFEs. For SFR parcels, these open space lands have been included in the sampled lots size when calculating the average %IA, which produced a lower %IA for the large parcel category, and, thus, a lower SFE and Fee to accommodate the open space areas. For non- SFR parcels the fees are calculated on individual acreage. However, the open space portion has been deducted from the acreage prior to all analyses including %IA as well as SFE and fee calculation.

### EFFECTS OF LOW IMPACT DEVELOPMENT

The current NPDES Permit requires certain properties to construct storm drainage treatment and attenuation facilities, also known as low impact development ("LID"). These facilities often are designed to capture a portion of the storm flows, retain them, and enable them to infiltrate into the ground. While this is intended to help filter pollutants from the water, it also can reduce the parcel's storm drainage runoff quantity to some extent. However, LID is designed to capture, retain and treat frequent, but low intensity storms. Conversely, the MS4 is designed around the infrequent, high intensity storms, those storms which will typically overflow most LID facilities. For this reason, no discount in the storm drainage fees is made available for parcels with LID facilities.

### STORM DRAINAGE FEE CALCULATION

The primary metric in this analysis is the SFE as illustrated above. To arrive at the fee amount for the various land use categories, the total SFEs must be divided into the total revenue requirement to arrive at the rate per SFE. That calculation is represented by the following formula:

$$\frac{\text{Total Assessments to be Collected}}{\text{Total SFEs}} = \text{SFE Rate}$$

The total assessment to be collected in FY 2023, includes an allowable adjustment. As described in the Overview section of this report, the fee is subject to an annual adjustment calculated by taking the sum of the 1991 Clean Stormwater Fee and the 2018 Clean Stormwater Fee and multiplying the sum by the allowable CPI increase not to exceed 3%. For the period beginning in December 2021 and ending in December 2022, the CPI increased by 4.88%. As discussed in the Overview section



of this report, “Unused CPI” balance from previous years can be used to increase the annual adjustment in years with CPI increases less than 3%. The annual adjustment for FY 2024 is limited to the prescribed maximum of 3% and the excess CPI increase of 1.88% will be reserved as “Unused CPI” balance to be used in future years.

The SFE calculation can be rewritten as follows:

$$\frac{2018 \text{ Fee in FY 23} + (2018 \text{ Fee in FY 23} + 1991 \text{ Fee}) \times \% \text{ Increase}}{\text{Total SFEs}} = \text{SFE Rate in FY 24}$$

Or, using numbers from the analysis, the SFE Rate is:

$$\frac{\$2,882,029 + (\$2,882,029 + \$1,921,318) \times 0.03}{54,701.996 \text{ SFEs}} = \$55.32 \text{ per SFE}$$

This SFE rate amount is then multiplied by the SFE per parcel or SFE per acre for the various land use categories to arrive at the Storm Drainage Fee Rate Schedule shown in Table 4 below.

**Table 4 - Storm Drainage Fee Schedule**

| Rate Category                                                                                         | SFE Rate | Proposed Fee | Unit   |
|-------------------------------------------------------------------------------------------------------|----------|--------------|--------|
| <b>Single-Family Residential</b>                                                                      |          |              |        |
| Small                                                                                                 | 0.79992  | \$ 44.25     | parcel |
| Medium                                                                                                | 1.00000  | \$ 55.32     | parcel |
| Large                                                                                                 | 1.20933  | \$ 66.90     | parcel |
| Condominium                                                                                           | 0.79992  | \$ 44.25     | parcel |
| Multiple SFR on a single parcel pay 22% higher rate                                                   |          |              |        |
| <b>Non-Single-Family Residential**</b>                                                                |          |              |        |
| Multi-Family Residential                                                                              | 17.44360 | \$ 964.98    | acre   |
| Commercial / Industrial / Parking                                                                     | 19.47193 | \$ 1,077.19  | acre   |
| Office                                                                                                | 18.25493 | \$ 1,009.87  | acre   |
| Institutional / Church                                                                                | 16.63227 | \$ 920.10    | acre   |
| School / Hospital                                                                                     | 15.21244 | \$ 841.56    | acre   |
| Recreational                                                                                          | 11.76429 | \$ 650.80    | acre   |
| Park                                                                                                  | 1.21700  | \$ 67.32     | acre   |
| Vacant (developed)                                                                                    | 1.01416  | \$ 56.10     | acre   |
| Open Space / Agricultural                                                                             |          | exempt       |        |
| * Single-Family Residential category also includes duplex, triplex and four-plex units.               |          |              |        |
| ** Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion thereof |          |              |        |

The proposed \$55.32 SFE rate is well within the range of storm drainage rates adopted by other municipalities.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**LEVY OF 2018 CLEAN STORMWATER FEE FOR FY 2024**

**The public may participate in this hearing by remote video or in-person.**

NOTICE IS HEREBY GIVEN that at its meeting on Tuesday, June 27, 2023, the Berkeley City Council will conduct a public hearing to consider:

The levy of the 2018 Clean Stormwater Fee in Fiscal Year 2024.

The fee is collected through the property tax bill and collected revenue would fund operations, maintenance, and capital improvements of the City’s storm drain system. The table below details prior year and proposed FY 2024 rates for the property-related fee.

| Rate Category                                                                                | FY 2023 Fee | Proposed FY 2024 Fee | Unit   |
|----------------------------------------------------------------------------------------------|-------------|----------------------|--------|
| <b>Single-Family Residential</b>                                                             |             |                      |        |
| Small                                                                                        | \$ 42.01    | \$ 44.25             | parcel |
| Medium                                                                                       | \$ 52.51    | \$ 55.32             | parcel |
| Large                                                                                        | \$ 63.51    | \$ 66.90             | parcel |
| Condominium                                                                                  | \$ 42.01    | \$ 44.25             | parcel |
| Single-Family Residential parcels with multiple single-family residences pay 22% higher rate |             |                      |        |
| <b>Non-Single-Family Residential**</b>                                                       |             |                      |        |
| Multi-Family Residential                                                                     | \$ 916.01   | \$ 964.98            | acre   |
| Comm / Industrial / Parking                                                                  | \$ 1,022.53 | \$ 1,077.19          | acre   |
| Office                                                                                       | \$ 958.62   | \$ 1,009.87          | acre   |
| Institutional / Church                                                                       | \$ 873.41   | \$ 920.10            | acre   |
| School / Hospital                                                                            | \$ 798.85   | \$ 841.56            | acre   |
| Recreational                                                                                 | \$ 617.78   | \$ 650.80            | acre   |
| Park                                                                                         | \$ 63.91    | \$ 67.32             | acre   |
| Vacant (developed)                                                                           | \$ 53.25    | \$ 56.10             | acre   |
| Open Space / Agricultural                                                                    |             | exempt               |        |

\* Single-Family Residential category also includes duplex, triplex and four-plex units.

\*\* Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion thereof

The 2018 Clean Stormwater Fee (“2018 Fee”) is subject to an annual adjustment tied to the Consumer Price Index - U for the San Francisco Bay Area as of December of each succeeding year (the “CPI”). Per the voter approved measure, any increase in the CPI in excess of 3% shall be cumulatively reserved as “Unused CPI” and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. For the period beginning in December 2021 and ending in December 2022, the CPI increased by 4.88%; therefore the annual adjustment for FY 2024 will be limited to the prescribed maximum of 3.00% and the excess CPI increase of 1.88% will be reserved as “Unused CPI” balance to be used in future years.

As approved by voters, the annual adjustment may be calculated by taking the sum of the 1991 Clean Stormwater Fee (“1991 Fee”) and the 2018 Clean Stormwater Fee, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this

manner allows for the inclusion of a 1991 Fee adjustment as part of the annual 2018 Fee increase. The cumulative adjustment of the 1991 Fee and the 2018 Fee, result in 2018 Fee increases of approximately 5.35%.

**Public Hearing Information**

The hearing will be held on Tuesday, June 27, 2023, at 6:00 pm at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of June 15, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Ronald Nevels, Interim Manager of Engineering/City Engineer, (510) 981-6439, or Ricardo Salcedo, Associate Civil Engineer, Public Works, (510) 981-6407.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [council@berkeleyca.gov](mailto:council@berkeleyca.gov) for further information.

**Published:** June 16, 2023 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on June 15, 2023.

\_\_\_\_\_  
Mark Numainville, City Clerk





Office of the City Manager

PUBLIC HEARING  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Levy and Collection of Fiscal Year 2024 Street Lighting Assessments

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer’s Reports, and authorizing the levying and collection of assessments in Fiscal Year 2024.

FISCAL IMPACTS OF RECOMMENDATION

On June 13, 2023, Council adopted Resolutions No. 70,893–N.S. (District No. 1982-1) and Resolution No. 70,894–N.S. (District 2018) declaring the City’s intent to levy and collect FY 2024 assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018, collectively referred to herein as the Districts; preliminarily approving the Engineer’s Reports for the Districts; and setting a public hearing for the June 27, 2023 Council Meeting.

The attached Resolutions confirm the assessments, approve the final Engineer’s Reports, and authorize the levy and collection of assessment in Fiscal Year 2024. The assessments are to be filed with the Alameda County Auditor and included on the County’s assessment roll. After collection by the County the total amount of the assessment minus a county collection fee is paid to the City of Berkeley. The revenue collected is posted in the Street Light Assessment District Fund (Fund 142).

A summary of forecasted FY 2024 revenue and expenditures for the Districts is shown in Table 1.

**Table 1: FY 2024 Street Light Assessment Revenue & Expenditures Forecast**

<b>Street Lighting Program Expenditures</b>	<b>\$ 2,275,155</b>
<b>Projected Assessments &amp; Other Revenue</b>	
Street Light Assessment District 1982-1	\$ 1,422,966
Street Light Assessment District 2018	\$ 773,830

Misc. Revenue	\$ 957
<b>Projected Net Revenue</b>	<b>\$ 2,197,752</b>
<b>To (from) General Fund and/or Reserves</b>	<b>\$ (77,402)</b>

Allowable annual adjustments of the 2018 District assessment rates are expected to raise revenues over the coming years.

**CURRENT SITUATION AND ITS EFFECTS**

The proposed FY 2024 rates for Assessment District 1982-1 (1982 District) are incorporated into the Engineer’s Report (Attachment 3) and reflect no changes to assessment rates in FY 2023. Accordingly, this action is exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XIII D, Sec. 5). Any increase or change in formula for the assessments would make the annual assessment subject to procedures and approval process of Proposition 218 (Government Code Section 53750-53754). Table 2 details prior year and proposed FY 2024 assessment rates for this district.

**Table 2: Street Lighting Assessment District No. 1982-1 Rate Schedule**

Rate Category	Assessment FY 2023	Proposed Assessment FY 2024	Unit
Residential and Institutional	\$ 0.0108	\$ 0.0108	BSF <sup>1</sup>
Industrial and Utility	\$ 0.0216	\$ 0.0216	BSF
Commercial	\$ 0.0432	\$ 0.0432	BSF

The assessment for Street Lighting Assessment District 2018 (2018 District) is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the “CPI”), with a maximum annual adjustment not to exceed 3%. For the period beginning in December 2021 and ending in December 2022, the CPI increased by 4.88%<sup>2</sup> ; therefore the assessment CPI adjustment for Fiscal Year 2024 will be for the prescribed maximum of 3.00%. As approved by voters, the total annual adjustment may be calculated by taking the sum of the 1982-1 District assessment and the 2018 District assessment, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for the inclusion of a 1982-1 District adjustment as part of the 2018 District adjustment. The cumulative total adjustment results in a 2018 District assessment rate increase of approximately 9%.

These rate increases and the methodology used in their calculation are in accordance with the voter approved measure; therefore the proposed adjustments are exempt from

<sup>1</sup> Building Square Footage (BSF)

<sup>2</sup> Bureau of Labor Statistics, Data Series CUUSS49BSA0

the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XII D, Sec. 5). Table 3 details FY 2023 and proposed FY 2024 assessment rates for this district. Additional information regarding the annual adjustment and the corresponding rate increases is included in the 2018 District Engineer’s Report (Attachment 4).

**Table 3: Street Lighting Assessment District 2018 Rate Schedule**

Rate Category	Assessment FY 2023	Proposed Assessment FY 2024	Unit
<b>Residential</b>			
Single Family	\$ 15.34	\$ 16.72	parcel
Multi-Family<5 units	\$ 12.27	\$ 13.38	unit
Multi-Family 5 or more units	\$ 9.20	\$ 10.03	unit
Condominium	\$ 12.27	\$ 13.38	parcel
Mobile Home	\$ 7.67	\$ 8.36	unit
Multiple SFR on parcel	\$ 15.34	\$ 16.72	unit
<b>Non-Residential</b>			
General Commercial	\$ 230.10	\$ 250.80	acre
Industrial / Warehouse	\$ 23.01	\$ 25.08	acre
Auto Repair	\$ 153.40	\$ 167.20	acre
Hotel / Motel / Boarding	\$ 153.40	\$ 167.20	acre
Hospital	\$ 95.88	\$ 104.50	acre
Retirement Home	\$ 19.18	\$ 20.90	acre
School / Day Care	\$ 34.52	\$ 37.62	acre
Medical / Dental / Vet	\$ 191.75	\$ 209.00	acre
Church	\$ 11.51	\$ 12.54	acre
Mortuary	\$ 3.84	\$ 4.18	acre
Recreational	\$ 38.35	\$ 41.80	acre
Parking / Transportation	\$ 76.70	\$ 83.60	acre
Mini Storage	\$ 11.51	\$ 12.54	acre
Office	\$ 57.53	\$ 62.70	acre
Bank	\$ 191.75	\$ 209.00	acre
Park / Open Space / Agriculture	\$ 0.77	\$ 0.84	acre
Vacant	<i>Not assessed</i>		

Revenue from the assessments will provide needed funding for the installation, maintenance, and servicing of public lighting facilities, including but not limited to street lights, traffic signals, and related electrical facilities. The improvements and services provided support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

**BACKGROUND**

The Berkeley Street Lighting Assessment District No. 1982-1 was established under the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22620-

22631) on July 27, 1982 (Resolution No. 51,449-N.S.)<sup>3</sup>. The Street Lighting Assessment District 2018 was established under the same Act on June 12, 2018 (Resolution No. 68,482-N.S.). The Act requires the City Council to hold a public hearing each year to consider adoption of an annual budget and approve changes to the Engineer's Report. At this hearing owners of assessed properties within the district are allowed to make an oral or written protest against the annual levy.

During the course of, or upon conclusion of the public hearing, City Council may order changes in any of the matters provided in the respective Engineer's Report, including changes in improvements; zones within the assessment district; and the proposed district diagram, or the proposed assessment, as long as any proposed changes are less than the proposed annual levy. With the incorporation of any changes made by Council to the Engineer's Report, it is then adopted upon supporting vote by Council confirming the diagrams, assessments, and levying assessments for the coming Fiscal Year.

The City's Engineering Division has filed the FY 2024 Engineer's Reports for the assessment districts with the City Clerk. After the public hearing, copies of the Engineer's Reports with FY 2024 assessments will be available for review on the City's Website,<sup>4</sup> at the reference desk of the main branch of the Berkeley Public Library, and at the City Clerk's Office.

#### ENVIRONMENTAL SUSTAINABILITY

The City exclusively uses LED (light emitting diode) street lighting. LED lights provide environmental benefits by reducing the level of greenhouse gases emitted; reducing level of toxic materials disposed; maximization of energy and energy cost savings; achieving the City's illumination standards; and minimizing administration costs and staff time for street light maintenance.

#### RATIONALE FOR RECOMMENDATION

Failure to conduct a public hearing and adopt the Resolutions would result in non-compliance of the requirements set forth in the Landscaping and Lighting Act of 1972 thus preventing the City from levying assessments in FY 2024. The District assessments are needed to establish financial sustainability for the Program and to avoid significant reductions in service.

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<sup>3</sup> State of California legislation (Streets & Highways §22500) allows local governmental agencies to form Landscape & Lighting Maintenance Districts. A 1972 Act Landscaping and Lighting District is a flexible tool used by local government agencies to pay for landscaping, lighting and other improvements and services in public areas. It is based on the concept of assessing only those properties that benefit from improvements financed, either directly, or indirectly through increased property values.

<http://www.californiataxdata.com/pdf/1972LLact.pdf>

<sup>4</sup> <https://berkeleyca.gov/city-services/report-pay/property-taxes>



CONTACT PERSON

Liam Garland, Director, Department of Public Works, (510) 981-6303

Ronald Nevels, Interim Manager of Engineering/City Engineer, (510) 981-6439

Attachments:

- 1: Resolution – Levy and Collection of FY 2024 Assessments for Street Lighting Assessment District 1982-1
- 2: Resolution – Levy and Collection of FY 2024 Assessments for Street Lighting Assessment District 2018
- 3: Engineer’s Report - Street Lighting Assessment District 1982-1 Fiscal Year 2024
- 4: Engineer’s Report - Street Lighting Assessment District 2018 Fiscal Year 2024
- 5: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

LEVY AND COLLECTION OF FY 2024 ASSESSMENTS FOR STREET LIGHTING  
ASSESSMENT DISTRICT 1982-1

WHEREAS, the Council of the City of Berkeley adopted Resolution No. 70,893-N.S. declaring the City's intent to levy and collect assessments for FY 2023, approving the preliminary Engineer's Report, dated April 2023, for the Berkeley Lighting Assessment District 1982-1, and setting a public hearing for June 27, 2023; at a regular Council Meeting; and

WHEREAS, the City Clerk published notice of the public hearing 10 days prior to the public hearing in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Government Code Section 6061 in a newspaper with general circulation; and

WHEREAS, a public hearing was held on Tuesday, June 27, 2023 at the regular City Council meeting held via videoconference and teleconference pursuant to Governor's Executive Order N-29-20; and all interested persons were afforded the opportunity to hear and be heard or file a written protest with the Clerk; and

WHEREAS, the Council considered all public comments received against the levy of an annual assessment at the same rate as was levied in FY 2023 and the assessment is in compliance with the Landscape and Lighting Act of 1972.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the final Engineer's Report dated April 2023 and authorizes the levy and collection of assessments within Berkeley Street Lighting Assessment District No. 1982-1 for FY 2024. The area of Land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

RESOLUTION NO. ##,###-N.S.

LEVY AND COLLECTION OF FY 2024 ASSESSMENTS FOR STREET LIGHTING  
ASSESSMENT DISTRICT 2018

WHEREAS, the Council of the City of Berkeley adopted Resolution No. 70,894-N.S. declaring the City's intent to levy and collect assessments for FY 2024, approving the preliminary Engineer's Report, dated April 2023, for the Street Lighting Assessment District 2018, and setting a public hearing for June 27, 2023; at a regular Council Meeting; and

WHEREAS, the City Clerk published notice of the public hearing 10 days prior to the public hearing in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Government Code Section 6061 in a newspaper with general circulation; and

WHEREAS, a public hearing was held on Tuesday, June 27, 2023 at the regular City Council meeting held via videoconference and teleconference pursuant to Governor's Executive Order N-29-20; and all interested persons were afforded the opportunity to hear and be heard or file a written protest with the Clerk; and

WHEREAS, the Council considered all public comments received against the levy of an annual assessment at the proposed assessment rate of SIXTEEN DOLLARS AND SEVENTY-TWO CENTS (\$16.72) per single-family equivalent benefit unit; and

WHEREAS, the proposed annual assessment adjustment is in accordance with formulas established when the assessment district was formed and the assessment is in compliance with the provisions of Proposition 2018 (Article XIII D of the California Constitution) and the Landscape and Lighting Act of 1972.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the final Engineer's Report dated April 2023 and authorizes the levy and collection of assessments within Street Lighting Assessment District 2018 for FY 2024. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

CITY OF BERKELEY

**STREET LIGHTING  
ASSESSMENT DISTRICT No. 1982-1**

**ENGINEER'S REPORT**

on the  
Levy of an Assessment  
for  
Fiscal Year 2024

April 2023

Prepared by

RONALD NEVELS, PE

CITY OF BERKELEY  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

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**BACKGROUND**

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By its Resolution 51,230 N.S., adopted April 6, 1982, the Berkeley City Council initiated proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled "Landscaping and Lighting Act of 1972". The required public hearing was held on July 20, 1982, at which time the Council ordered the improvements and the formation of the assessment district, and confirmed the diagram and assessment. The district so formed was designated the "City of Berkeley Street Lighting Assessment District 1982-1". Assessments have been levied for the 1983 through 2022 fiscal years.

This report was prepared and filed pursuant to Division 15, Part 2, of the California Streets and Highway Code Section 2250, and is exempt from Government Code Section 53753 since the proposed assessment for FY 2024 will not be increased.

**PLANS AND SPECIFICATIONS**

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The plans and specifications for this assessment district were prepared and filed with the Engineer's Report for the 1983 fiscal year, which plans and specifications are incorporated herein by this reference thereto.

**METHODOLOGY**

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The benefit to individual parcels within the Assessment District was established in 1982 based on the median light intensity a parcel receives. Parcel's Land Use Code (LUC) is used to categorize the parcels. The assessment is calculated by multiplying the building square footage on the parcel times the rate of its category. The rate structure has three categories: 1) Residential and Institutional, 2) Industrial, 3) Commercial. An industrial area has twice the median light intensity of a residential area and a commercial area has four times the median light intensity; therefore, the rates are two and four times higher, respectively, than the residential rate. The rates are:

Residential and Institutional	\$0.0108/Building Square Footage
Industrial and Utility	\$0.0216/Building Square Footage
Commercial	\$0.0432/Building Square Footage

**ESTIMATE OF COSTS**

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The improvements to be made in this assessment district are generally described as the maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalks, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

An estimate of costs for the maintenance of the improvements is provided in the fiscal year (FY) 2024 Street Light Assessment Fund (Fund 142) forecast provided below.

**Table 1- FY 2024 Street Light Fund Forecast**

<b>Expenses</b>	
<i>Personnel Expenses</i>	\$ 455,955
<i>Non-Personnel Expenses</i>	
<i>Non-Personnel</i>	\$ 440,530
<i>Debt Service</i>	\$ 370,451
<i>PG&amp;E Electric Costs</i>	\$ 483,837
<i>Indirect Costs</i>	\$ 54,916
<i>Operating Transfer Out</i>	\$ 12,120
<i>County Collection Fee</i>	\$ 37,346
<b>Subtotal Non-Personnel Costs</b>	<b>\$ 1,399,200</b>
<i>Capital Expenses</i>	
<i>Deferred Capital/Maint</i>	\$ 420,000
<b>Subtotal Capital Expenses</b>	<b>\$ 420,000</b>
<b>Total Expenses</b>	<b>\$ 2,275,155</b>
<b>Assessments &amp; Other Revenue</b>	
Street Light Assessment District 1982-1	\$ 1,422,966
Street Light Assessment District 2018	\$ 773,830
Misc. Revenue	\$ 957
<b>Total Revenue</b>	<b>\$ 2,197,752</b>
<b>Deficit – To (from) General Fund and/or Reserves</b>	<b>\$ (77,402)</b>

**DIAGRAM**

The diagram for this assessment district was prepared and filed with the Engineer's Report for the 1983 fiscal year.

**ASSESSMENT**

---

Except as described below, the assessments to be made against the assessable lots and parcels of land within this assessment district are contained in the "2023 Assessment Roll" for this district, which roll is filed herewith and incorporated herein by this reference thereto.

Said assessment roll filed herewith is based on data contained in the City's 2023 Library Tax tape and the County Assessor's 2023 maps. In the event that data contained in the 2023 Library Tax tape and 2023 maps, when issued, conflict therewith, assessments to be made against the affected parcels for this 2024 Fiscal Year shall be based upon the revised data contained in said 2024 tape and 2024 maps.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ronald Nevels, RCE 62524  
Engineer of Work



**APPENDIX A: FY 2024 ASSESSMENT ROLL**

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern all details concerning the description of the lots or parcels.

FY 2024

# City of Berkeley

## Street Lighting Assessment District 2018

April 2023

Engineer of Work:



4745 Mangels Boulevard  
Fairfield, California 94534  
707.430.4300

www.sciengm.com

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**CITY OF BERKELEY**

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**City Council**

Jesse Arreguin, Mayor  
Rashi Kesarwani, District 1  
Terry Taplin, District 2  
Ben Bartlett, District 3  
Kate Harrison, District 4  
Sophie, Hahn, District 5  
Susan Wengraf, District 6  
Rigel Robinson, District 7  
Mark Humbert, District 8

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**City Manager**

Dee Williams-Ridley

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**Public Works Department**

Liam Garland, Director  
Joseph Enke, Manager of Engineering  
Ricardo Salcedo, Associate Civil Engineer

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**City Attorney**

Farimah Brown

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**Engineer of Work**

Jerry Bradshaw, P.E., SCI Consulting Group

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<i>City Attorney</i>	<i>i</i>
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## Introduction

### Overview

The City of Berkeley (“City”) provides maintenance and servicing of certain publicly-owned street lights throughout the City. In order to fund the installation, maintenance and operation (the “Services”) of these improvements (“Improvements”), the City formed a city-wide street light assessment district in 1982. The rates for the 1982 assessment district have never been increased. Revenues from these assessments are placed into the streetlight fund (Fund 470).

In time, the financial outlook of the Streetlight fund began to cause concern as the costs increased for energy, labor and materials, while the revenue remained relatively static. Accordingly, the Streetlight fund no longer had enough funds to fund the Street light program. As a result, beginning in Fiscal Year 2006<sup>1</sup> the Streetlight fund began to receive a subsidy from the City’s General Fund in order to balance revenues with expenditures. However, because of other demands on the General Fund, that subsidy ended beginning Fiscal Year 2018. The modest fund balance was sufficient for Fiscal Year 2018 to cover that year’s anticipated expenses, but under current conditions it was expected to be depleted during Fiscal Year 2019. To establish financial sustainability for the Streetlight fund and avoid significant reductions in service levels, in 2018 the City conducted a funding measure to increase the assessment revenue for street light services.

With the passage of Proposition 218 in 1996, any increase in assessments must be approved by the affected property owners through a specified ballot proceeding. In addition, Proposition 218 and related subsequent court decisions create strict criteria for how assessments can be apportioned to the various properties, and the existing 1982 assessment structure may not be adequately consistent with these newer criteria. While the 1982 assessment structure may continue as a “grandfathered” assessment, any increase must be implemented in accordance with Proposition 218 and court decisions. For this reason, a new district, Street Lighting Assessment District 2018 (“District”), was formed separately, leaving the 1982 assessment structure in place, as is. The District will was formed and the levies are made pursuant to Part 2 of Division 15 of the *California Streets and Highways Code*, commonly known as the Landscape and Lighting Act of 1972 (“Act”), and Article XIID of the California Constitution (“Article”).

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<sup>1</sup> Fiscal years are referenced in this Report by the year that fiscal period ends. For example, Fiscal Year 2006 would cover the period from July 1, 2005 through June 30, 2006.

## Assessment Formation Process

This Engineer's Report ("Report") describes the Street Lighting Assessment District 2018 ("District"), along with the boundaries, a description of the facilities and public improvements to be improved, serviced and maintained by the assessments (the "Improvements"), and the proposed assessments for Fiscal Year 2024 ("Assessments").

At its meeting on April 3, 2018, the City Council passed a resolution directing that a notice of assessment and assessment ballot be mailed to property owners within the District whose property receives special benefit from the Improvements. The notice included a description of the Improvements to be funded by the Assessments, the proposed assessment amount for each parcel owned, and an explanation of the method of completing and submitting the ballot. Ballots were mailed on or about April 11, 2018.

On May 29, 2018, a public hearing was held for the purpose of allowing public testimony regarding the proposed Assessments. At the Public Hearing, the public had the opportunity to speak on the issue, voice any concerns or protests, and obtain further information about the proposed Assessments.

The returned ballots were then tabulated, and the ballot results were announced at the City Council meeting on June 12, 2018. It was determined that the assessment ballots submitted in opposition to the proposed Assessments did not exceed the assessment ballots submitted in favor of the Assessments (each ballot was weighted by the proportional financial obligation of the property for which the ballot was submitted), so the Council was able to take action to approve the levying of Assessments for Fiscal Year 2019. The Assessments were so confirmed and approved, and the Assessment information was submitted to the County Auditor/Controller. The County Auditor/Controller included the Assessments on the property tax roll beginning in Fiscal Year 2019. Assessments may now be continued by the City Council from year to year.

## Legal Requirements

### Proposition 218

This Assessment District was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including property-owner balloting for the imposition, increase and extension of assessments, and these requirements are satisfied by the process used to establish this Assessment District.

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### **Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority**

In July 2008, the California Supreme Court decided *Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority* (“SVTA”), the most significant court case clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the decision included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in each assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer’s Report and the process used to establish the Assessments are consistent with the SVTA decision and with the requirements of Article XIIC and XIID of the California Constitution based on the following factors:

1. The District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements. Thus, zones of benefit are not required, and the assessment revenue derived from real property in the District is extended only on the Improvements in the District.
2. The Improvements which will be constructed and maintained with Assessment proceeds in the District are located in close proximity to the real property subject to the Assessment. The Improvements provide illumination to streets and sidewalks enabling improved access to the residents of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to the residents of the assessed parcels by the Improvements provides a special benefit to the parcel being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements financed with Assessment revenues in the District benefit the properties in that District in a manner different in kind from the benefit that other parcels of real property in the area derive from such Improvements, and the benefits conferred on such property in the District are more extensive than a general increase in property values.
4. The assessments paid in the District are proportional to the special benefit that each parcel within the District receives from the Improvements because:
  - a) The costs of the specific lighting Improvements and maintenance and utility costs in the District are specified in this Report; and
  - b) Such Improvement and maintenance costs in the District are allocated among different types of property located within the District and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, industrial parcels, etc.

---

#### **Dahms v. Downtown Pomona Property**

On June 8, 2009, the Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona in *Dahms v. Downtown Pomona Property* (“*Dahms*”). On July 22, 2009, the California Supreme Court denied review. In *Dahms* the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

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#### **Bonander v. Town of Tiburon**

On December 31, 2009, in *Bonander v. Town of Tiburon* (“*Bonander*”), the Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments primarily on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of the overall cost of the improvements and the overall proportional special benefits.

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**Beutz v. County of Riverside**

On May 26, 2010 the Court of Appeals issued a decision in Steven Beutz v. County of Riverside ("*Beutz*"). This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

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**Golden Hill Neighborhood Association v. City of San Diego**

On September 22, 2011, the Court of Appeal issued a decision in Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The Court described two primary reasons for its decision. First, like in *Beutz*, the Court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the Court found that the City failed to record the basis for the assessment on its own parcels.

---

**Compliance with Current Law**

This Engineer's Report is consistent with the requirements of Articles XIIC and XIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the District; and the Improvements provide a direct advantage to property in the District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

## Plans and Specifications

The work and Improvements to be undertaken by the City and the cost paid from the levy of the annual assessment provide special benefit to assessor parcels within the District defined in the Method of Assessment herein. Consistent with the Act, the Improvements are generally described as follows:

The installation, maintenance, and servicing of local street lights in close proximity to certain lots and parcels which provide a direct special benefit to such lots or parcels.

The installation, maintenance, and servicing of peripheral street light structures which provide a special benefit to all the assessable parcels within the District whether or not such parcels are in close proximity to such lighting.

The installation or construction of public lighting facilities, or the acquisition of any new improvements.

Plans and Specifications for the Improvements for the District are voluminous and are not bound in this Report but by this reference are incorporated and made a part of this Report. The Plans and Specifications are on file in the office of the Public Works Director where they are available for public inspection.

Article XIII D of the California Constitution defines "maintenance and servicing expenses" as, "the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care and supervision necessary to properly operate and maintain a permanent public improvement". The Improvement funding includes, but is not limited to, the removal, repair, replacement or relocation of light standards, poles, bulbs, fixtures and appurtenances, electrical energy, supplies, engineering and incidental costs relating to the maintenance and servicing of the local lighting improvements benefiting the parcels within the District.

The Improvements to be maintained and serviced within the District are to be part of the local street light system of the City of Berkeley that confers special benefit to the District's parcels. The specific location of local street light Improvements within the City can be found in the Streetlight Condition Assessment by Tanko Lighting, which is on file in the office of the Director of Public Works, where it is available for public inspection.

The Improvements to be maintained and serviced within the District include City-owned street lights within the right of way of the local public streets located within the boundaries of the District. These lights are all within close proximity to the parcels within the District identified as receiving local lighting benefit in the Method of Assessment, and, as such, provide special benefit to these parcels.

All street light maintenance will be performed by the City of Berkeley or its contractors.

## Fiscal Year 2024 Budget

A summary budget for fiscal year 2024 for the maintenance of the Improvements is provided below. The full Itemized budget for the Assessment District is voluminous and is not bound in this report but by reference is incorporated and made a part of this report. The Itemized budget is on file in the Department of Public Works where it is available for public inspection.

**Table 1 – FY 2024 Budget Summary**

	FY 2024
<b>Revenue</b>	
1982 Assessment Dist	\$ 1,422,966
SLAD 2018 Assessments <sup>1</sup>	773,830
Misc. Revenue	957
<b>TOTAL REVENUE</b>	<b>\$ 2,197,752</b>
<b>Expenses</b>	
<b><u>Personnel Expenses</u></b>	
Personnel	455,955
<b><u>Other Operating Expenses</u></b>	
Non-Personnel	440,530
Indirect Costs	54,916
Gas/Electricity	483,837
Debt Service Payment	370,451
Operating Transfer Out	12,120
County Collection Fee	37,346
<b>Other Operating Subtotal</b>	<b>\$ 1,399,200</b>
<b><u>Capital Expenses</u></b>	
Deferred Capital/Maint	420,000
<b>Capital Subtotal</b>	<b>\$ 420,000</b>
<b>TOTAL EXPENSES</b>	<b>\$ 2,275,155</b>
<b>To (from) General Fund and/or Reserves</b>	<b>\$ (77,402)</b>
<hr/>	
<b>Budget Allocation to Parcels</b>	
Total Street Light 2018 Assessments <sup>1</sup>	\$ 773,830
Total Street Light 2018 SFEs	46,277.819
<b>Assessment per SFE <sup>2</sup></b>	<b>\$ 16.72</b>

**Notes on the Budget:**

- The Act requires that proceeds from the Assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the District. Moreover, funds raised by the Assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The City may also establish a reserve fund for contingencies and special projects, as well as a capital improvement fund for accumulating funds for



larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments.

2. The rate shown here is for a Single-Family Equivalent ("SFE"), which is a single-family home or its equivalent. For the definition of the term SFE and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.

## Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits derived from the installation, maintenance and servicing of the Improvements throughout the District and the Assessment methodology used to apportion the total Assessment to properties within the District.

The District consists of all assessor parcels within the boundaries as defined by the Assessment Diagram and the parcels identified by the Assessor Parcel Numbers listed with the levy roll included with this Report. The parcel list includes all assessable privately and publicly owned parcels within the boundaries. The method used for apportioning the Assessment is based on the proportional special benefits to be derived by the properties in the District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements and the second step is to allocate the Assessments to property based on the estimated relative special benefit for each type of property.

## Discussion of Benefit

In summary, the Assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the Improvements or a property owner's specific demographic status. With reference to the requirements for Assessments, Section 22573 of the Act states:

*The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.*

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that Assessments must be based on the special benefit to property:

*No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.*

## Special Benefit

Street lighting is an optional improvement, not required by state or federal law, that is an enhancement over and above requisite infrastructure, and thus is a special benefit. The majority of the benefits of the street lights are received by the benefited property, with a small portion of the benefits received by the general public on major streets only. This portion received by the general public is captured and quantified in the following section.

The factors that determine special benefit conferred on parcels are detailed below:

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### Improved Visibility and Safety

Well maintained, effective street lighting provides special benefit to proximate parcels, within range of the light, because it allows for safer and improved use of the property in the evenings, early morning, and at night. Street lighting provides special benefit because it increases neighborhood safety and, at least indirectly, reduces the likelihood of crime on the proximate parcels. Over time, the Improvements continue to confer a particular and distinct special benefit upon parcels within the District because of the nature of the Improvements. The proper maintenance of the street lights and appurtenant facilities increases visibility and local human presence and, in many situations, helps reduce property-related crimes, especially vandalism, against assessed properties in the District.

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### Improved Access, Navigation and Traffic Safety

Well maintained, effective street lighting enhances ingress, egress and accessibility of all forms to the assessed parcels in the evening, early morning, and at night by increasing visibility. Improved visibility also helps prevent local automobile, bicycle, and pedestrian traffic accidents related to the assessed parcels. This benefit includes a reduction in accidents during non-daylight hours.

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### Improved Community Character and Vitality

Well maintained, effective street lighting promotes evening and nighttime social interaction of residents and customers of businesses and industry. This creates a positive atmosphere and enhanced community image in the evening and at night for the assessed parcels.

All of the above-mentioned items also contribute to a specific enhancement to each of the parcels within the District. The proximate street lights make each parcel safer, more visible, more accessible, more useful, more valuable and more desirable; and this further strengthens the basis of these Assessments.

### General Versus Special Benefit

The proceeds from the Assessments are used to fund the described Improvements and increased levels of maintenance to the other City facilities that serve and benefit the properties in the District. In absence of the Street Lighting Assessment District 2018, such Improvements would not be properly maintained. Therefore, the District's purpose is to ensure that the necessary and beneficial public facilities for property in the District are properly maintained, operated and repaired over time. The Assessments will ensure that street lighting and associated improvements within and adjacent to the District are functional, well maintained and effective. These public resources directly benefit the property in the District and will confer distinct and special benefits to the properties within the District.

The Improvements and Services are specifically designed, located and created to provide additional and improved resources for property inside the District and not the public at large although the Improvements maintained by the Services may be available to the general public. Other properties that are outside the District do not enjoy the unique proximity and other special benefit factors described previously. These Improvements and Services are of special benefit to properties located within the District because they provide a direct advantage to properties in the District that would not be provided in the absence of the Assessments. Any general benefits to surrounding properties outside of the Assessment District, if any, are collateral and conferred concomitantly.

### Quantification of General Benefit

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments. The funding for general benefits must come from other sources.

The maintenance and servicing of these Improvements is also partially funded, directly and indirectly, from other sources, including the City of Berkeley, Alameda County, and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

In the 2009 *Dahms* case, the Court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund Improvements and Services directly provided within the District and every benefiting property in the District enjoys proximity and access to the Improvements. Therefore, *Dahms* establishes a basis for minimal or zero general benefits from the Assessments. Nonetheless, possible general benefits have been liberally calculated below and then shown to be more than offset by resources from non-assessment sources.

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### Calculation of General Benefit

The Illumination Engineering Society of North America provides a widely-used standard for street lighting which has become the de-facto industry standard. This standard specifies footcandle requirements as a measurement of illumination at the roadway level, which are different for local, collector, and major streets using three levels (low/medium/high) of pedestrian activity. The three street classifications and pedestrian activity levels are described below with a discussion of their general benefit contribution from the street light system.

Local Streets – a street that is used to gain access to the property bordering it. The street lights on local streets primarily serve the adjacent property owner. Therefore, per industry standard, the street lights on local streets have no general benefit component.

Collector Streets – low to moderate capacity roads which serve to move traffic from local streets to arterial roads. Similar to local streets, collector streets are primarily used by local residents and per industry standard are also deemed to have no general benefit component. This street classification will be used as the baseline for this analysis.

Arterials – high capacity streets that serve as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important regional roadways traversing the City. As such, this traffic includes a significant number of drivers from outside the District and the street light Improvements may confer some general benefit on those drivers.

On average, arterial streets require a 45% increase in lighting levels from the baseline collector streets.<sup>2</sup> This increase in lighting reinforces the special benefits to the abutting properties as defined above: increased visibility and safety; improved access, navigation and traffic safety; and improved community character and vitality. In addition to these benefits, the through traffic flow, which includes drivers from outside the District, receives the additional benefit of reduction in nighttime accidents due to enhanced lighting. The degree to which each of these benefits can be considered general benefit is shown in Table 2 below.

**Table 2 – General Benefit for Arterial Streets**

<b>Benefit Factor</b>	<b>Relative Weight</b>	<b>General Benefit Contribution</b>	<b>Relative General Benefit</b>
Improved Nighttime Visibility and Safety	25	0%	0.0%
Improved Access, Navigation and Traffic Safety	25	50%	12.5%
Improved Community Character and Vitality	25	0%	0.0%
Reduction in Nighttime Accidents	25	75%	18.8%
<b>General Benefit on Arterial Streets from Improved Lighting</b>			<b>31.3%</b>

The general benefit from arterial streets must be combined with the general benefit from all other streets in the District. Each category of street has its unique general benefit weight, prorated by center line miles of streets. This calculation is shown in Table 3 below.

**Table 3 – Calculation of General Benefit**

<b>Street Classification</b>	<b>Centerline Miles</b>	<b>General Benefit Weight</b>	<b>General Benefit</b>
Local	158	73.1%	0.0%
Collector	37	17.1%	0.0%
Arterial	21	9.7%	3.0%
<b>TOTAL</b>	<b>216</b>	<b>100%</b>	<b>3.0%</b>

<sup>2</sup> Based on values from the Illumination Engineering Society of North America, “American National Standard Practice for Roadway Lighting.”

As a result, the City of Berkeley will contribute at least 3.0% of the total budget from sources other than the Assessment. This contribution offsets any general benefits from the Assessment Services.

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### Calculation of the Current General Benefit Contribution from the City

This general benefit contribution is the sum of the following components:

The City of Berkeley owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 1%.

The City of Berkeley owns and maintains a storm drainage system along the border of the District's Improvements. This system serves to prevent flooding and associated damage to the Improvements and to manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance and operation of the local storm drainage system is conservatively estimated to be 1%.

The City of Berkeley owns and maintains local public streets throughout the District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Berkeley toward general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the existing street light Improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by funds other than these Assessments, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 25%.

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### General Benefit is More than Offset by City Contribution

Therefore, the total general benefit is liberally quantified at 3.0%, which is more than offset by the total non-assessment contribution toward general benefit of 28%. In addition, the budget anticipates receiving 3.4% of the budget from sources other than the assessment.

## Method of Assessment

As previously discussed, the proposed Assessments will provide comprehensive Improvements that will clearly confer special benefits to properties in the proposed District. The allocation of special benefits to property is partially based on the type of property and the size of property.

The development of an Assessment methodology requires apportioning to determine the relative special benefit for each property. To determine the special benefit received by individual parcels, the use of that parcel must be considered. Each category of property can benefit from street lights in a unique way, and those characteristics must be quantified. As noted above, the special benefit factors are as follows:

- Improved visibility and safety
- Improved access, navigation and traffic safety
- Improved community character and vitality

The basis for apportioning Assessments is traffic generated to and from a particular parcel. This is used because the amount of traffic generated by a parcel is directly proportional to, and effectively models, the relative quantity of the three special benefit factors. For instance, the more people that come and go from a site, the more the site benefits from the improved visibility and safety. The same reasoning applies to the other special benefit factors.

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### Residential Traffic

The typical single-family residence (“SFR”) generates approximately ten vehicular trips per day. Condominium units generate approximately eight trips per day and apartment units generate approximately six trips per day per unit. The trip generation rates that are used for each land use are based on the trip generation rates published by the San Diego Association of Governments and the Encinitas Ranch Austin Foust Traffic Study. The trip generation rates are included in Appendix A of this report.



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### Non-Residential Traffic

Trip generation for non-residential parcels vary depending on their designated land use as well as size of parcel. The trip generation data for non-residential land uses are based on trips per acre. For instance, a commercial parcel on two acres typically will have twice the traffic of a commercial parcel on one acre. It follows that the two-acre parcel will then receive twice the benefit from the street lighting as the one-acre parcel. Various land uses were grouped into categories with similar traffic characteristics, resulting in the fee categories shown later in this report.

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### Darkness

Non-residential parcels typically do not operate all night long. The average period of darkness is 12 hours, but non-residential uses will only operate for approximately three hours of that time. For that reason, a non-residential darkness factor of  $(3 \div 12 =)$  25% is applied to those parcels. For two non-residential categories, the darkness factor is different, as shown below:

- Offices and banks typically close earlier than other non-residential uses so they are assigned a darkness factor of 12.5%.
- Hotels, motels and boarding houses typically have activity further into the night than other non-residential uses, so they are assigned a darkness factor of 50%.

Non-residential trip generation is then adjusted for the darkness factor for each rate category.

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### Single-Family Equivalents

The SFR category is used as the baseline for calculating the special benefit for all other land uses and sizes. Each rate category is assigned a single-family equivalent (“SFE”) rate using the following formula:

$$\frac{ADT \times \text{Darkness Factor}}{ADT \text{ for SFR}} = \text{SFE Rate}$$

Where:

- ADT = Average Daily Trips for each category
- ADT for SFR = ADT for single-family residential, which is used as a baseline figure for SFE rate
- SFE Rate = SFEs per unit shown (parcel, [living] unit, or acre)

The results of these calculations for each rate category are shown in Table 4 below.

Table 4 – Single-Family Equivalent Rates

Landuse Category	ADT	Darkness Factor	Adj ADT	SFE Rate	Unit
<b>Residential</b>					
Single Family	10	1	10	1.000	parcel
Multi-Family < 5 units	8	1	8	0.800	unit
Multi-Family 5 or more units	6	1	6	0.600	unit
Condominium	8	1	8	0.800	parcel
Mobile Home	5	1	5	0.500	unit
Multiple SFR on parcel	10	1	10	1.000	unit
<b>Non-Residential</b>					
General Commercial	600	0.25	150	15.000	acre
Industrial / Warehouse	60	0.25	15	1.500	acre
Auto Repair	400	0.25	100	10.000	acre
Hotel / Motel / Boarding	200	0.5	100	10.000	acre
Hospital	250	0.25	62.5	6.250	acre
Retirement Home	50	0.25	12.5	1.250	acre
School / Day Care	90	0.25	22.5	2.250	acre
Medical / Dental / Vet	500	0.25	125	12.500	acre
Church	30	0.25	7.5	0.750	acre
Mortuary	10	0.25	2.5	0.250	acre
Recreational	100	0.25	25	2.500	acre
Parking / Transportation	200	0.25	50	5.000	acre
Mini Storage	30	0.25	7.5	0.750	acre
Office	300	0.125	37.5	3.750	acre
Bank	1000	0.125	125	12.500	acre
Park / Open Space / Agriculture	2	0.25	0.5	0.050	acre
Vacant	0			na	

### Annual Assessment Increase

The Assessment is subject to an annual adjustment tied to the San Francisco-Oakland-Hayward Consumer Price Index-U as of December of each succeeding year (“CPI”), with a maximum annual adjustment not to exceed 3%. In order for the City’s dedicated Streetlight fund revenue sources to satisfy cost requirements into the future, the maximum rate per SFE is calculated based upon the sum of the 1982 assessment and the Street Light Assessment District 2018 Assessment.

**Table 5 – Maximum Single-Family Equivalent Rate Calculation**

	FY 2023	FY 2024
2018 District Maximum for FY 23	\$ 709,845.29	\$ 709,845.29
1982 District Maximum for FY 23	<u>\$ 1,422,965.52</u>	
Total for FY 23	\$ 2,132,810.81	
Maximum Increase of 3% of Total for FY 23		<u>\$ 63,984.32</u>
FY 24 Maximum Assessment		\$ 773,829.61
Total SFEs		46,277.819
<b>FY 24 Maximum Rate per SFE</b>		<b>\$ 16.72</b>

### Duration of Assessment

The Assessments may be continued every year after their formation, so long as the public Improvements need to be maintained and improved and the City requires funding from the Assessments for these Improvements in the District. As noted previously, the Assessment can continue to be levied annually after the City Council approves an annually updated Engineer’s Report, budget for the Assessment, Improvements to be provided and other specifics of the Assessment. In addition, the City Council must hold an annual public hearing to continue the Assessment.

### Appeals and Interpretation

Any property owner who feels that the Assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Berkeley Public Works department. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Berkeley City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the City Engineer or her or his designee shall be referred to the Public Works Director and the decision of the Public Works Director shall be final.

## Assessment Statement

WHEREAS, on March 21, 2023, the City Council of the City of Berkeley, County of Alameda, California, adopted a Resolution initiating proceedings for the levy of Assessments for fiscal year 2024 within the Street Light Assessment District 2018, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively “the Act”);

WHEREAS, the City of Berkeley directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Assessment District, to which the description of the proposed Improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Act and the order of the City Council of the City of Berkeley, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for the Improvements and the expense incidental thereto to be paid by the City of Berkeley Street Lighting Assessment District 2018 for the fiscal year 2024 are generally as listed in Table 1.

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the City of Berkeley Street light Assessment District 2018. The distinctive number of each parcel or lot of land in the City of Berkeley Street light Assessment District 2018 is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the City of Berkeley Street Lighting Assessment District 2018, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the cost estimate and method of assessment hereto attached and by reference made a part hereof.

The Assessments are made upon the parcels or lots of land within the City of Berkeley Street Lighting Assessment District 2018 in proportion to the special benefits to be received by the parcels or lots of land from the Improvements.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2018. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2024 for each parcel or lot of land within the City of Berkeley Street Lighting Assessment District 2018.

Dated: April 6, 2023

Engineer of Work

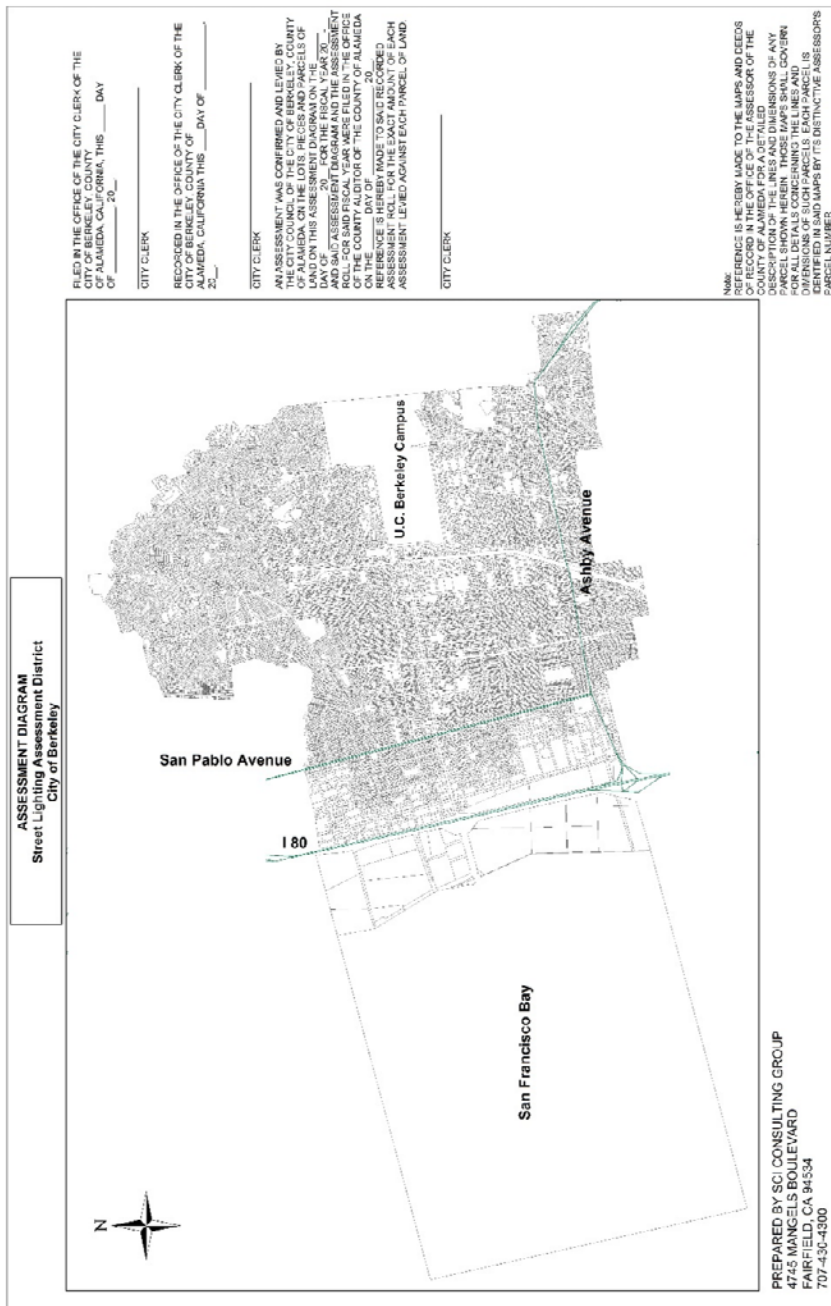
By \_\_\_\_\_  
Jerry Bradshaw, License No. C48845



# Assessment Diagram

The boundaries of the City of Berkeley Street Light Maintenance Assessment Districts and Annexations are displayed on the Assessment Diagram below.

Figure 1 – Assessment Diagram



Appendix A – SANDAG Trip Generation Tables

(NOT SO)  
BRIEF GUIDE OF VEHICULAR TRAFFIC GENERATION RATES  
FOR THE SAN DIEGO REGION



401 B Street, Suite 800  
San Diego, California 92101  
(619) 699-1900 • Fax (619) 699-1950

APRIL 2002

NOTE: This listing only represents a *guide* of average, or estimated, traffic generation "driveway" rates and some very general trip data for land uses (emphasis on acreage and building square footage) in the San Diego region. These rates (both local and national) are subject to change as future documentation becomes available, or as regional sources are updated. For more specific information regarding traffic data and trip rates, please refer to the San Diego Traffic Generators manual. *Always check with local jurisdictions for their preferred or applicable rates.*

LAND USE	TRIP CATEGORIES (PRIMARY, DIVERTED, PASS-BY) <sup>1</sup>	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN-OUT ratio)		TRIP LENGTH (Miles) <sup>2</sup>
			Between 6:00-9:30 A.M.	Between 3:00-6:30 P.M.	
AGRICULTURE (Open Space) .....	[80:18:2]	2/acre**			10.8
AIRPORT .....	[78:20:2]				12.5
Commercial		60/acre, 100/flight, 70/1000 sq. ft.* **	5% (6:4)	6% (5:5)	
General Aviation		6/acre, 2/flight, 6/base aircraft**	9% (7:3)	15% (5:5)	
Heliports		100/acre**			
AUTOMOBILE <sup>3</sup>					
Car Wash					
Automatic		900/site, 600/acre**	4% (5:5)	9% (5:5)	
Self-serve		100/wash stall**	4% (5:5)	8% (5:5)	
Gasoline .....	[21:51:28]				2.8
with/Food Mart		160/vehicle fueling space**	7% (5:5)	8% (5:5)	
with/Food Mart & Car Wash		155/vehicle fueling space**	8% (5:5)	9% (5:5)	
Older Service Station Design		150/vehicle fueling space, 900/station**	7% (5:5)	9% (5:5)	
Sales (Dealer & Repair)		50/1000 sq. ft., 300/acre, 60/service stall** **	5% (7:3)	8% (4:6)	
Auto Repair Center		20/1000 sq. ft., 400/acre, 20/service stall**	3% (7:3)	11% (4:6)	
Auto Parts Sales		60/1000 sq. ft.**	4%	10%	
Quick Lube		40/service stall**	7% (6:4)	10% (5:5)	
Tire Store		25/1000 sq. ft., 30/service stall**	7% (6:4)	11% (5:5)	
CEMETERY		5/acre*			
CHURCH (or Synagogue) .....	[64:25:11]	9/1000 sq. ft., 30/acre** (quadruple rates for Sunday, or days of assembly)	5% (6:4)	8% (5:5)	5.1
COMMERCIAL/RETAIL <sup>5</sup>					
Super Regional Shopping Center (More than 80 acres, more than 800,000 sq. ft., w/usually 3+ major stores)		35/1000 sq. ft., <sup>c</sup> 400/acre*	4% (7:3)	10% (5:5)	
Regional Shopping Center (40-80 acres, 400,000-800,000 sq. ft., w/usually 2+ major stores)	[54:35:11]	50/1000 sq. ft., <sup>c</sup> 500/acre*	4% (7:3)	9% (5:5)	5.2
Community Shopping Center (15-40 acres, 125,000-400,000 sq. ft., w/usually 1 major store, detached restaurant(s), grocery and drugstore)	[47:31:22]	80/1000 sq. ft., 700/acre** **	4% (6:4)	10% (5:5)	3.6
Neighborhood Shopping Center (Less than 15 acres, less than 125,000 sq. ft., w/usually grocery & drugstore, cleaners, beauty & barber shop, & fast food services)		120/1000 sq. ft., 1200/acre** **	4% (6:4)	10% (5:5)	
Commercial Shops .....	[45:40:15]				4.3
Specialty Retail/Strip Commercial		40/1000 sq. ft., 400/acre*	3% (6:4)	9% (5:5)	
Electronics Superstore		50/1000 sq. ft.**		10% (5:5)	
Factory Outlet		40/1000 sq. ft.**	3% (7:3)	9% (5:5)	
Supermarket		150/1000 sq. ft., 2000/acre** **	4% (7:3)	10% (5:5)	
Drugstore		90/1000 sq. ft.**	4% (6:4)	10% (5:5)	
Convenience Market (15-16 hours)		500/1000 sq. ft.**	5% (5:5)	8% (5:5)	
Convenience Market (24 hours)		700/1000 sq. ft.**	3% (5:5)	7% (5:5)	
Convenience Market (w/gasoline pumps)		850/1000 sq. ft., 550/vehicle fueling space**	5% (5:5)	7% (5:5)	
Discount Club		60/1000 sq. ft., 600/acre** **	7% (7:3)	9% (5:5)	
Discount Store		60/1000 sq. ft., 600/acre** **	3% (6:4)	8% (5:5)	
Furniture Store		6/1000 sq. ft., 100/acre**	4% (7:3)	9% (5:5)	
Lumber Store		30/1000 sq. ft., 150/acre**	7% (6:4)	9% (5:5)	
Home Improvement Superstore		40/1000 sq. ft.**	5% (6:4)	8% (5:5)	
Hardware/Paint Store		60/1000 sq. ft., 600/acre**	2% (6:4)	9% (5:5)	
Garden Nursery		40/1000 sq. ft., 90/acre**	3% (6:4)	10% (5:5)	
Mixed Use: Commercial (w/supermarket)/Residential		110/1000 sq. ft., 2000/acre* (commercial only) 15/dwelling unit, 200/acre* (residential only)	3% (6:4) 3% (3:7)	9% (5:5) 13% (6:4)	
EDUCATION					
University (4 years) .....	[91:9:0]	2.4/student, 100 acre*	10% (8:2)	9% (3:7)	8.9
Junior College (2 years) .....	[92:7:1]	1.2/student, 24/1000 sq. ft., 120/acre** **	12% (8:2)	9% (6:4)	9.0
High School .....	[75:19:6]	1.3/student, 15/1000 sq. ft., 60/acre** **	20% (7:3)	10% (4:6)	4.8
Middle/Junior High .....	[63:25:12]	1.4/student, 12/1000 sq. ft., 50/acre** **	30% (6:4)	9% (4:6)	5.0
Elementary .....	[57:25:10]	1.6/student, 14/1000 sq. ft., 90/acre** **	32% (6:4)	9% (4:6)	3.4
Day Care .....	[28:58:14]	5/child, 80/1000 sq. ft.**	17% (5:5)	18% (5:5)	3.7
FINANCIAL <sup>5</sup> .....	[35:42:23]				3.4
Bank (Walk-In only)		150/1000 sq. ft., 1000/acre** **	4% (7:3)	8% (4:6)	
with Drive-Through		200/1000 sq. ft., 1500/acre*	5% (6:4)	10% (5:5)	
Drive-Through only		250 (125 one-way)/lane*	3% (5:5)	13% (5:5)	
Savings & Loan		60/1000 sq. ft., 600/acre**	2%	9%	
Drive-Through only		100 (50 one-way)/lane**	4%	15%	
HOSPITAL .....	[73:25:2]				8.3
General		20/bed, 25/1000 sq. ft., 250/acre*	8% (7:3)	10% (4:6)	
Convalescent/Nursing		3/bed**	7% (6:4)	7% (4:6)	
INDUSTRIAL					
Industrial/Business Park (commercial included) .....	[79:19:2]	16/1000 sq. ft., 200/acre** **	12% (8:2)	12% (2:8)	9.0
Industrial Park (no commercial)		8/1000 sq. ft., 90/acre**	11% (9:1)	12% (2:8)	
Industrial Plant (multiple shifts) .....	[92:5:3]	10/1000 sq. ft., 120/acre*	14% (8:2)	15% (3:7)	11.7
Manufacturing/Assembly		4/1000 sq. ft., 50/acre**	19% (9:1)	20% (2:8)	
Warehousing		5/1000 sq. ft., 60/acre**	13% (7:3)	15% (4:6)	
Storage		2/1000 sq. ft., 0.2/vault, 30/acre*	6% (5:5)	9% (5:5)	
Science Research & Development		8/1000 sq. ft., 80/acre*	16% (9:1)	14% (1:9)	
Landfill & Recycling Center		6/acre	11% (5:5)	10% (4:6)	

(OVER)

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista and County of San Diego.  
ADVISORY/LIAISON MEMBERS: California Department of Transportation, County Water Authority, U.S. Department of Defense, S.D. Unified Port District and Tijuana/Baja California.



LAND USE	TRIP CATEGORIES [PRIMARY-DIVERTED-PASS-BY]*	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio)		TRIP LENGTH (Miles) <sup>1</sup>
			Between 6:00-9:30 A.M.	Between 3:00-6:30 P.M.	
LIBRARY	[44:44:12]	50/1000 sq. ft., 400/acre**	2%	(7:3) 10%	(5:5) 3.9
LODGING	[58:38:4]	10/occupied room, 300/acre	6%	(6:4) 8%	(6:4) 7.6
Hotel (w/convention facilities/restaurant)		9/occupied room, 200/acre*	8%	(4:6) 9%	(6:4) 7.6
Motel		8/occupied room, 100/acre*	5%	(6:4) 7%	(4:6) 7.6
Resort Hotel		7/occupied room**	8%	(4:6) 9%	(6:4) 7.6
Business Hotel					
MILITARY	[82:16:2]	2.5/military & civilian personnel*	9%	(9:1) 10%	(2:8) 11.2
OFFICE					
Standard Commercial Office (less than 100,000 sq. ft.)	[77:19:4]	20/1000 sq. ft., 300/acre*	14%	(9:1) 13%	(2:8) 8.8
Large (High-Rise) Commercial Office (more than 100,000 sq. ft., 6+ stories)	[82:15:3]	17/1000 sq. ft., 600/acre*	13%	(9:1) 14%	(2:8) 10.0
Office Park (400,000+ sq. ft.)		12/1000 sq. ft., 200/acre**	13%	(9:1) 13%	(2:8) 8.8
Single Tenant Office		14/1000 sq. ft., 180/acre*	15%	(9:1) 15%	(2:8) 8.8
Corporate Headquarters		7/1000 sq. ft., 110/acre*	17%	(9:1) 16%	(1:9) 6.0
Government (Civic Center)	[50:34:16]	30/1000 sq. ft., 1*	9%	(9:1) 12%	(3:7) 6.0
Post Office		90/1000 sq. ft.**	9%		7%
Central/Walk-In Only		200/1000 sq. ft., 1300/acre*	6%	(6:4) 9%	(5:5) 6.4
Community (not including mail drop lane)		300/1000 sq. ft., 2000/acre*	7%	(5:5) 10%	(5:5) 6.4
Community (w/mail drop lane)		1500 (750 one-way)/lane*	7%	(5:5) 12%	(5:5) 6.4
Mail Drop Lane only		180/1000 sq. ft., 900/acre**	6%	(6:4) 10%	(4:6) 6.4
Department of Motor Vehicles		50/1000 sq. ft., 500/acre*	6%	(8:2) 11%	(3:7) 6.4
Medical-Dental	[60:30:10]				
PARKS	[66:28:6]	50/acre*	4%		8%
City (developed w/meeting rooms and sports facilities)		20/acre*	13%	(5:5) 9%	(5:5) 5.4
Regional (developed)		5/acre (add for specific sport uses), 6/picnic site**			
Neighborhood/County (undeveloped)		1/acre, 10/picnic site**			
State (average 1000 acres)		80/acre, 130/acre (summer only)**			6%
Amusement (Theme)		115/acre*			
San Diego Zoo		80/acre*			
Sea World					
RECREATION					
Beach, Ocean or Bay	[52:39:9]	600/1000 ft. shoreline, 60/acre*			6.3
Beach, Lake (fresh water)		50/1000 ft. shoreline, 5/acre*			
Bowling Center		30/1000 sq. ft., 300/acre, 30/lane**	7%	(7:3) 11%	(4:6) 6.3
Campground		4/campsite**	4%		8%
Golf Course		7/acre, 40/hole, 700/course**	7%	(8:2) 9%	(3:7) 6.3
Driving Range only		70/acre, 14/tee box*	3%	(7:3) 9%	(5:5) 6.3
Marinas		4/berth, 20/acre**	3%	(3:7) 7%	(6:4) 6.3
Multi-purpose (miniature golf, video arcade, batting cage, etc.)		90/acre	2%		6%
Racquetball/Health Club		30/1000 sq. ft., 300/acre, 40/court*	4%	(6:4) 9%	(6:4) 6.3
Tennis Courts		16/acre, 30/court**	5%		11%
Sports Facilities					
Outdoor Stadium		50/acre, 0.2/seat*			
Indoor Arena		30/acre, 0.1/seat*			
Racetrack		40/acre, 0.5/seat*			
Theaters (multiplex w/matinee)	[66:17:17]	80/1000 sq. ft., 1.8/seat, 360/screen*	13%		8%
RESIDENTIAL	[86:11:3]				
Estate, Urban or Rural (average 1-2 DU/acre)		12/dwelling unit**	8%	(3:7) 10%	(7:3) 7.9
Single Family Detached (average 3-6 DU/acre)		10/dwelling unit**	8%	(3:7) 10%	(7:3) 7.9
Condominium (or any multi-family 6-20 DU/acre)		8/dwelling unit**	8%	(2:8) 10%	(7:3) 7.9
Apartment (or any multi-family units more than 20 DU/acre)		6/dwelling unit**	8%	(2:8) 9%	(7:3) 7.9
Military Housing (off-base, multi-family)					
(less than 6 DU/acre)		8/dwelling unit	7%	(3:7) 9%	(6:4) 7.9
(6-20 DU/acre)		6/dwelling unit	7%	(3:7) 9%	(6:4) 7.9
Mobile Home					
Family		5/dwelling unit, 40/acre*	8%	(3:7) 11%	(6:4) 7.9
Adults Only		3/dwelling unit, 20/acre*	9%	(3:7) 10%	(6:4) 7.9
Retirement Community		4/dwelling unit**	5%	(4:6) 7%	(6:4) 7.9
Congregate Care Facility		2.5/dwelling unit**	4%	(6:4) 8%	(5:5) 7.9
RESTAURANT <sup>s</sup>	[51:37:12]				
Quality		100/1000 sq. ft., 3/seat, 500/acre***	7%	(6:4) 8%	(7:3) 4.7
Sit-down, high turnover		160/1000 sq. ft., 6/seat, 1000/acre***	8%	(5:5) 8%	(6:4) 4.7
Fast Food (w/drive through)		650/1000 sq. ft., 20/seat, 3000/acre***	7%	(6:5) 7%	(6:5) 4.7
Fast Food (without drive-through)		700/1000 sq. ft.**	5%	(6:4) 7%	(5:5) 4.7
Delicatessen (7am-4pm)		150/1000 sq. ft., 11/seat*	9%	(6:4) 3%	(3:7) 4.7
TRANSPORTATION					
Bus Depot		25/1000 sq. ft.**			
Truck Terminal		10/1000 sq. ft., 7/bay, 80/acre**	9%	(4:6) 8%	(5:5) 4.7
Waterport/Marine Terminal		170/berth, 12/acre**			
Transit Station (Light Rail w/parking)		300/acre, 2 <sup>1/2</sup> /parking space (4/occupied)**	14%	(7:3) 15%	(3:7) 4.7
Park & Ride Lots		400/acre (600/paved acre), 5/parking space (8/occupied)**	14%	(7:3) 15%	(3:7) 4.7

\* Primary source: San Diego Traffic Generators.  
 \*\* Other sources: ITE Trip Generation Report (6th Edition), Trip Generation Rates (other agencies and publications), various SANDAG & CALTRANS studies, reports and estimates.

<sup>1</sup> Trip category percentage ratios are daily from local household surveys, often cannot be applied to very specific land uses, and do not include non-resident drivers (draft SANDAG Analysis of Trip Diversion, revised November, 1990).

PRIMARY - one trip directly between origin and primary destination.  
 DIVERTED - linked trip (having one or more stops along the way to a primary destination) whose distance compared to direct distance ≥ 1 mile.  
 PASS-BY - undiverted or diverted < 1 mile.

<sup>2</sup> Trip lengths are average weighted for all trips to and from general land use site. (All trips system-wide average length = 6.9 miles)

<sup>3</sup> Fitted curve equation:  $\ln(T) = 0.502 \ln(x) + 6.945$  } T = total trips, x = 1,000 sq. ft.  
<sup>4</sup> Fitted curve equation:  $\ln(T) = 0.756 \ln(x) + 3.950$  }

<sup>5</sup> Fitted curve equation:  $t = -2.169 \ln(d) + 12.85$  } t = trips/DU, d = density (DU/acre), DU = dwelling unit

<sup>s</sup> Suggested PASS-BY (undiverted or diverted < 1 mile) percentages for trip rate reductions only during P.M. peak period (based on combination of local data/review and Other sources\*\*):

COMMERCIAL/RETAIL	
Regional Shopping Center	20%
Community	30%
Neighborhood	40%
Specialty Retail/Strip Commercial (other)	10%
Supermarket	40%
Convenience Market	50%
Discount Club/Store	30%
FINANCIAL	
Bank	25%
AUTOMOBILE	
Gasoline Station	50%
RESTAURANT	
Quality	10%
Sit-down high turnover	20%
Fast Food	40%

<sup>1</sup> Trip Reductions - In order to help promote regional "smart growth" policies, and acknowledge San Diego's expanding mass transit system, consider vehicle trip rate reductions (with proper documentation and necessary adjustments for peak periods). The following are some examples:

[1] A 5% daily trip reduction for land uses with transit access or near transit stations accessible within 1/4 mile.

[2] Up to 10% daily trip reduction for mixed-use developments where residential and commercial retail are combined (demonstrate mode split of walking trips to replace vehicular trips).



## Appendix B – Assessment Roll

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern all details concerning the description of the lots or parcels.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**STREET LIGHTING ASSESSMENTS FOR FY 2024**

**The public may participate in this hearing by remote video or in-person.**

NOTICE IS HEREBY GIVEN that at its meeting on Tuesday, June 27, 2023, the Berkeley City Council will conduct a public hearing to consider:

The levy of Street Lighting Assessments in Fiscal Year 2024

**Berkeley Street Lighting Assessment District 1982-1:**

No increase is proposed for Street Lighting Assessment District 1982-1 rates in FY 2024. The assessment rates will remain as follows:

Assessments under this district are determined by building square footage and rates.

**Street Lighting Assessment District 2018:**

In accordance with the voter-approved measure, Street Lighting Assessment District 2018 is subject to an annual assessment adjustment equal to the annual change in the Bay Area Consumer Price Index (CPI), up to a maximum of 3%. For the period beginning in December 2021 and ending in December 2022, the CPI increased by 4.88%; therefore the assessment CPI adjustment for Fiscal Year 2024 will be for the prescribed maximum of 3.00%. As approved by voters, the total annual adjustment may be calculated by taking the sum of the 1982-1 District assessment and the 2018 District assessment, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for the inclusion of a 1982-1 District adjustment as part of the 2018 District adjustment. The cumulative total adjustment results in a 2018 District assessment rate increase of approximately 9%. Detailed calculations of the annual adjustment and the corresponding rate increases are included in the Street Lighting Assessment District 2018 Engineer’s Report for FY 2024<sup>1</sup>. The proposed rates are summarized below.

<b>Rate Category</b>	<b>Assessment FY 2023</b>	<b>Proposed Assessment FY 2024</b>	<b>Unit</b>
Residential			
Single Family	\$ 15.34	\$ 16.72	parcel
Multi-Family<5 units	\$ 12.27	\$ 13.38	unit
Multi-Family 5 or more units	\$ 9.20	\$ 10.03	unit
Condominium	\$ 12.27	\$ 13.38	parcel
Mobile Home	\$ 7.67	\$ 8.36	unit
Multiple SFR on parcel	\$ 15.34	\$ 16.72	unit

<sup>1</sup> Following the public hearing, copies of the report will be available for review on the City’s Website, at the reference desk of the main branch of the Berkeley Public Library, and at the City Clerk’s Office.

Non-Residential			
General Commercial	\$ 230.10	\$ 250.80	acre
Industrial / Warehouse	\$ 23.01	\$ 25.08	acre
Auto Repair	\$ 153.40	\$ 167.20	acre
Hotel / Motel / Boarding	\$ 153.40	\$ 167.20	acre
Hospital	\$ 95.88	\$ 104.50	acre
Retirement Home	\$ 19.18	\$ 20.90	acre
School / Day Care	\$ 34.52	\$ 37.62	acre
Medical / Dental / Vet	\$ 191.75	\$ 209.00	acre
Church	\$ 11.51	\$ 12.54	acre
Mortuary	\$ 3.84	\$ 4.18	acre
Recreational	\$ 38.35	\$ 41.80	acre
Parking / Transportation	\$ 76.70	\$ 83.60	acre
Mini Storage	\$ 11.51	\$ 12.54	acre
Office	\$ 57.53	\$ 62.70	acre
Bank	\$ 191.75	\$ 209.00	acre
Park / Open Space / Agriculture	\$ 0.77	\$ 0.84	acre
Vacant	<i>Not assessed</i>		

Assessments under the 2018 District are generally determined by the number of parcels or acres, as applicable to each parcel category, and the associated rate category.

### Public Hearing Information

The hearing will be held on Tuesday, June 27, 2023, at 6 pm at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of June 15, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Ronald Nevels, Interim Manager of Engineering/City Engineer, (510) 981-6439, or Ricardo Salcedo, Associate Civil Engineer, Public Works, (510) 981-6407.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [council@berkeleyca.gov](mailto:council@berkeleyca.gov) for further information.

**Published:** June 16, 2023 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 15, 2023.

\_\_\_\_\_  
Mark Numainville, City Clerk



Office of the City Manager

ACTION CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Sharon Friedrichsen, Budget Manager  
 Subject: FY 2024 Proposed Budget Update Adoption

RECOMMENDATION

Adopt a Resolution:

1. Adopting the FY 2024 Proposed Budget Update (“FY 24 Proposed Budget”) as presented to Council on May 16, 2023, and as amended by subsequent Council action.
2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2024, as reflected in Attachment 2 to the report, and as amended by subsequent Council action.

FISCAL IMPACTS OF RECOMMENDATION

The FY 2024 Proposed Budget expenditure budget for all funds in FY 2024 is \$718,932,025 (gross appropriations) and \$ 610,760,531 (net appropriations). The General Fund (Funds 011-099), including Measure P and Measure U1 funds, total is \$275,380,387 and the balance of \$443,551,638 represents the other non-discretionary funds. This fiscal information will be reflected in a separate Annual Appropriation Ordinance on the City Council’s agenda on June 27, 2023.

CURRENT SITUATION AND ITS EFFECTS

The purpose of the FY 24 Proposed Budget is to provide an update on revenue estimates and recommended changes in planned expenditures since the adoption of the biennial budget for Fiscal Years 2023 and 2024 by the City Council on June 28, 2022.

The FY 24 Proposed Budget was presented to Council on May 16, 2023. Over the next few weeks, the City’s Budget and Finance Policy Committee and City Council will hold several meetings on the FY 24 Proposed Budget prior to the budget adoption being brought to Council on tonight’s agenda.

Although there are outstanding community needs identified by Council through the budget referral process, as well as resources requested by City departments, no

additional General Fund funding requests have been included within the FY 24 Proposed Budget at this time given that the proposed budget is currently balanced. The changes within the departmental financial pages included within this attachment reflect revised personnel costs based upon authorized staffing levels within the General Fund as well as the costs for new staffing requests in FY 2024 for Other Funds.

Deferring additional funding requests and considering such requests during the adjustment to the Annual Appropriation Ordinance process is a prudent fiscal course of action based upon the current status of the FY 24 Proposed Budget as well as potential increases in operational expenditures. The City is currently in labor negotiation with several bargaining unions, units and associations; insurance premiums for the City's general liability and property insurance are likely to increase significantly, and construction costs for approved capital projects and operational expenses related to programs and services continue to rise.

Given looming costs on the horizon, the purpose of the FY 24 Proposed Budget is to focus on critical changes to the fiscal year 2024 operating budget that are necessary at this time. The Adopted Biennial Budget included funding for Council priorities, such as funding for capital needs and infrastructure; contributions to the Section 115 Trust to help mitigate escalating pension costs and funding to replenish the City's reserves, which were borrowed to sustain operations during the COVID-19 pandemic. The FY 24 Proposed Budget strives to balance the immediate funding needs to continue to deliver quality services to the community while also advancing Council priorities. Challenged with finite resources, achieving this balance will be difficult. However, with Council leadership, and with the assistance of the Budget and Finance Policy Committee, I believe we can find the balance to achieve both our short and long-term goals in a fiscally responsible manner. I look forward to continued discussions leading to the adoption of the FY 24 Proposed Budget and, more importantly, beginning the planning and priority-setting in the upcoming months for the next biennial budget cycle in fiscal year 2025-2026.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000

Attachments:

- 1: Resolution: Adopting FY 2024 Proposed Budget Update
  - Exhibit A: FY 2024 Proposed Budget Update Document
  - Exhibit B: Schedule of Changes to the FY 2024 Proposed Budget Update
  
- 2: Community Agency Contract Advances

RESOLUTION NO.

ADOPTING THE CITY OF BERKELEY PROPOSED BUDGET UPDATE FOR  
FISCAL YEAR 2024

WHEREAS, on May 31, 2022, the City Manager presented to the City Council the Fiscal Year 2023 and Fiscal Year 2024 (“FY 2023 and FY 2024”) Proposed Budget; and

WHEREAS, the City Council held a series of meetings to consider the Proposed Budget Update, including public hearings held on May 31, 2022 and June 14, 2022; and

WHEREAS, members of the City Council presented recommended revisions to the Proposed Biennial Budget at the Council meeting on June 28, 2022; and

WHEREAS, in addition to formal budget adoption, City Council action is required to authorize advances for select community agencies receiving funds in FY 2023. The advances are to be equivalent to 25% of the agency’s allocation.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Berkeley adopts the FY 2023 and FY 2024 Budget contained in the City Manager’s FY 2023 and FY 2024 Proposed Budget presented to Council on May 31, 2022 and as amended by subsequent Council action on June 28, 2022.

BE IT FURTHER RESOLVED that the appropriations constituting the FY 2023 Adopted Budget will be reflected in a separate FY 2023 Annual Appropriation Ordinance, as required by Charter.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute contracts and /or amendments, as necessary, to provide advances to selected community agencies receiving City funds in FY 2023.

BE IT FURTHER RESOLVED, that the City Manager is authorized to use the following invoicing/reporting system in contract administration, but maintains the discretion to amend these requirements depending on risk factors associated with past performance, the amount and type of funding an agency receives, and/or whether or not an agency is a new grantee:

Agencies receiving under \$50,000 in General Fund to provide the following services:

1. Drop-In services only with no intensive case management, meal programs, outreach programs, or recreation programs:
  - Statements of Expense are required quarterly and a General Ledger is required at fiscal year-end; and
  - An end-of-year narrative summary of accomplishments.
2. All other agencies receiving General Fund only:
  - Statements of Expense are required quarterly and a General Ledger is required at fiscal year-end; and
  - Program Reports are required semi-annually.
3. Agencies with State and/or Federal Funding:
  - Statements of Expense are required quarterly and a General Ledger is required at fiscal year-end; and
  - Program Reports are required quarterly.

BE IT FURTHER RESOLVED, that the City Manager is authorized to refuse to execute or amend a contract with any agency that has not provided required contract exhibits and documentation within 60 days of award of funding.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute other resultant agreement and amendments with other agencies relating to receipt and expenditure under CDBG or CSBG Program in accordance with the proposals for community agency funding approved through the budget process. A record copy of said contracts and any amendments are on file with the Office of the City Clerk.

#### Exhibits

Exhibit A: FY 2024 Proposed Budget Update Document

Exhibit B: Schedule of Changes to the FY 2024 Proposed Budget Update





Office of the City Manager

May 8, 2023

Honorable Mayor Jesse Arreguín and Members of the City Council:

The City Manager's Fiscal Year 2024 Proposed Budget Update ("FY 24 Proposed Budget") is submitted herein for your review and consideration. The purpose of the FY 24 Proposed Budget is to provide an update on revenue estimates and recommended changes in planned expenditures since the adoption of the biennial budget for Fiscal Years 2023 and 2024 by the City Council on June 28, 2022. Over the next few weeks, the City's Budget and Finance Policy Committee and City Council will hold several meetings on the FY 24 Proposed Budget subsequent to its adoption on June 27, 2023.

As illustrated in the attached table, "*Summary of FY 2024 Proposed Budget Update by Funding Source*", revenues are anticipated to increase by \$4.6 million, or 0.8%, over the FY 24 Adopted projection for a citywide total of \$608.4 million. In addition to new revenues, fund balance, or prior years' savings, of \$109.7 million will be used to pay for expenses. Expenditures are estimated to decrease by \$7.8 million, or 1.1%, over the FY 24 Adopted to a total of \$718.1 million, due to a variety of factors including decreased medical and dental insurance costs and changes in pension rates.

Staffing levels are expected to grow by 24.4 full-time equivalent (FTE) positions, or 1.4%, over the FY 24 Adopted budget and include positions within Health, Housing and Community Services (9.1 FTE); Public Works (4.9 FTE); Library (3.8 FTE); Human Resources (3.0 FTE) and 1 FTE in the City Manager's Office, Parks, Recreation and Waterfront and Planning and Development departments respectively. Of the proposed staffing of 1,818.1 FTE, the General Fund supports 738.7 FTE, or 40.6%, while the remaining 1,079.4 FTE, or 59.4%, are charged to other funding sources. In addition, several reclassifications either occurred during FY 2023 or are planned for FY 24 to enhance operational effectiveness as noted within the attached table "FY 2024 Position Summary by Department".

The General Fund, including Measure P and U1 funds, contributes \$276.1 million, or 45.4%, of the \$608.4 million in projected revenue. General Fund expenditures are proposed at \$275.3 million. This represents a decrease of \$4.6 million, or 1.6% over the FY 24 Adopted, resulting primarily from projected salary savings (average of 6% among departments) and decreased costs in health insurance and other benefits.

Expenditures, which include Measure P and U1, outpace revenues and require the use of \$3.8 million in fund balance (\$2.6 million in Measure P and \$1.0 million in U1). Once Measure P and Measure U1 revenues and expenditures are omitted, the remaining discretionary General Fund expenditures are projected at \$247.8 million and revenues are estimated at \$248.2 million, leaving a surplus of approximately \$400,000.

Although there are outstanding community needs identified by Council through the budget referral process, as well as resources requested by City departments, no additional General Fund funding requests have been included within the FY 24 Proposed Budget at this time given that the proposed budget is currently balanced. The changes within the departmental financial pages included within this attachment reflect revised personnel costs based upon authorized staffing levels within the General Fund as well as the costs for new staffing requests in FY 2024 for Other Funds.

Deferring additional funding requests and considering such requests during the adjustment to the Annual Appropriation Ordinance process is a prudent fiscal course of action based upon the current status of the FY 24 Proposed Budget as well as potential increases in operational expenditures. The City is currently in labor negotiation with several bargaining unions, units and associations; insurance premiums for the City's general liability and property insurance are likely to increase significantly, and construction costs for approved capital projects and operational expenses related to programs and services continue to rise.

Given looming costs on the horizon, the purpose of the FY 24 Proposed Budget is to focus on critical changes to the fiscal year 2024 operating budget that are necessary at this time. The Adopted Biennial Budget included funding for Council priorities, such as funding for capital needs and infrastructure; contributions to the Section 115 Trust to help mitigate escalating pension costs and funding to replenish the City's reserves, which were borrowed to sustain operations during the COVID-19 pandemic. The FY 24 Proposed Budget strives to balance the immediate funding needs to continue to deliver quality services to the community while also advancing Council priorities. Challenged with finite resources, achieving this balance will be difficult. However, with Council leadership, and with the assistance of the Budget and Finance Policy Committee, I believe we can find the balance to achieve both our short and long-term goals in a fiscally responsible manner. I look forward to continued discussions leading to the adoption of the FY 24 Proposed Budget and, more importantly, beginning the planning and priority-setting in the upcoming months for the next biennial budget cycle in fiscal year 2025-2026.

Respectfully Submitted,

Dee Williams-Ridley  
City Manager

## SUMMARY OF FY 2024 PROPOSED BUDGET UPDATE BY FUNDING SOURCE

| Fund Description                             | Adopted FY 2024 |             | Proposed Update FY 2024 |             |
|----------------------------------------------|-----------------|-------------|-------------------------|-------------|
|                                              | Revenue(b)      | Expenses    | Revenue(b)              | Expenses    |
| <b>General Fund Discretionary (a)</b>        | 261,726,315     | 273,948,362 | 267,199,246             | 269,428,381 |
| Measure U1                                   | 4,900,000       | 5,916,963   | 4,900,000               | 5,852,006   |
| Climate Equity Action                        | -               | -           | -                       | -           |
| GF - Stabilization Reserves                  | 2,200,000       | -           | 2,200,000               | -           |
| GF - Catastrophic Reserves                   | 1,800,000       | -           | 1,800,000               | -           |
| <b>Special Revenue Funds</b>                 |                 |             |                         |             |
| Library - Tax (a)                            | 24,386,523      | 24,802,718  | 24,537,495              | 24,642,865  |
| Emergency Disabled Services (Measure E)      | 1,622,550       | 1,622,550   | 1,634,739               | 1,634,739   |
| Paramedic Tax (a)                            | 4,391,797       | 5,268,022   | 4,421,805               | 4,981,166   |
| Playground Camp (a)                          | 3,412,972       | 3,669,222   | 3,109,285               | 2,735,587   |
| Gas/Sales Tax Street Improvement Funds (a)   | 16,906,189      | 19,132,220  | 15,647,724              | 19,436,427  |
| CDBG (a)                                     | 4,437,743       | 4,923,840   | 4,437,743               | 4,792,214   |
| Rental Housing Safety (a)                    | 1,783,780       | 2,044,695   | 1,783,780               | 2,356,542   |
| Parks Tax                                    | 17,199,496      | 16,294,912  | 17,400,964              | 15,963,245  |
| Measure GG - Fire Preparation Tax (a)        | 5,938,576       | 5,310,949   | 5,559,313               | 5,704,447   |
| Street Light Assessment District (a)         | 2,240,939       | 3,301,154   | 2,240,939               | 3,217,318   |
| PERS Savings                                 | 2,151,632       | -           | 2,151,632               | -           |
| Health State Aid Realignment (a)             | 3,703,018       | 4,003,539   | 3,703,018               | 3,947,649   |
| Mental Health State Aid Realignment (a)      | 2,710,000       | 4,178,676   | 2,710,000               | 4,031,749   |
| Measure FF - Public Safety                   | 8,776,080       | 8,323,000   | 9,541,974               | 8,525,459   |
| Other Special Revenue Funds (a)              | 5,195,095       | 12,534,329  | 5,307,303               | 12,955,436  |
| <b>Grant Funds (a) (c)</b>                   | 25,899,755      | 56,469,000  | 27,872,947              | 50,207,110  |
| <b>Capital Funds</b>                         |                 |             |                         |             |
| Capital Improvement (a)                      | 18,370,905      | 22,264,774  | 18,370,905              | 22,333,379  |
| Phone System Replacement                     | 449,408         | 449,408     | 449,408                 | 449,408     |
| FUND\$ Replacement (a)                       | -               | 3,249,509   | -                       | 3,372,446   |
| PEG Access Facilities (a)                    | -               | 100,000     | -                       | 100,000     |
| Measure M - Street & Watershed Improvement   | -               | -           | -                       | -           |
| Measure G - Public Safety Building           | -               | -           | -                       | -           |
| Street Improvement                           | -               | -           | -                       | -           |
| Park Acquisition Development                 | 192             | -           | 192                     | -           |
| Measure T1 - Infrastructure & Facilities (b) | -               | 18,527,703  | -                       | 18,091,805  |
| Measure O - Affordable Housing (b)           | -               | 6,445,567   | -                       | 6,445,567   |
| <b>Debt Service Funds (a)</b>                | 7,537,556       | 9,804,404   | 7,537,556               | 13,363,356  |
| <b>Enterprise Funds</b>                      |                 |             |                         |             |
| Zero Waste (a)                               | 46,767,263      | 59,250,474  | 46,767,263              | 59,489,630  |
| Marina Operation (a)                         | 6,650,211       | 8,086,766   | 6,500,211               | 8,027,559   |

| Fund Description                                     | Adopted FY 2024    |                    | Proposed Update FY 2024 |                    |
|------------------------------------------------------|--------------------|--------------------|-------------------------|--------------------|
|                                                      | Revenue(b)         | Expenses           | Revenue(b)              | Expenses           |
| Sewer <sup>(a)</sup>                                 | 24,986,977         | 32,765,773         | 24,986,977              | 32,561,256         |
| Private Sewer Lateral                                | 240,501            | 183,821            | 240,501                 | 80,417             |
| Clean Storm Water <sup>(a)</sup>                     | 4,551,890          | 5,858,692          | 4,551,890               | 6,111,869          |
| Permit Service Center <sup>(a)</sup>                 | 19,709,270         | 22,360,858         | 19,709,270              | 25,508,236         |
| Unified Program - Toxics                             | 964,450            | 885,692            | 964,450                 | 849,669            |
| Off Street Parking <sup>(a)</sup>                    | 5,091,895          | 6,939,757          | 5,091,895               | 6,940,920          |
| Parking Meter <sup>(a)</sup>                         | 9,712,789          | 10,398,188         | 9,712,789               | 10,122,167         |
| Building Management (1947 Center St.) <sup>(a)</sup> | 2,969,817          | 3,889,708          | 2,969,817               | 3,697,419          |
| <b>Internal Service Funds</b>                        |                    |                    |                         |                    |
| Equipment Replacement <sup>(a)</sup>                 | 4,754,926          | 6,473,770          | 4,754,926               | 6,300,512          |
| Equipment Maintenance <sup>(a)</sup>                 | 6,461,013          | 9,527,237          | 6,461,013               | 9,296,717          |
| Building Maintenance <sup>(a)</sup>                  | 3,821,039          | 4,815,297          | 3,821,039               | 4,627,672          |
| Central Services <sup>(a)</sup>                      | 225,000            | 394,486            | 225,000                 | 392,741            |
| Workers Compensation                                 | 9,569,358          | 6,469,976          | 9,569,358               | 6,467,536          |
| Public Liability                                     | 3,895,888          | 3,811,342          | 3,895,888               | 3,802,945          |
| IT Cost Allocation <sup>(a)</sup>                    | 14,806,185         | 17,699,114         | 14,806,185              | 17,311,329         |
| <b>Successor Agency</b>                              | -                  | 57,120             | -                       | 57,120             |
| <b>Agency Funds</b>                                  |                    |                    |                         |                    |
| Sustainable Energy -2                                |                    |                    |                         |                    |
| Thousand Oaks Undergrounding                         | -                  | 98,448             | -                       | 98,448             |
| Measure H - School Tax                               | 500,000            | 500,000            | 500,000                 | 500,000            |
| CFD No. 1 Disaster Fire Protection                   | 2,048,940          | 573,905            | -                       | 988,982            |
| CFD No. 1 Mello-Roos                                 | -                  | 2,825,468          | -                       | 775,623            |
| Berkeley Tourism Business Improvement District       | 433,333            | 433,333            | 433,333                 | 433,333            |
| Elmwood Business Improvement District                | 30,000             | 30,000             | 30,000                  | 30,000             |
| Solano Avenue Business Improvement District          | 25,000             | 25,000             | 25,000                  | 25,000             |
| Telegraph Business Improvement District              | 583,315            | 583,315            | 583,315                 | 583,315            |
| North Shattuck Business Improvement District         | 210,363            | 210,363            | 210,363                 | 210,363            |
| Downtown Berkeley Property & Improvement District    | 1,383,139          | 1,383,139          | 1,383,139               | 1,383,139          |
| <b>Rent Stabilization Board <sup>(a) (d)</sup></b>   | 5,687,000          | 6,856,431          | 5,687,000               | 6,900,280          |
| <b>Revenue &amp; Expenditure Totals:</b>             | <b>603,820,083</b> | <b>725,972,990</b> | <b>608,398,590</b>      | <b>718,142,498</b> |

**Notes:**

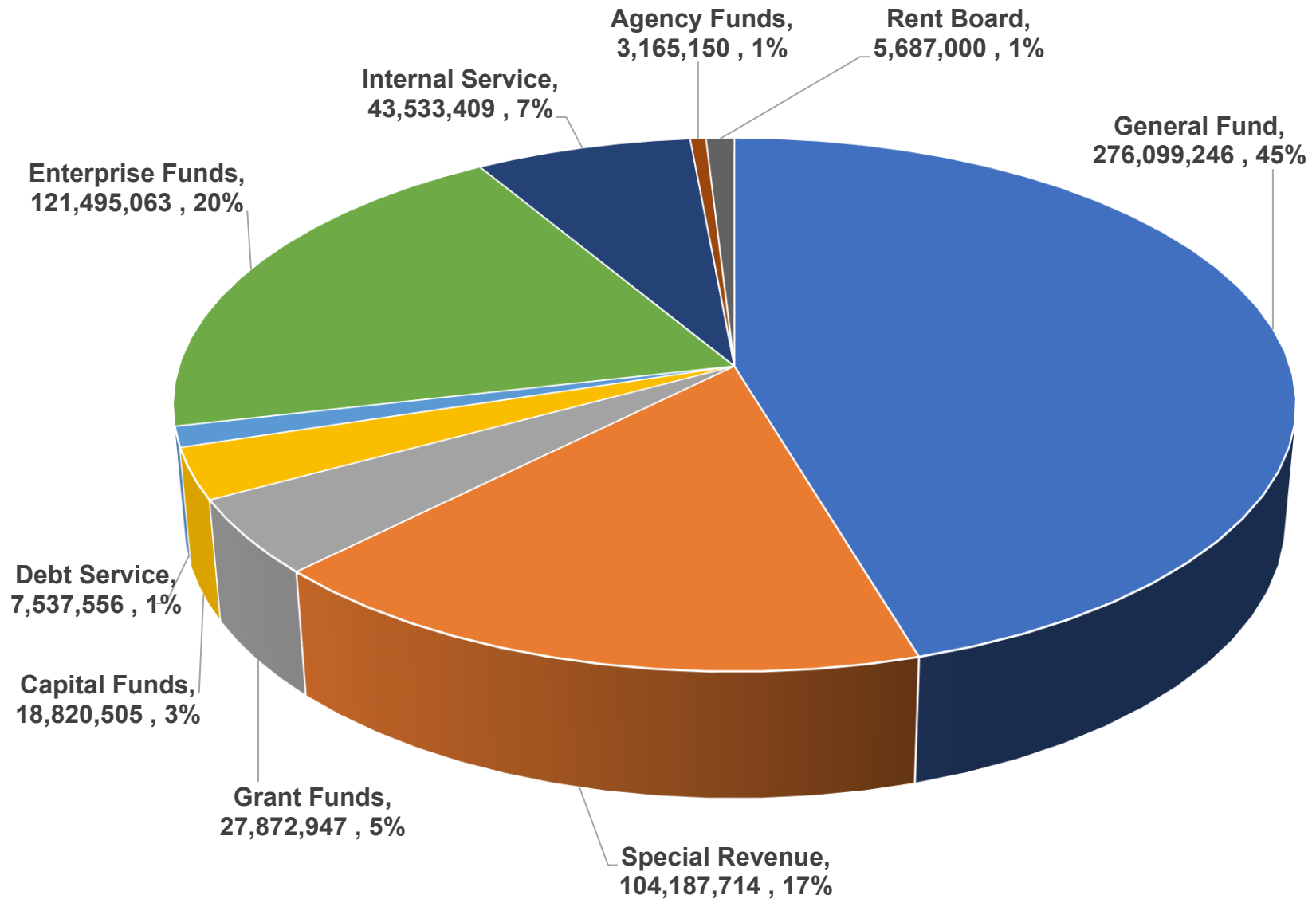
(a) Revenues do not reflect use of fund balances which are added to balance revenues with appropriations.

(b) Revenues for Bond Projects collected in prior fiscal years.

(c) FY 2024 grant revenues and expenditures will be adjusted to match once award amounts are known.

(d) Library and Rent Board figures for FY 2024 numbers are unofficial and have not been approved yet by the Board of Library Trustees or the Rent Stabilization Board.

**Revenue by Funding Source  
FY 2024  
Proposed Budget Update  
\$608,398,590 (Total)  
(Excludes the Use of Fund Balance)**



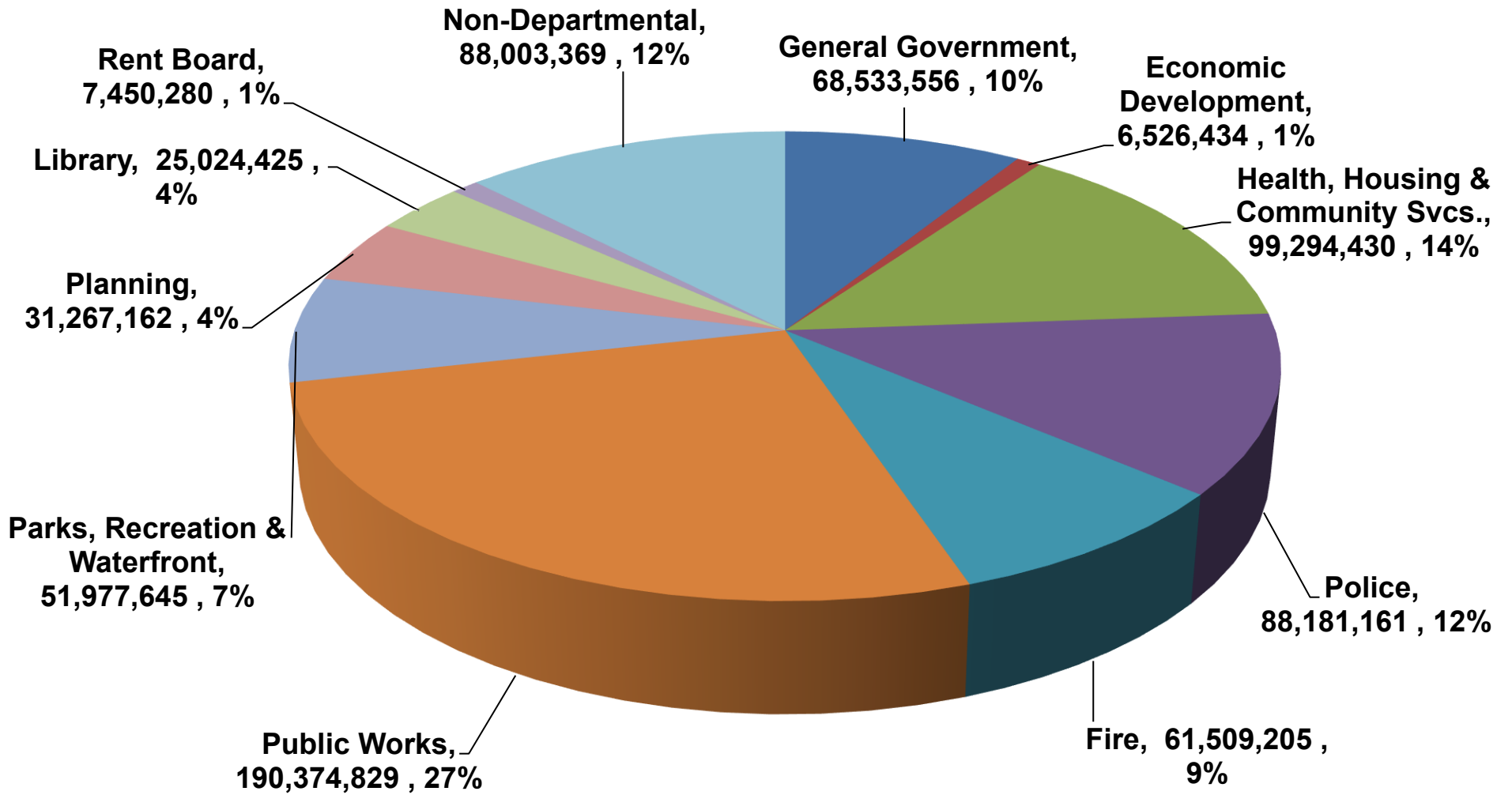
## SUMMARY OF EXPENDITURES BY DEPARTMENT - ALL FUNDS

|                                                 | FY 2020<br>Actual  | FY 2021<br>Actual  | FY 2022<br>Actual  | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024 Proposed<br>Update |
|-------------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|----------------------------|
| Mayor & Council                                 | 2,525,920          | 2,708,844          | 3,334,707          | 4,785,155          | 4,835,380          | 4,772,190                  |
| Auditor                                         | 2,527,125          | 2,526,081          | 2,691,657          | 3,101,376          | 3,124,862          | 3,231,099                  |
| Police Review Commission <sup>(a)</sup>         | 775,701            | 744,950            | -                  | -                  | -                  | -                          |
| Office of the Director of Police Accountability | -                  | -                  | 808,594            | 1,422,432          | 1,374,911          | 1,142,593                  |
| City Manager                                    | 8,104,984          | 8,432,572          | 9,733,300          | 11,732,034         | 11,763,275         | 9,833,653                  |
| Office of Economic Development                  | 8,951,152          | 4,966,525          | 8,668,166          | 7,555,553          | 6,380,895          | 6,526,434                  |
| Information Technology                          | 15,495,905         | 16,552,132         | 16,448,551         | 22,287,156         | 22,500,474         | 22,237,720                 |
| City Attorney                                   | 4,555,976          | 6,214,367          | 6,200,455          | 8,562,688          | 8,553,021          | 8,106,984                  |
| City Clerk                                      | 2,069,740          | 3,194,204          | 2,402,277          | 3,501,282          | 3,190,547          | 3,159,486                  |
| Finance                                         | 8,362,334          | 8,146,012          | 8,738,588          | 11,444,157         | 11,669,774         | 10,607,143                 |
| Human Resources                                 | 3,924,687          | 4,078,091          | 3,574,288          | 5,009,883          | 5,124,741          | 5,442,688                  |
| Health, Housing & Community Services            | 60,608,060         | 81,811,330         | 91,780,016         | 95,182,974         | 93,913,527         | 99,294,430                 |
| Police                                          | 79,762,713         | 79,395,632         | 82,753,749         | 87,444,720         | 88,658,439         | 88,181,161                 |
| Fire                                            | 48,213,947         | 49,891,701         | 58,014,192         | 63,377,259         | 63,450,868         | 61,509,205                 |
| Public Works                                    | 140,021,855        | 125,907,423        | 140,757,036        | 203,608,562        | 190,276,318        | 190,374,829                |
| Parks, Recreation & Waterfront                  | 43,593,445         | 60,795,051         | 63,541,966         | 53,378,913         | 53,954,977         | 51,977,645                 |
| Planning                                        | 21,595,429         | 21,687,691         | 22,485,141         | 29,022,035         | 27,993,361         | 31,267,162                 |
| Library                                         | 18,865,464         | 20,255,244         | 18,476,577         | 24,918,604         | 25,182,279         | 25,024,425                 |
| Rent Board                                      | 5,755,222          | 5,517,190          | 5,803,127          | 7,247,755          | 7,406,431          | 7,450,280                  |
| Non-Departmental <sup>(b)</sup>                 | 60,402,889         | 95,581,042         | 112,969,200        | 110,594,086        | 96,618,910         | 88,003,369                 |
| <b>Total All Funds</b>                          | <b>536,112,550</b> | <b>598,406,081</b> | <b>659,181,588</b> | <b>754,176,624</b> | <b>725,972,990</b> | <b>718,142,497</b>         |

*(a) Police Review Commission has become the Office of the Director of Police Accountability in FY 2022*

*(b) Non-Departmental consists of operational overhead costs such as Property Insurance and School Board Salaries, General Fund allocation for Community Based Organizations, Workers' Compensation costs, Debt Service, and Interfund Transfers.*

**All Funds Expenditures by Department  
FY 2024 Proposed Budget Update  
\$718,142,497 (Total)**

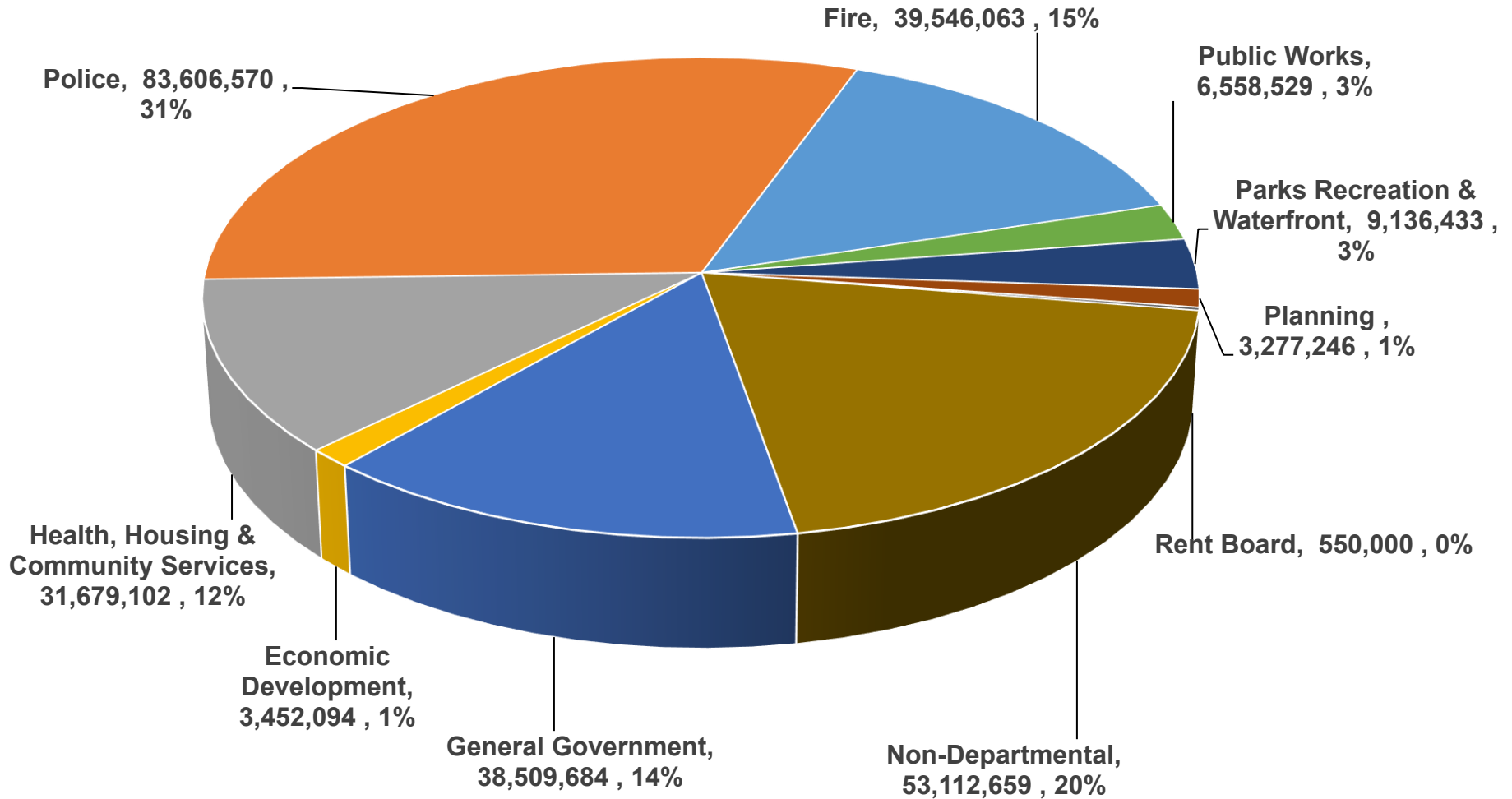


## SUMMARY OF EXPENDITURES BY DEPARTMENT – GENERAL FUND

|                                                 | FY 2020<br>Actual    | FY 2021<br>Actual     | FY 2022<br>Actual    | FY 2023<br>Adopted   | FY 2024<br>Adopted   | FY 2024 Proposed<br>Update |
|-------------------------------------------------|----------------------|-----------------------|----------------------|----------------------|----------------------|----------------------------|
| Mayor & Council                                 | 2,525,920            | 2,701,344             | 3,334,707            | 4,785,155            | 4,835,380            | 4,772,190                  |
| Auditor                                         | 2,432,086            | 2,467,028             | 2,627,179            | 3,006,058            | 3,026,481            | 3,136,323                  |
| Police Review Commission                        | 775,701              | 744,950               | -                    | -                    | -                    | -                          |
| Office of the Director of Police Accountability | -                    | -                     | 808,594              | 1,422,432            | 1,374,911            | 1,142,593                  |
| City Manager                                    | 7,573,988            | 7,872,856             | 9,045,847            | 11,320,277           | 11,347,845           | 9,433,592                  |
| Office of Economic Development                  | 5,855,850            | 2,488,081             | 3,004,242            | 3,528,952            | 3,343,968            | 3,452,094                  |
| Information Technology                          | 1,396,627            | 1,330,730             | 1,446,932            | 1,526,760            | 1,526,760            | 1,526,760                  |
| City Attorney                                   | 2,217,772            | 2,760,048             | 2,648,007            | 4,765,390            | 4,741,679            | 4,304,039                  |
| City Clerk                                      | 2,069,740            | 2,832,552             | 2,235,191            | 2,590,414            | 2,676,728            | 2,547,276                  |
| Finance                                         | 6,596,629            | 6,682,935             | 6,827,435            | 9,041,238            | 9,213,830            | 8,179,370                  |
| Human Resources                                 | 2,270,953            | 2,318,029             | 2,052,892            | 3,050,172            | 3,113,206            | 3,467,541                  |
| Health, Housing & Community Services            | 27,809,295           | 25,566,360            | 32,619,368           | 27,130,179           | 27,412,701           | 31,679,102                 |
| Police                                          | 75,754,210           | 77,270,053            | 77,916,629           | 82,717,136           | 83,845,693           | 83,606,570                 |
| Fire                                            | 38,848,003           | 38,988,843            | 43,574,467           | 41,770,979           | 42,304,032           | 39,546,063                 |
| Public Works                                    | 4,729,001            | 5,499,277             | 6,859,823            | 9,019,125            | 6,504,892            | 6,558,529                  |
| Parks, Recreation & Waterfront                  | 6,987,179            | 7,304,226             | 8,755,061            | 9,085,161            | 9,353,573            | 9,136,433                  |
| Planning                                        | 2,540,320            | 2,567,473             | 2,629,757            | 4,917,453            | 3,380,891            | 3,277,246                  |
| Rent Board                                      | 579,015              | -                     | -                    | -                    | -                    | 550,000                    |
| Non-Departmental                                | 30,903,908           | 46,390,565            | 43,112,577           | 60,994,413           | 55,945,792           | 53,112,659                 |
| <b>Total General Fund</b>                       | <b>\$221,866,199</b> | <b>\$ 235,785,349</b> | <b>\$249,498,708</b> | <b>\$280,671,294</b> | <b>\$273,948,362</b> | <b>\$ 269,428,380</b>      |



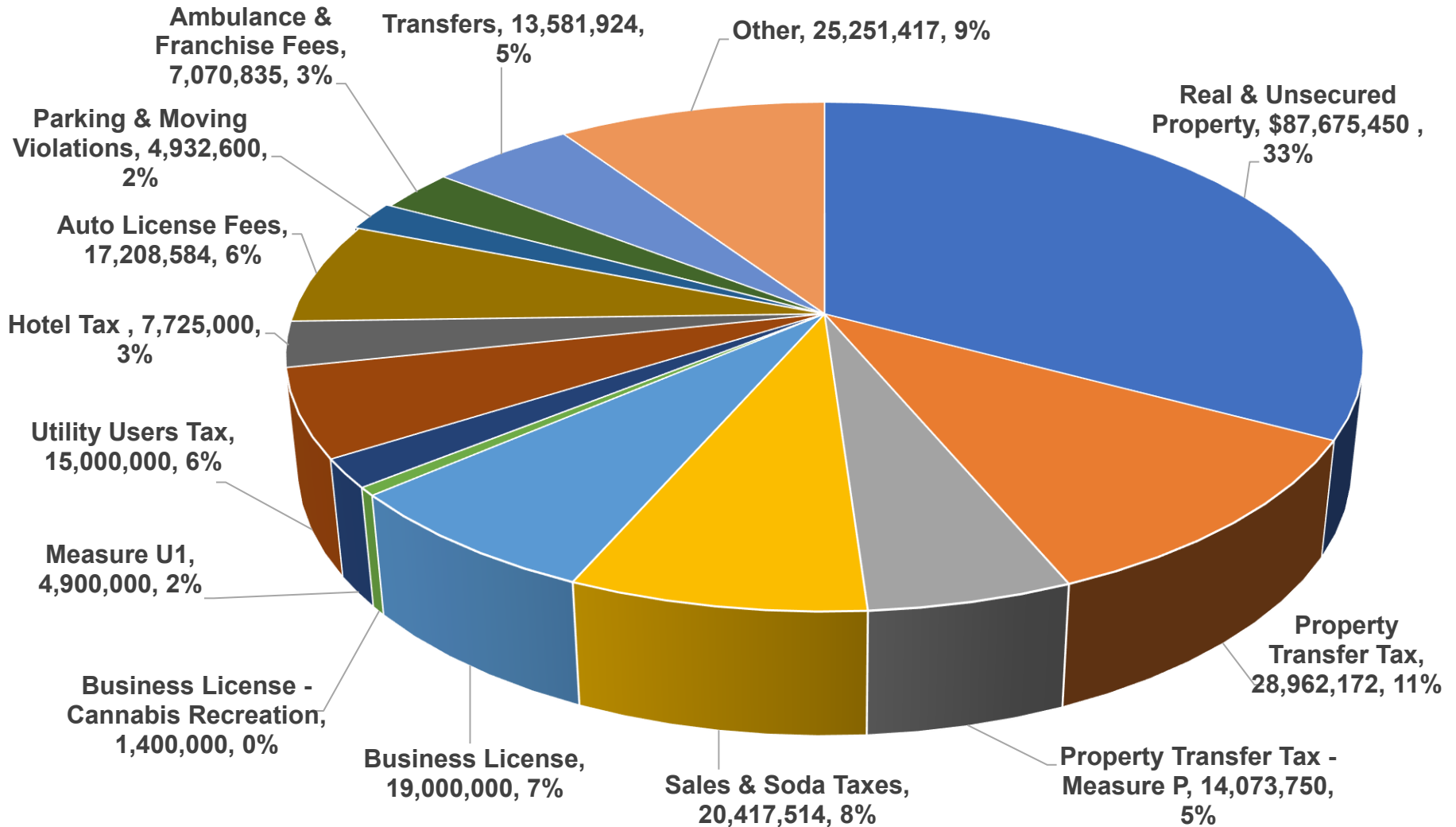
## General Fund Expenditures by Department FY 2024 Proposed Budget Update \$269,428,380 (Total)



## GENERAL FUND REVENUE FORECAST

|                                                   | Actual<br>Revenues<br>FY 2020 | Actual<br>Revenues<br>FY 2021 | Actual<br>Revenues<br>FY 2022 | Adopted<br>FY 2023   | Adopted<br>FY 2024   | Proposed<br>Update<br>FY 2024 | Projected<br>FY 2025 | Projected<br>FY 2026 | Projected<br>FY 2027 |
|---------------------------------------------------|-------------------------------|-------------------------------|-------------------------------|----------------------|----------------------|-------------------------------|----------------------|----------------------|----------------------|
| Secured Property                                  | \$63,192,678                  | \$68,166,155                  | \$71,607,561                  | \$75,664,920         | \$78,691,517         | \$81,859,450                  | \$84,724,531         | \$86,689,889         | \$90,759,035         |
| Unsecured Property                                | 3,164,168                     | 3,448,412                     | 3,472,334                     | 3,516,000            | 3,516,000            | 3,516,000                     | 3,516,000            | 3,516,000            | 3,516,000            |
| Supplemental Taxes                                | 2,334,597                     | 2,249,517                     | 2,313,723                     | 2,000,000            | 2,000,000            | 2,300,000                     | 2,300,000            | 2,300,000            | 2,300,000            |
| Property Transfer Tax                             | 22,095,507                    | 21,469,955                    | 42,901,750                    | 18,000,000           | 18,000,000           | 18,000,000                    | 16,000,000           | 16,000,000           | 16,000,000           |
| Property Transfer Tax for<br>Capital Improvements |                               |                               |                               | 16,462,172           | 16,462,172           | 10,962,172                    | 13,541,415           | 13,541,415           | 14,132,244           |
| Property Transfer Tax -<br>Measure P              | 9,512,603                     | 10,919,576                    | 20,591,313                    | 14,073,750           | 14,073,750           | 14,073,750                    | 14,073,750           | 14,073,750           | 14,073,750           |
| Sales Tax                                         | 17,557,539                    | 15,792,305                    | 18,928,278                    | 19,016,546           | 19,790,997           | 19,391,714                    | 20,231,914           | 21,146,495           | 22,043,410           |
| Soda Tax                                          | 1,331,313                     | 953,069                       | 1,025,800                     | 990,210              | 990,210              | 1,025,800                     | 1,025,800            | 1,025,800            | 1,025,800            |
| Business License                                  | 20,863,685                    | 17,809,332                    | 20,403,974                    | 19,000,000           | 19,000,000           | 19,000,000                    | 19,380,000           | 19,767,600           | 19,767,600           |
| Business License -<br>Cannabis Recreation         | 1,300,887                     | 1,712,641                     | 1,250,792                     | 1,400,000            | 1,400,000            | 1,400,000                     | 1,428,000            | 1,456,560            | 1,456,560            |
| Measure U1                                        | 5,597,359                     | 4,818,740                     | 4,913,872                     | 4,900,000            | 4,900,000            | 4,900,000                     | 4,998,000            | 5,097,960            | 5,097,960            |
| Utility Users Tax                                 | 13,475,915                    | 13,892,200                    | 14,750,065                    | 13,800,000           | 13,800,000           | 15,000,000                    | 15,000,000           | 15,000,000           | 15,000,000           |
| Hotel Tax                                         | 6,387,495                     | 2,292,480                     | 5,727,046                     | 4,900,000            | 4,900,000            | 7,725,000                     | 7,956,750            | 8,195,453            | 8,441,316            |
| Vehicle In-Lieu                                   | 13,356,044                    | 14,380,453                    | 15,006,003                    | 15,926,168           | 16,563,215           | 17,208,584                    | 17,810,884           | 18,434,265           | 19,079,464           |
| Parking Fines                                     | 3,900,595                     | 3,562,706                     | 4,765,819                     | 4,326,450            | 4,326,450            | 4,800,000                     | 4,800,000            | 4,800,000            | 4,800,000            |
| Moving Violations                                 | 200,894                       | 131,756                       | 156,253                       | 132,600              | 132,600              | 132,600                       | 135,252              | 137,957              | 137,957              |
| Interest                                          | 6,702,564                     | 5,917,722                     | 6,694,122                     | 6,000,000            | 6,000,000            | 7,000,000                     | 7,000,000            | 7,000,000            | 7,000,000            |
| Ambulance Fees                                    | 4,996,193                     | 3,081,204                     | 3,833,730                     | 3,880,779            | 3,880,779            | 5,350,779                     | 3,880,779            | 3,880,779            | 3,880,779            |
| Franchise Fees                                    | 1,839,102                     | 1,726,470                     | 1,720,056                     | 1,613,283            | 1,613,283            | 1,720,056                     | 1,720,056            | 1,720,056            | 1,720,056            |
| Other Revenue                                     | 20,074,732                    | 18,522,747                    | 17,110,591                    | 10,461,418           | 10,661,418           | 18,251,417                    | 18,251,418           | 19,251,418           | 17,738,518           |
| Transfers                                         | 5,480,439                     | 21,180,762                    | 27,354,923                    | 22,586,148           | 21,023,924           | 13,581,924                    | 4,472,621            | 4,562,074            | 4,562,074            |
| <b>TOTAL</b>                                      | <b>\$223,364,309</b>          | <b>\$232,028,202</b>          | <b>\$284,528,005</b>          | <b>\$258,650,444</b> | <b>\$261,726,315</b> | <b>\$267,199,246</b>          | <b>\$262,247,170</b> | <b>\$267,597,471</b> | <b>\$272,532,523</b> |

### FY 2024 PROPOSED UPDATE GENERAL FUND REVENUE SUMMARY CHART



## SUMMARY STAFFING BY DEPARTMENT

|                                                     | FY<br>2020<br>Actual | FY<br>2021<br>Actual | FY<br>2022<br>Actual | FY<br>2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|-----------------------------------------------------|----------------------|----------------------|----------------------|----------------------|--------------------|------------------------------|
| City Attorney                                       | 15.00                | 15.00                | 15.00                | 17.00                | 17.00              | 17.00                        |
| City Auditor                                        | 13.50                | 13.75                | 13.50                | 14.75                | 14.75              | 14.75                        |
| City Clerk                                          | 10.00                | 10.00                | 10.00                | 10.00                | 10.00              | 10.00                        |
| City Manager                                        | 37.50                | 39.50                | 40.50                | 45.50                | 45.50              | 46.50                        |
| Economic Development                                | 7.00                 | 7.00                 | 7.00                 | 8.00                 | 8.00               | 8.00                         |
| Finance                                             | 49.00                | 50.00                | 51.00                | 56.00                | 56.00              | 56.00                        |
| Fire Department                                     | 153.00               | 153.00               | 153.00               | 203.00               | 203.00             | 203.00                       |
| Health, Housing & Community Services                | 246.18               | 257.38               | 260.58               | 265.58               | 265.58             | 274.68                       |
| Human Resources                                     | 22.00                | 22.00                | 22.00                | 22.00                | 22.00              | 25.00                        |
| Information Technology                              | 45.00                | 46.00                | 47.00                | 52.00                | 52.00              | 51.00                        |
| Library                                             | 116.05               | 116.05               | 115.60               | 115.60               | 115.60             | 119.35                       |
| Mayor and Council                                   | 15.00                | 15.00                | 15.00                | 19.00                | 19.00              | 19.00                        |
| Office of the Director of Police<br>Accountability* |                      |                      | 4.00                 | 5.00                 | 5.00               | 5.00                         |
| Parks, Recreation & Waterfront                      | 155.37               | 156.87               | 159.87               | 165.62               | 165.62             | 166.62                       |
| Planning & Development                              | 103.40               | 104.70               | 110.33               | 116.04               | 118.04             | 119.04                       |
| Police Department                                   | 285.20               | 285.20               | 288.20               | 313.20               | 313.20             | 313.20                       |
| Police Review Commission*                           | 3.00                 | 3.00                 | 0.00                 | 0.00                 | 0.00               | 0.00                         |
| Public Works                                        | 320.50               | 322.00               | 323.00               | 340.00               | 340.00             | 344.94                       |
| Rent Board                                          | 22.35                | 22.35                | 24.55                | 23.55                | 23.55              | 25.00                        |
| <b>Full Time Equivalent Employee (FTE) Total</b>    | <b>1,619.05</b>      | <b>1,638.80</b>      | <b>1,660.13</b>      | <b>1,791.84</b>      | <b>1,793.84</b>    | <b>1,818.08</b>              |

\*\*Police Review Commission become the Office of the Director of Police Accountability in FY 2022.

## FY 2024 POSITION SUMMARY BY DEPARTMENT

|                                    | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| <b>CITY ATTORNEY'S OFFICE</b>      |                   |                   |                   |                   |                    |                              |
| Assistant City Attorney            | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Assistant to the City Attorney     | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| City Attorney                      | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Deputy City Attorney III           | 7.00              | 7.00              | 7.00              | 8.00              | 8.00               | 7.00                         |
| Deputy City Attorney IV            | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Legal Office Supervisor            | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Paralegal                          | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Legal Secretary             | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| <b>TOTAL CITY ATTORNEY</b>         | <b>15.00</b>      | <b>15.00</b>      | <b>15.00</b>      | <b>17.00</b>      | <b>17.00</b>       | <b>17.00</b>                 |
| <b>CITY AUDITOR'S OFFICE</b>       |                   |                   |                   |                   |                    |                              |
| Accounting Office Specialist III   | 1.50              | 1.75              | 1.50              | 1.75              | 1.75               | 0.00                         |
| Accounting Technician              | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 3.75                         |
| Administrative Assistant           | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Audit Manager                      | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Auditor I                          | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Auditor II                         | 3.00              | 3.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Auditor II ***                     | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| City Auditor                       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Deputy Auditor for Payroll Mgmt    | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Auditor                     | 2.00              | 2.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| <b>TOTAL CITY AUDITOR'S OFFICE</b> | <b>13.50</b>      | <b>13.75</b>      | <b>13.50</b>      | <b>14.75</b>      | <b>14.75</b>       | <b>14.75</b>                 |
| <b>CITY CLERK'S OFFICE</b>         |                   |                   |                   |                   |                    |                              |
| Assistant City Clerk               | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Assistant Management Analyst       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| City Clerk                         | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Deputy City Clerk                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Office Specialist II               | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 0.00                         |
| Office Specialist III              | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 4.00                         |
| Records Assistant                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 0.00                         |
| <b>TOTAL CITY CLERK'S OFFICE</b>   | <b>10.00</b>      | <b>10.00</b>      | <b>10.00</b>      | <b>10.00</b>      | <b>10.00</b>       | <b>10.00</b>                 |
| <b>CITY MANAGER'S OFFICE</b>       |                   |                   |                   |                   |                    |                              |
| Accounting Office Specialist III   | 0.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Administrative Assistant           | 2.00              | 1.00              | 1.00              | 3.00              | 3.00               | 3.00                         |
| Administrative Hearing Examiner    | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Animal Control Officer             | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Animal Services Assistant          | 3.50              | 3.50              | 3.50              | 3.50              | 3.50               | 3.50                         |
| Animal Services Manager            | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Assistant to the City Manager      | 3.00              | 3.00              | 3.00              | 4.00              | 4.00               | 4.00                         |
| Assistant to the City Manager **   | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |

|                                    | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Associate Management Analyst       | 2.00              | 3.00              | 2.00              | 1.00              | 1.00               | 1.00                         |
| Budget Manager                     | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| City Manager                       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Code Enforcement Officer II        | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Code Enforcement Supervisor        | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Communications Specialist          | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Community Services Specialist I    | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Community Services Specialist II   | 1.00              | 2.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Deputy City Manager                | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Digital Communications Coordinator | 1.00              | 1.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Health Services Program Specialist | 0.00              | 0.00              | 1.00              | 0.00              | 0.00               | 0.00                         |
| Homeless Services Coordinator      | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Office Specialist II               | 2.00              | 2.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Office Specialist III              | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| <b>Program Manager II</b>          | <b>0.00</b>       | <b>0.00</b>       | <b>0.00</b>       | <b>0.00</b>       | <b>0.00</b>        | <b>1.00</b>                  |
| Registered Veterinary Technician   | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Secretary to the City Manager      | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Animal Control Officer      | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Management Analyst          | 5.00              | 5.00              | 5.00              | 5.00              | 5.00               | 5.00                         |
| Social Services Specialist         | 0.00              | 0.00              | 1.00              | 2.00              | 2.00               | 2.00                         |
| <b>TOTAL CITY MANAGER'S OFFICE</b> | <b>37.50</b>      | <b>39.50</b>      | <b>40.50</b>      | <b>45.50</b>      | <b>45.50</b>       | <b>46.50</b>                 |

## OFFICE OF ECONOMIC DEVELOPMENT

|                                                    |      |      |      |      |      |      |
|----------------------------------------------------|------|------|------|------|------|------|
| Assistant Management Analyst                       | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 |
| Civic Arts Coordinator                             | 1.00 | 1.00 | 1.00 | 3.00 | 3.00 | 2.00 |
| Community Development Project Coordinator          | 1.00 | 1.00 | 1.00 | 0.00 | 0.00 | 1.00 |
| Economic Development Project Coordinator           | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Manager of Economic Development                    | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Office Specialist III                              | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Senior Economic Development Project<br>Coordinator | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |

## TOTAL OFFICE OF ECONOMIC DEVELOPMENT

|             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>7.00</b> | <b>7.00</b> | <b>7.00</b> | <b>8.00</b> | <b>8.00</b> | <b>8.00</b> |
|-------------|-------------|-------------|-------------|-------------|-------------|

## FINANCE DEPARTMENT

|                                         |      |      |      |      |      |      |
|-----------------------------------------|------|------|------|------|------|------|
| Accountant I                            | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Accountant II                           | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Accounting Manager                      | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Accounting Office Specialist II         | 6.00 | 6.00 | 7.00 | 9.00 | 9.00 | 9.00 |
| Accounting Office Specialist III        | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 |
| Accounting Office Specialist Supervisor | 3.00 | 3.00 | 3.00 | 4.00 | 4.00 | 4.00 |
| Accounting Technician                   | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Administrative Secretary                | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Management Analyst            | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Associate Management Analyst            | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Buyer                                   | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |

|                                   | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|-----------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Contract Administrator            | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Customer Service Specialist II    | 5.00              | 5.00              | 5.00              | 5.00              | 5.00               | 5.00                         |
| Customer Service Supervisor       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Deputy Director of Finance        | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Director of Finance               | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Field Representative              | 2.00              | 2.00              | 2.00              | 0.00              | 0.00               | 0.00                         |
| General Services Manager          | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Information Systems Specialist    | 0.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Mail Services Aide                | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Revenue Collection Manager        | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Revenue Development Specialist I  | 2.00              | 2.00              | 2.00              | 4.00              | 4.00               | 4.00                         |
| Revenue Development Specialist II | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Revenue Development Supervisor    | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Accountant                 | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Buyer                      | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Field Representative       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Systems Analyst            | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Systems Accountant                | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Treasury Manager                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| <b>TOTAL FINANCE DEPARTMENT</b>   | <b>49.00</b>      | <b>50.00</b>      | <b>51.00</b>      | <b>56.00</b>      | <b>56.00</b>       | <b>56.00</b>                 |

**FIRE DEPARTMENT**

|                                                      |       |       |       |       |       |       |
|------------------------------------------------------|-------|-------|-------|-------|-------|-------|
| Accounting Office Specialist II                      | 0.00  | 0.00  | 0.00  | 1.00  | 1.00  | 1.00  |
| Accounting Office Specialist III                     | 4.00  | 4.00  | 4.00  | 4.00  | 4.00  | 4.00  |
| Administrative & Fiscal Services Manager             | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Administrative Assistant                             | 1.00  | 1.00  | 1.00  | 3.00  | 3.00  | 3.00  |
| Administrative Secretary                             | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Assistant Fire Chief                                 | 2.00  | 2.00  | 2.00  | 4.00  | 4.00  | 4.00  |
| Assistant Management Analyst                         | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Associate Management Analyst                         | 1.00  | 1.00  | 1.00  | 2.00  | 2.00  | 2.00  |
| Battalion Chief                                      | 3.00  | 3.00  | 3.00  | 3.00  | 3.00  | 3.00  |
| Communications Specialist                            | 0.00  | 0.00  | 0.00  | 1.00  | 1.00  | 1.00  |
| Deputy Fire Chief                                    | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Deputy Fire Marshal                                  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Emerg. Medical Svcs. Qual. Improv. & Educ.<br>Coord. | 0.00  | 0.00  | 0.00  | 1.00  | 1.00  | 1.00  |
| Emergency Services Coordinator                       | 3.00  | 3.00  | 3.00  | 3.00  | 3.00  | 3.00  |
| Fire and Life-Safety Plans Examiner                  | 2.00  | 2.00  | 2.00  | 2.00  | 2.00  | 2.00  |
| Fire Apparatus Operator                              | 33.00 | 33.00 | 33.00 | 33.00 | 33.00 | 33.00 |
| Fire Captain I/II                                    | 31.00 | 31.00 | 31.00 | 33.00 | 33.00 | 33.00 |
| Fire Chief                                           | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Fire Marshal                                         | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Fire Prevention Inspector (Sworn)                    | 1.00  | 1.00  | 1.00  | 8.00  | 8.00  | 8.00  |
| Fire Prevention Inspector (Civilian)                 | 2.00  | 2.00  | 2.00  | 0.00  | 0.00  | 0.00  |
| Firefighter                                          | 54.00 | 54.00 | 54.00 | 57.00 | 57.00 | 57.00 |
| Limited Term Emergency Medical Technician            | 0.00  | 0.00  | 0.00  | 12.00 | 12.00 | 12.00 |
| Office Specialist II                                 | 2.00  | 2.00  | 2.00  | 2.00  | 2.00  | 2.00  |
| Office Specialist III                                | 1.00  | 1.00  | 1.00  | 2.00  | 2.00  | 2.00  |

|                              | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Paramedic                    | 0.00              | 0.00              | 0.00              | 18.00             | 18.00              | 18.00                        |
| Paramedic Supervisor I       | 6.00              | 6.00              | 6.00              | 7.00              | 7.00               | 7.00                         |
| <b>TOTAL FIRE DEPARTMENT</b> | <b>153.00</b>     | <b>153.00</b>     | <b>153.00</b>     | <b>203.00</b>     | <b>203.00</b>      | <b>203.00</b>                |

## HEALTH, HOUSING & COMMUNITY SERVICES

### Career Employees:

|                                                         |       |       |       |       |       |       |
|---------------------------------------------------------|-------|-------|-------|-------|-------|-------|
| Accounting Office Specialist III                        | 3.00  | 3.00  | 3.00  | 3.00  | 3.00  | 3.00  |
| Accounting Office Specialist Supervisor                 | 0.00  | 0.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Accounting Technician                                   | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Administrative & Fiscal Services Manager                | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Administrative Assistant                                | 1.00  | 1.00  | 0.00  | 0.00  | 0.00  | 0.00  |
| Administrative Secretary                                | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Assistant Manager of Mental Health                      | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Assistant Management Analyst                            | 4.00  | 6.00  | 6.00  | 5.00  | 5.00  | 5.00  |
| Assistant Mental Health Clinician                       | 3.00  | 3.00  | 3.00  | 2.00  | 2.00  | 1.00  |
| Associate Management Analyst                            | 6.00  | 5.00  | 5.00  | 7.00  | 7.00  | 8.00  |
| Associate Planner                                       | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 0.00  |
| Behavioral Health Clinician I                           | 3.00  | 5.00  | 6.00  | 8.00  | 8.00  | 8.00  |
| Behavioral Health Clinician II                          | 24.30 | 25.50 | 24.50 | 26.00 | 26.00 | 25.00 |
| Building Inspector I (Cert)                             | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Community Development Project Coordinator               | 5.00  | 6.00  | 6.00  | 6.00  | 6.00  | 8.00  |
| Community Development Project Coordinator **            | 0.00  | 0.00  | 0.00  | 1.00  | 1.00  | 1.00  |
| Community Health Worker                                 | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Community Health Worker Specialist                      | 10.00 | 10.00 | 10.00 | 9.00  | 9.00  | 9.00  |
| Community Service Specialist I                          | 5.50  | 6.50  | 4.50  | 3.00  | 3.00  | 2.00  |
| Community Services Specialist II                        | 6.00  | 8.00  | 8.00  | 11.00 | 11.00 | 13.00 |
| Community Services Specialist II **                     | 0.00  | 0.00  | 0.00  | 1.00  | 1.00  | 1.00  |
| Community Services Specialist III                       | 4.00  | 4.00  | 6.00  | 5.00  | 5.00  | 8.00  |
| Deputy Director of Health, Housing & Community Services | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Director of Health, Housing & Community Services        | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Employment Program Administrator                        | 1.00  | 1.00  | 0.00  | 0.00  | 0.00  | 0.00  |
| Environmental Health Supervisor                         | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Epidemiologist                                          | 1.00  | 1.00  | 3.00  | 3.00  | 3.00  | 2.00  |
| Health Nutrition Program Coordinator                    | 1.00  | 1.00  | 1.00  | 2.00  | 2.00  | 2.00  |
| Health Officer (Certified)                              | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Health Services Program Specialist                      | 7.00  | 8.00  | 8.00  | 9.00  | 9.00  | 9.00  |
| Health Services Supervisor                              | 2.00  | 2.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Homeless Services Coordinator                           | 1.00  | 1.00  | 1.00  | 0.00  | 0.00  | 0.00  |
| Manager of Aging Services                               | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Manager of Environmental Health                         | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Manager of Housing and Community Services               | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Manager of Mental Health Services                       | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Manager of Public Health Services                       | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Mealsite Coordinator                                    | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Mental Health Clinical Supervisor                       | 6.00  | 7.00  | 8.00  | 8.40  | 8.40  | 9.00  |
| Mental Health Nurse                                     | 0.00  | 4.50  | 5.20  | 3.50  | 3.50  | 5.50  |
| Mental Health Program Supervisor                        | 4.00  | 4.00  | 4.00  | 4.00  | 4.00  | 4.00  |



|                                                           | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|-----------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Mid-Level Practitioner                                    | 1.10              | 1.10              | 1.10              | 0.60              | 0.60               | 0.60                         |
| Mini Bus Driver                                           | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Nutritionist                                              | 0.50              | 0.50              | 0.50              | 1.50              | 1.50               | 1.50                         |
| Office Specialist II                                      | 20.00             | 19.00             | 18.00             | 18.00             | 18.00              | 17.00                        |
| Office Specialist III                                     | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Office Specialist Supervisor                              | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| PPHP Deputy Health Officer                                | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Psychiatrist                                              | 1.50              | 2.00              | 2.75              | 1.75              | 1.75               | 1.75                         |
| Public Health Nurse                                       | 8.75              | 8.75              | 9.00              | 7.00              | 7.00               | 7.00                         |
| Registered Environmental Health Specialist                | 6.00              | 6.00              | 6.00              | 6.00              | 6.00               | 6.00                         |
| Registered Nurse                                          | 5.50              | 2.00              | 2.00              | 1.80              | 1.80               | 1.80                         |
| Senior Behavioral Health Clinician                        | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Senior Citizen Center Director                            | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Community Development Project<br>Coordinator       | 1.00              | 1.00              | 1.00              | 2.00              | 2.00               | 2.00                         |
| Senior Community Health Specialist                        | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Senior Environmental Health Specialist                    | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Health Management Analyst                          | 1.00              | 1.00              | 1.00              | 0.00              | 0.00               | 0.00                         |
| Senior Health Services Program Specialist                 | 4.80              | 4.80              | 4.80              | 5.80              | 5.80               | 5.00                         |
| Senior Management Analyst                                 | 1.00              | 2.00              | 3.00              | 4.00              | 4.00               | 5.00                         |
| Senior Nutrition Program Supervisor                       | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 0.80                         |
| Senior Service Assistant                                  | 4.75              | 4.75              | 4.75              | 4.75              | 4.75               | 5.25                         |
| Social Services Specialist                                | 11.00             | 11.00             | 11.00             | 10.00             | 10.00              | 13.00                        |
| Supervising Mental Health Nurse                           | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Supervising Psychiatrist                                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Supervising Public Health Nurse                           | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Transportation Services Coordinator                       | 1.00              | 0.50              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Vector Control Technician                                 | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| <b>Total Career Employees</b>                             | <b>205.70</b>     | <b>216.90</b>     | <b>220.10</b>     | <b>225.10</b>     | <b>225.10</b>      | <b>234.20</b>                |
| <b>Hourly Employees:</b>                                  |                   |                   |                   |                   |                    |                              |
| Intern                                                    | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Behavioral Health Clinician I & II                        | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Mid-Level Practitioner                                    | 3.50              | 3.50              | 3.50              | 3.50              | 3.50               | 3.50                         |
| Mini Bus Driver                                           | 0.20              | 0.20              | 0.20              | 0.20              | 0.20               | 0.20                         |
| Physician                                                 | 0.20              | 0.20              | 0.20              | 0.20              | 0.20               | 0.20                         |
| Psychiatrist II & III                                     | 0.48              | 0.48              | 0.48              | 0.48              | 0.48               | 0.48                         |
| Public Health Program Physician                           | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 0.00                         |
| Registered Environmental Health Specialist                | 0.40              | 0.40              | 0.40              | 0.40              | 0.40               | 0.40                         |
| Senior Nutrition Program Supervisor                       | 0.43              | 0.43              | 0.43              | 0.43              | 0.43               | 0.43                         |
| Senior Registered Environmental Health<br>Specialist      | 0.46              | 0.46              | 0.46              | 0.46              | 0.46               | 0.46                         |
| Senior Service Aide                                       | 3.88              | 3.88              | 3.88              | 3.88              | 3.88               | 3.88                         |
| Senior Service Assistant                                  | 0.91              | 0.91              | 0.91              | 0.91              | 0.91               | 0.91                         |
| Youth Enrollee Intern                                     | 26.02             | 26.02             | 26.02             | 26.02             | 26.02              | 26.02                        |
| <b>Total Hourly Employees</b>                             | <b>40.48</b>      | <b>40.48</b>      | <b>40.48</b>      | <b>40.48</b>      | <b>40.48</b>       | <b>40.48</b>                 |
| <b>TOTAL HEALTH, HOUSING &amp; COMMUNITY<br/>SERVICES</b> | <b>246.18</b>     | <b>257.38</b>     | <b>260.58</b>     | <b>265.58</b>     | <b>265.58</b>      | <b>274.68</b>                |

|                                                  | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|--------------------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| <b>HUMAN RESOURCES</b>                           |                   |                   |                   |                   |                    |                              |
| Assistant Management Analyst                     | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Assistant Human Resources Analyst                | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 2.00                         |
| Associate Human Resources Analyst                | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 6.00                         |
| Director of Human Resources                      | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Equal Employment Opportunity & Diversity Officer | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Employee Relations Manager                       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Human Resources Manager                          | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Human Resources Technician                       | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Information Systems Support Technician           | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Occupational Health & Safety Officer             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Occupational Health & Safety Specialist          | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Office Specialist II                             | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Human Resources Analyst                   | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Training Officer                                 | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| <b>TOTAL HUMAN RESOURCES</b>                     | <b>22.00</b>      | <b>22.00</b>      | <b>22.00</b>      | <b>22.00</b>      | <b>22.00</b>       | <b>25.00</b>                 |

|                                        |              |              |              |              |              |              |
|----------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>INFORMATION TECHNOLOGY</b>          |              |              |              |              |              |              |
| Administrative Assistant               | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         |
| Assistant Management Analyst           | 0.00         | 0.00         | 0.00         | 1.00         | 1.00         | 1.00         |
| Applications Programmer/Analyst I      | 0.00         | 0.00         | 1.00         | 2.00         | 2.00         | 2.00         |
| Applications Programmer/Analyst II     | 14.00        | 14.00        | 14.00        | 14.00        | 14.00        | 14.00        |
| Associate Management Analyst           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00         | 0.00         |
| Customer Service Specialist III        | 9.00         | 9.00         | 9.00         | 10.00        | 10.00        | 10.00        |
| Customer Service Manager               | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         |
| Customer Service Supervisor            | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         |
| Database Administrator                 | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         |
| Director of Information Technology     | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         |
| Information Security Manager           | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         |
| Information Systems Manager            | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         |
| Information Systems Specialist         | 5.00         | 4.00         | 4.00         | 4.00         | 4.00         | 4.00         |
| Information Systems Support Technician | 2.00         | 2.00         | 2.00         | 3.00         | 3.00         | 2.00         |
| Senior Information Systems Specialist  | 3.00         | 4.00         | 4.00         | 5.00         | 5.00         | 5.00         |
| Senior Management Analyst              | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         | 1.00         |
| Senior Systems Analyst                 | 4.00         | 5.00         | 5.00         | 5.00         | 5.00         | 5.00         |
| <b>TOTAL INFORMATION TECHNOLOGY</b>    | <b>45.00</b> | <b>46.00</b> | <b>47.00</b> | <b>52.00</b> | <b>52.00</b> | <b>51.00</b> |

## LIBRARY SERVICES

### Career Employees:

|                                          |      |      |      |      |      |      |
|------------------------------------------|------|------|------|------|------|------|
| Accounting Office Specialist III         | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative & Fiscal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Secretary                 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Human Resources Analyst        | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Management Analyst             | 3.00 | 3.00 | 3.00 | 2.00 | 2.00 | 1.00 |
| Associate Human Resources Analyst        | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 |
| Associate Management Analyst             | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 | 2.00 |
| Building Maintenance Mechanic            | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |

|                                                              | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|--------------------------------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Circulation Services Manager                                 | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Deputy Director of Library Services                          | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Director of Library Services                                 | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Information Systems Specialist                               | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 2.00                         |
| Librarian I/II                                               | 21.30             | 21.30             | 22.30             | 22.80             | 22.80              | 25.80                        |
| Library Aide                                                 | 13.00             | 13.00             | 13.50             | 14.00             | 14.00              | 13.00                        |
| Library Assistant                                            | 14.25             | 14.25             | 14.25             | 14.25             | 14.25              | 15.25                        |
| Library Info Systems Administrator                           | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Library Literacy Program Coordinator                         | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Library Services Manager                                     | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Library Specialist I                                         | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Library Specialist II                                        | 13.55             | 13.55             | 13.80             | 13.80             | 13.80              | 13.55                        |
| Mail Services Aide                                           | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Program Manager II                                           | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Senior Building Maintenance Supervisor                       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Human Resources Analyst                               | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Senior Information System Specialist                         | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Senior Librarian                                             | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Social Services Specialist                                   | 0.00              | 0.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Supervising Librarian                                        | 8.00              | 8.00              | 8.00              | 8.00              | 8.00               | 8.00                         |
| Supervising Library Assistant                                | 9.00              | 9.00              | 9.00              | 9.00              | 9.00               | 9.00                         |
| Tool Lending Specialist                                      | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| <b>Total Career Employees</b>                                | <b>111.10</b>     | <b>111.10</b>     | <b>114.85</b>     | <b>114.85</b>     | <b>114.85</b>      | <b>118.60</b>                |
| <b>Hourly Employees:</b>                                     |                   |                   |                   |                   |                    |                              |
| Library Aides                                                | 0.75              | 0.75              | 0.75              | 0.75              | 0.75               | 0.75                         |
| Library Page                                                 | 4.20              | 4.20              | 0.00              | 0.00              | 0.00               | 0.00                         |
| Youth Enrollees                                              |                   |                   |                   |                   |                    |                              |
| <b>Total Hourly Employees</b>                                | <b>4.95</b>       | <b>4.95</b>       | <b>0.75</b>       | <b>0.75</b>       | <b>0.75</b>        | <b>0.75</b>                  |
| <b>TOTAL LIBRARY SERVICES</b>                                | <b>116.05</b>     | <b>116.05</b>     | <b>115.60</b>     | <b>115.60</b>     | <b>115.60</b>      | <b>119.35</b>                |
| <b>MAYOR &amp; COUNCIL</b>                                   |                   |                   |                   |                   |                    |                              |
| Assistant to Mayor                                           | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Legislative Aides                                            | 12.00             | 12.00             | 12.00             | 16.00             | 16.00              | 16.00                        |
| <b>TOTAL MAYOR AND COUNCIL</b>                               | <b>15.00</b>      | <b>15.00</b>      | <b>15.00</b>      | <b>19.00</b>      | <b>19.00</b>       | <b>19.00</b>                 |
| <b>OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY*</b>      |                   |                   |                   |                   |                    |                              |
| Associate Management Analyst                                 | 0.00              | 0.00              | 0.00              | 2.00              | 2.00               | 2.00                         |
| Director of Police Accountability                            | 0.00              | 0.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Office Specialist III                                        | 0.00              | 0.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Police Accountability Investigator                           | 0.00              | 0.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| <b>TOTAL OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY</b> | <b>0.00</b>       | <b>0.00</b>       | <b>4.00</b>       | <b>5.00</b>       | <b>5.00</b>        | <b>5.00</b>                  |

|                                                  | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|--------------------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| <b>PARKS RECREATION &amp; WATERFRONT</b>         |                   |                   |                   |                   |                    |                              |
| <b>Career Employees:</b>                         |                   |                   |                   |                   |                    |                              |
| Accounting Office Specialist II                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Accounting Office Specialist III                 | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Accounting Office Specialist Supervisor          | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Administrative Secretary                         | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Aquatics Coordinator                             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Aquatics Facilities Supervisor                   | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Aquatics Specialist II                           | 0.50              | 0.50              | 0.50              | 0.00              | 0.00               | 0.00                         |
| Assistant Aquatics Coordinator                   | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Assistant Civil Engineer (Reg)                   | 1.00              | 1.00              | 2.00              | 2.00              | 2.00               | 3.00                         |
| Assistant Management Analyst                     | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Assistant Recreation Coordinator                 | 5.00              | 6.00              | 6.00              | 8.00              | 8.00               | 10.00                        |
| Associate Civil Engineer                         | 2.00              | 2.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Associate Management Analyst                     | 0.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Building Maintenance Mechanic                    | 9.00              | 9.00              | 9.00              | 9.00              | 9.00               | 8.00                         |
| Building Maintenance Supervisor                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Camps Manager                                    | 1.00              | 1.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Capital Improvements Program Manager             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 0.00                         |
| Deputy Director of Parks Recreation & Waterfront | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Director of Parks & Waterfront                   | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Forestry Climber                                 | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Forestry Climber Supervisor                      | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 2.00                         |
| Forestry Technician                              | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Landscape Equipment Operator                     | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Landscape Gardener                               | 15.00             | 15.00             | 15.00             | 16.00             | 16.00              | 16.00                        |
| Landscape Gardener Supervisor                    | 5.00              | 5.00              | 5.00              | 5.00              | 5.00               | 5.00                         |
| Marina Assistant                                 | 2.00              | 3.00              | 3.00              | 3.00              | 3.00               | 2.00                         |
| Office Specialist II                             | 3.00              | 2.00              | 2.00              | 4.00              | 4.00               | 1.00                         |
| Office Specialist III                            | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 2.00                         |
| Parks Superintendent                             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Recreation & Youth Svcs Manager                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Recreation Activity Leader                       | 7.25              | 5.75              | 5.75              | 3.00              | 3.00               | 3.00                         |
| Recreation Coordinator                           | 5.00              | 6.00              | 6.00              | 7.00              | 7.00               | 7.00                         |
| Recreation Program Supervisor                    | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 4.00                         |
| Rosarian                                         | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Building Maintenance Supervisor           | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Forestry Climber                          | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Senior Forestry Supervisor                       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Groundskeeper                             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Landscape Gardener                        | 3.00              | 3.00              | 3.00              | 4.00              | 4.00               | 4.00                         |
| Senior Landscape Gardener Supervisor             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Management Analyst                        | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Sports Official                                  | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Supervising Civil Engineer                       | 1.00              | 1.00              | 1.00              | 2.00              | 2.00               | 2.00                         |
| Waterfront Manager                               | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Waterfront Supervisor                            | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| <b>Total Career Employees</b>                    | <b>102.75</b>     | <b>104.25</b>     | <b>107.25</b>     | <b>113.00</b>     | <b>113.00</b>      | <b>114.00</b>                |

|                                         | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|-----------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| <b>Hourly Employees:</b>                |                   |                   |                   |                   |                    |                              |
| Aquatics Specialist I                   | 2.22              | 2.22              | 2.22              | 2.22              | 2.22               | 2.22                         |
| Aquatics Specialist II                  | 4.02              | 4.02              | 4.02              | 4.02              | 4.02               | 4.02                         |
| Assistant Aquatics Coordinator          | 0.78              | 0.78              | 0.78              | 0.78              | 0.78               | 0.78                         |
| Camp Maintenance Mechanic               | 0.39              | 0.39              | 0.39              | 0.39              | 0.39               | 0.39                         |
| Camp Medical Staff Member               | 2.42              | 2.42              | 2.42              | 2.42              | 2.42               | 2.42                         |
| Camp Staff Leader                       | 2.70              | 2.70              | 2.70              | 2.70              | 2.70               | 2.70                         |
| Camp Staff Member                       | 2.62              | 2.62              | 2.62              | 2.62              | 2.62               | 2.62                         |
| Camp Staff Supervisor                   | 1.07              | 1.07              | 1.07              | 1.07              | 1.07               | 1.07                         |
| Cashier Attendant                       | 0.16              | 0.16              | 0.16              | 0.16              | 0.16               | 0.16                         |
| Groundskeeper                           | 0.73              | 0.73              | 0.73              | 0.73              | 0.73               | 0.73                         |
| Office Specialist II                    | 0.19              | 0.19              | 0.19              | 0.19              | 0.19               | 0.19                         |
| Playground Lead Trainee                 | 8.90              | 8.90              | 8.90              | 8.90              | 8.90               | 8.90                         |
| Recreation Activity Leader              | 22.12             | 22.12             | 22.12             | 22.12             | 22.12              | 22.12                        |
| Senior Aquatics Specialist              | 0.79              | 0.79              | 0.79              | 0.79              | 0.79               | 0.79                         |
| Sports Field Monitor                    | 0.95              | 0.95              | 0.95              | 0.95              | 0.95               | 0.95                         |
| Sports Official                         | 2.27              | 2.27              | 2.27              | 2.27              | 2.27               | 2.27                         |
| Vegetation Reduction Supervisor         | 0.29              | 0.29              | 0.29              | 0.29              | 0.29               | 0.29                         |
| <b>Total Hourly Employees</b>           | <b>52.62</b>      | <b>52.62</b>      | <b>52.62</b>      | <b>52.62</b>      | <b>52.62</b>       | <b>52.62</b>                 |
| <b>TOTAL PARKS REC &amp; WATERFRONT</b> | <b>155.37</b>     | <b>156.87</b>     | <b>159.87</b>     | <b>165.62</b>     | <b>165.62</b>      | <b>166.62</b>                |

## PLANNING & DEVELOPMENT DEPARTMENT

### Career Employees:

|                                          |      |      |      |      |      |      |
|------------------------------------------|------|------|------|------|------|------|
| Accounting Office Specialist II          | 1.00 | 1.00 | 1.00 | 3.00 | 3.00 | 2.00 |
| Accounting Office Specialist III         | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Accounting Office Specialist Supervisor  | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Administrative & Fiscal Services Manager | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Administrative Secretary                 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Assistant Building & Safety Manager      | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Assistant Management Analyst             | 2.00 | 1.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| Assistant Inspector                      | 0.00 | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Assistant Planner                        | 6.00 | 6.00 | 6.00 | 7.00 | 7.00 | 7.00 |
| Associate Management Analyst             | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 | 3.00 |
| Associate Planner                        | 6.00 | 6.00 | 5.00 | 6.00 | 6.00 | 6.00 |
| Associate Planner **                     | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Building and Safety Manager              | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Building Inspector I (certified)         | 2.00 | 2.00 | 4.00 | 2.00 | 2.00 | 2.00 |
| Building Inspector II (certified)        | 6.00 | 6.00 | 7.00 | 6.00 | 6.00 | 6.00 |
| Building Plans Engineer                  | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Building Plans Examiner                  | 4.00 | 4.00 | 2.00 | 2.94 | 2.94 | 3.94 |
| Community Services Specialist I          | 2.20 | 1.60 | 1.35 | 2.00 | 2.00 | 2.00 |
| Community Services Specialist II         | 0.00 | 2.75 | 3.75 | 3.75 | 3.75 | 3.75 |
| Community Services Specialist III        | 2.70 | 2.85 | 2.85 | 2.80 | 2.80 | 2.80 |
| Deputy Director of Planning              | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 | 1.00 |
| Director of Planning                     | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Energy Program Manager                   | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 |
| Engineering Inspector                    | 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 |

|                                     | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|-------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Hazardous Material Manager          | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Hazardous Material Specialist I     | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Hazardous Material Specialist II    | 4.00              | 4.00              | 4.00              | 3.00              | 3.00               | 3.00                         |
| Housing Inspector I                 | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Housing Inspector (Certified)       | 5.00              | 5.00              | 6.00              | 2.00              | 2.00               | 2.00                         |
| Housing Inspector Supervisor        | 1.00              | 1.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Land Use Planning Manager           | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Office Specialist II                | 6.50              | 7.50              | 7.50              | 7.75              | 7.75               | 7.75                         |
| Office Specialist III               | 2.00              | 2.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Office Specialist Supervisor        | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Permit Center Coordinator           | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Permit Specialist                   | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Planning Technician                 | 2.00              | 2.00              | 4.00              | 3.00              | 3.00               | 3.00                         |
| Planning Technician **              | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Principal Planner                   | 4.00              | 4.00              | 4.00              | 5.00              | 5.00               | 5.00                         |
| Program Manager II                  | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Program Manager II***               | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Resilient Buildings Program Manager | 1.00              | 1.00              | 0.88              | 0.80              | 0.80               | 0.80                         |
| Senior Building Inspector           | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Building Plans Engineer      | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Building Plans Examiner      | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Housing Inspector            | 0.00              | 0.00              | 0.00              | 1.00              | 2.00               | 2.00                         |
| Senior Permit Specialist            | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Senior Planner                      | 5.00              | 5.00              | 5.00              | 6.00              | 6.00               | 6.00                         |
| Supervising Building Inspector      | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| <b>Total Career Employees</b>       | <b>93.40</b>      | <b>94.70</b>      | <b>100.33</b>     | <b>106.04</b>     | <b>108.04</b>      | <b>109.04</b>                |
| <b>Hourly Employees:</b>            |                   |                   |                   |                   |                    |                              |
| Intern                              | 10.00             | 10.00             | 10.00             | 10.00             | 10.00              | 10.00                        |
| <b>TOTAL PLANNING DEPARTMENT</b>    | <b>103.40</b>     | <b>104.70</b>     | <b>110.33</b>     | <b>116.04</b>     | <b>118.04</b>      | <b>119.04</b>                |

## POLICE DEPARTMENT

### Career Employees:

|                                          |       |       |       |       |       |       |
|------------------------------------------|-------|-------|-------|-------|-------|-------|
| Administrative & Fiscal Services Manager | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Administrative Assistant                 | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Assistant Management Analyst             | 2.00  | 2.00  | 2.00  | 4.00  | 4.00  | 4.00  |
| Communications Manager                   | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Community Service Officer                | 19.00 | 19.00 | 21.00 | 21.00 | 21.00 | 21.00 |
| Community Service Officer **             | 0.00  | 0.00  | 0.00  | 6.00  | 6.00  | 6.00  |
| Community Service Officer Supervisor     | 4.00  | 4.00  | 4.00  | 4.00  | 4.00  | 4.00  |
| Community Service Officer Supervisor **  | 0.00  | 0.00  | 0.00  | 1.00  | 1.00  | 1.00  |
| Crime Analyst                            | 1.00  | 1.00  | 1.00  | 3.00  | 3.00  | 3.00  |
| Crime Scene Supervisor                   | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Office Specialist II                     | 5.00  | 5.00  | 5.00  | 5.00  | 5.00  | 5.00  |
| Office Specialist III                    | 6.00  | 6.00  | 6.00  | 6.00  | 6.00  | 6.00  |
| Office Specialist Supervisor             | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Parking Enforcement Manager              | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  | 1.00  |
| Parking Enforcement Officer              | 21.00 | 21.00 | 21.00 | 22.00 | 22.00 | 22.00 |

|                                          | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|------------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Parking Enforcement Supervisor           | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Police Captain                           | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Police Chief                             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Police Lieutenant                        | 9.00              | 9.00              | 9.00              | 9.00              | 9.00               | 9.00                         |
| Police Officer                           | 137.00            | 136.00            | 135.00            | 135.00            | 135.00             | 135.00                       |
| Police Sergeant                          | 30.00             | 31.00             | 32.00             | 32.00             | 32.00              | 32.00                        |
| Public Safety Dispatcher I & II          | 28.00             | 28.00             | 28.00             | 36.00             | 36.00              | 36.00                        |
| Supervising Public Safety Dispatcher     | 4.00              | 4.00              | 4.00              | 5.00              | 5.00               | 5.00                         |
| <b>Total Career Employees</b>            | <b>279.00</b>     | <b>279.00</b>     | <b>281.00</b>     | <b>302.00</b>     | <b>302.00</b>      | <b>302.00</b>                |
| <b>Hourly Employees:</b>                 |                   |                   |                   |                   |                    |                              |
| Juvenile Bureau Counselor                | 0.50              | 0.50              | 0.50              | 0.50              | 0.50               | 0.50                         |
| Police Aide                              | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| School Crossing Guard                    | 3.70              | 3.70              | 4.70              | 8.70              | 8.70               | 8.70                         |
| <b>Total Hourly Employees:</b>           | <b>6.20</b>       | <b>6.20</b>       | <b>7.20</b>       | <b>11.20</b>      | <b>11.20</b>       | <b>11.20</b>                 |
| <b>TOTAL POLICE DEPARTMENT</b>           | <b>285.20</b>     | <b>285.20</b>     | <b>288.20</b>     | <b>313.20</b>     | <b>313.20</b>      | <b>313.20</b>                |
| <b>POLICE REVIEW COMMISSION*</b>         |                   |                   |                   |                   |                    |                              |
| Office Specialist III                    | 1.00              | 1.00              | 0.00              | 0.00              | 0.00               | 0.00                         |
| Police Review Commission Officer         | 1.00              | 1.00              | 0.00              | 0.00              | 0.00               | 0.00                         |
| PRC Investigator                         | 1.00              | 1.00              | 0.00              | 0.00              | 0.00               | 0.00                         |
| <b>TOTAL POLICE REVIEW COMMISSION</b>    | <b>3.00</b>       | <b>3.00</b>       | <b>0.00</b>       | <b>0.00</b>       | <b>0.00</b>        | <b>0.00</b>                  |
| <b>PUBLIC WORKS</b>                      |                   |                   |                   |                   |                    |                              |
| Accounting Office Specialist II          | 1.00              | 1.00              | 1.00              | 2.00              | 2.00               | 1.00                         |
| Accounting Office Specialist III         | 5.00              | 5.00              | 5.00              | 4.00              | 4.00               | 5.00                         |
| Accounting Office Specialist Supervisor  | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Administrative Assistant                 | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Administrative & Fiscal Services Manager | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Administrative Secretary                 | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Assistant Civil Engineer (Reg)           | 6.00              | 5.00              | 5.00              | 5.00              | 5.00               | 5.00                         |
| Assistant Management Analyst             | 5.00              | 5.00              | 5.00              | 6.00              | 6.00               | 6.00                         |
| Assistant Planner                        | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Assistant Public Works Engineer          | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Assistant Traffic Engineer               | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Associate Civil Engineer                 | 8.00              | 10.00             | 10.00             | 9.00              | 9.00               | 9.00                         |
| Associate Management Analyst             | 4.00              | 4.00              | 4.00              | 5.00              | 5.00               | 5.00                         |
| Associate Planner                        | 2.00              | 2.00              | 2.00              | 3.00              | 3.00               | 3.00                         |
| Associate Planner **                     | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Associate Traffic Engineer               | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Building Maintenance Mechanic            | 6.00              | 5.00              | 5.00              | 5.00              | 5.00               | 5.00                         |
| Building Maintenance Mechanic Trainee    | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Building Maintenance Supervisor          | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 0.94                         |
| Chief of Party                           | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Communications Technician                | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |



|                                           | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|-------------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Community Development Project Coordinator | 1.00              | 1.00              | 1.00              | 2.00              | 2.00               | 2.00                         |
| Community Services Specialist I           | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Concrete Finisher                         | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Construction Equipment Operator           | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Container Maintenance Welder              | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Deputy Director of Public Works           | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Deputy Director of Public Works Reg       | 0.00              | 0.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Director of Public Works                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Disability Services Specialist            | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Drafting Aide                             | 1.00              | 1.00              | 1.00              | 0.00              | 0.00               | 0.00                         |
| Drafting Technician                       | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Electrical Parts Technician               | 1.00              | 1.00              | 1.00              | 0.00              | 0.00               | 1.00                         |
| Electrician                               | 7.00              | 7.00              | 7.00              | 7.00              | 7.00               | 7.00                         |
| Engineering Inspector                     | 8.00              | 8.00              | 9.00              | 9.00              | 9.00               | 9.00                         |
| Environmental Compliance Specialist       | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Equipment Superintendent                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Facilities Maintenance Superintendent     | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Field Representative                      | 3.00              | 3.00              | 3.00              | 7.00              | 7.00               | 6.00                         |
| Janitor                                   | 7.00              | 7.00              | 7.00              | 7.00              | 7.00               | 8.00                         |
| Janitor Supervisor                        | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Junior Public Works Engineer              | 1.00              | 1.00              | 1.00              | 3.00              | 3.00               | 3.00                         |
| Laborer                                   | 21.00             | 21.00             | 21.00             | 20.00             | 20.00              | 20.00                        |
| Lead Communication Technician             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Lead Electrician                          | 3.00              | 3.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Manager of Engineering                    | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Mechanic                                  | 8.00              | 8.00              | 8.00              | 8.00              | 8.00               | 9.00                         |
| Mechanic Lead                             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Mechanic Supervisor                       | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Mechanical Sweeper Operator               | 5.00              | 5.00              | 5.00              | 5.00              | 5.00               | 6.00                         |
| Occupational Health & Safety Officer      | 0.50              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Occupational Health & Safety Specialist   | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Office Specialist II                      | 3.00              | 3.00              | 3.00              | 5.00              | 5.00               | 3.00                         |
| Office Specialist III                     | 4.00              | 4.00              | 4.00              | 3.00              | 3.00               | 4.00                         |
| Parking Meter Maint & Collection Suprv    | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Parking Meter Maintenance Worker          | 6.00              | 6.00              | 6.00              | 6.00              | 6.00               | 6.00                         |
| Parking Meter Mechanic                    | 5.00              | 5.00              | 5.00              | 5.00              | 5.00               | 4.00                         |
| Parking Services Manager                  | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Principal Planner                         | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Public Works Maintenance Superintendent   | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Public Works Operations Manager           | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Public Works Supervisor                   | 6.00              | 6.00              | 5.00              | 6.00              | 6.00               | 7.00                         |
| Recycling Program Manager                 | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Building Inspector                 | 1.00              | 1.00              | 2.00              | 3.00              | 3.00               | 1.00                         |
| Senior Building Maintenance Supervisor    | 1.00              | 1.00              | 1.00              | 0.00              | 0.00               | 0.00                         |
| Senior Drafting Technician                | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Electrical Supervisor              | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Engineering Inspector              | 1.00              | 1.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Senior Equipment Supervisor               | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Management Analyst                 | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Senior Field Representative               | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Senior Planner                            | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |



|                                            | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Actual | FY 2024<br>Adopted | FY 2024<br>Propose<br>Update |
|--------------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------------------|
| Senior Public Works Supervisor             | 2.00              | 2.00              | 3.00              | 3.00              | 3.00               | 3.00                         |
| Senior Solid Waste Supervisor              | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Service Technician                         | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Sewer Maintenance Assistant Supervisor     | 7.00              | 7.00              | 7.00              | 7.00              | 7.00               | 7.00                         |
| Skilled Laborer                            | 17.00             | 17.00             | 17.00             | 21.00             | 21.00              | 21.00                        |
| Solid Waste Loader Operator                | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Solid Waste Supervisor                     | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 5.00                         |
| Solid Waste Truck Driver                   | 33.00             | 33.00             | 33.00             | 33.00             | 33.00              | 33.00                        |
| Solid Waste Worker                         | 36.00             | 36.00             | 36.00             | 36.00             | 36.00              | 36.00                        |
| Solid Waste/Recycling Manager              | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Supervising Civil Engineer                 | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 5.00                         |
| Supervising Traffic Engineer               | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Survey Technician                          | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Tractor Trailer Driver                     | 7.00              | 7.00              | 7.00              | 7.00              | 7.00               | 7.00                         |
| Traffic Engineering Assistant              | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Traffic Maintenance Supervisor             | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Traffic Maintenance Worker I               | 3.00              | 3.00              | 3.00              | 4.00              | 4.00               | 4.00                         |
| Traffic Maintenance Worker II              | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Transportation Manager                     | 1.00              | 1.00              | 1.00              | 0.00              | 0.00               | 1.00                         |
| Warehouse Operations Specialist            | 0.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Weighmaster                                | 4.00              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Welder Mechanic                            | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 0.00                         |
| <b>TOTAL PUBLIC WORKS</b>                  | <b>320.50</b>     | <b>322.00</b>     | <b>323.00</b>     | <b>340.00</b>     | <b>340.00</b>      | <b>344.94</b>                |
| <b>RENT STABILIZATION BOARD</b>            |                   |                   |                   |                   |                    |                              |
| Accounting Office Specialist III           | 1.00              | 1.00              | 0.00              | 1.00              | 1.00               | 1.00                         |
| Administrative & Fiscal Services Manager   | 0.00              | 0.00              | 0.00              | 0.00              | 0.00               | 1.00                         |
| Associate Management Analyst               | 2.75              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Associate Planner                          | 0.00              | 0.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Community Services Specialist II           | 5.80              | 6.00              | 7.00              | 7.00              | 7.00               | 7.00                         |
| Community Services Specialist III          | 0.00              | 0.80              | 1.80              | 0.80              | 0.80               | 1.00                         |
| Deputy Director Rent Stabilization Program | 1.00              | 1.00              | 1.00              | 0.00              | 0.00               | 0.00                         |
| General Counsel                            | 0.00              | 0.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Executive Director Rent Board              | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Hearing Examiner                           | 2.00              | 0.00              | 0.00              | 0.00              | 0.00               | 0.00                         |
| Legal Secretary                            | 0.00              | 0.80              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Office Specialist II                       | 3.80              | 4.00              | 4.00              | 4.00              | 4.00               | 4.00                         |
| Office Specialist III                      | 1.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Hearing Examiner                    | 0.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Senior Legal Secretary                     | 1.00              | 0.00              | 0.00              | 0.00              | 0.00               | 0.00                         |
| Senior Management Analyst                  | 0.00              | 0.75              | 0.75              | 0.75              | 0.75               | 1.00                         |
| Senior Planner                             | 0.00              | 1.00              | 1.00              | 1.00              | 1.00               | 1.00                         |
| Staff Attorney II                          | 2.00              | 2.00              | 2.00              | 2.00              | 2.00               | 2.00                         |
| Staff Attorney III                         | 1.00              | 1.00              | 0.00              | 0.00              | 0.00               | 0.00                         |
| <b>TOTAL RENT STABILIZATION BOARD</b>      | <b>22.35</b>      | <b>22.35</b>      | <b>24.55</b>      | <b>23.55</b>      | <b>23.55</b>       | <b>25.00</b>                 |
| <b>TOTAL AUTHORIZED FTEs</b>               | <b>1,619.05</b>   | <b>1,638.80</b>   | <b>1,660.13</b>   | <b>1,791.84</b>   | <b>1,793.84</b>    | <b>1,818.08</b>              |

\*Police Review Commission has become the Office of the Director of Police Accountability in FY 2022.

\*\* Project Based Position (not to exceed 3 years)

\*\*\* Project Based Position (not to exceed 2 years)

## CITY ATTORNEY'S OFFICE FINANCIAL SUMMARY

|                            | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>        |                   |                   |                   |                    |                    |                            |
| <b><i>By Type:</i></b>     |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits      | 2,162,620         | 2,615,730         | 2,422,856         | 3,974,284          | 4,043,357          | 4,273,720                  |
| Services and Materials     | 2,174,097         | 3,379,051         | 3,541,554         | 3,595,679          | 3,595,679          | 3,595,679                  |
| Capital Outlay             | -                 | -                 | -                 | 4,790              | 4,790              | 4,790                      |
| Internal Services          | 219,260           | 219,586           | 236,045           | 232,795            | 232,795            | 232,795                    |
| Indirect Cost Transfer     | -                 | -                 | -                 | -                  | -                  | -                          |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 755,140            | 676,400            | -                          |
|                            | <b>4,555,976</b>  | <b>6,214,367</b>  | <b>6,200,455</b>  | <b>8,562,688</b>   | <b>8,553,021</b>   | <b>8,106,984</b>           |
| <b><i>By Division:</i></b> |                   |                   |                   |                    |                    |                            |
| Administration             | 580,347           | 606,870           | 697,464           | 699,497            | 706,117            | 703,995                    |
| Legal Advice & Litigation  | 3,975,629         | 5,607,497         | 5,502,992         | 7,108,051          | 7,170,504          | 7,402,989                  |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 755,140            | 676,400            | -                          |
|                            | <b>4,555,976</b>  | <b>6,214,367</b>  | <b>6,200,455</b>  | <b>8,562,688</b>   | <b>8,553,021</b>   | <b>8,106,984</b>           |
| <b><i>By Fund:</i></b>     |                   |                   |                   |                    |                    |                            |
| General Fund               | 2,217,772         | 2,760,048         | 2,648,007         | 4,765,390          | 4,741,679          | 4,304,039                  |
| Public Liability           | 2,338,204         | 3,310,972         | 3,552,449         | 3,797,298          | 3,811,342          | 3,802,945                  |
| Other                      | -                 | 143,347           | -                 | -                  | -                  | -                          |
|                            | <b>4,555,976</b>  | <b>6,214,367</b>  | <b>6,200,455</b>  | <b>8,562,688</b>   | <b>8,553,021</b>   | <b>8,106,984</b>           |

## CITY AUDITOR'S OFFICE FINANCIAL SUMMARY

|                            | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>        |                   |                   |                   |                    |                    |                            |
| <b><i>By Type:</i></b>     |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits      | 2,240,439         | 2,227,535         | 2,392,732         | 2,550,496          | 2,573,982          | 2,926,684                  |
| Services and Supplies      | 60,455            | 68,948            | 51,691            | 72,385             | 72,385             | 72,385                     |
| Capital Outlay             | -                 | -                 | 19,256            | 4,051              | 4,051              | 4,051                      |
| Internal Services          | 226,231           | 229,599           | 227,979           | 225,479            | 225,479            | 227,979                    |
| Indirect Cost Transfer     | -                 | -                 | -                 | -                  | -                  | -                          |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 248,965            | 248,965            | -                          |
|                            | <b>2,527,125</b>  | <b>2,526,081</b>  | <b>2,691,657</b>  | <b>3,101,376</b>   | <b>3,124,862</b>   | <b>3,231,099</b>           |
| <b><i>By Division:</i></b> |                   |                   |                   |                    |                    |                            |
| Administration             | 496,512           | 505,804           | 525,315           | 670,404            | 680,254            | 683,577                    |
| General Audit              | 940,218           | 997,583           | 976,648           | 975,422            | 972,747            | 1,038,646                  |
| Payroll Audit              | 1,090,395         | 1,022,695         | 1,189,695         | 1,206,585          | 1,222,896          | 1,508,876                  |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 248,965            | 248,965            | -                          |
|                            | <b>2,527,125</b>  | <b>2,526,081</b>  | <b>2,691,657</b>  | <b>3,101,376</b>   | <b>3,124,862</b>   | <b>3,231,099</b>           |
| <b><i>By Fund:</i></b>     |                   |                   |                   |                    |                    |                            |
| General Fund               | 2,432,086         | 2,467,028         | 2,627,179         | 3,006,058          | 3,026,481          | 3,136,323                  |
| Workers' Compensation      | 95,039            | 59,054            | 64,478            | 95,318             | 98,381             | 94,776                     |
|                            | <b>2,527,125</b>  | <b>2,526,081</b>  | <b>2,691,657</b>  | <b>3,101,376</b>   | <b>3,124,862</b>   | <b>3,231,099</b>           |

## CITY CLERK'S OFFICE FINANCIAL SUMMARY

|                        | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>    |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>        |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits  | 1,529,902         | 1,672,456         | 1,569,165         | 1,717,321          | 1,806,586          | 1,655,522                  |
| Services and Materials | 351,865           | 1,340,663         | 653,158           | 1,180,477          | 1,180,477          | 1,300,480                  |
| Capital Outlay         | 4,097             | -                 | -                 | 25,390             | 25,390             | 25,390                     |
| Internal Services      | 183,877           | 181,085           | 179,954           | 178,094            | 178,094            | 178,094                    |
| Indirect Cost Transfer | -                 | -                 | -                 | -                  | -                  | -                          |
| Adopted Tier 1 Funding | -                 | -                 | -                 | 400,000            | 400,000            | -                          |
|                        | <b>2,069,740</b>  | <b>3,194,204</b>  | <b>2,402,277</b>  | <b>3,501,282</b>   | <b>3,590,547</b>   | <b>3,159,486</b>           |
| <b>By Division:</b>    |                   |                   |                   |                    |                    |                            |
| Administration         | 181               | 75                | 105               | -                  | -                  | -                          |
| Operations             | 1,195,180         | 1,242,529         | 1,299,749         | 2,084,662          | 2,170,976          | 2,041,524                  |
| Records Management     | 479,525           | 459,841           | 390,388           | 133,600            | 133,600            | 133,600                    |
| Elections              | 394,855           | 1,491,759         | 712,034           | 883,020            | 885,971            | 984,362                    |
| Adopted Tier 1 Funding | -                 | -                 | -                 | 400,000            | -                  | -                          |
|                        | <b>2,069,740</b>  | <b>3,194,204</b>  | <b>2,402,277</b>  | <b>3,501,282</b>   | <b>3,190,547</b>   | <b>3,159,486</b>           |
| <b>By Fund:</b>        |                   |                   |                   |                    |                    |                            |
| CIP                    | -                 | -                 | -                 | 400,000            | -                  | -                          |
| General Fund           | 2,069,740         | 2,832,552         | 2,235,191         | 2,590,414          | 2,676,728          | 2,547,276                  |
| Fair Elections         | -                 | 361,652           | 167,085           | 510,868            | 513,819            | 612,210                    |
|                        | <b>2,069,740</b>  | <b>3,194,204</b>  | <b>2,402,277</b>  | <b>3,501,282</b>   | <b>3,190,547</b>   | <b>3,159,486</b>           |

## CITY MANAGER'S OFFICE FINANCIAL SUMMARY

|                            | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>        |                   |                   |                   |                    |                    |                            |
| <b><i>By Type:</i></b>     |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits      | 6,490,128         | 6,793,257         | 7,531,843         | 7,389,032          | 7,750,497          | 8,462,004                  |
| Services and Materials     | 993,353           | 974,685           | 1,510,563         | 794,037            | 764,037            | 750,762                    |
| Capital Outlay             | 14,196            | 30,737            | 41,610            | -                  | -                  | -                          |
| Internal Services          | 606,623           | 633,892           | 649,285           | 620,887            | 620,887            | 620,887                    |
| Indirect Cost Transfer     | 683               | -                 | -                 | -                  | -                  | -                          |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 2,928,078          | 2,627,854          | -                          |
|                            | <b>8,104,983</b>  | <b>8,432,572</b>  | <b>9,733,300</b>  | <b>11,732,034</b>  | <b>11,763,274</b>  | <b>9,833,653</b>           |
| <b><i>By Division:</i></b> |                   |                   |                   |                    |                    |                            |
| Administration             | 3,517,716         | 3,416,609         | 4,018,719         | 3,170,897          | 3,356,924          | 4,209,458                  |
| Neighborhood Services      | 3,061,108         | 3,497,993         | 4,416,178         | 4,293,740          | 4,398,255          | 4,273,055                  |
| Budget & Fiscal Mgmt.      | 994,030           | 875,027           | 1,068,172         | 1,087,659          | 1,121,453          | 1,108,303                  |
| 2020 Vision                | 532,130           | 642,829           | 230,232           | 251,660            | 258,788            | 242,836                    |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 2,928,078          | 2,627,854          | -                          |
|                            | <b>8,104,985</b>  | <b>8,432,459</b>  | <b>9,733,300</b>  | <b>11,732,034</b>  | <b>11,763,275</b>  | <b>9,833,653</b>           |
| <b><i>By Fund:</i></b>     |                   |                   |                   |                    |                    |                            |
| General Fund               | 7,573,988         | 7,872,856         | 9,045,847         | 11,320,277         | 11,347,845         | 9,433,592                  |
| Animal Shelter Fund        | 30,764            | 20,682            | 30,466            | 52,480             | 52,480             | 52,480                     |
| Zero Waste Fund            | -                 | 30,118            | 22,659            | 48,600             | 48,600             | 48,600                     |
| Permit Service Center      | 5,624             | -                 | -                 | -                  | -                  | -                          |
| Other Funds                | 494,609           | 508,916           | 634,329           | 310,677            | 314,350            | 298,981                    |
|                            | <b>8,104,984</b>  | <b>8,432,572</b>  | <b>9,733,300</b>  | <b>11,732,034</b>  | <b>11,763,275</b>  | <b>9,833,653</b>           |

## OFFICE OF ECONOMIC DEVELOPMENT FINANCIAL SUMMARY

|                                | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|--------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>            |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>                |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits          | 1,306,242         | 1,041,463         | 1,156,636         | 1,656,462          | 1,665,131          | 1,755,499                  |
| Services and Materials         | 7,559,194         | 3,866,180         | 7,446,418         | 4,532,513          | 4,565,845          | 4,697,139                  |
| Capital Outlay                 | 9,373             | -                 | -                 | -                  | -                  | -                          |
| Internal Services              | 74,786            | 73,306            | 72,581            | 72,081             | 72,081             | 72,081                     |
| Indirect Cost Transfer         | 1,557             | 1,576             | 1,411             | 1,812              | 1,838              | 1,715                      |
| Adopted Tier 1 Funding         | -                 | -                 | -                 | 1,292,685          | 76,000             | -                          |
|                                | <b>8,951,152</b>  | <b>4,982,525</b>  | <b>8,677,047</b>  | <b>7,555,553</b>   | <b>6,380,895</b>   | <b>6,526,434</b>           |
| <b>By Division:</b>            |                   |                   |                   |                    |                    |                            |
| Administration                 | 125,088           | 48,970            | 110,308           | 125,644            | 131,703            | 132,661                    |
| Economic Development           | 5,606,761         | 3,155,258         | 4,277,388         | 4,180,542          | 4,219,818          | 4,463,908                  |
| Arts Coordination              | 2,787,152         | 1,491,146         | 3,436,106         | 1,475,885          | 1,463,031          | 1,678,762                  |
| South Berkeley Revitalization  | 212,852           | 58,427            | 604,225           | 219,728            | 222,037            | 221,533                    |
| Sustainable Development        | 219,299           | 228,723           | 249,020           | 261,069            | 268,306            | 29,570                     |
| Adopted Tier 1 Funding         | -                 | -                 | -                 | 1,292,685          | 76,000             | -                          |
|                                | <b>8,951,152</b>  | <b>4,982,525</b>  | <b>8,677,047</b>  | <b>7,555,553</b>   | <b>6,380,895</b>   | <b>6,526,434</b>           |
| <b>By Fund:</b>                |                   |                   |                   |                    |                    |                            |
| General Fund                   | 5,855,850         | 2,488,081         | 3,004,242         | 3,528,952          | 3,343,968          | 3,452,094                  |
| Loan Funds                     | 157,872           | 23,122            | 551,168           | 156,387            | 156,387            | 156,387                    |
| Business Improvement Districts | 2,343,629         | 2,013,569         | 2,438,106         | 2,648,484          | 2,665,150          | 2,665,150                  |
| Public Art Fund                | 76,205            | 16,406            | 14,800            | 104,775            | 102,691            | 118,718                    |
| Zero Waste Fund                | 17,119            | 1,772             | 19,765            | 24,292             | 24,745             | 23,713                     |
| Measure T1                     | 399,260           | 267,670           | 29,668            | -                  | -                  | -                          |
| ARPA Fund                      | -                 | -                 | 2,364,846         | 1,000,000          | -                  | -                          |
| Other Funds                    | 101,216           | 155,905           | 254,452           | 92,663             | 87,954             | 110,372                    |
|                                | <b>8,951,152</b>  | <b>4,966,525</b>  | <b>8,677,047</b>  | <b>7,555,553</b>   | <b>6,380,895</b>   | <b>6,526,434</b>           |

## FINANCE DEPARTMENT FINANCIAL SUMMARY

|                        | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>    |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>        |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits  | 6,347,845         | 6,492,503         | 6,771,580         | 8,421,395          | 8,693,864          | 8,601,055                  |
| Services and Materials | 1,034,326         | 688,243           | 974,681           | 985,496            | 985,496            | 985,496                    |
| Capital Outlay         | 5,644             | -                 | -                 | 33                 | 33                 | 33                         |
| Internal Services      | 879,962           | 885,181           | 907,885           | 897,999            | 897,999            | 897,999                    |
| Indirect Cost Transfer | 94,557            | 80,085            | 84,443            | 120,114            | 123,262            | 122,560                    |
| Adopted Tier 1 Funding | -                 | -                 | -                 | 1,019,120          | 969,120            | -                          |
|                        | <b>8,362,334</b>  | <b>8,146,012</b>  | <b>8,738,588</b>  | <b>11,444,157</b>  | <b>11,669,774</b>  | <b>10,607,143</b>          |
| <b>By Division:</b>    |                   |                   |                   |                    |                    |                            |
| Office of the Director | 1,859,528         | 1,984,585         | 2,218,685         | 1,770,912          | 1,889,400          | 1,749,772                  |
| Treasury               | -                 | 1,427,650         | 1,364,968         | 2,487,514          | 2,494,306          | 2,303,128                  |
| Accounting             | 1,539,643         | 1,652,157         | 1,679,819         | 1,917,649          | 1,972,784          | 1,866,549                  |
| General Services       | 1,204,365         | 987,569           | 1,246,705         | 1,515,992          | 1,550,288          | 1,512,517                  |
| Customer Service       | 1,368,055         | 722,233           | -                 | 888,651            | 903,114            | 1,042,607                  |
| Revenue Collection     | 2,390,743         | 1,371,818         | 2,228,412         | 1,844,320          | 1,890,762          | 2,132,570                  |
| Adopted Tier 1 Funding | -                 | -                 | -                 | 1,019,120          | 969,120            | -                          |
|                        | <b>8,362,334</b>  | <b>8,146,012</b>  | <b>8,738,588</b>  | <b>11,444,157</b>  | <b>11,669,774</b>  | <b>10,607,143</b>          |
| <b>By Fund:</b>        |                   |                   |                   |                    |                    |                            |
| General Fund           | 6,596,629         | 6,682,935         | 6,827,435         | 9,041,238          | 9,213,830          | 8,179,370                  |
| U1 - Housing           | -                 | 83,327            | 277,789           | 403,212            | 415,512            | 406,541                    |
| Paramedic Assmt Dist   | 18,977            | 19,503            | 20,240            | 20,824             | 21,490             | 20,585                     |
| Library                | 18,977            | 19,503            | 20,240            | 20,783             | 21,443             | 20,521                     |
| Parks Tax              | 18,977            | 19,503            | 20,240            | 20,824             | 21,490             | 20,585                     |
| Street Light Assmt.    | 21,181            | 21,712            | 22,214            | 23,326             | 24,017             | 23,112                     |
| Zero Waste Fund        | 975,253           | 831,212           | 984,111           | 1,219,795          | 1,247,768          | 1,215,832                  |
| Clean Storm Water      | 21,179            | 21,711            | 22,214            | 23,326             | 24,017             | 23,112                     |
| Parking Meter          | 52,635            | -                 | -                 | 40,000             | 40,000             | 40,000                     |
| Equipment Replacement  | 296,206           | 166,533           | 171,338           | 176,971            | 181,251            | 174,637                    |
| Central Services       | 285,149           | 221,410           | 311,849           | 391,386            | 394,486            | 392,741                    |
| Other Funds            | 57,171            | 58,666            | 60,920            | 62,472             | 64,470             | 90,107                     |
|                        | <b>8,362,334</b>  | <b>8,146,012</b>  | <b>8,738,588</b>  | <b>11,444,157</b>  | <b>11,669,774</b>  | <b>10,607,143</b>          |

|                                  | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY</b> |                   |                   |                   |                    |                    |                            |
| <b>Office of the Director</b>    |                   |                   |                   |                    |                    |                            |
| Administration                   | 1,813,649         | 1,913,865         | 1,874,508         | 1,194,036          | 1,302,830          | 1,075,582                  |
| Systems Support                  | 45,879            | 70,720            | 327,922           | 576,876            | 586,570            | 780,447                    |
| <b>Division Total</b>            | <b>1,859,528</b>  | <b>1,984,585</b>  | <b>2,202,429</b>  | <b>1,770,912</b>   | <b>1,889,400</b>   | <b>1,856,029</b>           |
| <b>Accounting</b>                |                   |                   |                   |                    |                    |                            |
| Administration                   | 1,257,384         | -                 | -                 | 221,988            | 214,422            | 179,655                    |
| General Accounting               | -                 | 1,391,012         | 1,309,613         | 1,262,259          | 1,312,816          | 1,248,269                  |
| Accounts Payable                 | 282,259           | 261,144           | 370,206           | 433,401            | 445,545            | 432,976                    |
| <b>Division Total</b>            | <b>1,539,643</b>  | <b>1,652,157</b>  | <b>1,679,819</b>  | <b>1,917,649</b>   | <b>1,972,784</b>   | <b>1,860,901</b>           |
| <b>General Services</b>          |                   |                   |                   |                    |                    |                            |
| Gen Svcs - Admin                 | -                 | -                 | -                 | 260,042            | 268,565            | 257,071                    |
| Procurement                      | 919,216           | 766,160           | 934,856           | 864,564            | 887,237            | 862,705                    |
| Mail Services                    | 285,149           | 221,410           | 311,849           | 391,386            | 394,486            | 392,741                    |
| <b>Division Total</b>            | <b>1,204,365</b>  | <b>987,569</b>    | <b>1,246,705</b>  | <b>1,515,992</b>   | <b>1,550,288</b>   | <b>1,512,517</b>           |
| <b>Treasury</b>                  |                   |                   |                   |                    |                    |                            |
| Collections                      | -                 | -                 | -                 | 46,610             | 46,610             | 46,610                     |
| Administration                   | -                 | 83,327            | 198,147           | -                  | -                  | 37                         |
| Treasury - Admin                 | 748,643           | 652,989           | 435,978           | 563,891            | 584,474            | 446,329                    |
| Operations                       | 375,693           | 391,817           | 434,351           | 601,725            | 612,911            | 738,717                    |
| Revenue Development              | 243,718           | 299,517           | 296,492           | 1,275,288          | 1,250,311          | 1,071,435                  |
| <b>Division Total</b>            | <b>1,368,055</b>  | <b>1,427,650</b>  | <b>1,364,968</b>  | <b>2,487,514</b>   | <b>2,494,306</b>   | <b>2,303,128</b>           |
| <b>Revenue Collection</b>        |                   |                   |                   |                    |                    |                            |
| Rev Coll - Admin                 | -                 | -                 | -                 | 270,677            | 279,592            | 268,152                    |
| Billing                          | 1,505,707         | 1,299,047         | 1,484,634         | 1,563,702          | 1,601,220          | 1,547,828                  |
| Customer Service                 | 713,897           | 722,233           | 730,526           | 888,651            | 903,114            | 1,042,607                  |
| Licensing/Permits                | 171,138           | 72,770            | 13,252            | 9,941              | 9,950              | 316,590                    |
| <b>Division Total</b>            | <b>2,390,743</b>  | <b>2,094,051</b>  | <b>2,228,412</b>  | <b>2,732,971</b>   | <b>2,793,876</b>   | <b>3,175,177</b>           |
| <b>Adopted Tier 1 Funding</b>    |                   |                   |                   |                    |                    |                            |
|                                  |                   | -                 | -                 | 1,019,120          | 969,120            | -                          |
| <b>Division Total</b>            |                   |                   |                   | <b>1,019,120</b>   | <b>969,120</b>     | <b>-</b>                   |
| <b>Department Total</b>          | <b>8,362,334</b>  | <b>8,146,012</b>  | <b>8,722,333</b>  | <b>11,444,157</b>  | <b>11,669,774</b>  | <b>10,707,752</b>          |



## FIRE DEPARTMENT FINANCIAL SUMMARY

|                                 | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actuals | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|---------------------------------|-------------------|-------------------|--------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>             |                   |                   |                    |                    |                    |                            |
| <b>By Type:</b>                 |                   |                   |                    |                    |                    |                            |
| Salaries and Benefits           | 40,694,615        | 41,987,522        | 47,866,653         | 47,948,376         | 48,521,341         | 45,714,850                 |
| Services and Materials          | 3,628,064         | 3,988,425         | 5,975,386          | 9,752,684          | 10,370,268         | 11,004,706                 |
| Capital Outlay                  | 270,458           | 323,404           | 359,011            | 2,209,343          | 1,092,403          | 1,466,827                  |
| Internal Services               | 3,611,629         | 3,584,021         | 3,803,723          | 3,313,632          | 3,313,632          | 3,313,632                  |
| Indirect Cost Transfer          | 9,182             | 8,329             | 9,420              | 9,190              | 9,190              | 9,190                      |
| Adopted Tier 1 Funding          | -                 | -                 | -                  | 144,034            | 144,034            | -                          |
|                                 | <b>48,213,947</b> | <b>49,891,701</b> | <b>58,014,192</b>  | <b>63,377,259</b>  | <b>63,450,868</b>  | <b>61,509,205</b>          |
| <b>By Division:</b>             |                   |                   |                    |                    |                    |                            |
| Office of the Fire Chief        | 2,494,458         | 2,450,217         | 2,848,348          | 3,085,483          | 3,110,061          | 3,220,664                  |
| Fire Operations                 | 43,298,209        | 45,431,197        | 51,192,328         | 54,542,977         | 54,558,410         | 51,373,473                 |
| Fire Prevention                 | 1,227,376         | 814,281           | 1,294,387          | 2,264,791          | 2,281,640          | 2,857,684                  |
| Special Operations/OES          | 1,193,905         | 1,196,006         | 1,149,115          | 1,217,259          | 1,250,920          | 1,305,042                  |
| Wildfire Urban Interface        | -                 | -                 | 1,530,015          | 2,122,714          | 2,105,802          | 2,752,341                  |
| Adopted Tier 1 Funding          | -                 | -                 | -                  | 144,034            | 144,034            | -                          |
|                                 | <b>48,213,948</b> | <b>49,891,701</b> | <b>58,014,192</b>  | <b>63,377,259</b>  | <b>63,450,868</b>  | <b>61,509,205</b>          |
| <b>By Fund:</b>                 |                   |                   |                    |                    |                    |                            |
| General Fund                    | 38,848,003        | 38,988,843        | 43,574,467         | 41,770,979         | 42,304,032         | 39,546,063                 |
| Paramedic Tax Fund              | 4,057,997         | 5,018,644         | 5,391,028          | 5,197,371          | 5,246,532          | 4,960,581                  |
| CFD #1 Dis Fire Protect<br>Bond | 474,085           | 699,654           | 407,368            | 1,362,705          | 573,904            | 988,982                    |
| Measure GG                      | 4,691,411         | 4,949,073         | 4,508,315          | 4,669,122          | 4,698,827          | 5,064,190                  |
| UC Settlement                   | -                 | -                 | 819,048            | 2,883,664          | 2,969,558          | 3,090,905                  |
| Measure FF                      | -                 | -                 | 3,118,951          | 7,402,075          | 7,565,075          | 7,767,534                  |
| Other Funds                     | 142,451           | 235,488           | 195,016            | 91,342             | 92,939             | 90,949                     |
|                                 | <b>48,213,947</b> | <b>49,891,701</b> | <b>58,014,192</b>  | <b>63,377,259</b>  | <b>63,450,868</b>  | <b>61,509,205</b>          |

|                                  | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actuals | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------------|-------------------|-------------------|--------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY</b> |                   |                   |                    |                    |                    |                            |
| <b>Office of the Fire Chief</b>  |                   |                   |                    |                    |                    |                            |
| Administration                   | 1,938,552         | 1,901,182         | 2,271,693          | 2,282,759          | 2,296,195          | 2,256,066                  |
| Fiscal Services                  | 516,472           | 549,675           | 576,655            | 802,724            | 813,866            | 964,598                    |
| Professional Standards           | 39,433            | (640)             | -                  | -                  | -                  | -                          |
| <b>Division Total</b>            | <b>2,494,458</b>  | <b>2,450,217</b>  | <b>2,848,348</b>   | <b>3,085,483</b>   | <b>3,110,061</b>   | <b>3,220,664</b>           |
| <b>Fire Operations</b>           |                   |                   |                    |                    |                    |                            |
| Administration                   | 918,628           | 807,227           | 1,416,069          | 3,704,981          | 4,464,104          | 1,711,852                  |
| Fire Operations Admin            |                   |                   |                    |                    |                    | 1,469,495                  |
| Suppression/Rescue/Hazard        | 26,387,947        | 28,794,155        | 31,865,370         | 30,503,396         | 29,629,495         | 27,431,149                 |
| Fire Training                    | 729,352           | 743,792           | 986,125            | 1,581,094          | 1,610,887          | 1,006,959                  |
| Emergency Medical Service        | 15,262,281        | 15,086,023        | 16,924,764         | 18,564,969         | 18,674,229         | 19,449,846                 |
| Support Services                 | -                 | -                 | -                  | 188,537            | 179,695            | -                          |
| Dispatch                         | -                 | -                 | -                  | -                  | -                  | 304,172                    |
| <b>Division Total</b>            | <b>43,298,209</b> | <b>45,431,197</b> | <b>51,192,328</b>  | <b>54,542,977</b>  | <b>54,558,410</b>  | <b>51,373,473</b>          |
| <b>Fire Prevention</b>           | 1,227,376         | 814,280.90        | 1,294,387          | 2,264,791          | 2,281,640          | 2,857,684                  |
| <b>Division Total</b>            | <b>1,227,376</b>  | <b>814,281</b>    | <b>1,294,387</b>   | <b>2,264,791</b>   | <b>2,281,640</b>   | <b>2,857,684</b>           |
| <b>Special Operations/OES</b>    | 1,193,905         | 1,196,006         | 1,149,115          | 1,217,259          | 1,250,920          | 1,305,042                  |
| <b>Division Total</b>            | <b>1,193,905</b>  | <b>1,196,006</b>  | <b>1,149,115</b>   | <b>1,217,259</b>   | <b>1,250,920</b>   | <b>1,305,042</b>           |
| <b>Wildfire Urban Interface</b>  | -                 | -                 | 1,530,015          | 2,122,714          | 2,105,802          | 2,752,341                  |
| <b>Division Total</b>            | <b>-</b>          | <b>-</b>          | <b>1,530,015</b>   | <b>2,122,714</b>   | <b>2,105,802</b>   | <b>2,752,341</b>           |
| <b>Adopted Tier 1 Funding</b>    | <b>-</b>          | <b>-</b>          | <b>-</b>           | <b>144,034</b>     | <b>144,034</b>     | <b>-</b>                   |
| <b>Department Total</b>          | <b>48,213,948</b> | <b>49,891,701</b> | <b>58,014,192</b>  | <b>63,377,259</b>  | <b>63,450,868</b>  | <b>61,509,205</b>          |

## HEALTH, HOUSING, AND COMMUNITY SERVICES DEPARTMENT FINANCIAL SUMMARY

|                                                    | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>                                |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>                                    |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits                              | 29,297,601        | 29,612,569        | 31,552,693        | 43,694,077         | 44,664,508         | 44,914,727                 |
| Services and Materials                             | 27,154,559        | 48,761,541        | 56,192,908        | 44,814,001         | 42,713,357         | 50,076,810                 |
| Capital Outlay                                     | 665,935           | 20,652            | 63,054            | 137,062            | 247,062            | 247,062                    |
| Internal Services                                  | 3,471,744         | 3,380,540         | 3,917,790         | 3,851,576          | 4,001,576          | 4,001,576                  |
| Indirect Cost Transfer                             | 18,221            | 36,028            | 53,571            | 51,882             | 52,648             | 54,256                     |
| Adopted Tier 1 Funding                             | -                 | -                 | -                 | 2,634,376          | 2,234,376          | -                          |
|                                                    | <b>60,608,059</b> | <b>81,811,330</b> | <b>91,780,016</b> | <b>95,182,974</b>  | <b>93,913,527</b>  | <b>99,294,430</b>          |
| <b>By Division:</b>                                |                   |                   |                   |                    |                    |                            |
| Office of the Director                             | 4,785,842         | 7,149,835         | 10,259,279        | 10,224,323         | 10,716,725         | 11,321,282                 |
| Aging Services                                     | 4,019,360         | 3,935,411         | 4,149,999         | 5,708,535          | 5,768,626          | 6,057,901                  |
| Environmental Health                               | 1,804,421         | 1,845,027         | 1,980,205         | 2,634,129          | 2,659,881          | 2,484,295                  |
| Housing & Community<br>Services                    | 19,528,452        | 39,861,365        | 46,486,924        | 39,149,783         | 39,356,464         | 42,542,174                 |
| Mental Health                                      | 14,579,581        | 15,441,645        | 4,945,356         | 23,438,326         | 22,821,837         | 22,828,075                 |
| Public Health                                      | 7,859,736         | 6,550,238         | 7,607,745         | 11,393,502         | 10,355,619         | 10,274,835                 |
| Community Agency<br>Funding                        | 8,030,668         | 7,027,809         | 6,350,507         | -                  | -                  | 3,785,869                  |
| Adopted Tier 1 Funding                             | -                 | -                 | -                 | 2,634,376          | 2,234,376          | -                          |
|                                                    | <b>60,608,060</b> | <b>81,811,330</b> | <b>91,780,016</b> | <b>95,182,974</b>  | <b>93,913,527</b>  | <b>99,294,430</b>          |
| <b>By Fund:</b>                                    |                   |                   |                   |                    |                    |                            |
| General Fund                                       | 27,809,295        | 25,566,360        | 32,619,368        | 27,130,179         | 27,412,701         | 31,679,102                 |
| U1 - Housing<br>Capital Improvement<br>Fund        | 1,071             | 1,181,981         | 2,558,137         | 5,781,330          | 5,501,451          | 5,445,465                  |
|                                                    | 74,145            | 80,887            | 80,769            | 75,424             | 76,240             | 82,596                     |
| Federal Funds                                      | 7,877,758         | 14,062,593        | 14,657,360        | 12,553,811         | 12,388,043         | 13,135,421                 |
| State Funds                                        | 14,793,788        | 17,935,905        | 19,154,172        | 27,963,550         | 26,817,359         | 27,907,507                 |
| County Grants                                      | 1,845,459         | 1,975,663         | 2,532,185         | 2,910,438          | 2,959,842          | 2,945,017                  |
| Local and Foundation<br>Grants                     | 4,148,734         | 3,104,535         | 3,229,171         | 3,797,526          | 4,138,539          | 3,286,423                  |
| Rental Housing Safety<br>Measure E Disabled<br>Tax | -                 | -                 | 57                | -                  | -                  | -                          |
|                                                    | 1,297,768         | 1,341,961         | 1,482,011         | 1,569,911          | 1,601,060          | 1,614,154                  |
| Measure B Paratransit<br>Measure BB<br>Paratransit | 455,244           | 527,845           | 370,307           | 36,797             | 36,797             | 36,797                     |
|                                                    | 142,168           | 49,074            | 296,138           | 934,031            | 940,629            | 969,418                    |
| Measure GG Fire Prep<br>Tax                        | 137,856           | 204,136           | 78,912            | 256,287            | 260,632            | 289,672                    |
| Measure O<br>Sewer Fund                            | -                 | 14,923,810        | 10,985,356        | 6,445,567          | 6,445,567          | 6,445,567                  |
|                                                    | 184,481           | 343,797           | 235,598           | 503,102            | 509,045            | 464,000                    |
| Other Funds                                        | 1,840,293         | 512,783           | 3,499,611         | 5,225,020          | 4,825,622          | 4,993,291                  |
|                                                    | <b>60,608,060</b> | <b>81,811,330</b> | <b>91,780,016</b> | <b>95,182,974</b>  | <b>93,913,527</b>  | <b>99,294,430</b>          |

|                                         | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|-----------------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY</b>        |                   |                   |                   |                    |                    |                            |
| <b>Office of the Director</b>           |                   |                   |                   |                    |                    |                            |
| Administration                          | 3,690,597         | 3,792,938         | 4,604,380         | 4,054,641          | 3,462,354          | 4,548,776                  |
| Fiscal & Administration                 | 1,083,552         | 1,163,556         | 1,388,334         | 1,787,464          | 1,822,239          | 1,834,348                  |
| Health Officer Unit                     | 11,694            | 2,193,340         | 4,266,565         | 4,382,218          | 5,432,132          | 4,938,158                  |
| <b>Division Total</b>                   | <b>4,785,842</b>  | <b>7,149,835</b>  | <b>10,259,279</b> | <b>10,224,323</b>  | <b>10,716,725</b>  | <b>11,321,282</b>          |
| <b>Environmental Health</b>             |                   |                   |                   |                    |                    |                            |
| Admin                                   | 1,607,288         | 956,478           | 417,107           | 887,854            | 944,893            | 798,171                    |
| Health Protection                       | 196,001           | 858,707           | 1,544,985         | 1,746,274          | 1,714,987          | 1,686,123                  |
| Policy Development                      | 1,132             | 29,843            | 18,114            | -                  | -                  | -                          |
| <b>Division Total</b>                   | <b>1,804,421</b>  | <b>1,845,027</b>  | <b>1,980,205</b>  | <b>2,634,129</b>   | <b>2,659,881</b>   | <b>2,484,295</b>           |
| <b>Mental Health</b>                    |                   |                   |                   |                    |                    |                            |
| Administration                          | 2,590,957         | 2,175,382         | 2,265,098         | 2,717,965          | 2,751,871          | 3,239,034                  |
| Adult Services                          | 4,833,608         | 4,820,148         | 3,186,729         | 7,017,024          | 7,137,623          | 7,235,972                  |
| Medical                                 | 1,113,480         | 721,094           | 423,638           | 923,427            | 934,216            | 703,104                    |
| Family And Youth Services               | 207,236           | 783,936           | 1,125,034         | 1,067,770          | 1,098,405          | 1,451,421                  |
| Access                                  | 1,370,356         | 1,131,770         | 869,215           | 1,451,534          | 1,625,284          | 1,599,153                  |
| Crisis Services                         | 2,396,419         | 926,332           | 6,594             | 2,610,183          | 2,611,707          | 2,593,514                  |
| Mental Health Services Act              | 2,067,525         | 4,577,114         | 6,120,214         | 6,173,375          | 5,480,862          | 5,835,861                  |
| Homeless Services                       | -                 | 305,868           | 948,834           | 1,477,048          | 1,181,868          | 170,016                    |
| <b>Division Total</b>                   | <b>14,579,581</b> | <b>15,441,645</b> | <b>14,945,356</b> | <b>23,438,326</b>  | <b>22,821,837</b>  | <b>22,828,075</b>          |
| <b>Housing &amp; Community Services</b> |                   |                   |                   |                    |                    |                            |
| Administration                          | 4,786,372         | 8,522,191         | 11,093,812        | 6,084,232          | 6,159,656          | 6,118,400                  |
| Community Services                      | 112,146           | 1,306,734         | 386,157           | 1,280,903          | 1,286,011          | 1,270,709                  |
| Employment Services                     | 1,130,033         | 421,451           | 61,502            | 123,727            | 129,955            | 258,553                    |
| Housing Development & Rehabilitation    | 4,248,745         | 19,855,131        | 22,839,115        | 18,786,949         | 18,849,692         | 19,042,217                 |
| Homeless Services                       | 9,251,157         | 9,755,858         | 12,106,338        | 12,873,972         | 12,931,150         | 15,852,295                 |
| <b>Division Total</b>                   | <b>19,528,452</b> | <b>39,861,365</b> | <b>46,486,924</b> | <b>39,149,783</b>  | <b>39,356,464</b>  | <b>42,542,174</b>          |

|                                                                                                                                                                           | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY cont.</b>                                                                                                                                    |                   |                   |                   |                    |                    |                            |
| <b>Aging Services</b>                                                                                                                                                     |                   |                   |                   |                    |                    |                            |
| Aging Services Administration                                                                                                                                             | 555,462           | 456,293           | 466,937           | 455,029            | 453,220            | 442,118                    |
| North Berkeley Senior Center                                                                                                                                              | 740,300           | 682,381           | 647,365           | 913,211            | 919,455            | 941,224                    |
| North Berkeley Senior Center - Transportation                                                                                                                             | 685,594           | 698,955           | 751,677           | 1,125,731          | 1,129,609          | 1,164,772                  |
| South Berkeley Senior Center                                                                                                                                              | 411,481           | 396,519           | 396,925           | 534,844            | 547,747            | 574,714                    |
| West Berkeley Senior Center                                                                                                                                               | 44,341            | 38,345            | 65,991            | 180,161            | 181,608            | 162,739                    |
| West Berkeley Senior Center - Case Management                                                                                                                             | 1,005,102         | 1,024,535         | 1,173,947         | 1,690,341          | 1,734,436          | 1,825,344                  |
| West Berkeley Senior Center - Nutrition                                                                                                                                   | 577,080           | 638,383           | 647,157           | 809,216            | 802,551            | 946,990                    |
| <b>Division Total</b>                                                                                                                                                     | <b>4,019,360</b>  | <b>3,935,411</b>  | <b>4,149,999</b>  | <b>5,708,535</b>   | <b>5,768,626</b>   | <b>6,057,901</b>           |
| <b>Public Health</b>                                                                                                                                                      |                   |                   |                   |                    |                    |                            |
| Sugar Sweetened Beverage                                                                                                                                                  | -                 | -                 | 11,684            | -                  | -                  | -                          |
| MH- Access                                                                                                                                                                | -                 | -                 | 1,047             | -                  | -                  | -                          |
| Employment Services Administration                                                                                                                                        | 2,267,878         | 1,423,784         | 1,714,135         | 3,009,996          | 3,036,719          | 3,058,150                  |
| Case Management                                                                                                                                                           | 571,611           | 317,847           | 394,333           | 545,220            | 539,308            | 567,964                    |
| Preparedness                                                                                                                                                              | 275,721           | 773,837           | 415,988           | 575,721            | 537,144            | 550,822                    |
| Vital Statistics                                                                                                                                                          | 362,492           | 2,190             | 2,798             | -                  | -                  | -                          |
| Health Promotion                                                                                                                                                          | 1,067,092         | 1,211,915         | 1,100,266         | 1,360,161          | 1,385,080          | 1,279,255                  |
| Clinical Services - BHS                                                                                                                                                   | 535,471           | 859,288           | 1,132,842         | 1,030,957          | 1,057,726          | 1,114,890                  |
| Clinical Services - ACPHC                                                                                                                                                 | 977,135           | 502,513           | 548,973           | 1,141,586          | 1,152,082          | 1,113,471                  |
| Maternal And Child Health                                                                                                                                                 | 1,061,223         | 1,229,166         | 2,071,273         | 2,766,744          | 1,669,207          | 1,659,833                  |
| Communicable Disease                                                                                                                                                      | 586,865           | 15,105            | -                 | -                  | -                  | -                          |
| Oral Health                                                                                                                                                               | 154,248           | 214,594           | 214,406           | 195,396            | 205,187            | 185,773                    |
| <b>Division Total</b>                                                                                                                                                     | <b>7,859,736</b>  | <b>6,550,238</b>  | <b>7,607,745</b>  | <b>11,393,502</b>  | <b>10,355,619</b>  | <b>10,274,835</b>          |
| <b>Community Agency Funding*</b>                                                                                                                                          |                   |                   |                   |                    |                    |                            |
| Community Agencies                                                                                                                                                        | 4,433,876         | 3,463,367         | 3,679,637         | -                  | -                  | 703,631                    |
| Sugar Sweetened Beverage                                                                                                                                                  | 1,900,000         | 1,887,584         | 1,103,922         | -                  | -                  | 1,424,000                  |
| Affordable Child Care                                                                                                                                                     | 1,696,792         | 1,676,858         | 1,566,948         | -                  | -                  | 1,658,238                  |
| <b>Division Total</b>                                                                                                                                                     | <b>8,030,668</b>  | <b>7,027,809</b>  | <b>6,350,507</b>  |                    |                    | <b>3,785,869</b>           |
| <i>*Community Agency Funding transferred to HHCS from Non-Departmental at the start of each fiscal year; In FY 2024, the funds will now be budgeted in the department</i> |                   |                   |                   |                    |                    |                            |
| <b>Adopted Tier 1 Funding</b>                                                                                                                                             |                   |                   |                   |                    |                    |                            |
|                                                                                                                                                                           |                   |                   |                   | 2,634,376          | 2,234,376          | 2,234,376                  |
| <b>Division Total</b>                                                                                                                                                     | -                 | -                 | -                 | <b>2,634,376</b>   | <b>2,234,376</b>   | -                          |
| <b>Department Total</b>                                                                                                                                                   | <b>60,608,060</b> | <b>81,811,330</b> | <b>91,780,016</b> | <b>95,182,974</b>  | <b>93,913,527</b>  | <b>99,294,430</b>          |

## HUMAN RESOURCES DEPARTMENT FINANCIAL SUMMARY

|                                             | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|---------------------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>                         |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>                             |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits                       | 3,005,735         | 3,131,801         | 2,848,344         | 3,905,242          | 4,044,804          | 4,407,751                  |
| Services and Materials                      | 492,664           | 520,275           | 295,308           | 598,260            | 598,260            | 598,260                    |
| Capital Outlay                              | (48)              | 131               | -                 | -                  | -                  | -                          |
| Internal Services                           | 398,483           | 397,973           | 405,841           | 406,841            | 406,841            | 406,841                    |
| Indirect Cost Transfer                      | 27,854            | 27,911            | 24,795            | 29,540             | 29,836             | 29,836                     |
| Adopted Tier 1 Funding                      | -                 | -                 | -                 | 70,000             | 45,000             | -                          |
|                                             | <b>3,924,687</b>  | <b>4,078,091</b>  | <b>3,574,288</b>  | <b>5,009,883</b>   | <b>5,124,741</b>   | <b>5,442,688</b>           |
| <b>By Division:</b>                         |                   |                   |                   |                    |                    |                            |
| Administration                              | 805,401           | 801,030           | 649,943           | 700,823            | 730,085            | 696,340                    |
| Training & Organizational<br>Development    | 585,097           | 510,229           | 474,230           | 629,665            | 647,287            | 642,868                    |
| Personnel &<br>Administrative Services      | 1,100,820         | 959,378           | 1,176,462         | 1,587,057          | 1,631,511          | 2,036,903                  |
| Employee Relations                          | 1,215,162         | 1,624,704         | 1,148,045         | 1,791,749          | 1,825,578          | 1,828,987                  |
| Equal Employment<br>Opportunity & Diversity | 217,791           | 182,750           | 125,608           | 230,589            | 245,280            | 237,590                    |
| Safety                                      | 416               | -                 | -                 | -                  | -                  | -                          |
| Adopted Tier 1 Funding                      | -                 | -                 | -                 | 70,000             | 45,000             | -                          |
|                                             | <b>3,924,687</b>  | <b>4,078,091</b>  | <b>3,574,288</b>  | <b>5,009,883</b>   | <b>5,124,741</b>   | <b>5,442,688</b>           |
| <b>By Fund:</b>                             |                   |                   |                   |                    |                    |                            |
| General Fund                                | 2,270,953         | 2,318,029         | 2,052,892         | 3,050,172          | 3,113,206          | 3,467,541                  |
| Employee Training Fund                      | 595,376           | 555,538           | 502,428           | 646,573            | 663,875            | 663,027                    |
| Workers' Compensation                       | 799,902           | 802,103           | 760,464           | 1,012,381          | 1,039,255          | 1,040,420                  |
| FUND\$ Replacement                          | -                 | 145,200           | -                 | -                  | -                  | -                          |
| Permit Service Center                       | 258,456           | 257,221           | 258,505           | 300,757            | 308,405            | 271,700                    |
|                                             | <b>3,924,687</b>  | <b>4,078,091</b>  | <b>3,574,288</b>  | <b>5,009,883</b>   | <b>5,124,741</b>   | <b>5,442,688</b>           |

## INFORMATION TECHNOLOGY DEPARTMENT FINANCIAL SUMMARY

|                                       | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|---------------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>                   |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>                       |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits                 | 8,214,212         | 8,474,262         | 8,356,897         | 9,543,839          | 9,800,815          | 9,538,061                  |
| Services and Materials                | 6,616,883         | 7,136,408         | 7,154,269         | 10,912,371         | 10,868,713         | 10,868,713                 |
| Capital Outlay                        | 25,068            | -                 | -                 | 920,649            | 920,649            | 920,649                    |
| Internal Services                     | 624,609           | 925,968           | 920,103           | 910,297            | 910,297            | 910,297                    |
| Indirect Cost Transfer                | 15,133            | 15,493            | 15,047            | -                  | -                  | -                          |
|                                       | <b>15,495,905</b> | <b>16,552,132</b> | <b>16,446,316</b> | <b>22,287,156</b>  | <b>22,500,474</b>  | <b>22,237,720</b>          |
| <b>By Division:</b>                   |                   |                   |                   |                    |                    |                            |
| Office of IT Director                 | 2,301,933         | 2,423,011         | 2,470,285         | 2,605,052          | 2,664,012          | 2,042,685                  |
| Project Management & Analytics        | 6,966,107         | 6,364,829         | 5,618,976         | 7,776,573          | 7,887,553          | 8,262,143                  |
| Infrastructure, Security & Operations | 4,517,749         | 5,942,015         | 6,360,849         | 9,401,843          | 9,564,071          | 9,607,221                  |
| Customer Service 311                  | 1,710,116         | 1,822,277         | 1,996,205         | 2,503,688          | 2,384,838          | 2,325,671                  |
|                                       | <b>15,495,905</b> | <b>16,552,131</b> | <b>16,446,316</b> | <b>22,287,156</b>  | <b>22,500,474</b>  | <b>22,237,720</b>          |
| <b>By Fund:</b>                       |                   |                   |                   |                    |                    |                            |
| General Fund                          | 1,396,627         | 1,330,730         | 1,446,932         | 1,526,760          | 1,526,760          | 1,526,760                  |
| IT Cost Allocation                    | 11,104,138        | 12,006,689        | 12,483,609        | 17,059,277         | 17,248,501         | 16,860,716                 |
| Employee Training                     | 157,257           | 160,712           | 148,374           | 188,374            | 188,374            | 188,374                    |
| Phone System Replacement              | -                 | 82,521            | 124,218           | 449,408            | 449,408            | 449,408                    |
| FUND\$ Replacement                    | 2,101,361         | 2,508,754         | 1,790,418         | 2,924,340          | 2,948,434          | 3,073,465                  |
| Capital Improvement Fund              | 5,360             | -                 | (890)             | -                  | -                  | -                          |
| Zero Waste Fund                       | 155,040           | 172,295           | 186,598           | 8,000              | 8,000              | 8,000                      |
| Sanitary Sewer Fund                   | -                 | 18,025            | 24,967            | -                  | -                  | -                          |
| Permit Service Center                 | 231,086           | 238,570           | 145,675           | -                  | -                  | -                          |
| PEG Access Facilities                 | -                 | -                 | -                 | 100,000            | 100,000            | 100,000                    |
| Computer Replacement Fund             | 114,000           | -                 | (4)               | -                  | -                  | -                          |
| Other Funds                           | 231,037           | 33,835            | 96,420            | 30,997             | 30,997             | 30,997                     |
|                                       | <b>15,495,905</b> | <b>16,552,132</b> | <b>16,446,316</b> | <b>22,287,156</b>  | <b>22,500,474</b>  | <b>22,237,720</b>          |

## LIBRARY DEPARTMENT FINANCIAL SUMMARY

|                             | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|-----------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>         |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>             |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits       | 13,413,608        | 13,019,367        | 12,827,335        | 17,598,956         | 17,562,631         | 17,304,777                 |
| Services and Materials      | 4,452,402         | 4,475,423         | 4,694,517         | 6,173,760          | 6,173,760          | 6,273,760                  |
| Capital Outlay              | 792,955           | 2,566,172         | 764,429           | 949,000            | 1,249,000          | 1,249,000                  |
| Internal Services           | 206,499           | 194,281           | 190,296           | 196,888            | 196,888            | 196,888                    |
| Indirect Cost Transfer      | -                 | -                 | -                 | -                  | -                  | -                          |
|                             | <b>18,865,464</b> | <b>20,255,244</b> | <b>18,476,577</b> | <b>24,918,604</b>  | <b>25,182,279</b>  | <b>25,024,425</b>          |
| <b>By Division:</b>         |                   |                   |                   |                    |                    |                            |
| Library Administration      | 2,367,869         | 4,879,186         | 2,791,283         | 3,438,536          | 3,746,057          | 3,819,856                  |
| Operations                  | 16,497,595        | 15,376,057        | 15,685,294        | 21,480,068         | 21,436,222         | 21,204,569                 |
|                             | <b>18,865,464</b> | <b>20,255,244</b> | <b>18,476,577</b> | <b>24,918,604</b>  | <b>25,182,279</b>  | <b>25,024,425</b>          |
| <b>By Fund:</b>             |                   |                   |                   |                    |                    |                            |
| Library Fund                | 18,698,465        | 19,524,604        | 18,256,321        | 24,502,275         | 24,764,753         | 24,606,899                 |
| Library - Grants            | 38,841            | 87,844            | 81,657            | 66,330             | 67,526             | 67,526                     |
| Library Friends & Gift Fund | 64,117            | 65,428            | 78,322            | 150,000            | 150,000            | 150,000                    |
| Library Foundation          | 64,041            | 577,368           | 60,277            | 200,000            | 200,000            | 200,000                    |
|                             | <b>18,865,464</b> | <b>20,255,244</b> | <b>18,476,577</b> | <b>24,918,604</b>  | <b>25,182,279</b>  | <b>25,024,425</b>          |



## MAYOR AND COUNCIL FINANCIAL SUMMARY

|                            | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>        |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>            |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits      | 2,041,868         | 2,220,692         | 2,951,122         | 3,652,032          | 3,702,257          | 4,399,099                  |
| Services and Materials     | 127,547           | 126,194           | 124,020           | 113,526            | 113,526            | 113,526                    |
| Capital Outlay             | -                 | -                 | -                 | -                  | -                  | -                          |
| Internal Services          | 356,505           | 361,958           | 259,565           | 259,565            | 259,565            | 259,565                    |
| Indirect Cost Transfer     | -                 | -                 | -                 | -                  | -                  | -                          |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 760,032            | 760,032            | -                          |
|                            | <b>2,525,920</b>  | <b>2,708,844</b>  | <b>3,334,707</b>  | <b>4,785,155</b>   | <b>4,835,380</b>   | <b>4,772,190</b>           |
| <b>By Division:</b>        |                   |                   |                   |                    |                    |                            |
| Mayor's Office             | 688,527           | 689,572           | 834,385           | 1,321,961          | 1,337,529          | 1,290,100                  |
| Council Offices            | 1,837,392         | 2,019,272         | 2,500,322         | 2,703,162          | 2,737,819          | 3,482,090                  |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 760,032            | 760,032            | -                          |
|                            | <b>2,525,920</b>  | <b>2,708,844</b>  | <b>3,334,707</b>  | <b>4,785,155</b>   | <b>4,835,380</b>   | <b>4,772,190</b>           |
| <b>By Fund:</b>            |                   |                   |                   |                    |                    |                            |
| General Fund               | 2,525,920         | 2,701,344         | 3,334,707         | 4,785,155          | 4,835,380          | 4,772,190                  |
| One-Time Grant: No Cap Exp |                   | 7,500             | -                 | -                  | -                  | -                          |
|                            | <b>2,525,920</b>  | <b>2,708,844</b>  | <b>3,334,707</b>  | <b>4,785,155</b>   | <b>4,835,380</b>   | <b>4,772,190</b>           |

## PLANNING DEPARTMENT FINANCIAL SUMMARY

|                            | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>        |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>            |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits      | 15,122,379        | 15,370,250        | 15,787,925        | 19,322,940         | 19,904,438         | 20,940,047                 |
| Services and<br>Materials  | 3,218,242         | 3,052,302         | 3,129,401         | 4,042,425          | 4,012,225          | 6,361,225                  |
| Capital Outlay             | -                 | -                 | -                 | 34,500             | -                  | -                          |
| Internal Services          | 1,745,416         | 1,764,326         | 2,166,761         | 1,841,874          | 1,841,874          | 1,841,874                  |
| Indirect Cost Transfer     | 1,509,391         | 1,500,812         | 1,349,548         | 1,925,166          | 1,959,694          | 2,124,016                  |
| Adopted Tier 1<br>Funding  | -                 | -                 | -                 | 1,855,129          | 275,129            | -                          |
|                            | <b>21,595,429</b> | <b>21,687,691</b> | <b>22,433,636</b> | <b>29,022,035</b>  | <b>27,993,361</b>  | <b>31,267,162</b>          |
| <b>By Division:</b>        |                   |                   |                   |                    |                    |                            |
| Office of the Director     | 2,680,738         | 2,385,602         | 3,083,180         | 3,594,115          | 3,670,791          | 5,126,290                  |
| Toxics Management          | 1,131,212         | 1,252,026         | 1,111,041         | 1,493,004          | 1,520,605          | 1,453,539                  |
| Energy &<br>Sustainability | 1,400,369         | 1,248,890         | 1,364,763         | 1,917,861          | 1,939,650          | 1,914,842                  |
| Land Use                   | 5,783,493         | 6,231,031         | 5,459,646         | 7,081,353          | 7,119,356          | 8,341,496                  |
| Building & Safety          | 10,599,617        | 10,570,142        | 11,415,006        | 13,080,572         | 13,467,829         | 14,430,995                 |
| Adopted Tier 1<br>Funding  | -                 | -                 | -                 | 1,855,129          | 275,129            | -                          |
|                            | <b>21,595,429</b> | <b>21,687,691</b> | <b>22,433,636</b> | <b>29,022,035</b>  | <b>27,993,361</b>  | <b>31,267,162</b>          |
| <b>By Fund:</b>            |                   |                   |                   |                    |                    |                            |
| General Fund               | 2,540,320         | 2,567,473         | 2,629,757         | 4,917,453          | 3,380,891          | 3,277,246                  |
| CIP Fund                   | 19,779            | 21,364            | 22,295            | 27,760             | 28,354             | 28,106                     |
| Rental Housing<br>Safety   | 1,325,597         | 1,399,404         | 1,485,636         | 1,902,671          | 2,044,695          | 2,356,542                  |
| Parks Tax                  | 38,612            | 41,038            | 38,689            | 43,399             | 46,819             | 45,306                     |
| Zero Waste                 | 41,653            | 43,574            | 48,375            | 108,182            | 105,882            | 100,777                    |
| Sewer                      | 43,444            | 46,105            | 42,465            | 48,397             | 52,164             | 50,738                     |
| Clean Storm Water          | 117,946           | 163,524           | 134,461           | 184,870            | 188,010            | 197,492                    |
| Permit Service<br>Center   | 16,092,915        | 15,638,895        | 16,332,045        | 19,975,342         | 20,325,912         | 23,360,446                 |
| Unified Program<br>(CUPA)  | 688,743           | 671,925           | 646,887           | 859,340            | 867,113            | 831,090                    |
| Other Funds                | 686,419           | 1,094,388         | 1,053,026         | 954,621            | 953,520            | 1,019,419                  |
|                            | <b>21,595,429</b> | <b>21,687,691</b> | <b>22,433,636</b> | <b>29,022,035</b>  | <b>27,993,361</b>  | <b>31,267,162</b>          |

|                                    | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|------------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY</b>   |                   |                   |                   |                    |                    |                            |
| <b>Office of the Director</b>      |                   |                   |                   |                    |                    |                            |
| Administration                     | 2,680,738         | 2,385,602         | 3,083,180         | 3,594,115          | 3,670,791          | 5,126,290                  |
| <b>Division Total</b>              | <b>2,680,738</b>  | <b>2,385,602</b>  | <b>3,083,180</b>  | <b>3,594,115</b>   | <b>3,670,791</b>   | <b>5,126,290</b>           |
| <b>Toxics Management</b>           |                   |                   |                   |                    |                    |                            |
| Toxics - CUPA                      | 627,709           | 644,912           | 581,044           | 780,892            | 785,075            | 746,948                    |
| Toxics - Non-CUPA                  | 503,504           | 607,113           | 529,997           | 712,112            | 735,530            | 706,591                    |
| <b>Division Total</b>              | <b>1,131,212</b>  | <b>1,252,026</b>  | <b>1,111,041</b>  | <b>1,493,004</b>   | <b>1,520,605</b>   | <b>1,453,539</b>           |
| <b>Energy &amp; Sustainability</b> |                   |                   |                   |                    |                    |                            |
| ESD -Green Building                | 1,400,369         | 1,248,890         | 1,364,763         | 1,917,861          | 1,939,650          | 1,914,842                  |
| <b>Division Total</b>              | <b>1,400,369</b>  | <b>1,248,890</b>  | <b>1,364,763</b>  | <b>1,917,861</b>   | <b>1,939,650</b>   | <b>1,914,842</b>           |
| <b>Land Use</b>                    |                   |                   |                   |                    |                    |                            |
| ESD -Green Building                | 32,725            | -                 | -                 | -                  | -                  | -                          |
| Land Use Plan Admin                | 408,215           | 405,921           | 467,979           | 612,105            | 599,667            | 785,097                    |
| Land Use                           | 5,342,553         | 5,825,111         | 4,991,667         | 6,469,248          | 6,519,689          | 7,556,399                  |
| <b>Division Total</b>              | <b>5,783,493</b>  | <b>6,231,031</b>  | <b>5,459,646</b>  | <b>7,081,353</b>   | <b>7,119,356</b>   | <b>8,341,496</b>           |
| <b>Building &amp; Safety</b>       |                   |                   |                   |                    |                    |                            |
| Building Safety Administration     | 331,136           | 335,298           | 338,951           | 340,447            | 346,094            | 336,730                    |
| Permit Center                      | 1,490,812         | 1,579,096         | 1,684,420         | 2,153,280          | 2,168,094          | 2,282,782                  |
| Building Inspection                | 6,866,285         | 6,515,254         | 7,075,292         | 7,888,140          | 8,022,109          | 8,541,771                  |
| Housing Inspection                 | 1,082,494         | 1,248,786         | 1,346,212         | 1,737,609          | 1,875,047          | 2,187,424                  |
| PW Engineering                     | 412,350           | 299,082           | 381,582           | 471,837            | 499,133            | 489,333                    |
| Fire Permits                       | 416,540           | 592,626           | 588,549           | 489,260            | 557,352            | 592,955                    |
| <b>Division Total</b>              | <b>10,599,617</b> | <b>10,570,142</b> | <b>11,415,006</b> | <b>13,080,572</b>  | <b>13,467,829</b>  | <b>14,430,995</b>          |
| <b>Adopted Tier 1 Funding</b>      |                   |                   |                   |                    |                    |                            |
|                                    |                   | -                 | -                 | 1,855,129          | 275,129            | -                          |
| <b>Division Total</b>              | <b>-</b>          | <b>-</b>          | <b>-</b>          | <b>1,855,129</b>   | <b>275,129</b>     | <b>-</b>                   |
| <b>Department Total</b>            | <b>21,595,429</b> | <b>21,687,691</b> | <b>22,433,636</b> | <b>29,022,035</b>  | <b>27,993,361</b>  | <b>31,267,162</b>          |

## POLICE DEPARTMENT FINANCIAL SUMMARY

|                            | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>        |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>            |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits      | 71,461,933        | 71,508,798        | 73,681,455        | 75,214,204         | 76,697,923         | 79,398,187                 |
| Services and Materials     | 3,181,080         | 2,807,889         | 3,575,019         | 2,991,271          | 2,991,271          | 2,991,271                  |
| Capital Outlay             | 111,713           | 70,374            | 53,416            | 895,361            | 895,361            | 895,361                    |
| Internal Services          | 5,007,986         | 5,008,571         | 5,443,859         | 4,896,342          | 4,896,342          | 4,896,342                  |
| Indirect Cost Transfer     | -                 | -                 | -                 | -                  | -                  | -                          |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 3,447,542          | 3,177,542          | -                          |
|                            | <b>79,762,713</b> | <b>79,395,632</b> | <b>82,753,749</b> | <b>87,444,720</b>  | <b>88,658,439</b>  | <b>88,181,161</b>          |
| <b>By Division:</b>        |                   |                   |                   |                    |                    |                            |
| Office of the Police Chief | 3,977,025         | 4,091,603         | 4,423,284         | 1,849,234          | 1,824,842          | 415,114                    |
| Professional Standards     | 4,242,994         | 3,533,953         | 3,911,614         | 3,937,958          | 4,001,502          | 3,240,617                  |
| Support Services           | 14,949,574        | 15,689,620        | 15,600,846        | 16,228,992         | 16,463,531         | 18,878,688                 |
| Police Operations          | 41,810,086        | 40,517,577        | 41,679,511        | 44,599,475         | 45,404,801         | 48,423,965                 |
| Police Investigations      | 14,783,035        | 15,562,879        | 17,138,494        | 17,381,519         | 17,786,221         | 17,222,778                 |
| Adopted Tier 1 Funding     | -                 | -                 | -                 | 3,447,542          | 3,177,542          | -                          |
|                            | <b>79,762,713</b> | <b>79,395,632</b> | <b>82,753,749</b> | <b>87,444,720</b>  | <b>88,658,439</b>  | <b>88,181,161</b>          |
| <b>By Fund:</b>            |                   |                   |                   |                    |                    |                            |
| General Fund               | 75,754,210        | 77,270,053        | 77,916,629        | 82,717,136         | 83,845,693         | 83,606,570                 |
| Asset Forfeiture           | 69,751            | 23,650            | 52,176            | 201,000            | 201,000            | 201,000                    |
| Federal Grants             | 170,214           | 148,504           | 88,899            | 111,289            | 111,289            | 111,289                    |
| State/County Grants        | 702,352           | 1,945,073         | 1,067,833         | 833,926            | 844,739            | 844,739                    |
| Parking Funds              | 3,066,185         | -                 | 3,517,439         | 3,581,369          | 3,655,717          | 3,417,563                  |
| Other Funds                | -                 | 8,352             | 110,773           | -                  | -                  | -                          |
|                            | <b>79,762,713</b> | <b>79,395,632</b> | <b>82,753,749</b> | <b>87,444,720</b>  | <b>88,658,439</b>  | <b>88,181,161</b>          |

|                                   | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|-----------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY</b>  |                   |                   |                   |                    |                    |                            |
| <b>Office of the Police Chief</b> |                   |                   |                   |                    |                    |                            |
| Admin & Fiscal Services           | 3,104,765         | 3,265,141         | 3,531,475         | 696,542            | 650,763            | (408,769)                  |
| Internal Affairs                  | 872,260           | 826,462           | 891,809           | 1,152,692          | 1,174,079          | 823,882                    |
| <b>Division Total</b>             | <b>3,977,025</b>  | <b>4,091,603</b>  | <b>4,423,284</b>  | <b>1,849,234</b>   | <b>1,824,842</b>   | <b>415,114</b>             |
| <b>Professional Standards</b>     |                   |                   |                   |                    |                    |                            |
| Policy And Audits                 | 827,189           | 849,036           | 911,594           | 1,156,081          | 1,175,764          | 841,219                    |
| Personnel and Training            | 3,415,805         | 2,684,917         | 3,000,020         | 2,781,877          | 2,825,738          | 2,399,398                  |
| <b>Division Total</b>             | <b>4,242,994</b>  | <b>3,533,953</b>  | <b>3,911,614</b>  | <b>3,937,958</b>   | <b>4,001,502</b>   | <b>3,240,617</b>           |
| <b>Support Services</b>           |                   |                   |                   |                    |                    |                            |
| Support Services Admin            | 5,830,279         | 6,224,829         | 5,829,215         | 6,210,864          | 6,237,783          | 8,057,822                  |
| Communications Center             | 6,132,583         | 6,426,964         | 6,657,874         | 6,532,460          | 6,671,553          | 7,304,255                  |
| Jail                              | 2,986,712         | 3,037,828         | 3,113,757         | 3,485,668          | 3,554,194          | 3,516,610                  |
| <b>Division Total</b>             | <b>14,949,574</b> | <b>15,689,620</b> | <b>15,600,846</b> | <b>16,228,992</b>  | <b>16,463,531</b>  | <b>18,878,688</b>          |
| <b>Police Operations</b>          |                   |                   |                   |                    |                    |                            |
| Patrol                            | 41,757,984        | 40,481,945        | 41,655,756        | 44,542,261         | 45,347,587         | 48,366,751                 |
| Community Services                | 52,102            | 35,633            | 23,754            | 57,214             | 57,214             | 57,214                     |
| <b>Division Total</b>             | <b>41,810,086</b> | <b>40,517,577</b> | <b>41,679,511</b> | <b>44,599,475</b>  | <b>45,404,801</b>  | <b>48,423,965</b>          |
| <b>Police Investigations</b>      |                   |                   |                   |                    |                    |                            |
| Detectives - SEU/CSU              | 8,776,998         | 9,481,558         | 9,991,288         | 9,416,937          | 9,654,118          | 9,889,932                  |
| Traffic And Parking               | 6,006,037         | 6,081,321         | 7,147,206         | 7,964,583          | 8,132,103          | 7,332,846                  |
| <b>Division Total</b>             | <b>14,783,035</b> | <b>15,562,879</b> | <b>17,138,494</b> | <b>17,381,519</b>  | <b>17,786,221</b>  | <b>17,222,778</b>          |
| <b>Adopted Tier 1 Funding</b>     |                   |                   |                   |                    |                    |                            |
|                                   |                   | -                 | -                 | 3,447,542          | 3,177,542          | -                          |
| <b>Division Total</b>             | <b>-</b>          | <b>-</b>          | <b>-</b>          | <b>3,447,542</b>   | <b>3,177,542</b>   | <b>-</b>                   |
| <b>Department Total</b>           | <b>79,762,713</b> | <b>79,395,632</b> | <b>82,753,749</b> | <b>87,444,720</b>  | <b>88,658,439</b>  | <b>88,181,161</b>          |

OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY  
FINANCIAL SUMMARY

|                        | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>    |                   |                   |                   |                    |                    |                            |
| <i><b>By Type:</b></i> |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits  | 589,642           | 590,732           | 652,028           | 895,525            | 907,004            | 926,442                    |
| Services and Materials | 22,468            | 15,973            | 76,793            | 135,136            | 126,136            | 126,136                    |
| Capital Outlay         | -                 | -                 | -                 | -                  | -                  | -                          |
| Internal Services      | 163,592           | 138,245           | 79,773            | 90,015             | 90,015             | 90,015                     |
| Indirect Cost Transfer | -                 | -                 | -                 | -                  | -                  | -                          |
| Adopted Tier 1 Funding | -                 | -                 | -                 | -                  | -                  | 301,756                    |
|                        | <b>775,701</b>    | <b>744,950</b>    | <b>808,594</b>    | <b>1,422,432</b>   | <b>1,374,911</b>   | <b>1,142,593</b>           |
| <i><b>By Fund:</b></i> |                   |                   |                   |                    |                    |                            |
| General Fund           | 775,701           | 744,950           | 808,594           | 1,422,432          | 1,374,911          | 1,142,593                  |
|                        | <b>775,701</b>    | <b>744,950</b>    | <b>808,594</b>    | <b>1,422,432</b>   | <b>1,374,911</b>   | <b>1,142,593</b>           |

## PARKS, RECREATION, AND WATERFRONT FINANCIAL SUMMARY

|                                        | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>                    |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>                        |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits                  | 18,266,183        | 19,085,403        | 20,304,100        | 23,583,240         | 24,066,455         | 22,391,441                 |
| Services and Materials                 | 14,383,661        | 11,868,375        | 12,429,329        | 11,885,710         | 12,999,913         | 13,376,603                 |
| Capital Outlay                         | 8,573,178         | 27,400,591        | 27,808,131        | 14,895,244         | 13,895,753         | 13,442,005                 |
| Internal Services                      | 1,993,987         | 2,065,851         | 2,635,968         | 2,343,952          | 2,343,952          | 2,343,952                  |
| Indirect Cost Transfer                 | 376,437           | 374,831           | 364,439           | 465,353            | 443,489            | 423,644                    |
| Adopted Tier 1 Funding                 | -                 | -                 | -                 | 205,415            | 205,415            | -                          |
|                                        | <b>43,593,445</b> | <b>60,795,051</b> | <b>63,541,966</b> | <b>53,378,913</b>  | <b>53,954,977</b>  | <b>51,977,645</b>          |
| <b>By Division:</b>                    |                   |                   |                   |                    |                    |                            |
| PRW - Director                         | 2,663,911         | 2,925,368         | 3,266,195         | 4,063,221          | 4,176,392          | 3,848,174                  |
| PRW - Parks                            | 11,908,352        | 11,386,587        | 11,999,569        | 12,647,701         | 12,926,264         | 12,674,059                 |
| PRW - Recreation                       | 13,100,381        | 25,077,435        | 29,553,218        | 11,150,535         | 11,464,328         | 10,264,600                 |
| PRW - Waterfront                       | 4,901,883         | 4,442,217         | 5,062,781         | 5,982,637          | 5,823,733          | 5,729,714                  |
| PRW - Capital Improvement              | 11,018,917        | 16,963,444        | 13,660,202        | 19,329,404         | 19,358,845         | 19,461,099                 |
| Adopted Tier 1 Funding                 | -                 | -                 | -                 | 205,415            | 205,415            | -                          |
|                                        | <b>43,593,444</b> | <b>60,795,051</b> | <b>63,541,966</b> | <b>53,378,913</b>  | <b>53,954,977</b>  | <b>51,977,645</b>          |
| <b>By Fund:</b>                        |                   |                   |                   |                    |                    |                            |
| General Fund                           | 6,987,179         | 7,304,226         | 8,755,061         | 9,085,161          | 9,353,573          | 9,136,433                  |
| Capital Improvement Fund               | 1,008,884         | 1,463,965         | 323,425           | 3,100,000          | 3,050,000          | 3,050,000                  |
| Federal Grants                         | 33,274            | 34,826            | 58,051            | 68,451             | 69,820             | 69,820                     |
| State/County Grants                    | 156,943           | 230,578           | 492,187           | -                  | -                  | 4,016,809                  |
| Playground Camp Fund                   | 7,225,246         | 19,137,450        | 23,087,389        | 3,596,951          | 3,669,222          | 2,735,587                  |
| Other                                  | 851,956           | 550,350           | 2,629,661         | 2,007,512          | 4,095,106          | 297,279                    |
| Parks Tax                              | 14,632,368        | 16,539,555        | 15,543,294        | 16,143,291         | 16,186,607         | 15,857,358                 |
| Measure WW Park Bond Grant             | 927,398           | 551,598           | 1,220             | -                  | -                  | -                          |
| Measure T1-Infrastructure & Facilities | 5,331,241         | 8,900,249         | 4,384,664         | 10,822,044         | 9,399,268          | 8,830,488                  |
| Zero Waste                             | 163,148           | 186,628           | 180,473           | 194,999            | 197,472            | 195,517                    |
| Marina                                 | 6,275,809         | 5,895,626         | 8,086,543         | 8,360,503          | 7,933,909          | 7,788,355                  |
|                                        | <b>43,593,445</b> | <b>60,795,051</b> | <b>63,541,966</b> | <b>53,378,913</b>  | <b>53,954,977</b>  | <b>51,977,645</b>          |

|                                  | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY</b> |                   |                   |                   |                    |                    |                            |
| <b>PRW - Director</b>            |                   |                   |                   |                    |                    |                            |
| Admin                            | 2,663,911         | 2,925,368         | 3,266,195         | 4,063,221          | 4,176,392          | 3,848,174                  |
| <b>Division Total</b>            | <b>2,663,911</b>  | <b>2,925,368</b>  | <b>3,266,195</b>  | <b>4,063,221</b>   | <b>4,176,392</b>   | <b>3,848,174</b>           |
| <b>PRW - Parks</b>               |                   |                   |                   |                    |                    |                            |
| Admin                            | 526,788           | 519,628           | 406,325           | 502,057            | 515,175            | 518,372                    |
| Forestry Services                | 2,917,235         | 2,624,524         | 2,913,062         | 3,039,946          | 3,117,831          | 3,183,586                  |
| Landscaping Services             | 6,361,552         | 6,434,900         | 6,909,533         | 7,198,141          | 7,335,126          | 7,089,658                  |
| Building Maintenance             | 2,102,777         | 1,807,536         | 1,770,649         | 1,907,557          | 1,958,132          | 1,882,443                  |
| <b>Division Total</b>            | <b>11,908,352</b> | <b>11,386,587</b> | <b>11,999,569</b> | <b>12,647,701</b>  | <b>12,926,264</b>  | <b>12,674,059</b>          |
| <b>PRW - Recreation</b>          |                   |                   |                   |                    |                    |                            |
| Admin                            | 1,873,067         | 2,011,519         | 1,993,894         | 2,440,470          | 2,516,217          | 2,849,003                  |
| Special Fee Class                | 324,064           | 301,824           | 444,031           | 585,681            | 602,196            | 297,978                    |
| Live Oak Center                  | 273,580           | 261,411           | 349,739           | 350,196            | 364,540            | 363,791                    |
| Francis Albrier                  | 693,882           | 664,541           | 632,904           | 987,707            | 1,012,146          | 573,535                    |
| King Swim Center                 | 401,505           | 344,928           | 476,185           | 477,613            | 500,713            | 499,771                    |
| W. Campus Swim Ctr               | 300,710           | 380,653           | 508,668           | 515,629            | 523,176            | 529,921                    |
| Willard HUB                      | 174,175           | 244,688           | 89,492            | 106,162            | 108,378            | 77,290                     |
| Citywide Athletics               | 701,326           | 889,723           | 598,238           | 853,974            | 863,033            | 983,149                    |
| Therapeutic Rec                  | 42,135            | 29,865            | 115,815           | 198,888            | 209,841            | 95,273                     |
| James Kenney Ctr                 | 388,009           | 375,514           | 459,928           | 439,643            | 468,688            | 576,952                    |
| MLK Community Ctr                | 669,746           | 485,085           | 744,053           | 819,365            | 851,177            | 932,574                    |
| Cazadero Camp                    | 46,747            | 153,444           | 1,467,310         | 61,405             | 63,550             | 4,952                      |
| Echo Lake Camp                   | 783,256           | 421,263           | 894,691           | 818,164            | 838,260            | 458,278                    |
| Tuolumne Camp                    | 6,182,865         | 8,436,073         | 20,530,523        | 2,084,916          | 2,121,437          | 1,639,450                  |
| Day Camp                         | 245,296           | 76,902            | 247,749           | 410,723            | 420,976            | 382,685                    |
| Recreation                       | 17                | -                 | -                 | -                  | -                  | -                          |
| <b>Division Total</b>            | <b>13,100,381</b> | <b>25,077,435</b> | <b>29,553,218</b> | <b>11,150,535</b>  | <b>11,464,328</b>  | <b>10,264,600</b>          |
| <b>PRW - Waterfront</b>          |                   |                   |                   |                    |                    |                            |
| Admin                            | 862,387           | 700,786           | 835,645           | 949,662            | 843,235            | 1,035,890                  |
| Building Maintenance             | 659,021           | 692,330           | 730,405           | 921,799            | 931,868            | 752,422                    |
| Operations                       | 2,234,942         | 2,138,343         | 2,370,282         | 2,706,521          | 2,652,266          | 2,554,872                  |
| Recreation                       | 315,727           | 45,519            | 225,036           | 465,587            | 463,673            | 458,391                    |
| Landscaping Svcs                 | 829,805           | 865,239           | 901,412           | 939,069            | 932,691            | 928,139                    |
| <b>Division Total</b>            | <b>4,901,883</b>  | <b>4,442,217</b>  | <b>5,062,781</b>  | <b>5,982,637</b>   | <b>5,823,733</b>   | <b>5,729,714</b>           |
| <b>PRW - Capital Improvement</b> |                   |                   |                   |                    |                    |                            |
|                                  | 11,018,917        | 16,963,444        | 13,660,202        | 19,329,404         | 19,358,845         | 19,461,099                 |
| <b>Division Total</b>            | <b>11,018,917</b> | <b>16,963,444</b> | <b>13,660,202</b> | <b>19,329,404</b>  | <b>19,358,845</b>  | <b>19,461,099</b>          |
| <b>Adopted Tier 1 Funding</b>    |                   |                   |                   |                    |                    |                            |
|                                  |                   | -                 | -                 | 205,415            | 205,415            | -                          |
| <b>Division Total</b>            |                   | -                 | -                 | <b>205,415</b>     | <b>205,415</b>     | -                          |
| <b>Department Total</b>          | <b>43,593,444</b> | <b>60,795,051</b> | <b>63,541,966</b> | <b>53,378,913</b>  | <b>53,954,977</b>  | <b>51,977,645</b>          |



## PUBLIC WORKS DEPARTMENT FINANCIAL SUMMARY

|                                        | FY 2020<br>Actual  | FY 2021<br>Actual  | FY 2022<br>Actual  | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|----------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>                    |                    |                    |                    |                    |                    |                            |
| <i>By Type:</i>                        |                    |                    |                    |                    |                    |                            |
| Salaries and Benefits                  | 48,014,066         | 47,899,824         | 50,848,347         | 58,862,590         | 59,540,830         | 59,842,459                 |
| Services and Materials                 | 35,313,048         | 30,900,914         | 37,059,778         | 43,508,940         | 41,487,051         | 41,506,351                 |
| Capital Outlay                         | 40,917,768         | 31,668,015         | 34,715,830         | 69,778,148         | 60,202,003         | 70,454,933                 |
| Internal Services                      | 12,494,464         | 12,282,094         | 15,099,779         | 14,159,811         | 13,517,827         | 14,086,299                 |
| Indirect Cost Transfer                 | 3,282,509          | 3,156,576          | 3,033,302          | 4,363,707          | 4,434,240          | 4,484,787                  |
| Adopted Tier 1 Funding                 | -                  | -                  | -                  | 12,935,366         | 11,094,366         | -                          |
|                                        | <b>140,021,855</b> | <b>125,907,423</b> | <b>140,757,036</b> | <b>203,608,562</b> | <b>190,276,318</b> | <b>190,374,829</b>         |
| <i>By Division:</i>                    |                    |                    |                    |                    |                    |                            |
| PW - Office of the PW Director         | 6,783,069          | 6,467,050          | 7,951,563          | 8,414,297          | 8,592,536          | 8,347,759                  |
| PW - Transportation                    | 19,460,565         | 15,034,042         | 18,239,266         | 35,021,305         | 22,072,684         | 22,723,739                 |
| PW- General Engineering                | 43,620,242         | 31,272,980         | 31,460,298         | 58,316,333         | 59,347,143         | 70,197,674                 |
| PW - Facilities Management             | 9,317,072          | 8,395,914          | 9,460,281          | 12,801,451         | 12,936,641         | 12,739,168                 |
| PW - Streets and Sanitation            | 13,313,631         | 13,093,294         | 15,865,207         | 17,288,835         | 17,243,617         | 17,587,835                 |
| PW - Equipment Maintenance             | 10,323,144         | 13,555,710         | 17,420,791         | 14,391,148         | 14,104,216         | 13,901,043                 |
| PW- Zero Waste                         | 37,204,132         | 38,088,434         | 40,359,630         | 44,439,828         | 44,885,116         | 44,877,613                 |
| Adopted Tier 1 Funding                 | -                  | -                  | -                  | 12,935,366         | 11,094,366         | -                          |
|                                        | <b>140,021,854</b> | <b>125,907,423</b> | <b>140,757,036</b> | <b>203,608,562</b> | <b>190,276,318</b> | <b>190,374,829</b>         |
| <i>By Fund:</i>                        |                    |                    |                    |                    |                    |                            |
| General Fund                           | 4,729,001          | 5,499,277          | 6,859,823          | 9,019,125          | 6,504,892          | 6,558,529                  |
| Capital Improvement Fund               | 7,662,086          | 5,055,843          | 5,558,621          | 18,205,071         | 17,606,133         | 17,668,630                 |
| Federal Grants                         | 2,693,406          | 793,300            | 513,937            | 1,757,529          | 752,827            | 752,827                    |
| State/County Grants                    | 5,449,181          | 2,021,139          | 3,881,418          | 10,127,522         | 3,280,910          | 3,280,910                  |
| Transportation Taxes (State and Local) | 12,395,153         | 9,842,724          | 12,287,394         | 22,307,950         | 18,152,295         | 18,427,712                 |
| Street Light Assessment                | 1,633,874          | 1,359,122          | 1,345,352          | 2,918,953          | 2,906,686          | 2,823,755                  |
| Parks Tax                              | 90,386             | 35,591             | 20,016             | 39,996             | 39,996             | 39,996                     |
| Zero Waste                             | 42,753,883         | 42,813,822         | 46,145,600         | 54,573,340         | 57,618,007         | 57,897,191                 |
| Marina                                 | 204,744            | 166,636            | 63,008             | 138,866            | 152,857            | 239,204                    |
| Sanitary Sewer                         | 23,673,264         | 17,010,658         | 23,512,605         | 34,584,521         | 32,114,063         | 31,956,017                 |
| Equipment Replacement                  | 3,174,339          | 7,755,546          | 10,508,735         | 6,500,018          | 6,292,519          | 6,125,875                  |
| Equipment Maintenance                  | 8,448,185          | 7,130,354          | 8,365,091          | 9,573,258          | 9,527,237          | 9,296,717                  |
| Building Maintenance                   | 3,425,214          | 3,363,019          | 3,566,426          | 4,798,305          | 4,815,297          | 4,627,672                  |
| Bldg Purchase & Management             | 1,267,177          | 1,157,868          | 1,337,176          | 2,196,545          | 2,253,520          | 2,061,231                  |
| Bonds-Measure G//I//Q//R//GG//M//T1    | 9,293,606          | 10,859,691         | 3,316,548          | 7,366,271          | 9,458,435          | 9,591,317                  |
| Clean Storm Water                      | 1,403,147          | 2,366,107          | 2,311,081          | 5,915,493          | 5,646,665          | 5,891,265                  |
| Off Street Parking                     | 5,267,372          | 2,755,089          | 4,189,747          | 4,878,777          | 5,027,907          | 5,029,070                  |
| Parking Meter Fund                     | 4,209,151          | 3,867,665          | 4,675,064          | 5,193,520          | 4,960,183          | 4,922,316                  |
| Permit Service Center                  | 990,966            | 961,222            | 1,197,542          | 1,545,684          | 1,565,547          | 1,717,086                  |
| Other                                  | 1,257,722          | 1,092,750          | 1,101,850          | 1,967,817          | 1,600,343          | 1,467,510                  |
|                                        | <b>140,021,855</b> | <b>125,907,423</b> | <b>140,757,036</b> | <b>203,608,562</b> | <b>190,276,318</b> | <b>190,374,829</b>         |

|                                       | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|---------------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY</b>      |                   |                   |                   |                    |                    |                            |
| <b>PW - Office of the PW Director</b> |                   |                   |                   |                    |                    |                            |
| PW Director - Director                | 1,146             | 6,363             | 529               | 50,286             | 50,286             | 50,286                     |
| PW Director - Admin & Fiscal          | 5,430,374         | 5,237,874         | 6,458,411         | 6,572,755          | 6,703,780          | 6,368,210                  |
| PW Director - Corp Yard<br>Admin      | 954,333           | 952,624           | 1,149,561         | 1,354,314          | 1,388,437          | 1,366,192                  |
| PW Director - Customer<br>Service     | 397,216           | 270,189           | 343,064           | 436,942            | 450,032            | 563,070                    |
| <b>Division Total</b>                 | <b>6,783,069</b>  | <b>6,467,050</b>  | <b>7,951,563</b>  | <b>8,414,297</b>   | <b>8,592,536</b>   | <b>8,347,759</b>           |
| <b>PW - Transportation</b>            |                   |                   |                   |                    |                    |                            |
| Administration                        | 666,789           | 689,388           | 436,187           | 713,679            | 721,024            | 759,824                    |
| Transportation Planning               | 1,147,211         | 1,104,144         | 1,212,215         | 1,535,888          | 1,296,058          | 1,108,224                  |
| Traffic Engineering                   | 980,485           | 1,000,085         | 1,130,712         | 1,539,652          | 1,583,730          | 1,503,174                  |
| Parking Services                      | 7,013,042         | 3,964,491         | 5,954,008         | 7,225,298          | 7,004,827          | 7,131,343                  |
| Capital Projects                      | 6,524,363         | 5,347,813         | 6,403,230         | 20,511,530         | 7,909,507          | 8,302,567                  |
| Traffic Maintenance                   | 1,305,883         | 1,134,444         | 1,292,712         | 1,365,869          | 1,392,787          | 1,790,930                  |
| Parking Meter Collection              | 642,302           | 720,517           | 703,545           | 891,835            | 916,392            | 954,190                    |
| Parking Meter<br>Repair/Maintenance   | 1,180,491         | 1,073,160         | 1,106,657         | 1,237,554          | 1,248,359          | 1,173,486                  |
| <b>Division Total</b>                 | <b>19,460,565</b> | <b>15,034,042</b> | <b>18,239,266</b> | <b>35,021,305</b>  | <b>22,072,684</b>  | <b>22,723,739</b>          |
| <b>PW - General Engineering</b>       |                   |                   |                   |                    |                    |                            |
| Gen Eng - Administration              | 876,595           | 600,691           | 959,308           | 1,275,177          | 1,047,357          | 1,077,253                  |
| Gen Eng - Services                    | 218,586           | 248,871           | 459,308           | 1,794,354          | 1,102,343          | 1,168,916                  |
| Gen Eng - Streets                     | 10,516,902        | 10,113,760        | 7,301,701         | 14,379,584         | 14,206,132         | 23,394,777                 |
| Gen Eng - Sidewalks                   | 1,660,280         | 128,963           | 2,125,867         | 3,009,487          | 1,265,748          | 1,256,800                  |
| Gen Eng - Storm                       | 2,906,802         | 2,170,656         | 319,013           | 3,311,817          | 3,448,983          | 3,485,017                  |
| Gen Eng - Sewers                      | 14,141,604        | 7,949,693         | 13,342,639        | 22,687,720         | 19,979,233         | 19,799,754                 |
| Gen Eng - Facilities/Buildings        | 10,975,908        | 7,522,433         | 4,286,569         | 7,915,831          | 14,293,437         | 15,487,268                 |
| Gen Eng - Inspection                  | 1,838,660         | 1,643,525         | 2,027,491         | 2,751,133          | 2,798,788          | 3,330,572                  |
| Gen Eng -<br>Development/Permits      | 484,904           | 894,389           | 638,401           | 1,191,230          | 1,205,122          | 1,197,317                  |
| <b>Division Total</b>                 | <b>43,620,242</b> | <b>31,272,980</b> | <b>31,460,298</b> | <b>58,316,333</b>  | <b>59,347,143</b>  | <b>70,197,674</b>          |
| <b>PW - Facilities Management</b>     |                   |                   |                   |                    |                    |                            |
| Administration                        | 71,236            | 71,293            | 71,297            | 71,233             | 71,233             | 71,233                     |
| Routine Building Maintenance          | 2,104,415         | 1,714,606         | 2,408,344         | 2,679,706          | 2,720,916          | 2,629,383                  |
| Environmental Compliance              | 434,496           | 450,649           | 169,435           | 690,456            | 708,180            | 695,535                    |
| Electric/Communication<br>System Mtce | 3,370,563         | 2,597,238         | 2,896,974         | 4,084,597          | 4,115,878          | 4,248,438                  |
| Traffic Signal Maintenance            | 731,179           | 830,164           | 1,178,766         | 1,374,011          | 1,391,556          | 1,214,259                  |
| Janitorial Services                   | 1,329,827         | 1,635,339         | 1,568,596         | 1,880,923          | 1,899,737          | 1,938,561                  |
| Property Management                   | 984,119           | 859,432           | 1,040,306         | 1,623,629          | 1,631,657          | 1,544,045                  |
| ADA Building Improvements             | 194,915           | 168,710           | 62,743            | 300,120            | 300,120            | 300,120                    |
| Internal Non-Routine Mtc.             | 8,736             | 9,441             | 3,079             | 5,000              | 5,000              | 5,000                      |
| External Non-Routine Mtc.             | 19,526            | 5,162             | 10,135            | -                  | -                  | -                          |
| Capital Projects                      | -                 | -                 | 3,378             | 67,851             | 67,851             | 67,851                     |
| University Avenue Center              | 68,061            | 53,879            | 47,229            | 23,926             | 24,512             | 24,742                     |
| <b>Division Total</b>                 | <b>9,317,072</b>  | <b>8,395,914</b>  | <b>9,460,281</b>  | <b>12,801,451</b>  | <b>12,936,641</b>  | <b>12,739,168</b>          |

|                                         | FY 2020<br>Actual  | FY 2021<br>Actual  | FY 2022<br>Actual  | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|-----------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|----------------------------|
| <b>DIVISION/ACTIVITY SUMMARY cont.</b>  |                    |                    |                    |                    |                    |                            |
| <b>PW - Streets and Sanitation</b>      |                    |                    |                    |                    |                    |                            |
| Administration                          | 529,719            | 535,650            | 535,888            | 523,113            | 538,192            | 597,778                    |
| Clean Cities                            | 4,365,756          | 4,303,481          | 5,587,502          | 5,519,387          | 5,511,008          | 6,089,737                  |
| Sanitary Sewer Operations               | 6,009,587          | 5,759,950          | 6,540,084          | 6,768,910          | 6,928,167          | 6,698,262                  |
| Storm Drain Maintenance                 | 647,022            | 787,707            | 1,399,971          | 1,841,840          | 1,878,902          | 1,962,878                  |
| Street Maintenance                      | 1,729,018          | 1,493,150          | 1,607,983          | 2,085,586          | 1,987,348          | 1,839,180                  |
| Sidewalk Maintenance                    | 32,529             | 213,357            | 193,779            | 550,000            | 400,000            | 400,000                    |
| <b>Division Total</b>                   | <b>13,313,631</b>  | <b>13,093,294</b>  | <b>15,865,207</b>  | <b>17,288,835</b>  | <b>17,243,617</b>  | <b>17,587,835</b>          |
| <b>PW - Equipment Management</b>        |                    |                    |                    |                    |                    |                            |
| Administration                          | 296,898            | 283,904            | 318,173            | 303,134            | 308,693            | 256,901                    |
| Equipment - Maintenance                 | 7,364,097          | 6,086,156          | 7,190,863          | 8,287,051          | 8,226,001          | 8,074,620                  |
| Equipment - Replacement                 | 2,662,149          | 7,185,650          | 9,911,755          | 5,800,962          | 5,569,522          | 5,569,522                  |
| <b>Division Total</b>                   | <b>10,323,144</b>  | <b>13,555,710</b>  | <b>17,420,791</b>  | <b>14,391,148</b>  | <b>14,104,216</b>  | <b>13,901,043</b>          |
| <b>PW - Zero Waste</b>                  |                    |                    |                    |                    |                    |                            |
| Administration                          | 1,307,360          | 1,283,954          | 1,451,501          | 2,047,316          | 2,101,073          | 2,101,692                  |
| Residential Refuse Collect<br>Service   | 14,425,332         | 13,174,341         | 15,005,512         | 18,251,857         | 18,029,137         | 17,361,691                 |
| Commercial Refuse<br>Collection Service | 7,842,435          | 10,316,071         | 10,273,447         | 10,733,180         | 11,185,941         | 12,050,948                 |
| Container/Cart Maintenance              | 863,403            | 834,742            | 794,084            | 871,052            | 888,055            | 868,537                    |
| Transfer & Disposal Service             | 10,961,633         | 11,399,704         | 11,667,398         | 11,252,462         | 11,424,090         | 11,253,905                 |
| Special Collections                     | 1,803,969          | 1,079,621          | 1,167,688          | 1,283,961          | 1,256,821          | 1,240,841                  |
| <b>Division Total</b>                   | <b>37,204,132</b>  | <b>38,088,434</b>  | <b>40,359,630</b>  | <b>44,439,828</b>  | <b>44,885,116</b>  | <b>44,877,613</b>          |
| <b>Adopted Tier 1 Funding</b>           | -                  | -                  | -                  | 12,935,366         | 11,094,366         | -                          |
| <b>Division Total</b>                   | -                  | -                  | -                  | <b>12,935,366</b>  | <b>11,094,366</b>  | -                          |
| <b>Department Total</b>                 | <b>140,021,854</b> | <b>125,907,423</b> | <b>140,757,036</b> | <b>203,608,562</b> | <b>190,276,318</b> | <b>190,374,829</b>         |

## RENT STABILIZATION BOARD FINANCIAL SUMMARY

|                          | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|--------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>      |                   |                   |                   |                    |                    |                            |
| <b>By Type:</b>          |                   |                   |                   |                    |                    |                            |
| Salaries and Benefits    | 4,074,227         | 3,928,261         | 3,996,567         | 4,967,978          | 5,111,654          | 5,155,503                  |
| Services and Materials   | 1,675,894         | 1,533,120         | 1,727,155         | 2,183,372          | 2,198,372          | 2,198,372                  |
| Capital Outlay           | -                 | -                 | -                 | 17,000             | 17,000             | 17,000                     |
| Internal Services        | 5,100             | 55,809            | 79,405            | 79,405             | 79,405             | 79,405                     |
| Indirect Cost Transfer   | -                 | -                 | -                 | -                  | -                  | -                          |
|                          | <b>5,755,222</b>  | <b>5,517,190</b>  | <b>5,803,127</b>  | <b>7,247,755</b>   | <b>7,406,431</b>   | <b>7,450,280</b>           |
| <b>By Division:</b>      |                   |                   |                   |                    |                    |                            |
| Rent Stabilization Board | 5,755,222         | 5,517,190         | 5,803,127         | 7,247,755          | 7,406,431          | 7,450,280                  |
|                          | <b>5,755,222</b>  | <b>5,517,190</b>  | <b>5,803,127</b>  | <b>7,247,755</b>   | <b>7,406,431</b>   | <b>7,450,280</b>           |
| <b>By Fund:</b>          |                   |                   |                   |                    |                    |                            |
| General Fund             | 579,015           | -                 | -                 | -                  | -                  | 550,000                    |
| Measure U1               | -                 | 460,420           | 570,830           | 550,000            | 550,000            | -                          |
| Rent Stabilization Board | 5,176,207         | 5,056,770         | 5,232,297         | 6,697,755          | 6,856,431          | 6,900,280                  |
|                          | <b>5,755,222</b>  | <b>5,517,190</b>  | <b>5,803,127</b>  | <b>7,247,755</b>   | <b>7,406,431</b>   | <b>7,450,280</b>           |

## NON-DEPARTMENTAL FINANCIAL SUMMARY

|                        | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>Actual  | FY 2023<br>Adopted | FY 2024<br>Adopted | FY 2024<br>Proposed Update |
|------------------------|-------------------|-------------------|--------------------|--------------------|--------------------|----------------------------|
| <b>EXPENDITURES</b>    |                   |                   |                    |                    |                    |                            |
| <b>By Type:</b>        |                   |                   |                    |                    |                    |                            |
| Salaries and Benefits  | -                 | -                 | -                  | -                  | -                  | -                          |
| Services and Materials | 60,402,889        | 95,581,042        | 112,969,200        | 110,594,086        | 96,618,910         | 88,003,369                 |
| Capital Outlay         | -                 | -                 | -                  | -                  | -                  | -                          |
| Internal Services      | -                 | -                 | -                  | -                  | -                  | -                          |
| Indirect Cost Transfer | -                 | -                 | -                  | -                  | -                  | -                          |
| <b>Total</b>           | <b>60,402,889</b> | <b>95,581,042</b> | <b>112,969,200</b> | <b>110,594,086</b> | <b>96,618,910</b>  | <b>88,003,369</b>          |
| <b>By Division:</b>    |                   |                   |                    |                    |                    |                            |
| Non-Departmental       | 60,250,785        | 95,028,326        | 112,969,200        | 110,594,086        | 96,618,910         | 88,003,369                 |
| Emergency Operations   | 152,104           | 552,716           | -                  | -                  | -                  | -                          |
| <b>Total</b>           | <b>60,402,889</b> | <b>95,581,042</b> | <b>112,969,200</b> | <b>110,594,086</b> | <b>96,618,910</b>  | <b>88,003,369</b>          |
| <b>By Fund:</b>        |                   |                   |                    |                    |                    |                            |
| General Fund           | 30,903,908        | 46,390,565        | 43,112,577         | 60,994,413         | 55,945,792         | 53,112,659                 |
| Measure U1             | -                 | 946,163           | 1,046,163          | 300,000            | -                  | -                          |
| GF - Stabilization     | -                 | 6,900,000         | -                  | -                  | -                  | -                          |
| Reserves               | -                 | 4,500,000         | 2,700,000          | -                  | -                  | -                          |
| GF - Catastrophic      | -                 | 4,500,000         | 2,700,000          | -                  | -                  | -                          |
| Reserves               | -                 | 4,500,000         | 2,700,000          | -                  | -                  | -                          |
| Capital Improvement    | 1,598,404         | 1,054,047         | 1,055,247          | 1,354,046          | 954,047            | 1,504,047                  |
| Section 108 HUD Loan   | 546,678           | 553,108           | 568,200            | 587,612            | 587,612            | 587,612                    |
| CDBG                   | 154,260           | 143,373           | 138,719            | 176,194            | 176,194            | 176,194                    |
| UC Settlement          | 1,294,328         | 1,210,073         | -                  | -                  | -                  | -                          |
| ARPA - Local Fiscal    | -                 | -                 | 33,945,450         | 18,935,943         | 10,697,743         | 2,855,322                  |
| Recovery               | -                 | -                 | 33,945,450         | 18,935,943         | 10,697,743         | 2,855,322                  |
| Workers Compensation   | 4,296,758         | 5,320,633         | 5,955,024          | 5,332,340          | 5,332,340          | 5,332,340                  |
| Zero Waste             | -                 | -                 | -                  | -                  | -                  | -                          |
| Sewer Fund             | 90,501            | 90,501            | 90,501             | 90,501             | 90,501             | 90,501                     |
| Off Street Parking     | 1,915,550         | 1,348,325         | 1,913,700          | 1,911,850          | 1,911,850          | 1,911,850                  |
| Parking Meter          | 1,742,288         | 1,742,288         | 1,742,288          | 1,742,288          | 1,742,288          | 1,742,288                  |
| Health State Aid       | 2,643,280         | 2,643,280         | 2,643,280          | 2,643,280          | 2,643,280          | 2,643,280                  |
| Realignment            | 2,643,280         | 2,643,280         | 2,643,280          | 2,643,280          | 2,643,280          | 2,643,280                  |
| Mental Health Services | -                 | 400               | -                  | -                  | -                  | -                          |
| Act                    | -                 | 400               | -                  | -                  | -                  | -                          |
| Debt Service           | -                 | -                 | -                  | -                  | -                  | -                          |
| 09 Measure FF Library  | 1,620,705         | 1,500,664         | 1,339,327          | 1,343,638          | 1,343,638          | 1,337,638                  |
| Debt Service           | 1,620,705         | 1,500,664         | 1,339,327          | 1,343,638          | 1,343,638          | 1,337,638                  |
| CFD#1 Dis Fire Protect | 1,424,337         | 2,611,840         | 2,803,895          | 2,803,978          | 2,803,978          | 755,038                    |
| Bond                   | 1,424,337         | 2,611,840         | 2,803,895          | 2,803,978          | 2,803,978          | 755,038                    |
| 2012 Ref Lease Rev     | -                 | -                 | -                  | -                  | -                  | -                          |
| Bonds                  | -                 | -                 | -                  | -                  | -                  | -                          |
| Successor Agency       | 56,960            | 57,120            | 57,040             | 57,120             | 57,120             | 57,120                     |

|                                                                           | <b>FY 2020</b>    | <b>FY 2021</b>    | <b>FY 2022</b>     | <b>FY 2023</b>     | <b>FY 2024</b>    | <b>FY 2024</b>         |
|---------------------------------------------------------------------------|-------------------|-------------------|--------------------|--------------------|-------------------|------------------------|
|                                                                           | <b>Actual</b>     | <b>Actual</b>     | <b>Actual</b>      | <b>Adopted</b>     | <b>Adopted</b>    | <b>Proposed Update</b> |
| <b>EXPENDITURES (CONTINUED)</b>                                           |                   |                   |                    |                    |                   |                        |
| 2015 GORBS - 2002<br>G.O. Refunding Bonds<br>Thousand Oaks<br>Underground | 480,100           | 479,460           | -                  | 379,561            | 379,561           | 378,696                |
| 2015 GORBS (2007<br>Series A)                                             | 180,826           | 180,302           | 142,017            | 142,865            | 142,865           | 142,540                |
| 2015 GORBS<br>2015 GORBS (2008<br>Measure I)                              | 2,611,620         | 2,604,056         | 2,051,117          | 2,051,966          | 2,051,966         | 2,047,259              |
| Sustainable Energy<br>Finance                                             | 611,666           | 609,895           | 480,391            | 481,286            | 481,286           | 480,184                |
| 2010 COP (Animal<br>Shelter)                                              | 23,951            | 18,724            | -                  | -                  | -                 | -                      |
| Measure FF -Public<br>Safety                                              | 404,533           | 5,329,159         | 105,228            | 406,991            | 406,991           | 140,085                |
| Measure M GO Street &<br>Water Imp                                        | -                 | -                 | 757,925            | 757,925            | 757,925           | 757,925                |
| Measure O - Affordable<br>Housing                                         | 1,648,488         | 1,642,613         | 1,636,238          | 740,738            | 740,738           | 1,630,863              |
| Measure T1<br>Infrastructure & Facilities                                 | 785,000           | 2,003,748         | 2,718,840          | 2,023,940          | 2,023,940         | 2,007,265              |
| Building Purchases &<br>Mgmt                                              | 2,471,056         | 1,730,806         | 2,010,390          | 1,731,181          | 1,731,181         | 4,699,006              |
| Other                                                                     | 1,634,111         | 279,202           | 1,633,575          | 1,636,188          | 1,636,188         | 1,636,188              |
|                                                                           | 1,160,830         | 3,617,063         | 2,220,963          | 1,869,794          | 1,881,439         | 1,879,021              |
| <b>Total</b>                                                              | <b>60,402,889</b> | <b>95,581,042</b> | <b>112,969,200</b> | <b>110,594,086</b> | <b>96,618,910</b> | <b>88,003,369</b>      |

## FY 2024 COMMUNITY AGENCY ALLOCATIONS BY SERVICE TYPE

| Funding by Category               | General Funds       | Federal Funds      | Other Funds        |
|-----------------------------------|---------------------|--------------------|--------------------|
| Arts                              | \$586,652           | \$0                | \$0                |
| Childcare                         | 630,627             | -                  | 13,275             |
| Community Facilities Improvements | 24,575              | 656,805            | -                  |
| Community Media                   | 230,710             | -                  | -                  |
| Disability Programs               | 103,305             | 159,660            | 1,614,154          |
| Economic Development              | 433,333             | -                  | -                  |
| Employment Training               | 295,165             | -                  | -                  |
| Health                            | 1,584,256           | 160,000            | -                  |
| Homeless                          | 12,086,672          | 633,939            | 900,000            |
| Housing Dev & Rehab               | 303,475             | 250,000            | -                  |
| Legal/ Advocacy                   | 2,645,486           | 35,000             | -                  |
| Other                             | 179,292             | -                  | -                  |
| Recreation                        | 18,573              | -                  | -                  |
| Seniors                           | 9,110               | -                  | -                  |
| Youth                             | 1,070,567           | -                  | -                  |
| <b>TOTAL</b>                      | <b>\$20,201,798</b> | <b>\$1,895,404</b> | <b>\$2,527,429</b> |

| Funding by Category               | FY 2023<br>All Sources | FY 2024<br>All Sources | Percent<br>change |
|-----------------------------------|------------------------|------------------------|-------------------|
| Arts                              | \$586,652              | \$586,652              | 0%                |
| Childcare                         | \$643,902              | \$643,902              | 0%                |
| Community Facilities Improvements | \$1,061,465            | \$681,380              | -36%              |
| Community Media                   | \$230,710              | \$230,710              | 0%                |
| Disability Programs               | \$1,832,876            | \$1,877,119            | 2%                |
| Economic Development              | \$416,667              | \$433,333              | 4%                |
| Employment Training               | \$295,165              | \$295,165              | 0%                |
| Health                            | \$2,220,256            | \$1,744,256            | -21%              |
| Homeless                          | \$13,049,321           | \$13,620,611           | 4%                |
| Housing Dev & Rehab               | \$553,475              | \$553,475              | 0%                |
| Legal/ Advocacy                   | \$1,930,486            | \$2,680,486            | 39%               |
| Other                             | \$168,104              | \$179,292              | 7%                |
| Recreation                        | \$18,573               | \$18,573               | 0%                |
| Seniors                           | \$9,110                | \$9,110                | 0%                |
| Youth                             | \$1,245,567            | \$1,245,567            | 0%                |
|                                   | <b>\$24,262,329</b>    | <b>\$24,799,631</b>    | <b>2%</b>         |

FY 2024 COMMUNITY AGENCY ALLOCATIONS

| Agency/Individual Name                                                 | FY 2023 Adopted  | FY 2024 Proposed | CDBG           | CSBG | ESG | GF Measure P | GF Measure U1 | GF Other       | GF Mayor's Reimagining Funds | Other Funds   |
|------------------------------------------------------------------------|------------------|------------------|----------------|------|-----|--------------|---------------|----------------|------------------------------|---------------|
| <b>Arts</b>                                                            |                  |                  |                |      |     |              |               |                |                              |               |
| Berkeley Art Center                                                    | 86,652           | 86,652           | -              | -    | -   | -            | -             | 86,652         | -                            | -             |
| Civic Arts Grants                                                      | 500,000          | 500,000          | -              | -    | -   | -            | -             | 500,000        | -                            | -             |
| <b>Arts Total</b>                                                      | <b>586,652</b>   | <b>586,652</b>   | -              | -    | -   | -            | -             | <b>586,652</b> | -                            | -             |
| <b>Childcare</b>                                                       |                  |                  |                |      |     |              |               |                |                              |               |
| Bay Area Hispano Institute for Advancement - Child Development Program | 82,143           | 82,143           | -              | -    | -   | -            | -             | 82,143         | -                            | -             |
| Bananas Inc.                                                           | -                | -                | -              | -    | -   | -            | -             | -              | -                            | -             |
| Child Care Subsidies                                                   | 283,110          | 283,110          | -              | -    | -   | -            | -             | 269,835        | -                            | 13,275        |
| Play & Learn Playgroups                                                | 10,527           | 10,527           | -              | -    | -   | -            | -             | 10,527         | -                            | -             |
| QRIS Services                                                          | 95,000           | 95,000           | -              | -    | -   | -            | -             | 95,000         | -                            | -             |
| Ephesians Children's Center - Childcare Program                        | 45,507           | 45,507           | -              | -    | -   | -            | -             | 45,507         | -                            | -             |
| Healthy Black Families, Inc.                                           | -                | -                | -              | -    | -   | -            | -             | -              | -                            | -             |
| Sisters Together Empowering Peers (STEP)                               | 87,616           | 87,616           | -              | -    | -   | -            | -             | 87,616         | -                            | -             |
| Nia House Learning Center                                              | 39,999           | 39,999           | -              | -    | -   | -            | -             | 39,999         | -                            | -             |
| <b>Childcare Total</b>                                                 | <b>643,902</b>   | <b>643,902</b>   | -              | -    | -   | -            | -             | <b>630,627</b> | -                            | <b>13,275</b> |
| <b>Community Facilities Improvements</b>                               |                  |                  |                |      |     |              |               |                |                              |               |
| Rebuilding Together                                                    | -                | -                | -              | -    | -   | -            | -             | -              | -                            | -             |
| Community Facility Improvement Program                                 | 24,575           | 24,575           | -              | -    | -   | -            | -             | 24,575         | -                            | -             |
| Public Facility Improvements NOFA                                      | 621,746          | 656,805          | 656,805        | -    | -   | -            | -             | -              | -                            | -             |
| Larkin Street - 3404 King Street - TAY Transitional Housing            | 415,144          | -                | -              | -    | -   | -            | -             | -              | -                            | -             |
| <b>Community Facilities Improvements Total</b>                         | <b>1,061,465</b> | <b>681,380</b>   | <b>656,805</b> | -    | -   | -            | -             | <b>24,575</b>  | -                            | -             |



| Agency/Individual Name                      | FY 2023 Adopted  | FY 2024 Proposed | CDBG           | CSBG     | ESG      | GF Measure P | GF Measure U1 | GF Other       | GF Mayor's Reimagining Funds | Other Funds      |
|---------------------------------------------|------------------|------------------|----------------|----------|----------|--------------|---------------|----------------|------------------------------|------------------|
| <b>Community Media</b>                      |                  |                  |                |          |          |              |               |                |                              |                  |
| Berkeley Community Media                    | 230,710          | 230,710          | -              | -        | -        | -            | -             | 230,710        | -                            | -                |
| <b>Community Media Total</b>                | <b>230,710</b>   | <b>230,710</b>   | <b>-</b>       | <b>-</b> | <b>-</b> | <b>-</b>     | <b>-</b>      | <b>230,710</b> | <b>-</b>                     | <b>-</b>         |
| <b>Disability Programs</b>                  |                  |                  |                |          |          |              |               |                |                              |                  |
| Bay Area Outreach and Recreation Program    | -                | -                | -              | -        | -        | -            | -             | -              | -                            | -                |
| Recreational Services for the Disabled      | 43,592           | 43,592           | -              | -        | -        | -            | -             | 43,592         | -                            | -                |
| Berkeley Place                              | 17,183           | 17,183           | -              | -        | -        | -            | -             | 17,183         | -                            | -                |
| Bonita House                                |                  |                  |                |          |          |              |               |                |                              |                  |
| Creative Wellness Center                    | 15,324           | 15,324           | -              | -        | -        | -            | -             | 15,324         | -                            | -                |
| Center for Independent Living:              | -                | -                | -              | -        | -        | -            | -             | -              | -                            | -                |
| Residential Access Program                  | 159,660          | 159,660          | 159,660        | -        | -        | -            | -             | -              | -                            | -                |
| Easy Does It                                | 1,569,911        | 1,614,154        | -              | -        | -        | -            | -             | -              | -                            | 1,614,154        |
| Through the Looking Glass                   | 1,805,670        | 27,206           | -              | -        | -        | -            | -             | 27,206         | -                            | -                |
| <b>Disability Programs Total</b>            | <b>1,832,876</b> | <b>1,877,119</b> | <b>159,660</b> | <b>-</b> | <b>-</b> | <b>-</b>     | <b>-</b>      | <b>103,305</b> | <b>-</b>                     | <b>1,614,154</b> |
| <b>Economic Development</b>                 |                  |                  |                |          |          |              |               |                |                              |                  |
| Berkeley Convention and Visitors Bureau     | 416,667          | 433,333          | -              | -        | -        | -            | -             | 433,333        | -                            | -                |
| <b>Economic Development Total</b>           | <b>416,667</b>   | <b>433,333</b>   | <b>-</b>       | <b>-</b> | <b>-</b> | <b>-</b>     | <b>-</b>      | <b>433,333</b> | <b>-</b>                     | <b>-</b>         |
| <b>Employment Training</b>                  |                  |                  |                |          |          |              |               |                |                              |                  |
| Bread Project                               | 57,850           | 57,850           | -              | -        | -        | -            | -             | 57,850         | -                            | -                |
| Inter-City Services                         | 101,351          | 101,351          | -              | -        | -        | -            | -             | 101,351        | -                            | -                |
| Multicultural Institute Lifeskills Program  | 68,136           | 68,136           | -              | -        | -        | -            | -             | 68,136         | -                            | -                |
| Rising Sun – Green Energy Training Services | 67,828           | 67,828           | -              | -        | -        | -            | -             | 67,828         | -                            | -                |
| <b>Employment Training Total</b>            | <b>295,165</b>   | <b>295,165</b>   | <b>-</b>       | <b>-</b> | <b>-</b> | <b>-</b>     | <b>-</b>      | <b>295,165</b> | <b>-</b>                     | <b>-</b>         |
| <b>Health</b>                               |                  |                  |                |          |          |              |               |                |                              |                  |
| Lifelong Medical Care:                      | -                | -                | -              | -        | -        | -            | -             | -              | -                            | -                |

| Agency/Individual Name                                                | FY 2023 Adopted  | FY 2024 Proposed | CDBG    | CSBG           | ESG     | GF Measure P | GF Measure U1 | GF Other         | GF Mayor's Reimagining Funds | Other Funds |
|-----------------------------------------------------------------------|------------------|------------------|---------|----------------|---------|--------------|---------------|------------------|------------------------------|-------------|
| Access for Uninsured (BPC, WBFP, Uninsured, Acupuncture Detox Clinic) | 189,855          | 189,855          | -       | 160,000        | -       | -            | -             | 29,855           | -                            | -           |
| Geriatric Care/Hypertension Berkeley Free Clinic                      | 114,543          | 114,543          | -       | -              | -       | -            | -             | 114,543          | -                            | -           |
| Free Women and Transgender Health Care Service                        | 15,858           | 15,858           | -       | -              | -       | -            | -             | 15,858           | -                            | -           |
| Sugar - Sweetened Beverage Berkeley Unified School District           | 950,000          | 712,000          | -       | -              | -       | -            | -             | 712,000          | -                            | -           |
| Sugar - Sweetened Beverage Panel (POE)*                               | 950,000          | 712,000          | -       | -              | -       | -            | -             | 712,000          | -                            | -           |
| <b>Health Total</b>                                                   | <b>2,220,256</b> | <b>1,744,256</b> |         | <b>160,000</b> | -       | -            | -             | <b>1,584,256</b> | -                            | -           |
| <b>Homeless Services</b>                                              |                  |                  |         |                |         |              |               |                  |                              |             |
| Alameda County Homeless Action Center                                 | -                | -                | -       | -              | -       | -            | -             | -                | -                            | -           |
| SSI Advocacy                                                          | 129,539          | 129,539          | -       | -              | -       | 109,539      | -             | -                | -                            | 20,000      |
| Rapid Rehousing for Homeless Elders Project                           | 68,220           | 68,220           | -       | -              | -       | 68,220       | -             | -                | -                            | -           |
| Alameda County Housing & Community Development Department             | -                | -                | -       | -              | -       | -            | -             | -                | -                            | -           |
| HMIS Support                                                          | 6,676            | 6,676            | -       | -              | 6,676   | -            | -             | -                | -                            | -           |
| Alameda County Network of Mental Health Clients                       | -                | -                | -       | -              | -       | -            | -             | -                | -                            | -           |
| Daytime Drop-In                                                       | 35,721           | 35,721           | -       | -              | -       | 35,721       | -             | -                | -                            | -           |
| Representative Payee Services                                         | 32,016           | 32,016           | -       | -              | -       | 32,016       | -             | -                | -                            | -           |
| Locker Program                                                        | 50,000           | 50,000           | -       | -              | -       | 50,000       | -             | -                | -                            | -           |
| Bay Area Community Services                                           | -                | -                | -       | -              | -       | -            | -             | -                | -                            | -           |
| North County HRC                                                      | 2,181,785        | 2,181,785        | 418,921 | -              | -       | 1,762,864    | -             | -                | -                            | -           |
| Permanent Housing Subsidies/Shallow Subsidies                         | 1,600,000        | 1,600,000        | -       | -              | -       | 1,600,000    | -             | -                | -                            | -           |
| STAIR Pathways                                                        | 2,704,882        | 2,707,867        | -       | -              | 208,342 | 2,499,525    | -             | -                | -                            | -           |
| Berkeley Food & Housing Project                                       | -                | -                | -       | -              | -       | -            | -             | -                | -                            | -           |

| Agency/Individual Name                       | FY 2023 Adopted | FY 2024 Proposed | CDBG | CSBG | ESG | GF Measure P | GF Measure U1 | GF Other | GF Mayor's Reimagining Funds | Other Funds |
|----------------------------------------------|-----------------|------------------|------|------|-----|--------------|---------------|----------|------------------------------|-------------|
| Case Management Tied to Permanent Housing    | 100,190         | 100,190          | -    | -    | -   | 100,190      | -             | -        | -                            | -           |
| Men's Shelter                                | 170,502         | 170,502          | -    | -    | -   | 170,502      | -             | -        | -                            | -           |
| Hope Center - Mental Health Services         | 71,250          | 95,000           | -    | -    | -   | 95,000       | -             | -        | -                            | -           |
| Russell Street Supportive Housing Program    | 157,045         | 630,000          | -    | -    | -   | -            | -             | -        | -                            | 630,000     |
| Women's Shelter                              | 119,963         | 119,963          | -    | -    | -   | 119,963      | -             | -        | -                            | -           |
| Bonita House                                 | -               | -                | -    | -    | -   | -            | -             | -        | -                            | -           |
| Case Management Tied to Permanent Housing    | 24,480          | 24,480           | -    | -    | -   | 24,480       | -             | -        | -                            | -           |
| Building Opportunities for Self Sufficiency: | -               | -                | -    | -    | -   | -            | -             | -        | -                            | -           |
| BOSS House Navigation Team                   | 86,831          | 86,831           | -    | -    | -   | 86,831       | -             | -        | -                            | -           |
| Representative Payee Services                | 52,440          | 52,440           | -    | -    | -   | 52,440       | -             | -        | -                            | -           |
| Ursula Sherman Village Families Program      | 51,383          | 51,383           | -    | -    | -   | 51,383       | -             | -        | -                            | -           |
| Ursula Sherman Village Singles Shelter       | 104,662         | 104,662          | -    | -    | -   | 104,662      | -             | -        | -                            | -           |
| Step Up Housing (1367 University)            | 1,133,244       | 1,133,244        | -    | -    | -   | 1,133,244    | -             | -        | -                            | -           |
| City of Berkeley EveryOne Home               | 23,837          | 23,837           | -    | -    | -   | 23,837       | -             | -        | -                            | -           |
| Dorothy Day                                  |                 |                  | -    | -    | -   |              | -             | -        | -                            | -           |
| Berkeley Emergency Storm Shelter             | 216,601         | 350,101          | -    | -    | -   | 350,101      | -             | -        | -                            | -           |
| Drop In Center                               | 182,000         | 182,000          | -    | -    | -   | 182,000      | -             | -        | -                            | -           |
| Vets Shelter                                 | 566,000         | 566,000          | -    | -    | -   | 566,000      | -             | -        | -                            | -           |
| Horizon                                      | 1,011,900       | 950,000          | -    | -    | -   | 950,000      | -             | -        | -                            | -           |
| Downtown Berkeley Association                |                 |                  | -    | -    | -   |              | -             | -        | -                            | -           |
| Homeless Outreach Worker                     | 40,000          | 40,000           | -    | -    | -   | 40,000       | -             | -        | -                            | -           |
| Downtown Streets Team                        | 225,000         | 225,000          | -    | -    | -   | 225,000      | -             | -        | -                            | -           |
| Larkin Street                                |                 |                  | -    | -    | -   |              | -             | -        | -                            | -           |

| Agency/Individual Name                                     | FY 2023 Adopted   | FY 2024 Proposed  | CDBG           | CSBG     | ESG            | GF Measure P      | GF Measure U1 | GF Other | GF Mayor's Reimagining Funds | Other Funds    |
|------------------------------------------------------------|-------------------|-------------------|----------------|----------|----------------|-------------------|---------------|----------|------------------------------|----------------|
| Larkin Street Turning Point                                | 407,643           | 407,643           | -              | -        | -              | 407,643           | -             | -        | -                            | -              |
| Lifelong Medical Care:                                     |                   |                   | -              | -        | -              |                   | -             | -        | -                            | -              |
| Case Management Tied to Permanent Housing                  | 163,644           | 163,644           | -              | -        | -              | 163,644           | -             | -        | -                            | -              |
| Supportive Housing Program UA Homes                        | 55,164            | 55,164            | -              | -        | -              | 55,164            | -             | -        | -                            | -              |
| Street Medicine / Trust Clinic                             | 525,000           | 525,000           | -              | -        | -              | 525,000           | -             | -        | -                            | -              |
| Options Recovery Services - Detox Services & Day Treatment | -                 | -                 | -              | -        | -              | -                 | -             | -        | -                            | -              |
| Transitional Housing and Case Management                   | 50,000            | 50,000            | -              | -        | -              | 50,000            | -             | -        | -                            | -              |
| Telegraph Business Improvement District                    | -                 | -                 | -              | -        | -              | -                 | -             | -        | -                            | -              |
| Berkeley Host Program                                      | 49,139            | 49,139            | -              | -        | -              | 49,139            | -             | -        | -                            | -              |
| The Suitcase Clinic                                        | 9,828             | 9,828             | -              | -        | -              | 9,828             | -             | -        | -                            | -              |
| Toolworks, Inc. Supportive Housing                         | 47,665            | 47,665            | -              | -        | -              | 47,665            | -             | -        | -                            | -              |
| Village of Love                                            | -                 | -                 | -              | -        | -              | -                 | -             | -        | -                            | -              |
| TAY Transitional Housing Program (through FY23)            | 250,000           | 250,000           | -              | -        | -              | -                 | -             | -        | -                            | 250,000        |
| Women's Daytime Drop-In Center:                            | -                 | -                 | -              | -        | -              | -                 | -             | -        | -                            | -              |
| Bridget Transitional House Case Management                 | 118,728           | 118,728           | -              | -        | -              | 118,728           | -             | -        | -                            | -              |
| Daytime Drop-In Services                                   | 48,153            | 48,153            | -              | -        | -              | 48,153            | -             | -        | -                            | -              |
| Homeless Case Management - Housing Retention               | 100,190           | 100,190           | -              | -        | -              | 100,190           | -             | -        | -                            | -              |
| Youth Spirit Artworks -                                    | -                 | -                 | -              | -        | -              | -                 | -             | -        | -                            | -              |
| TAY Tiny Homes Case Management                             | 78,000            | 78,000            | -              | -        | -              | 78,000            | -             | -        | -                            | -              |
| <b>Homeless Services Total</b>                             | <b>13,049,321</b> | <b>13,620,611</b> | <b>418,921</b> | <b>-</b> | <b>215,018</b> | <b>12,086,672</b> | <b>-</b>      | <b>-</b> | <b>-</b>                     | <b>900,000</b> |

| Agency/Individual Name                                                           | FY 2023 Adopted   | FY 2024 Proposed  | CDBG           | CSBG     | ESG      | GF Measure P     | GF Measure U1  | GF Other       | GF Mayor's Reimagining Funds | Other Funds |
|----------------------------------------------------------------------------------|-------------------|-------------------|----------------|----------|----------|------------------|----------------|----------------|------------------------------|-------------|
| <b>Housing Development &amp; Rehabilitation</b>                                  |                   |                   |                |          |          |                  |                |                |                              |             |
| Bay Area Community Land Trust                                                    | 5,200             | 5,200             | -              | -        | -        | -                | -              | 5,200          | -                            | -           |
| Organizational Capacity Building                                                 | 200,000           | 200,000           | -              | -        | -        | -                | 200,000        | -              | -                            | -           |
| CHDO Programs                                                                    | Refer to HTF/CHDO | Refer to HTF/CHDO | -              | -        | -        | -                | -              | -              | -                            | -           |
| Habitat for Humanity East Bay/Silicon Valley                                     | -                 | -                 | -              | -        | -        | -                | -              | -              | -                            | -           |
| Housing Rehabilitation Grant Program                                             | 250,000           | 250,000           | 250,000        | -        | -        | -                | -              | -              | -                            | -           |
| Rebuilding Together                                                              | -                 | -                 | -              | -        | -        | -                | -              | -              | -                            | -           |
| Safe at Home Project                                                             | 98,275            | 98,275            | -              | -        | -        | -                | -              | 98,275         | -                            | -           |
| <b>Housing Development &amp; Rehabilitation Total</b>                            | <b>553,475</b>    | <b>553,475</b>    | <b>250,000</b> | <b>-</b> | <b>-</b> | <b>-</b>         | <b>200,000</b> | <b>103,475</b> | <b>-</b>                     | <b>-</b>    |
| <b>Legal/Advocacy</b>                                                            |                   |                   |                |          |          |                  |                |                |                              |             |
| East Bay Community Law Center                                                    | -                 | -                 | -              | -        | -        | -                | -              | -              | -                            | -           |
| Consumer Justice Clinic/Housing Advocacy                                         | 33,644            | 33,644            | -              | -        | -        | -                | -              | 33,644         | -                            | -           |
| Eviction Defense Services                                                        | 275,000           | 275,000           | -              | -        | -        | 275,000          | -              | -              | -                            | -           |
| Housing Retention                                                                | -                 | -                 | -              | -        | -        | -                | -              | -              | -                            | -           |
| Eden Council for Hope and Opportunity                                            | 35,000            | 35,000            | 35,000         | -        | -        | -                | -              | -              | -                            | -           |
| Eviction Defense Center                                                          | -                 | -                 | -              | -        | -        | -                | -              | -              | -                            | -           |
| Rent Board                                                                       | 275,000           | 275,000           | -              | -        | -        | 275,000          | -              | -              | -                            | -           |
| Housing Retention (through FY23)                                                 | 1,250,000         | 2,000,000         | -              | -        | -        | 2,000,000        | -              | -              | -                            | -           |
| Family Violence Law Center - Domestic Violence & Homelessness Prevention Project | 61,842            | 61,842            | -              | -        | -        | -                | -              | 61,842         | -                            | -           |
| <b>Legal/Advocacy Total</b>                                                      | <b>1,930,486</b>  | <b>2,680,486</b>  | <b>35,000</b>  | <b>-</b> | <b>-</b> | <b>2,550,000</b> | <b>-</b>       | <b>95,486</b>  | <b>-</b>                     | <b>-</b>    |
| <b>Other</b>                                                                     |                   |                   |                |          |          |                  |                |                |                              |             |
| Animal Rescue                                                                    | 23,812            | 35,000            | -              | -        | -        | -                | -              | 35,000         | -                            | -           |
| Berkeley Community Gardening Collaborative                                       | 11,895            | 11,895            | -              | -        | -        | -                | -              | 11,895         | -                            | -           |

| Agency/Individual Name                                                   | FY 2023 Adopted | FY 2024 Proposed | CDBG     | CSBG     | ESG      | GF Measure P | GF Measure U1 | GF Other       | GF Mayor's Reimagining Funds | Other Funds |
|--------------------------------------------------------------------------|-----------------|------------------|----------|----------|----------|--------------|---------------|----------------|------------------------------|-------------|
| Berkeley Project                                                         | 32,000          | 32,000           | -        | -        | -        | -            | -             | 32,000         | -                            | -           |
| Community Agency Publishing Outcomes Project                             | 25,000          | 25,000           | -        | -        | -        | -            | -             | 25,000         | -                            | -           |
| Eden Information & Referral                                              | 35,000          | 35,000           | -        | -        | -        | -            | -             | 35,000         | -                            | -           |
| McGee Avenue Baptist Church                                              | 17,844          | 17,844           | -        | -        | -        | -            | -             | 17,844         | -                            | -           |
| SEEDS Community Resolution Center                                        | 22,553          | 22,553           | -        | -        | -        | -            | -             | 22,553         | -                            | -           |
| <b>Other Total</b>                                                       | <b>168,104</b>  | <b>179,292</b>   | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b>     | <b>-</b>      | <b>179,292</b> | <b>-</b>                     | <b>-</b>    |
| <b>Recreation</b>                                                        |                 |                  |          |          |          |              |               |                |                              |             |
| Ephesians Children's Center - Greg Brown Park Supervision                | 18,573          | 18,573           | -        | -        | -        | -            | -             | 18,573         | -                            | -           |
| <b>Recreation Total</b>                                                  | <b>18,573</b>   | <b>18,573</b>    | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b>     | <b>-</b>      | <b>18,573</b>  | <b>-</b>                     | <b>-</b>    |
| <b>Seniors</b>                                                           |                 |                  |          |          |          |              |               |                |                              |             |
| J-Sei                                                                    | 9,110           | 9,110            | -        | -        | -        | -            | -             | 9,110          | -                            | -           |
| <b>Seniors Total</b>                                                     | <b>9,110</b>    | <b>9,110</b>     | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b>     | <b>-</b>      | <b>9,110</b>   | <b>-</b>                     | <b>-</b>    |
| <b>Youth</b>                                                             |                 |                  |          |          |          |              |               |                |                              |             |
| Bay Area Community Resources                                             | -               | -                | -        | -        | -        | -            | -             | -              | -                            | -           |
| School Based Behavioral Health Services                                  | 94,964          | 94,964           | -        | -        | -        | -            | -             | 94,964         | -                            | -           |
| Bay Area Hispano Institute for Advancement - Out of School Time Programs | 21,447          | 21,447           | -        | -        | -        | -            | -             | 21,447         | -                            | -           |
| Berkeley High School Bridge Program                                      | 79,000          | 79,000           | -        | -        | -        | -            | -             | 79,000         | -                            | -           |
| Berkeley Youth Alternatives:                                             | -               | -                | -        | -        | -        | -            | -             | -              | -                            | -           |
| Afterschool Program                                                      | 30,000          | 30,000           | -        | -        | -        | -            | -             | 30,000         | -                            | -           |
| Counseling                                                               | 30,000          | 30,000           | -        | -        | -        | -            | -             | 30,000         | -                            | -           |
| Counseling Center to meet demand for mental health services              | 125,000         | 125,000          | -        | -        | -        | -            | -             | -              | 125,000                      | -           |
| Summer Jam Day Camp                                                      | -               | -                | -        | -        | -        | -            | -             | -              | 35,000                       | -           |
| Biotech Partners – Biotech Academy at Berkeley High                      | 91,750          | 91,750           | -        | -        | -        | -            | -             | 91,750         | -                            | -           |

| Agency/Individual Name                                                     | FY 2023 Adopted   | FY 2024 Proposed  | CDBG             | CSBG           | ESG            | GF Measure P      | GF Measure U1  | GF Other         | GF Mayor's Reimagining Funds | Other Funds      |
|----------------------------------------------------------------------------|-------------------|-------------------|------------------|----------------|----------------|-------------------|----------------|------------------|------------------------------|------------------|
| Ephesians School-Age Program                                               | 39,840            | 39,840            | -                | -              | -              | -                 | -              | 39,840           | -                            | -                |
| Lifelong Medical Care                                                      | -                 | -                 | -                | -              | -              | -                 | -              | -                | -                            | -                |
| Rosa Parks Collaborative                                                   | 44,804            | 44,804            | -                | -              | -              | -                 | -              | 44,804           | -                            | -                |
| McGee Ave. Baptist Church                                                  | 50,000            | 50,000            | -                | -              | -              | -                 | -              | -                | 50,000                       | -                |
| Voices Against Violence                                                    |                   |                   |                  |                |                |                   |                |                  |                              |                  |
| Multicultural Institute Youth Mentoring                                    | 33,603            | 33,603            | -                | -              | -              | -                 | -              | 33,603           | -                            | -                |
| Pacific Center for Human Growth - Safer Schools Project                    | 23,245            | 23,245            | -                | -              | -              | -                 | -              | 23,245           | -                            | -                |
| RISE Program                                                               | 216,039           | 216,039           | -                | -              | -              | -                 | -              | 216,039          | -                            | -                |
| Stiles Hall                                                                | 90,000            | 90,000            | -                | -              | -              | -                 | -              | 90,000           | -                            | -                |
| Supplybank.Org (Formerly K to College)                                     | 30,000            | 30,000            | -                | -              | -              | -                 | -              | 30,000           | -                            | -                |
| Through The Looking Glass - Parenting Education and Kindergarten Readiness | 25,000            | 25,000            | -                | -              | -              | -                 | -              | 25,000           | -                            | -                |
| UC Berkeley                                                                | -                 | -                 | -                | -              | -              | -                 | -              | -                | -                            | -                |
| BUILD Literacy/Cal Corp                                                    | 95,360            | 95,360            | -                | -              | -              | -                 | -              | 95,360           | -                            | -                |
| Bridging Berkeley                                                          | 34,640            | 34,640            | -                | -              | -              | -                 | -              | 34,640           | -                            | -                |
| YMCA of the East Bay - Y-Scholars Program                                  |                   |                   |                  |                |                |                   |                |                  |                              |                  |
| Y- Scholars Program                                                        | 40,000            | 40,000            | -                | -              | -              | -                 | -              | 40,000           | -                            | -                |
| School Readiness Program                                                   | 50,875            | 50,875            | -                | -              | -              | -                 | -              | 50,875           | -                            | -                |
| <b>Youth Total</b>                                                         | <b>1,245,567</b>  | <b>1,245,567</b>  | <b>-</b>         | <b>-</b>       | <b>-</b>       | <b>-</b>          | <b>-</b>       | <b>1,070,567</b> | <b>210,000</b>               | <b>-</b>         |
| <b>TOTAL COMMUNITY AGENCY ALLOCATIONS</b>                                  | <b>24,262,329</b> | <b>24,799,631</b> | <b>1,520,386</b> | <b>160,000</b> | <b>215,018</b> | <b>14,636,672</b> | <b>200,000</b> | <b>5,365,126</b> | <b>210,000</b>               | <b>2,527,429</b> |

o Community Development Block Grant (CDBG)/Emergency Solutions Grant (ESG)

\*Subject to the Sugar – Sweetened Beverage Panel of Experts (POE) allocation.

| Fund                                 | FY 2024 Proposed Update | FY 2024 Revised Proposed Update | Variance | Explanation for Change                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------|-------------------------|---------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Library Tax                          | 24,537,495              | 25,122,748                      | 585,253  | Proposed Budget Update assumed 2% increase in the Library Tax. The Library Tax can be increased by the greater of the Consumer Price Index (CPI) or the Personal Income Growth (PIG). The CPI increase is 4.192% while the PIG increase is 4.44% increase. Revised Proposed Update Revenue assumes the tax increase in the PIG since this is higher than the CPI.       |
| Special Tax for Disabled (Measure E) | 1,634,739               | 1,673,845                       | 39,106   | Proposed Budget Update assumed 2% increase in the Measure E Tax. The Measure E Tax can be increased by the greater of the Consumer Price Index (CPI) or the Personal Income Growth (PIG). The CPI increase is 4.192% while the PIG increase is 4.44% increase. Revised Proposed Update Revenue assumes the tax increase in the PIG since this is higher than the CPI.   |
| Paramedic Assessment District        | 4,421,805               | 4,500,543                       | 78,738   | Proposed Budget Update assumed 2% CPI increase and actual increase was 4.19%                                                                                                                                                                                                                                                                                            |
| Parks Tax                            | 17,400,964              | 17,813,646                      | 412,682  | Proposed Budget Update assumed 2% increase in the Parks Tax. The Parks Tax can be increased by the greater of the Consumer Price Index (CPI) or the Personal Income Growth (PIG). The CPI increase is 4.192% while the PIG increase is 4.44% increase. Revised Proposed Update Revenue assumes the tax increase in the PIG since this is higher than the CPI.           |
| Measure GG - Fire Preparation Tax    | 5,559,313               | 5,691,200                       | 131,887  | Proposed Budget Update assumed 2% increase in the Measure GG Tax. The Measure GG Tax can be increased by the greater of the Consumer Price Index (CPI) or the Personal Income Growth (PIG). The CPI increase is 4.192% while the PIG increase is 4.44% increase. Revised Proposed Update Revenue assumes the tax increase in the PIG since this is higher than the CPI. |
| Measure FF - Public Safety           | 9,541,974               | 9,770,233                       | 228,259  | Proposed Budget Update assumed 2% increase in the Measure FF Tax. The Measure FF Tax can be increased by the greater of the Consumer Price Index (CPI) or the Personal Income Growth (PIG). The CPI increase is 4.192% while the PIG increase is 4.44% increase. Revised Proposed Update Revenue assumes the tax increase in the PIG since this is higher than the CPI. |



| Fund | FY 2024 Proposed Update | FY 2024 Revised Proposed Update | Variance  | Explanation for Change |
|------|-------------------------|---------------------------------|-----------|------------------------|
|      |                         |                                 | 1,475,925 |                        |

| Fund                                 | FY 2024 Proposed Update | FY 2024 Revised Proposed Update | Variance       | Explanation for Change                                                                                                          |
|--------------------------------------|-------------------------|---------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------|
| Measure U1                           | 5,852,006               | 5,952,006                       | 100,000        | Add funds for Bay Area Community Land Trust Organizational Capacity Building to get amount to \$200,000                         |
| Special Tax for Disabled (Measure E) | 1,634,739               | 1,673,845                       | 39,106         | Increase to Easy Does It Contract based on 4.44% Personal Income Growth increase.                                               |
| UC Settlement                        | 4,390,905               | 4,640,905                       | 250,000        | Add funds for Village of Love contract for for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center |
| ARPA Recovery                        | 3,246,590               | 3,647,011                       | 400,421        | Revise ARPA transfer to General Fund for FY 2024.                                                                               |
|                                      |                         |                                 | <b>789,527</b> |                                                                                                                                 |

| AGENCY NAME                                     | LEAD DEPT | FY 2024 ALLOCATION | FY 2024 ADVANCE |
|-------------------------------------------------|-----------|--------------------|-----------------|
| Alameda County Homeless Action Center           | HHCS      | 197,759            | 49,440          |
| Alameda County Network of Mental Health Clients | HHCS      | 117,737            | 29,434          |
| Bananas                                         | HHCS      | 388,637            | 97,159          |
| Bay Area Community Land Trust                   | HHCS      | 205,200            | 51,300          |
| Bay Area Community Resources                    | HHCS      | 94,964             | 23,741          |
| Bay Area Community Services                     | HHCS      | 6,489,652          | 1,622,413       |
| Bay Area Hispano Institute for Advancement      | HHCS      | 103,590            | 25,898          |
| Bay Area Outreach and Recreation Program        | HHCS      | 43,592             | 10,898          |
| Berkeley Community Gardening Collaborative      | HHCS      | 11,895             | 2,974           |
| Berkeley Community Media                        | IT        | 230,710            | 57,678          |
| Berkeley Convention & Visitors Bureau           | OED       | 433,333            | 108,333         |
| Berkeley Food & Housing Project                 | HHCS      | 1,203,655          | 209,414         |
| Berkeley Free Clinic                            | HHCS      | 15,858             | 3,965           |
| Berkeley High School Bridge Program             | HHCS      | 79,000             | 19,750          |
| Berkeley Place                                  | HHCS      | 17,183             | 4,296           |
| Berkeley Project                                | PRW       | 32,000             | 8,000           |
| Berkeley Youth Alternatives                     | HHCS      | 220,000            | 55,000          |
| Biotech Partners                                | HHCS      | 91,750             | 22,938          |
| Bonita House                                    | HHCS      | 39,804             | 9,951           |
| Bread Project                                   | HHCS      | 57,850             | 14,463          |
| Building Opportunities for Self Sufficiency     | HHCS      | 834,646            | 208,662         |
| Center for Independent Living                   | HHCS      | 159,660            | 39,915          |
| Dorothy Day                                     | HHCS      | 2,048,101          | 512,025         |
| Downtown Berkeley Association                   | OED       | 40,000             | 10,000          |
| Downtown Streets Team                           | PW        | 225,000            | 56,250          |
| East Bay Community Law Center                   | HHCS      | 308,644            | 77,161          |
| Easy Does It                                    | HHCS      | 1,653,260          | 413,315         |
| Eden Council for Hope and Opportunity           | HHCS      | 35,000             | 8,750           |
| Ephesians Children's Center                     | HHCS      | 85,347             | 21,337          |
| Eviction Defense Center                         | HHCS      | 2,000,000          | 500,000         |
| Family Violence Law Center                      | HHCS      | 61,842             | 15,461          |
| Habitat for Humanity East Bay/Silicon Valley    | HHCS      | 250,000            | 62,500          |
| Healthy Black Families, Inc.                    | HHCS      | 87,616             | 21,904          |
| Inter-City Services                             | HHCS      | 101,351            | 25,338          |
| J-Sei                                           | HHCS      | 9,110              | 2,278           |
| Larkin Street                                   | HHCS      | 189,255            | 47,314          |
| Lifelong Medical Care                           | HHCS      | 1,093,010          | 273,253         |
| McGee Avenue Baptist Church                     | HHCS      | 17,844             | 4,461           |
| Multicultural Institute                         | HHCS      | 101,739            | 25,435          |
| Options Recovery Services                       | HHCS      | 50,000             | n/a             |
| Nia House Learning Center                       | HHCS      | 39,999             | 10,000          |
| Pacific Center for Human Growth                 | HHCS      | 23,245             | 5,811           |
| Rebuilding Together                             | HHCS      | 122,850            | 30,713          |
| RISE Program                                    | HHCS      | 216,039            | 54,010          |
| Rising Sun                                      | HHCS      | 67,828             | 16,957          |
| SEEDS Community Resolution Center               | HHCS      | 22,553             | 5,638           |
| Stiles Hall                                     | HHCS      | 90,000             | 22,500          |
| The Suitcase Clinic                             | HHCS      | 9,828              | 2,457           |
| Through the Looking Glass                       | HHCS      | 52,206             | 13,052          |
| Toolworks Inc. Supportive Housing               | HHCS      | 47,665             | 11,916          |
| UC Berkeley                                     | HHCS      | 130,000            | 32,500          |
| Village of Love                                 | HHCS      | 250,000            | 62,500          |
| Women's Daytime Drop-In Center                  | HHCS      | 267,071            | 66,768          |

| AGENCY NAME           | LEAD DEPT | FY 2024 ALLOCATION | FY 2024 ADVANCE  |
|-----------------------|-----------|--------------------|------------------|
| YMCA of the East Bay  | HHCS      | 90,875             | 22,719           |
| Youth Spirit Artworks | HHCS      | 78,000             | 19,500           |
|                       |           | <b>20,933,753</b>  | <b>5,129,439</b> |

HHCS = Health, Housing & Community Services

IT = Information Technology

OED = Office of Economic Development

PRW = Parks Recreation & Waterfront



Office of the City Manager

ACTION CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Sharon Friedrichsen, Budget Manager  
 Subject: FY 2024 Annual Appropriations Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance adopting the FY 2024 Annual Appropriations Ordinance (AAO) in the amount of \$718,932,025 (gross appropriations) and \$610,760,531 (net appropriations).

FISCAL IMPACTS OF RECOMMENDATION

The FY 2023 Annual Appropriations Ordinance authorizes gross appropriations of \$718,932,025 and net appropriations of \$610,760,531. The General Fund totals \$275,380,387 and the balance of \$443,551,638 represents the other non-discretionary funds.

BACKGROUND

The City Charter states that at the time of budget adoption that the Council passes an annual appropriations ordinance, which shall be based upon the budget submitted by the City Manager and as amended by the City Council. The AAO establishes the expenditure limits by fund for FY 2024. Exhibit A provides a Fund-by-Fund summary of these limits for FY 2024.

The FY 2024 Annual Appropriations Ordinance is a Strategic Plan Priority, advancing our goal to provide an efficient and financially-healthy City government.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the act of adopting the budget/appropriations ordinance/amendments. Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

The recommendation allows the City to set the adopted funding limits for FY 2024.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000

Amendment: FY 2024 Annual Appropriations Ordinance

CONSENT CALENDAR  
June 27, 2023

Rama Murty, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:

1: Ordinance

Exhibit A: FY 2024 Annual Appropriation Ordinance Summary of Appropriations  
by Fund

ORDINANCE NO. #,###-N.S.

ADOPTING THE ANNUAL APPROPRIATIONS ORDINANCE BASED ON THE ADOPTED BUDGET FOR FISCAL YEAR 2024 AS PROPOSED BY THE CITY MANAGER AND PASSED BY THE CITY COUNCIL

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2024 submitted by the City Manager and passed by the City Council be adopted as follows and as summarized in Exhibit A:

|                                                |                    |
|------------------------------------------------|--------------------|
| A. General Fund (Funds 001-099)                | 275,380,387        |
| B. Special Funds (Funds 100-199)               | 115,103,577        |
| C. Grant Funds (Funds 300-399)                 | 50,607,531         |
| D. Capital Projects Funds (Funds 500-550)      | 50,792,605         |
| E. Debt Service Fund (Funds 551-599)           | 13,363,356         |
| F. Enterprise Funds (Funds 600-669)            | 153,389,142        |
| G. Internal Service Funds (Funds 146, 670-699) | 48,309,824         |
| H. Successor Agency (Funds 760-769)            | 57,120             |
| I. Agency Funds (Funds 771-799)                | 5,028,203          |
| J. Other Funds (Funds 800-899)                 | 6,900,280          |
| <u>K. Total</u>                                |                    |
| Total General Fund                             | 275,380,387        |
| Add: Total Other Than General Fund             | 443,551,638        |
| <b>Gross Revenue Appropriated</b>              | <b>718,932,025</b> |
| Less: Dual Appropriations                      | -59,120,641        |
| Less: Revolving/Internal Service Funds         | -49,050,853        |
| <b>Net Revenue Appropriated</b>                | <b>610,760,531</b> |

Section 2. The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

- a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; PERS Savings Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement;

Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; IT Cost Allocation Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; and Sick Leave Entitlement Fund.

- b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From Measure FF – Public Safety Fund to Paramedic Tax Fund
- e. From the American Rescue Plan Fund to the General Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.
- f. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- g. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- h. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- i. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- j. To Catastrophic Loss Fund from Permit Service Center Fund.
- k. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- l. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.
- m. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation



Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

- n. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- o. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- p. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.
- q. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.
- r. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax

Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers’ Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- s. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina

Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- t. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**Attachment for Annual Appropriations Ordinance - Fiscal Year 2023**

**REVOLVING FUNDS/INTERNAL SERVICE FUNDS**

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

**Revolving/Internal Service Funds**

|                                           |               |
|-------------------------------------------|---------------|
| Employee Training Fund                    | 851,401       |
| Equipment Replacement Fund                | 6,300,512     |
| Equipment Maintenance Fund                | 9,296,717     |
| Building Maintenance Fund                 | 4,627,672     |
| Central Services Fund                     | 392,741       |
| Workers' Compensation Fund                | 6,467,536     |
| Public Liability Fund                     | 3,802,945     |
| Information Technology Fund               | 17,311,329    |
| Subtotal Revolving/Internal Service Funds | \$ 49,050,853 |

**DUAL APPROPRIATIONS - WORKING BUDGET**

Dual appropriations are identified with revenues generated by one fund and transferred to another fund. Both funds are credited with the applicable revenue, and the total is reflected in the "Less Dual Appropriations" in item I. The dual appropriations are:

Transfers to the General Fund

|                                       |              |
|---------------------------------------|--------------|
| <u>Indirect Cost Reimbursement</u>    |              |
| CDBG Fund                             | 176,194      |
| Street Light Assessment District Fund | 164,811      |
| Zero Waste Fund                       | 2,827,863    |
| Marina Enterprise Fund                | 423,813      |
| Sanitary Sewer Fund                   | 1,335,826    |
| Clean Storm Water Fund                | 207,052      |
| Permit Service Center Fund            | 2,204,064    |
| Unified Program (CUPA) Fund           | 86,575       |
| Subtotal Transfers to General Fund:   | \$ 7,426,198 |

|                                                                              |                       |
|------------------------------------------------------------------------------|-----------------------|
| Transfer to Safety Members Pension Fund from General Fund                    | 551,804               |
| Transfer to Measure U1 Fund from General Fund                                | 4,900,000             |
| Transfer to Stability Reserve Fund from General Fund                         | 2,200,000             |
| Transfer to Catastrophic Reserve Fund from General Fund                      | 1,800,000             |
| Transfer to PERS Savings Fund from General Fund                              | 2,000,000             |
| Transfer to Health State Aid Realignment from General Fund                   | 1,953,018             |
| Transfer to Fair Election Fund from General Fund                             | 612,210               |
| Transfer to Capital Improvement Fund (CIP) from General Fund                 | 18,370,905            |
| Transfer to Phone System Replacement - VOIP from General Fund                | 449,408               |
| Transfer to Equipment Replacement Fund from General Fund                     | 1,081,699             |
| Transfer to Public Liability Fund from General Fund                          | 3,895,888             |
| Transfer to Catastrophic Loss Fund from General Fund                         | 3,048,587             |
| Transfer to IT Cost Allocation Fund from General Fund                        | 71,335                |
| Transfer to Police Employee Retiree Health Assistance Plan from General Fund | 400,136               |
| Transfer to Sick Leave Entitlement Fund from General Fund                    | 201,501               |
| Transfer to General Fund from Health State Aid Realignment Fund              | 2,643,280             |
| Transfer to Paramedic Tax Fund from Measure FF - Public Safety Fund          | 757,925               |
| Transfer to General Fund from Amercian Rescue Plan Fund                      | 3,255,743             |
| Transfer from CIP Fund to PERS Savings Fund                                  | 151,632               |
| Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund       | 499,802               |
| Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund                     | 402,613               |
| Transfer to Private Sewer Lateral Fund from Sewer Fund                       | 90,501                |
| Transfer to Catastrophic Loss Fund from Permit Service Center Fund           | 50,555                |
| Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund          | 5,082                 |
| Transfer to General Fund from Parking Meter Fund                             | 1,742,288             |
| Transfer to General Fund from IT Cost Allocation Fund                        | 450,613               |
| Transfer to First Source Fund from Parks Tax Fund                            | 6,675                 |
| Transfer to First Source Fund from Capital Improvement Fund                  | 29,943                |
| Transfer to First Source Fund from Marina Fund                               | 2,625                 |
| Transfer to Public Art Fund from Parks Tax Fund                              | 11,681                |
| Transfer to Public Art Fund from Capital Improvement Fund                    | 52,400                |
| Transfer to Public Art Fund from Marina Fund                                 | 4,594                 |
| Subtotal Transfers to Other Funds:                                           | <u>51,694,443</u>     |
| Sub-Total Dual Appropriations                                                | <u>\$ 59,120,641</u>  |
| <b>Grand Total Dual Appropriations</b>                                       | <b>\$ 108,171,494</b> |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                         | FY 2024<br>Adopted |
|---------------------------------------------|--------------------|
| 11 General Fund Discretionary               | 269,428,381        |
| 16 Measure U1 - Housing                     | 5,952,006          |
| 101 Library - Tax                           | 24,642,865         |
| 103 Library - Grants                        | 67,526             |
| 104 Library - Friends & Gift                | 150,000            |
| 105 Library - Foundation                    | 200,000            |
| 106 Asset Forfeiture                        | 201,000            |
| 107 Special Tax Measure E                   | 1,673,845          |
| 108 First Source Fund                       | 57,676             |
| 110 Sec 108 Loan Gty Asst.                  | 587,612            |
| 111 Fund Raising Activities                 | 64,048             |
| 113 Gilman Sports Field                     | 297,279            |
| 115 Animal Shelter                          | 52,480             |
| 116 Paramedic Tax                           | 4,981,166          |
| 119 Domestic Violence Prev - Vit Stat       | 26,635             |
| 120 Affordable Housing Mitigation           | 2,998,899          |
| 121 Affordable Child Care                   | 13,275             |
| 122 Inclusionary Housing Program            | 610,282            |
| 123 Condo Conversion                        | 122,348            |
| 125 Playground Camp                         | 2,735,587          |
| 126 State-Prop 172 Pub.Safety               | 435,387            |
| 127 State Transportation Tax                | 5,868,962          |
| 128 CDBG                                    | 4,792,214          |
| 129 Rental Housing Safety Program           | 2,356,542          |
| 130 Measure B - Local St & Road             | 21,958             |
| 131 Measure B - Bike and Pedestrian         |                    |
| 132 Measure B - Paratransit                 | 36,797             |
| 133 Measure F Alameda County VRF St & Rd    | 968,796            |
| 134 Measure BB - Local St & Road            | 10,085,614         |
| 135 Measure BB - Bike & Pedestrian          | 1,484,882          |
| 136 Measure BB - Paratransit                | 969,418            |
| 138 Parks Tax                               | 15,963,245         |
| 140 Measure GG - Fire Prep Tax              | 5,704,447          |
| 142 Streetlight Assesment District          | 3,217,318          |
| 143 Berkeley Bus Ec Dev                     | 156,387            |
| 146 Employee Training                       | 851,401            |
| 147 UC Settlement                           | 4,640,905          |
| 148 Cultural Trust                          | 110,372            |
| 149 Private Party Sidewalks                 | 100,000            |
| 150 Public Art Fund                         | 118,718            |
| 152 Vital & Health Statistics Trust Fund    | 30,292             |
| 156 Hlth State Aid Realign Trust            | 3,947,649          |
| 157 Tobacco Cont.Trust                      | 300,243            |
| 158 Mental Health State Aid Realign         | 4,031,749          |
| 159 Citizens Option Public Safety Trust     | 272,292            |
| 161 Alameda Cty Abandoned Vehicle Abatement | 128,168            |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                    | FY 2024<br>Adopted |
|----------------------------------------|--------------------|
| 164 Measure FF                         | 8,525,459          |
| 165 Fair Elections                     | 612,210            |
| 301 Operating Grants - Federal         | 130,186            |
| 302 Operating Grants - State           | 976,688            |
| 306 Capital Grants - State             | 1,905,666          |
| 307 Capital Grants - Local             | 1,057,000          |
| 309 OTS DUI Enforcement Education Prg. | 137,060            |
| 310 HUD/Home                           | 819,770            |
| 311 ESGP                               | 273,659            |
| 312 Health (General)                   | 2,216,057          |
| 313 Target Case Management Linkages    | 1,046,552          |
| 314 Alameda County Tay Tip             | 35,812             |
| 315 Mental Health Service Act          | 10,792,336         |
| 316 Health (Short/Doyle)               | 6,504,323          |
| 317 EPSDT Expansion Proposal           | 459,456            |
| 318 Alcoholic Bev Ctr OTS/UC           | 55,639             |
| 319 Youth Lunch                        | 69,820             |
| 320 Sr. Nutrition Title III            | 178,189            |
| 321 CFP Title X                        | 160,967            |
| 324 BUSD Grant                         | 363,548            |
| 325 Vector Control                     | 246,781            |
| 326 Alameda County Grants              | 777,675            |
| 327 Senior Supportive Social Services  | 124,403            |
| 328 Family Care Support Program        | 88,321             |
| 329 CA Integrated Waste Management     | 5,244              |
| 331 Housing Mitigation                 | 1,126,763          |
| 333 CALHOME                            | 363,100            |
| 334 Community Action                   | 281,777            |
| 336 One-Time Grant: No Cap Exp         | 6,999,778          |
| 339 MTC                                | 752,827            |
| 340 FEMA                               | 959,325            |
| 341 Alameda Cty Waste Mgt.             | 285,000            |
| 343 State Dept Conserv/Recylg          | 28,000             |
| 347 Shelter+Care HUD                   | 6,461,774          |
| 348 Shelter+Care County                | 906,212            |
| 349 JAG Grant                          | 55,650             |
| 350 Bioterrorism Grant                 | 315,162            |
| 354 ARPA - Local Fiscal Recovery Fund  | 3,647,011          |
| 501 Capital Improvement Fund           | 22,333,379         |
| 502 Phone System Replacement           | 449,408            |
| 503 FUND\$ Replacement                 | 3,372,446          |
| 504 PEG-Public, Education & Government | 100,000            |
| 511 Measure T1 - Infra & Facil.        | 18,091,805         |
| 512 Measure O                          | 6,445,567          |
| 552 09 Measure FF Debt Service         | 1,337,638          |
| 553 2015 GORBS                         | 2,047,259          |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                           | FY 2024<br>Adopted |
|-----------------------------------------------|--------------------|
| 554 2012 Lease Revenue Bonds BJPFA            | 499,820            |
| 555 2015 GORBS - 2002 G.O. Refunding Bonds    | 378,696            |
| 556 2015 GORBS (2007, Series A)               | 142,540            |
| 557 2015 GORBS (2008 Measure I)               | 480,184            |
| 558 2010 COP (Animal Shelter)                 | 140,085            |
| 559 Measure M GO Street & Water Imps          | 1,630,863          |
| 560 Infrastructure & Facilities Measure T1    | 4,699,006          |
| 561 Measure O - Housing Bonds                 | 2,007,265          |
| 601 Zero Waste                                | 59,489,630         |
| 608 Marina Operation                          | 8,027,559          |
| 611 Sewer                                     | 32,561,256         |
| 612 Private Sewer Lateral FD                  | 80,417             |
| 616 Clean Storm Water                         | 6,111,869          |
| 621 Permit Service Center                     | 25,508,236         |
| 622 Unified Program (CUPA)                    | 849,669            |
| 627 Off Street Parking                        | 6,940,920          |
| 631 Parking Meter                             | 10,122,167         |
| 636 Building Purchases and Management         | 3,697,419          |
| 671 Equipment Replacement                     | 6,300,512          |
| 672 Equipment Maintenance                     | 9,296,717          |
| 673 Building Maintenance Fund                 | 4,627,672          |
| 674 Central Services                          | 392,741            |
| 676 Workers Compensation                      | 6,467,536          |
| 678 Public Liability                          | 3,802,945          |
| 680 Information Technology                    | 17,311,329         |
| 762 Successor Agency - Savo DSF               | 57,120             |
| 776 Thousand Oaks Underground                 | 98,448             |
| 777 Measure H - School Tax                    | 500,000            |
| 778 Measure Q - CFD#1 Dis. Fire Protect Bond  | 988,982            |
| 779 Spl Tax Bds. CFD#1 ML-ROOS                | 775,623            |
| 781 Berkeley Tourism BID                      | 433,333            |
| 782 Elmwood Business Improvement District     | 30,000             |
| 783 Solano Ave BID                            | 25,000             |
| 784 Telegraph Avenue Bus. Imp. District       | 583,315            |
| 785 North Shattuck BID                        | 210,363            |
| 786 Downtown Berkeley Prop & Improv. District | 1,383,139          |
| 801 Rent Board                                | 6,900,280          |
| GROSS EXPENDITURE:                            | 718,932,025        |
| Dual Appropriations                           | (59,120,641)       |
| Revolving & Internal Service Funds            | (49,050,853)       |
| NET EXPENDITURE:                              | 610,760,531        |





Department of Finance

## ACTION CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Borrowing of Funds and the Sale and Issuance of FY 2023-24 Tax and Revenue Anticipation Notes

### RECOMMENDATION

Adopt a Resolution approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2023-24 Tax and Revenue Anticipation Notes.

### FISCAL IMPACTS OF RECOMMENDATION

Each year, the City (as do many local agencies) issues Tax and Revenue Anticipation Notes ("Notes") to help with its working capital needs during the first six months of the fiscal year. The reason for this issuance is that the City does not receive property tax revenues until December, thereby creating a negative cash flow in the General Fund. This annual issuance also enables the General Fund to recoup some of the interest earnings lost in advancing money to grant funds pending grant reimbursements, since the interest rate earned on any note proceeds invested will exceed the cost of borrowing.

The City's General Fund cash flow has become more volatile due to (1) The City now receives property tax in December and April; and (2) also receives the payment of Vehicle In Lieu fees in December and May with the property taxes, instead of monthly.

The money will be deposited in the General Fund and used by the City for any purpose for which it is authorized to expend General Fund monies. The interest earned on these monies will be allocated to the General Fund. The repayment of principal and interest on the Notes are to be made from General Fund taxes and other revenues.

### CURRENT SITUATION AND ITS EFFECTS

The General Fund advances grant funds in the amounts needed to pay for their expenditures, until these funds receive reimbursement from the granting agencies. During the first six months of the fiscal year until property tax receipts are received, General Fund operating expenditures exceed revenues. Under the interpretation of Sections 53850-53858 of the California Government Code and federal tax law by the City's Bond Counsel,

Jones Hall, the City may borrow an amount not to exceed the maximum anticipated cash flow deficit plus five percent of working capital reserve if all the note proceeds, including investment earnings, are deemed spent within 6 months of the date of the issue of the Notes. This method of financing involves the sale of the Notes and is a traditional means used by local governments to ensure a consistent cash flow during the fiscal year. This year the City will borrow Note funds of \$25,000,000 to help with working capital needs in the first six months of the fiscal year and, when expenditures exceed incoming revenues. In the last six months of the fiscal year, the Notes will be repaid from General Fund taxes and other revenues, mainly property taxes and business license taxes.

For Fiscal Year 2023-24, the City will require a Note sale of an amount not to exceed twenty-five million dollars (\$25,000,000). The interest rate on the Notes will depend on competitive rates at the time of the sale.

### DISCLOSURE

The attached Preliminary Official Statement has been reviewed and approved for transmittal to the City Council by the City's financing team. The distribution of the Preliminary Official Statement by the City is subject to federal securities laws, including the Securities Act of 1933 and the Securities Exchange Act of 1934. These laws require the Preliminary Official Statement to include all facts that would be material to an investor in the Notes. Material information is information that there is a substantial likelihood would have actual significance in the deliberations of the reasonable investor when deciding whether to buy or sell the Notes. If the City Council concludes that the Preliminary Official Statement includes all facts that would be material to an investor in the Notes, it must adopt a resolution that authorizes staff to execute a certificate to the effect that the Preliminary Official Statement has been "deemed final."

The Securities and Exchange Commission (the "SEC"), the agency with regulatory authority over the City's compliance with the federal securities laws, has issued guidance as to the duties of the City Council with respect to its approval of the Preliminary Official Statement. In its "Report of Investigation in the Matter of County of Orange, California as it Relates to the Conduct of the Members of the Board of Supervisors" (Release No. 36761 / January 24, 1996) (the "Release"), the SEC indicated that, if a member of the City Council has knowledge of any facts or circumstances that an investor would want to know about prior to investing in the Notes, whether relating to their repayment, tax-exempt status, undisclosed conflicts of interest with interested parties, or otherwise, he or she should endeavor to discover whether such facts are adequately disclosed in the Preliminary Official Statement. In the Release, the SEC indicated that the steps that a member of the City Council could take include becoming familiar with the Preliminary Official Statement and questioning staff and consultants about the disclosure of such facts.

The information about the sources of payment for the Notes, including the City's financial and operating data, is set forth in the sections of the Preliminary Official Statement entitled

“SECURITY FOR AND SOURCES OF PAYMENT FOR THE NOTES” and “APPENDIX A - CERTAIN INFORMATION CONCERNING THE CITY OF BERKELEY.”

The information about the tax-exempt status of the Notes is set forth in the section of the Preliminary Official Statement entitled “TAX MATTERS.”

RATIONALE FOR RECOMMENDATION

The General Fund advances grant funds the amounts needed to pay for their expenditures, until these funds receive reimbursement from the granting agencies. During the first six months of the fiscal year, General Fund operating expenditures exceed revenues. As a result, the General Fund’s working capital is depleted during this period, and borrowing these funds will alleviate that situation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Henry Oyekanmi, Director of Finance, Finance Department, 981-7326

Attachments:

1. Resolution
2. Draft Form of Official Notice of Sale
3. Form of Bond Counsel Opinion
4. Form of the Preliminary Official Statement

**\*\*\* PLEASE DO NOT PLACE THIS ITEM ON THE CONSENT CALENDAR PURSUANT TO GOVERNMENT CODE SECTION 53635.7\*\*\***

RESOLUTION NO. \_\_\_\_\_-N.S.

**APPROVING THE BORROWING OF FUNDS FOR FISCAL YEAR 2023-24 AND THE ISSUANCE AND SALE OF 2023-24 TAX AND REVENUE ANTICIPATION NOTES**

WHEREAS, pursuant to Article 7.6 (commencing with section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the California Government Code (the "Law"), this City Council (the "Council") has found and determined that moneys are needed for the requirements of the City, a municipal corporation and charter city duly organized and existing under the laws of the State of California, to satisfy obligations payable from the General Fund of the City (the "General Fund"), and that it is necessary that said sum be borrowed for such purpose at this time by the issuance of temporary notes therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the City for the General Fund during or allocable to the fiscal year of the City beginning July 1, 2023 and ending June 30, 2024 ("Fiscal Year 2023-24"); and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the following:

*Section 1. Limitation on Maximum Amount.* The principal amount of notes issued pursuant hereto, when added to the interest payable thereon, shall not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue, cash receipts and other moneys of the City for the General Fund attributable to Fiscal Year 2023-24, and available for the payment of said notes and the interest thereon (as hereinafter provided).

*Section 2. Authorization and Terms of Notes.* Solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the City for the General Fund during or allocable to Fiscal Year 2023-24, and not pursuant to any common plan of financing, the City hereby determines to and shall borrow the principal amount of not-to-exceed Twenty-Five Million Dollars (\$25,000,000) by the issuance of temporary notes under the Law, designated "City of Berkeley, California 2023-24 Tax and Revenue Anticipation Notes" (the "Notes"). The Notes shall be dated the date of initial delivery, shall mature (without option of prior redemption) no later than thirteen months after their date of issuance, and shall bear interest, payable at maturity and computed on a 30-day month/360-day year basis, at a rate not in excess of eight percent (8%) per annum. Both the principal of and interest on the Notes shall be payable in lawful money of the United States of America, as described below.

*Section 3. Form of Notes; Book Entry Only System.* The Notes shall be issued in fully registered form, without coupons, and shall be substantially in the form and substance set forth in Exhibit A attached hereto and by reference incorporated herein, the blanks in said form to be filled in with appropriate words and figures. The Notes shall be numbered from 1 consecutively upward in order of issuance, shall be in the denomination of \$5,000 each or any integral multiple thereof.

"CUSIP" identification numbers shall be imprinted on the Notes, but such numbers shall not constitute a part of the contract evidenced by the Notes and any error or omission with respect thereto shall not constitute cause for refusal of any purchaser to accept delivery of and pay for

the Notes. In addition, failure on the part of the City to use such CUSIP numbers in any notice to the registered owners of the Notes shall not constitute an event of default or any violation of the City's contract with such owners and shall not impair the effectiveness of any such notice.

Except as provided below, the owner of all of the Notes shall be The Depository Trust Company, New York, New York ("DTC"), and the Notes shall be registered in the name of Cede & Co., as nominee for DTC. The Notes shall be initially executed and delivered in the form of a single fully registered Note in the full aggregate principal amount of the Notes. The City may treat DTC (or its nominee) as the sole and exclusive owner of the Notes registered in its name for all purposes of this Resolution, and the City shall not be affected by any notice to the contrary. The City shall not have any responsibility or obligation to any participant of DTC (a "Participant"), any person claiming a beneficial ownership interest in the Notes under or through DTC or a Participant (a "Beneficial Owner"), or any other person not shown on the register of the City as being an owner, with respect to the accuracy of any records maintained by DTC or any Participant or the payment by DTC or any Participant by DTC or any Participant of any amount in respect of the principal or interest with respect to the Notes. The City shall pay all principal and interest with respect to the Notes only to DTC or its nominee, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest with respect to the Notes to the extent of the sum or sums so paid. Except under the conditions noted below, no person other than DTC shall receive a Note. Upon delivery by DTC to the City of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the term "Cede & Co." in this Resolution shall refer to such new nominee of DTC.

If the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Notes and delivers a written certificate to DTC to that effect, DTC shall notify the Participants of the availability through DTC of Notes. In such event, the City shall issue, transfer and exchange Notes as requested by DTC and any other owners in appropriate amounts. DTC may determine to discontinue providing its services with respect to the Notes at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City shall be obligated to deliver Notes to the Beneficial Owners as described in this Resolution. Whenever DTC requests the City to do so, the City will cooperate with DTC in taking appropriate action after reasonable notice to (a) make available one or more separate Notes evidencing the Notes to any DTC Participant having Notes credited to its DTC account or (b) arrange for another securities depository to maintain custody of Certificates evidencing the Notes.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Note is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal and interest with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to DTC as provided as in the representation letter delivered on the date of issuance of the Notes.

*Section 4. Use of Proceeds.* The proceeds of the sale of the Notes shall be deposited in a segregated account in the General Fund and used and expended by the City for any purpose for which it is authorized to expend funds from the General Fund.

*Section 5. Security.* The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the City for the General Fund for Fiscal Year 2023-24. As security for the payment of the principal of and interest on the Notes the City hereby pledges the first "unrestricted moneys" (as hereinafter defined) to be received by the City as follows: (a) an amount equal to fifty percent

(50%) of the principal amount of the Notes in the month of January, 2024; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2024; and (c) an amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2024 (such pledged amounts being hereinafter called the "Pledged Revenues"). The principal of the Notes and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues. To the extent not so paid from the Pledged Revenues, the Notes shall be paid from any other moneys of the City lawfully available therefor. In the event that there are insufficient "unrestricted moneys" received by the City to permit the deposit into the Special Account (as hereinafter defined) of the full amount of the Pledged Revenues to be deposited in any month by the last business day of such month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the repayment of the Notes and interest thereon. The term "unrestricted moneys" shall mean taxes, income, revenue, cash receipts, and other moneys received by the City for the General Fund for Fiscal Year 2023-24 and which are generally available for the payment of current expenses and other obligations of the City.

*Section 6. Special Account.* There is hereby created, within the General Fund, a special account to be designated the "2023-24 Tax and Revenue Anticipation Note Special Account" (the "Special Account") and applied as directed in this Resolution. Any money placed in the Special Account shall be for the benefit of the owners of the Notes and, until the Notes and all interest thereon are paid or until provision has been made for the payment of the Notes at maturity with interest to maturity, the moneys in the Special Account shall be applied solely for the purposes for which the Special Account is created.

During the months of January, May, and June, 2024, the City shall deposit all Pledged Revenues in the Special Account. On the maturity date of the Notes, the City shall transfer to DTC the moneys in the Special Account necessary to pay the principal of and interest on the Notes at maturity and to the extent said moneys are insufficient therefor an amount of moneys from the General Fund which will enable payment of the full principal of and interest on the Notes at maturity. DTC will thereupon make payments of principal of and interest on the Notes to the DTC Participants who will thereupon make payments to the Beneficial Owners of the Notes. Any moneys remaining in the Special Account after the Notes and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the General Fund.

*Section 7. Deposit and Investment of Special Account.* All moneys held by the City in the Special Account, if not invested, shall be held in time or demand deposits as public funds and shall be secured at all times by bonds or other obligations which are authorized by law as security for public deposits, of a market value at least equal to the amount required by law.

Moneys in the Special Account shall, to the greatest extent possible, be invested by the City directly, or through an investment agreement, in investments as permitted by the laws of the State of California as now in effect and as hereafter amended, and the proceeds of any such investments shall be deposited in the Special Account.

*Section 8. Execution of Notes.* The Mayor of the City, the City Manager, or the Director of Finance (each an "Authorized Officer") is hereby authorized to execute the Notes by manual or facsimile signature, and the City Clerk of the City is hereby authorized to countersign the same by manual or facsimile signature (although at least one of such signatures shall be manual) and to affix the seal of the City thereto by facsimile impression thereof, and said officers are hereby authorized to cause the blank spaces thereof to be filled in as may be appropriate.

**Section 9. Transfer of Notes.** Any Note may, in accordance with its terms, but only if the City determines to no longer maintain the book entry only status of the Notes, DTC determines to discontinue providing such services and no successor securities depository is named or DTC requests the City to deliver Note certificates to particular DTC Participants, be transferred, upon the books required to be kept pursuant to the provisions of Section 11 hereof, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Note for cancellation at the office of the City Clerk, accompanied by delivery of a written instrument of transfer in a form approved by the City, duly executed.

Whenever any Note or Notes shall be surrendered for transfer, the City shall execute and the Paying Agent shall authenticate and deliver a new Note or Notes, for like aggregate principal amount.

**Section 10. Exchange of Notes.** Any Note may, in accordance with its terms, but only if the City determines to no longer maintain the book entry only status of the Notes, DTC determines to discontinue providing such services and no successor securities depository is named or DTC requests the City to deliver Note certificates to particular DTC Participants, be exchanged at the office of the City Clerk for a like aggregate principal amount of Notes of authorized denominations and of the same maturity.

**Section 11. Note Register.** The City shall keep or cause to be kept sufficient books for the registration and transfer of the Notes if the book entry only system is no longer in effect and, in such case, the City Clerk shall register or transfer or cause to be registered or transferred, on said books, Notes as herein before provided. While the book entry only system is in effect, such books need not be kept as the Notes will be represented by one Note registered in the name of Cede & Co., as nominee for DTC.

**Section 12. Temporary Notes.** The Notes may be initially issued in temporary form exchangeable for definitive Notes when ready for delivery. The temporary Notes may be printed, lithographed or typewritten, shall be of such denominations as may be determined by the City, and may contain such reference to any of the provisions of this Resolution as may be appropriate. Every temporary Note shall be executed by the City upon the same conditions and in substantially the same manner as the definitive Notes. If the City issues temporary Notes it will execute and furnish definitive Notes without delay, and thereupon the temporary Notes may be surrendered, for cancellation, in exchange therefor at the office of the City Clerk and the City Clerk shall deliver in exchange for such temporary Notes an equal aggregate principal amount of definitive Notes of authorized denominations. Until so exchanged, the temporary Notes shall be entitled to the same benefits pursuant to this Resolution as definitive Notes executed and delivered hereunder.

**Section 13. Notes Mutilated, Lost, Destroyed or Stolen.** If any Note shall become mutilated the City, at the expense of the owner of said Note, shall execute and deliver a new Note of like maturity and principal amount in exchange and substitution for the Note so mutilated, but only upon surrender to the City Clerk of the Note so mutilated. Every mutilated Note so surrendered to the City Clerk shall be canceled and delivered to, or upon the order of, the City. If any Note shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the City and, if such evidence be satisfactory to the City and indemnity satisfactory to it shall be given, the City, at the expense of the owner, shall execute and deliver a new Note of like maturity and principal amount in lieu of and in substitution for the Note so lost, destroyed or stolen. The City may require payment of a sum not exceeding the actual cost of preparing each new Note issued under this Section 13 and of the expenses which may be incurred by the City in the premises. Any Note issued under the provisions of this Section 13 in lieu of any Note alleged to

be lost, destroyed or stolen shall constitute an original additional contractual obligation on the part of the City whether or not the Note so alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Resolution with all other Notes issued pursuant to this Resolution.

*Section 14. Covenants and Warranties.* It is hereby covenanted and warranted by the City that all representations and recitals contained in this Resolution are true and correct, and that the City and its appropriate officials have duly taken all proceedings necessary to be taken by them, and will take any additional proceedings necessary to be taken by them, for the prompt collection and enforcement of the taxes, income, revenue, cash receipts and other moneys pledged hereunder in accordance with law and for carrying out the provisions of this Resolution.

*Section 15. Tax Covenants.*

(a) *No Arbitrage.* The City shall not take, nor permit nor suffer to be taken any action with respect to the proceeds of the Notes which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date of issuance of the Notes (the "Closing Date") would have caused the Notes to be "arbitrage bonds" within the meaning of section 148 of the Internal Revenue Code of 1986 (the "Code").

(b) *Rebate Requirement.* The City shall take any and all actions necessary to assure compliance with section 148(f) of the Code, relating to the rebate of excess investment earnings, if any, to the federal government.

(c) *Private Activity Note Limitation.* The City shall assure that proceeds of the Notes are not so used as to cause the Notes to satisfy the private business tests of section 141(b) of the Code.

(d) *Private Loan Financing Limitation.* The City shall assure that proceeds of the Notes are not so used as to cause the Notes to satisfy the private loan financing test of section 141(c) of the Code.

(e) *Federal Guarantee Prohibition.* The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Notes to be "federally guaranteed" within the meaning of section 149(b) of the Code.

(f) *Maintenance of Tax-Exemption.* The City shall take all actions necessary to assure the exclusion of interest on the Notes from the gross income of the owners of the Notes to the same extent as such interest is permitted to be excluded from gross income under the Code as in effect on the Closing Date.

*Section 16. Official Statement.* The City Council hereby approves the Official Statement describing the Notes, in substantially the form on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by an Authorized Officer. The City Council authorizes and directs an Authorized Officer on behalf of the City to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Official Statement prior to its distribution. The execution of the Official Statement, which shall include such changes and additions thereto deemed advisable by an Authorized Officer and such information permitted to be excluded from the Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the Official Statement by the City.



An Authorized Officer is authorized and directed to execute the Official Statement and a statement that the facts contained in the Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Notes, true and correct in all material respects and that the Official Statement did not, on the date of sale of the Notes, and does not, as of the date of delivery of the Notes, contain any untrue statement of a material fact with respect to the City or omit to state material facts with respect to the City required to be stated where necessary to make any statement made therein not misleading in the light of the circumstances under which it was made. An Authorized Officer shall take such further actions prior to the signing of the Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The Official Statement is approved for distribution in the offering and sale of the Notes.

*Section 17. Sale of Notes.* An underwriter (the "Underwriter") to be designated by an Authorized Officer will purchase the Notes. An Authorized Officer is hereby authorized to designate the Underwriter, in consultation with the City's municipal advisor, NHA Advisors, LLC (the "Municipal Advisor") in one of the following ways:

(a) *Limited Negotiated.* An Authorized Officer may direct the Municipal Advisor to contact a limited number of Underwriters and negotiate the sale of the Notes. An Authorized Officer is hereby authorized to cause Jones Hall, A Professional Law Corporation, as bond counsel to the City ("Bond Counsel"), to prepare and to execute and deliver a Note Purchase Agreement in connection with a negotiated sale of the notes in such form (including designation of the Underwriter) as an Authorized Officer shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof.

(b) *Public Sale.* An Authorized Officer, in consultation with the Municipal Advisor, may determine to sell the Notes by competitive bid and award the sale of the Notes as set forth in an Official Notice of Sale (the "Official Notice of Sale"), the form of which is attached to this Resolution and is hereby approved, and which Bond Counsel is hereby authorized to finalize, consistent with this Resolution. If an Authorized Officer determines to proceed with a competitive bid, (a) Bond Counsel is hereby directed to arrange for the publication of a notice of intention of the sale of the Notes in accordance with Section 53692 of the Government Code and (b) an Authorized Officer is hereby directed to execute the Official Notice of Sale; to open the bids at the time and place specified in the Official Notice of Sale; to receive and record the receipt of all bids made pursuant to the Official Notice of Sale; to cause said bids to be examined for compliance with the Official Notice of Sale; to cause computations to be made as to which bidder has bid the lowest true interest cost, as provided in the Official Notice of Sale; to announce the bidder of the lowest true interest cost; and to award the sale to said bidder.

An Authorized Officer is further authorized to determine the maximum principal amount of the Notes and the maximum interest rate on the Notes not to exceed the maximum principal amount and interest rate set forth in Section 2.

*Section 18. Engagement of Professional Services.* The City hereby approves the engagement of Jones Hall, A Professional Law Corporation as Bond Counsel and Disclosure Counsel and NHA Advisors, LLC as Municipal Advisor to the City in connection with the issuance and sale of the Notes. The City Attorney is authorized to execute a legal services agreement with

Jones Hall, with Jones Hall's compensation to be contingent upon issuance of the Notes, and Jones Hall's compensation is not set by law but is negotiable.

Section 19. Preparation of Notes; Official Action. Jones Hall, A Professional Law Corporation, as bond counsel, is directed to cause suitable Notes to be prepared showing on their face that the same bear interest at the rate specified in the offer submitted by the successful bidder or bidders, and to cause the blank spaces therein to be filled in to comply with the provisions of this Resolution, and to procure their execution by the proper officers, and to cause the Notes to be delivered when so executed to DTC on behalf of the successful bidder or bidders therefor upon the receipt of the purchase price by the City Treasurer in accordance with such successful bid or bids.

An Authorized Officer is further authorized and directed to make, execute and deliver such certificates, agreements and other closing documents as are necessary to consummate the transactions contemplated by this Resolution.

Section 20. Effective Date. This Resolution shall take effect upon its adoption.

The foregoing Resolution was adopted by the Berkeley City Council on June 27, 2023 by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest: \_\_\_\_\_  
City Clerk



to pay interest as due on the Notes at their maturity, in the month of June, 2024 (such pledged amounts being hereinafter called the "Pledged Revenues"). The principal of the Notes and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues. To the extent not so paid from the Pledged Revenues, the Notes shall be paid from any other moneys of the City lawfully available therefor. In the event that there are insufficient "unrestricted moneys" received by the City to permit the deposit into the Special Account (as hereinafter defined) of the full amount of the Pledged Revenues to be deposited in any month by the last business day of such month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the repayment of the Notes and interest thereon. The term "unrestricted moneys" shall mean taxes, income, revenue, cash receipts, and other moneys received by the City for the General Fund of the City for Fiscal Year 2023-24 and which are generally available for the payment of current expenses and other obligations of the City.

The Notes are issuable as fully registered Notes, without coupons, in denominations of \$5,000 and any integral multiple thereof. Subject to the limitations and conditions as provided in the Resolution, Notes may be exchanged for a like aggregate principal amount of Notes of other authorized denominations and of the same maturity.

The Notes are not subject to redemption prior to maturity.

This Note is transferable by the Owner hereof, but only under the circumstances, in the manner and subject to the limitations provided in the Resolution. Upon registration of such transfer a new Note or Notes, of authorized denomination or denominations, for the same aggregate principal amount and of the same maturity will be issued to the transferee in exchange herefor.

The City may treat the Owner hereof as the absolute owner hereof for all purposes, and the City shall not be affected by any notice to the contrary.

Unless this Note is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

IN WITNESS WHEREOF, the City of Berkeley has caused this Note to be executed by the City Manager and countersigned by the City Clerk of the City, all as of the Issue Date stated above.

CITY OF BERKELEY

By \_\_\_\_\_  
City Manager

Countersigned:

By \_\_\_\_\_  
City Clerk

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## OFFICIAL NOTICE OF SALE

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### 2023-24 TAX AND REVENUE ANTICIPATION NOTES

\$ \_\_\_\_\_ \*  
City of Berkeley  
(Alameda County, California)

**NOTICE IS HEREBY GIVEN** that electronic bid proposals (see "TERMS OF SALE --- Electronic Bids" below) for the purchase of the captioned notes (the "Notes") will be received by the City Berkeley, California (the "City"), through BiDCOMP™/Parity® ("Parity") on:

**TUESDAY, JULY 11, 2023**

between 8:00 a.m. and 8:30 a.m. California Time.

Further information may be obtained from the municipal advisor to the City, NHA Advisors, 4040 Civic Center Drive, Suite 200, San Rafael, California 94903, Attn: Rob Schmidt, telephone: (415) 785-2025 ext. 2006, email: rob@NHAadvisors.com.

**POSTPONEMENT:** The City reserves the right to postpone or change the time or sale date upon notice delivered via Bloomberg News Service or Thomson Municipal Market Monitor (www.tm3.com).

**ISSUE AND DENOMINATION; BOOK ENTRY ONLY SYSTEM; CUSIP NUMBER:** The Notes consist of fully registered notes, without coupons. The Notes will be issued in minimum denominations of \$5,000. The Notes will be issued in a book entry only system with no physical distribution of the Notes made to the public. The Depository Trust Company, New York, New York ("DTC"), will act as depository for the Notes, which will be immobilized in its custody. The Notes will be registered in the name of Cede & Co., as nominee for DTC, on behalf of the participants in the DTC system and the subsequent beneficial owners of the Notes. Pursuant to MSRB Rule G-34, the City's Municipal Advisor will apply for CUSIP number assignment prior to the award of the issue, but the cost shall be payable by the underwriter.

**DATE AND MATURITY:** The Notes will be dated the date of delivery (expected to be July 25, 2023), and will mature on July 24, 2024 (the "Maturity Date").

**INTEREST RATE:** The maximum interest rate bid for the Notes may not exceed eight percent (8%) per annum, payable upon maturity of the Notes. Bidders must specify the rate of interest which the Notes shall bear, provided that: (i) bids must be for all Notes; and (ii) the Notes shall bear interest from its date to its stated maturity at the interest rate specified in the bid.

**REDEMPTION:** The Notes are not subject to call and redemption prior to maturity.

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\* Preliminary, subject to change

**PAYMENT:** Both principal of and interest on the Notes will be payable on the Maturity Date, in lawful money of the United States of America, to DTC which will immediately credit the account of the successful bidder or bidders as participants in the DTC system.

**PURPOSE OF ISSUE:** The Notes are to be issued by the City and are authorized pursuant to the provisions of Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the California Government Code and the provisions of resolutions of the City for any purpose for which the City is authorized to expend moneys.

**SECURITY:** The Notes are an obligation of the City and are secured by a pledge of and first lien and charge against the first “unrestricted moneys,” as hereinafter defined, to be received by the City, (a) in an amount equal to 50% of the principal amount of the Notes to be received by the City in January 2024, (b) in an amount equal to 50% of the principal amount of the Notes to be received by the City in May 2024, and (c) in an amount equal to all interest due on the Notes at maturity to be received by the City in June 2024. The term “unrestricted moneys” mean taxes, income, revenue and other moneys intended as receipts for the general fund of the City and which are generally available for the payment of current expenses and other obligations of the City.

Said pledged moneys shall be deposited by the City in a special fund established, created and maintained by the City. Moneys shall be withdrawn from said fund for the sole purpose of paying the principal of and the interest on the Notes at their maturity.

By statute, the Notes are declared to be general obligations of the City, and to the extent not paid from said pledged moneys shall be paid, with the interest thereon, from any other moneys of the City lawfully available therefor. Under provisions of the California Constitution, the City is generally prohibited from incurring any indebtedness or liability exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of its qualified electors voting at an election called for such purpose.

**RATING:** S&P Global Ratings, a business unit of Standard & Poor’s Financial Services LLC, has given the Notes a rating of “\_\_\_\_\_”.

## TERMS OF SALE

**BEST BID:** *Bids must be for all of the Notes.* The Notes will be awarded on the basis of the lowest true interest cost including premium offered in the proposals. No bid for less than par will be entertained. In the event two or more bids setting forth identical interest rates and premium per dollar principal amount, if any, and aggregating a principal amount in excess of the principal amount of unawarded Notes are received, the City's Finance Director, pursuant to delegation by the Council, reserves the right to exercise his discretion and judgment in making the award and may award the Notes on a pro rata basis in such denominations as he shall determine.

**ELECTRONIC BIDS:** Solely as an accommodation to bidders, the City will accept bids in electronic form solely from Ipreo, a KKR portfolio company, through its BiDCOMP Competitive Bid Calculation System and Parity Electronic Bid Submission System ("Ipreo"). For information about Ipreo, bidders may contact Ipreo at 395 Hudson Street, New York, New York 10014, telephone (212) 849-5023. If any provision of this Notice of Sale conflicts with information provided by Ipreo, this Notice of Sale shall control. Each bidder submitting an electronic bid understands and agrees by doing so that it is solely responsible for all arrangements with Ipreo, that the City does not encourage the use of Ipreo, and that Ipreo is not acting as an agent of the City. Instructions for submitting electronic bids must be obtained from Ipreo, and the City does not assume any responsibility for ensuring or verifying bidder compliance with Ipreo procedures. Ipreo has advised the City that bidders must subscribe to Ipreo if such bidders intend to use Ipreo to submit bids. The City shall be entitled to assume that any bid received via Ipreo has been made by a duly authorized agent of the bidder.

Neither the City, the Municipal Advisor nor Bond Counsel has any responsibility for proper functioning of the Ipreo system, for any error contained in any bid submitted electronically, or for failure of any bid to be transmitted, received or opened at the official time for receipt of bids. The official time for receipt of bids will be determined by the City at the place of bid opening, and the City will not be required to accept the time kept by Parity as the official time. The City assumes no responsibility for informing any bidder prior to the deadline for receiving bids that its bid is incomplete, or not received.

**PROMPT AWARD:** The City Representative, pursuant to delegation by the City, will take action awarding the sale of the Notes or reject all bids not later than forty-eight (48) hours after the expiration of time herein prescribed for the receipt of bids and until such expiration of time all bids received shall be irrevocable. Unless such time of award is waived by the successful bidder, the award may be made after the expiration of the specified time if the bidder shall not have given to the City representative notice in writing of the withdrawal of such proposal. Notice of the award will be given promptly to the successful bidder.

**ESTABLISHMENT OF ISSUE PRICE:** (a) The winning bidder shall assist the City in establishing the issue price of the Notes and shall execute and deliver to the City at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public of the Notes, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as Exhibit 1, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City and Bond Counsel. All actions to be taken by the City under this Notice of Sale to establish the issue price of the Notes may be taken on behalf of the City by the City's municipal advisor identified herein and any notice or report to be provided to the City may be provided to the City's municipal advisor.

(b) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Notes) will apply to the initial sale of the Notes (the "competitive sale requirements") because:



- (1) the City shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the City anticipates awarding the sale of the Notes to the bidder who submits a firm offer to purchase the Notes at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Notes, as specified in the bid. **By submitting a bid for the Notes, each bidder certifies that it has an established industry reputation for underwriting new issuances of municipal bonds.** The City will not accept bids from firms without an established industry reputation for underwriting new issuances of municipal bonds.

(c) In the event the City receives less than three bids that conform to the parameters contained herein such that the competitive sale requirements are not satisfied, the City intends to treat the initial offering price of the Notes set forth in the bid submitted by the winning bidder (the "initial offering price") as the issue price of the Notes (the "hold-the-offering-price rule"). Consequently, each bidder should assume for purposes of making its bid that the City will treat the initial offering price of the Notes as of the date that the Notes are awarded by the City to the successful bidder ("sale date") as the issue price of the Notes. The City will advise the winning bidder within one hour of receipt of bids if the hold-the-offering-price rule will apply. In the event that the competitive sale requirements are not satisfied and issue price is established pursuant to the hold-the-offering-price rule, the issue price certificate shall be modified as necessary in the reasonable judgment of Bond Counsel and the City.

(d) By submitting a bid, the successful bidder shall, on behalf of the underwriters participating in the purchase of the Notes, (i) confirm that the underwriters have offered or will offer the Notes to the public on or before the sale date at the initial offering price set forth in the bid submitted by the winning bidder, and (ii) agree that the underwriters will neither offer nor sell the Notes to any person at a price that is higher than the initial offering price for the Notes during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of the Notes to the public at a price that is no higher than the initial offering price for the Notes.

The winning bidder shall promptly advise the City when the underwriters have sold 10% of the Notes to the public at a price that is no higher than the initial offering price if that occurs prior to the close of the fifth (5th) business day after the sale date.

(e) The City acknowledges that, in making the representation set forth above, the successful bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Notes to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was

employed in connection with the initial sale of the Notes to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the Notes.

(f) By submitting a bid, each bidder confirms that:

(1) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the sale of the Notes to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to

(A) report the prices at which it sells to the public the Notes until it is notified by the successful bidder that either the 10% test has been satisfied as to the Notes or all Notes have been sold to the public and

(B) comply with the hold-the-offering-price rule, if and for so long as directed by the successful bidder and in the related pricing wires, and

(2) any agreement among underwriters relating to the sale of the Notes to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Notes to the public to require each broker-dealer that is a party to such retail distribution agreement to

(A) report the prices at which it sells to the public the unsold Notes allotted to it until it is notified by the successful bidder or such underwriter that either the 10% test has been satisfied as to the Notes or all the Notes have been sold to the public and

(B) comply with the hold-the-offering-price rule, if and for so long as directed by the successful bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Notes to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Official Notice of Sale.

(g) For purposes of this Official Notice of Sale:

(1) "public" means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an underwriter or a related party,

(2) "underwriter" means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Notes to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Notes to the public (including a member of a selling

group or a party to a retail distribution agreement participating in the initial sale of the Notes to the public),

(3) a purchaser of any of the Notes is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

In addition, the City reserves the right to cancel the public sale of the Notes if the City receives fewer than three bids that conform to the parameters contained herein such that the competitive sale requirements are not satisfied.

**NO GOOD FAITH DEPOSIT:** The City is not requiring the successful bidder to submit a good faith deposit.

**DELIVERY AND PAYMENT:** It is estimated that the delivery of the Notes will be made to DTC for the account of the successful bidders on or about July 25, 2023. Payment of the purchase price must be made in funds immediately available to the City by wire transfer or other means acceptable to the City.

**RIGHT OF REJECTION:** The City reserves the right, in its sole discretion, to reject any and all bids for the Notes and to waive any irregularity or informality in any bid.

**CHANGE IN TAX EXEMPT STATUS:** At any time before the Notes are tendered for delivery, any successful bidder may disaffirm and withdraw its proposal if the interest received by private holders from notes of the same type and character shall be declared to be taxable income under present federal income tax laws, either by ruling of the Internal Revenue Service or by a decision of any federal court, or shall be declared taxable or be required to be taken into account in computing any federal income taxes by the terms of any federal income tax law enacted subsequent to the date of this notice.

**CONTINUING DISCLOSURE:** In order to assist bidders in complying with S.E.C. Rule 15c2-12(b)(5), the City will undertake, pursuant to separate Continuing Disclosure Certificates, to provide notices of the occurrence of certain events, if material. A description of these undertakings is set forth in the preliminary official statement relating to the Notes (the "POS") and will also be set forth in a final official statement relating to the Notes (the "OS").

**ACKNOWLEDGMENT OF NO FIDUCIARY DUTY:** At closing, the City will execute a certificate to the effect that it acknowledges and agrees that (i) the purchase and sale of the Notes by the winning bidder (the "Purchaser") is an arm's-length commercial transaction between the City and the Purchaser, (ii) in connection with such transaction, the Purchaser is acting solely as a principal and not as an advisor, (including, without limitation, a Municipal Advisor (as such term is defined in Section 975(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act)), agent or a fiduciary of the City, (iii) the Purchaser has not assumed (individually or collectively) a fiduciary responsibility in favor of the City with respect to the offering of the Notes or the process leading thereto (whether or not the Purchaser, or any affiliate of an Purchaser, has advised or is currently advising the City on other matters) or any other obligation to the City except the obligation to purchase the Notes, (iv) the Purchaser has financial and other interests that differ

from those of the City and (v) the City has consulted with its own legal and municipal advisors to the extent it deemed appropriate in connection with the offering of the Notes.

**CLOSING PAPERS; LEGAL OPINION:** Each proposal will be conditioned upon the City furnishing to each successful bidder, without charge, concurrently with payment for and delivery of the Notes, the following closing papers, each dated the date of such delivery:

(a) The opinion of Bond Counsel, approving the validity of the Notes and stating that, subject to certain qualifications, under existing law, the interest on the Notes is (i) excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax, although interest on the Notes may be subject to the corporate alternative minimum tax, and (ii) exempt from State of California personal income taxes. A copy of Bond Counsel's opinion will be delivered with the Notes without cost to the purchaser.

(b) A certificate of the Finance Director or other appropriate official of the City that on the basis of the facts, estimates and circumstances in existence on the date of issue, it is not expected that the proceeds of the Notes will be used in a manner that would cause the Notes to be "arbitrage bonds" within the meaning of the Code;

(c) A certificate on behalf of the City that there is no litigation threatened or pending affecting the validity of the Notes;

(d) A certificate of the Finance Director or other appropriate official of the City, acting on behalf of the City solely in his or her official and not in his or her personal capacity, that at the time of the sale of the Notes and at all times subsequent thereto up to and including the time of the delivery of the Notes to the initial purchasers thereof, the OS did not, and does not, contain any untrue statement of a material fact or omit to state a material fact necessary which would make the statements misleading in the light of the circumstances under which they were made;

(e) The signature certificate of the officials of the City, showing that they have signed the Notes and impressed the seal of the City thereon, and that they were respectively duly authorized to execute the same; and

(f) The receipt of the City showing that the purchase price of the Notes has been received.

**OFFICIAL STATEMENT:** The City has approved a preliminary Official Statement relating to the Notes. Copies of such preliminary Official Statement will be distributed to any bidder, upon request, prior to the sale in a form "deemed final" by the City for purposes of Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule"). Within seven business days from the sale date, the City will deliver to the purchaser copies of the final Official Statement, executed by an authorized representative of the City and dated the date of delivery thereof to the purchaser, in sufficient number to allow the purchaser to comply with paragraph (b)(4) of the Rule and to satisfy the Municipal Securities Rulemaking Board (the "MSRB") Rule G-32 or any other applicable rules adopted by the MSRB, which shall include information permitted to be omitted by paragraph (b)(1) of the Rule and such other amendments or supplements as shall have been approved by the City (the "Final Official Statement"). The purchaser agrees that it will not confirm the sale of any Notes unless the confirmation of sale is accompanied or preceded by the delivery of a copy of the Final Official Statement. The City will furnish to the successful bidder, at no charge, an electronic copy of the Official Statement for use in connection with any resale of the Notes, and up to 20 printed copies upon request.

A letter of Jones Hall, A Professional Law Corporation, San Francisco, California, as disclosure counsel, will be addressed to the City and to the successful bidder, stating that, without passing upon or assuming any responsibility for the accuracy, completeness of fairness of the

statements contained in the final Official Statement and making no representations that they have independently verified the accuracy, completeness or fairness of an such statements, based upon the information made available to them in the course of their participation in the preparation of the final Official Statement, nothing has come to such counsel's attention which would lead them to believe that the final Official Statement, including the cover page and all appendices thereto (but excluding therefrom financial statements and statistical data, and information regarding The Depository Trust Company, and its book entry system, as to which no opinion need be expressed) contains an untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading

GIVEN pursuant to a resolution of the City adopted June 27, 2023.

Dated: June 28, 2023

EXHIBIT 1  
Issue Price Certificate

\$ \_\_\_\_\_  
CITY OF BERKELEY  
2023-24 TAX AND REVENUE ANTICIPATION NOTES

The undersigned, on behalf of [NAME OF UNDERWRITER] (“Underwriter”), hereby certifies as set forth below with respect to the sale of the above-captioned obligations (the “Notes”).

1. **Reasonably Expected Initial Offering Price.**

(a) As of the Sale Date, the reasonably expected initial offering prices of the Notes to the Public by Underwriter are the prices listed in Schedule A (the “Expected Offering Prices”). The Expected Offering Prices are the prices for the Notes used by the Underwriter in formulating its bid to purchase the Notes. Attached as Schedule B is a true and correct copy of the bid provided by Underwriter to purchase the Notes.

(b) Underwriter was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by Underwriter constituted a firm offer to purchase the Notes.

2. **Defined Terms.**

(a) *Issuer* means the City of Berkeley.

(a) Reserved.

(b) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(c) *Sale Date* means the first day on which there is a binding contract in writing for the sale of the Notes. The Sale Date of the Notes is July 11, 2023.

(d) *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Notes to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Notes to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Notes to the Public).

\* Preliminary, subject to change

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents Underwriter's interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Certificate of Arbitrage and with respect to compliance with the federal income tax rules affecting the Notes, and by Jones Hall, A Professional Law Corporation in connection with rendering its opinion that the interest on the Notes is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Notes.

**[UNDERWRITER]**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**Dated: [ISSUE DATE]**

SCHEDULE A

EXPECTED OFFERING PRICES

| <u>Maturity<br/>Date</u> | <u>Principal<br/>Amount</u><br>\$ | <u>Interest<br/>Rate</u><br>% | <u>Reoffering<br/>Price</u> * |
|--------------------------|-----------------------------------|-------------------------------|-------------------------------|
|--------------------------|-----------------------------------|-------------------------------|-------------------------------|

\* Stated as a percentage of par.



**SCHEDULE B**  
**COPY OF UNDERWRITER'S BID**  
(attached)

[LETTERHEAD OF JONES HALL, APLC]

July 25, 2023

City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**OPINION:** \$ \_\_\_\_\_ City of Berkeley, California  
2023-24 Tax and Revenue Anticipation Notes

Members of the City Council:

We have acted as bond counsel to the City of Berkeley, California (the "City") in connection with the issuance by the City, of the tax and revenue anticipation notes captioned above, dated the date hereof (the "Notes"). In such capacity, we have examined such law and such certified proceedings, certifications and other documents as we deem necessary to render this opinion.

The Notes are issued pursuant to Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (the "Act"), and a resolution (the "Resolution") of the City Council of the City, adopted on June 27, 2023.

Regarding questions of fact material to our opinion, we have relied upon representations of the City in the Resolution, and on the certified proceedings and other certifications of public officials and others furnished to us, without undertaking to verify the same by independent investigation. Regarding certain questions of law material to our opinion, we have assumed the correctness of certain legal conclusions contained in the written opinions of City Attorney, and others, without undertaking to verify the same by independent investigation

Based on the foregoing, we are of the opinion that, under existing law:

1. The City is a duly created and validly existing municipal corporation and charter city with the power to adopt the Resolution, perform the agreements on its part contained therein and issue the Notes.

2. The Resolution constitutes a valid and binding obligation of the City, enforceable against the City.

3. Pursuant to the Act, the Resolution creates a first lien on funds pledged by the Resolution for the security of the Notes.

4. The Notes have been duly authorized and executed by the City and are valid and binding general obligations of the City.

5. The interest on the Notes is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax. It should be noted however that interest on the Notes may be subject to the corporate alternative minimum tax. The opinions set forth in the preceding sentences are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the Notes in order that the interest thereon be, and continue to be, excludable from gross income for federal income tax purposes. The City has made certain representations and covenants in order to comply with each such requirement. Inaccuracy of those representations, or failure to comply with certain of those covenants, may cause the inclusion of such interest in gross income for federal income tax purposes, which may be retroactive to the date of issuance of the Notes.

6. The interest on the Notes is exempt from personal income taxation imposed by the State of California.

We express no opinion regarding any other tax consequences arising with respect to the ownership, sale or disposition of, or the amount, accrual or receipt of interest on, the Notes.

The rights of the owners of the Notes and the enforceability of the Notes are limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights generally, and by equitable principles, whether considered at law or in equity.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur. Moreover, our opinions are not a guarantee of a particular result, and are not binding on the Internal Revenue Service or any court; rather, our opinions represent our legal judgment based upon our review of existing law that we deem relevant to such opinions, and any assumptions expressed herein, and in reliance upon the representations, covenants and opinions referenced above. Our engagement with respect to this matter has terminated as of the date hereof.

Respectfully submitted,

A Professional Law Corporation

**NEW ISSUE BOOK-ENTRY ONLY**

**RATING**  
S&P: "\_\_\_\_\_"  
See "RATING."

*In the opinion of Jones Hall, A Professional Law Corporation, San Francisco, California, Bond Counsel, subject, however to certain qualifications described in this Official Statement, under existing law, interest on the Notes is excluded from gross income for federal income tax purposes, and such interest is not an item of tax preference for purposes of the federal alternative minimum tax. In the further opinion of Bond Counsel, interest on the Notes is exempt from California personal income taxes. See "TAX MATTERS."*



**\$24,000,000\***  
**CITY OF BERKELEY**  
**2023-24 TAX AND REVENUE ANTICIPATION NOTES**

**Dated: Date of Delivery**

**Due: \_\_\_\_\_, 2024**

The tax and revenue anticipation notes captioned above (the "Notes") will be issued in denominations of \$5,000 or any integral multiple thereof. Principal and interest on the Notes will be payable upon maturity. The Notes are to be delivered as fully registered Notes, without coupons and, when delivered, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"), New York, New York (as described in APPENDIX E – BOOK-ENTRY ONLY SYSTEM). DTC will act as securities depository of the Notes. Purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. **The Notes are not subject to redemption prior to maturity.**

The Notes are by statute general obligations of the City of Berkeley, California (the "City"), payable solely from taxes, income, revenues, cash receipts and other moneys that are received by the City for its General Fund for fiscal year 2023-24 and that are generally available for the payment of current expenses and other obligations of the City (the "Unrestricted Moneys"). The Notes are secured by a pledge of Unrestricted Moneys to be received by the City in (a) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of January, 2024; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2024; and (c) an amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2024 (such pledged amounts being hereinafter called the "Pledged Revenues"). The Pledged Revenues will be deposited into, and held by the City in, a special fund designated "City of Berkeley, California, 2023-24 Tax and Revenue Anticipation Notes Special Account," as established in the City's Resolution adopted on [June 27], 2023.

Principal of and interest on the Notes are payable in lawful moneys of the United States of America upon maturity, and interest on the Notes will be computed on the basis of a 360-day year comprised of twelve 30-day months and accrues from the date of delivery.

The Notes are legal investments for commercial banks in California and are eligible to secure deposits of public moneys in California.

THIS COVER PAGE CONTAINS CERTAIN INFORMATION FOR QUICK REFERENCE ONLY. IT IS NOT A SUMMARY OF THIS ISSUE. INVESTORS MUST READ THE ENTIRE OFFICIAL STATEMENT TO OBTAIN INFORMATION ESSENTIAL TO THE MAKING OF AN INFORMED INVESTMENT DECISION.

The following firm, serving as municipal advisor to the City, has structured this issue.



**MATURITY SCHEDULE**

**Interest Rate**

**Reoffering Yield**

**CUSIP†**

*The Notes are offered when, as and if issued and received by the Purchaser, subject to the approval of legality by Jones Hall, A Professional Law Corporation, San Francisco, California, Bond Counsel. Certain legal matters will be passed upon for the City by Jones Hall, A Professional Law Corporation, as Disclosure Counsel, and by the City Attorney. It is anticipated that the Notes, in definitive form, will be available for delivery through DTC in New York, New York on or about [July 25], 2023.*

Dated July \_\_, 2023

\* Preliminary; subject to change.

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or a solicitation of an offer to buy nor shall there be any sale of these securities in any jurisdiction in which such offer solicitation or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

## GENERAL INFORMATION ABOUT THIS OFFICIAL STATEMENT

No dealer, broker, salesman or other person has been authorized by the City to give any information or to make any representations with respect to the Notes other than those contained in this Official Statement and, if given or made, such information or representation must not be relied upon as having been authorized by the City. This Official Statement does not constitute an offer to sell nor the solicitation of an offer to buy, nor shall there be any sale of the Notes by any person to make such offer, solicitation or sale.

This Official Statement is not to be construed as a contract with the purchasers of the Notes. Statements contained in this Official Statement which involve estimates, forecasts or matters of opinion, whether or not expressly so described herein, are intended solely as such and are not to be construed as a representation of facts.

The information set forth in this Official Statement has been obtained from sources that are believed to be reliable, but is not guaranteed as to accuracy or completeness, and is not to be construed as a representation by the Purchaser. The information and expressions of opinion stated in this Official Statement are subject to change without notice and neither delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the information or opinions set forth herein or in the affairs of the City since the date hereof. This Official Statement is submitted in connection with the sale of the Notes referred to herein and may not be reproduced or used, in whole or in part, for any purpose, unless authorized in writing by the City.

The Notes have not been registered under the Securities Act of 1933, as amended (the "**Securities Act**"), in reliance upon an exemption contained in such Act. The Notes have not been registered under the securities laws of any state.

IN CONNECTION WITH THIS OFFERING, THE PURCHASER MAY OVERALLOT OR EFFECT TRANSACTIONS THAT STABILIZE OR MAINTAIN THE MARKET PRICE OF THE NOTES AT LEVELS ABOVE THOSE WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME. THE PURCHASER MAY OFFER AND SELL THE NOTES TO CERTAIN DEALERS AND BANKS AT PRICES LOWER THAN THE PUBLIC OFFERING PRICE STATED ON THE COVER PAGE HEREOF AND SAID PUBLIC OFFERING PRICE MAY BE CHANGED FROM TIME TO TIME BY THE PURCHASER.

Certain statements included or incorporated by reference in this Official Statement constitute "forward-looking statements" within the meaning of the United States Private Securities Litigation Reform Act of 1995, Section 21E of the Securities Exchange Act of 1934, as amended, and Section 27A of the Securities Act. Such statements are generally identifiable by the terminology used such as "plan," "expect," "estimate," "budget" or other similar words.

The Purchaser has provided the following sentence for inclusion in this Official Statement. The Purchaser has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Purchaser does not guarantee the accuracy or completeness of such information.

THE ACHIEVEMENT OF CERTAIN RESULTS OR OTHER EXPECTATIONS CONTAINED IN SUCH FORWARD-LOOKING STATEMENTS INVOLVE KNOWN AND UNKNOWN RISKS, UNCERTAINTIES AND OTHER FACTORS WHICH MAY CAUSE ACTUAL RESULTS, PERFORMANCE OR ACHIEVEMENTS DESCRIBED TO BE MATERIALLY DIFFERENT FROM ANY FUTURE RESULTS, PERFORMANCE OR ACHIEVEMENTS EXPRESSED OR IMPLIED BY SUCH FORWARD-LOOKING STATEMENTS. THE CITY DOES NOT PLAN TO ISSUE ANY UPDATES OR REVISIONS TO THOSE FORWARD-LOOKING STATEMENTS IF OR WHEN ITS EXPECTATIONS, OR EVENTS, CONDITIONS OR CIRCUMSTANCES ON WHICH SUCH STATEMENTS ARE BASED OCCUR.

Although the City maintains an internet website for various purposes, none of the information on that website is incorporated by reference in this Official Statement or is intended to assist investors in making any investment decision or to provide any continuing information with respect to the Notes or any other bonds or obligations of the City.

## CITY OF BERKELEY, CALIFORNIA

### ELECTED OFFICIALS

Jesse Arreguín, Mayor  
Rashi Kesarwani, Councilmember District 1  
Terry Taplin, Councilmember District 2  
Ben Bartlett, Councilmember District 3  
Kate Harrison, Councilmember District 4  
Sophie Hahn, Councilmember District 5  
Susan Wengraf, Councilmember District 6  
Rigel Robinson, Councilmember District 7  
Mark Humbert, Councilmember District 8

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### CITY OFFICIALS

Dee Williams-Ridley  
*City Manager*

LaTanya Bellow  
*Deputy City Manager*

Henry Oyekanmi  
*Director of Finance*

Anne Cardwell  
*Deputy City Manager*

Farimah Brown  
*City Attorney*

Jenny Wong  
*City Auditor*

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### PROFESSIONAL SERVICES

#### Municipal Advisor

NHA Advisors, LLC  
San Rafael, California

#### Bond Counsel and Disclosure Counsel

Jones Hall, A Professional Law Corporation  
San Francisco, California

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**OFFICIAL STATEMENT**

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**\$24,000,000\***  
**CITY OF BERKELEY**  
**2023-24 TAX AND REVENUE ANTICIPATION NOTES**

**INTRODUCTORY STATEMENT**

This Official Statement, which includes the cover page, the appendices hereto and this introductory statement, is provided to furnish information in connection with the sale by the City of Berkeley, California (the “**City**”), of its 2023-24 Tax and Revenue Anticipation Notes (the “**Notes**”).

The Notes are issued in full conformity with the Constitution and laws of the State of California (the “**State**”), including Article 7.6, Chapter 4, Part 1, Division 2, Title 5 (commencing with Section 53850 of the Government Code of the State), (the “**Law**”) and under the Law are general obligations of the City payable solely from those taxes, income, revenues, cash receipts and other moneys that are received by the City for its General Fund (the “**General Fund**”) for fiscal year 2023-24 and that are generally available for the payment of current expenses and other obligations of the City (the “**Unrestricted Moneys**”). The Notes are authorized by a resolution adopted by the City Council on June 27, 2023 (the “**Resolution**”). The City may, under the Law, issue the Notes only if the principal of and interest on the Notes will not exceed 85% of the estimated amount of the uncollected Unrestricted Moneys that will be available for the payment of said Notes. Proceeds from the sale of the Notes will be deposited into a segregated account in the General Fund and used and expended by the City for any purpose for which it is authorized to expend funds from the General Fund.

**THE NOTES**

**Description of the Notes**

The Notes will be issued in the principal amount and at the interest rate shown on the cover page of this Official Statement. Principal of and interest on the Notes are payable in lawful moneys of the United States of America upon maturity, and interest on the Notes will be computed on the basis of a 360-day year comprised of twelve 30-day months and accrues from the date of delivery.

The Notes will be dated the date of delivery and will mature on July 24, 2024. The Notes are to be delivered as fully registered Notes, without coupons, and, when delivered, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“**DTC**”), New York, New York. DTC will act as securities depository of the Notes. Purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof.

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\* Preliminary; subject to change.



## Purpose of Issue

Proceeds of the Notes will provide moneys to meet the City's General Fund cash flow requirements during the 2023-24 fiscal year commencing July 1, 2023, and ending June 30, 2024, including current expenses, capital expenditures, and the discharge of other obligations or indebtedness.

## Book-Entry Only System

DTC will act as securities depository for the Notes. The Notes will be issued as fully-registered certificates registered in the name of Cede & Co. (DTC's partnership nominee). One fully-registered certificate will be issued for each maturity of the Notes, each in the aggregate principal amount of such maturity, and will be deposited with DTC. See "APPENDIX E – BOOK-ENTRY ONLY SYSTEM."

So long as the Notes are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal and interest with respect to the Notes will be made to DTC as provided as in the representation letter delivered on the date of issuance of the notes. The City cannot and does not give any assurances that DTC, participants in DTC's book-entry only system ("**DTC Participants**") or others will distribute payments of principal, interest or premium, if any, with respect to the Notes paid to DTC or its nominee as the registered owner, or will distribute any prepayment notices or other notices, to the Beneficial Owners, or that they will do so on a timely basis or will serve and act in the manner described in this Official Statement. The City is not responsible or liable for the failure of DTC or any DTC Participant to make any payment or give any notice to a Beneficial Owner with respect to the Notes or an error or delay relating thereto.

## SECURITY FOR AND SOURCES OF PAYMENT OF THE NOTES

### Security for the Notes

The principal amount of the Notes, together with the interest thereon, is payable from Unrestricted Moneys, being the first taxes, income, revenue, cash receipts, and other moneys that are received by the City for the General Fund for fiscal year 2023-24 and which are generally available for the payment of current expenses and other obligations of the City. Estimated Unrestricted Moneys exceed estimated payment requirements by more than eight to one. See "THE NOTES – Available Sources of Payment."

As security for the repayment of principal of and interest on the Notes, the City has pledged to deposit into a special fund designated as the "2023-24 Tax and Revenue Anticipation Note Special Account" (the "**Special Account**") the first Unrestricted Moneys to be received by the City as follows: (a) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of January, 2024; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2024; and (c) an amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2024 (such pledged amounts, the "**Pledged Revenues**"). The Notes are equally and ratably secured by the City's pledge of the Pledged Revenues.

The principal of the Notes and the interest thereon shall constitute a first lien and charge against and shall be paid from the first moneys received by the City from such Pledged Revenues, and to the extent not so paid shall be paid from any other moneys of the City lawfully available

therefor. In the event there are insufficient Unrestricted Moneys received by the City to permit the deposits into the Special Account of the full amount of the Pledged Revenues to be deposited in the applicable month, by the last business day of such month, then the amount of such deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the payment of the Notes and the interest thereon.

All Pledged Revenues, as and when received, shall be deposited by the City into the Special Account, which will be held by the City for the payment of the principal of and interest on the Notes at maturity. Amounts deposited by the City into the Special Account shall be applied solely for the purpose of paying the principal of and interest on the Notes. Such amounts shall be invested by the City in legal investments, as permitted by Section 53601 of the Government Code of the State. See "CITY INVESTMENT POLICY AND PORTFOLIO."

### **Available Sources of Repayment**

The Notes, in accordance with State law, are general obligations of the City, but are payable only out of Unrestricted Moneys, which include the taxes, income, revenues, cash receipts and other moneys that are received by the City for the General Fund for fiscal year 2023-24 and that are generally available for payment of current expenses and other obligations of the City. The Constitution of the State substantially limits the City's ability to levy ad valorem taxes. See "CONSTITUTIONAL AND STATUTORY PROVISIONS AFFECTING CITY REVENUES AND APPROPRIATIONS." The City may, under existing law, issue the Notes only if the principal of, and interest on, the Notes will not exceed 85% of the estimated uncollected Unrestricted Moneys that will be available for the repayment of the Notes.

The Note coverage ratio is shown in the following table and is the ratio of estimated Unrestricted Moneys to the amount of Unrestricted Moneys needed to pay principal of and interest on the Notes.

The table below gives detail as to the sources of estimated Unrestricted Moneys and the Note Coverage Ratio.

**CITY OF BERKELEY  
Estimated Unrestricted Moneys  
Fiscal Year 2023-24**

| <u>Source</u>                                                    | <u>Amount</u>     |
|------------------------------------------------------------------|-------------------|
| Available Cash Balance, July 1, 2021                             | \$68,755,415      |
| Taxes (including property tax, sales tax and other taxes)        | 222,794,315       |
| Other Revenue                                                    | 74,430,566        |
| Proceeds of the Notes <sup>(1)*</sup>                            | 24,004,531        |
| Transfers In                                                     | <u>14,246,281</u> |
| <br>TOTAL UNRESTRICTED MONEYS*                                   | <br>\$404,231,107 |
| <br>ESTIMATED PRINCIPAL PLUS INTEREST NEEDED FOR NOTE REPAYMENT* | <br>\$24,801,350  |
| <br>NOTE COVERAGE RATIO*                                         | <br>16.3x         |

\* Preliminary; subject to change.

(1) Excluding purchaser's discount and costs of issuance.

Source: City of Berkeley Finance Department.

**Monthly Cash Flows**

The City has prepared the accompanying monthly General Fund cash flow statements covering fiscal year 2022-23 and the projected fiscal year 2023-24. The General Fund is used to finance the ordinary operations of the City and is available for any legal authorized purposes. While expenditures generally occur evenly throughout the fiscal year, cash receipts occur unevenly. As a result, the General Fund cash balance tends to show a deficit during parts of the fiscal year. The projections are based on the City's budget and current financial condition.

**City of Berkeley  
Fiscal Year 2022-23 Actual and Projected General Fund Cash Flows <sup>(1)</sup>**

|                                                 | July                | August              | September           | October             | November            | December            | January             | February            | March               | April               | May                 | June                 | TOTAL               |
|-------------------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------|---------------------|
| Beginning Balance                               | \$1,951,374         | \$4,539,579         | \$2,071,381         | (\$5,406,993)       | (\$9,220,099)       | \$36,055,241        | \$29,124,949        | \$33,148,004        | \$52,454,488        | \$87,364,185        | \$86,194,794        | \$68,755,415         | \$1,951,374         |
| <b>CASH RECEIPTS</b>                            |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                      |                     |
| Property Tax                                    | \$8,367,660         | \$6,092,350         | \$2,211,295         | \$6,500,498         | \$45,309,511        | \$1,241,510         | \$1,116,654         | \$12,283,900        | \$26,835,967        | \$3,705,092         | \$6,493,468         | \$124,205,086        | \$8,367,660         |
| Sales Tax                                       | 1,699,066           | 1,424,792           | 1,699,483           | 1,842,605           | 1,239,340           | 1,598,062           | 1,800,621           | 1,523,287           | 1,468,261           | 2,253,396           | 1,220,716           | 19,654,225           | 1,699,066           |
| Other Taxes                                     | 3,676,685           | 2,297,588           | 3,432,967           | 3,230,678           | 11,592,370          | 5,482,967           | 12,960,005          | 13,317,414          | 16,687,704          | 2,348,458           | 1,612,180           | 78,935,004           | 3,676,685           |
| License and Permits                             | 148,072             | 74,387              | 76,437              | 49,486              | 50,517              | 59,409              | 74,557              | 44,042              | 42,643              | 419,293             | 217,794             | 1,412,436            | 148,072             |
| Franchises                                      | 151,863             | 8,275               | --                  | 156,067             | --                  | 7,849               | 28,719              | --                  | 1,223,317           | 143,966             | --                  | 1,720,056            | 151,863             |
| Subventions & Grants                            | --                  | 46,916              | 7,221               | 21,896              | 35,375              | --                  | 9,371               | 194,696             | --                  | --                  | 194,718             | 551,226              | --                  |
| Service Fees                                    | 860,937             | 755,822             | 900,975             | 685,710             | 716,845             | 287,617             | 1,280,683           | 911,954             | 661,900             | 876,511             | 627,819             | 9,095,309            | 860,937             |
| Fines and Penalties                             | 425,551             | 442,246             | 566,840             | 508,899             | 593,419             | 374,267             | 429,018             | 561,084             | 525,528             | 479,354             | 479,527             | 5,944,366            | 425,551             |
| Rents and Royalties                             | 28,454              | 18,655              | 23,909              | 21,873              | 10,055              | 13,802              | 15,714              | 21,768              | 20,211              | 20,211              | 20,310              | 230,421              | 28,454              |
| Interest Income and CalPERS Discount            | 282,075             | 1,005,683           | 501,927             | 967,850             | 1,317,736           | 421,133             | 282,353             | 1,456,041           | 730,172             | 1,028,909           | 1,821,288           | 10,313,437           | 282,075             |
| Miscellaneous                                   | 18,636              | 8,832               | 8,380               | 16,269              | 91,432              | 132,574             | 19,312              | 82,702              | 73,296              | 4,570               | 171,560             | 689,929              | 18,636              |
| Transfers In/Indirect Costs                     | 438,828             | 436,682             | 1,360,339           | 439,308             | 581,163             | 2,618,842           | 435,142             | 432,665             | 2,608,474           | 436,639             | 1,906,254           | 14,246,281           | 438,828             |
| CalPERS Prepayments from Other Depts            | 3,421,030           | 3,421,030           | 3,421,030           | 3,421,030           | 5,131,545           | 3,421,030           | 3,421,030           | 3,421,030           | 3,421,030           | 5,131,545           | 4,105,236           | 44,473,386           | 3,421,030           |
| TRAN Proceeds                                   | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                   | --                  |
| <b>TOTAL RECEIPTS</b>                           | <b>\$19,518,857</b> | <b>\$16,033,256</b> | <b>\$14,210,803</b> | <b>\$17,862,169</b> | <b>\$66,669,308</b> | <b>\$15,659,061</b> | <b>\$21,873,178</b> | <b>\$34,250,584</b> | <b>\$54,298,502</b> | <b>\$16,847,944</b> | <b>\$18,870,869</b> | <b>\$311,471,162</b> | <b>\$19,518,857</b> |
| <b>CASH DISBURSEMENTS</b>                       |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                      |                     |
| General Government                              | \$3,559,188         | \$2,908,099         | \$2,841,442         | \$2,685,409         | \$2,684,839         | \$3,764,414         | \$3,097,071         | \$2,946,611         | \$3,266,735         | \$3,116,670         | \$3,468,888         | \$5,579,997          | \$39,919,362        |
| Public Safety                                   | 7,910,046           | 10,112,631          | 10,331,663          | 10,879,156          | 9,915,165           | 14,083,376          | 10,746,613          | 10,017,939          | 10,156,444          | 9,808,182           | 9,701,978           | 17,774,348           | 131,437,541         |
| Highways and Streets                            | 202,542             | 432,255             | 793,841             | 399,360             | 750,722             | 490,557             | 216,595             | 423,318             | 409,686             | 303,306             | 184,651             | 429,463              | 5,036,297           |
| Health and Human Service                        | 864,602             | 1,220,600           | 1,639,662           | 1,103,704           | 1,263,666           | 1,494,102           | 1,304,754           | 1,369,436           | 1,171,534           | 1,307,607           | 1,056,149           | 3,563,134            | 17,358,949          |
| Culture - Recreation                            | 638,827             | 764,144             | 1,051,321           | 973,494             | 638,850             | 785,373             | 598,040             | 595,838             | 707,330             | 783,633             | 744,618             | 1,630,126            | 9,911,593           |
| Urban Redevelopment/Housing                     | 528,309             | 1,566,606           | 404,971             | 1,048,379           | 633,222             | 1,827,689           | 1,008,896           | 1,218,175           | 1,345,650           | 1,756,142           | 1,092,067           | 2,942,272            | 15,372,377          |
| Econ Dev & Assistance                           | 106,216             | 263,564             | 455,476             | 399,786             | 440,606             | 385,298             | 417,492             | 116,054             | 380,764             | 113,381             | 106,234             | 275,436              | 3,460,308           |
| Debt Service                                    | 15,897,554          | 162,752             | 162,752             | 3,699,891           | 6,848,205           | 162,752             | 3,699,891           | 162,752             | 162,752             | 3,699,885           | 162,752             | 162,752              | 34,984,690          |
| Debt Service: Workers Comp Loan Repayment       | 2,000,000           | --                  | 320,326             | --                  | --                  | 400,407             | --                  | --                  | 343,206             | --                  | --                  | 423,287              | 3,487,226           |
| Debt Service: 2016 Parking Revenue Bonds        | 2,200,000           | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                   | 2,200,000           |
| Transfers Out/Other                             | 1,800,000           | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                   | 1,800,000           |
| Transfer Out to Pension Section 115 Trust Fund  | 44,473,386          | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                   | 44,473,386          |
| Transfer Out of Excess of Property Transfer Tax | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                   | --                  |
| Transfer Out to Stabilization Reserve Fund      | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                   | --                  |
| Transfer Out to Catastrophic Reserve Fund       | 2,000,000           | (500,000)           | 500,000             | 500,000             | (1,500,000)         | (2,000,000)         | 1,500,000           | 1,000,000           | (3,000,000)         | (1,500,000)         | 1,500,000           | 3,000,000            | 1,500,000           |
| Prepayment to CalPERS                           | \$82,180,670        | \$16,930,652        | \$18,501,455        | \$21,689,177        | \$21,675,275        | \$21,393,968        | \$22,589,353        | \$17,850,123        | \$14,944,100        | \$19,388,805        | \$18,017,336        | \$35,780,815         | \$310,941,729       |
| TRAN Principal Pledge                           | \$3,559,188         | \$2,908,099         | \$2,841,442         | \$2,685,409         | \$2,684,839         | \$3,764,414         | \$3,097,071         | \$2,946,611         | \$3,266,735         | \$3,116,670         | \$3,468,888         | \$5,579,997          | \$39,919,362        |
| TRAN Interest Pledge                            | 7,910,046           | 10,112,631          | 10,331,663          | 10,879,156          | 9,915,165           | 14,083,376          | 10,746,613          | 10,017,939          | 10,156,444          | 9,808,182           | 9,701,978           | 17,774,348           | 131,437,541         |
| Advances from GF/(Repayment to GF)              | 202,542             | 432,255             | 793,841             | 399,360             | 750,722             | 490,557             | 216,595             | 423,318             | 409,686             | 303,306             | 184,651             | 429,463              | 5,036,297           |
| <b>TOTAL DISBURSEMENTS</b>                      | <b>864,602</b>      | <b>1,220,600</b>    | <b>1,639,662</b>    | <b>1,103,704</b>    | <b>1,263,666</b>    | <b>1,494,102</b>    | <b>1,304,754</b>    | <b>1,369,436</b>    | <b>1,171,534</b>    | <b>1,307,607</b>    | <b>1,056,149</b>    | <b>3,563,134</b>     | <b>17,358,949</b>   |
| Interfund Borrowings                            | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                 | \$--                |
| Net Cash Flow                                   | (\$66,804,040)      | \$2,588,205         | (\$2,468,198)       | (\$7,478,374)       | (\$3,813,106)       | \$45,275,340        | (\$6,930,292)       | \$4,023,055         | \$19,306,484        | \$34,909,697        | (\$1,169,392)       | (\$16,909,946)       | \$529,433           |
| Ending Balance                                  | \$1,951,374         | \$4,539,579         | \$2,071,381         | (\$5,406,993)       | (\$9,220,099)       | \$36,055,241        | \$29,124,949        | \$33,148,004        | \$52,454,488        | \$87,364,185        | \$86,194,794        | \$69,284,848         | \$69,284,848        |

(1) Cash and investment balances provided in the table above represent the City's available cash balance (i.e., General Fund cash and investments less the Stabilization and Catastrophic Reserve Fund cash balances and short term liabilities).  
Source: City of Berkeley.

**City of Berkeley  
Fiscal Year 2023-24 Projected General Fund Cash Flows <sup>(1)</sup>  
(Including the Notes)**

|                                                 | July                | August              | September           | October             | November            | December            | January             | February            | March               | April               | May                 | June                | TOTAL                |
|-------------------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------|
| Beginning Balance                               | \$68,755,415        | \$25,955,905        | \$28,544,110        | \$26,075,912        | \$18,597,538        | \$14,784,432        | \$60,059,772        | \$41,204,480        | \$45,227,535        | \$64,534,019        | \$99,443,716        | \$86,349,324        | \$68,755,415         |
| <b>CASH RECEIPTS</b>                            |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                      |
| Property Tax                                    | \$4,047,181         | \$8,367,660         | \$6,092,350         | \$2,211,295         | \$6,500,498         | \$45,309,511        | \$1,241,510         | \$1,116,654         | \$12,283,900        | \$26,835,967        | \$3,705,092         | \$6,493,468         | \$124,205,086        |
| Sales Tax                                       | 1,884,596           | 1,699,066           | 1,424,792           | 1,699,483           | 1,842,605           | 1,239,340           | 1,598,062           | 1,800,621           | 1,523,287           | 1,468,261           | 2,253,396           | 1,220,716           | 19,654,225           |
| Other Taxes                                     | 2,295,988           | 3,676,685           | 2,297,588           | 3,432,967           | 3,230,678           | 11,592,370          | 5,482,967           | 12,960,005          | 13,317,414          | 16,687,704          | 2,348,458           | 1,612,180           | 78,935,004           |
| License and Permits                             | 155,801             | 148,072             | 74,387              | 76,437              | 49,486              | 50,517              | 59,409              | 74,557              | 44,042              | 42,643              | 419,293             | 217,794             | 1,412,436            |
| Franchises                                      | --                  | 151,863             | 8,275               | --                  | 156,067             | --                  | 7,849               | 28,719              | --                  | 1,223,317           | 143,966             | --                  | 1,720,056            |
| Subventions & Grants                            | 41,032              | --                  | 46,916              | 7,221               | 21,896              | 35,375              | --                  | 9,371               | 194,696             | --                  | --                  | 194,718             | 551,226              |
| Service Fees                                    | 528,535             | 860,937             | 755,822             | 900,975             | 665,710             | 716,845             | 287,617             | 1,280,683           | 911,954             | 661,900             | 876,511             | 627,819             | 9,095,309            |
| Fines and Penalties                             | 558,632             | 425,551             | 442,246             | 566,840             | 508,899             | 593,419             | 374,267             | 429,018             | 561,084             | 525,528             | 479,354             | 479,527             | 5,944,366            |
| Rents and Royalties                             | 15,458              | 28,454              | 18,655              | 23,909              | 21,873              | 10,055              | 13,802              | 15,714              | 21,768              | 20,211              | 20,211              | 20,310              | 230,421              |
| Interest Income and CalPERS Discount            | 498,271             | 282,075             | 1,005,683           | 501,927             | 967,850             | 1,317,736           | 421,133             | 282,353             | 1,456,041           | 730,172             | 1,028,909           | 1,821,288           | 10,313,437           |
| Miscellaneous                                   | 62,367              | 18,636              | 8,832               | 8,380               | 16,269              | 91,432              | 132,574             | 19,312              | 82,702              | 73,296              | 4,570               | 171,560             | 689,929              |
| Transfers In/Indirect Costs                     | 2,551,946           | 438,828             | 436,682             | 1,360,339           | 439,308             | 581,163             | 2,618,842           | 435,142             | 432,665             | 2,608,474           | 436,639             | 1,906,254           | 14,246,281           |
| CalPERS Prepayments from Other Depts            | 2,736,824           | 3,421,030           | 3,421,030           | 3,421,030           | 3,421,030           | 5,131,545           | 3,421,030           | 3,421,030           | 3,421,030           | 3,421,030           | 5,131,545           | 4,105,236           | 44,473,386           |
| TRAN Proceeds                                   | 24,004,531          | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | 24,004,531           |
| <b>TOTAL RECEIPTS</b>                           | <b>\$39,381,161</b> | <b>\$19,518,857</b> | <b>\$16,033,256</b> | <b>\$14,210,803</b> | <b>\$17,862,169</b> | <b>\$66,669,308</b> | <b>\$15,659,061</b> | <b>\$21,873,178</b> | <b>\$34,250,584</b> | <b>\$54,298,502</b> | <b>\$16,847,944</b> | <b>\$18,870,869</b> | <b>\$335,475,692</b> |
| <b>CASH DISBURSEMENTS</b>                       |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                      |
| General Government                              | \$3,559,188         | \$2,908,099         | \$2,841,442         | \$2,685,409         | \$2,684,839         | \$3,764,414         | \$3,097,071         | \$2,946,611         | \$3,266,735         | \$3,116,670         | \$3,468,888         | \$5,579,997         | \$39,919,362         |
| Public Safety                                   | 7,910,046           | 10,112,631          | 10,331,663          | 10,879,156          | 9,915,165           | 14,083,376          | 10,746,613          | 10,017,939          | 10,156,444          | 9,808,182           | 9,701,978           | 17,774,348          | 131,437,541          |
| Highways and Streets                            | 202,542             | 432,255             | 793,841             | 399,360             | 750,722             | 490,557             | 216,595             | 423,318             | 409,686             | 303,306             | 184,651             | 429,463             | 5,036,297            |
| Health and Human Service                        | 864,602             | 1,220,600           | 1,639,662           | 1,103,704           | 1,263,666           | 1,494,102           | 1,304,754           | 1,369,436           | 1,171,534           | 1,307,607           | 1,056,149           | 3,563,134           | 17,358,949           |
| Culture - Recreation                            | 638,827             | 764,144             | 1,051,321           | 973,494             | 638,850             | 785,373             | 598,040             | 595,838             | 707,330             | 783,633             | 744,618             | 1,630,126           | 9,911,593            |
| Urban Redevelopment/Housing                     | 528,309             | 1,566,606           | 404,971             | 1,048,379           | 633,222             | 1,827,689           | 1,008,896           | 1,218,175           | 1,345,650           | 1,756,142           | 1,092,067           | 2,942,272           | 15,372,377           |
| Econ Dev & Assistance                           | 106,216             | 263,564             | 455,476             | 399,786             | 440,606             | 385,298             | 417,492             | 116,054             | 380,764             | 113,381             | 106,234             | 275,436             | 3,460,308            |
| Debt Service: Workers Comp Loan Repayment       | 15,897,554          | 162,752             | 162,752             | 3,699,891           | 6,848,205           | 162,752             | 3,699,891           | 162,752             | 3,699,885           | 162,752             | 162,752             | 162,752             | 34,984,690           |
| Debt Service: 2016 Parking Revenue Bonds        | 2,000,000           | --                  | 320,326             | --                  | --                  | 400,407             | --                  | --                  | 343,206             | --                  | --                  | 423,287             | 3,487,226            |
| Transfers Out/Other                             | 2,200,000           | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | 2,200,000            |
| Transfer Out to Pension Section 115 Trust Fund  | 1,800,000           | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | 1,800,000            |
| Transfer Out of Excess of Property Transfer Tax | 44,473,386          | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | 44,473,386           |
| Transfer Out to Stabilization Reserve Fund      | --                  | --                  | --                  | --                  | --                  | --                  | 11,925,000          | --                  | --                  | --                  | 11,925,000          | --                  | 23,850,000           |
| Transfer Out to Catastrophic Reserve Fund       | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | --                  | 951,350             | 951,350              |
| Prepayment to CalPERS                           | 2,000,000           | (500,000)           | 500,000             | 500,000             | (1,500,000)         | (2,000,000)         | 1,500,000           | 1,000,000           | (3,000,000)         | (1,500,000)         | 1,500,000           | 3,000,000           | 1,500,000            |
| TRAN Principal Pledge                           | \$82,180,670        | \$16,930,652        | \$18,501,455        | \$21,689,177        | \$21,675,275        | \$21,393,968        | \$34,514,353        | \$17,850,123        | \$14,944,100        | \$19,388,805        | \$29,942,336        | \$36,732,165        | \$335,743,079        |
| TRAN Interest Pledge                            | \$3,559,188         | \$2,908,099         | \$2,841,442         | \$2,685,409         | \$2,684,839         | \$3,764,414         | \$3,097,071         | \$2,946,611         | \$3,266,735         | \$3,116,670         | \$3,468,888         | \$5,579,997         | \$39,919,362         |
| Advances from GF/(Repayment to GF)              | 7,910,046           | 10,112,631          | 10,331,663          | 10,879,156          | 9,915,165           | 14,083,376          | 10,746,613          | 10,017,939          | 10,156,444          | 9,808,182           | 9,701,978           | 17,774,348          | 131,437,541          |
| <b>TOTAL DISBURSEMENTS</b>                      | <b>202,542</b>      | <b>432,255</b>      | <b>793,841</b>      | <b>399,360</b>      | <b>750,722</b>      | <b>490,557</b>      | <b>216,595</b>      | <b>423,318</b>      | <b>409,686</b>      | <b>303,306</b>      | <b>184,651</b>      | <b>429,463</b>      | <b>5,036,297</b>     |
| Interfund Borrowings                            | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                | \$--                 |
| Net Cash Flow                                   | (\$42,799,510)      | \$2,588,205         | (\$2,468,198)       | (\$7,478,374)       | (\$3,813,106)       | \$45,275,340        | (\$18,855,292)      | \$4,023,055         | \$19,306,484        | \$34,909,697        | (\$13,094,392)      | (\$17,861,296)      | (\$267,387)          |
| Ending Balance                                  | \$25,955,905        | \$28,544,110        | \$26,075,912        | \$18,597,538        | \$14,784,432        | \$60,059,772        | \$41,204,480        | \$45,227,535        | \$64,534,019        | \$99,443,716        | \$86,349,324        | \$68,488,028        | \$68,488,028         |

(1) Cash and investment balances provided in the table above represent the City's available cash balance (i.e., General Fund cash and investments less the Stabilization and Catastrophic Reserve Fund cash balances and short-term liabilities).  
Source: City of Berkeley.

## CITY INVESTMENT POLICY AND PORTFOLIO

The authority to invest the City's funds is derived from a resolution adopted annually by the City Council delegating to the Director of Finance and the Treasurer of the City the authority to invest these funds within the guidelines of Section 53600 et seq. of the Government Code of the State (the "**Government Code**"). The Government Code also directs the City to present an annual investment policy (the "**Investment Policy**") for confirmation to the City Council. The City Council voted to affirm the Investment Policy and designate the investment authority on July 1, 2022. The Investment Policy may be revised by the City Council at any time.

The objectives of the Investment Policy are preservation of capital, liquidity and yield. The Investment Policy addresses the soundness of financial institutions in which the City may deposit funds, types of investment instruments permitted by the City and the Government Code, investment duration and the amount which may be invested in certain instruments. The Investment Policy also reflects and supports the City's policy positions on important social and environmental issues, as contained in formal City Council actions including the Nuclear-Free Berkeley Act, the Responsible Investment Ordinance, the Oppressive States Contract Resolution and Divestment from Publicly-Traded Fossil Fuel Companies and Gun Manufacturers and Tobacco companies. Summarized below are the permitted investments under the Investment Policy. These policies may further restrict investment options available to the City.

| Authorized Investment Type                                      | Maximum Maturity | Maximum Percentage/Dollar of Portfolio | Maximum Investment in One Issuer |
|-----------------------------------------------------------------|------------------|----------------------------------------|----------------------------------|
| Bank/Time Deposit Accounts                                      | 5 years          | 100%                                   | N/A                              |
| Money Market Funds                                              | N/A              | 100                                    | N/A                              |
| Repurchase Agreements                                           | 1 year           | 10                                     | N/A                              |
| Reverse Repurchase Agreements                                   | 7 days           | 10                                     | N/A                              |
| Banker's Acceptances                                            | 7 days           | 40                                     | 30%                              |
| U.S. Government Securities<br>(Treasury bills, Notes and Bonds) | 10 years*        | 100                                    | N/A                              |
| U.S. Agency Securities by Agency                                | 10 years*        | 100                                    | N/A                              |
| Negotiable Certificates of Deposit                              | 10 years*        | 30                                     | \$250,000                        |
| Local Agency Bonds                                              | 5 years*         | 100                                    | N/A                              |
| Commercial Paper                                                | 180 days         | 25                                     | \$5M or 2%                       |
| Medium Term Notes                                               | 10 years         | 30                                     | 30%                              |
| Public Bank Obligations                                         | 30 years*        | 10% of unrestricted investments        | 30%                              |
|                                                                 | 5 years          | 10% of unrestricted investments        | N/A                              |

*Source: City of Berkeley*

\* Maturities over five years, up to 30 years, are authorized for Retiree Medical Plan Trust and debt service reserve funds.

As of March 31, 2023, the City portfolio included \$522,457,468 in pooled investments. The average life of the investments was 1,322 days and the weighted yield was 2.238%. The following is the market value of investments held by the City as of March 31, 2023:

| <u>Security</u>         | <u>Market Value</u>          | <u>% of Total Portfolio</u> |
|-------------------------|------------------------------|-----------------------------|
| Certificates of Deposit | \$497,698                    | 0.1%                        |
| Medium Term Notes       | 124,256,703                  | 23.8                        |
| Federal Agency          | 392,797,667                  | 75.2                        |
| Municipal Bonds         | 4,905,400                    | 0.9                         |
| TOTAL <sup>(1)</sup> :  | \$522,457,468 <sup>(1)</sup> | 100.0%                      |

(1) Totals do not sum due to rounding.

Source: City of Berkeley Finance Department.

## SPECIAL RISK FACTORS

The following information should be considered by prospective investors in evaluating the Notes; however, this information does not purport to be an exhaustive listing of the risks and other considerations, which may be relevant to an investment in the Notes.

### Bankruptcy Considerations

In 1994, Orange County, California issued its 1994-1995 Tax and Revenue Anticipation Notes (the “**Orange County Notes**”) under the same statutory authority as the Notes. On December 6, 1994, Orange County filed a petition in bankruptcy. Subsequently, Orange County declined to set aside the taxes and revenues it had pledged for the repayment of the Orange County Notes and a noteholder brought suit to compel Orange County to do so. A March 8, 1995, ruling of the United States Bankruptcy Court for the Central District of California, held that the lien securing the Orange County Notes did not attach to revenues received by Orange County after the filing of its bankruptcy petition on December 6, 1994, and therefore, Orange County was not required to set aside the revenues pledged under the note resolution following the bankruptcy. The Bankruptcy Court ruled that under the United States Bankruptcy Code (the “**Bankruptcy Code**”), the lien did not attach to revenues received by Orange County after December 6, 1994, because the lien was a consensual security interest rather than a statutory lien. In July 1995, the United States District Court for the Central District of California reversed the decision of the Bankruptcy Court. Orange County appealed the decision of the District Court to the United States Court of Appeals for the Ninth Circuit. Before the Ninth Circuit rendered a decision, the parties settled their disputes. Accordingly, if the City were to file for bankruptcy, it is not clear whether it would be required to set aside revenues pledged under the Resolution as described above.

In addition, the Pledged Revenues and other moneys that will be set aside to pay the Notes will be held in the City’s General Fund, and these funds will be invested in the pooled investment fund. Should the City go into bankruptcy, a court might hold that the owners of the Notes do not have a valid lien on the Pledged Revenues. In that case, unless the owners could “trace” the funds, the owners would merely be unsecured creditors of the City. There can be no assurance that the owners of the Notes could successfully so “trace” the Pledged Revenues.

## Limitations on Remedies

The rights of the owners of the Notes are subject to the limitations on legal remedies against cities in the State, including a limitation on enforcement of judgments against funds needed to serve the public welfare and interest. Additionally, enforceability of the rights and remedies of the owners of the Notes and the obligations incurred by the City, may become subject to the following: the Bankruptcy Code and applicable bankruptcy, insolvency, reorganization, moratorium, or similar laws relating to or affecting the enforcement of creditor's rights generally, now or hereafter in effect; equity principles which may limit the specific enforcement under State law of certain remedies; the exercise by the United States of America of the powers delegated to it by the Constitution; and the reasonable and necessary exercise in certain exceptional situations, of the police powers inherent in the sovereignty of the State and its governmental bodies in the interest of serving a significant and legitimate public purpose. Bankruptcy proceedings, or the exercise of powers by the federal or State government, if initiated, could subject the owners of the Notes to judicial discretion and interpretation of their rights in bankruptcy or otherwise, and consequently may entail risks of delay, limitation, or modification of their rights.

## COVID-19 Pandemic

The ongoing spread of the COVID-19 coronavirus pandemic, and responses intended to slow its spread, may result in material adverse impacts to the City and its finances. There can be no assurances that the spread of the virus and the related shelter in place orders and social distancing requirements imposed by the State of California, or other State or local mandates and/or other responses intended to slow its spread will not materially adversely impact the revenues received by the City.

The City is not yet able to fully predict the effect it COVID-19 may continue to have on the financial performance or operations of the City. The COVID-19 pandemic and the governmental actions to respond to it resulted in a significant contraction of the national, state and local economies, including with respect to unemployment rates. In addition, stock markets in the U.S. and globally experienced sharp declines in market value following the onset of the outbreak that were attributed to COVID-19 concerns and, although rebounds have since occurred, no assurance can be given as to the future impact of COVID-19 on the City.

The City cannot predict future impacts of COVID-19, or other pandemics, on the City and its finances. Future costs to the City could also be increased in the event that a sustained deterioration in global stock market values as an economic consequence of the COVID-19 pandemic negatively impacts the market value of assets held to fund the City's pension plans, requiring future unanticipated increases in required plan contributions. Accordingly, prospective investors should consider that COVID-19 may adversely impact the City and its finances.

## Climate Change

The adoption by the State of the California Global Warming Solutions Act of 2006 (AB 32) and subsequent companion bills demonstrate the commitment by the State to take action and reduce greenhouse gases ("GHG") to 1990 levels by 2020 and 80% below 1990 levels by 2050. The State Attorney General's Office, in accordance with SB 375, now requires that local governments examine local policies and large-scale planning efforts to determine how to reduce greenhouse gas emissions. Additionally, the State adopted Senate Bill No. 32, which established a revised statewide GHG emission reduction target of 40% below 1990 levels by 2030.



The City is vulnerable to the impacts of climate change. The severity of these impacts will depend on the amount of greenhouse gas emissions produced worldwide over the coming decades and the City's ability to adapt to the changing climate. These impacts will continue to grow in intensity and will disproportionately affect vulnerable communities such as the elderly, children, people with disabilities, and people with low incomes. In order to mitigate climate change locally, the City developed the Berkeley Climate Action Plan (CAP). The CAP sets a target of achieving 80% GHG reductions below 2000 levels by 2050. The City also has goals to achieve net zero carbon emissions by 2050, become a fossil fuel free city, and reach 100% renewable electricity citywide by 2035. From 2000 to 2020, the City reduced its greenhouse gas emissions by 31% despite a population increase of approximately 18% in that same period. Community-wide emissions in 2019 decreased 26% from the 2000 baseline and decreased 4% from 2018. The City has moved beyond its initial emissions reduction goal and, on May 11, 2021, the City Council committed to become zero net emissions by 2045, requiring an additional 74% reduction of GHG emissions. The City's mitigation efforts include developing plans, programs and policies to:

- Reduce energy use in building construction and operation, in transportation by shifting travel to walking, biking, and transit, and by minimizing landfilled waste;
- Clean the electricity used in the City and
- Electrify transportation and buildings to significantly reduce natural gas and petroleum use.

It is also critical that the City adapt to current and projected climate change impacts, including sea level rise, drought, severe storms, and extreme heat, in order to protect its community, infrastructure, buildings, and economy. The City has several plans that address climate adaptation including the Local Hazard Mitigation Plan, the Resilience Strategy, and the Climate Action Plan. The City is also developing a sea level rise plan for the Berkeley Marina and a green infrastructure plan. Some key climate resilience actions that the City is taking include implementing green infrastructure projects and identifying opportunities for clean energy assurance solutions, such as solar plus storage, for buildings. The City also actively participates in regional organizations such as the Bay Area Climate Adaptation Network to develop regional strategies and solutions to adapt to climate change.

Climate change will have new, direct impacts and will also exacerbate existing local natural hazards. Rising sea levels have the potential to impact infrastructure and community members in west Berkeley and the Berkeley waterfront. This could increase the City's exposure to tsunami inundation and to flooding of critical infrastructure in these areas, which includes sanitary sewers, state highways, and railroad lines. Increased temperatures, when coupled with prolonged drought events, can increase the intensity of wildfires that may occur, and pose significant health and safety risks for vulnerable communities. Shorter, more intense wet seasons could make flooding more frequent, and may increase the landslide risk in the Berkeley hills. California may experience greater water and food insecurity, and drought may become a more persistent issue as the effects of climate change deepen.

## **Cybersecurity**

The City and its departments face multiple cyber threats including, but not limited to, hacking, viruses, malware and other attacks on computers and other sensitive digital networks and systems. There have been, however, only limited cyber-attacks on the computer systems of the City. No assurances can be given that the security and operational control measures of the

City will be successful in guarding against any and each cyber threat and attack. The results of any attack on the computer and information technology systems could have a material adverse impact on the operations of the City and damage the digital networks and systems. The resulting costs and/or impacts on operations and General Fund revenues could be material.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS AFFECTING CITY REVENUES AND APPROPRIATIONS**

### **Limitations on Revenues**

**Article XIII A of the California Constitution.** Article XIII A of the State Constitution, adopted and known as Proposition 13, was approved by the voters in June 1978. Section 1(a) of Article XIII A limits the maximum ad valorem tax on real property to one percent of “full cash value,” and provides that such tax shall be collected by the counties and apportioned according to State law. Section 1(b) of Article XIII A provides that the one-percent limitation does not apply to ad valorem taxes levied to pay interest and redemption charges on (i) indebtedness approved by the voters prior to July 1, 1978, or (ii) bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast on the proposition, or (iii) bonded indebtedness incurred by a school district or community college district for the construction, reconstruction, rehabilitation or replacement of school facilities or the acquisition or lease of real property for school facilities, approved by 55% of the voters of the district, but only if certain accountability measures are included in the proposition. The tax for payment of the City’s general obligation bonds falls within the exception for bonds approved by a two-thirds vote.

Section 2 of Article XIII A defines “full cash value” to mean the county assessor’s valuation of real property as shown on the fiscal year 1975-76 tax bill, or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred. The full cash value may be adjusted annually to reflect inflation at a rate not to exceed two percent per year, or to reflect a reduction in the consumer price index or comparable data for the area under taxing jurisdiction or may be reduced in the event of declining property value caused by substantial damage, destruction or other factors. Legislation enacted by the State Legislature to implement Article XIII A provides that, notwithstanding any other law, local agencies may not levy any ad valorem property tax except the 1% base tax levied by each County and taxes to pay debt service on indebtedness approved by the voters as described above.

Since its adoption, Article XIII A has been amended a number of times. These amendments have created a number of exceptions to the requirement that property be reassessed when purchased, newly constructed or a change in ownership has occurred. These exceptions include certain transfers of real property between family members, certain purchases of replacement dwellings for persons over age 55 and by property owners whose original property has been destroyed in a declared disaster, and certain improvements to accommodate disabled persons and for seismic upgrades to property. These amendments have resulted in marginal reductions in the property tax revenues of the City.

Both the California State Supreme Court and the United States Supreme Court have upheld the validity of Article XIII A.

**Article XIII C and Article XIII D of the California Constitution.** On November 5, 1996, the voters of the State approved Proposition 218, known as the “Right to Vote on Taxes Act.” Proposition 218 adds Articles XIII C and XIII D to the California Constitution and contains a number

of interrelated provisions affecting the ability of the City to levy and collect both existing and future taxes, assessments, fees and charges.

On November 2, 2010, California voters approved Proposition 26, entitled the "Supermajority Vote to Pass New Taxes and Fees Act." Section 1 of Proposition 26 declares that Proposition 26 is intended to limit the ability of the State Legislature and local government to circumvent existing restrictions on increasing taxes by defining the new or expanded taxes as "fees." Proposition 26 amended Articles XIII A and XIII C of the State Constitution. The amendments to Article XIII A limit the ability of the State Legislature to impose higher taxes (as defined in Proposition 26) without a two-thirds vote of the Legislature. The amendments to Article XIII C define "taxes" that are subject to voter approval as "any levy, charge, or exaction of any kind imposed by a local government," with certain exceptions.

Taxes. Article XIII C requires that all new local taxes be submitted to the electorate before they become effective. Taxes for general governmental purposes of the City ("**general taxes**") require a majority vote; taxes for specific purposes ("**special taxes**"), even if deposited in the City's General Fund, require a two-thirds vote. The voter approval requirements of Proposition 218 reduce the flexibility of the City to raise revenues for the General Fund, and no assurance can be given that the City will be able to impose, extend or increase such taxes in the future to meet increased expenditure needs.

Property-Related Fees, Charges and Assessments. Article XIII D also adds several provisions making it generally more difficult for local agencies to levy and maintain property-related fees, charges, and assessments for municipal services and programs. These provisions include, among other things, (i) a prohibition against assessments which exceed the reasonable cost of the proportional special benefit conferred on a parcel, (ii) a requirement that assessments must confer a "special benefit," as defined in Article XIII D, over and above any general benefits conferred, (iii) a majority protest procedure for assessments which involves the mailing of notice and a ballot to the record owner of each affected parcel, a public hearing and the tabulation of ballots weighted according to the proportional financial obligation of the affected party, and (iv) a prohibition against fees and charges which are used for general governmental services, including police, fire or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

Reduction or Repeal of Taxes, Fees and Charges. Article XIII C also removes limitations on the initiative power in matters of reducing or repealing local taxes, assessments, fees or charges. No assurance can be given that the voters of the City will not, in the future, approve an initiative or initiatives which reduce or repeal local taxes, assessments, fees or charges currently comprising a substantial part of the City's General Fund. If such repeal or reduction occurs, the City's ability to pay debt service on the Notes could be adversely affected.

Burden of Proof. Article XIII C provides that local government "bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity." Similarly, Article XIII D provides that in "any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance" with Article XIII D.

Impact on City's General Fund. The approval requirements of Articles XIII C and XIII D reduce the flexibility of the City to raise revenues for the General Fund, and no assurance can be

given that the City will be able to impose, extend or increase the taxes, fees, charges or taxes in the future that the City may need to meet increased expenditure needs.

The City does not believe that any material source of General Fund revenue is subject to challenge under Articles XIIC or XIID.

Judicial Interpretation. The interpretation and application of Articles XIIC and XIID will ultimately be determined by the courts with respect to a number of the matters discussed below, and it is not possible at this time to predict with certainty the outcome of such determination.

## **Expenditures and Appropriations**

**Article XIIB of the California Constitution.** In addition to the limits Article XIII A imposes on property taxes that may be collected by local governments, certain other revenues of the State and local governments are subject to an annual “appropriations limit” or “Gann Limit” imposed by Article XIIB of the State Constitution, which effectively limits the amount of such revenues that government entities are permitted to spend. Article XIIB, approved by the voters in June 1979, was modified substantially by Proposition 111 in 1990. The appropriations limit of each government entity applies to “proceeds of taxes,” which consist of tax revenues, state subventions and certain other funds, including proceeds from regulatory licenses, user charges or other fees to the extent that such proceeds exceed “the cost reasonably borne by such entity in providing the regulation, product or service.” “Proceeds of taxes” exclude tax refunds and some benefit payments such as unemployment insurance. No limit is imposed on the appropriation of funds which are not “proceeds of taxes,” such as reasonable user charges or fees, and certain other non-tax funds.

Article XIIB also does not limit appropriation of local revenues to pay debt service on bonds existing or authorized by January 1, 1979, or subsequently authorized by the voters, appropriations required to comply with mandates of courts or the federal government, appropriations for qualified capital outlay projects, and appropriation by the State of revenues derived from any increase in gasoline taxes and motor vehicle weight fees above January 1, 1990, levels. The appropriations limit may also be exceeded in cases of emergency; however, the appropriations limit for the three years following such emergency appropriation must be reduced to the extent by which it was exceeded, unless the emergency arises from civil disturbance or natural disaster declared by the Governor, and the expenditure is approved by two-thirds of the legislative body of the local government.

The State and each local government entity have their own appropriations limit. Each year, the limit is adjusted to allow for changes, if any, in the cost of living, the population of the jurisdiction, and any transfer to or from another government entity of financial responsibility for providing services. Each school district is required to establish an appropriations limit each year. In the event that a school district’s revenues exceed its spending limit, the district may increase its appropriations limit to equal its spending by taking appropriations limit from the State.

Proposition 111 requires that each agency’s actual appropriations be tested against its limit every two years. If the aggregate “proceeds of taxes” for the preceding two-year period exceed the aggregate limit, the excess must be returned to the agency’s taxpayers through tax rate or fee reductions over the following two years.

## Future Initiatives

Article XIII A, Article XIII B, Article XIII C, Article XIII D and Proposition 111 were each adopted as measures that qualified for the ballot pursuant to California's initiative process. From time to time other initiative measures could be adopted, further affecting City revenues or the City's ability to expend revenues. The nature and impact of these measures cannot be predicted by the City.

## LEGAL OPINION

The statements of law and legal conclusions set forth in this Official Statement under the heading "TAX MATTERS" have been reviewed by Bond Counsel. Bond Counsel's employment is limited to a review of the legal proceedings required for the authorization of the Notes and to rendering the opinion discussed below. Such opinion will not consider or extend to any documents, agreements, representations, offering circulars or other material of any kind concerning the Notes not mentioned in this paragraph. Bond Counsel takes no responsibility for the accuracy, completeness or fairness of this Official Statement. Bond Counsel's compensation is contingent upon the delivery of the Notes. Certain legal matters will be passed upon for the City by the City Attorney.

## TAX MATTERS

In the opinion of Jones Hall, A Professional Law Corporation, San Francisco, California, Bond Counsel, subject, however to the qualifications set forth below, under existing law, the interest on the Notes is excluded from gross income for federal income tax purposes and such interest is not an item of tax preference for purposes of the federal alternative minimum tax.

The opinions set forth in the preceding paragraph are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended (the "**Tax Code**") that must be satisfied subsequent to the issuance of the Notes. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of such interest in gross income for federal income tax purposes to be retroactive to the date of issuance of the Notes.

**Tax Treatment of Original Issue Discount and Premium.** If the initial offering price to the public at which a Note is sold is less than the amount payable at maturity thereof, then such difference constitutes "**original issue discount**" for purposes of federal income taxes and State of California personal income taxes. If the initial offering price to the public at which a Note is sold is greater than the amount payable at maturity thereof, then such difference constitutes "**original issue premium**" for purposes of federal income taxes and State of California personal income taxes. *De minimis* original issue discount and original issue premium are disregarded.

Under the Tax Code, original issue discount is treated as interest excluded from federal gross income and exempt from State of California personal income taxes to the extent properly allocable to each owner thereof subject to the limitations described in the first paragraph of this section. The original issue discount accrues over the term to maturity of the Note on the basis of a constant interest rate compounded on each interest or principal payment date (with straight-line interpolations between compounding dates). The amount of original issue discount accruing

during each period is added to the adjusted basis of such Notes to determine taxable gain upon disposition (including sale, redemption, or payment on maturity) of such Note. The Tax Code contains certain provisions relating to the accrual of original issue discount in the case of purchasers of the Notes who purchase the Notes after the initial offering of a substantial amount of such maturity. Owners of such Notes should consult their own tax advisors with respect to the tax consequences of ownership of Notes with original issue discount, including the treatment of purchasers who do not purchase in the original offering, the allowance of a deduction for any loss on a sale or other disposition, and the treatment of accrued original issue discount on such Notes under federal alternative minimum taxes.

Under the Tax Code, original issue premium is amortized on an annual basis over the term of the Note (said term being the shorter of the Note's maturity date or its call date). The amount of original issue premium amortized each year reduces the adjusted basis of the owner of the Note for purposes of determining taxable gain or loss upon disposition. The amount of original issue premium on a Note is amortized each year over the term to maturity of the Note on the basis of a constant interest rate compounded on each interest or principal payment date (with straight-line interpolations between compounding dates). Amortized Note premium is not deductible for federal income tax purposes. Owners of premium Notes, including purchasers who do not purchase in the original offering, should consult their own tax advisors with respect to State of California personal income tax and federal income tax consequences of owning such Notes.

In the further opinion of Bond Counsel, interest on the Notes is exempt from California personal income taxes.

Owners of the Notes should also be aware that the ownership or disposition of, or the accrual or receipt of interest on, the Notes may have federal or state tax consequences other than as described above. Bond Counsel expresses no opinion regarding any federal or state tax consequences arising with respect to the Notes other than as expressly described above.

A copy of the proposed form of opinion of Bond Counsel is attached hereto as APPENDIX C.

## CONTINUING DISCLOSURE

The City has covenanted for the benefit of the holders of the Notes to provide notices of the occurrence of certain enumerated events. The notices of enumerated events will be filed by the City with the Municipal Securities Rulemaking Board. The specific nature of the information to be contained in the notices of enumerated events is summarized under the caption "APPENDIX D – Form of Continuing Disclosure Certificate." These covenants have been made in order to assist the purchaser of the Notes in complying with Rule 15c2- 12(b)(5) promulgated under the Securities Exchange Act of 1934, as amended (the "Rule").

The City and its related governmental entities have previously entered into numerous disclosure undertakings under the Rule in connection with the issuance of long-term obligations. See Note 8 of the City's Annual Comprehensive Financial Report attached to this Official Statement as APPENDIX B.

In the previous five years, the City failed to timely file a material event notice in connection with a rating change for one series of the City's outstanding bonds. To ensure future compliance with its continuing disclosure undertakings, the City has developed procedures for including all required continuing disclosure information in the supplementary section of its audited financial statements. In addition, the City has engaged NHA Advisors, LLC, to review this information annually to ensure compliance with its continuing disclosure undertakings, including the undertaking to be entered into in connection with the Notes.

## ABSENCE OF MATERIAL LITIGATION

No litigation is pending or threatened concerning the validity of the Notes, and a certificate to that effect will be furnished by the City at the time of the original delivery of the Notes. The City is not aware of any litigation pending or threatened questioning the political existence of the City or contesting the City's ability to receive ad valorem taxes or to collect other Unrestricted Moneys or contesting the City's ability to issue and retire the Notes.

There are a number of lawsuits and claims pending against the City. The aggregate amount of the uninsured liabilities of the City, and the timing of any anticipated payments of judgments that may result from suits and claims, will not, in the opinion of the City, materially affect the finances of the City or impair its ability to repay the Notes. A certificate of the City to this effect will be available at the time of original delivery of the Notes.

## UNDERWRITING

The Notes were purchased by \_\_\_\_\_ (the “**Purchaser**”) at a price of \$ \_\_\_\_\_ (representing \$ \_\_\_\_\_ aggregate principal amount of the Notes plus a purchase premium of \$ \_\_\_\_\_, less a Purchaser’s discount of \$ \_\_\_\_\_). The purchase contract for the Notes provides that the Purchaser will purchase all the Notes if any are purchased, the obligation to make such purchase being subject to certain terms and conditions set forth in such purchase contract, the approval of certain legal matters by counsel and certain other conditions.

The Purchaser may offer and sell Notes to certain dealers and others at prices lower than the offering price stated on the cover page hereof. The offering price may be changed from time to time by the Purchaser.

## MUNICIPAL ADVISOR

The City has retained NHA Advisors, LLC, San Rafael, California, as municipal advisor (the “**Municipal Advisor**”) in connection with the preparation of this Official Statement and with respect to the issuance of the Notes. The Municipal Advisor is not obligated to undertake, and has not undertaken to make, an independent verification or assume responsibility for the accuracy, completeness, or fairness of the information contained in this Official Statement. The Municipal Advisor is a municipal advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities. The Municipal Advisor’s compensation is contingent upon the delivery of the Notes.

## RATING

S&P Global Ratings, a business unit of Standard & Poor’s Financial Services LLC, has assigned a rating to the Notes as shown on the cover of this Official Statement. The City supplied certain information to the rating agency to be considered in evaluating the Notes. The rating issued reflects only the views of such rating agency, and any explanation of the significance of such rating should be obtained from the rating agency. There is no assurance that the rating will be retained for any given period of time or that the same will not be revised downward or withdrawn entirely by such rating agency if, in its judgment, circumstances so warrant. Any downward revision or withdrawal of the rating obtained may have an adverse effect on the market price of the Notes.



**ADDITIONAL INFORMATION**

The purpose of this Official Statement is to supply information to purchasers of the Notes. Quotations from and summaries and explanations of the Notes and the Resolution and of statutes and documents contained herein do not purport to be complete, and reference is hereby made to the Resolution, statutes and documents for full and complete statements of their provisions. Additional information can be obtained from the City's Director of Finance.

This Official Statement speaks only as of its date, and the information presented in this Official Statement is subject to change. Any statements in this Official Statement involving matters of opinion, whether or not expressly stated, are intended as such and not as representations of fact. This Official Statement is not to be construed as a contract or agreement among the City and any purchaser or owners of the Notes. This Official Statement and its distribution have been authorized and approved by the City Council of the City.

**CITY OF BERKELEY**

By: \_\_\_\_\_  
City Manager

**APPENDIX A**

**CERTAIN INFORMATION CONCERNING THE CITY OF BERKELEY**

**Introduction**

The City of Berkeley, California (the “City”) is located in Alameda County (the “County”) on the east side of the San Francisco Bay, approximately 10 miles northeast of San Francisco. The City encompasses a total area of approximately 19 square miles and had an estimated population of 123,562 as of January 1, 2023, giving it the highest population density of any city in the East Bay. The City is defined to a large degree, both culturally and economically, by the presence of the University of California campus located on the eastern side of the City. The University of California is a major component of the City's economy, employing more than 227,000 full and part-time workers across all University of California campuses statewide.

The City is among the oldest in California. The City was founded in 1864, incorporated as a town in 1878, and incorporated as a city in 1909. The City's first charter was adopted in 1895.

**Population**

Population figures for the City, County and State for the last five years are shown in the following table.

**CITY OF BERKELEY  
Population Estimates  
As of January 1**

| <b>Year</b> | <b>City of Berkeley</b> | <b>County of Alameda</b> | <b>State of California</b> |
|-------------|-------------------------|--------------------------|----------------------------|
| 2019        | 122,297                 | 1,659,608                | 39,605,361                 |
| 2020        | 122,364                 | 1,663,114                | 39,648,938                 |
| 2021        | 120,418                 | 1,663,371                | 39,286,510                 |
| 2022        | 123,188                 | 1,644,248                | 39,078,674                 |
| 2023        | 123,562                 | 1,636,194                | 38,940,231                 |

*Source: State Department of Finance estimates (as of January 1).*

**City Government**

The City operates under a Council-Manager form of government. The City is governed by a nine-member City Council, eight of whom are elected by district, plus the Mayor, who is elected on a city-wide basis. The Mayor and the City Council members serve four-year terms. The Council appoints a City Manager who is responsible for daily administration of City affairs and preparation and submission of the annual budget under the direction of the Mayor and the City Council for the Mayor's submission to the City Council. The City Manager appoints a Director of Finance to supervise the City's financial affairs. The Director of Finance also serves as the City's Treasurer.

The City Attorney, City Clerk and Director of Finance are appointed by the City Manager subject to City Council approval. The City Auditor is elected at the same time as the Mayor. Current members of the City Council are shown below:

| <u>Member</u>   | <u>District</u> | <u>Term Expires</u> |
|-----------------|-----------------|---------------------|
| Jesse Arreguín  | Mayor           | 11/30/2024          |
| Rashi Kesarwani | 1               | 11/30/2026          |
| Terry Taplin    | 2               | 11/30/2024          |
| Ben Bartlett    | 3               | 11/30/2024          |
| Kate Harrison   | 4               | 11/30/2026          |
| Sophie Hahn     | 5               | 11/30/2024          |
| Susan Wengraf   | 6               | 11/30/2024          |
| Rigel Robinson  | 7               | 11/30/2026          |
| Mark Humbert    | 8               | 11/30/2026          |

### CITY FINANCIAL INFORMATION

Although the City is including information about the City’s finances in this Appendix A, it is important to understand that the Notes described in this Official Statement are voter-approved general obligations of the City payable solely from the levy and collection of ad valorem property taxes, unlimited as to rate or amount, and are not payable from the general fund of the City.

#### Possible Impacts of COVID-19

As described in this Official Statement, while indications are that the COVID-19 pandemic is transitioning to its endemic stage, many variables will continue to contribute to the economic impact of the COVID-19 pandemic and the recovery. The ultimate impact of COVID-19 on the City’s operations and finances is not fully known, and it may be some time before the full impact of the COVID-19 pandemic is known. The Notes described in this Official Statement are not secured by the City’s general fund, but rather are voter-approved general obligations of the City payable solely from the levy and collection of *ad valorem* property taxes, unlimited as to rate or amount, and are not payable from the general fund of the City. See “SPECIAL RISK FACTORS – COVID-19 Pandemic.”

#### Accounting Policies and Financial Reporting

The accounts of the City are organized on the basis of funds and account groups, to account for different activities. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which the spending activities are controlled. The City’s general fund and other governmental fund types use the modified accrual basis of accounting. All of the City’s other funds, including proprietary fund types and fiduciary fund types use the accrual basis of accounting. The basis of accounting for all funds is more fully explained in the “Notes to the Financial Statements” contained in APPENDIX B.

The City Council employs, at the beginning of each fiscal year, an independent certified public accountant who, at such time or times as specified by the City Council, at least annually, and at such other times as he or she shall determine, examines the combined financial statements of the City in accordance with generally accepted auditing standards, including such tests of the accounting records and such other auditing procedures as such accountant considers necessary. As soon as practicable after the end of the fiscal year, a final audit and report is submitted by such

accountant to the City Council and a copy of the financial statements as of the close of the fiscal year is published.

The City, all its funds and the funds of certain other component entities of the City are audited annually by a certified public accounting firm. The firm of Badawi and Associates, Certified Public Accounts, Oakland, California, is the City's current auditor (the "**Auditor**"). The annual comprehensive financial report of the City for fiscal year 2021-22 is attached hereto as APPENDIX B. *The City's financial statements are public documents and are included within this Official Statement without the prior approval of the Auditor.*

The Governmental Accounting Standards Board ("**GASB**") published its Statement No. 34 "Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments" on June 30, 1999. Statement No. 34 provides guidelines to auditors, state and local governments and special purpose governments such as school districts and public utilities, on new requirements for financial reporting for all governmental agencies in the United States. Generally, the basic financial statements and required supplementary information should include (i) Management's Discussion and Analysis; (ii) government-wide financial statements prepared using the economic measurement focus and the accrual basis of accounting and fund financial statements prepared using both the current financial resources measurement focus and the modified accrual method of accounting (governmental funds) and funds using the economic measurement focus and the accrual basis of accounting (proprietary funds) and (iii) required supplementary information. The City's financial statements are prepared in conformance with the requirements of Statement No. 34.

### **Comparative Financial Statements**

The following tables provide a recent history of the City's Comparative Balance Sheet, and both a recent history of General Fund revenues, expenditures, transfers, and ending fund balances and recently budgeted amounts.

**CITY OF BERKELEY  
GENERAL FUND BALANCE SHEET  
(Fiscal Year Ending June 30)  
(Dollar amounts in thousands)**

|                                              | <u>Actual<br/>2018-19</u> | <u>Actual<br/>2019-20</u> | <u>Actual<br/>2020-21</u> | <u>Actual<br/>2021-22</u> |
|----------------------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| <b>ASSETS:</b>                               |                           |                           |                           |                           |
| Cash and investments in treasury*            | \$107,360                 | \$136,050                 | \$146,849                 | \$171,955                 |
| Receivables (net of allowance as applicable) |                           |                           |                           |                           |
| Accounts                                     | 4,980                     | 3,131                     | 4,782                     | 5,384                     |
| Interest                                     | 778                       | 398                       | 834                       | 1,078                     |
| Taxes                                        | 9,953                     | 6,502                     | 13,092                    | 10,795                    |
| Subventions/grants                           | 450                       | 1,582                     | 1                         | --                        |
| Due from other funds                         | 6,973                     | 7,533                     | 12,814                    | 17,740                    |
| Notes receivable                             | 3,697                     | 4,820                     | 6,197                     | 13,818                    |
| Other                                        | 320                       | 5                         | 5                         | 5                         |
| Prepaid Items                                | --                        | --                        | --                        | --                        |
| Total assets                                 | <u>134,512</u>            | <u>160,020</u>            | <u>184,574</u>            | <u>220,776</u>            |
| <b>LIABILITIES:</b>                          |                           |                           |                           |                           |
| Accounts payable                             | 6,736                     | 8,755                     | 10,444                    | 7,094                     |
| Accrued salaries and wages                   | 5,989                     | 7,009                     | 8,081                     | 8,934                     |
| Accrued interest payable                     | --                        | 694                       | 740                       | 445                       |
| Advances from other funds                    | 4,059                     | 3,113                     | 1,760                     | 814                       |
| Deposits held                                | 781                       | 770                       | 921                       | 886                       |
| Unearned revenue                             | --                        | --                        | --                        | --                        |
| Tax and revenue anticipation notes           | 14,000                    | 34,780                    | 42,405                    | 44,660                    |
| Other liabilities                            | 3,899                     | 3,975                     | 4,955                     | 6,129                     |
| Total liabilities                            | <u>35,463</u>             | <u>59,095</u>             | <u>69,307</u>             | <u>68,962</u>             |
| Deferred Inflows of Resources                | 5,813                     | 2,856                     | 3,385                     | 3,770                     |
| <b>FUND BALANCES</b>                         |                           |                           |                           |                           |
| Reserved for:                                |                           |                           |                           |                           |
| Assigned to                                  | 42,667                    | 44,705                    | 19,577                    | 12,163                    |
| Nonspendable                                 | --                        | --                        | --                        | --                        |
| Restricted and Committed                     | 3,697                     | 4,820                     | 35,941                    | 60,697                    |
| Unreserved/Unassigned, report in:            |                           |                           |                           |                           |
| General fund                                 | 46,872                    | 48,544                    | 56,364                    | 75,184                    |
| Total fund balances                          | <u>92,236</u>             | <u>98,069</u>             | <u>111,882</u>            | <u>148,043</u>            |
| Total liabilities and fund balances          | <u>\$135,512</u>          | <u>\$160,020</u>          | <u>\$184,574</u>          | <u>\$220,776</u>          |

\* Cash and investments in treasury includes restricted cash and investments.

Source: City of Berkeley, Annual Comprehensive Financial Reports.

**CITY OF BERKELEY**  
**STATEMENT OF GENERAL FUND**  
**REVENUES, EXPENDITURES, TRANSFERS AND BALANCES**  
**(Fiscal Year Ending June 30)**  
**(Dollar amounts in thousands)**

|                                           | <u>Actual</u><br><u>2018-19</u> | <u>Actual</u><br><u>2019-20</u> | <u>Actual</u><br><u>2020-21</u> | <u>Actual</u><br><u>202122</u> |
|-------------------------------------------|---------------------------------|---------------------------------|---------------------------------|--------------------------------|
| <b>REVENUES:</b>                          |                                 |                                 |                                 |                                |
| Taxes                                     | \$173,216                       | \$182,470                       | \$187,395                       | \$225,100                      |
| Licenses and Permits                      | 1,405                           | 2,099                           | 1,805                           | 1,580                          |
| Subvention and Grants/Intergovernmental   | 1,868                           | 1,771                           | 3,700                           | 652                            |
| Service Fees                              | 8,433                           | 8,597                           | 6,990                           | 7,806                          |
| Fines and Forfeitures                     | 5,443                           | 4,166                           | 3,579                           | 4,967                          |
| Rents                                     | 289                             | 203                             | 189                             | 294                            |
| Franchises                                | 1,800                           | 1,812                           | 1,714                           | 1,713                          |
| Private contribution                      | --                              | 179                             | 184                             | 45                             |
| Interest                                  | 6,915                           | 9,287                           | 8,110                           | (10,069)                       |
| Other                                     | 1,722                           | 356                             | 74                              | 506                            |
| <b>TOTAL REVENUES</b>                     | <u>201,090</u>                  | <u>210,941</u>                  | <u>213,740</u>                  | <u>232,595</u>                 |
| <b>EXPENDITURES:</b>                      |                                 |                                 |                                 |                                |
| General Government                        | 27,410                          | 24,693                          | 27,357                          | 29,693                         |
| Public Safety                             | 103,084                         | 118,793                         | 120,179                         | 124,901                        |
| Highways and Streets                      | 2,904                           | 2,289                           | 3,163                           | 3,833                          |
| Health and Human Services                 | 13,319                          | 20,423                          | 19,320                          | 17,897                         |
| Culture-Recreation                        | 5,943                           | 7,014                           | 7,362                           | 8,708                          |
| Community Development                     | 8,264                           | 9,041                           | 9,258                           | 12,693                         |
| Economic Development                      | 2,845                           | 5,879                           | 2,534                           | 3,005                          |
| Debt Service                              | 270                             | 473                             | 139                             | 98                             |
| <b>TOTAL EXPENDITURES</b>                 | <u>164,040</u>                  | <u>188,605</u>                  | <u>189,313</u>                  | <u>200,827</u>                 |
| Excess Revenues Over (Under) Expenditures | 37,050                          | 22,334                          | 24,427                          | 31,767                         |
| Transfers In(out)/Other                   | (27,699)                        | (17,502)                        | (10,614)                        | 4,394                          |
| Net Change in Fund Balance                | 9,351                           | 4,883                           | 13,813                          | 36,161                         |
| Fund Balance, July 1                      | 83,885                          | 93,236                          | 98,069                          | 111,882                        |
| Prior Period Adjustment                   | <u>          </u>               | <u>          </u>               | <u>          </u>               | <u>          </u>              |
| <b>Fund Balance, June 30*</b>             | <u><u>\$93,236</u></u>          | <u><u>\$98,069</u></u>          | <u><u>\$111,882</u></u>         | <u><u>\$148,043</u></u>        |

\* Totals may not sum due to rounding.

Source: City of Berkeley Annual Comprehensive Financial Reports

## General Fund Budget

***Budgetary Process and Administration.*** The City employs a two-year budget process. In year one of the biennial budget cycle, the City Council formally adopts authorized appropriations for the first fiscal year and approves “planned” appropriations for the second fiscal year. In year two, the City Council considers revisions and formally adopts authorized appropriations for the second fiscal year. Although the budget cycle covers a two-year period, the City Charter requires that the City Council adopt an annual appropriations ordinance for each budget year.

From January to May of each year, the City Council meets publicly to discuss policies and priorities for the upcoming budget. The City Manager prepares a proposed budget based on input from department heads and presents this to the City Council by the first Monday in May of a budget year or as fixed by the City Council. The City also maintains additional budgetary controls to ensure compliance with the annual appropriated budget. The City Manager is authorized to transfer budgeted amounts within funds as deemed necessary to meet the City’s needs; however, revisions that alter the total budget or move amounts from one fund to another must be approved by the City Council.

Revenues and expenditures relating to the City’s general governmental operations are budgeted and accounted for in the City’s general fund, including public safety, highways and streets, health, housing and human services, culture and recreation, community development and economic development. General taxes and fees support most of these activities. The “business” or proprietary activities of the City are accounted for in each of eight enterprise funds, which include those established for Refuse Collection, Marina Operations, Sanitary Sewers, Clean Storm Water, Permit Service Center, Off-Street Parking, Parking Meter, and Building Purchases & Management. These activities are intended to be completely or largely self-supporting through user fees and charges.

The balance of this Appendix is concerned with the operations and performance of the City’s General Fund, unless otherwise noted.

***Adopted Biennial Budget.*** The City generally adopts a biennial budget, adopting its Fiscal Years 2022-23 and 2023-24 biennial budget on June 28, 2022. For Fiscal Year 2022-23, the City authorized operating and capital budget expenditures of \$754.2 million based on revenues of approximately \$608.1 million. For Fiscal Year 2023-24, the City authorized operating and capital budget expenditures of \$726.0 million based on revenues of approximately \$604.0 million. In both fiscal years, prior year savings (accumulated fund balance), bond proceeds collected in prior fiscal years and/or anticipated grant funding offset the net increase in expenditures among the different funds to balance the budget.

The General Fund comprises less than one-half of the total budget, with the remainder of the budget consisting of various special funds that are restricted in purpose. Fifty-five percent of the City’s General Fund revenue is derived from real and unsecured property, sales and soda taxes, and business license taxes.

For Fiscal Year 2022-23, baseline revenues for the general fund are projected to be \$258.7 million, while baseline expenditures are projected to be \$280.7 million, resulting in a deficit of \$22 million. For Fiscal Year 2023-24, baseline revenues for the general fund are projected to be \$262.2 million, which baseline expenditures are projected to be \$274.0 million, resulting in a deficit of \$11.8 million. Accumulated fund balance, largely from Fiscal Year 2021-22 excess

property tax transfer, addressed the operational shortfall in both fiscal years, along with the use of remaining unspent American Rescue Plan Act funds in Fiscal Year 2023-24.

### Preliminary Five-Year Forecast

On June 8, 2023, the Budget and Finance Policy Committee was presented with a preliminary five-year forecast, showing a structural annual deficit in Fiscal Years 2022-23 through 2026-27. The following table shows the projected revenues and expenditures over the next five fiscal years for the City's General Fund and Special Funds.

### CITY OF BERKELEY Preliminary Five-Year Forecast Fiscal Years 2022-23 through 2026-27

|                            | <u>2022-23</u> | <u>2023-24</u> | <u>2024-25</u> | <u>2025-26</u> | <u>2026-27</u> |
|----------------------------|----------------|----------------|----------------|----------------|----------------|
| Beginning Fund Balance     | \$71,577,871   | \$65,156,400   | \$56,294,337   | \$32,248,907   | \$14,807,120   |
| Total Revenues             | 265,958,729    | 266,418,324    | 269,654,570    | 277,558,213    | 285,676,851    |
| Total Expenditures         | 272,380,200    | 275,280,387    | 293,700,000    | 295,000,000    | 299,600,000    |
| Annual Surplus/(Shortfall) | (6,421,471)    | (8,862,063)    | (24,045,430)   | (17,441,787)   | (13,923,149)   |
| Projected Ending Balance   | 65,156,400     | 56,294,337     | 32,248,907     | 14,807,120     | 883,971        |

*Source: City of Berkeley Annual Comprehensive Financial Reports*

Given the decreasing level of precision to be expected in the later years of a multi-year forecast, the significance of the projections in the out years is not so much in terms of their absolute amounts, but rather in the relative size of the decrease or increase from the prior year. This information should be used to provide a multi-year perspective to budgetary decision-making, rather than as a precise prediction of what will occur.

### General Fund Reserves

**Establishment of General Fund Reserve.** On December 13, 2016, the City Council adopted a General Fund reserve policy, establishing a General Fund reserve (the "**Reserve**"), to prepare for the impact of economic cycles and catastrophic events and assure fluctuations in revenue do not impede the City's ability to meet expenditure obligations. When revenues fail to meet the City's normal operating requirements, or the need for disbursements temporarily exceeds receipts, the Reserve, upon a 2/3 vote of the City Council, may be used in accordance with the standards set forth therein.

The Reserve is composed of two elements, a Stability Reserve and a Catastrophic Reserve:

1) A Stability Reserve is maintained to mitigate loss of service delivery and financial risks associated with unexpected revenue shortfalls during a single fiscal year or during a prolonged recessionary period. The purpose of the Stability Reserve is to provide fiscal stability in response to unexpected downturns or revenue shortfalls, and not to serve as a funding source for new programs or projects.



2) A Catastrophic Reserve is maintained for the purpose of sustaining General Fund operations in the case of a public emergency, such as a natural disaster or other catastrophic event. The Catastrophic Reserve will be used to respond to extreme, onetime events, such as earthquakes, fires, floods, civil unrest, and terrorist attacks. The Catastrophic Reserve will not be accessed to meet operational shortfalls or to fund new programs or projects.

The Reserve is accounted for in the Unassigned fund balance of the City's balance sheet.

**Target Reserve Levels.** 55% of the Reserve is allocated to the Stability Reserve and 45% to the Catastrophic Reserve.

The long-term goal for the Reserve is a minimum of 30% of the adopted General Fund revenues, to be achieved by 2026-27 ("**Long-Term Goal**"). Based on a risk assessment (according to best practices), to be updated at least every five years, the City Council may consider increasing or lowering the Reserve level.

As of July 1, 2023, the Stability Reserve is projected to have \$22,260,236, and the Catastrophic Reserve is projected to have \$16,894,828, which total 15.14% of adopted General Fund revenues, significantly below the long-term goal.

**Replenishment of the General Fund Reserve.** The City Manager will recommend a replenishment schedule for all monies proposed for appropriation from the Reserve. The replenishment schedule will be adopted simultaneous with the appropriation to withdraw Reserve funds or, if infeasible due to emergency circumstances, no more than three months from the date of the withdrawal appropriation. Repayment shall begin no more than five years from the date of withdrawal and be completed within 10 years from the date of withdrawal.

While staff envisions that, in most cases, repayment will start as soon as possible, the repayment guidelines are meant to reflect a commitment to maintain a sufficient Reserve, while also recognizing that a use of Reserve amounts may occur during an economic downturn, and it may be necessary to postpone repayment while the economy improves. In Fiscal Year 2021-22, the City repaid \$3,646,005 to the Stability Reserve, and \$3,025,000 is expected to be repaid in Fiscal Year 2022-23. In Fiscal Year 2021-22, the City repaid \$2,974,913 to the Catastrophic Reserve and \$2,475,000 is expected to be repaid in Fiscal Year 2022-23.

### **Unfunded Liability Obligations and Unfunded Infrastructure Needs**

**General.** On February 23, 2023, the City Manager presented a biennial report of the City's unfunded liability obligations and unfunded infrastructure needs (the "**Report**"). The Report includes, among other things:

1. Employee and retiree benefit costs over a 10-year horizon
2. Costs for current active employees including:
  - a. total payroll costs for active employees during the current year;
  - b. projected payroll costs for the same number of employees for the next 10-year period.
3. A summary of all current City obligations including:
  - a. general obligation bonds;

- b. certificates of participation;
  - c. loans;
  - d. all other current long-term obligations.
4. Summary of all capital assets and infrastructure including:
- a. Appraisal of Public Buildings valued at \$5 million or more
  - b. Condition of Streets and Roads, projecting costs to bring streets and roads condition to an average Pavement Condition Index of 75 within 5 years.
  - c. Sewers: updated asset management plan for public sewers including projected costs for succeeding 5 years and projected revenue from sewer fees for the succeeding 5 years.

Certain provisions of the Report, which is available on the City's internet website but is not incorporated by reference herein, are described below. The link to the Report on the City's internet website is the following: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/ITEM%204%20SUPPLEMENTAL%20\(UNFUNDED%20LIABILITIES\).pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/ITEM%204%20SUPPLEMENTAL%20(UNFUNDED%20LIABILITIES).pdf). *The information contained within the website may not be current and is not incorporated in this Official Statement by reference.*

The Report concludes that maintaining a careful balance between cash on hand to fund daily operations and liquidity to cover unfunded liabilities is a key challenge for all governments, and reports that liabilities tied to benefits total \$613.8 million (of which only 72.0% is funded), and the City's unfunded infrastructure requires a total of \$2.23 billion.

**Unfunded Liabilities.** Due to projected increases in expenses, primarily pension and medical expenses, the City is projecting a General Fund structural deficit.

The City provides retirement benefits to its employees through three plans in the California Public Employees' Retirement System ("**CalPERS**"). See "- Retirement Programs" below for additional information. The City has a significant pension liability that is anticipated to grow, increasing by more than \$40 million over the next ten years, which will put a strain on resources and services.

In addition, the City's retiree health plans are significantly underfunded, as detailed in the Report.

**Unfunded Infrastructure Needs.** The City has an extensive portfolio of capital assets and infrastructure, including 95 buildings, 254 miles of public sanitary mains and 130 miles of sewer laterals, 216 centerline miles (450 lane miles) of public streets, 52 parks, 2 pools, 3 camps and 42 facilities served by the City's IT systems. In addition, Berkeley is a relatively older city, and faces related challenges with its aging infrastructure. Despite the passage of several local bond measures to support capital facilities, there are significant unfunded needs related to parks, pools, camps, waterfront property, streets, sidewalks, storm drain/watershed, sewer, transportation and buildings/facilities. As needed improvements continue to be deferred, operating and maintenance costs rise and rehabilitation and replacement costs increase substantially. The Report details available annual funding and unfunded needs for capital and major maintenance.

As a result of the age of the City's infrastructure and limited resources allocated to infrastructure, the projected costs of the City's aging infrastructure needs are anticipated to reach more than \$2.23 billion by Fiscal Year 2024-25.

The Report also highlights that the City is located on the east side of the San Francisco bay, and has waterfront property with docks, pilings, parking lots and streets that have reached the end of their useful life. The City's mechanism for managing its waterfront revenues and expenditures (the "**Marina Fund**") is projected to have insufficient funding due to decreasing revenues and increasing expenditures, a trend that could be aggravated by failure to maintain the marina infrastructure. The City has created the Berkeley Marina Area Specific Plan to address an estimated \$113 million in infrastructure repairs but has not identified any specific funding sources.

### **State Budget and its Impact on the City**

**Fiscal Year 2022-2023 State Budget.** On January 10, 2022, the Governor released the proposed State budget for fiscal year 2023-24 (the "**Proposed 2023-24 State Budget**"). The Proposed 2022-2023 State Budget is anticipated to represent a \$286.4 billion operating budget that is balanced.

Voters approved Proposition 1A in November 2004 to amend the State Constitution to place constraints on the State's ability to divert certain specified revenues from local agencies to the State. Subsequently, in November 2010, voters approved Proposition 22 to amend the State Constitution to further constrain or eliminate the State's ability to redirect revenues from local agencies. "CONSTITUTIONAL AND STATUTORY PROVISIONS AFFECTING CITY REVENUES AND APPROPRIATIONS – Proposition 1A" and "– Proposition 22."

**Additional Information.** Information about the Proposed 2023-24 State Budget and other State budgets is available at [www.ebudget.ca.gov](http://www.ebudget.ca.gov). An impartial analysis of the budget is posted by the Legislative Analyst Office at [www.lao.ca.gov](http://www.lao.ca.gov). In addition, various State official statements, many of which contain a summary of the current and past State budgets, may be found at the website of the State Treasurer, [www.treasurer.ca.gov](http://www.treasurer.ca.gov). *The information referred to in this paragraph is prepared by the respective State agency maintaining each website and not by the City. The City takes no responsibility for the continued accuracy of the Internet addresses or for the accuracy or timeliness of information posted there, and such information is not incorporated in this Official Statement by these references.*

### **Ad Valorem Property Taxes**

**Tax Levies and Collections.** Property taxes collected by the City increased \$25.8 million, or 23.0%, to \$138.4 million in fiscal 2021-22, up from \$112.6 million in fiscal year 2020-21, primarily as a result of increases in the following revenue sources:

- Real property taxes increased \$2.5 million, or 3.7%, to \$70.6 million in fiscal year 2021-22, up from \$68.1 million in fiscal year 2020-21. This increase was consistent with the fiscal year 2021-22 increase in assessed valuation of 4.48%.
- Property transfer taxes increased \$13.2 million, or 50.0%, to \$39.6 million in fiscal year 2021-22, up from \$26.4 million in fiscal year 2020-21. This resulted primarily from a 59.7% increase in the dollar value of property sales during fiscal year 2021-22.
- Property transfer tax-Measure P increased \$8.9 million, or 76.1%, to \$20.6 million in fiscal year 2021-22, from \$11.7 million in fiscal year 2020-21. This

increase resulted from an 88.6% increase in the dollar value of property sales for properties selling for more than \$1.5 million in fiscal year 2021-22.

- Vehicle in-lieu taxes increased \$0.6 million, or 4.4%, in fiscal year 2021-22, to \$15.0 million from \$14.4 million in fiscal year 2020-21. This was consistent with the 4.48% increase in fiscal year 2021-22 assessed values reported by the County.

Taxes are levied for each fiscal year on taxable real and personal property that is situated in the City as of the preceding January 1. A supplemental roll is developed when property changes hands, which produces additional revenue.

A ten percent penalty attaches to any delinquent payment for secured roll taxes. In addition, property on the secured roll with respect to which taxes are delinquent becomes tax-defaulted. Such property may thereafter be redeemed by payment of the delinquent taxes and the delinquency penalty, plus a redemption penalty to the time of redemption. If taxes are unpaid for a period of five years or more, the property is subject to auction sale by the County Tax Collector.

In the case of unsecured property taxes, a 10% penalty attaches to delinquent taxes on property on the unsecured roll, and an additional penalty of 1.5% per month begins to accrue beginning November 1 of the fiscal year, and a lien is recorded against the assessee. The taxing authority has four ways of collecting unsecured personal property taxes: (1) a civil action against the taxpayer; (2) filing a certificate in the office of the County Clerk specifying certain facts in order to obtain a judgment lien on specific property of the taxpayer; (3) filing a certificate of delinquency for recording in the County Recorder's office in order to obtain a lien on specified property of the taxpayer; and (4) seizure and sale of personal property, improvements or possessory interests belonging or assessed to the assessee.

The County levies (except for levies to support prior voter-approved indebtedness) and collects all property taxes for property falling within that county's taxing boundaries. The City does not participate in the Teeter Plan.

### **Other General Fund Revenues and Transfers**

In addition to property taxes, the City has several other major tax and fee revenue sources, as described below. The following table summarizes the City's actual audited general fund revenues and transfers from fiscal year 2018-19 through fiscal year 2021-22.

**CITY OF BERKELEY  
GENERAL FUND REVENUES AND TRANSFERS**

|                                        | Actual<br>Revenue<br><u>FY 2019</u> | Actual<br>Revenue<br><u>FY 2020</u> | Actual<br>Revenue<br><u>FY 2021</u> | Actual<br>Revenue<br><u>FY 2022</u> |
|----------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Real Property                          | \$59,178,773                        | \$63,192,678                        | \$68,166,155                        | \$70,657,482                        |
| Unsecured Property                     | 2,878,275                           | 3,164,168                           | 3,448,412                           | 4,422,414                           |
| Supplemental Taxes                     | 2,174,903                           | 2,334,597                           | 2,249,517                           | 2,317,723                           |
| Property Transfer Tax                  | 19,952,981                          | 22,095,507                          | 21,469,955                          | 42,901,750                          |
| Property Transfer Tax-Measure P        | 2,932,313                           | 9,512,603                           | 10,919,576                          | 20,591,313                          |
| Sales Tax                              | 18,663,550                          | 17,557,539                          | 15,792,305                          | 18,928,278                          |
| Soda Tax                               | 1,547,349                           | 1,331,313                           | 953,069                             | 1,025,800                           |
| Business License                       | 19,848,804                          | 20,863,685                          | 17,809,332                          | 20,324,937                          |
| Business License – Cannabis Recreation | 1,168,794                           | 1,300,887                           | 1,712,641                           | 1,250,792                           |
| Measure U1                             | 4,828,443                           | 5,597,359                           | 4,818,740                           | 4,913,872                           |
| Utility Users Tax                      | 13,973,744                          | 13,475,915                          | 13,892,200                          | 14,750,065                          |
| Hotel Tax                              | 7,995,188                           | 6,387,495                           | 2,292,480                           | 5,727,046                           |
| Vehicle In-Lieu                        | 12,540,784                          | 13,356,044                          | 14,380,453                          | 15,006,003                          |
| Parking Fines                          | 6,002,211                           | 3,900,595                           | 3,571,391                           | 4,765,819                           |
| Moving Violations                      | 177,824                             | 200,894                             | 131,756                             | 156,253                             |
| Interest                               | 4,334,404                           | 6,702,564                           | 5,917,722                           | 6,694,122                           |
| Ambulance Fees                         | 4,424,808                           | 4,996,193                           | 3,081,204                           | 3,833,730                           |
| Franchise Fees                         | 1,821,316                           | 1,839,102                           | 1,726,470                           | 1,720,056                           |
| Other Revenue                          | 18,662,025                          | 20,074,732                          | 18,514,060                          | 17,185,630                          |
| Transfers                              | <u>5,356,132</u>                    | <u>5,386,188</u>                    | <u>21,180,762</u>                   | <u>29,445,571</u>                   |
| <b>TOTAL</b>                           | <u>\$208,462,620</u>                | <u>\$223,364,309</u>                | <u>\$232,028,200</u>                | <u>\$286,618,657</u>                |

Source: City of Berkeley Budget Office. Revenues were recorded using the budget basis of accounting (i.e., Cash).

**Sales and Use Tax.** The sales tax is an excise tax imposed on retailers for the privilege of selling or leasing tangible personal property. The use tax is an excise tax imposed for the storage, use, or other consumption of tangible personal property purchased from any retailer. The total sales tax rate within the City is currently 9.25%. The proceeds of sales and uses taxes imposed within the City are distributed by the State to various agencies, with the City receiving 1.0% of the amount collected.

Collection of the sales and use tax is administered by the California Department of Tax and Fee Administration (the “CDTFA”). This process was formerly administered by the State Board of Equalization. The Taxpayer Transparency and Fairness Act of 2017, which took effect July 1, 2017, restructured the State Board of Equalization and separated its functions among three separate entities: the State Board of Equalization, the CDTFA and the Office of Tax Appeals. The State Board of Equalization will continue to perform the duties assigned to it by the state Constitution, while all other duties will be transferred to the newly established CDTFA and the Office of Tax Appeals. CDTFA will handle most of the taxes and fees previously collected by the State Board of Equalization, including sales and use tax. According to the CDTFA, it distributes quarterly tax revenues to local jurisdictions (like the City) using the following method:

Using the prior year’s like quarterly tax allocation as a starting point, the CDTFA first eliminates nonrecurring transactions such as fund transfers, audit payments and refunds, and then adjusts for growth, in order to establish the estimated base amount. The CDTFA disburses 90% of the base amount to each local jurisdiction in three monthly installments (advances) prior to the final computation of the quarter’s actual receipts. Ten

percent is withheld as a reserve against unexpected occurrences that can affect tax collections (such as earthquakes, fire or other natural disaster) or distributions of revenue such as unusually large refunds or negative fund transfers. The first and second advances each represent 30% of the 90% distribution, while the third advance represents the remaining 40%. One advance payment is made each month, and the quarterly reconciliation payment (clean-up) is distributed in conjunction with the first advance for the subsequent quarter. Statements showing total collections, administrative costs, prior advances and the current advance are provided with each quarterly clean-up payment.

The CDTFA receives an administrative fee based on the cost of services provided by the Board to the City in administering the City's sales tax, which is deducted from revenue generated by the sales and use tax before it is distributed to the City.

Sales tax revenues increased \$2.4 million or 13.4% to \$19.98 million in fiscal year 2021-22 from \$17.62 million in fiscal year 2020-21. The City currently projects that sales tax revenue will increase by 4.07% and 2.0%, respectively in fiscal years 2023-24 and 2024-25.

**CITY OF BERKELEY  
TAXABLE TRANSACTIONS  
(Figures in Thousands)**

|                                  | 2018             | 2019               | 2020               | 2021               | 2022               |
|----------------------------------|------------------|--------------------|--------------------|--------------------|--------------------|
| Retail and Food Services:        |                  |                    |                    |                    |                    |
| Apparel Stores                   | \$52,991         | \$42,772           | \$20,385           | \$37,143           | \$43,166           |
| Gen. Merchandise Stores          | 20,782           | 21,434             | 16,902             | 19,066             | 22,498             |
| Food Stores                      | 149,662          | 155,025            | 169,569            | 144,467            | 115,170            |
| Eating and Drinking Places       | 374,792          | 391,474            | 208,146            | 283,279            | 366,323            |
| Home Furnishings and Appliances  | 69,746           | 66,188             | 45,479             | 87,133             | 59,435             |
| Bldg. Materials, Farm Implements | 109,052          | 101,937            | 113,116            | 141,811            | 152,845            |
| Auto Dealers, Auto Supplies      | 119,883          | 119,679            | 94,927             | 114,276            | 135,123            |
| Gas/Service Stations             | 93,694           | 94,217             | 57,950             | 87,759             | 110,009            |
| Other Retail Stores              | <u>262,209</u>   | <u>261,020</u>     | <u>188,434</u>     | <u>236,279</u>     | <u>245,362</u>     |
| Total Retail and Food Services   | 1,252,813        | 1,263,746          | 914,910            | 1,151,213          | 1,249,931          |
| All Other Outlets                | <u>361,292</u>   | <u>372,108</u>     | <u>315,081</u>     | <u>341,988</u>     | <u>431,788</u>     |
| TOTAL ALL OUTLETS                | <u>1,614,105</u> | <u>\$1,635,854</u> | <u>\$1,229,990</u> | <u>\$1,493,201</u> | <u>\$1,681,719</u> |

Source: State Department of Tax and Fee Administration.

Factors that have historically affected sales tax revenues include the overall economic growth of the Bay Area, competition from neighboring cities, the growth of specific industries within the City, the City's business attraction and retention efforts, and catalog and Internet sales.

**Utility Users Tax.** The City imposes a 7.5% tax on users of gas, electricity and telephone, as well as cellular telephone services for billing addresses within the City. The tax is not applicable to State, County, or City agencies, or to insurance companies and banks. Some of the factors affecting this revenue stream include consumer demand for these utilities, legislative and regulatory action, rate changes, and the evolution of technology. Approximately 62% of the utility users tax revenue is generated from utility usage from gas and electric services and 38% from telecommunications during fiscal year 2021-22. For fiscal year 2021-22, utility users tax revenue totaled \$15.0 million, which was \$1.1 million or 8.1% more than the \$13.9 million received in fiscal year 2020-21. Utility users tax is projected to decrease in fiscal year 2022-23 by approximately 6.44% and level off in fiscal year 2023-24, before increasing slightly in fiscal year 2024-25.

**Business License Tax.** The City requires all businesses within the City to be licensed and imposes a business license tax on all business locations and a new license registration fee on applicants for a new license. The annual tax is generally determined based on the type of business and the business's gross receipts. The tax rate varies between \$0.60 per \$1,000 gross receipts for grocers, on the low end, and \$50.00 per \$1,000 gross receipts for adult cannabis sales on the high end. Most types of businesses are required to pay a minimum tax of at least \$51 per year. The overall revenue from this tax is dependent on the number of license renewals each year and the growth of businesses and industries within the City and the Bay Area more generally. The City is currently projecting a decrease of approximately 6.88% of business license tax in fiscal year 2022-23 and then remain flat in fiscal year 2023-24 before increasing by 2.0% in fiscal year 2024-25.

**Property Transfer Tax.** The City's transfer tax rate is 1.5% for properties with a consideration up to \$1.8 million and 2.5% for transferred properties with a consideration over \$1.5 million. The \$1.5 million threshold will be adjusted annually to capture approximately the top 33% of such transfers based on transfers that occurred in the 12 months preceding September 1 of the preceding year. However, the threshold cannot be reduced below \$1.5 million, meaning that the tax on properties transferred for \$1.5 million or less would remain at 1.5%, notwithstanding any adjustment. The tax is due when the transfer is recorded with the County. Title companies collect the tax as part of the sale closing process and remit the funds to the County when sales or transfers are finalized. The County remits the amounts due monthly, and the amounts are credited to the general fund. A buyer of residential housing built before 1989 may voluntarily choose to reserve up to one-third of the transfer tax to perform seismic upgrades. Buyers typically have up to one year to complete the work and file for a rebate. Previously, title companies held the reserved amount in escrow until the work was completed, but since May 2007, the City has held the money in escrow accounts, with the interest going to the City.

Prior to fiscal year 2017-18, it was the City Council's policy that property transfer tax in excess of \$10.5 million was treated as one-time revenue to be transferred to the Capital Improvement Fund for capital infrastructure needs, but that amount was increased to \$12.5 million in fiscal year 2017-18.

**Parking Fines.** The City issues and adjudicates citations and civil penalties for parking violations through its own administrative structure. It has a great degree of control over the administration of parking fines, although issuing agencies within the County try to standardize parking penalties to the extent possible. Revenue from parking fines is affected by the penalties imposed for violations, the number of employees issuing tickets, how many tickets employees are able to issue, and the number of working parking meters, among other factors. Currently, the City must remit an additional \$12.50 per citation to the State/County for State and County construction funds, Maddy emergency medical fund, and DNA identification fund.

**Vehicle in Lieu Fees.** Vehicle license fees ("VLF") imposed for the operation of vehicles on state highways are collected by the State Department of Motor Vehicles in lieu of personal property taxes on vehicles. In connection with the offset of the VLF, the State Legislature authorized appropriations from the State General Fund to "backfill" the offset so that local governments, which receive all of the vehicle license fee revenues, would not experience any loss of revenues. The legislation that established the VLF offset program also provided that if there were insufficient State General Fund moneys to fully "backfill" the VLF offset, the percentage offset would be reduced proportionately (i.e., the license fee payable by drivers would be increased) to assure that local governments would not be underfunded.

As part of the 2004 Budget Act negotiations, an agreement was made between the State and local government officials under which the VLF rate was permanently reduced from 2% to 0.65%. In order to protect local governments, the reduction in VLF revenue to cities and counties from this rate change was replaced by an increase in the amount of property tax they receive. Commencing in fiscal year 2004-05, local governments began to receive their full share of replacement property taxes, and those replacement property taxes now enjoy constitutional protection against certain transfers by the State because of the approval of Proposition 1A at the November 2004 election.

As a part of its fiscal year 2009-10 budget, California increased the vehicle license fee from 0.65% to 1.15% for registration fees due on or after the May 19, 2009 special election. This provision expired on July 1, 2011. On July 1, 2011, vehicle license fees returned to 0.65%, and the City is unaware of any current State legislative efforts likely to increase these in fees in the future.

Vehicle in-lieu taxes increased \$0.63 million or 4.35% in fiscal year 2021-22 to \$15.0 million from \$12.4 million in fiscal year 2021-22. This was consistent with the 4.5% increase in fiscal year 2020-21 assessed values reported by the County.

**Other Revenues.** The City also collects additional general fund revenues from franchise fees, transient occupancy taxes, ambulance fees, a tax on sugar-sweetened beverages, and other more minor sources. Under the City's cable and electric and gas franchise fee arrangements, the local cable provider pays an annual franchise fee of 5% of gross revenues, and the electricity and gas providers pay the greater of 2% of gross receipts attributable to miles of line operated or 0.5% of gross receipts. The transient occupancy tax, also known as the hotel tax, is a 12% tax on the room charge for rental of transient lodging, which was significantly reduced due to restrictions on travel and events due to COVID-19. The City also has an agreement with the County to be the exclusive provider of all emergency ground ambulance services within the City; the specific ambulance fee depends on the type of service delivered and is billed to clients or their insurance companies. Finally, other more minor revenue sources include payments for moving violations, interest on existing funds, and other service fees.

## Retirement Programs

**PERS Plan Description.** The City contributes to three plans in California Public Employees' Retirement System ("PERS"). The first plan covers all of the City's full-time and part-time benefited sworn uniformed fire employees and all chiefs (and is referred to as the Safety Fire Plan in this Official Statement). The second covers all of the City's full-time and part-time benefited sworn uniformed police employees and all chiefs (and is referred to as the Safety Police Plan in this Official Statement). The third plan covers all remaining eligible City employees (and is referred to as the Miscellaneous Plan in this Official Statement). These plans are agent multiple-employer defined benefit pension plans administered by PERS, which acts as a common investment and administrative agent for participating public employers within the State of California.

**PERS Plan Eligibility.** For a more detailed discussion of the eligibility requirements for the City's PERS retirement plans, see Appendix B, Note 12.

**PERS Plan Contributions.** The City is required to contribute the actuarially determined remaining amounts necessary to fund the benefits for its members. The actuarial methods and assumptions used are those adopted by the PERS Board of Administration (the "**Board of Administration**"). For the measurement period ended June 30, 2021 (the measurement date),



the average active employee contribution rate is 8.0% of annual pay for the Miscellaneous Plan and 9.0% of annual pay for the Safety Plan (Fire and Police), and the employer contribution rate is 32.479% of annual payroll for the Miscellaneous Plan, 48.235% of annual payroll for the Public Safety Fire Plan, and 66.606% of annual payroll for the Public Safety Police Plan. The contribution requirements of the plan members are established by State statute, and the employer contribution rates are established and may be amended by PERS.

**Implementation of GASB Nos. 68.** Commencing with fiscal year ended June 30, 2015, the City implemented the provisions of GASB Statement Nos. 68, which require certain new pension disclosures in the notes to its audited financial statements commencing with the audit for fiscal year 2014-15. Statement No. 68 generally requires the City to recognize its proportionate share of the unfunded pension obligation by recognizing a net pension liability measured as of a date (the measurement date) no earlier than the end of its prior fiscal year. As a result of the implementation of GASB Statement Nos. 68, the City reflected a restatement of its beginning net position as of July 1, 2014.

For a more detailed discussion of the eligibility requirements for the City's retirement plans, see Appendix B, Note 12 for detailed information about the actuarial assumptions underlying the contributions. The City's fiscal year 2021-22 contributions to the pension plans and the funded status of the pension plans are set forth below.

| Fiscal Year Ended                       | Total Pension Liability | Plan Fiduciary Net Position | Net Pension Liability | Plan Fiduciary Net Position as a Percentage of the Total Pension Liability | Covered Employee Payroll | Plan Net Pension Liability as a Percentage of Covered Employee Payroll | Contributions Employer |
|-----------------------------------------|-------------------------|-----------------------------|-----------------------|----------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------|------------------------|
| <b>PERS – Miscellaneous Plan</b>        |                         |                             |                       |                                                                            |                          |                                                                        |                        |
| 6/30/2021                               | \$1,150,466,172         | \$946,389,527               | \$204,076,645         | 82.26%                                                                     | \$106,633,060            | 191.38%                                                                | \$26,643,623           |
| <b>PERS – Public Safety Fire Plan</b>   |                         |                             |                       |                                                                            |                          |                                                                        |                        |
| 6/30/2021                               | \$299,157,455           | \$248,128,384               | \$51,029,071          | 82.94%                                                                     | \$18,330,455             | 278.38%                                                                | \$9,176,919            |
| <b>PERS – Public Safety Police Plan</b> |                         |                             |                       |                                                                            |                          |                                                                        |                        |
| 6/30/2021                               | \$463,555,530           | \$332,552,929               | \$131,002,601         | 71.74%                                                                     | \$25,356,914             | 516.63%                                                                | \$16,765,193           |

**Recent Actions by PERS.** At its April 17, 2013, meeting, the Board of Administration approved a recommendation to change the PERS amortization and smoothing policies. Prior to this change, PERS employed an amortization and smoothing policy that spread investment returns over a 15-year period with experience gains and losses paid for over a rolling 30-year period. After this change, PERS will employ an amortization and smoothing policy that will pay for all gains and losses over a fixed 30-year period with the increases or decreases in the rate spread directly over a 5-year period. The new amortization and smoothing policy were used for the first time in the June 30, 2013, actuarial valuations in setting employer contribution rates for fiscal year 2015-16.

On February 18, 2014, the Board of Administration approved new demographic actuarial assumptions based on a 2013 study of recent experience. The largest impact, applying to all benefit groups, is a new 20-year mortality projection reflecting longer life expectancies and that longevity will continue to increase. Because retirement benefits will be paid out for more years,

the cost of those benefits will increase as a result. The Board of Administration also assumed earlier retirements for Police 3% at 50, Fire 3% at 55, and Miscellaneous 2.7% at 55 and 3% at 60, which will increase costs for those groups. As a result of these changes, rates will increase beginning in fiscal year 2016-17 (based on the June 30, 2014, valuation) with full impact in fiscal year 2020-21.

On November 18, 2015, the Board of Administration adopted a funding risk mitigation policy intended to incrementally lower its discount rate - its assumed rate of investment return - in years of good investment returns, help pay down the pension fund's unfunded liability, and provide greater predictability and less volatility in contribution rates for employers. The policy establishes a mechanism to reduce the discount rate by a minimum of 0.05 percentage points to a maximum of 0.25 percentage points in years when investment returns outperform the existing discount rate, currently 7.5%, by at least four percentage points. PERS staff modeling anticipates the policy will result in a lowering of the discount rate to 6.5% in about 21 years, improve funding levels gradually over time and cut risk in the pension system by lowering the volatility of investment returns. More information about the funding risk mitigation policy can be accessed through PERS' web site at the following website address: <https://www.calpers.ca.gov/page/newsroom/calpers-news/2015/adopts-funding-risk-mitigation-policy>. *The reference to this Internet website is provided for reference and convenience only. The information contained within the website may not be current, has not been reviewed by the City and is not incorporated in this Official Statement by reference.*

On December 21, 2016, the Board of Administration voted to lower its discount rate from the current 7.5% to 7.0% over three years according to the following schedule.

| <u>Fiscal Year</u> | <u>Discount Rate</u> |
|--------------------|----------------------|
| 2018-19            | 7.375%               |
| 2019-20            | 7.250                |
| 2020-21            | 7.000                |

For public agencies like the City, the new discount rate would take effect July 1, 2018. Lowering the discount rate means employers that contract with PERS to administer their pension plans will see increases in their normal costs and unfunded actuarial liabilities. Active members hired after January 1, 2013, under the Public Employees' Pension Reform Act will also see their contribution rates rise. The three-year reduction of the discount rate will result in average employer rate increases of about 1 percent to 3 percent of normal cost as a percent of payroll for most miscellaneous retirement plans, and a 2 percent to 5 percent increase for most safety plans. Additionally, many PERS employers will see a 30 to 40 percent increase in their current unfunded accrued liability payments. These payments are made to amortize unfunded liabilities over 20 years to bring the pension fund to a fully funded status over the long-term.

On November 15, 2021, the CalPERS Board selected a new asset allocation mix that will guide the fund's investment portfolio for the next four years, while at the same time retaining the reduction of discount rate from 7.0% to 6.8%. Notable changes for employers include a decrease in median total employer contribution rates, from less than 1% in miscellaneous plans to a decrease of more than 2% in some safety plans. Contribution changes will take effect in fiscal year 2023-24 for public agencies.

**Dollar Contribution Based on Projected PERS Rate Increases.** The City's projected annual financial contributions as a result of the PERS rate changes for the next four years are shown in the table below, with dollar amounts shown in millions:

|                              | 2020-21 | 2021-2022 | 2022-2023<br>Projected | 2023-2024<br>Projected |
|------------------------------|---------|-----------|------------------------|------------------------|
| Miscellaneous <sup>(1)</sup> | \$35.87 | \$39.19   | \$41.64                | \$40.57                |
| Police                       | 16.66   | 17.99     | 20.04                  | 20.32                  |
| Fire                         | 9.47    | 10.06     | 10.58                  | 10.24                  |
| Total                        | \$61.99 | \$67.24   | \$72.27                | \$71.13                |

**Berkeley Police Retirement Income Benefit Plan.** Prior to December 22, 2012, the City maintained the Berkeley Police Retirement Income Benefit Plan (“**BPRIBP**”), a single-employer defined benefit income plan, for its police retirees and surviving spouses. Effective September 19, 2012, police retired on or after this date are no longer covered by BPRIBP. The City replaced this plan with the “Retiree Health Premium Assistance Coverage Plan.”

The City’s fiscal year 2021-22 contribution to the BPRIBP and the funded status of the BPRIBP is set forth below.

| Fiscal Year Ended | Total Pension Liability | Plan Fiduciary Net Position | Plan Net Pension Liability | Plan Fiduciary Net Position as a Percentage of the Total Pension Liability | Covered Payroll | Plan Net Pension Liability as a Percentage of Covered Employee Payroll | Contributions Employer |
|-------------------|-------------------------|-----------------------------|----------------------------|----------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------|------------------------|
| 6/30/2022         | \$64,814,093            | \$4,629,686                 | \$60,184,407               | 7.14%                                                                      | \$21,718,842    | 379.40%                                                                | \$2,147,614            |

For a more detailed discussion of the BPRIBP, see APPENDIX B to this Official Statement.

**Peace Officers Research Association of California.** Effective December 23, 2012, the City established a new sick leave program called Peace Officers Research Association of California (“**PORAC**”). If a sworn member of the Berkeley Police department has an accrued sick leave balance on December 23, 2012, that exceeds 200 hours, one half of all those hours in excess of 200 shall be maintained in a separate account. The financial value of those hours shall be converted and deposited into the employee’s PORAC medical trust account over five successive years in equal installments commencing on January 1, 2013. The conversion was at the employee’s rate of pay on December 23, 2012. The City may accelerate the payment of hours to be converted. The remaining fifty percent of the sick leave balance in excess of 200 hours was credited into the employee’s separate “catastrophic/service time” bank no later than February 1, 2013, up to a maximum of 500 hours.

The City’s contribution to PORAC for the calendar year ending December 31, 2022, was \$425,865.

**Safety Members Pension Fund.** In addition, the City maintains the Safety Members Pension Fund (“**SMPF**”), a defined benefit plan for fire and police officers who retired prior to March 1973. In March 1973, all active fire and police officers were transferred from SMPF to PERS. The City pays the benefits to SMPF members on a pay-as-you-go basis, primarily through a Funding Agreement, purchased by the Berkeley Civic Improvement Corporation on behalf of the City in 1989. For the fiscal year ended June 30, 2022, the City’s contribution to SMPF was \$493,937.

The funded status of the SMPF as of June 30, 2022, the most recent actuarial date, is set forth below:

| Actuarial Valuation Date | Plan Fiduciary Net Position | Total Pension Liability | Plan Net Pension Liability | Plan Fiduciary Net Position as a Percentage of the Total Pension Liability | Covered Payroll | Plan Net Pension Liability as a Percentage of Covered Employee Payroll |
|--------------------------|-----------------------------|-------------------------|----------------------------|----------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------|
| 6/30/2022                | --                          | \$1,134,809             | \$1,134,809                | --%                                                                        | N/A             | N/A                                                                    |

For a more detailed discussion of the SMPF, see APPENDIX B of this Official Statement.

**Post-Employment Health Benefits**

The City offers certain post-employment health benefits to retirees. There are three plans: (i) the City of Berkeley Fire Employees Retiree Health Plan (“**FRHF**”), (ii) the City of Berkeley Miscellaneous Employees Retiree Health Plan (“**RHPAP**”) and (iii) the Police Retiree Premium Assistance Plan (“**PRPAP**”).

The City has adopted Government Accounting Standards Board Statement 75 which requires governmental agencies to change their accounting for Other Post-Employment Benefits (“**OPEB**”) from pay-as-you-go to an accrual basis.

See Appendix B, Note 3 for information about the City’s OPEB liabilities.

**City of Berkeley Fire Employees Retiree Health Plan.** The FRFH is a single-employer defined benefit medical plan. To be eligible for benefits, sworn Fire employees must retire from the City on or after July 1, 1997, be vested in a PERS pension, and retire from the City on or after age 50. Benefits commence immediately upon retirement. Benefits are payable for the retiree’s lifetime and continue for his or her covered spouse’s/domestic partner’s lifetime. The amount the City contributes toward the Fire Employees Retiree Health Plan is 4.5% per year regardless of the amount of increase in the underlying premium rate. The establishment and amendments of benefit provisions are negotiated between the employee bargaining units and the City Labor Negotiating Team, and are approved by the City Manager and City Council. As of June 30, 2022, there were 130 active employees, 58 retirees deferred and 38 retirees receiving benefits.

The City’s targeted funding policy is equal to the service cost for active employees plus an amount to amortize unfunded liabilities over 30 years (rolling 30-year amortization) as a level percentage of payroll. The City strives to contribute the annual required contribution of the employer (ARC), an amount actuarially determined in accordance with the parameters of GASB Statement 45.

For the FRFH, the City’s annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB asset for fiscal year 2021-22 and the four preceding years were as follows:

| <b>Fiscal Year Ended</b> | <b>Annual OPEB Cost</b> | <b>Percentage of Annual OPEB Cost Contributed</b> | <b>Net OPEB Liability</b> |
|--------------------------|-------------------------|---------------------------------------------------|---------------------------|
| 6/30/2018                | \$2,163,028             | 34%                                               | \$17,251,382              |
| 6/30/2019                | 2,326,493               | 36                                                | 19,633,312                |
| 6/30/2020                | 2,104,622               | 36                                                | 21,177,486                |
| 6/30/2021                | 2,575,970               | 35                                                | 23,873,248                |
| 6/30/2022                | 1,354,619               | 39                                                | 18,507,610                |

The funded status of the FRFH as of June 30, 2022, the date of the most recent actuarial report, is set forth below:

| <b>Actuarial Valuation Date</b> | <b>Actuarial Value of Assets</b> | <b>Actuarial Accrued Liability (AAL)- Unit Credit</b> | <b>Unfunded Actuarial Accrued Liability- UAAL</b> | <b>Funded Ratio</b> | <b>Covered Payroll</b> | <b>UAAL as Percentage of covered Payroll</b> |
|---------------------------------|----------------------------------|-------------------------------------------------------|---------------------------------------------------|---------------------|------------------------|----------------------------------------------|
| 7/1/2022                        | \$11,768,942                     | \$30,276,552                                          | \$18,507,610                                      | 38.9%               | \$16,924,571           | 109.35%                                      |

**City of Berkeley Miscellaneous Employees Retiree Health Premium Assistance Plan.** The RHPAP is a single-employer defined benefit medical plan. It provides retiree health benefits to eligible retirees and his/her spouse or domestic partner. The establishment and amendments of benefit provisions are negotiated between the employee bargaining units and the City and are approved by the City Council.

Retirees who are at least age 50, with at least 8 years of service with the City at the time of separation from service are eligible to receive retiree health benefits commencing at age 55. Benefits are payable for the retiree's lifetime and continue for his or her covered spouse's/domestic partner's lifetime. The City pays the monthly cost of the monthly premiums up to a participant's applicable percentage of the base dollar amount and subject to annual 4.5% increases regardless of the amount of increase in the underlying premium rate. As of June 30, 2022, there were 1,085 active employees.

The City's targeted funding policy is equal to the normal cost for active employees plus an amount to amortize unfunded liabilities over 30 years as a level percentage of payrolls. The City is required to contribute the annual required contribution of the employer (ARC), an amount actuarially determined in accordance with the parameters of GASB Statement 45. Any changes to the contribution requirements of the plan are negotiated by the bargaining units and City negotiating staff, and approved by the City Council.

For the RHPAP, the City's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for fiscal year 2021-22 and the four preceding years were as follows:

| Fiscal Year Ended | Annual OPEB Cost | Percentage of Annual OPEB Cost Contributed | Net OPEB Obligation |
|-------------------|------------------|--------------------------------------------|---------------------|
| 6/30/2018         | \$4,729,448      | 42.3%                                      | \$34,215,614        |
| 6/30/2019         | 5,051,655        | 43.3                                       | 37,219,746          |
| 6/30/2020         | 5,534,572        | 32.7                                       | 60,659,492          |
| 6/30/2021         | 4,871,995        | 42.9                                       | 41,895,470          |
| 6/30/2022         | 2,071,289        | 50.2                                       | 29,470,744          |

The funded status of the RHPAP as of June 30, 2022, the most recent actuarial report, is set forth below:

| Actuarial Valuation Date | Actuarial Accrued Liability (AAL) | Actuarial Value of Assets | Unfunded Actuarial Accrued Liability- UAAL | Funded Ratio | Covered Payroll | UAAL as Percentage of covered Payroll |
|--------------------------|-----------------------------------|---------------------------|--------------------------------------------|--------------|-----------------|---------------------------------------|
| 7/1/2022                 | \$59,184,799                      | \$29,714,055              | \$29,470,744                               | 50.2%        | \$102,205,676   | 28.839%                               |

**Police Retiree Premium Assistance Plan.** Effective September 19, 2012, the City replaced the “Berkeley Police Retirement Income Benefit Plan” with the “Retiree Health Premium Assistance Coverage Plan” for any police employees hired on or after that date, as well as any current employees who retire on or after such date. Under the newly established retiree health premium assistance plan, benefits will be the paid by the City directly to the provider who is providing retiree health coverage to the retiree or his or her surviving spouse. The maximum amount will be equal in value to the City sponsored health plan.

In order to be eligible for the Retiree Health Premium Assistance Coverage a “Retiree” must meet all of the following criteria:

- (a) A person who is vested in, and
- (b) Has reached the age of 50, and
- (c) Has retired from the City at age 50 or thereafter, and
- (d) Has applied for and is receiving a pension from at the time of retirement.

The maximum amount the City will contribute toward the payment of medical insurance premiums is based on the employee’s years of service as a sworn member of the Berkeley Police Department at time of retirement. The retiree must have at least 10 years of service as a sworn member of the Berkeley Police Department to qualify for this benefit.

| <u>Years of Service</u> | <u>City Percentage</u> |
|-------------------------|------------------------|
| 10 to 14                | 25%                    |
| 15 to 19                | 50                     |
| 20 or more              | 100                    |

Beginning September 19, 2012, each month after the employee retires the City will pay the health care service provider an appropriate percentage based on years of service above an amount equal to \$1,200 per month for two-party coverage for the retiree and a qualifying spouse/domestic partner or \$600 per month for single party coverage. Upon death of either the retiree or the retiree’s spouse, the City will only pay the appropriate percentage of the single party rate to the provider on behalf of the surviving retiree or spouse/domestic partner. If there is no spouse/domestic partner at the time of retirement, the City shall only pay the single party rate.

The retiree and/or surviving spouse/domestic partner will be responsible for payment of the difference between the amount the City contributes toward payment of the premium and the actual premium cost. The funds for this difference will come from the retiree's retirement account and the retiree must authorize such withdrawal of funds.

Beginning July 1, 2013 and effective each July 1 thereafter, the base rates the City contributes toward payment of the premium amount described in the preceding paragraph shall be increased by either the amount Kaiser increases the retiree medical premium for that year, or 6%, whichever is less. The retiree and/or surviving spouse/domestic partner shall pay the difference between the amount the City contributes toward payment of the premium and the actual premium cost. As of June 30, 2022, there were 158 active employees, 24 active retirees, and 17 retirees entitled to, but not yet receiving, benefits.

For the retiree health premium assistance plan, the City's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB asset for fiscal year 2021-22 and the four preceding years were as follows:

| <b>Fiscal Year Ended</b> | <b>Annual OPEB Cost</b> | <b>Percentage of Annual OPEB Cost Contributed</b> | <b>Net OPEB Liability</b> |
|--------------------------|-------------------------|---------------------------------------------------|---------------------------|
| 6/30/2018                | \$4,929,429             | 6.0%                                              | \$41,652,588              |
| 6/30/2019                | 5,155,293               | 6.0                                               | 46,252,565                |
| 6/30/2020                | 4,432,549               | 4.0                                               | 57,472,394                |
| 6/30/2021                | 5,076,625               | 5.0                                               | 49,355,501                |
| 6/30/2022                | 4,636,861               | 6.2                                               | 32,429,614                |

The actuarial cost method used for determining the benefit obligations is the Projected Unit Credit Cost Method. Under this method, the actuarial present value of projected benefits is the value of benefits expected to be paid for current actives and retirees and is calculated based on the assumptions and census data described this report. The Actuarial Accrued Liability (AAL) is the actuarial present value of benefits attributed to employee service rendered prior to the valuation date. The AAL equals the present value of benefits multiplied by a fraction equal to service to date over service at expected retirement. The Normal Cost is the actuarial present value of benefits attributed to one year of service. This equals the present value of benefits divided by service at expected retirement. Since retirees are not accruing any more service, their normal cost is zero. In determining the Annual Required Contribution, the Unfunded AAL is amortized as a level percentage of payroll over 30 years.

As of July 1, 2021, the most recent actuarial valuation date, the plan was 6.2% funded. The actuarial accrued liability for benefit was \$34.6 million, and the actuarial value of assets was \$2.1 million, resulting in an unfunded accrued liability of \$32.4 million. The covered payroll (annual payroll of active employees covered by the plan) was approximately \$21.7 million. The fair value of the assets was determined using market values as of the date of the actuarial report. The schedule of funding progress, presented as required supplementary information following the notes to the financial statements, presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits. Funded status of the plan as of June 30, 2022, the most recent actuarial valuation date is as follows:

| Actuarial Valuation Date | Actuarial Value of Assets | Actuarial Accrued Liability (AAL)- Unit Credit | Unfunded Actuarial Accrued Liability- UAAL | Funded Ratio | Covered Payroll | UAAL as Percentage of covered Payroll |
|--------------------------|---------------------------|------------------------------------------------|--------------------------------------------|--------------|-----------------|---------------------------------------|
| 7/1/2022                 | \$2,148,963               | \$34,578,577                                   | \$32,429,614                               | 6.2%         | \$21,681,336    | 149.6%                                |

**Defined Contribution Plans**

The City offers certain supplemental retirement and income plans to retirees. See Appendix B, Note 12 for information about the City’s defined contribution plans.

**Labor Relations**

As of May 23, 2023, the City employed approximately 1,735 full-time equivalent budgeted employees. There are six employee unions as shown below. In addition, the City employs approximately 115 unrepresented employees that include Executive Management, Confidential professional or Confidential Office support positions. The City has not experienced any work stoppages or strikes by its employees.

**CITY OF BERKELEY  
Labor Relations**

| <u>Labor Organization</u>                                                                                                 | <u>Employees</u> | <u>Contract Expiration Date</u> |
|---------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------|
| Berkeley Fire Fighters Association/I.A.F.F. Local 1227                                                                    | 132              | 06/20/2023                      |
| Berkeley Police Association                                                                                               | 144              | 06/30/2023                      |
| I. B. E. W. Local 1245                                                                                                    | 8                | 06/30/2025                      |
| Service Employees International Local 1021<br>Maintenance and Clerical Chapters                                           | 440              | 06/26/2024                      |
| Service Employees International Local 1021 Community<br>Services and Part-Time Recreation Leaders<br>Association Chapters | 304              | 06/26/2024                      |
| Public Employees Local 1                                                                                                  | 186              | 06/26/2024                      |
| Unrepresented Employees                                                                                                   | 115              | 06/26/2024                      |

*Source: City of Berkeley.*

**Risk Management**

The City is exposed to various risks of loss related to torts; theft of, damage to, or restriction of assets; errors or omissions; injuries to employees; or acts of God.

The City is self-insured for liability claims below \$350,000. The City is a member of the Bay Cities Joint Powers Insurance Authority (“**BCJPIA**”). The BCJPIA consists of 20 municipal or public agency members, all located within the metropolitan San Francisco Bay Area. The BCJPIA provides general liability, auto liability, and errors and omissions coverage between \$350,000 and \$1,000,000. The California Affiliated Risk Management Authority (“**CARMA**”) provides additional



coverage to the BCJPIA and its member entities for claims in excess of \$1,000,000, up to \$29,000,000.

The City is self-insured for workers' compensation. Payments are made to the Workers' Compensation Self-Insurance Internal Service Fund by transfers from the City's general fund and other funds of the City on a pay-as-you-go basis.

The City requires pre-employment physical examinations for high risk, high hazard employees as well as annual examination for all uniformed officers. As part of its workers' compensation program, copies of all injured employee medical reports are monitored by a third-party agent to ensure that injured employees receive proper care.

At June 30, 2022, \$6,084,219 and \$37,111,000 have been accrued for public liability and workers' compensation claims, respectively. These accruals represent estimates of amounts to ultimately be paid for reported claims and, upon past experience, recent claim settlement trends and other information. It is the City's practice to obtain an actuarial study on an annual basis. Although the amount of actual losses incurred through June 30, 2022 are dependent on future developments, based upon information from the administrators and others involved with the administration of the programs, the City's management believes that the aggregate accrual is adequate to cover such losses.

### City Debt Structure

**Short-Term Debt.** The City has issued Tax and Revenue Anticipation Notes ("TRANS") in each recent year. The City's TRANS are a general obligation of the City, payable from the City's general fund and any other lawfully available moneys. The fiscal year 2022-23 TRANS have an outstanding principal amount of \$28,000,000 and mature on July 25, 2023.

**General Fund Obligations.** The City currently has outstanding long-term General Fund debt and lease obligations described below. The City has never defaulted on the payment of principal of or interest on any of its indebtedness.

**Certificates of Participation.** On June 2, 2021, Berkeley Joint Powers Financing Authority (the "**Authority**") executed and delivered certificates of participation in the aggregate principal amount of \$3,975,000 (the "**Certificates of Participation**"). The City's underlying rental obligation is a general fund obligation of the City. The bonds bear interest at rates between 2.00%-5.00%, and the final maturity date is October 1, 2039. As of April 1, 2023, the principal balance outstanding was \$3,975,000.

**Lease Revenue Bonds.** In October 2012, Authority issued lease revenue bonds on behalf of the City in the aggregate principal amount of \$27,260,000 to refund the Authority's 1999 Lease Revenue Bonds and 2003 Certificates of Participation. The City's underlying rental obligation is a general fund obligation of the City. The bonds bear interest at rates between 3.00%-5.00%, and the final maturity date is October 1, 2037. As of April 1, 2023, the principal balance outstanding was \$14,940,000.

**General Obligation Bonds.** The City has previously issued general obligation and general obligation refunding bonds that are secured by ad valorem taxes levied and collected in the City.

## Employment

The unemployment rate in the Oakland-Hayward-Berkeley MD was 3.9% in March 2023, unchanged from a revised 3.9% in February 2023, and above the year-ago estimate of 3.6%. This compares with an unadjusted unemployment rate of 4.8% for California and 3.6% for the nation during the same period. The unemployment rate was 3.8% in the County and 4.0% in Contra Costa County.

The table below list employment by industry group for Alameda and Contra Costa Counties for the years 2018 to 2022.

**OAKLAND- HAYWARD-BERKELEY MD**  
**(Alameda and Contra Costa Counties)**  
**Annual Averages Civilian Labor Force, Employment and Unemployment,**  
**Employment by Industry**  
**(March 2022 Benchmark)**

|                                                   | 2018      | 2019      | 2020      | 2021      | 2022      |
|---------------------------------------------------|-----------|-----------|-----------|-----------|-----------|
| Civilian Labor Force <sup>(1)</sup>               | 1,401,700 | 1,403,400 | 1,362,300 | 1,352,300 | 1,382,300 |
| Employment                                        | 1,357,700 | 1,360,500 | 1,239,100 | 1,268,700 | 1,333,200 |
| Unemployment                                      | 44,000    | 42,900    | 123,200   | 83,600    | 49,100    |
| Unemployment Rate                                 | 3.1%      | 3.1%      | 9.0%      | 6.2%      | 3.6%      |
| <u>Wage and Salary Employment:</u> <sup>(2)</sup> |           |           |           |           |           |
| Agriculture                                       | 1,300     | 1,400     | 1,500     | 1,600     | 1,900     |
| Mining and Logging                                | 200       | 200       | 200       | 200       | 300       |
| Construction                                      | 74,900    | 75,500    | 70,700    | 73,000    | 74,300    |
| Manufacturing                                     | 100,600   | 101,000   | 98,700    | 105,200   | 111,000   |
| Wholesale Trade                                   | 47,500    | 45,400    | 42,100    | 41,300    | 41,200    |
| Retail Trade                                      | 114,500   | 111,800   | 101,100   | 105,300   | 105,200   |
| Transportation, Warehousing, Utilities            | 42,300    | 43,700    | 45,200    | 48,600    | 54,100    |
| Information                                       | 27,600    | 27,600    | 25,800    | 25,000    | 24,900    |
| Finance and Insurance                             | 37,500    | 37,200    | 35,900    | 34,700    | 34,200    |
| Real Estate and Rental and Leasing                | 17,800    | 18,100    | 16,700    | 16,800    | 18,200    |
| Professional and Business Services                | 189,500   | 193,200   | 184,800   | 189,900   | 195,800   |
| Educational and Health Services                   | 194,300   | 198,400   | 191,300   | 198,200   | 207,400   |
| Leisure and Hospitality                           | 117,700   | 121,000   | 84,700    | 91,700    | 103,900   |
| Other Services                                    | 41,000    | 41,200    | 33,100    | 35,000    | 38,500    |
| Federal Government                                | 13,400    | 13,400    | 14,200    | 13,500    | 13,100    |
| State Government                                  | 39,400    | 39,600    | 38,200    | 37,900    | 33,700    |
| Local Government                                  | 121,800   | 121,800   | 113,500   | 111,900   | 116,200   |
| Total, All Industries <sup>(3)</sup>              | 1,181,300 | 1,190,300 | 1,097,700 | 1,129,700 | 1,176,300 |

(1) Labor force data is by place of residence; includes self-employed individuals, unpaid family workers, household domestic workers, and workers on strike.

(2) Industry employment is by place of work; excludes self-employed individuals, unpaid family workers, household domestic workers, and workers on strike.

(3) Totals may not add due to rounding.

Source: State of California Employment Development Department.

The following tables show the major employers in the City and the County.

**CITY OF BERKELEY  
Major Employers  
2022**

| <u>Employer</u>                                  | <u>Number of Employees</u> | <u>% of Total Employment</u> |
|--------------------------------------------------|----------------------------|------------------------------|
| University of California Berkeley                | 12,944                     | 19.95%                       |
| Lawrence Berkeley National Laboratory            | 3,469                      | 5.35                         |
| Sutter East Bay Medical Foundation/Hospitals     | 1,898                      | 2.93                         |
| Berkeley Unified School District                 | 1,697                      | 2.62                         |
| City of Berkeley                                 | 1,510                      | 2.33                         |
| Bayer Corporation                                | 1,099                      | 1.69                         |
| Kaiser Permanente Medical Group                  | 886                        | 1.37                         |
| Touchstone Golf LLC                              | 782                        | 1.21                         |
| Siemens Corporation/Healthcare Diagnostics, Inc. | 628                        | 0.97                         |
| Lifelong Medical Care                            | 501                        | 0.77                         |

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*Source: City of Berkeley, Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022.*

**COUNTY OF ALAMEDA**  
**Major Employers (Listed Alphabetically)**  
**May 2023**

| Employer Name                  | Location    | Industry                                 |
|--------------------------------|-------------|------------------------------------------|
| Alameda County Law Enforcement | Oakland     | Government Offices-County                |
| Alameda County Sheriff's Dept  | San Leandro | Government Offices-County                |
| Alameda County Sheriff's Ofc   | Oakland     | Sheriff                                  |
| Alta Bates Summit Med Ctr Alta | Berkeley    | Hospitals                                |
| Alta Bates Summit Med Ctr Lab  | Oakland     | Laboratories-Medical                     |
| BART PD                        | Oakland     | Transit Lines                            |
| California State Univ East Bay | Hayward     | Schools-Universities & Colleges Academic |
| Cooper Vision Inc              | Pleasanton  | Optical Goods-Wholesale                  |
| Dell EMC                       | Pleasanton  | Computer Storage Devices (mfrs)          |
| East Bay Mud                   | Oakland     | Water & Sewage Companies-Utility         |
| Ebmud                          | Oakland     | Utilities                                |
| Grifols Diagnostic Solutions   | Emeryville  | Pharmaceutical Research Laboratories     |
| Kaiser Permanente Oakland Med  | Oakland     | Hospitals                                |
| Lawrence Berkeley Lab          | Berkeley    | Laboratories-Research & Development      |
| Lawrence Livermore Natl Lab    | Livermore   | University-College Dept/Facility/Office  |
| Peoplesoft Inc                 | Pleasanton  | Computer Software-Manufacturers          |
| Sanfrancisco Bayarea Rapid     | Oakland     | Transit Lines                            |
| Transportation Dept-California | Oakland     | Government Offices-State                 |
| UCSF Benioff Children's Hosp   | Oakland     | Hospitals                                |
| University of CA Berkeley      | Berkeley    | Schools-Universities & Colleges Academic |
| University of CA-BERKELEY      | Berkeley    | University-College Dept/Facility/Office  |
| University-Ca-Berkeley Dept    | Berkeley    | University-College Dept/Facility/Office  |
| Valley Care Health System      | Livermore   | Health Services                          |
| Washington Hospital Healthcare | Fremont     | Health Care Management                   |
| Western Digital Corp           | Fremont     | Computer Storage Devices (mfrs)          |

*Source: State of California Employment Development Department, extracted from The America's Labor Market Information System (ALMIS) Employer Database, 2023 2nd Edition.*

### Effective Buying Income

“Effective Buying Income” is defined as personal income less personal tax and nontax payments, a number often referred to as “disposable” or “after-tax” income. Personal income is the aggregate of wages and salaries, other labor-related income (such as employer contributions to private pension funds), proprietor’s income, rental income (which includes imputed rental income of owner-occupants of non-farm dwellings), dividends paid by corporations, interest income from all sources, and transfer payments (such as pensions and welfare assistance). Deducted from this total are personal taxes (federal, state and local), nontax payments (fines, fees, penalties, etc.) and personal contributions to social insurance. According to U.S. government definitions, the resultant figure is commonly known as “disposable personal income.”

The following table summarizes the total effective buying income for the City of Berkeley, the County of Alameda, the State and the United States for the period 2019 through 2023.

**CITY OF BERKELEY AND COUNTY OF ALAMEDA**  
**Effective Buying Income**  
**As of January 1, 2019 through 2023**

| <b>Year</b> | <b>Area</b>    | <b>Total Effective<br/>Buying Income<br/>(000's Omitted)</b> | <b>Median<br/>Household<br/>Effective Buying<br/>Income</b> |
|-------------|----------------|--------------------------------------------------------------|-------------------------------------------------------------|
| 2019        | Berkeley       | \$5,517,451                                                  | \$72,412                                                    |
|             | Alameda County | 67,609,653                                                   | 79,446                                                      |
|             | California     | 1,183,264,399                                                | 62,637                                                      |
|             | United States  | 9,017,967,563                                                | 52,841                                                      |
| 2020        | Berkeley       | \$5,843,576                                                  | \$76,294                                                    |
|             | Alameda County | 72,243,436                                                   | 84,435                                                      |
|             | California     | 1,243,564,816                                                | 65,870                                                      |
|             | United States  | 9,487,165,436                                                | 55,303                                                      |
| 2021        | Berkeley       | \$6,203,796                                                  | \$79,437                                                    |
|             | Alameda County | 77,794,202                                                   | 88,389                                                      |
|             | California     | 1,290,894,604                                                | 67,956                                                      |
|             | United States  | 9,809,944,764                                                | 56,790                                                      |
| 2022        | Berkeley       | \$6,646,946                                                  | \$88,676                                                    |
|             | Alameda County | 85,225,529                                                   | 99,940                                                      |
|             | California     | 1,452,426,153                                                | 77,058                                                      |
|             | United States  | 11,208,582,541                                               | 64,448                                                      |
| 2023        | Berkeley       | \$6,074,419                                                  | \$88,720                                                    |
|             | Alameda County | 80,766,211                                                   | 98,721                                                      |
|             | California     | 1,461,799,662                                                | 77,175                                                      |
|             | United States  | 11,454,846,397                                               | 65,326                                                      |

Source: Claritas, LLC.

## Construction Activity

Provided below are the building permits and valuations for the City of Berkeley for calendar years 2018 through 2022.

| <b>CITY OF BERKELEY</b>                 |                 |                 |                 |                 |                 |
|-----------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>Total Building Permit Valuations</b> |                 |                 |                 |                 |                 |
| <b>(Valuations in Thousands)</b>        |                 |                 |                 |                 |                 |
| <u>Permit Valuation</u>                 | 2018            | 2019            | 2020            | 2021            | 2022            |
| New Single-family                       | \$13,808.7      | \$9,666.3       | \$6,444.7       | \$13,533.1      | \$9,058.9       |
| New Multi-family                        | 24,506.9        | 7,513.6         | 12,643.5        | 53,032.6        | 12,373.6        |
| Res. Alterations/Additions              | <u>80,130.0</u> | <u>40,596.9</u> | <u>26,204.9</u> | <u>47,099.2</u> | <u>28,834.2</u> |
| Total Residential                       | 118,445.6       | 57,776.8        | 45,293.1        | 113,664.9       | 50,266.7        |
| <br>                                    |                 |                 |                 |                 |                 |
| New Commercial                          | 18,732.1        | 10,816.3        | 25,867.1        | 15,167.2        | 5,577.0         |
| New Industrial                          | 0.0             | 0.0             | 0.0             | 0.0             | 0.0             |
| New Other                               | 3,236.6         | 4,718.7         | 272.0           | 1,760.3         | 3,501.9         |
| Com. Alterations/Additions              | <u>52,522.6</u> | <u>12,885.4</u> | <u>23,290.5</u> | <u>65,213.8</u> | <u>13,158.1</u> |
| Total Nonresidential                    | 74,491.3        | 28,420.4        | 49,429.6        | 82,141.3        | 22,237.0        |
| <br>                                    |                 |                 |                 |                 |                 |
| <u>New Dwelling Units</u>               |                 |                 |                 |                 |                 |
| Single Family                           | 63              | 46              | 21              | 69              | 40              |
| Multiple Family                         | <u>129</u>      | <u>42</u>       | <u>117</u>      | <u>286</u>      | <u>72</u>       |
| TOTAL                                   | 192             | 88              | 138             | 355             | 112             |

Source: Construction Industry Research Board, Building

**APPENDIX B**

**THE CITY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT  
FOR YEAR ENDED JUNE 30, 2022**

APPENDIX C  
FORM OF OPINION OF BOND COUNSEL



APPENDIX D

FORM OF CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “**Disclosure Certificate**”) is executed and delivered by the City of Berkeley (the “**City**”) in connection with the issuance by the City, of the \$\_\_\_\_\_ City of Berkeley 2023-24 Tax and Revenue Anticipation Notes (the “**Notes**”). The Notes are being issued pursuant to a resolution adopted by the City Council of the City on June 27, 2023 (the “**Resolution**”). The City covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the City for the benefit of the holders and beneficial owners of the Notes and in order to assist the Participating Underwriters in complying with S.E.C. Rule 15c2-12(b)(5).

Section 2. Definitions. In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“**Dissemination Agent**” shall mean NHA Advisors, LLC, or any successor Dissemination Agent designated in writing by the City and which has filed with the City a written acceptance of such designation.

“**Listed Events**” shall mean any of the events listed in Section 3(a) of this Disclosure Certificate.

“**MSRB**” means the Municipal Securities Rulemaking Board, which has been designated by the Securities and Exchange Commission as the sole repository of disclosure information for purposes of the Rule.

“**Participating Underwriter**” shall mean any of the original underwriters of the Notes required to comply with the Rule in connection with offering of the Notes.

“**Rule**” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

Section 3. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 3, the City shall give, or cause to be given, notice of the occurrence of any of the following Listed Events with respect to the Notes:

- (1) Principal and interest payment delinquencies.
- (2) Non-payment related defaults, if material.
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties.
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties.
- (5) Substitution of credit or liquidity providers, or their failure to perform.

- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security.
- (7) Modifications to rights of security holders, if material.
- (8) Bond calls, if material, and tender offers.
- (9) Defeasances.
- (10) Release, substitution, or sale of property securing repayment of the securities, if material.
- (11) Rating changes.
- (12) Bankruptcy, insolvency, receivership or similar event of the City or other obligated person.
- (13) The consummation of a merger, consolidation, or acquisition involving the City or an obligated person, or the sale of all or substantially all of the assets of the City or an obligated person (other than in the ordinary course of business), the entry into a definitive agreement to undertake such an action, or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material.
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.
- (15) Incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material.
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

(b) Whenever the City obtains knowledge of the occurrence of a Listed Event, the City shall, or shall cause the Dissemination Agent (if not the City) to, file a notice of such occurrence with the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of 10 business days after the occurrence of the Listed Event. Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8) and (9) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to holders of affected Notes under the Resolution.

(c) The City acknowledges that the events described in subparagraphs (a)(2), (a)(7), (a)(8) (if the event is a bond call), (a)(10), (a)(13), and (a)(14) of this Section 3 contain the qualifier

“if material.” The City shall cause a notice to be filed as set forth in paragraph (b) above with respect to any such event only to the extent that the City determines the event’s occurrence is material for purposes of U.S. federal securities law.

(d) For purposes of this Disclosure Certificate, any event described in paragraph (a)(12) above is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

(e) For purposes of Section 3(a)(15) and (16), “financial obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term financial obligation shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

Section 4. Termination of Reporting Obligation. The City’s obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Notes. If such termination occurs prior to the final maturity of the Notes, the City shall give notice of such termination in the same manner as for a Listed Event under Section 3(b).

Section 5. Dissemination Agent. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be NHA Advisors, LLC.

Section 6. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the City may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

(a) if the amendment or waiver relates to the provisions of Section 3(a) it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of an obligated person with respect to the Notes, or type of business conducted;

(b) the undertakings herein, as proposed to be amended or waived, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the primary offering of the Notes, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

(c) the proposed amendment or waiver either (i) is approved by holders of the Notes, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or beneficial owners of the Notes.

Section 7. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the City chooses to include any information in any notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the City shall have no obligation under this Disclosure Certificate to update such information or include it in any future notice of occurrence of a Listed Event.

Section 8. Default. In the event of a failure of the City to comply with any provision of this Disclosure Certificate any holder or beneficial owner of the Notes may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an Event of Default under the Resolution, and the sole remedy under this Disclosure Certificate in the event of any failure of the City to comply with this Disclosure Certificate shall be an action to compel performance.

Section 9. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the City agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the City under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Notes.

Section 10. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the City, the Dissemination Agent, the Participating Underwriters and holders and beneficial owners from time to time of the Notes and shall create no rights in any other person or entity.

Date: \_\_\_\_\_, 2023

CITY OF BERKELEY

By \_\_\_\_\_  
City Manager

## APPENDIX E

## DTC AND THE BOOK-ENTRY ONLY SYSTEM

*The following description of the Depository Trust Company (“DTC”), the procedures and record keeping with respect to beneficial ownership interests in the Notes, payment of principal, interest and other payments on the Notes to DTC Participants or Beneficial Owners, confirmation and transfer of beneficial ownership interest in the Notes and other related transactions by and between DTC, the DTC Participants and the Beneficial Owners is based solely on information provided by DTC. Accordingly, no representations can be made concerning these matters and neither the DTC Participants nor the Beneficial Owners should rely on the foregoing information with respect to such matters, but should instead confirm the same with DTC or the DTC Participants, as the case may be.*

*Neither the issuer of the Notes (the “Issuer”) nor the trustee, fiscal agent or paying agent appointed with respect to the Notes (the “Agent”) take any responsibility for the information contained in this Appendix.*

*No assurances can be given that DTC, DTC Participants or Indirect Participants will distribute to the Beneficial Owners (a) payments of interest, principal or premium, if any, with respect to the Notes, (b) certificates representing ownership interest in or other confirmation or ownership interest in the Notes, or (c) redemption or other notices sent to DTC or Cede & Co., its nominee, as the registered owner of the Notes, or that they will so do on a timely basis, or that DTC, DTC Participants or DTC Indirect Participants will act in the manner described in this Appendix. The current “Rules” applicable to DTC are on file with the Securities and Exchange Commission and the current “Procedures” of DTC to be followed in dealing with DTC Participants are on file with DTC.*

1. The Depository Trust Company (“DTC”), New York, NY, will act as securities depository for the securities (the “Securities”). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for each issue of the Securities, each in the aggregate principal amount of such issue, and will be deposited with DTC. If, however, the aggregate principal amount of any issue exceeds \$500 million, one certificate will be issued with respect to each \$500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.

2. DTC, the world’s largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust

companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (“**DTCC**”). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). DTC has a Standard & Poor’s rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com).

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC’s records. The ownership interest of each actual purchaser of each Security (“**Beneficial Owner**”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co. or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC’s practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

7. Neither DTC nor Cede & Co. (nor such other DTC nominee) will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC’s MMI

Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and interest payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts, upon DTC's receipt of funds and corresponding detail information from Issuer or Agent on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of Issuer or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

9. DTC may discontinue providing its services as securities depository with respect to the Securities at any time by giving reasonable notice to Issuer or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.

10. Issuer may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.

11. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that Issuer believes to be reliable, but Issuer takes no responsibility for the accuracy thereof.





**BEN BARTLETT**

VICE MAYOR

ACTION CALENDAR

June 27, 2023

*(Continued from May 23, 2023)*

TO: Honorable Members of the City Council

FROM: Vice Mayor Ben Bartlett (Author), Mayor Jesse Arreguin (Co-Sponsor),  
Councilmember Kate Harrison (Co-Sponsor), and  
Councilmember Mark Humbert (Co-Sponsor)

SUBJECT: Adopting a temporary exemption from the collection of taxes under BMC  
Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis  
Businesses

RECOMMENDATION

1) Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and

2) Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.

3) Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

BACKGROUND

On November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA). This proposition legalized the use of cannabis for adults over 21 years old. Berkeley voted overwhelmingly for Proposition 64, with 85% approving the measure. The State of California developed state-wide regulations for recreational cannabis, allowing temporary licenses for adult-use businesses effective January 1, 2018.

In September 2017, the Berkeley City Council adopted amendments to B.M.C. Chapter

12.26 to permit temporary licenses for existing medical cannabis dispensaries, allowing them to sell adult-use cannabis in the City effective January 1, 2018. To date, five of the six existing permitted dispensaries have received city and state licenses and are selling adult-use cannabis.

Since long-standing dispensaries began selling adult-use cannabis on January 1, 2018, there have been many questions regarding the local cannabis tax rate. In addition to State and sales taxes, local taxes have added significant costs to cannabis products and may discourage business, especially as other nearby cities adopt lower tax rates.

In 2018, the City set tax rates at 5% based on the best information possible at the time. Since then, the cannabis industry in California has seen its growth stall, and in the last year, the bottom has fallen out, leading to an industry-wide collapse.

- During the COVID pandemic, cannabis was deemed essential, yet was left out of the state and federal relief provided to other business owners, including but not limited to relief for wages paid to employees on leave for COVID-related workplace exclusions, the Paycheck Protection Program (PPP) loans, and Small Business Administration loans.
- The costs of compliance with state and local regulations for the cannabis business are extremely high.
- Nearly all of what would otherwise be considered a standard business tax deduction are not applicable because of Internal Revenue Code Section 280E, which disallows all ordinary business expenses and still unjustly applies to state legal tax businesses.
- The unlicensed market and organized cartels continue to thrive under this system, undercutting the legal market. Berkeley is not immune to this. In the first months of 2023, two unlicensed operations within the City were shut down. One facility had 14,000 plants and hundreds of pounds of cannabis concentrate on site.
- Licensed cannabis cannot compete.

The compounding effect of these added costs of doing business with the state and local taxes and fees and lack of access in much of the state drives the cannabis consumer to the unlicensed market, which is currently more than twice the size of the regulated one-and half the price.

Last year, the State had an opportunity to adjust the tax rates for cannabis businesses and provide relief for those struggling to make it into the legal market. Instead of providing that relief, the state shifted the tax burden to retailers and cannabis consumers and will

likely increase those excise taxes in the future. This change in state tax collection had a chilling effect on an already struggling industry, and the shift negatively impacted urban regions of the state that predominantly have retail cannabis as the main license type.

Berkeley wants to see its legal cannabis businesses thrive so they can continue providing high-wage jobs and access to safe, tested cannabis to the people of Berkeley and those who come to Berkeley.

### **Taxes Applicable to Non-Medical Cannabis Businesses**

There are a number of taxes applicable to adult-use cannabis businesses, including:

- State Cannabis Excise Tax
  - Effective January 1, 2018, a 15% excise tax is imposed upon retail purchasers of all cannabis and cannabis products, except for those possessing a state cannabis medical card. The 15% excise tax is calculated based on the average market price from the retail sale, **which leads to an actual current effective tax rate of around 27%.**
  - **Beginning this year, that excise tax was shifted to retail. Because of the way the tax is calculated, this amounted to a tax increase.**
  
- Local Sales Taxes
  - The City of Berkeley and Alameda County's combined sales tax is 10.25%
  
- City of Berkeley Business License Tax
  - Measure S, adopted by Berkeley voters in 2010, set the business license tax rate for Non-Medical Cannabis Businesses authorized pursuant to Proposition 19 at 10% or \$100.00 for every \$1,000 of gross receipts. The measure included language allowing the City Council to lower the tax rate by ordinance, which the Council did in 2018 to 5% or \$50 for every \$1000.
    - A note about Measure S - This ballot measure was expressly written to accompany Proposition 19 from 2010, which would have legalized cannabis and did not set a state tax rate. That ballot initiative did not pass.
    - Cities like Berkeley and Oakland, which set high local tax rates in anticipation of Proposition 19 passing, have seen an exodus of the supply chain businesses that can leave and a loss of customers to its brick-and-mortar dispensaries as other jurisdictions have come online with much lower taxes. This also leads the more price-driven customers to jurisdiction shop when choosing where to buy their

cannabis, particularly where delivery from neighboring regions is widely available.

- The business license tax rate for Medical Cannabis Businesses is currently 2.5% of gross receipts.

#### Other Cannabis Tax Rates in the region

Different jurisdictions in Alameda County have set their cannabis tax rates at a range of levels. Over the next year, there will be efforts to lower the local rates in most of these jurisdictions.

Oakland: has seen an exodus of supply chain businesses to lower tax rate jurisdictions.

Hayward: voters approved up to 15% but have set the effective rate at 6% and is having trouble attracting cannabis businesses.

San Leandro: Measure NN approved in November 2016, was a voter-approved gross receipts tax on cannabis businesses of up to 10%. It is currently 6% and will increase over time. All cannabis businesses must have annual audits.

Emeryville: Has set tax rates at 3% for retail, 2% for manufacturing, and 1% for distribution.

City of Alameda: **Currently has no cannabis tax for its cannabis businesses. The City Council chose not to pursue any additional cannabis taxes for the foreseeable future to allow licensed businesses to get on their feet. Cannabis businesses pay regular business license taxes.**

City and County of San Francisco: **Have continually delayed the implementation of a cannabis-specific tax to help the flailing industry.** Cannabis businesses pay regular business taxes.

In order for Berkeley to remain competitive and attract new cannabis businesses, it should consider lowering its business license tax on Non-Medical Cannabis businesses.

#### FISCAL IMPACTS OF RECOMMENDATION

Reducing the business license tax rate for Non-Medical Cannabis Businesses may reduce tax receipts to the General Fund. However, a lower tax rate will make Berkeley cannabis businesses more competitive in the regional market and may result in greater business activity and tax revenues to the City. According to the FY 2023 Mid-Year Budget

Update, Recreational Cannabis Taxes have produced \$1,643,749 in receipts as of February 2023.

#### ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects or opportunities are associated with this report's subject.

#### CONTACT

Ben Bartlett, Councilmember/Vice-Mayor, District 3

510-981-7130

#### Attachments:

1. [Ordinance: BMC Chapter 9.04.136](#)
2. [CDTFA total cannabis sales data from 2021 through Q4 2022 show unexpected and continual losses.](#)
3. [MJ Biz article: "California localities extend tax relief to marijuana companies in the absence of state action," February 28, 2022](#)
4. Letter from hi fidelity

# Attachment 1

<https://berkeley.municipal.codes/BMC/9.04.136>

Ch. 9.04 Business Licenses | Berkeley x +

https://berkeley.municipal.codes/BMC/9.04.136

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**9.04.136 Cannabis businesses.**

A. 1. Every Medical Cannabis Business that is not a Nonprofit Organization as defined in Section [9.04.305](#), and every Non-Medical Cannabis Business, shall pay an annual tax for each thousand dollars of gross receipts as provided in Section [9.04.240](#). If the "Regulate, Control and Tax Cannabis Act of 2010" on the November 2010 state ballot passes and takes effect, the maximum gross receipts rate that may be applied to medical cannabis businesses shall be reduced to 1.8%, or \$18 per \$1000.

2. Except as provided in paragraph 1 of this subdivision, the tax on Medical Cannabis Businesses that is imposed by this Section shall be phased in as follows:

- (a) The tax payable in 2011 shall be \$18 per \$1000 of gross receipts after June 30, 2010.
- (b) The tax payable in 2012 shall be \$25 per \$1000 of gross receipts after January 1, 2011.
- (c) The tax payable in subsequent years shall be \$25 per \$1000 of gross receipts during the preceding calendar year.

B. For purposes of this Chapter:

1. "Medical Cannabis Business" means any activity regulated or permitted by Chapter [12.26](#) or Title [23](#) that involves planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging, or testing, any part of the plant *Cannabis sativa* L. or any of its derivatives, pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#).
2. "Non-Medical Cannabis Business" means any of the activities described in the preceding paragraph that are not conducted pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#), but are otherwise authorized by state law.
3. "Cannabis Business" includes both Medical Cannabis Businesses and Non-Medical Cannabis Businesses.
4. A Cannabis Business shall be deemed a "Business" under Section [9.04.010](#) and as that term is used in

**What's Nearby**

| TITLE   |      |        |
|---------|------|--------|
| ← 8     | 9    | 10 →   |
| CHAPTER |      |        |
| ←       | 9.04 | 9.08 → |

**On This Page**

- 9.04.130 Conviction for violating ordi...
- 9.04.135 Retail trade
- 9.04.136 Cannabis businesses**
- 9.04.140 Grocer, retail or wholesale
- 9.04.145 Motor vehicle dealers (new ...)

https://berkeley.municipal.codes/BMC/9.04.136

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9.04.136 Cannabis businesses.

otherwise authorized by state law.

B. 3. "Cannabis Business" includes both Medical Cannabis Businesses and Non-Medical Cannabis Businesses.

4. A Cannabis Business shall be deemed a "Business" under Section [9.04.010](#) and as that term is used in this Chapter.

C. For purposes of this Section and Section [9.04.305.A.2](#), "gross receipts" includes any monetary consideration for medical cannabis whatsoever, including but not limited to: membership dues; reimbursement pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#); and any money received for wholesale or retail sales.

D. 1. The annual tax rate imposed by Section [9.04.240](#) on Non-Medical Cannabis Businesses shall apply to the sum of gross receipts as defined in Section [9.04.025](#) and this Section.

2. The City Council may impose the tax authorized by this Section at a lower rate, and may establish an exemption for Cannabis Businesses whose gross receipts are below a specified amount. The Council may adopt different rates and exemption levels for Medical and Non-Medical Cannabis Businesses. No action by the Council under this paragraph shall prevent it from subsequently increasing the tax rate for any type of Cannabis Business to the maximum specified in this Section and Section [9.04.240](#) or from modifying or eliminating any exemption.

E. In order to aid in the City's collection of taxes due under this Chapter and ensure that all Cannabis Businesses are taxed consistently to the best of the City's ability, beginning January 1, 2011, in any Cannabis Business, that obtains any product containing Cannabis sativa L. or any of its derivatives for monetary consideration that constitutes gross receipts under subdivision (C) for the provider of that Cannabis sativa, shall either:

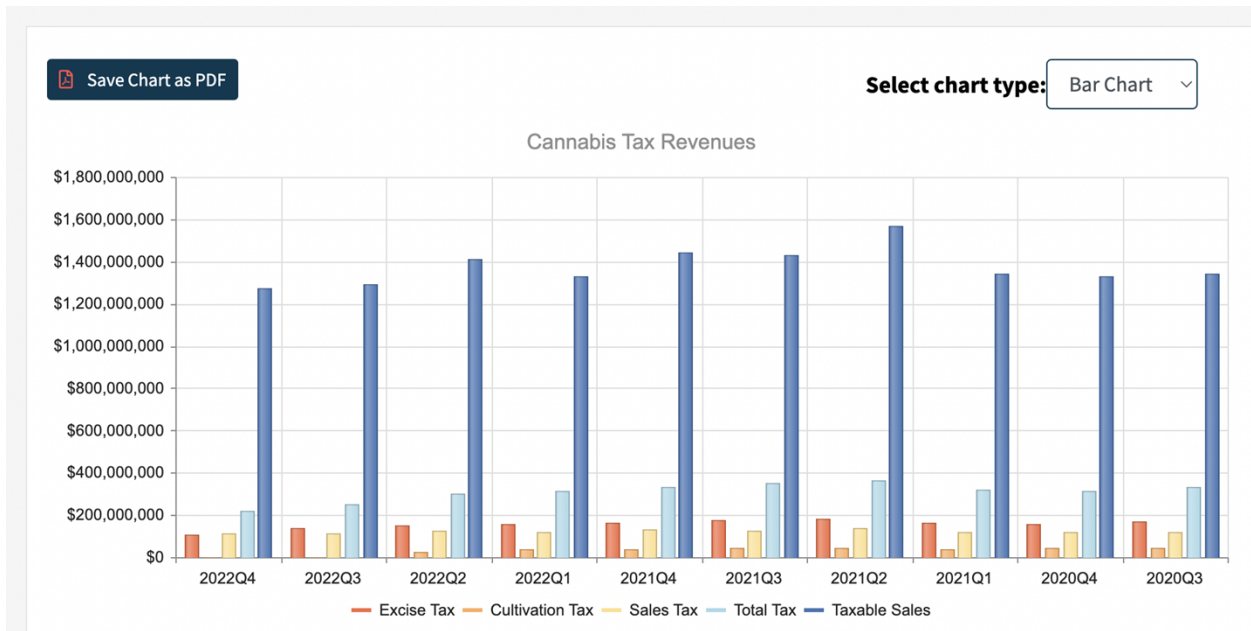
1. Report quarterly to the City all such transactions, the monetary consideration involved, and the identity and contact information of the person or entity to whom or to which monetary consideration was provided; or

2. Collect the tax that would be payable as a result of the transaction from the person or entity to whom monetary consideration was provided and remit it to the City.

F. The City Manager may promulgate regulations to implement and administer this Section, including allowing Medical Cannabis Businesses to remit taxes more frequently than annually. (Ord. 7160-NS § 1, 2010)

**Attachment 2**

<https://www.cdtfa.ca.gov/dataportal/charts.htm?url=CannabisTaxRevenues>





### Attachment 3

<https://mjbizdaily.com/california-localities-extend-tax-relief-to-marijuana-companies/>

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## California localities extend tax relief to marijuana companies in absence of state action

By Jackie Bryant  
February 28, 2022 - Updated March 11, 2022






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A map showing California localities that are providing tax relief for the cannabis industry.

Since state lawmakers have been slow to lower marijuana taxes, local governments throughout California are scrambling to grant tax relief to cannabis businesses.

The tax rollbacks by cities and counties mainly reflect lobbying from industry organizations as well as local residents and businesses.

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They argue that taxation at all levels of the supply chain is simultaneously choking cannabis companies' ability to stay afloat while strengthening the illicit market.

The rush to grant tax relief began a couple of years ago and has since accelerated.

It has encompassed a range of localities, including the cities of Desert Hot Springs and San Diego as well as Humboldt and Sonoma counties.

"This is really a statewide issue," explained Natalynne DeLapp, executive director of the Humboldt County Growers Association.

All this comes against the backdrop of a historic bear market for California wholesale cannabis prices, which plummeted last year in response to a supply glut.

Prices have only recently begun to rebound.

The tax rollbacks also come amid accusations from operators, local lawmakers and industry insiders that the state has not done enough to properly address tax reform, among other ills, leading to what many are calling a crisis in California's cannabis industry.

Marijuana license holders in California are subject to a state cultivation tax of \$161 per pound, as well as a 15% excise tax, in addition to taxes levied by city and county officials.

In January, Gov. Gavin Newsom pledged tax reform, though he was light on details.

Four bills at the state level addressing cannabis taxation have been introduced in the past few weeks: Assembly Bill 2792, AB 2506, Senate Bill 1281 and SB 1293.

SB 1281 appears to be the most comprehensive. Among other things, it would eliminate the cultivation tax and reduce the excise tax to 5%.

With constituents screaming for relief, localities are not waiting for any state tax changes to kick in, especially considering that such legislative actions wouldn't take effect until 2023, at the earliest.

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One of the most high-profile moves took place in Humboldt County on Feb. 7, when the Board of Supervisors voted to reduce by 85% the county cultivation tax locally known as Measure S.

Measure S previously required a \$1-\$3-per-square-foot payment, the amount of which was dependent on license type. Now, those fees will be calculated in the same manner, but growers will pay only 15% of the total amount.

Temporarily lowering the cultivation tax showed the county's "commitment to growers who have committed \$50 million to our local economy in the four years since Measure S was passed," Humboldt County Supervisor Rex Bohn said.

The reduction was met with some opposition from locals who believe cannabis growers got off easy by not having to pay taxes before legalization.

Bohn said this came into stark relief once it became clear that many of the same growers are now choosing to leave their gardens fallow rather than risk planting and paying taxes on marijuana flower they can't sell.

Though Humboldt might be one of the more significant of such actions taken, it's far from the only one.

"Most cities and counties set their local tax rates based on an assumption that cannabis businesses were going to be wildly profitable," DeLapp said.

"The reality is that, in many places, those tax rates are no longer sustainable, particularly for small and independent legacy businesses who are operating without outside capital."

Cannabis lobbyist Nara Dahlbacka, a partner at the Oakland-based Milo Group, said that while tax relief is needed both at the state and local levels, localities enacting reform can "also be a huge help on the red tape side" for businesses.

"In order to expand their (marijuana) businesses, there's a level of red tape and bureaucracy that have to be dealt with at the local and state levels," Dahlbacka said.

The following localities have, or are considering, cannabis tax reductions and relief:

The following localities have, or are considering, cannabis tax reductions and relief:

**Humboldt County**

- This month, the Board of Supervisors voted to temporarily reduce its cultivation tax by 85% for one year.

**Lake County**

- In January, the Board of Supervisors voted to postpone until May 15 the due date for cannabis tax payments and suspend the 25% late-payment penalty during the postponement. The board also directed staff to develop additional options for cannabis tax relief for ongoing discussion and voting in future meetings.

**Monterey County**

- The Board of Supervisors is preparing to vote March 1 on an industrywide cultivation tax reduction, including eliminating automatic increases on all taxes and doing away with the distribution tax entirely.
- After freezing an automatic tax increase on growers previously scheduled for 2021-22, the board voted last October to increase the number of times growers could amend the taxable square footage of their crop canopy from once to twice per year.

**Sonoma County**

- In January, the Board of Supervisors voted to postpone first-quarter taxes from Jan. 31 to April 30. Total taxes levied for both quarters will be due without penalties or interest on April 30 unless the board approves another extension.

**Bellflower**

- In October 2020, local officials reduced taxes for manufacturing and distribution from 7.5% to 2% and 1%, respectively.

**Berkeley**

- In February 2018, local officials reduced the cannabis tax rate from 10% to 5% to remain competitive in the Bay Area.

**Cloverdale**

- The City Council is scheduled to vote on March 9 to reduce tax rates for all licensees and tier the tax rates for different types of licenses.

**Desert Hot Springs**

- In February 2021, local officials reduced the tax for cultivation from \$25.50 per square foot to \$10.20 per square foot for cultivation.

**Long Beach**

- In 2019, the city lowered manufacturing, distribution and testing taxes from 6% to 1%.
- In 2020, the City Council agreed to ditch a proposed tax increase and instead increased the hours of operation for cannabis retailers.

**Oakland**

- In 2019, the City Council voted to lower the gross receipts tax on cannabis businesses that make \$500,000 or less from 10% to 0.12%.

**Palm Springs**

- In February 2019, local officials reduced the manufacturing tax from 10% to 2%.

**San Diego (city)**

- In February, the City Council voted to reduce the manufacturing and cultivation tax from 8% to 2%, effective May 1.

**San Francisco (city)**

- In December 2021, San Francisco authorities approved a second one-year suspension of the city’s marijuana business tax through 2023.

**San Jose**

- In July 2019, local officials reduced the flat-rate taxes of 10% to 4% for cultivation, 3% for manufacturing, 2% distribution and 0% for testing.

Additionally, according to Dahlbacka, the following localities have passed resolutions formally requesting the state to amend its cannabis taxes:

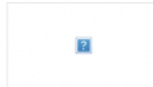
- Alameda County
- Calaveras County
- Lake County
- Mendocino County
- Monterey County
- San Francisco (city and county)
- Santa Cruz County
- City of Berkeley
- City of Desert Hot Springs
- City of Oakland
- City of Rio Dell

Jackie Bryant can be reached at [jacqbryant@gmail.com](mailto:jacqbryant@gmail.com).

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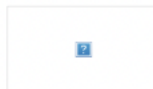
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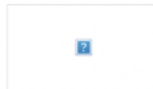
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CULTIVATION

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**Attachment 4**



April 18, 2023

Dear Vice Mayor Bartlett:

On behalf of High Fidelity Dispensary, we are writing to support the proposed tax moratorium for Berkeley cannabis businesses.

Operating a licensed, profitable cannabis dispensary in California is now nearly impossible. Layer upon layer of taxation, coupled with punitive federal rules denying tax deductions for operating expenses -- while competing against the unlicensed, unregulated market -- makes this industry unsustainable for operators who play by the rules.

Now that many jurisdictions around Berkeley are lowering their cannabis tax rates, it is incumbent on this city to follow suit. It is our hope that a future tax rate once the moratorium sunsets is fair and equitable and takes into account the unique constraints endemic to this industry.

Thank you for your consideration,

David Prinz, Owner,

Marc Weinstein, Owner

High Fidelity Dispensary

Cc: Mayor and City Council

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Office of the City Manager

INFORMATION CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Sharon Friedrichsen, Budget Manager  
 Subject: Voluntary Time Off Program for Fiscal Year 2024

INTRODUCTION

As a citywide cost-saving measure, the City Manager is designating 16 Voluntary Time Off (VTO) days in Fiscal Year 2024 (July 1, 2023 to June 30, 2024) and authorizing certain City offices and non-essential services to temporarily close for those days.

CURRENT SITUATION AND ITS EFFECTS

The proposed 16 VTO dates will fall on a schedule similar to Fiscal Year 2023, with City offices generally closing on every second Friday, with additional days the last week in December 2023 (December 26 - December 29). The following are the proposed VTO Days:

| Date (2023)   | Day                   | Date (2024)   | Day                  |
|---------------|-----------------------|---------------|----------------------|
| July 14       | Friday                | January 12    | Friday               |
| August 11     | Friday                | February 9*** | Friday               |
| September 15* | Friday                | March 8       | Friday               |
| October 13    | Friday                | April 12      | Friday               |
| November 9**  | Thursday              | May 10        | Friday               |
| December 8    | Friday                | June 14       | Friday               |
| December 26   | Tuesday               |               |                      |
| December 27   | Wednesday             |               |                      |
| December 28   | Thursday              |               |                      |
| December 29   | Friday                |               |                      |
|               | <b>10 days (2023)</b> |               | <b>6 days (2024)</b> |

\* VTO day in September is moved to September 15 to minimize the impact on payroll processing.

\*\* Friday, November 10, 2023 is the observed Veteran’s Day Holiday.

\*\*\* Monday, February 12, 2024 is the observed Lincoln’s Birthday Holiday.

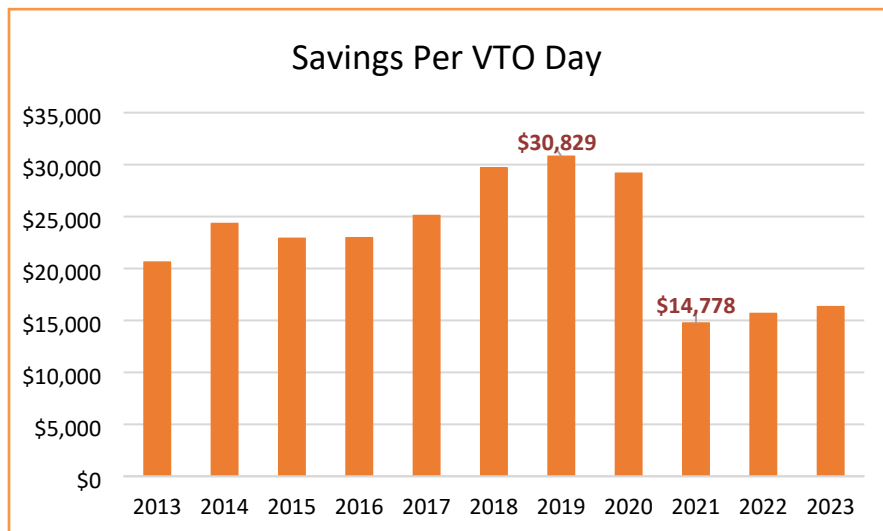
The purpose of VTO days is to generate savings to help balance the budget. The program is projected to achieve a savings of \$261,628 on an all funds basis in Fiscal Year 2023. The actual savings per VTO day since FY 2021 was lower than previous fiscal years because of city building closure and staff working remotely due to the COVID-19 pandemic. Nonetheless, the program is still recommended to continue in Fiscal Year 2024.

**Voluntary Time Off Salary Savings**

| Fiscal Year | Number of VTO Days | Base Salary Savings | Savings Per VTO Day |
|-------------|--------------------|---------------------|---------------------|
| 2013        | 28                 | \$ 578,044          | \$ 20,644           |
| 2014        | 16                 | \$ 389,706          | \$ 24,357           |
| 2015        | 16                 | \$ 366,853          | \$ 22,928           |
| 2016        | 16                 | \$ 367,821          | \$ 22,989           |
| 2017        | 16                 | \$ 402,070          | \$ 25,129           |
| 2018        | 16                 | \$ 475,400          | \$ 29,713           |
| 2019        | 17                 | \$ 524,086          | \$ 30,829           |
| 2020        | 16                 | \$ 467,108          | \$ 29,194           |
| 2021        | 17                 | \$ 251,229          | \$ 14,778           |
| 2022        | 16                 | \$ 251,148          | \$ 15,697           |
| 2023        | 16                 | <b>\$ 261,628 *</b> | <b>\$ 16,352</b>    |

\*Annualized projection

The VTO program is recommended to continue in Fiscal Year 2024 and will be reevaluated at a later time to determine whether the VTO program will also be implemented in Fiscal Year 2025. As shown in the chart below, the average savings per VTO day within the last decade ranged from \$14,800 to \$30,800.





In Fiscal Year 2023, staff considered the impact that the VTO days had on City services. It was determined that the VTO days were, in general, not having a significant detrimental effect on the City's ability to provide quality services. Potential inconveniences to residents were mitigated in several ways, including keeping the 311 Customer Call Center open on VTO days, adjusting due dates for fines, and posting clear signs in advance of closure dates.

### BACKGROUND

The concept for a VTO program was proposed in 2004 by the labor unions representing non-sworn employees as an alternative to a mandatory closure of City offices ("furloughs") and staff layoffs. The VTO program designates certain days City offices are closed to the public while allowing staff to take paid or unpaid leave, or voluntarily report to work. The VTO closures have permitted staff to reduce their vacation leave balances, and eliminate the costly past practice of buying back vacation leave balances, which in turn has allowed the City to reduce its cost to pay out accrued vacation leave upon an employee's separation from employment. It has also been used by departments to help them reach their annual target savings.

Likewise, the City Council approved a recommendation that designates any Statewide Election, including Primary and Special Statewide Elections, as VTO days<sup>1</sup>. Election Day occurs on the Tuesday after the first Monday in November of each even-numbered year, with the corresponding Primary Day occurring on the Tuesday after the first Monday of March.

**Service Impacts:** The VTO program has generated minimal complaints from the public regarding the office closures and reduced services because many key services remain open to the public, while other services can be provided on a callback basis.

During VTO days, customer service counters at the Finance Customer Service Center and Permit Service Center are closed to the public. When Customer Service Center offices are closed, customers may access the drop box which is located outside 1947 Center building. Customers are redirected to access the drop box through signage to the Rent Board Office at 2125 Milvia Street on VTO days in the last week of December. When the Permit Service Center is closed, building inspection services continue to be available to the public when City approvals are required for time-sensitive projects. The permit mailbox has been configured to accept emails from applicants on VTO days including applications for all types of building related permits. In addition, Permit Service Center cashiers work most of the VTO days to return customer calls and process

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[https://records.cityofberkeley.info/PublicAccess/api/Document/AfIClpxxSiesVU%C3%81UeV6uHvDcSM347Ko0EvBQfWOAcMZctkvZVLhegoOT5Gsbt38OjQY6FVXdfzeliGPO5gabOg4=](https://records.cityofberkeley.info/PublicAccess/api/Document/AfIClpxxSiesVU%C3%81UeV6uHvDcSM347Ko0EvBQfWOAcMZctkvZVLhegoOT5Gsbt38OjQY6FVXdfzeliGPO5gabOg4=/)

payments. The City will continue to notify the public of City VTO closure dates through public noticing, the press, voicemail messages, and signage.

The Voluntary Time Off Program for Fiscal Year 2024 is a Strategic Plan Priority, advancing our goal to provide an efficient and financially-healthy City government.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

VTO days may reduce vehicle miles traveled associated with City employees' work commute. Otherwise, there are no identifiable environmental and climate effects or opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

We are continuing the VTO program in Fiscal Year 2024. However, the City Manager will reassess the economic impact as well as the cost benefit to the public of continuing these temporary closures of City offices for Fiscal Year 2025.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Cost savings are achieved on an annual basis from the VTO program. Since Fiscal Year 2013, annual cost savings ranging from \$251,000 to \$578,000 have been achieved from the VTO program.

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, 981-6800  
Sharon Friedrichsen, Budget Manager, 981-7000



Office of the City Manager

INFORMATION CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Dee William-Ridley, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager

Subject: Status Report - Berkeley's Financial Condition (FY 2012 – FY 2021):  
Pension Liabilities and Infrastructure Need Attention

INTRODUCTION

On May 24, 2022, the City Auditor submitted a Financial Conditions audit report<sup>1</sup> to City Council with recommendations to build on the City's financial strengths in order to: (1) help address the City's unfunded capital and deferred maintenance needs and pension liabilities; (2) help the City prepare for unforeseen economic challenges by assessing the risk of the reserves, and ensuring that enterprise funds can balance and avoid recurring shortfalls and (3) to update the City's debt policy to help strengthen the City's ability to assess its general obligation debt capacity.

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 second status report regarding this audit. We previously issued a report on December 13, 2022.<sup>2</sup>

CURRENT SITUATION AND ITS EFFECTS

The City Auditor's report included five recommendations. As of the writing of this report, two recommendations have been partly implemented and three recommendations have been started. Please see Attachment 1 for a detailed table of audit report recommendations and implementation progress. The next status report to Council is expected to be presented in May 2024.

BACKGROUND

The audit provides a high-level overview of the City's financial condition over 10 fiscal years. By broadening the scope of financial reporting to incorporate long-term financial trends, financial condition analysis can introduce long-term considerations into the

<sup>1</sup> Audit-Berkeley's Financial Condition (FY 2012 - FY 2021): Pension Liabilities and Infrastructure Need Attention: <https://berkeleyca.gov/sites/default/files/documents/2022-05-24%20Item%2018%20Berkeley%E2%80%99s%20Financial%20Condition.pdf>

<sup>2</sup> <https://berkeleyca.gov/sites/default/files/documents/2022-12-13%20Item%2024%20Status%20Report%20-%20Berkeley%20s%20Financial.pdf>

budgeting process, clarify the City's fiscal strengths and weaknesses, and help highlight financial risks that the City needs to address including its unfunded capital and pension liabilities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

POSSIBLE FUTURE ACTION

The City Manager's Office will continue to work on implementing the various recommendations, including conducting a risk assessment of the General Fund reserve and developing recommendations regarding fund balance for the various enterprise funds. The Finance Department will continue to assess the debt capacity threshold and update the debt management policy. In addition, the City Manager's Office will continue to assess Council fiscal policies and make recommendations regarding long-term funding strategies to address the City's pension and capital infrastructure liabilities.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTIONS

The audit recommendations are intended to build on the City's financial strengths and help mitigate risks associated with the City's unfunded liabilities.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, 510.981.7000

Attachments:

1. Audit Findings, Recommendations, and Status Updates

| Audit Title: Berkeley's Financial Condition (FY 2012-FY 2021): Pension Liabilities and Infrastructure Need Attention |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Issue Date: May 5, 2022                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |
| Finding                                                                                                              | Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                     | Department   | Status of Audit Recommendations, Corrective Plan, and Progress Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Previous status update |
| The COVID-19 pandemic slowed the City's progress toward its 2027 reserve funding goal.                               | 1.1 To better prepare the City for unforeseen economic challenges, we recommend that the City Manager complete the risk assessment required by the City's reserve policy as scheduled and propose to the City Council a plan to replenish the Stability and Catastrophic Reserves based on the results of the assessment. This may include revising the funding goal for 2027 to align with the City's financial reality and projected risk level. | City Manager | <u>Started:</u><br>Staff have entered into a contract with the Government Finance Officers Association (GFOA) for technical assistance with the analysis of the reserves policy. GFOA has developed a distinctive risk-based approach to analyzing reserves that considers specific risk conditions faced by a local government. This includes the use of "probability management technology" to assess risk and develop models regarding appropriate reserve levels. The consultant at the GFOA is currently building the model for the City's exposure to extreme events, such as floods, earthquakes, fires, high heat, and landslides, and developing a range of potential financial impacts from extreme events that would influence the reserves. | Started                |
| All of the City's enterprise funds faced at least one annual shortfall between FY 2016 and FY 2021.                  | 1.2 To ensure the City's enterprise funds can balance and avoid recurring annual shortfalls, we recommend the City Manager assess the appropriate fund balance for each of the City's enterprise funds, report findings to the City Council and explore financial policy options to manage enterprise fund balances.                                                                                                                               | City Manager | <u>Started:</u><br>City staff are conducting research and formed an internal working group to discuss current approaches utilized by departments and best practices as the first step in developing fund balance policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Started                |

|                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           |                                                                                                                                                                                                                                                                                                    |                           |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <p>The City's limit for general obligation bond debt is set at 15 percent of total assessed property value.</p> | <p>2.1 To strengthen the City's debt management, we recommend that the Finance Department update the Debt Management Policy. The Finance Department may consider revising its current general obligation bond threshold of 15 percent of assessed property value or building upon the City's existing general obligation bond debt limit by considering additional debt capacity factors such as debt per capita, debt to personal income, and/or debt service payments as a proportion of General Fund revenues.</p> | <p>Finance Department</p> | <p><u>Started:</u><br/>The Finance Department has been working on updating the debt management policy, especially in light of current interest rates promulgated by the Federal Reserve Board. The updated debt management policy is scheduled to be considered by Council on June 27, 2023.</p>   | <p>Started</p>            |
| <p>The City has taken steps to increase pension funding.</p>                                                    | <p>3.1 To maximize the benefit of the Section 115 Trust, we recommend that the City Manager present a plan for adoption by the City Council to assure sufficient contributions to the Trust. This may include taking the steps proposed by the Budget and Finance Committee to increase contributions to the Trust. It may also include a strategy to ensure that the City is able to meet its yearly contribution goals, such as allocating contributions at the beginning of the budget cycle.</p>                  | <p>City Manager</p>       | <p><u>Partly Implemented:</u><br/>The City budgeted funds for the Section 115 Trust and adopted fiscal policies to fund the Section 115 Trust as part of the FY 2023/24 biennial budget process. The City's actuary has recommended maintaining the target contribution goal of \$5.5 million.</p> | <p>Partly Implemented</p> |
| <p>The City reported \$1.2 billion in unfunded capital and deferred maintenance needs in FY 2021.</p>           | <p>4.1 To address rising costs for unmet capital needs, we recommend that the City Manager collaborate with the Department of Public Works to implement a funding plan aimed at 1) reducing the City's unfunded capital and deferred maintenance needs, and 2) ensuring regular maintenance of city assets to prevent excessive deferred maintenance costs in the future. This may include prioritizing capital assets that generate the highest deferred maintenance costs.</p>                                      | <p>City Manager</p>       | <p><u>Partly Implemented:</u><br/>The City has updated its fiscal policies to include strategies, such as the use of investment revenues over the baseline budget, to increase funding for unfunded capital and deferred maintenance needs.</p>                                                    | <p>Partly Implemented</p> |



Office of the City Manager

INFORMATION CALENDAR  
JUNE 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance Department  
 Subject: FY 2023 Third Quarter Investment Report: Ended March 31, 2023

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended March 31, 2023 was 2.76%, 13 basis points more than the 2.63% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of 2.76% for the quarter ended March 31, 2023 was 37 basis points more than the rate of 2.39% earned in the quarter ended December 31, 2022.
- The average return on all Retiree Medical Trust Fund investments was 5.08% for the quarter ended March 31, 2023.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of quarterly reports for fiscal year 2023 Third Quarter ending March 31, 2023 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

## **A. Portfolio Results**

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

### 1. Liquidity of Portfolio:

The average investment in the pooled portfolio matures in 1,322 days as of March 31, 2023. This is 1 day less than the 1,323 maturity days as of December 31, 2022.

### 2. Comparison of Results to Performance Measures – Pooled investments: Quarter Ended March 31, 2023

The City's yield on investments for the quarter ended March 31, 2023 was 2.76%, an increase of 37 basis points (.37%) from the 2.39 earned during the quarter ended December 31, 2022. The average yield on a 90-day Treasury bill at the end of the quarter ended March 31, 2023 was 4.69%, an increase of 35 basis points (0.35%) from the 4.34% at the end of the previous quarter, primarily as a result of the Fed raising the Federal Funds rate by .25% on February 1, 2023 and .25% on March 2, 2023.

As summarized in Table 1, staff's overall results were above the performance measure for the quarter by 13 basis points. Staff's performance was above the performance measure in January by approximately 19 basis points (+.19%); over the performance measure in February by approximately 30 basis points (+.30%); and, was under the performance measure in March by approximately 8 basis points (-.08%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.



**Table 1**

| For Quarter Ending March 31, 2023 |       |            |            |
|-----------------------------------|-------|------------|------------|
| Period                            | City  | State LAIF | Difference |
| Jan-23                            | 2.62% | 2.43%      | +0.19%     |
| Feb-23                            | 2.92% | 2.62%      | +0.30%     |
| Mar-23                            | 2.75% | 2.83%      | -0.08%     |
| Jan 1-Mar 31                      | 2.76% | 2.63%      | +0.13%     |

3. Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended March 31, 2023 compared to the quarter ended December 31 2022, were as follows:

**Table 2**

| EARNED INTEREST RATES                              |                     |                      |
|----------------------------------------------------|---------------------|----------------------|
| For Quarter Ended 3/31/2023 Compared To 12/31/2022 |                     |                      |
| Trust Fund                                         | 3rd Qtr.<br>3/31/23 | 2nd Qtr.<br>12/31/22 |
| Retiree Medical Trust Fund (Misc. Employees)       | 5.41%               | 5.18%                |
| Fire Retiree Medical Trust Fund                    | 5.22%               | 3.96%                |
| Police Retiree Medical Trust Fund                  | 4.62%               | 3.61%                |

The rates earned on these plans are expected to continue to increase, as staff plans to use the investment authority granted by Council to purchase long-term bonds as rates move higher.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

**B. Discussion of Interest Rate Environment and Outlook**

In its March 22, 2023 statement, the Federal Open Market Committee said recent indicators point to modest growth in spending and production. Job gains have picked up in recent months, and are running at a robust pace; the unemployment rate has remained low. Inflation remains elevated.

The U. S. banking system is sound and resilient. Recent developments are likely to result in tighter credit conditions for households and businesses and to weigh on economic activity, hiring, and inflation. The extent of these effects is uncertain. The Committee remains highly attentive to inflation risks.

### Yield Trend

The Committee seeks to achieve maximum employment and inflation at the rate of 2 percent over the longer run. In support of these goals, the Committee decided to raise the target range for the federal funds rate between 4-3/4 to 5%-percent. The Committee will closely monitor incoming information and assess the implications for monetary policy. The Committee anticipates some additional policy firming may be appropriate in order to attain a stance of monetary policy that is sufficiently restrictive to return inflation to 2 percent over time. In determining the extent of future increases in the target range, the Committee will consider the cumulative tightening of monetary policy, the lags with which monetary policy affects economic activity and inflation, and economic and financial developments. In addition, the Committee will continue to reduce its holdings of Treasury securities and agency debt and mortgage-backed securities, as described in its previously announced plans.

The Committee is strongly committed to returning inflation to its 2 percent objective. In assessing the appropriate stance of monetary policy, the Committee will continue to monitor the implications of its policies as it affects the economy. The Committee would be prepared to adjust monetary policy as appropriate if risks emerge that could impede the attainment of the Committee's goals. The Committee's assessments will consider a wide range of information, including readings on labor market conditions, inflation pressures and inflation expectations, and financial and international developments.

Since the Federal Reserve change its zero-interest rate policy in March 2017 to combat high inflation, the Federal Reserve Board has raised the Federal Funds rate nine times for a total of 5.00%-5.25%, as follows:

**Table 3**

| <b>DATE</b> | <b>RATE CHANGE</b> | <b>FEDERAL FUNDS RATE</b> |
|-------------|--------------------|---------------------------|
| 03/17/22    | .25%               | .25%-.50%                 |
| 05/05/22    | .50%               | .75%-1.00%                |
| 06/16/22    | .75%               | 1.50%-1.75%               |
| 07/27/22    | .75%               | 2.25%-2.50%               |
| 09/21/22    | .75%               | 3.00%-3.25%               |
| 11/02/2022  | .75%               | 3.75%-4.00%               |
| 12/14/2022  | .50%               | 4.25%-4.50%               |

|           |      |             |
|-----------|------|-------------|
| 2/1/2023  | .25% | 4.50%-4.75% |
| 3/23/2023 | .25% | 4.75%-5.00% |
| 5/3/2023  | .25% | 5.00%-5.25% |

Since the rate hike on March 23, 2023, there have been three regional bank failures (Silicon Valley Bank, Signature Bank and First Republic Bank), and several other regional banks are under significant pressure. Therefore, it is likely that the Fed will be extremely cautious before raising the Federal Funds rates much higher. In addition, these developments will probably result in (1) banks' raising their lending standards and reducing the number of loans granted; and (2) an increase in the probability of a slowdown in the US economy in 2023. Berkeley has already started feeling the effects in the form of a substantial slowdown in the sales of real properties in the third quarter of FY 2023.

### Change in Strategy

Prior to the Fed's change in monetary policy starting March 17, 2022, staff's basic strategy consisted of not purchasing any Agency or Medium-Term corporate note securities with a maturity beyond three years, unless the securities were step-up securities (i.e., securities whose interest rates increased periodically, if they were not called). After the Fed's change in monetary policy in March 2022, the City's investment strategy changed to extending the investment maturities of securities purchased beyond three years and locking in rates. This should result in an increase in interest income during FY 2023 and beyond.

As a result of the Fed's sharp increase in interest rates and the move to sell Agency and Mortgage-Backed securities from its Balance Sheet, there is an increasing probability of a downturn or recession in the US in 2023, which could force the Federal Reserve to start reducing the Federal Funds rate later in 2023 or early 2024, if inflation continues to decline. The Yield curve has been inverted (i.e., short-term interest rates are higher than long-term interest rates) for many months and market interest rates have already started to decline. For example, the Two-Year Treasury has declined from nearly 5.01% on March 6, 2023 to 4.15% on May 17, 2023, while the Five-Year Treasury has declined from 4.45% in November 2022 to 3.59% on May 17, 2023.

On a long-term basis, the City's earned rate is expected to be above the City's benchmark (State LAIF) and the City's return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

**Table 4**

| <b>Other California Cities<br/>Earned Interest Rates</b> |                     |
|----------------------------------------------------------|---------------------|
| For the Quarter Ending March 31, 2023                    |                     |
| <b>City</b>                                              | <b>Rates Earned</b> |
| Oakland                                                  | 3.45%               |
| Burbank                                                  | 2.80%               |
| <b>Berkeley</b>                                          | <b>2.76%</b>        |
| San Jose                                                 | 2.65%               |
| San Francisco                                            | 2.29%               |
| Sacramento                                               | 2.24%               |
| San Diego                                                | 2.23%               |
| Palo Alto                                                | 2.18%               |

**BACKGROUND**

- **Pooled Investments**

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency securities) notes, medium-term corporate notes and municipal securities for periods of one to five years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

- **Retiree Health Trust Fund Investments**

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero from 2008 to March 2020, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

**ENVIRONMENTAL SUSTAINABILITY**

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

Investment Report: FY2023 2nd Qtr.  
Ended March 31, 2023

INFORMATION CALENDAR  
JUNE 27, 2023

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

ATTACHMENTS

1. Portfolio Evaluation FY 2023 Third Quarter
2. Investment Report Analysis FY 2023 Third Quarter
  - a. Exhibit 2-A: Pooled Cash and Investments
  - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings January 1, 2023 – March 31, 2023
  - c. Exhibit 2-C: Book Value By Investment Type
  - d. Exhibit 2-D: Current Holdings vs. Policy Limits
  - e. Exhibit 2-E: Investment Portfolio Trend
3. Summary of Pooled and Cash Investments FY 2023 Third Quarter –Trust Funds
  - a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
  - b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
  - c. Exhibit 3-C: Retiree Medical Trust Funds –Police



**Portfolio Evaluation**  
**Quarter Ended March 31, 2023**

|                                             | Quarter Ending        |                       |                       |                       |                       |                |                       |                |
|---------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------|-----------------------|----------------|
|                                             | March 2023            | December 2022         | September 2022        | June 2022             |                       |                |                       |                |
| <b>Total Portfolio</b>                      |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Cash and Investments (COB)           | \$ 667,712,171        | \$ 657,109,639        | \$ 595,920,437        | \$ 698,786,628        |                       |                |                       |                |
| Pooled Cash and Investments (Trust)         | 54,330,791            | 51,469,759            | 50,385,235            | 49,954,298            |                       |                |                       |                |
| Total Cash and Investments                  | <u>\$ 722,042,962</u> | <u>\$ 708,579,398</u> | <u>\$ 646,305,672</u> | <u>\$ 748,740,926</u> |                       |                |                       |                |
| <b>Average Life of Investment Portfolio</b> |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Investments (CoB)                    | 1,322                 | 1,323                 | 1,337                 | 1,386                 |                       |                |                       |                |
| Trust Investments                           | 8.047 years           | 7.586 years           | 1.91 years            | 2.069 years           |                       |                |                       |                |
| <b>Weighted Yield</b>                       |                       |                       |                       |                       |                       |                |                       |                |
| Pooled Investments (CoB)                    | 2.761%                | 2.394%                | 1.830%                | 1.293%                |                       |                |                       |                |
| Trust Investments                           | 5.081%                | 4.670%                | 4.094%                | 4.398%                |                       |                |                       |                |
| Prime Rate                                  | 8.000%                | 7.500%                | 6.250%                | 4.750%                |                       |                |                       |                |
| 91-day Treasury Bill Rate                   | 4.693%                | 4.343%                | 3.247%                | 1.626%                |                       |                |                       |                |
| 2-year Treasury Note Rate                   | 4.025%                | 4.426%                | 4.279%                | 2.953%                |                       |                |                       |                |
| <b>Cash and Investments Maturity</b>        |                       |                       |                       |                       |                       |                |                       |                |
| Within one year                             | \$ 208,919,256        | 28.93%                | \$ 223,131,582        | 31.49%                | \$ 199,265,720        | 30.83%         | \$ 327,419,689        | 43.73%         |
| Between 1 to 3 years                        | 103,151,808           | 14.29%                | 103,795,200           | 14.65%                | 89,762,997            | 13.89%         | 65,308,653            | 8.72%          |
| Between 3 to 5 years                        | 317,003,276           | 43.90%                | 316,456,840           | 44.66%                | 314,751,739           | 48.70%         | 329,817,379           | 44.05%         |
| Between 5 to 10 years                       | 81,672,587            | 11.31%                | 55,998,303            | 7.90%                 | 42,525,217            | 6.58%          | 11,272,605            | 1.51%          |
| Over 10 years                               | 11,296,035            | 1.56%                 | 9,197,473             | 1.30%                 | -                     | 0.00%          | 14,922,600            | 1.99%          |
| Total                                       | <u>\$ 722,042,962</u> | <u>100.00%</u>        | <u>\$ 708,579,398</u> | <u>100.00%</u>        | <u>\$ 646,305,672</u> | <u>100.00%</u> | <u>\$ 748,740,926</u> | <u>100.00%</u> |



**Investment Report Analysis  
As of March 31, 2023**

| <b>Investments</b>                                     | <b>Pooled Investments</b> | <b>Pension and OPEB<br/>Trust Investments</b> | <b>Total</b>          |
|--------------------------------------------------------|---------------------------|-----------------------------------------------|-----------------------|
| Portfolio                                              | \$ 551,342,456            | \$ 46,310,302                                 | \$ 597,652,757        |
| Unrecognized gain/(loss)                               | (28,884,987)              | (1,100,564)                                   | (29,985,552)          |
| Total Investments                                      | 522,457,468               | 45,209,737                                    | 567,667,205           |
|                                                        |                           |                                               |                       |
| <b>Cash</b>                                            | <b>Pooled Cash</b>        | <b>Pension and OPEB<br/>Trust Cash</b>        | <b>Total</b>          |
| Cash with Fidelity Money Market                        | 138,059,863               | -                                             | 138,059,863           |
| Cash with Fiscal Agents                                | 298,523                   | -                                             | 298,523               |
| Cash Deposits in Banks                                 | 16,017,371                | -                                             | 16,017,371            |
| Pooled Cash Adjustment                                 | (9,121,054)               | 9,121,054                                     | -                     |
| Total Cash                                             | 145,254,703               | 9,121,054                                     | 154,375,757           |
|                                                        |                           |                                               |                       |
| <b>Adjusted Grand Total (All Cash and Investments)</b> | <b>\$ 667,712,171</b>     | <b>\$ 54,330,791</b>                          | <b>\$ 722,042,962</b> |

**Pooled Cash Portfolio Breakdown As of March 31, 2023**

|             | <b>Book Value</b> | <b>Market Value</b> |
|-------------|-------------------|---------------------|
| Investments | \$ 551,342,456    | \$ 522,457,468      |

Note: The pooled cash includes Rent Board cash \$3,640,481.83



City of Berkeley  
Pooled Cash and Investments  
As of March 31, 2023

| CUSIP                                   | Investment # | Issuer                    | Book Value           | Par Value            | Market Value         | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|-----------------------------------------|--------------|---------------------------|----------------------|----------------------|----------------------|--------------|--------------|---------------|------------------|----------------|
| <b>Certificates of Deposits</b>         |              |                           |                      |                      |                      |              |              |               |                  |                |
| 254673RD0                               | 14539        | Discover Bank             | 250,000.00           | 250,000.00           | 248,837.50           | 3.300        | 3.300        | 07/05/2023    | 95               | N/A            |
| 795450T47                               | 14540        | Sallie Mae Bank           | 250,000.00           | 250,000.00           | 248,860.00           | 3.300        | 3.300        | 07/03/2023    | 93               | N/A            |
| <b>Subtotal and Average</b>             |              |                           | <b>500,000.00</b>    | <b>500,000.00</b>    | <b>497,697.50</b>    |              | <b>3.300</b> |               | <b>94</b>        |                |
| <b>Medium Term Notes</b>                |              |                           |                      |                      |                      |              |              |               |                  |                |
| 88579YAR2                               | 14659        | 3M COMPANY                | 4,877,033.94         | 5,000,000.00         | 4,806,650.00         | 3.000        | 4.120        | 08/07/2025    | 859              | A1             |
| 008252AM0                               | 14582        | Affiliated Managers Group | 1,016,092.67         | 1,000,000.00         | 988,700.00           | 4.250        | 2.300        | 02/15/2024    | 320              | A3             |
| 037833AK6                               | 14536        | Apple Inc                 | 4,996,630.41         | 5,000,000.00         | 4,990,800.00         | 2.400        | 3.225        | 05/03/2023    | 32               | AAA            |
| 04685A2L4                               | 14590        | Athene Global Funding     | 5,967,960.38         | 5,950,000.00         | 5,613,706.00         | 2.500        | 2.320        | 01/14/2025    | 654              | A1             |
| 04685A2L4                               | 14602        | Athene Global Funding     | 4,938,349.01         | 5,000,000.00         | 4,717,400.00         | 2.500        | 3.250        | 01/14/2025    | 654              | A1             |
| 20030NBN0                               | 14563        | Comcast Corp              | 5,029,389.44         | 5,000,000.00         | 4,883,950.00         | 3.375        | 3.100        | 08/15/2025    | 867              | A3             |
| 233851CU6                               | 14571        | Daimler Finance           | 5,043,123.77         | 5,000,000.00         | 4,775,400.00         | 3.450        | 3.190        | 01/06/2027    | 1,376            | A2             |
| 233851CU6                               | 14574        | Daimler Finance           | 3,781,085.26         | 3,725,000.00         | 3,557,673.00         | 3.450        | 3.000        | 01/06/2027    | 1,376            | A2             |
| 24422EUM9                               | 14554        | John Deere Cap            | 5,008,507.22         | 5,000,000.00         | 4,958,950.00         | 3.650        | 3.300        | 10/12/2023    | 194              | A2             |
| 24422EWK1                               | 14663        | John Deere Cap            | 4,980,038.13         | 5,000,000.00         | 4,973,650.00         | 4.150        | 4.250        | 09/15/2027    | 1,628            | A2             |
| 375558BF9                               | 14570        | Gilead Sciences           | 5,069,441.29         | 5,000,000.00         | 4,894,400.00         | 3.650        | 3.118        | 03/01/2026    | 1,065            | A3             |
| 540424AQ1                               | 14555        | Loews Corporation         | 4,995,903.93         | 5,000,000.00         | 4,966,250.00         | 2.625        | 3.350        | 05/15/2023    | 44               | A3             |
| 30303M8G0                               | 14660        | Meta Platforms Inc        | 4,832,249.22         | 5,000,000.00         | 4,829,050.00         | 3.500        | 4.360        | 08/15/2027    | 1,597            | A1             |
| 617446HD4                               | 14670        | Morgan Stanley            | 10,849,579.17        | 10,000,000.00        | 11,718,800.00        | 7.250        | 6.000        | 04/01/2032    | 3,288            | A1             |
| 68389XAS4                               | 14548        | Oracle Corp               | 5,002,979.97         | 5,000,000.00         | 4,971,150.00         | 3.625        | 3.388        | 07/15/2023    | 105              | BAA2           |
| 747525AT0                               | 14564        | Qualcomm Inc              | 4,992,144.39         | 5,000,000.00         | 4,905,650.00         | 2.900        | 3.050        | 05/20/2024    | 415              | A2             |
| 747525AU7                               | 14587        | Qualcomm Inc              | 6,145,833.43         | 5,963,000.00         | 5,769,023.61         | 3.250        | 2.435        | 05/20/2027    | 1,510            | A2             |
| 828807CS4                               | 14606        | Simon Property Group      | 4,998,239.08         | 5,000,000.00         | 4,882,250.00         | 3.375        | 3.353        | 10/01/2024    | 549              | A3             |
| 07330MAA5                               | 14588        | Truist Bank               | 5,235,944.65         | 5,000,000.00         | 4,628,700.00         | 3.800        | 2.365        | 10/30/2026    | 1,308            | A2             |
| <b>Subtotal and Average</b>             |              |                           | <b>97,760,525.36</b> | <b>96,638,000.00</b> | <b>95,832,152.61</b> |              | <b>3.520</b> |               | <b>1,103</b>     |                |
| <b>Federal Agency Coupon Securities</b> |              |                           |                      |                      |                      |              |              |               |                  |                |
| 3133ENVS6                               | 14650        | Federal Farm Credit Bank  | 5,000,000.00         | 5,000,000.00         | 4,988,550.00         | 2.030        | 2.030        | 05/02/2023    | 31               | AAA            |
| 3133ENN22                               | 14664        | Federal Farm Credit Bank  | 4,983,795.80         | 5,000,000.00         | 4,970,550.00         | 3.750        | 3.890        | 09/22/2025    | 905              | AAA            |
| 3133ENP95                               | 14666        | Federal Farm Credit Bank  | 4,982,632.39         | 5,000,000.00         | 5,022,750.00         | 4.250        | 4.400        | 09/30/2025    | 913              | AAA            |
| 3133ENS50                               | 14667        | Federal Farm Credit Bank  | 4,999,296.90         | 5,000,000.00         | 5,045,350.00         | 4.125        | 4.128        | 10/14/2027    | 1,657            | AAA            |
| 3133ENN30                               | 14668        | Federal Farm Credit Bank  | 4,631,807.27         | 5,000,000.00         | 4,901,200.00         | 3.875        | 4.863        | 09/20/2032    | 3,460            | AAA            |
| 3133ENV72                               | 14669        | Federal Farm Credit Bank  | 4,985,134.02         | 5,000,000.00         | 5,079,200.00         | 4.500        | 4.600        | 07/27/2026    | 1,213            | AAA            |
| 3130ATDK0                               | 14661        | Federal Home Loan Banks   | 4,996,347.97         | 5,000,000.00         | 4,971,500.00         | 3.875        | 3.989        | 12/08/2023    | 251              | AAA            |
| <b>Subtotal and Average</b>             |              |                           | <b>34,579,014.35</b> | <b>35,000,000.00</b> | <b>34,979,100.00</b> |              | <b>3.976</b> |               | <b>1,180</b>     |                |





City of Berkeley  
Pooled Cash and Investments  
As of March 31, 2023

| CUSIP                                       | Investment # | Issuer                   | Book Value           | Par Value            | Market Value         | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|---------------------------------------------|--------------|--------------------------|----------------------|----------------------|----------------------|--------------|--------------|---------------|------------------|----------------|
| <b>Medium-Term Notes - Callable</b>         |              |                          |                      |                      |                      |              |              |               |                  |                |
| 05531FBF9                                   | 14561        | BB&T Corporation         | 5,023,233.26         | 5,000,000.00         | 4,906,150.00         | 3.750        | 3.012        | 12/06/2023    | 249              | A3             |
| 22553PWD7                                   | 14652        | Credit Suisse AG         | 5,000,000.00         | 5,000,000.00         | 4,541,100.00         | 4.050        | 4.050        | 05/25/2025    | 785              | A3             |
| 22553PXJ3                                   | 14655        | Credit Suisse AG         | 5,000,000.00         | 5,000,000.00         | 4,367,400.00         | 5.000        | 5.001        | 05/31/2032    | 3,348            | A3             |
| 693475AV7                                   | 14557        | PNC Financial Services   | 5,004,752.69         | 5,000,000.00         | 4,905,950.00         | 3.500        | 3.425        | 01/23/2024    | 297              | A3             |
| 751212AC5                                   | 14566        | Ralph Lauren             | 5,070,203.41         | 5,000,000.00         | 4,890,750.00         | 3.750        | 3.106        | 09/15/2025    | 898              | A3             |
| 91159HHU7                                   | 14562        | US Bancorp               | 5,111,139.17         | 5,000,000.00         | 4,813,200.00         | 3.950        | 2.848        | 11/17/2025    | 961              | A2             |
| <b>Subtotal and Average</b>                 |              |                          | <b>30,209,328.53</b> | <b>30,000,000.00</b> | <b>28,424,550.00</b> |              | <b>3.569</b> |               | <b>1,087</b>     |                |
| <b>Federal Agency Callable</b>              |              |                          |                      |                      |                      |              |              |               |                  |                |
| 3133EN6K1                                   | 14676        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,849,250.00         | 4.220        | 4.220        | 01/23/2030    | 2,489            | AAA            |
| 3133EN6K1                                   | 14677        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,849,250.00         | 4.220        | 4.220        | 01/23/2030    | 2,489            | AAA            |
| 3133EPAJ4                                   | 14679        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,998,400.00         | 4.000        | 4.000        | 02/09/2033    | 3,602            | AAA            |
| 3130ARXL0                                   | 14649        | Federal Home Loan Banks  | 5,000,000.00         | 5,000,000.00         | 4,889,800.00         | 3.000        | 3.000        | 05/25/2023    | 54               | AAA            |
| 3130ATH42                                   | 14665        | Federal Home Loan Banks  | 8,000,000.00         | 8,000,000.00         | 7,960,240.00         | 4.700        | 4.700        | 09/29/2027    | 1,642            | AAA            |
| 3130AULM4                                   | 14678        | Federal Home Loan Banks  | 5,000,000.00         | 5,000,000.00         | 4,953,700.00         | 5.620        | 5.620        | 01/26/2033    | 3,588            | AAA            |
| <b>Subtotal and Average</b>                 |              |                          | <b>33,000,000.00</b> | <b>33,000,000.00</b> | <b>32,500,640.00</b> |              | <b>4.330</b> |               | <b>2,249</b>     |                |
| <b>Federal Agency Continuously Callable</b> |              |                          |                      |                      |                      |              |              |               |                  |                |
| 31422XJW3                                   | 14638        | Farmer Mac               | 10,000,000.00        | 10,000,000.00        | 9,280,600.00         | 1.500        | 0.300        | 07/20/2026    | 1,206            | N/A            |
| 31422XZ47                                   | 14681        | Farmer Mac               | 5,000,000.00         | 5,000,000.00         | 5,017,400.00         | 5.675        | 5.675        | 03/20/2030    | 2,545            | N/A            |
| 3133ENUV0                                   | 14644        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,717,450.00         | 4.000        | 4.000        | 04/19/2032    | 3,306            | AAA            |
| 3133ENVV9                                   | 14647        | Federal Farm Credit Bank | 5,000,000.00         | 5,000,000.00         | 4,847,400.00         | 3.630        | 3.630        | 05/03/2027    | 1,493            | AAA            |
| 3133ENWW6                                   | 14653        | Federal Farm Credit Bank | 4,994,971.34         | 5,000,000.00         | 4,785,150.00         | 4.370        | 4.384        | 05/17/2032    | 3,334            | AAA            |
| 3133EN5C0                                   | 14675        | Federal Farm Credit Bank | 4,994,255.79         | 5,000,000.00         | 4,967,750.00         | 5.370        | 5.394        | 12/27/2028    | 2,097            | AAA            |
| 3130AMAV4                                   | 14611        | Federal Home Loan Banks  | 5,600,000.00         | 5,600,000.00         | 5,060,216.00         | 1.250        | 1.125        | 04/29/2027    | 1,489            | AAA            |
| 3130ALZA5                                   | 14612        | Federal Home Loan Banks  | 9,000,000.00         | 9,000,000.00         | 8,389,800.00         | 0.750        | 0.500        | 04/29/2026    | 1,124            | AAA            |
| 3130AMEX6                                   | 14613        | Federal Home Loan Banks  | 15,000,000.00        | 15,000,000.00        | 13,910,850.00        | 0.750        | 0.500        | 05/27/2026    | 1,152            | AAA            |
| 3130AMF72                                   | 14615        | Federal Home Loan Banks  | 15,000,000.00        | 15,000,000.00        | 13,773,600.00        | 0.650        | 0.650        | 05/27/2026    | 1,152            | AAA            |
| 3130AMFQ0                                   | 14616        | Federal Home Loan Banks  | 15,000,000.00        | 15,000,000.00        | 13,789,500.00        | 1.150        | 1.020        | 05/26/2026    | 1,151            | AAA            |
| 3130AMFT4                                   | 14617        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,168,200.00         | 0.625        | 0.625        | 05/27/2026    | 1,152            | AAA            |
| 3130AMG22                                   | 14618        | Federal Home Loan Banks  | 20,000,000.00        | 20,000,000.00        | 18,391,200.00        | 0.800        | 0.500        | 05/27/2026    | 1,152            | AAA            |
| 3130AMGG1                                   | 14619        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,235,600.00         | 0.600        | 0.600        | 05/26/2026    | 1,151            | AAA            |
| 3130AMFN7                                   | 14620        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,252,100.00         | 0.750        | 0.500        | 05/26/2026    | 1,151            | AAA            |
| 3130AMG55                                   | 14622        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 8,979,400.00         | 1.375        | 1.219        | 05/27/2027    | 1,517            | AAA            |
| 3130AMG22                                   | 14624        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,195,600.00         | 0.800        | 0.500        | 05/27/2026    | 1,152            | AAA            |
| 3130AMLS9                                   | 14627        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,215,800.00         | 0.875        | 0.800        | 06/17/2026    | 1,173            | AAA            |
| 3130AMN24                                   | 14628        | Federal Home Loan Banks  | 10,000,000.00        | 10,000,000.00        | 9,187,100.00         | 1.150        | 1.034        | 06/03/2026    | 1,159            | AAA            |
| 3130AMN57                                   | 14629        | Federal Home Loan Banks  | 20,000,000.00        | 20,000,000.00        | 18,346,800.00        | 1.100        | 1.013        | 06/03/2026    | 1,159            | AAA            |
| 3130AMP71                                   | 14630        | Federal Home Loan Banks  | 20,000,000.00        | 20,000,000.00        | 18,385,000.00        | 1.200        | 1.077        | 06/18/2026    | 1,174            | AAA            |



City of Berkeley  
Pooled Cash and Investments  
As of March 31, 2023

| CUSIP                                | Investment # | Issuer                        | Book Value            | Par Value             | Market Value          | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|--------------------------------------|--------------|-------------------------------|-----------------------|-----------------------|-----------------------|--------------|--------------|---------------|------------------|----------------|
| 3130AMPL0                            | 14631        | Federal Home Loan Banks       | 15,000,000.00         | 15,000,000.00         | 13,775,850.00         | 1.150        | 0.375        | 06/08/2026    | 1,164            | AAA            |
| 3130AMMW9                            | 14632        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 9,214,500.00          | 1.000        | 0.500        | 06/10/2026    | 1,166            | AAA            |
| 3130AMWM0                            | 14634        | Federal Home Loan Banks       | 4,250,000.00          | 4,250,000.00          | 3,884,925.00          | 1.050        | 0.500        | 06/30/2026    | 1,186            | AAA            |
| 3130AN5U0                            | 14642        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 9,226,000.00          | 0.875        | 0.500        | 07/29/2026    | 1,215            | AAA            |
| 3130ANJY7                            | 14643        | Federal Home Loan Banks       | 40,000,000.00         | 40,000,000.00         | 36,036,000.00         | 1.000        | 0.400        | 08/26/2026    | 1,243            | AAA            |
| 3130ARTE1                            | 14645        | Federal Home Loan Banks       | 6,425,000.00          | 6,425,000.00          | 6,088,137.25          | 4.100        | 4.100        | 04/26/2032    | 3,313            | AAA            |
| 3130ARX71                            | 14648        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,877,450.00          | 3.000        | 3.000        | 05/23/2025    | 783              | AAA            |
| 3130ARYA3                            | 14651        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,883,100.00          | 4.000        | 4.000        | 05/26/2027    | 1,516            | AAA            |
| 3130AS7K9                            | 14654        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,797,500.00          | 4.440        | 4.440        | 05/26/2032    | 3,343            | AAA            |
| 3130ASGF0                            | 14656        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,932,300.00          | 4.000        | 4.000        | 06/30/2025    | 821              | AAA            |
| 3130ATDV6                            | 14662        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,955,850.00          | 5.000        | 5.000        | 09/30/2027    | 1,643            | AAA            |
| 3134GXRS5                            | 14646        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,871,050.00          | 3.100        | 3.100        | 04/29/2025    | 759              | AAA            |
| 3134GXC28                            | 14657        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,936,050.00          | 4.100        | 4.107        | 07/18/2025    | 839              | AAA            |
| 3134GXC36                            | 14658        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,942,700.00          | 4.000        | 4.000        | 12/30/2024    | 639              | AAA            |
|                                      |              |                               | <b>350,264,227.13</b> | <b>350,275,000.00</b> | <b>325,317,928.25</b> |              | <b>1.384</b> |               | <b>1,340</b>     |                |
| <b>Municipal Bonds</b>               |              |                               |                       |                       |                       |              |              |               |                  |                |
| 13063DGB8                            | 14559        | General Obligation Unlimited  | <u>5,029,360.32</u>   | <u>5,000,000.00</u>   | <u>4,905,400.00</u>   | 3.375        | <u>3.087</u> | 04/01/2025    | <u>731</u>       | AA2            |
|                                      |              | <b>Subtotal and Average</b>   | <b>5,029,360.32</b>   | <b>5,000,000.00</b>   | <b>4,905,400.00</b>   |              | <b>3.087</b> |               | <b>731</b>       |                |
| <b>Total Investments and Average</b> |              |                               | <b>551,342,455.69</b> | <b>550,413,000.00</b> | <b>522,457,468.36</b> |              | <b>2.238</b> |               | <b>1,322</b>     |                |

|                                                            |                        |
|------------------------------------------------------------|------------------------|
| <b>Total Investments (Book Value)</b>                      | <b>551,342,455.69</b>  |
| <b>Cash</b>                                                | <b>145,254,703.00</b>  |
| <b>Total Investments (Book Value) and Cash</b>             | <b>696,597,158.69</b>  |
| <b>Increase / (Decrease) in Market Value of Securities</b> | <b>(28,884,987.33)</b> |
| <b>Total Investments (Market Value) and Cash</b>           | <b>667,712,171.36</b>  |



**Pooled Investments Selected Funds**  
**Interest Earnings**  
**Sorted by Fund - Fund**  
**January 1, 2023 - January 31, 2023**  
**Yield on Average Book Value**

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |              |                  |                            |                         |                            |
| 3130ASGF0                                  | 14656        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 06/30/2025    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMN24                                  | 14628        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/03/2026    | 1.150        | 1.128            | 9,583.33                   | 0.00                    | 9,583.33                   |
| 3130AS7K9                                  | 14654        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/26/2032    | 4.440        | 4.356            | 18,500.00                  | 0.00                    | 18,500.00                  |
| 3130AMLS9                                  | 14627        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/17/2026    | 0.875        | 0.859            | 7,291.67                   | 0.00                    | 7,291.67                   |
| 3130AMG22                                  | 14624        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2026    | 0.800        | 0.785            | 6,666.67                   | 0.00                    | 6,666.67                   |
| 3130ATDV6                                  | 14662        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 09/30/2027    | 5.000        | 4.906            | 20,833.33                  | 0.00                    | 20,833.33                  |
| 3130AMG22                                  | 14618        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 05/27/2026    | 0.800        | 0.785            | 13,333.33                  | 0.00                    | 13,333.33                  |
| 3130AMGG1                                  | 14619        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/26/2026    | 0.600        | 0.589            | 5,000.00                   | 0.00                    | 5,000.00                   |
| 3130AMFN7                                  | 14620        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/26/2026    | 0.750        | 0.736            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3130AMG55                                  | 14622        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2027    | 1.375        | 1.349            | 11,458.33                  | 0.00                    | 11,458.33                  |
| 3130ATDK0                                  | 14661        | 010  | FAC           | 5,000,000.00     | 4,995,017.27         | 4,995,253.36       | 12/08/2023    | 3.875        | 3.910            | 16,145.83                  | 443.57                  | 16,589.40                  |
| 3130AMN57                                  | 14629        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 06/03/2026    | 1.100        | 1.079            | 18,333.33                  | 0.00                    | 18,333.33                  |
| 3130ARXL0                                  | 14649        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/25/2023    | 3.000        | 2.944            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMWM0                                  | 14634        | 010  | MC5           | 4,250,000.00     | 4,250,000.00         | 4,250,000.00       | 06/30/2026    | 1.050        | 1.030            | 3,718.75                   | 0.00                    | 3,718.75                   |
| 3130ARX71                                  | 14648        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/23/2025    | 3.000        | 2.944            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AN5U0                                  | 14642        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 07/29/2026    | 0.875        | 0.744            | 6,319.44                   | 0.00                    | 6,319.44                   |
| 3130ARTE1                                  | 14645        | 010  | MC5           | 6,425,000.00     | 6,425,000.00         | 6,425,000.00       | 04/26/2032    | 4.100        | 4.023            | 21,952.08                  | 0.00                    | 21,952.08                  |
| 3130ANJY7                                  | 14643        | 010  | MC5           | 40,000,000.00    | 40,000,000.00        | 40,000,000.00      | 08/26/2026    | 1.000        | 0.981            | 33,333.33                  | 0.00                    | 33,333.33                  |
| 3130AMP71                                  | 14630        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 06/18/2026    | 1.200        | 1.177            | 20,000.00                  | 0.00                    | 20,000.00                  |
| 3130ARYA3                                  | 14651        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/26/2027    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMMW9                                  | 14632        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/10/2026    | 1.000        | 0.981            | 8,333.33                   | 0.00                    | 8,333.33                   |
| 3130AMPL0                                  | 14631        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 06/08/2026    | 1.150        | 1.128            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130ATH42                                  | 14665        | 010  | MC4           | 8,000,000.00     | 8,000,000.00         | 8,000,000.00       | 09/29/2027    | 4.700        | 4.612            | 31,333.33                  | 0.00                    | 31,333.33                  |
| 3130AMAV4                                  | 14611        | 010  | MC5           | 5,600,000.00     | 5,600,000.00         | 5,600,000.00       | 04/29/2027    | 1.250        | 1.226            | 5,833.33                   | 0.00                    | 5,833.33                   |
| 3130AULM4                                  | 14678        | 010  | MC4           | 5,000,000.00     | 0.00                 | 967,741.94         | 01/26/2033    | 5.620        | 4.748            | 3,902.78                   | 0.00                    | 3,902.78                   |
| 3130ALZA5                                  | 14612        | 010  | MC5           | 9,000,000.00     | 9,000,000.00         | 9,000,000.00       | 04/29/2026    | 0.750        | 0.736            | 5,625.00                   | 0.00                    | 5,625.00                   |
| 3130AMFQ0                                  | 14616        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/26/2026    | 1.150        | 1.128            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMEX6                                  | 14613        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/27/2026    | 0.750        | 0.736            | 9,375.00                   | 0.00                    | 9,375.00                   |
| 3130AMFT4                                  | 14617        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2026    | 0.625        | 0.613            | 5,208.33                   | 0.00                    | 5,208.33                   |
| 3130AMF72                                  | 14615        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/27/2026    | 0.650        | 0.638            | 8,125.00                   | 0.00                    | 8,125.00                   |

Pooled Investments Selected Funds  
Interest Earnings  
January 1, 2023 - January 31, 2023

Exhibit 2-B.1

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |              |                  |                            |                         |                            |
| 3133ENWW6                                  | 14653        | 010  | MC5           | 5,000,000.00     | 4,994,833.61         | 4,994,858.05       | 05/17/2032    | 4.370        | 4.303            | 18,208.33                  | 45.91                   | 18,254.24                  |
| 3133ENV72                                  | 14669        | 010  | FAC           | 5,000,000.00     | 4,984,015.35         | 4,984,213.82       | 07/27/2026    | 4.500        | 4.517            | 18,750.00                  | 372.89                  | 19,122.89                  |
| 3133EN5C0                                  | 14675        | 010  | MC5           | 5,000,000.00     | 4,994,005.56         | 4,994,049.96       | 12/27/2028    | 5.370        | 5.295            | 22,375.00                  | 83.41                   | 22,458.41                  |
| 3133ENS50                                  | 14667        | 010  | FAC           | 5,000,000.00     | 4,999,258.15         | 4,999,265.03       | 10/14/2027    | 4.125        | 4.051            | 17,187.50                  | 12.92                   | 17,200.42                  |
| 3133ENN30                                  | 14668        | 010  | FAC           | 5,000,000.00     | 4,622,086.73         | 4,623,811.34       | 09/20/2032    | 3.875        | 4.937            | 16,145.83                  | 3,240.18                | 19,386.01                  |
| 3133ENP95                                  | 14666        | 010  | FAC           | 5,000,000.00     | 4,980,893.69         | 4,981,201.55       | 09/30/2025    | 4.250        | 4.323            | 17,708.33                  | 579.57                  | 18,287.90                  |
| 3133EN6K1                                  | 14676        | 010  | MC4           | 5,000,000.00     | 0.00                 | 1,451,612.90       | 01/23/2030    | 4.220        | 3.803            | 4,688.89                   | 0.00                    | 4,688.89                   |
| 3133EN6K1                                  | 14677        | 010  | MC4           | 5,000,000.00     | 0.00                 | 1,451,612.90       | 01/23/2030    | 4.220        | 3.803            | 4,688.89                   | 0.00                    | 4,688.89                   |
| 3133ENN22                                  | 14664        | 010  | FAC           | 5,000,000.00     | 4,982,159.02         | 4,982,449.41       | 09/22/2025    | 3.750        | 3.821            | 15,625.00                  | 545.59                  | 16,170.59                  |
| 3133ENUV0                                  | 14644        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/19/2032    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3133ENV56                                  | 14650        | 010  | FAC           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/02/2023    | 2.030        | 1.992            | 8,458.33                   | 0.00                    | 8,458.33                   |
| 3133ENVV9                                  | 14647        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/03/2027    | 3.630        | 3.562            | 15,125.00                  | 0.00                    | 15,125.00                  |
| 3134GXRS5                                  | 14646        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/29/2025    | 3.100        | 3.042            | 12,916.67                  | 0.00                    | 12,916.67                  |
| 3134GXC28                                  | 14657        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 07/18/2025    | 4.100        | 4.023            | 17,083.33                  | 0.00                    | 17,083.33                  |
| 3134GXC36                                  | 14658        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/30/2024    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 617446HD4                                  | 14670        | 010  | MTN           | 10,000,000.00    | 10,873,178.59        | 10,868,991.59      | 04/01/2032    | 7.250        | 5.693            | 60,416.67                  | -7,866.48               | 52,550.19                  |
| 037833AK6                                  | 14536        | 010  | MTN           | 5,000,000.00     | 4,987,153.43         | 4,988,834.83       | 05/03/2023    | 2.400        | 3.106            | 10,000.00                  | 3,158.99                | 13,158.99                  |
| 254673RD0                                  | 14539        | 010  | SCD           | 250,000.00       | 250,000.00           | 250,000.00         | 07/05/2023    | 3.300        | 3.300            | 700.68                     | 0.00                    | 700.68                     |
| 795450T47                                  | 14540        | 010  | SCD           | 250,000.00       | 250,000.00           | 250,000.00         | 07/03/2023    | 3.300        | 3.300            | 700.68                     | 0.00                    | 700.68                     |
| 084670BJ6                                  | 14542        | 010  | MTN           | 5,000,000.00     | 4,999,227.60         | 4,999,535.94       | 02/11/2023    | 3.000        | 3.080            | 12,500.00                  | 579.30                  | 13,079.30                  |
| 31422XJW3                                  | 14638        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 07/20/2026    | 1.500        | 0.726            | 6,166.67                   | 0.00                    | 6,166.67                   |
| 68389XAS4                                  | 14548        | 010  | MTN           | 5,000,000.00     | 5,005,558.78         | 5,005,101.25       | 07/15/2023    | 3.625        | 3.351            | 15,104.17                  | -859.60                 | 14,244.57                  |
| 24422EWK1                                  | 14663        | 010  | MTN           | 5,000,000.00     | 4,978,918.07         | 4,979,116.79       | 09/15/2027    | 4.150        | 4.177            | 17,291.67                  | 373.35                  | 17,665.02                  |
| 24422EUM9                                  | 14554        | 010  | MTN           | 5,000,000.00     | 5,012,515.86         | 5,011,804.65       | 10/12/2023    | 3.650        | 3.259            | 15,208.33                  | -1,336.21               | 13,872.12                  |
| 540424AQ1                                  | 14555        | 010  | MTN           | 5,000,000.00     | 4,987,525.61         | 4,989,012.09       | 05/15/2023    | 2.625        | 3.240            | 10,937.50                  | 2,792.78                | 13,730.28                  |
| 693475AV7                                  | 14557        | 010  | MC3           | 5,000,000.00     | 5,006,217.56         | 5,005,957.66       | 01/23/2024    | 3.500        | 3.315            | 14,583.33                  | -488.29                 | 14,095.04                  |
| 13063DGB8                                  | 14559        | 010  | MUN           | 5,000,000.00     | 5,033,030.36         | 5,032,379.23       | 04/01/2025    | 3.375        | 3.004            | 14,062.50                  | -1,223.34               | 12,839.16                  |
| 05531FBF9                                  | 14561        | 010  | MC3           | 5,000,000.00     | 5,031,767.93         | 5,030,253.72       | 12/06/2023    | 3.750        | 2.991            | 15,625.00                  | -2,844.89               | 12,780.11                  |
| 91159HHU7                                  | 14562        | 010  | MC3           | 5,000,000.00     | 5,121,712.67         | 5,119,836.72       | 11/17/2025    | 3.950        | 2.974            | 16,458.33                  | -3,524.50               | 12,933.83                  |
| 20030NBN0                                  | 14563        | 010  | MTN           | 5,000,000.00     | 5,032,486.69         | 5,031,937.17       | 08/15/2025    | 3.375        | 3.049            | 14,062.50                  | -1,032.42               | 13,030.08                  |
| 747525AU7                                  | 14587        | 010  | MTN           | 5,963,000.00     | 6,156,884.48         | 6,154,923.81       | 05/20/2027    | 3.250        | 2.385            | 16,149.79                  | -3,683.69               | 12,466.10                  |
| 747525AT0                                  | 14564        | 010  | MTN           | 5,000,000.00     | 4,990,415.77         | 4,990,722.46       | 05/20/2024    | 2.900        | 2.987            | 12,083.33                  | 576.21                  | 12,659.54                  |
| 751212AC5                                  | 14566        | 010  | MC3           | 5,000,000.00     | 5,077,350.81         | 5,076,082.72       | 09/15/2025    | 3.750        | 3.072            | 15,625.00                  | -2,382.47               | 13,242.53                  |
| 375558BF9                                  | 14570        | 010  | MTN           | 5,000,000.00     | 5,075,393.40         | 5,074,337.38       | 03/01/2026    | 3.650        | 3.068            | 15,208.33                  | -1,984.03               | 13,224.30                  |
| 233851CU6                                  | 14574        | 010  | MTN           | 3,725,000.00     | 3,784,810.48         | 3,784,149.55       | 01/06/2027    | 3.450        | 2.946            | 10,709.38                  | -1,241.74               | 9,467.64                   |
| 233851CU6                                  | 14571        | 010  | MTN           | 5,000,000.00     | 5,045,988.08         | 5,045,479.90       | 01/06/2027    | 3.450        | 3.132            | 14,375.00                  | -954.77                 | 13,420.23                  |
| 008252AM0                                  | 14582        | 010  | MTN           | 1,000,000.00     | 1,020,705.21         | 1,019,886.86       | 02/15/2024    | 4.250        | 2.314            | 3,541.67                   | -1,537.51               | 2,004.16                   |

Pooled Investments Selected Funds  
Interest Earnings  
January 1, 2023 - January 31, 2023

Exhibit 2-B.1

| CUSIP                                      | Investment # | Fund | Security Type   | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|-----------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |                 |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| 07330MAA5                                  | 14588        | 010  | MTN             | 5,000,000.00          | 5,252,418.67          | 5,249,501.76          | 10/30/2026    | 3.800        | 2.320            | 15,833.33                  | -5,491.34               | 10,341.99                  |
| 04685A2L4                                  | 14602        | 010  | MTN             | 5,000,000.00          | 4,929,719.79          | 4,931,250.78          | 01/14/2025    | 2.500        | 3.174            | 10,416.67                  | 2,876.41                | 13,293.08                  |
| 04685A2L4                                  | 14590        | 010  | MTN             | 5,950,000.00          | 5,970,474.28          | 5,970,028.26          | 01/14/2025    | 2.500        | 2.279            | 12,395.83                  | -837.97                 | 11,557.86                  |
| 828807CS4                                  | 14606        | 010  | MTN             | 5,000,000.00          | 4,997,945.59          | 4,997,997.66          | 10/01/2024    | 3.375        | 3.336            | 14,062.50                  | 97.83                   | 14,160.33                  |
| 22553PXJ3                                  | 14655        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 5.017            | 21,306.82                  | 0.00                    | 21,306.82                  |
| 22553PWD7                                  | 14652        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 3.974            | 16,875.00                  | 0.00                    | 16,875.00                  |
| 88579YAR2                                  | 14659        | 010  | MTN             | 5,000,000.00          | 4,863,952.44          | 4,866,273.35          | 08/07/2025    | 3.000        | 4.079            | 12,500.00                  | 4,360.50                | 16,860.50                  |
| 30303M8G0                                  | 14660        | 010  | MTN             | 5,000,000.00          | 4,822,657.37          | 4,824,359.15          | 08/15/2027    | 3.500        | 4.339            | 14,583.33                  | 3,197.28                | 17,780.61                  |
|                                            |              |      | <b>Subtotal</b> | <b>545,413,000.00</b> | <b>531,385,278.90</b> | <b>535,248,825.56</b> |               |              | <b>2.247</b>     | <b>1,035,317.31</b>        | <b>-13,952.56</b>       | <b>1,021,364.75</b>        |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14190                                   | 14190        | 030  | RRP             | 14,047,823.03         | 0.00                  | 14,001,542.68         |               | 0.002        | 1.798            | 21,383.66                  | 0.00                    | 21,383.66                  |
|                                            |              |      | <b>Subtotal</b> | <b>14,047,823.03</b>  | <b>0.00</b>           | <b>14,001,542.68</b>  |               |              | <b>1.798</b>     | <b>21,383.66</b>           | <b>0.00</b>             | <b>21,383.66</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14265                                   | 14265        | 040  | RRP             | 112,099,349.73        | 156,327,591.96        | 132,223,455.11        |               | 0.003        | 4.201            | 471,757.77                 | 0.00                    | 471,757.77                 |
|                                            |              |      | <b>Subtotal</b> | <b>112,099,349.73</b> | <b>156,327,591.96</b> | <b>132,223,455.11</b> |               |              | <b>4.201</b>     | <b>471,757.77</b>          | <b>0.00</b>             | <b>471,757.77</b>          |
|                                            |              |      | <b>Total</b>    | <b>671,560,172.76</b> | <b>687,712,870.86</b> | <b>681,473,823.35</b> |               |              | <b>2.617</b>     | <b>1,528,458.74</b>        | <b>-13,952.56</b>       | <b>1,514,506.18</b>        |



**Pooled Investments Selected Funds**  
**Interest Earnings**  
**Sorted by Fund - Fund**  
**February 1, 2023 - February 28, 2023**  
**Yield on Average Book Value**

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |              |                  |                            |                         |                            |
| 3130ASGF0                                  | 14656        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 06/30/2025    | 4.000        | 4.345            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMN24                                  | 14628        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/03/2026    | 1.150        | 1.249            | 9,583.33                   | 0.00                    | 9,583.33                   |
| 3130AS7K9                                  | 14654        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/26/2032    | 4.440        | 4.823            | 18,500.00                  | 0.00                    | 18,500.00                  |
| 3130AMLS9                                  | 14627        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/17/2026    | 0.875        | 0.951            | 7,291.67                   | 0.00                    | 7,291.67                   |
| 3130AMG22                                  | 14624        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2026    | 0.800        | 0.869            | 6,666.67                   | 0.00                    | 6,666.67                   |
| 3130ATDV6                                  | 14662        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 09/30/2027    | 5.000        | 5.432            | 20,833.33                  | 0.00                    | 20,833.33                  |
| 3130AMG22                                  | 14618        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 05/27/2026    | 0.800        | 0.869            | 13,333.33                  | 0.00                    | 13,333.33                  |
| 3130AMGG1                                  | 14619        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/26/2026    | 0.600        | 0.652            | 5,000.00                   | 0.00                    | 5,000.00                   |
| 3130AMFN7                                  | 14620        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/26/2026    | 0.750        | 0.815            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3130AMG55                                  | 14622        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2027    | 1.375        | 1.494            | 11,458.33                  | 0.00                    | 11,458.33                  |
| 3130ATDK0                                  | 14661        | 010  | FAC           | 5,000,000.00     | 4,995,460.84         | 4,995,676.28       | 12/08/2023    | 3.875        | 4.329            | 16,145.83                  | 443.56                  | 16,589.39                  |
| 3130AMN57                                  | 14629        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 06/03/2026    | 1.100        | 1.195            | 18,333.33                  | 0.00                    | 18,333.33                  |
| 3130ARXL0                                  | 14649        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/25/2023    | 3.000        | 3.259            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMWM0                                  | 14634        | 010  | MC5           | 4,250,000.00     | 4,250,000.00         | 4,250,000.00       | 06/30/2026    | 1.050        | 1.141            | 3,718.75                   | 0.00                    | 3,718.75                   |
| 3130ARX71                                  | 14648        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/23/2025    | 3.000        | 3.259            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AN5U0                                  | 14642        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 07/29/2026    | 0.875        | 0.951            | 7,291.67                   | 0.00                    | 7,291.67                   |
| 3130ARTE1                                  | 14645        | 010  | MC5           | 6,425,000.00     | 6,425,000.00         | 6,425,000.00       | 04/26/2032    | 4.100        | 4.454            | 21,952.08                  | 0.00                    | 21,952.08                  |
| 3130ANJY7                                  | 14643        | 010  | MC5           | 40,000,000.00    | 40,000,000.00        | 40,000,000.00      | 08/26/2026    | 1.000        | 1.086            | 33,333.33                  | 0.00                    | 33,333.33                  |
| 3130AMP71                                  | 14630        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 06/18/2026    | 1.200        | 1.304            | 20,000.00                  | 0.00                    | 20,000.00                  |
| 3130ARYA3                                  | 14651        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/26/2027    | 4.000        | 4.345            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMMW9                                  | 14632        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/10/2026    | 1.000        | 1.086            | 8,333.33                   | 0.00                    | 8,333.33                   |
| 3130AMPL0                                  | 14631        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 06/08/2026    | 1.150        | 1.249            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130ATH42                                  | 14665        | 010  | MC4           | 8,000,000.00     | 8,000,000.00         | 8,000,000.00       | 09/29/2027    | 4.700        | 5.106            | 31,333.33                  | 0.00                    | 31,333.33                  |
| 3130AMAV4                                  | 14611        | 010  | MC5           | 5,600,000.00     | 5,600,000.00         | 5,600,000.00       | 04/29/2027    | 1.250        | 1.358            | 5,833.33                   | 0.00                    | 5,833.33                   |
| 3130AULM4                                  | 14678        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 01/26/2033    | 5.620        | 6.105            | 23,416.67                  | 0.00                    | 23,416.67                  |
| 3130ALZA5                                  | 14612        | 010  | MC5           | 9,000,000.00     | 9,000,000.00         | 9,000,000.00       | 04/29/2026    | 0.750        | 0.815            | 5,625.00                   | 0.00                    | 5,625.00                   |
| 3130AMFQ0                                  | 14616        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/26/2026    | 1.150        | 1.249            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMEX6                                  | 14613        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/27/2026    | 0.750        | 0.815            | 9,375.00                   | 0.00                    | 9,375.00                   |
| 3130AMFT4                                  | 14617        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2026    | 0.625        | 0.679            | 5,208.33                   | 0.00                    | 5,208.33                   |
| 3130AMF72                                  | 14615        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/27/2026    | 0.650        | 0.706            | 8,125.00                   | 0.00                    | 8,125.00                   |

Pooled Investments Selected Funds  
Interest Earnings  
February 1, 2023 - February 28, 2023

Exhibit 2-B.2

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |              |                  |                            |                         |                            |
| 3133ENWW6                                  | 14653        | 010  | MC5           | 5,000,000.00     | 4,994,879.52         | 4,994,901.82       | 05/17/2032    | 4.370        | 4.764            | 18,208.33                  | 45.91                   | 18,254.24                  |
| 3133ENV72                                  | 14669        | 010  | FAC           | 5,000,000.00     | 4,984,388.24         | 4,984,569.36       | 07/27/2026    | 4.500        | 5.001            | 18,750.00                  | 372.89                  | 19,122.89                  |
| 3133EN5C0                                  | 14675        | 010  | MC5           | 5,000,000.00     | 4,994,088.97         | 4,994,129.49       | 12/27/2028    | 5.370        | 5.862            | 22,375.00                  | 83.41                   | 22,458.41                  |
| 3133ENS50                                  | 14667        | 010  | FAC           | 5,000,000.00     | 4,999,271.07         | 4,999,277.34       | 10/14/2027    | 4.125        | 4.485            | 17,187.50                  | 12.92                   | 17,200.42                  |
| 3133ENN30                                  | 14668        | 010  | FAC           | 5,000,000.00     | 4,625,326.91         | 4,626,900.71       | 09/20/2032    | 3.875        | 5.462            | 16,145.83                  | 3,240.18                | 19,386.01                  |
| 3133ENP95                                  | 14666        | 010  | FAC           | 5,000,000.00     | 4,981,473.26         | 4,981,754.76       | 09/30/2025    | 4.250        | 4.785            | 17,708.33                  | 579.56                  | 18,287.89                  |
| 3133EN6K1                                  | 14676        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 01/23/2030    | 4.220        | 4.584            | 17,583.33                  | 0.00                    | 17,583.33                  |
| 3133EPAJ4                                  | 14679        | 010  | MC4           | 5,000,000.00     | 0.00                 | 3,571,428.57       | 02/09/2033    | 4.000        | 4.461            | 12,222.22                  | 0.00                    | 12,222.22                  |
| 3133EN6K1                                  | 14677        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 01/23/2030    | 4.220        | 4.584            | 17,583.33                  | 0.00                    | 17,583.33                  |
| 3133ENN22                                  | 14664        | 010  | FAC           | 5,000,000.00     | 4,982,704.61         | 4,982,969.62       | 09/22/2025    | 3.750        | 4.230            | 15,625.00                  | 545.60                  | 16,170.60                  |
| 3133ENUV0                                  | 14644        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/19/2032    | 4.000        | 4.345            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3133ENVS6                                  | 14650        | 010  | FAC           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/02/2023    | 2.030        | 2.205            | 8,458.33                   | 0.00                    | 8,458.33                   |
| 3133ENVV9                                  | 14647        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/03/2027    | 3.630        | 3.943            | 15,125.00                  | 0.00                    | 15,125.00                  |
| 3134GXRS5                                  | 14646        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/29/2025    | 3.100        | 3.368            | 12,916.67                  | 0.00                    | 12,916.67                  |
| 3134GXC28                                  | 14657        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 07/18/2025    | 4.100        | 4.454            | 17,083.33                  | 0.00                    | 17,083.33                  |
| 3134GXC36                                  | 14658        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/30/2024    | 4.000        | 4.345            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 617446HD4                                  | 14670        | 010  | MTN           | 10,000,000.00    | 10,865,312.11        | 10,861,491.26      | 04/01/2032    | 7.250        | 6.307            | 60,416.67                  | -7,866.47               | 52,550.20                  |
| 037833AK6                                  | 14536        | 010  | MTN           | 5,000,000.00     | 4,990,312.42         | 4,991,846.79       | 05/03/2023    | 2.400        | 3.436            | 10,000.00                  | 3,159.00                | 13,159.00                  |
| 254673RD0                                  | 14539        | 010  | SCD           | 250,000.00       | 250,000.00           | 250,000.00         | 07/05/2023    | 3.300        | 3.300            | 632.88                     | 0.00                    | 632.88                     |
| 795450T47                                  | 14540        | 010  | SCD           | 250,000.00       | 250,000.00           | 250,000.00         | 07/03/2023    | 3.300        | 3.300            | 632.88                     | 0.00                    | 632.88                     |
| 084670BJ6                                  | 14542        | 010  | MTN           | 0.00             | 4,999,806.90         | 1,785,683.25       | 02/11/2023    | 3.000        | 3.183            | 4,166.67                   | 193.10                  | 4,359.77                   |
| 31422XJW3                                  | 14638        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 07/20/2026    | 1.500        | 1.629            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 68389XAS4                                  | 14548        | 010  | MTN           | 5,000,000.00     | 5,004,699.18         | 5,004,281.66       | 07/15/2023    | 3.625        | 3.711            | 15,104.17                  | -859.61                 | 14,244.56                  |
| 24422EWK1                                  | 14663        | 010  | MTN           | 5,000,000.00     | 4,979,291.42         | 4,979,472.76       | 09/15/2027    | 4.150        | 4.625            | 17,291.67                  | 373.35                  | 17,665.02                  |
| 24422EUM9                                  | 14554        | 010  | MTN           | 5,000,000.00     | 5,011,179.65         | 5,010,530.63       | 10/12/2023    | 3.650        | 3.609            | 15,208.33                  | -1,336.21               | 13,872.12                  |
| 540424AQ1                                  | 14555        | 010  | MTN           | 5,000,000.00     | 4,990,318.39         | 4,991,674.88       | 05/15/2023    | 2.625        | 3.586            | 10,937.50                  | 2,792.77                | 13,730.27                  |
| 693475AV7                                  | 14557        | 010  | MC3           | 5,000,000.00     | 5,005,729.27         | 5,005,492.10       | 01/23/2024    | 3.500        | 3.671            | 14,583.33                  | -488.29                 | 14,095.04                  |
| 13063DGB8                                  | 14559        | 010  | MUN           | 5,000,000.00     | 5,031,807.02         | 5,031,212.82       | 04/01/2025    | 3.375        | 3.327            | 14,062.50                  | -1,223.35               | 12,839.15                  |
| 05531FBF9                                  | 14561        | 010  | MC3           | 5,000,000.00     | 5,028,923.04         | 5,027,541.24       | 12/06/2023    | 3.750        | 3.314            | 15,625.00                  | -2,844.89               | 12,780.11                  |
| 91159HHU7                                  | 14562        | 010  | MC3           | 5,000,000.00     | 5,118,188.17         | 5,116,476.27       | 11/17/2025    | 3.950        | 3.295            | 16,458.33                  | -3,524.50               | 12,933.83                  |
| 20030NBN0                                  | 14563        | 010  | MTN           | 5,000,000.00     | 5,031,454.27         | 5,030,952.81       | 08/15/2025    | 3.375        | 3.376            | 14,062.50                  | -1,032.42               | 13,030.08                  |
| 747525AU7                                  | 14587        | 010  | MTN           | 5,963,000.00     | 6,153,200.79         | 6,151,411.58       | 05/20/2027    | 3.250        | 2.642            | 16,149.79                  | -3,683.68               | 12,466.11                  |
| 747525AT0                                  | 14564        | 010  | MTN           | 5,000,000.00     | 4,990,991.98         | 4,991,271.85       | 05/20/2024    | 2.900        | 3.306            | 12,083.33                  | 576.20                  | 12,659.53                  |
| 751212AC5                                  | 14566        | 010  | MC3           | 5,000,000.00     | 5,074,968.34         | 5,073,811.15       | 09/15/2025    | 3.750        | 3.402            | 15,625.00                  | -2,382.46               | 13,242.54                  |
| 375558BF9                                  | 14570        | 010  | MTN           | 5,000,000.00     | 5,073,409.37         | 5,072,445.69       | 03/01/2026    | 3.650        | 3.399            | 15,208.33                  | -1,984.04               | 13,224.29                  |
| 233851CU6                                  | 14574        | 010  | MTN           | 3,725,000.00     | 3,783,568.74         | 3,782,965.61       | 01/06/2027    | 3.450        | 3.262            | 10,709.38                  | -1,241.74               | 9,467.64                   |
| 233851CU6                                  | 14571        | 010  | MTN           | 5,000,000.00     | 5,045,033.31         | 5,044,569.56       | 01/06/2027    | 3.450        | 3.468            | 14,375.00                  | -954.77                 | 13,420.23                  |

Pooled Investments Selected Funds  
Interest Earnings  
February 1, 2023 - February 28, 2023

Exhibit 2-B.3

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| 008252AM0                                  | 14582        | 010  | MTN           | 1,000,000.00          | 1,019,167.70          | 1,018,420.91          | 02/15/2024    | 4.250        | 2.565            | 3,541.67                   | -1,537.52               | 2,004.15                   |
| 07330MAA5                                  | 14588        | 010  | MTN           | 5,000,000.00          | 5,246,927.33          | 5,244,260.11          | 10/30/2026    | 3.800        | 2.571            | 15,833.33                  | -5,491.34               | 10,341.99                  |
| 04685A2L4                                  | 14602        | 010  | MTN           | 5,000,000.00          | 4,932,596.20          | 4,933,993.31          | 01/14/2025    | 2.500        | 3.512            | 10,416.67                  | 2,876.40                | 13,293.07                  |
| 04685A2L4                                  | 14590        | 010  | MTN           | 5,950,000.00          | 5,969,636.31          | 5,969,229.30          | 01/14/2025    | 2.500        | 2.524            | 12,395.83                  | -837.96                 | 11,557.87                  |
| 828807CS4                                  | 14606        | 010  | MTN           | 5,000,000.00          | 4,998,043.42          | 4,998,090.94          | 10/01/2024    | 3.375        | 3.693            | 14,062.50                  | 97.83                   | 14,160.33                  |
| 22553PXJ3                                  | 14655        | 010  | MC3           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 5.525            | 21,192.27                  | 0.00                    | 21,192.27                  |
| 22553PWD7                                  | 14652        | 010  | MC3           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 4.400            | 16,875.00                  | 0.00                    | 16,875.00                  |
| 88579YAR2                                  | 14659        | 010  | MTN           | 5,000,000.00          | 4,868,312.94          | 4,870,430.90          | 08/07/2025    | 3.000        | 4.513            | 12,500.00                  | 4,360.50                | 16,860.50                  |
| 30303M8G0                                  | 14660        | 010  | MTN           | 5,000,000.00          | 4,825,854.65          | 4,827,407.62          | 08/15/2027    | 3.500        | 4.801            | 14,583.33                  | 3,197.28                | 17,780.61                  |
| <b>Subtotal</b>                            |              |      |               | <b>545,413,000.00</b> | <b>546,371,326.34</b> | <b>546,721,572.92</b> |               |              | <b>2.568</b>     | <b>1,091,564.38</b>        | <b>-14,338.79</b>       | <b>1,077,225.59</b>        |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14190                                   | 14190        | 030  | RRP           | 14,095,965.40         | 14,047,823.03         | 14,049,542.40         |               | 0.002        | 4.467            | 48,142.37                  | 0.00                    | 48,142.37                  |
| <b>Subtotal</b>                            |              |      |               | <b>14,095,965.40</b>  | <b>14,047,823.03</b>  | <b>14,049,542.40</b>  |               |              | <b>4.467</b>     | <b>48,142.37</b>           | <b>0.00</b>             | <b>48,142.37</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14265                                   | 14265        | 040  | RRP           | 109,977,704.31        | 112,099,349.73        | 110,327,148.11        |               | 0.003        | 4.470            | 378,354.58                 | 0.00                    | 378,354.58                 |
| <b>Subtotal</b>                            |              |      |               | <b>109,977,704.31</b> | <b>112,099,349.73</b> | <b>110,327,148.11</b> |               |              | <b>4.470</b>     | <b>378,354.58</b>          | <b>0.00</b>             | <b>378,354.58</b>          |
| <b>Total</b>                               |              |      |               | <b>669,486,669.71</b> | <b>672,518,499.10</b> | <b>671,098,263.42</b> |               |              | <b>2.921</b>     | <b>1,518,061.33</b>        | <b>-14,338.79</b>       | <b>1,503,722.54</b>        |





**Pooled Investments Selected Funds  
Interest Earnings  
Sorted by Fund - Fund  
March 1, 2023 - March 31, 2023  
Yield on Average Book Value**

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |              |                  |                            |                         |                            |
| 3130ASGF0                                  | 14656        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 06/30/2025    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMN24                                  | 14628        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/03/2026    | 1.150        | 1.128            | 9,583.33                   | 0.00                    | 9,583.33                   |
| 3130AS7K9                                  | 14654        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/26/2032    | 4.440        | 4.356            | 18,500.00                  | 0.00                    | 18,500.00                  |
| 3130AMLS9                                  | 14627        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/17/2026    | 0.875        | 0.859            | 7,291.67                   | 0.00                    | 7,291.67                   |
| 3130AMG22                                  | 14624        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2026    | 0.800        | 0.785            | 6,666.67                   | 0.00                    | 6,666.67                   |
| 3130ATDV6                                  | 14662        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 09/30/2027    | 5.000        | 4.906            | 20,833.33                  | 0.00                    | 20,833.33                  |
| 3130AMG22                                  | 14618        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 05/27/2026    | 0.800        | 0.785            | 13,333.33                  | 0.00                    | 13,333.33                  |
| 3130AMGG1                                  | 14619        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/26/2026    | 0.600        | 0.589            | 5,000.00                   | 0.00                    | 5,000.00                   |
| 3130AMFN7                                  | 14620        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/26/2026    | 0.750        | 0.736            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3130AMG55                                  | 14622        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2027    | 1.375        | 1.349            | 11,458.33                  | 0.00                    | 11,458.33                  |
| 3130ATDK0                                  | 14661        | 010  | FAC           | 5,000,000.00     | 4,995,904.40         | 4,996,140.49       | 12/08/2023    | 3.875        | 3.910            | 16,145.83                  | 443.57                  | 16,589.40                  |
| 3130AMN57                                  | 14629        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 06/03/2026    | 1.100        | 1.079            | 18,333.33                  | 0.00                    | 18,333.33                  |
| 3130ARXL0                                  | 14649        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/25/2023    | 3.000        | 2.944            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMWM0                                  | 14634        | 010  | MC5           | 4,250,000.00     | 4,250,000.00         | 4,250,000.00       | 06/30/2026    | 1.050        | 1.030            | 3,718.75                   | 0.00                    | 3,718.75                   |
| 3130ARX71                                  | 14648        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/23/2025    | 3.000        | 2.944            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AN5U0                                  | 14642        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 07/29/2026    | 0.875        | 0.859            | 7,291.67                   | 0.00                    | 7,291.67                   |
| 3130ARTE1                                  | 14645        | 010  | MC5           | 6,425,000.00     | 6,425,000.00         | 6,425,000.00       | 04/26/2032    | 4.100        | 4.023            | 21,952.08                  | 0.00                    | 21,952.08                  |
| 3130ANJY7                                  | 14643        | 010  | MC5           | 40,000,000.00    | 40,000,000.00        | 40,000,000.00      | 08/26/2026    | 1.000        | 0.981            | 33,333.33                  | 0.00                    | 33,333.33                  |
| 3130AMP71                                  | 14630        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00      | 06/18/2026    | 1.200        | 1.177            | 20,000.00                  | 0.00                    | 20,000.00                  |
| 3130ARYA3                                  | 14651        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/26/2027    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMMW9                                  | 14632        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 06/10/2026    | 1.000        | 0.981            | 8,333.33                   | 0.00                    | 8,333.33                   |
| 3130AMPL0                                  | 14631        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 06/08/2026    | 1.150        | 1.128            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130ATH42                                  | 14665        | 010  | MC4           | 8,000,000.00     | 8,000,000.00         | 8,000,000.00       | 09/29/2027    | 4.700        | 4.612            | 31,333.33                  | 0.00                    | 31,333.33                  |
| 3130AMAV4                                  | 14611        | 010  | MC5           | 5,600,000.00     | 5,600,000.00         | 5,600,000.00       | 04/29/2027    | 1.250        | 1.226            | 5,833.33                   | 0.00                    | 5,833.33                   |
| 3130AULM4                                  | 14678        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 01/26/2033    | 5.620        | 5.514            | 23,416.67                  | 0.00                    | 23,416.67                  |
| 3130ALZA5                                  | 14612        | 010  | MC5           | 9,000,000.00     | 9,000,000.00         | 9,000,000.00       | 04/29/2026    | 0.750        | 0.736            | 5,625.00                   | 0.00                    | 5,625.00                   |
| 3130AMFQ0                                  | 14616        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/26/2026    | 1.150        | 1.128            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMEX6                                  | 14613        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/27/2026    | 0.750        | 0.736            | 9,375.00                   | 0.00                    | 9,375.00                   |
| 3130AMFT4                                  | 14617        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 05/27/2026    | 0.625        | 0.613            | 5,208.33                   | 0.00                    | 5,208.33                   |
| 3130AMF72                                  | 14615        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00      | 05/27/2026    | 0.650        | 0.638            | 8,125.00                   | 0.00                    | 8,125.00                   |

Pooled Investments Selected Funds  
Interest Earnings  
March 1, 2023 - March 31, 2023

Exhibit 2-B.3

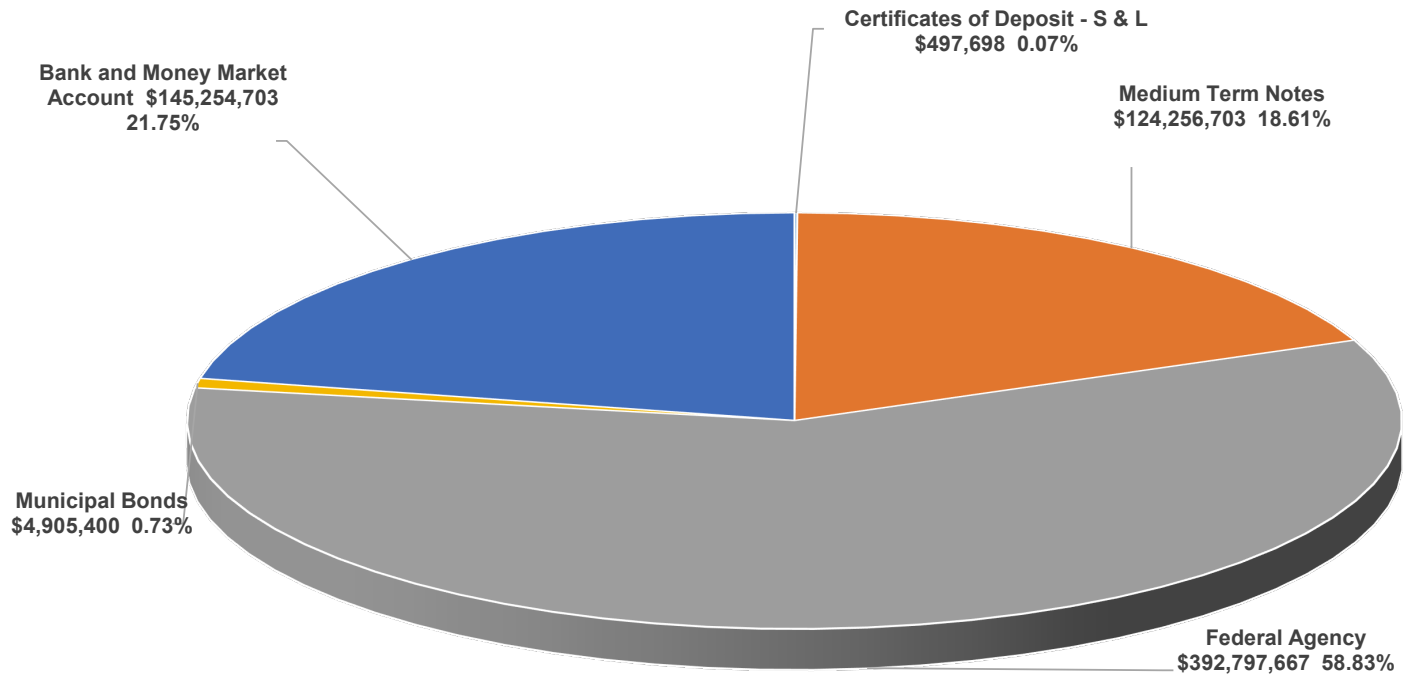
| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Average Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|--------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                    |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                    |               |              |                  |                            |                         |                            |
| 3133ENWW6                                  | 14653        | 010  | MC5           | 5,000,000.00     | 4,994,925.43         | 4,994,949.87       | 05/17/2032    | 4.370        | 4.303            | 18,208.33                  | 45.91                   | 18,254.24                  |
| 3133ENV72                                  | 14669        | 010  | FAC           | 5,000,000.00     | 4,984,761.13         | 4,984,959.61       | 07/27/2026    | 4.500        | 4.517            | 18,750.00                  | 372.89                  | 19,122.89                  |
| 3133EN5C0                                  | 14675        | 010  | MC5           | 5,000,000.00     | 4,994,172.38         | 4,994,216.78       | 12/27/2028    | 5.370        | 5.295            | 22,375.00                  | 83.41                   | 22,458.41                  |
| 3133ENS50                                  | 14667        | 010  | FAC           | 5,000,000.00     | 4,999,283.99         | 4,999,290.86       | 10/14/2027    | 4.125        | 4.051            | 17,187.50                  | 12.91                   | 17,200.41                  |
| 3133ENN30                                  | 14668        | 010  | FAC           | 5,000,000.00     | 4,628,567.09         | 4,630,291.70       | 09/20/2032    | 3.875        | 4.930            | 16,145.83                  | 3,240.18                | 19,386.01                  |
| 3133ENP95                                  | 14666        | 010  | FAC           | 5,000,000.00     | 4,982,052.82         | 4,982,360.68       | 09/30/2025    | 4.250        | 4.322            | 17,708.33                  | 579.57                  | 18,287.90                  |
| 3133EN6K1                                  | 14676        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 01/23/2030    | 4.220        | 4.141            | 17,583.33                  | 0.00                    | 17,583.33                  |
| 3133EPAJ4                                  | 14679        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 02/09/2033    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3133EN6K1                                  | 14677        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 01/23/2030    | 4.220        | 4.141            | 17,583.33                  | 0.00                    | 17,583.33                  |
| 3133ENN22                                  | 14664        | 010  | FAC           | 5,000,000.00     | 4,983,250.21         | 4,983,540.61       | 09/22/2025    | 3.750        | 3.820            | 15,625.00                  | 545.59                  | 16,170.59                  |
| 3133ENUV0                                  | 14644        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/19/2032    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3133ENVS6                                  | 14650        | 010  | FAC           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/02/2023    | 2.030        | 1.992            | 8,458.33                   | 0.00                    | 8,458.33                   |
| 3133ENVV9                                  | 14647        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 05/03/2027    | 3.630        | 3.562            | 15,125.00                  | 0.00                    | 15,125.00                  |
| 3134GXRS5                                  | 14646        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 04/29/2025    | 3.100        | 3.042            | 12,916.67                  | 0.00                    | 12,916.67                  |
| 3134GXC28                                  | 14657        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 07/18/2025    | 4.100        | 4.023            | 17,083.33                  | 0.00                    | 17,083.33                  |
| 3134GXC36                                  | 14658        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00       | 12/30/2024    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 617446HD4                                  | 14670        | 010  | MTN           | 10,000,000.00    | 10,857,445.64        | 10,853,258.65      | 04/01/2032    | 7.250        | 5.701            | 60,416.67                  | -7,866.47               | 52,550.20                  |
| 037833AK6                                  | 14536        | 010  | MTN           | 5,000,000.00     | 4,993,471.42         | 4,995,152.81       | 05/03/2023    | 2.400        | 3.102            | 10,000.00                  | 3,158.99                | 13,158.99                  |
| 254673RD0                                  | 14539        | 010  | SCD           | 250,000.00       | 250,000.00           | 250,000.00         | 07/05/2023    | 3.300        | 3.300            | 700.68                     | 0.00                    | 700.68                     |
| 795450T47                                  | 14540        | 010  | SCD           | 250,000.00       | 250,000.00           | 250,000.00         | 07/03/2023    | 3.300        | 3.300            | 700.68                     | 0.00                    | 700.68                     |
| 31422XZ47                                  | 14681        | 010  | MC5           | 5,000,000.00     | 0.00                 | 1,612,903.23       | 03/20/2030    | 5.675        | 5.178            | 7,093.75                   | 0.00                    | 7,093.75                   |
| 31422XJW3                                  | 14638        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00      | 07/20/2026    | 1.500        | 1.472            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 68389XAS4                                  | 14548        | 010  | MTN           | 5,000,000.00     | 5,003,839.57         | 5,003,382.04       | 07/15/2023    | 3.625        | 3.352            | 15,104.17                  | -859.60                 | 14,244.57                  |
| 24422EWK1                                  | 14663        | 010  | MTN           | 5,000,000.00     | 4,979,664.77         | 4,979,863.50       | 09/15/2027    | 4.150        | 4.177            | 17,291.67                  | 373.36                  | 17,665.03                  |
| 24422EUM9                                  | 14554        | 010  | MTN           | 5,000,000.00     | 5,009,843.44         | 5,009,132.23       | 10/12/2023    | 3.650        | 3.261            | 15,208.33                  | -1,336.22               | 13,872.11                  |
| 540424AQ1                                  | 14555        | 010  | MTN           | 5,000,000.00     | 4,993,111.16         | 4,994,597.64       | 05/15/2023    | 2.625        | 3.237            | 10,937.50                  | 2,792.77                | 13,730.27                  |
| 693475AV7                                  | 14557        | 010  | MC3           | 5,000,000.00     | 5,005,240.98         | 5,004,981.08       | 01/23/2024    | 3.500        | 3.316            | 14,583.33                  | -488.29                 | 14,095.04                  |
| 13063DGB8                                  | 14559        | 010  | MUN           | 5,000,000.00     | 5,030,583.67         | 5,029,932.53       | 04/01/2025    | 3.375        | 3.005            | 14,062.50                  | -1,223.35               | 12,839.15                  |
| 05531FBF9                                  | 14561        | 010  | MC3           | 5,000,000.00     | 5,026,078.15         | 5,024,563.94       | 12/06/2023    | 3.750        | 2.995            | 15,625.00                  | -2,844.89               | 12,780.11                  |
| 91159HHU7                                  | 14562        | 010  | MC3           | 5,000,000.00     | 5,114,663.67         | 5,112,787.73       | 11/17/2025    | 3.950        | 2.979            | 16,458.33                  | -3,524.50               | 12,933.83                  |
| 20030NBN0                                  | 14563        | 010  | MTN           | 5,000,000.00     | 5,030,421.85         | 5,029,872.34       | 08/15/2025    | 3.375        | 3.050            | 14,062.50                  | -1,032.41               | 13,030.09                  |
| 747525AU7                                  | 14587        | 010  | MTN           | 5,963,000.00     | 6,149,517.11         | 6,147,556.44       | 05/20/2027    | 3.250        | 2.388            | 16,149.79                  | -3,683.68               | 12,466.11                  |
| 747525AT0                                  | 14564        | 010  | MTN           | 5,000,000.00     | 4,991,568.18         | 4,991,874.87       | 05/20/2024    | 2.900        | 2.986            | 12,083.33                  | 576.21                  | 12,659.54                  |
| 751212AC5                                  | 14566        | 010  | MC3           | 5,000,000.00     | 5,072,585.88         | 5,071,317.79       | 09/15/2025    | 3.750        | 3.075            | 15,625.00                  | -2,382.47               | 13,242.53                  |
| 375558BF9                                  | 14570        | 010  | MTN           | 5,000,000.00     | 5,071,425.33         | 5,070,369.31       | 03/01/2026    | 3.650        | 3.071            | 15,208.33                  | -1,984.04               | 13,224.29                  |
| 233851CU6                                  | 14574        | 010  | MTN           | 3,725,000.00     | 3,782,327.00         | 3,781,666.07       | 01/06/2027    | 3.450        | 2.948            | 10,709.38                  | -1,241.74               | 9,467.64                   |
| 233851CU6                                  | 14571        | 010  | MTN           | 5,000,000.00     | 5,044,078.54         | 5,043,570.36       | 01/06/2027    | 3.450        | 3.133            | 14,375.00                  | -954.77                 | 13,420.23                  |

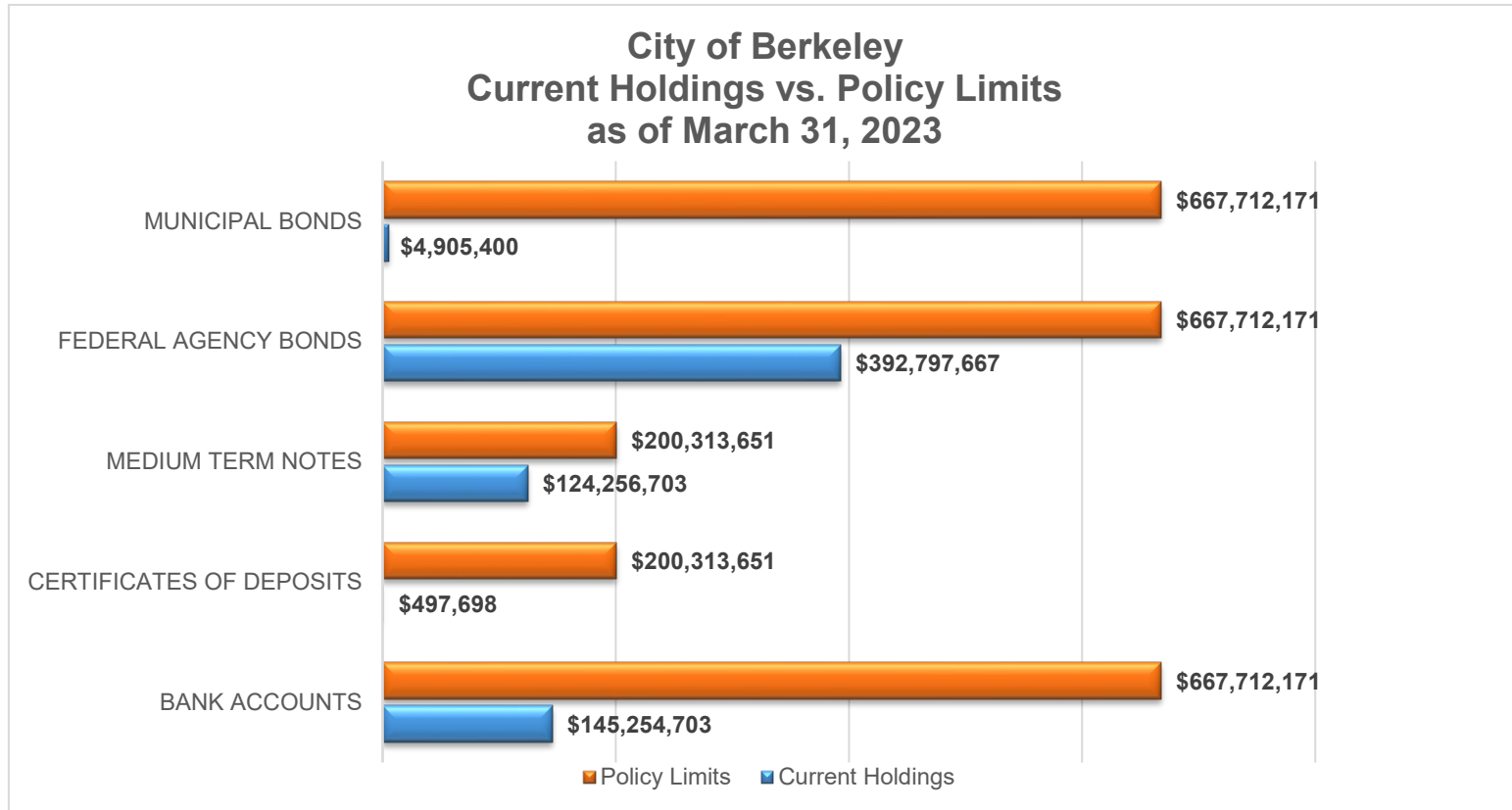
Pooled Investments Selected Funds  
Interest Earnings  
March 1, 2023 - March 31, 2023

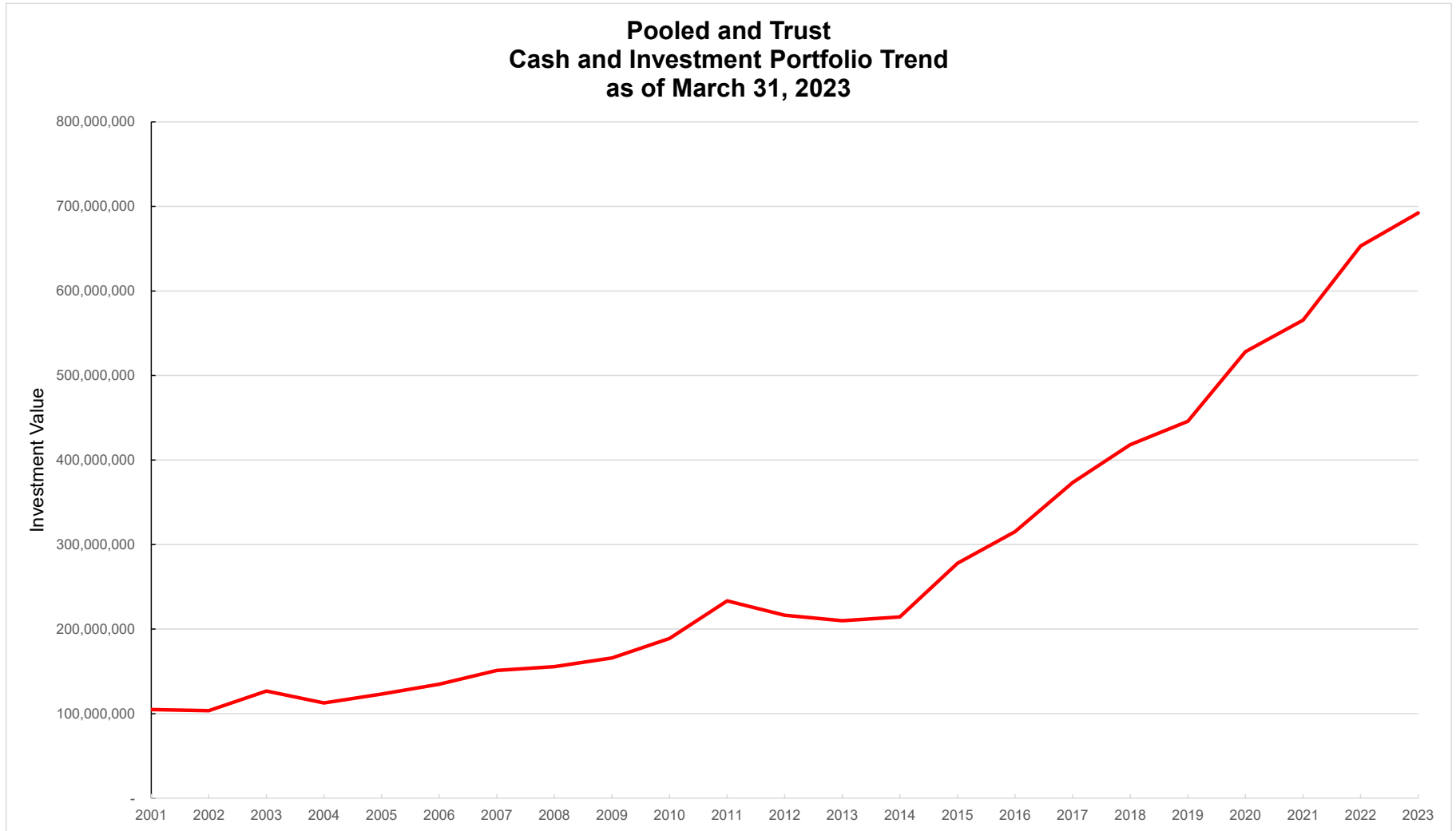
Exhibit 2-B.3

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value      | Beginning Book Value  | Average Book Value    | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| 008252AM0                                  | 14582        | 010  | MTN           | 1,000,000.00          | 1,017,630.18          | 1,016,811.83          | 02/15/2024    | 4.250        | 2.321            | 3,541.67                   | -1,537.51               | 2,004.16                   |
| 07330MAA5                                  | 14588        | 010  | MTN           | 5,000,000.00          | 5,241,435.99          | 5,238,519.08          | 10/30/2026    | 3.800        | 2.324            | 15,833.33                  | -5,491.34               | 10,341.99                  |
| 04685A2L4                                  | 14602        | 010  | MTN           | 5,000,000.00          | 4,935,472.60          | 4,937,003.59          | 01/14/2025    | 2.500        | 3.170            | 10,416.67                  | 2,876.41                | 13,293.08                  |
| 04685A2L4                                  | 14590        | 010  | MTN           | 5,950,000.00          | 5,968,798.35          | 5,968,352.33          | 01/14/2025    | 2.500        | 2.280            | 12,395.83                  | -837.97                 | 11,557.86                  |
| 828807CS4                                  | 14606        | 010  | MTN           | 5,000,000.00          | 4,998,141.25          | 4,998,193.32          | 10/01/2024    | 3.375        | 3.336            | 14,062.50                  | 97.83                   | 14,160.33                  |
| 22553PXJ3                                  | 14655        | 010  | MC3           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 4.748            | 20,161.29                  | 0.00                    | 20,161.29                  |
| 22553PWD7                                  | 14652        | 010  | MC3           | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 3.974            | 16,875.00                  | 0.00                    | 16,875.00                  |
| 88579YAR2                                  | 14659        | 010  | MTN           | 5,000,000.00          | 4,872,673.44          | 4,874,994.35          | 08/07/2025    | 3.000        | 4.072            | 12,500.00                  | 4,360.50                | 16,860.50                  |
| 30303M8G0                                  | 14660        | 010  | MTN           | 5,000,000.00          | 4,829,051.93          | 4,830,753.71          | 08/15/2027    | 3.500        | 4.334            | 14,583.33                  | 3,197.29                | 17,780.62                  |
| <b>Subtotal</b>                            |              |      |               | <b>550,413,000.00</b> | <b>546,356,987.55</b> | <b>547,962,161.36</b> |               |              | <b>2.328</b>     | <b>1,098,040.53</b>        | <b>-14,531.86</b>       | <b>1,083,508.67</b>        |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14190                                   | 14190        | 030  | RRP           | 14,150,965.72         | 14,095,965.40         | 14,097,739.60         |               | 0.002        | 4.594            | 55,000.32                  | 0.00                    | 55,000.32                  |
| <b>Subtotal</b>                            |              |      |               | <b>14,150,965.72</b>  | <b>14,095,965.40</b>  | <b>14,097,739.60</b>  |               |              | <b>4.594</b>     | <b>55,000.32</b>           | <b>0.00</b>             | <b>55,000.32</b>           |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |               |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14265                                   | 14265        | 040  | RRP           | 123,908,897.44        | 109,977,704.31        | 110,959,355.70        |               | 0.003        | 4.576            | 431,193.13                 | 0.00                    | 431,193.13                 |
| <b>Subtotal</b>                            |              |      |               | <b>123,908,897.44</b> | <b>109,977,704.31</b> | <b>110,959,355.70</b> |               |              | <b>4.576</b>     | <b>431,193.13</b>          | <b>0.00</b>             | <b>431,193.13</b>          |
| <b>Total</b>                               |              |      |               | <b>688,472,863.16</b> | <b>670,430,657.26</b> | <b>673,019,256.67</b> |               |              | <b>2.746</b>     | <b>1,584,233.98</b>        | <b>-14,531.86</b>       | <b>1,569,702.12</b>        |

Pooled Cash and Investments  
(Market Value)  
as of March 31, 2023









**Summary of Pooled Cash and Investments - Trust Funds**  
**(Market Value)**  
**As of March 31, 2023**

|                                         |                                       | <u>Pooled Cash</u>  | <u>Investments<br/>(Book Value)</u> | <u>Gain/Loss on<br/>Investments</u> | <u>Pooled Cash<br/>&amp; Investments<br/>(Market Value)</u> |
|-----------------------------------------|---------------------------------------|---------------------|-------------------------------------|-------------------------------------|-------------------------------------------------------------|
| <b>Retiree Medical Trust Fund</b>       |                                       |                     |                                     |                                     |                                                             |
| <b>Fund No.</b>                         |                                       |                     |                                     |                                     |                                                             |
| 721                                     | BHA                                   | \$ 164,708          | 439,418                             | 24,610                              | \$ 628,736                                                  |
| 722                                     | M1=IBEW                               | (47,279)            | 94,581                              | (3,890)                             | 43,412                                                      |
| 723                                     | M2=Local 1                            | 3,210,013           | 8,389,450                           | 119,811                             | 11,719,274                                                  |
| 724                                     | MUI=Z1                                | 443,532             | 1,606,603                           | (82,294)                            | 1,967,840                                                   |
| 725                                     | MUI=Z2 to Z6                          | 712,069             | 2,248,749                           | (50,162)                            | 2,910,656                                                   |
| 726                                     | M535= Local 535                       | 2,710,022           | 7,920,965                           | (203,417)                           | 10,427,569                                                  |
| 727                                     | M3=Local 790                          | 1,732,740           | 5,056,505                           | (21,725)                            | 6,767,520                                                   |
| <b>Total Retiree Medical Trust Fund</b> |                                       | <b>8,925,805</b>    | <b>25,756,270</b>                   | <b>(217,068)</b>                    | <b>34,465,006</b>                                           |
| <b>Fire Medical Trust Fund</b>          |                                       |                     |                                     |                                     |                                                             |
| 736                                     | Fire Medical Trust Fund               | (429,264)           | 13,840,675                          | (515,848)                           | 12,895,563                                                  |
| <b>Total Fire Medical Trust Fund</b>    |                                       | <b>(429,264)</b>    | <b>13,840,675</b>                   | <b>(515,848)</b>                    | <b>12,895,563</b>                                           |
| <b>Police Medical Trust Fund</b>        |                                       |                     |                                     |                                     |                                                             |
| 731                                     | Police EE Retiree HLT Assistance Plan | 219,401             | 2,371,047                           | (145,840)                           | 2,444,608                                                   |
| 701                                     | Safety Members Pension Fund           | 180,593             | -                                   | -                                   | 180,593                                                     |
| 706                                     | Police Medical Trust Fund             | 224,519             | 4,342,310                           | (221,808)                           | 4,345,021                                                   |
| <b>Total Police Medical Trust Fund</b>  |                                       | <b>624,513</b>      | <b>6,713,357</b>                    | <b>(367,648)</b>                    | <b>6,970,222</b>                                            |
| <b>Total Trust Funds</b>                |                                       | <b>\$ 9,121,054</b> | <b>\$ 46,310,302</b>                | <b>\$ (1,100,564)</b>               | <b>\$ 54,330,791</b>                                        |



Retiree Medical Trust Fund  
Fund 721 - 727  
Interest Earnings  
January 01 to March 31, 2023

| Investments<br>As of March 31, 2023     |              |                          |                      |                         |                         |                         |               | Interest Earnings<br>January 01 to March 31, 2023 |                            |                      |                       |                         |                            |
|-----------------------------------------|--------------|--------------------------|----------------------|-------------------------|-------------------------|-------------------------|---------------|---------------------------------------------------|----------------------------|----------------------|-----------------------|-------------------------|----------------------------|
| CUSIP                                   | Investment # | Issuer                   | Par Value            | Beginning Book Value    | Ending Book Value       | Market Value            | Maturity Date | Moody's Rating                                    | Adjusted Interest Earnings |                      |                       |                         |                            |
|                                         |              |                          |                      |                         |                         |                         |               |                                                   | Current Rate               | Annualized Yield     | Interest Earned       | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Federal Agency Coupon Securities</b> |              |                          |                      |                         |                         |                         |               |                                                   |                            |                      |                       |                         |                            |
| 3133EFQT7                               | 14361        | Fed Farm Credit Bank     | 2,600,000.00         | 2,605,275.32            | 2,604,820.55            | 2,493,166.00            | 11/25/2025    | AAA                                               | 2.700                      | 2.661                | 17,550.00             | (454.77)                | 17,095.23                  |
| <b>Medium Term Notes - Callable</b>     |              |                          |                      |                         |                         |                         |               |                                                   |                            |                      |                       |                         |                            |
| 665859AX2                               | 14671        | Northern Trust Corp      | 10,000,000.00        | 10,016,749.30           | 10,016,323.59           | 10,661,200.00           | 11/02/2032    | A2                                                | 6.125                      | 6.183                | 153,125.00            | (425.71)                | 152,699.29                 |
| <b>Continous Callable Bonds</b>         |              |                          |                      |                         |                         |                         |               |                                                   |                            |                      |                       |                         |                            |
| 797440CD4                               | 14680        | San Diego Gas & Electric | 2,000,000.00         | -                       | 1,979,000.83            | 2,059,700.00            | 04/01/2053    | A1                                                | 5.350                      | 5.267                | 6,241.67              | 40.83                   | 6,282.50                   |
| <b>Municipal Bonds</b>                  |              |                          |                      |                         |                         |                         |               |                                                   |                            |                      |                       |                         |                            |
| 786091AG3                               | 14316        | SACGEN                   | 5,000,000.00         | 5,139,591.54            | 5,126,082.68            | 5,212,100.00            | 08/01/2025    | A1                                                | 7.250                      | 6.093                | 90,625.00             | (13,508.86)             | 77,116.14                  |
| <b>Savo Island Loan</b>                 |              |                          |                      |                         |                         |                         |               |                                                   |                            |                      |                       |                         |                            |
| SYS10988                                | 10988        | EMPMED                   | 150,000.00           | 150,000.00              | 150,000.00              | 150,000.00              | 09/01/2025    | N/A                                               | 8.000                      | 8.027                | 2,968.84              | -                       | 2,968.84                   |
| <b>Preferred Securities</b>             |              |                          |                      |                         |                         |                         |               |                                                   |                            |                      |                       |                         |                            |
| 00206R706                               | 14591        | AT&T Inc.                | 1,680,033.60         | 1,680,033.60            | 1,680,033.60            | 1,418,028.36            | N/A           | N/A                                               | 4.640                      | 4.652                | 19,270.78             | -                       | 19,270.78                  |
| 00206R706                               | 14596        | AT&T Inc.                | 1,680,008.40         | 1,680,008.40            | 1,680,008.40            | 1,418,007.09            | N/A           | N/A                                               | 4.643                      | 4.654                | 28,918.04             | -                       | 28,918.04                  |
| 00206R706                               | 14597        | AT&T Inc.                | 2,520,000.00         | 2,520,000.00            | 2,520,000.00            | 2,127,000.00            | N/A           | N/A                                               | 4.596                      | 4.624                | 19,154.67             | -                       | 19,154.67                  |
| <b>Total</b>                            |              |                          | <b>25,630,042.00</b> | <b>\$ 23,791,658.16</b> | <b>\$ 25,756,269.65</b> | <b>\$ 25,539,201.45</b> |               |                                                   | <b>5.406</b>               | <b>\$ 337,854.00</b> | <b>\$ (14,348.51)</b> | <b>\$ 323,505.49</b>    |                            |

|                                                     |                         |
|-----------------------------------------------------|-------------------------|
| Total Investments (Book Value)                      | \$ 25,756,269.65        |
| Gain/Loss on Investments                            | (217,068.20)            |
| Total Investments (Market Value)                    | 25,539,201.45           |
| Temporarily Invested with Pooled Cash & Investments | 8,925,805.00            |
| <b>Total Pooled Cash and Investments</b>            | <b>\$ 34,465,006.45</b> |





**Fire Retiree Medical  
Fund 736  
Interest Earnings  
January 01 to March 31, 2023**

| Investments<br>As of March 31, 2023         |              |                            |                                |                                |                                |                                |               |                | Interest Earnings<br>January 01 to March 31, 2023 |                  |                            |                             |                             |                             |
|---------------------------------------------|--------------|----------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|---------------|----------------|---------------------------------------------------|------------------|----------------------------|-----------------------------|-----------------------------|-----------------------------|
| CUSIP                                       | Investment # | Issuer                     | Par Value                      | Beginning Book Value           | Ending Book Value              | Market Value                   | Maturity Date | Moody's Rating | Current Rate                                      | Annualized Yield | Adjusted Interest Earnings |                             |                             |                             |
|                                             |              |                            |                                |                                |                                |                                |               |                |                                                   |                  | Interest Earned            | Amortization/ Accretion     | Adjusted Interest Earnings  |                             |
| <b>Medium Term Notes</b>                    |              |                            |                                |                                |                                |                                |               |                |                                                   |                  |                            |                             |                             |                             |
| 6174467X1                                   | 14318        | Morgan Stanley DW DTC#0015 | 2,000,000.00                   | 2,022,365.72                   | 2,020,435.79                   | 1,982,600.00                   | 11/24/2025    | BAA1           | 5.000                                             | 4.629            | 25,000.00                  | (1,929.93)                  | 23,070.07                   |                             |
| <b>Federal Agency Coupon Securities</b>     |              |                            |                                |                                |                                |                                |               |                |                                                   |                  |                            |                             |                             |                             |
| 3133EFQT7                                   | 14362        | Fed Farm Credit Bank       | 2,300,000.00                   | 2,304,666.63                   | 2,304,264.34                   | 2,205,493.00                   | 11/25/2025    | AAA            | 2.700                                             | 2.661            | 15,525.00                  | (402.29)                    | 15,122.71                   |                             |
| <b>Federal Agency Continuously Callable</b> |              |                            |                                |                                |                                |                                |               |                |                                                   |                  |                            |                             |                             |                             |
| 3130AUB78                                   | 14672        | Federal Home Loan Banks    | 4,000,000.00                   | 4,000,000.00                   | 4,000,000.00                   | 4,010,280.00                   | 12/28/2037    | AAA            | 6.230                                             | 6.317            | 62,300.00                  | -                           | 62,300.00                   |                             |
| 3130AUB86                                   | 14673        | Federal Home Loan Banks    | 2,996,000.00                   | 2,996,000.00                   | 2,996,000.00                   | 2,999,475.36                   | 12/29/2042    | AAA            | 6.540                                             | 6.631            | 48,984.60                  | -                           | 48,984.60                   |                             |
| <b>Preferred Securities</b>                 |              |                            |                                |                                |                                |                                |               |                |                                                   |                  |                            |                             |                             |                             |
| 00206R706                                   | 14592        | AT&T Inc.                  | 1,679,983.20                   | 1,679,983.20                   | 1,679,983.20                   | 1,417,985.82                   | N/A           | N/A            | 4.596                                             | 4.624            | 19,154.10                  | -                           | 19,154.10                   |                             |
| 00206R706                                   | 14594        | AT&T Inc.                  | 839,991.60                     | 839,991.60                     | 839,991.60                     | 708,992.91                     | N/A           | N/A            | 4.640                                             | 4.652            | 9,635.24                   | -                           | 9,635.24                    |                             |
| <b>Total</b>                                |              |                            | <b><u>\$ 13,815,974.80</u></b> | <b><u>\$ 13,843,007.15</u></b> | <b><u>\$ 13,840,674.93</u></b> | <b><u>\$ 13,324,827.09</u></b> |               |                |                                                   |                  | <b><u>5.223</u></b>        | <b><u>\$ 180,598.94</u></b> | <b><u>\$ (2,332.22)</u></b> | <b><u>\$ 178,266.72</u></b> |

|                                                     |                                |
|-----------------------------------------------------|--------------------------------|
| Total Investments (Book Value)                      | \$ 13,840,674.93               |
| Gain/Loss on Investments                            | <u>(515,847.84)</u>            |
| Total Investments (Market Value)                    | 13,324,827.09                  |
| Temporarily Invested with Pooled Cash & Investments | <u>(429,264.00)</u>            |
| Total Pooled Cash and Investments                   | <b><u>\$ 12,895,563.09</u></b> |



Police Retiree Medical  
Fund 731 and 706  
Interest Earnings  
January 01 to March 31, 2023

| Investments<br>As of March 31, 2023         |              |                            |                        |                        |                        |                        |               |                | Interest Earnings<br>January 01 to March 31, 2023 |                  |                            |                            |                            |  |
|---------------------------------------------|--------------|----------------------------|------------------------|------------------------|------------------------|------------------------|---------------|----------------|---------------------------------------------------|------------------|----------------------------|----------------------------|----------------------------|--|
| CUSIP                                       | Investment # | Issuer                     | Par Value              | Beginning Book Value   | Ending Book Value      | Market Value           | Maturity Date | Moody's Rating | Current Rate                                      | Annualized Yield | Adjusted Interest Earnings |                            |                            |  |
|                                             |              |                            |                        |                        |                        |                        |               |                |                                                   |                  | Interest Earned            | Amortization/<br>Accretion | Adjusted Interest Earnings |  |
| <b>Medium Term Notes</b>                    |              |                            |                        |                        |                        |                        |               |                |                                                   |                  |                            |                            |                            |  |
| 6174467X1                                   | 14319        | Morgan Stanley DW DTC#0015 | 500,000.00             | 505,591.43             | 505,108.95             | 495,650.00             | 11/24/25      | BAA1           | 5.000                                             | 4.629            | 6,250.00                   | (482.48)                   | 5,767.52                   |  |
| <b>Federal Agency Coupon Securities</b>     |              |                            |                        |                        |                        |                        |               |                |                                                   |                  |                            |                            |                            |  |
| 3133EFQT7                                   | 14363        | Fed. Farm Credit Banks     | 2,300,000.00           | 2,304,666.63           | 2,304,264.34           | 2,205,493.00           | 11/25/25      | AAA            | 2.700                                             | 2.661            | 15,525.00                  | (402.29)                   | 15,122.71                  |  |
| <b>Federal Agency Continuously Callable</b> |              |                            |                        |                        |                        |                        |               |                |                                                   |                  |                            |                            |                            |  |
| 3130AUB86                                   | 14674        | Federal Home Loan Banks    | 2,224,000.00           | 2,224,000.00           | 2,224,000.00           | 2,226,579.84           | 12/29/42      | AAA            | 6.540                                             | 6.631            | 36,362.40                  | -                          | 36,362.40                  |  |
| <b>Preferred Securities</b>                 |              |                            |                        |                        |                        |                        |               |                |                                                   |                  |                            |                            |                            |  |
| 00206R706                                   | 14593        | AT&T Inc.                  | 1,679,983.20           | 1,679,983.20           | 1,679,983.20           | 1,417,985.82           | N/A           | N/A            | 4.596                                             | 4.624            | 19,154.10                  | -                          | 19,154.10                  |  |
| <b>Total</b>                                |              |                            | <b>\$ 6,703,983.20</b> | <b>\$ 6,714,241.26</b> | <b>\$ 6,713,356.49</b> | <b>\$ 6,345,708.66</b> |               |                |                                                   | <b>4.615</b>     | <b>\$ 77,291.50</b>        | <b>\$ (884.77)</b>         | <b>\$ 76,406.73</b>        |  |

|                                                     |                 |
|-----------------------------------------------------|-----------------|
| Total Investments (Book Value)                      | \$ 6,713,356.49 |
| Gain/Loss on Investments                            | (367,647.83)    |
| Total Investments (Market Value)                    | 6,345,708.66    |
| Temporarily Invested with Pooled Cash & Investments | 624,513.00      |
| Total Pooled Cash and Investments                   | \$ 6,970,221.66 |



Office of the City Manager

INFORMATION CALENDAR  
June 27<sup>th</sup>, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Louis, Chief of Police  
 Subject: Update on the Implementation of Fair and Impartial Policing Task Force Recommendations

INTRODUCTION

On February 23<sup>rd</sup>, 2021 during a City Council Special Meeting, Council referred the recommendations from the Mayor's Fair and Impartial Policing (FIP) Task Force to the Berkeley Police Department for implementation. Quarterly updates were requested by Council and the last quarterly update was provided on March 14, 2023.

The following information summarizes the overall work undertaken by the City since the February 2021 direction from Council. Key updates since the last report in March include:

1. Berkeley City Council's referral to the budget process for \$100,000 for consultant work to design and assist with implementing a comprehensive Early Intervention and Risk Management System. This study could support expansion of the existing departmental early warning system.
2. An update on implementation progress related to the Specialized Care Unit.
3. The impending contract with Citygate to conduct a departmental capacity study.

CURRENT SITUATION AND ITS EFFECTS

This report provides a quarterly update on the implementation of the Task Force recommendations. Implementation of the FIP Task Force recommendations remains a priority of the Berkeley Police Department. The Professional Standards Division is responsible for managing the project of implementing the recommendations.

Implementation of the recommendations has necessitated the amendment of departmental policies and establishment of new protocols. As part of the process, members of BPD have met on several occasions with Council and Mayor

representatives, Police Review Commission and now Police Accountability Board members, FIP Task Force members, and the Police Accountability Board Subcommittee on FIP recommendation implementation. During these meetings, the substance and progress on the implementation of the recommendations were discussed and BPD has been provided feedback and background on the various intentions with each respective recommendation.

The Berkeley Police Department remains committed to equitable and unbiased policing. A policy in the form of a special order has been released to ensure that current and future members of the Berkeley Police Department carry forward and build upon this important foundational work initiated by the Fair and Impartial Task Force.

The following outlines the specific Task Force recommendations and the respective progress:

### **Implement a New Evidence-Based Traffic Enforcement Model**

#### **Task Force Recommendations:**

- **Focusing the basis for traffic stops on safety**

#### **Implementation:**

Officers have been provided data regarding primary collision factors and have been directed to enforce those violations wherever they are observed. In addition to focusing on enforcement of primary collision factor violations, sworn personnel are also expected to make investigative stops related to criminal intelligence and information brought forth by the community or our investigations. BPD has implemented and conducted departmental training on a three-prong approach that focuses on primary collision factors, community member reports of dangerous driving or safety issues and community caretaking. Community caretaking considers safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions.

#### **Status:**

Recommendation implementation complete and evaluation and transparency efforts are ongoing. Training for all sworn personnel has concluded. The Traffic Division and the National Highway Traffic Safety Administration continuously collect and provide the Berkeley Police Department with data on primary collision factors and statistics on violations that impact public safety. This data provides officers with current information on what to educate the community on and what violations to focus enforcement towards. The department will continue to review and evaluate data on traffic offenses that affect community safety. This will drive the primary focus on ongoing enforcement and education efforts. Stop data related to this recommendation is shared with the public via BPD's Transparency

Hub. Additionally, the focus of traffic enforcement has been formalized as a departmental directive contained within a special order.

**Task Force Recommendation:**

- **Use a clear, evidence-based definition for stops of criminal suspects**

**Implementation:**

The Police Department is establishing a precision based policing model that considers data and public safety. This model aims to reduce the number of stops that studies have shown had minimal impact on public safety.

Data driven-tools that enable close to real-time dashboard tracking of calls for service demands have been provided to the Community Services Bureau and Patrol Watch Commanders to help guide officers in their enforcement focus.

The Department implemented a system that employs a feedback loop with information flowing both ways. The system provides the tracking of calls for service with the goal of call analysis for patrol deployment strategies and also allows officers in the field to communicate their observations to the Community Service Bureau. This feedback loop provides information back to the Community Services Bureau and creates an accountability measure so strategies can be evaluated.

**Status:**

Recommendation implementation complete and ongoing efforts include the development of data-driven tools to enhance a precision-based policing model and approach to enforcement stops. The goal is to have data-driven approaches to violence prevention programs and real time crime and call analysis for patrol deployment strategies. Ensuring that we implement approaches that identify and work to reduce racial disparities will be a cornerstone to our evidence-based approaches. The Berkeley Police Department will continue to only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria. The Transparency Hub streamlines the collection and dissemination of police data. This system allows for exploration of different evidence-based approaches.

**Task Force Recommendation:**

- **Reaffirming and clarifying that the Berkeley Police Department will only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.**

**Implementation:**

Penal code 13519.4 is existing California law that prohibits racial profiling. BPD Policy 401 (Fair and Impartial Policing) also prohibits racial profiling. Section

401.2 explicitly states, “Officers shall not consider race, ethnicity, national origin, gender, age, religion, sexual orientation/identity or socio-economic status in establishing either reasonable suspicion or probable cause, or when carrying out other law enforcement activities...”

The above policies were reviewed in light of the task force recommendations and found to affirm and clarify police officer responsibilities in stops.

**Status:**

Recommendation implementation complete and ongoing efforts include: BPD will continue to conduct ongoing training in topics such as implicit bias, racial profiling, and procedural justice concepts. BPD will hold all members to Departmental Policies, especially those strictly and clearly prohibiting racial profiling. Further, stops will be information and evidence based. The BPD Data Analyst Team will continue to develop tools to focus internal efforts using evidence and information and share data publicly about enforcement and related results.

**Implement Procedural Justice Reforms**

**Task Force Recommendation:**

- **Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops.**

**Implementation:**

The current Early Warning System was originally issued in 2004 and revised in 2008. The system mandates the monitoring of officer’s behavior and performance to include, but not limited to attendance, complaints, use of force incidents, and other factors. The Early Warning System serves as a program that identifies and address behavior or training issues before they become a disciplinary matter. Amendments have been made to the Department’s Early Warning System policy (Policy 1041) to including the monitoring of stop data for individual officers.

**Status:**

Implementation complete via issuance of updated policy reflecting recommendations. Pursuant to the FIP recommendation and after meeting with the FIP task Force stakeholders, language was added to the current Early Warning System policy to include data around traffic, bicycle, and pedestrian stops as a category that supervisors will consider for early intervention if merited. Ongoing efforts include implementing new systems for the monitoring of officer’s individual stop data by their respective supervisors. The Audits and Inspections Sergeant will also conduct separate and random quarterly audits of officer’s stop data, complaints, uses of force incidents and body-worn camera videos and

report the findings to the Chief of Police. Results of these audits are provided to the Police Accountability Board. Additionally, the City Council has referred \$100,000 to the June, 2023 Budget Process to enter into a contract to design and assist with implementing a comprehensive Early Intervention and Risk Management System.

**Task Force Recommendation:**

- **Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback.**

**Implementation:**

A revised written consent form has been created and amendments have been made to our existing search and seizure policy to require written consent for all consent searches. The Department implemented a redesigned Consent Search Form incorporating the collaborative feedback from multiple discussions with the Police Accountability Board.

**Status:**

Implementation completed via issuance of updated form reflecting recommendations.

**Task Force Recommendation:**

- **Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole.**

**Implementation:**

On February 10, 2021, updates were completed on Policy 311. Sections 311.5 and 311.6 were modified to reflect the above limitations to warrantless searches. The above policies were reviewed and modified in line with the task force recommendations and departmental goals to build trust and collaborate with the community to address crime and safety concerns.

**Status:**

Recommendation implemented. The update to Policy 311 limits the searches conducted on individuals on supervised release status. On April 18, 2022, the Public Safety Committee made a recommendation for a policy change to this recommendation. On July 26<sup>th</sup>, 2022 the City Council approved Policy 311 and on August 2<sup>nd</sup>, 2022 the policy was updated and released. The Department has trained on these updates and will continue to assess and review the impacts of these searches in consideration and support of the tenets of FIP.

**Task Force Recommendation:**

- **Address Profiling by Proxy (PAB Policy Development, Dispatcher Training).**

**Implementation:**

The Communications Center Operation Manual has been amended to address handling cases involving profiling by proxy. All dispatchers have reviewed the amended manual and are instructed to be cognizant and screen for profiling by proxy calls.

**Status:**

Recommendation implemented. Berkeley Police Department will continue to educate and train dispatchers on how to identify and address biased based reporting. Officers and supervisors are also expected to screen profiling by proxy calls. The Department as a whole will continue to seek out and train on anti-bias, implicit bias, and profiling by proxy topics to strengthen our ability to identify and address biased based reporting.

**Task Force Recommendation:**

- **Fire racist police officers identified through social media and other media screens.**

**Implementation:**

The following existing policies dictate procedures for investigating employees in this area; these policies adhere to due process and Government Section 3300:

*Policy 1029 (Employee Speech, Expression and Social Networking) provides accountability to employee personal social media posts. Section 1029.4(b) states "Speech or expression that, while not made pursuant to an official duty, is significantly link to, or related to, the Berkeley Police Department and tends to compromise or damage the mission, function, or reputation of professionalism of the Berkeley police Department or its employee.*

*PR 232 (Controversial Discussion), PR 235 (Acts –Statements-By employees), PR 238 (Organizational Membership), and PR 250 (enforcement of Law, Impartiality) are also policies that provide accountability for any racist behaviors.*

The above policies were reviewed in light of the task force recommendations and found to provide necessary authority to investigate allegations of racism. Departmental policy clearly identifies discrimination based upon a person's race as misconduct, and requires reporting and prompt investigating of any allegation of racism. Any employee who becomes aware of or observes any discrimination



on the basis of a protected class is required to notify a supervisor by the end of their shift or within 24 hours if they are off duty.

**Status:**

Recommendation implemented, however the Berkeley Police Department is committed to continuing to explore additional lawful methods to identify and address potentially racist behaviors or actions by our members. If at any time the police department becomes aware of any issues related to these concerns, the matter would be thoroughly investigated and employees will be held accountable.

**Task Force Recommendation:**

- **Require regular analysis of BPD stop, search, and use of force data;**

**Implementation:**

The Open Data Portal (ODP) is a public facing website that gives the public access to police data and is accessible through the City's website. This allows for open and independent analysis and review to foster police accountability and transparency.

The Department will not only collect and report on stop, search and use of force data, but will regularly analyze the data via the Data Analyst Team. That analysis will at a minimum help direct policy, training, and resource allocation.

**Status:**

Implementation of recommendation complete and the Department will continue ongoing evaluation and data sharing. BPD is committed to transparency and is continuously exploring different ways to provide the public with access to more police data. The Data and Policy Analysis Team developed a Transparency Hub that will facilitate independent review and analysis of police data. This hub was launched after several community and internal stakeholder groups had an opportunity to view and collaborate on design. The Transparency Hub hosts BPD's Open Data Portal along with tools to help the public visualize and analyze the department's data, including interactive dashboards summarizing stop and search data, calls for service, and use of force data. The Transparency Hub updates in near-real time and gives the public access to datasets reaching further back in time than had been available. The 'Crime Mapper' page on the Transparency Hub that includes additional data on cases has been implemented and is now live.

**Task Force Recommendations:**

- **Make resources on police-civilian encounters more publicly available such as through RAHEEM.org;**

- **For any individual detained, BPD officers shall provide a business card with information on the commendation and complaint process with the Police Accountability Board and the Berkeley Police Department, Internal Affairs Bureau.**

**Implementation:**

BPD Officers shall offer business cards to all detained individuals with information, a QR code and links to the BPD website which provide community members with information on making a commendation or complaint about an interaction with BPD. In addition to the information on how to make a complaint, a link is provided to the ACLU webpage containing information on police-civilian encounters.

**Status:**

Recommendation implemented. All business cards will continue to be printed with the above information. These resources ensure police accountability as well as provide ways the community can comment on the service BPD has provided.

**Refer the following recommendations summarized below to the Reimagine Public Safety process**

**Task Force Recommendations:**

- **Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins; Conduct a baseline community survey**

**Implementation:**

BPD actively supported and participated in the work of the Reimagine Public Safety Task Force by providing data and information, answering questions, providing hands-on experience and discussing opportunities, impacts and effects of recommendations. Several community surveys were conducted by consultants as part of the overall Reimagine Public Safety process.

**Status:**

Initial implementation complete. To support feedback systems, the Berkeley Police Department will be seeking ongoing community input and feedback around reform efforts via the Transparency Hub.

**Acknowledge and reaffirm the following recommendations summarized below that are already underway****Task Force Recommendation:**

- **BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;**

**Implementation:**

The police department released the requested historical data in December of 2020. BPD stop, arrest, and calls for service data are regularly updated in the Open Data Portal and will be updated in near real time on the Transparency Hub.

**Status:**

Recommendation implemented.

**Task Force Recommendation:**

- **Fund and implement a specialized care unit (SCU) for mental health crises;**

**Implementation:**

After completing a competitive proposal process in summer of 2022, and obtaining City Council approval on December 13, Bonita House has been selected as the provider for the Specialized Care Unit. In collaboration with HHCS and the City of Berkeley, Bonita House will implement the SCU pilot program using the recommendations from RDA (a consulting firm contracted by the city) as well as accompanying Steering Committee analysis.

**Status:**

Implementation is in progress and being managed by the Health, Housing and Community Services (HHCS) Department. The contract with the Bonita House was finalized and posted early this year. HHCS coordinates with Bonita House, other City departments, including Fire and PD, and the SCU Steering Committee on a regular basis to receive program updates on the SCU as well as provide support for implementation. In recent months, the Bonita House team started hiring for the SCU and selected an operating location on the Berkeley/Oakland border. Additionally, SCU vehicles have been purchased and are in the process of being built out for the team. HHCS hopes to launch the SCU in a ramp up state at some point this summer, but this is dependent on the hiring of staff and receiving necessary equipment.

**Task Force Recommendation:**

- **Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.**

**Implementation:**

The City's Auditor's report was released which analyzed Computer Aided Dispatch data. Recommendations from this analysis were provided to the Police Department and findings were referred to the Reimagine Public Safety Task Force.

**Status:**

Implementation in progress. An assessment of overall staffing levels as well as patrol beat specific analysis has been referred to the budget process via the Council's direction on Reimagining Public Safety. Internally the Data Analysts Team has been directed to continue their work to refine the way and type of data that is collected, and analyze call response time to support the likely upcoming consultant work. The Berkeley Police Department has completed a Request for Proposal (RFP) for qualified consultants to conduct a comprehensive police organizational workload study to assess our organizational structure, resource allocation, and geographical patrol boundaries. Citygate has been selected to conduct the workload study. A contract with Citygate is anticipated to be executed in the near future.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

**POSSIBLE FUTURE ACTION**

The Police Department will continue to work toward the full implementation of the Task Force recommendations.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

Staff time and additional training time to be determined at a later date.

**CONTACT PERSON**

Jennifer Louis, Chief of Police, (510) 981-5700

Progress of the Implementation of FIP Recommendations

INFORMATION CALENDAR  
June 27th, 2023

Supporting Materials:

1: Berkeley Police Policy and Training Materials

<https://cityofberkeley.info/safety-health/police/policy-training-materials>

2: California Legislative Information

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=13519.4.&nodeTreePath=7.5.1.2&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13519.4.&nodeTreePath=7.5.1.2&lawCode=PEN)

3. Reimagine Task Force and National Institute for Criminal Justice Reform (NICJR) Survey

<https://berkeley-rps.org/wp-content/uploads/2021/10/Berkeley-Community-Engagement-Report-v7.pdf>

4. RDA Consulting Final Report on Specialize Care Unit

[https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_Commissions/Berkeley-MH-SCU\\_Final-Recommendations\\_FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/Berkeley-MH-SCU_Final-Recommendations_FINAL.pdf)





Zero Waste Commission

INFORMATION CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Zero Waste Commission  
 Submitted by: Steve Sherman, Chair, Zero Waste Commission  
 Subject: Zero Waste Commission Fiscal Year 2023-24 Work Plan

INTRODUCTION

The Zero Waste Commission (ZWC) is responsible for making recommendations on city-wide zero waste policies and goals, including commercial and residential refuse, recycling, and compost services, hard to recycle materials programs, budgets, rates, and other decisions relating to reducing solid waste in the City of Berkeley. The ZWC adopted the FY 2023-24 Work Plan on May 23, 2023.

M/S/C: Ayes: 4 ; Abstain: 0 ; Absent: (2)

CURRENT SITUATION AND ITS EFFECTS

Over the last few years, the City of Berkeley, along with the rest of the world, has made its best efforts to survive during Covid-19. Operations and staff have suffered from low-staffing/high vacancies following the initial lock-down period and subsequent supply-chain issues and labor shortage. The City of Berkeley is enacting important changes and improvements to its Zero Waste services and long-term plans, including:

- Continuing the process to design and build the replacement of the Solid Waste & Recycling Transfer Station (SW&RTS), which is currently nearing submission for the required CEQA process,
- Adapting to changes in the recycling export markets and determining which materials should be accepted in any of our streams, and assessing what else can be diverted from landfill through near approaches and partnership programs,
- Berkeley's compliance with SB1383 and its Food Recovery Mandates,
- Implementing the Single Use Foodware and Litter Reduction Ordinance and Pre-check Bag Reduction Ordinance
- Participating in the Zero Waste Strategic Plan Development process, and
- Reviewing and recommending to Council which State and Regional Bills to support in order more gainfully achieve our zero waste goals.

ZWC supports the development of the Zero Waste Strategic Plan, and SW&RTS replacement, as well as seeks to evaluate and/or recommend new or proposed local

legislation or programs that could target some remaining components of avoidable waste in our community.

These projects advance the City’s Strategic Plan goals to:

1. Provide state-of-the-art, well-maintained infrastructure, services, and facilities
2. Be a global leader in addressing climate change, advancing environmental and social justice, and protecting the environment.

The following goals have been identified for the upcoming year:

| Goal                                                                                                          | Resources                                                                                                           | Program activities                                                                                                                                                                                          | Outputs                                                                                                                                                                           | Outcomes                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Transfer Station Rebuild                                                                                      | City Staff, Consultants (when hired)                                                                                | Stay abreast of CEQA progress status; Consultant presentation for next phase TBD                                                                                                                            | Recommendations to Council as appropriate when process proceeds to next phase.                                                                                                    | State-of-the-Art facility that replaces outdated, aged structure; increase public interaction.                                                     |
| Zero Waste Strategic Plan                                                                                     | Abbe & Associates, City Staff                                                                                       | Presentations for updates ZW plan throughout process (total 3). Disseminate information to increase public input, including individual commissioners.                                                       | Recommendations to Council as needed.                                                                                                                                             | To support the development of a comprehensive and detailed plan suited to achieve City’s ZW goals.                                                 |
| Food Recovery and Organics Diversion SB1383                                                                   | City Staff, Community Partners                                                                                      | Continue updates from staff, explore community compost opportunities, invite Berkeley Food Network to present.                                                                                              | Recommendations to Council as needed.                                                                                                                                             | To help achieve compliance with SB1383 requirements and promote local resiliency.                                                                  |
| Zero Waste Ordinances (SU Foodware & Litter Reduction, Pre-Check-out Bags Reduction, future & proposed, etc.) | City Staff, Ecology Center, UC Berkeley/Cal Zero Waste, Grocery Association/BIDs                                    | Review progress of Foodware Reduction Ordinance; offer staff support for successful implementation of Pre-checkout Bag Reduction Ordinance. Explore sustainable alternatives for banned materials/products. | Recommendations to Council as needed.<br><br>Support Reusables Foodware Pilot program with recommendations.<br><br>Engender community partnerships for innovative reuse programs. | To increase Council’s awareness of status an ordinance’s Implementation progress and/or viability of implementation plan.                          |
| Review & Assessment of Accepted Materials: Inclusion or Exclusion in City Collection Services                 | City Staff, Urban Ore, CCC, Ecology Center, CAW, NCRA, CPSC, Status of Materials Markets, StopWaste, Local Partners | Presentations at ZWC by community partners, specialists.<br><br>Review existing ordinances and recommend changes; support or suggest                                                                        | Commission feedback to City Partners and Council                                                                                                                                  | To help Council have an accurate understanding of our collection services and if they are achieving our ZW and environmental/social justice goals. |



| Goal                                                                                           | Resources                                          | Program activities                                                                                         | Outputs                             | Outcomes                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
|                                                                                                |                                                    | new or proposed ordinances.                                                                                |                                     |                                                                                                                       |
| Review of State & Regional Proposed Legislation/Bills that the City of Berkeley Should Support | City Staff, Californians Against Waste, CPSC, NCRA | Presentations by outside organizations that align with City's ZW goals.<br><br>Research/vet proposed laws. | Recommendations for Council Support | To establish strong State and Regional Laws that support our ZW goals and potentially reduce staff time to implement. |

**BACKGROUND**

- Transfer Station Replacement: Community meetings were held in 2019 for design of replacement input. First Carbon Solutions has been retained to conduct the CEQA certification process for the replacement project.
- Zero Waste Strategic Plan: Currently in progress.
- Food Recovery & Organics Diversion SB 1383 requires reduction of organic waste disposal 50% by 2020 and 75% by 2025. Starting in 2022, all CA jurisdictions will need to provide organic waste collection services to all residents and businesses. Berkeley will be required to use products made from this recycled organic material, such as renewable energy, compost, and mulch. Food service businesses must donate edible food to food recovery organizations. This will help feed the almost 1 in 4 Californians without enough to eat. California has a 2025 goal to rescue 20% of edible food currently thrown away, and redirect it.
- Single-Use Foodware & Litter Reduction Ordinance: All of the phases of the ordinance have been enacted. Phase 2, requiring disposable foodware to be compostable and includes a 25 cent charge for disposable cups, took effect on 1/1/2020. Phase 3, mandating reusables for dine-in, took effect on 7/1/2020. Enforcement of all phases was relaxed due to the pandemic; staff is currently aggressively working to affirm and monitor compliance.
- Plastics - Feasibility of Recyclability: Due to declining infrastructure/operations and unreliable markets for many grades and compositions of plastics, the City's municipal collection program will require reassessment of which plastics should be acceptable in its stream, and how to locate and support new regional facilities for processing materials that currently have markets out of the region, State or country.
- Proposed State and Regional Legislation that Council Can Support: Berkeley can officially show support for proposed legislation that helps to further the City's current zero waste goals.

**ENVIRONMENTAL SUSTAINABILITY**

Potential to reduce quantity of material sent to landfill and reduce consumption of new materials.

POSSIBLE FUTURE ACTION

Future Action Items that ZWC may send to City Council include:

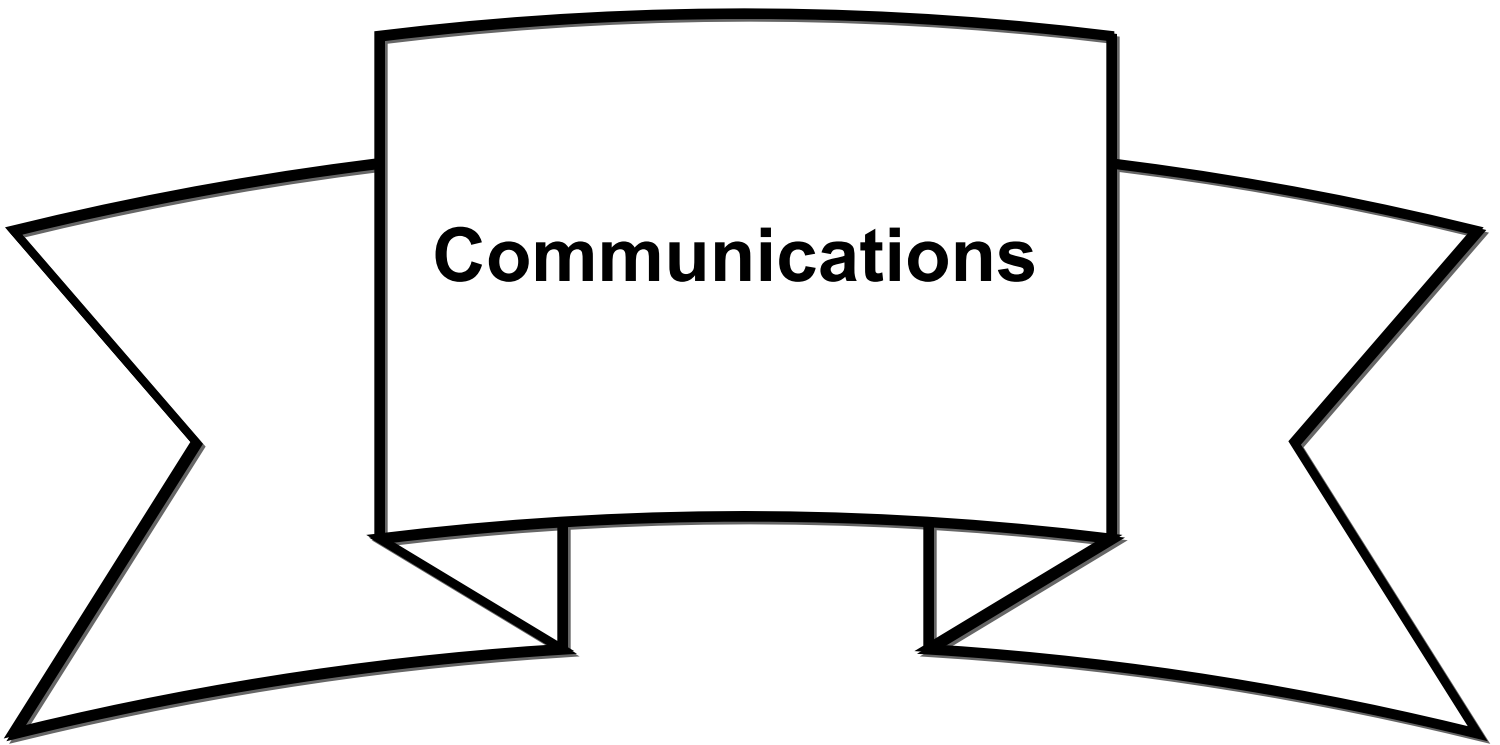
- Recommendation to support a Regional Deconstruction Ordinance
- Recommendation to adopt the new Zero Waste Strategic Plan
- Resolution to support a Citywide Reusable Food Container program
- Resolution to support an expanded coordinated effort with UCB during Cal moveout months

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Reusable Food Container pilot program and other reuse programs require funding.

CONTACT PERSON

Julia A. Heath, Recycling Program Manager, Public Works, (510) 981-6357



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF