



BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING

THURSDAY, APRIL 25, 2024
12:00 P.M.

2180 Milvia Street, 1st Floor, Berkeley, CA 94704 – Cypress Room
1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Terry Taplin

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1600959436>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 160 095 9436**. 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.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: March 12, 2024**
- 2. Review and Approve Draft Agenda:**
 - a. 5/7/24 – Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

- 5. Council Worksessions Schedule**
- 6. Council Referrals to Agenda Committee for Scheduling**
- 7. Land Use Calendar**

Referred Items for Review

- 8. Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments**
- 9. City Council Legislative Systems Redesign**

Unscheduled Items

10. **Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission**
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Referred: November 13, 2023
Deadline: July 25, 2024
Recommendation: Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
11. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
12. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
13. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

Items for Future Agendas

- **Requests by Committee Members to add items to the next agenda**

Adjournment – Next Meeting Wednesday, May 1, 2024

Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.

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. Members of the City

Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.



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.

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I hereby certify that the agenda for this special 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 Thursday, April 18, 2024.

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

Mark Numainville, City Clerk

**Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).*

## BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

TUESDAY, MARCH 12, 2024

2:30 P.M.

2180 Milvia Street, 1st Floor, Berkeley, CA 94704 – Cypress Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Terry Taplin

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**Roll Call:** 2:32 p.m. All present.

**Public Comment** – 5 speakers

## **Review of Agendas**

1. **Approval of Minutes: March 4, 2024**  
**Action:** M/S/C (Arreguin/Hahn) to approve the minutes of 3/4/24.  
**Vote:** All Ayes.
2. **Review and Approve Draft Agenda:**
  - a. 3/26/24 – Regular City Council Meeting  
**Action:** M/S/C (Arreguin/Hahn) to approve the agenda of 3/26/24 with the changes noted below.
    - *Item Added: Placeholder for appointment of Public Works Director*
    - *Item Added: Placeholder for labor MOU approval*
    - *Item 15 Understory Mitigation (Commission) – Scheduled for May 7, 2024*
    - *Item 19 Holocaust Remembrance (Wengraf) – added Mayor Arreguin and Councilmembers Hahn and Taplin as co-sponsors*
    - *Item 20 Holocaust Remembrance (Wengraf) – added Mayor Arreguin and Councilmembers Hahn and Taplin as co-sponsors***Vote:** All Ayes.
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**  
- None Selected
4. **Adjournments In Memory** – None

## **Scheduling**

5. **Council Worksessions Schedule** – received and filed
6. **Council Referrals to Agenda Committee for Scheduling** – received and filed
7. **Land Use Calendar** – received and filed

## **Referred Items for Review**

8. **Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments**  
**Action:** 3 speakers. Continued to next meeting.
9. **City Council Legislative Systems Redesign**  
**Action:** Continued to next meeting.

## Unscheduled Items

10. **Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission**  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**  
**Referred: November 13, 2023**  
**Deadline: July 25, 2024**  
**Recommendation:** Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
11. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
12. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
13. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 2:52 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 12, 2024.

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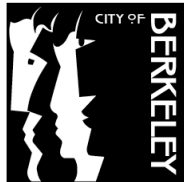
Mark Numainville, City Clerk

## Communications

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**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, May 7, 2024**  
**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 – VACANT

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

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*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: <<INSERT ZOOM for GOV URL HERE>>. 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: <<INSERT MEETING ID HERE>>. 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.*

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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 public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.*

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## 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.*

**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.*

**Public Comment by Employee Unions (first regular meeting of the month):** *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

## 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.*

## Recess Items

1. **Contract: Health Officer Coverage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to execute a contract with Dr. Lisa Hernandez for Health Officer services during periods when the City Health Officer is out of the office for the period April 1, 2024 through April 1, 2026 in an amount not to exceed \$30,000.  
**Financial Implications:** See report  
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400
  
2. **Purchase Order: SHI for KnowBe4 Products and Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during Spring Recess for the approval and authorization to execute a purchase order in the amount of \$135,189 with SHI for continued use of KnowBe4 cybersecurity content, products and tools.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500
  
3. **Contract Amendments: As-needed Trees Services with Bay Area Tree, Hamilton Tree, Professional Tree, and West Coast Arborist**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions ratifying the action taken by the City Manager during recess authorizing the City Manager to amend contracts with Bay Area Tree Specialists (31900202), Hamilton Tree Service (31900193), Professional Tree Care (31900212), and West Coast Arborists (31900218), for as-needed tree services, increasing the amount by \$500,000 each and extending the terms to May 28, 2026.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Recess Items

- 4. Contract: School Foodies for Summer Food Service Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess authorizing the City Manager to execute a one (1) year contract and any amendments with School Foodies to provide lunches and afternoon snacks to Berkeley youth for the City's Summer Food Service Program for a total amount not to exceed \$95,000, for the period of June 1, 2024 through May 31, 2025, with up to four (4) additional one-year extensions not to exceed \$95,000 each year, contingent upon the availability of State funding, for a total contract amount not to exceed \$475,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 5. Construction Contract: THE DUTRA GROUP for the Docks D & E Replacement Project at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess: 1. Approving the plans and specifications for the Berkeley Marina Docks D & E Replacement Project (Bid Specification No. 24-11633-C); and 2. Accepting the bid of THE DUTRA GROUP as the lowest responsive and responsible bidder on the Project; 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 THE DUTRA GROUP, for the Berkeley Marina Docks D & E Replacement Project, in an amount not to exceed \$8,593,200, which includes a contract amount consisting of base bid of \$7,812,000 and a 10% contingency in the amount of \$781,200.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 6. Contract No. 32300187 Amendment: First Serve Productions for Additional Sport Court Repair and Resurfacing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess, authorizing the City Manager to amend contract no. 32300187 with First Serve Productions for additional sport court repair and resurfacing at City parks by increasing the construction contract amount by \$198,000 for a not-to-exceed amount of \$374,669.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Recess Items

7. **Construction Contract: THE DUTRA GROUP for the Berkeley Marina Dredging Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess: 1. Approving the plans and specifications for the Berkeley Marina Dredging Project (Bid Specification No. 24-11644-C); and 2. Accepting the bid of THE DUTRA GROUP as the lowest responsive and responsible bidder on the Project; 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 THE DUTRA GROUP, for the Berkeley Marina Dredging Project, in an amount not to exceed \$4,843,566, which includes a contract amount consisting of base bid of \$4,612,920 and a 5% contingency in the amount of \$230,646.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

8. **Reform the Human Welfare and Community Action Commission by amending rules regarding the Commission's composition, number of members, filling of vacancies, election of low-income representatives, enumerated functions, and other changes**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,902-N.S. to reform the Human Welfare and Community Action Commission (HWCAC).  
**First Reading Vote:** Vote: Ayes – Taplin, Bartlett, Hahn, Wengraf, Humbert, Arreguin; Noes - Kesarwani.  
**Financial Implications:** See report  
Contact: Margot Ernst, Health, Housing, and Community Services, (510) 981-5400
9. **Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of March 7, 2024 (closed), March 12, 2024 (special, special, regular and closed), March 18, 2024 (closed), March 19, 2024 (regular) and March 26, 2024 (closed and regular)  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

**10. Calling for a Consolidated General Municipal Election for November 5, 2024**

**From: City Manager**

**Recommendation:** Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Presidential General Election to be held in Berkeley on November 5, 2024; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Presidential General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, (510) 981-6900

**11. Ballot Measure Increasing the City's Appropriation Limit to Allow Expenditure of Tax Proceeds for Fiscal Years 2025 through 2028**

**From: City Manager**

**Recommendation:**

1. Adopt a Resolution placing the attached measure to increase the City's appropriation limit on the ballot at the November 5, 2024 General Municipal Election.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, (510) 981-6900, Henry Oyekanmi, Finance, (510) 981-7300

**12. Contract No. 117569-1 Amendment: Animal Fix Clinic (formerly Fix Our Ferals) for Spay and Neuter Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 117569-1 with Animal Fix Clinic (formerly Fix Our Ferals) to provide no-cost spay and neuter surgeries to eligible pet owners and shelter animals for FY 2024, increasing the contract amount by \$25,000 for a new total contract amount not to exceed \$127,218.

**Financial Implications:** See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**13. Returning Funding from University of California, Berkeley for Rodeway Inn for Winter Shelter**

**From: City Manager**

**Recommendation:** Adopt a Resolution returning the unspent portion (totaling \$400,140.17) of a \$2,200,000 donation from the University of California, Berkeley, previously accepted by the Council on April 26, 2022 for the Rodeway Inn shelter.

**Financial Implications:** Approving this recommendation will result an expenditure of \$400,140.17 in funding from the One-Time Grant: No Capital Expenditures Fund (Fund 336).

Contact: Peter Radu, City Manager's Office, (510) 981-7000

## Consent Calendar

**14. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 7, 2024**

**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:** See report

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

**15. Contract: As-Needed Hazardous Fire Fuel Treatment with California Tree Solutions, Mountain Enterprises Inc., Small World Tree Co., and Bay Area Tree Specialists**

**From: City Manager**

**Recommendation:** Adopt four Resolutions authorizing the City Manager or her designee to execute the following contracts and any amendments for As-Needed Hazardous Fire Fuel Treatment and removal from May 18, 2024, to May 17, 2028, for a total cumulative amount not to exceed \$4,000,000.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

**16. Grant Application: Funding from the Federal Emergency Management Agency (FEMA) to hire additional firefighters to meet NFPA 1710 standards and recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the Federal Emergency Management Agency (FEMA) for up to \$7,703,926.83 with no matching city funds to hire nine additional firefighters to help the City meet the National Fire Protection Association (NFPA) 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments and to partially accomplish one of the recommendations from the City Gate, LLC Standards of Coverage and Community Risk Assessment.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

## Consent Calendar

- 17. Contract: Marin SB Advisor LLC for Chipper Day Program Management**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Marin SB Advisor LLC to provide program management for Berkeley Chipper Day from June 1, 2024 until May 31, 2027 in an amount not to exceed \$213,000 with an option to extend for an additional three (3) years for \$250,000, making initial term plus extension not to exceed \$463,000.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473
- 18. Contract No. 32300108 Second Amendment: Street Level Advisors, LLC for Housing Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a second amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$100,000 for consulting services in a total amount not to exceed \$199,500, with a contract end date of June 30, 2025.  
**Financial Implications:** See report  
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400
- 19. Contract: The Labor Compliance Managers for Labor Compliance Consultant for the HARD HATS Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with The Labor Compliance Managers (TLCM) to develop a comprehensive program for enforcing the provisions of the HARD HATS Ordinance for the Department of Health, Housing, and Community Services (HHCS) from August 1, 2024 to July 31, 2027, in an amount not to exceed \$150,000.  
**Financial Implications:** See report  
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400
- 20. Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$15,000 for a not-to-exceed total contract amount of \$250,000.  
**Financial Implications:** See report  
Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400



## Consent Calendar

**21. Contract No. 32200191 Amendment: Options Recovery Services for Substance Use Disorder Services Co-location**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32200191 with Options Recovery Services (Options) for Substance Use Disorder (SUD) services for a total contract limit of \$500,000 for the period beginning January 1, 2022 and ending June 30, 2025, to extend their current co-located SUD services at the Berkeley Mental Health Adult Services Clinic. This amendment will add \$250,000 in funding and two years to the existing contract term.

**Financial Implications:** See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

**22. Contract: City Data Services for Streamlined Community Agency Contract Administration and Monitoring**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to enter into a contract with City Data Services (CDS) to provide continued online data management systems to the Health, Housing and Community Services Department (HHCS) from July 1, 2024 through June 30, 2028, and authorizing the City Manager or her designee to extend the contract and execute any amendments with CDS for ongoing maintenance of the community agency online applications and reporting systems for an annual service fee of \$41,520 for a total contract not to exceed amount of \$166,080.

**Financial Implications:** See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

**23. Revenue Grant Agreements: Funding Support from the State of California and 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 the California Department of Public Health (CDPH) and 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. HIV/AIDS Surveillance in the projected amount of \$25,701 each year for Fiscal Years (FY) 2025 through 2029 for a total of \$128,505 from CDPH.
2. Sexually Transmitted Infection (STI) Prevention and Collaboration in the projected amount of \$13,625 each year for FY 2025 through 2026 for a total of \$27,250 from CDPH.
3. Tuberculosis (TB) Prevention and Control in the projected amount of \$35,197 for FY 2025 from CDPH.
4. Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2025 from Alameda County.

**Financial Implications:** See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

**24. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$275,000 of funding from the State of California's Crisis Care Mobile Units (CCMU) grant for a total not-to-exceed contract amount of \$4,845,500.

**Financial Implications:** See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

**25. 2023 Fee Assessment – State of California Self-Insurance Fund (Workers' Compensation Program)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing payment to the State of California Department of Industrial Relations for Fiscal Year 2022-2023 for administering the Workers' Compensation Program, in an amount not to exceed \$240,397.76.

**Financial Implications:** See report

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

## Consent Calendar

- 26. Legislative Aide Class Specifications and Salary Range**  
**From: City Manager**  
**Recommendation:** Adopt (1) first reading of an Ordinance amending Berkeley Municipal Code Section 4.04.120(A) to rename the Legislative Assistant classification as Legislative Aide; (2) a resolution authorizing amendments to all pertinent City documents to effectuate the classification name change, approving job specifications and a new salary range for the renamed classification, and approving terms negotiated with SEIU Local 1021 - CSU & PTRLA regarding advancement along the new salary range for the renamed classification.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 27. Contract: Catalis Public Works and Citizen Engagement, LLC for New Community Relationship Management (CRM) System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Catalis Public Works and Citizen Engagement, LLC (Catalis) for software hosting, implementation, maintenance, and related services for a new Community Relationship Management system, for an amount not to exceed \$500,000 for the period commencing on June 1, 2024 through June 30, 2029.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 28. Contract No. 32000188 Amendment: GSI Environmental Inc. for On-Call Environmental Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000188 with GSI Environmental Inc. for on-call environmental consulting services to increase the contract amount by \$200,000 for a new not to exceed amount of \$425,000 and extend the contract term from June 30, 2025 to June 30, 2027.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 29. Donation from the Friends of the Rose Garden/Berkeley Partners For Parks for the Berkeley Rose Garden**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation from the Friends of the Rose Garden/Berkeley Partners For Parks in the amount of up to \$10,000 to purchase roses and perform maintenance at the Berkeley Rose Garden.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

30. **Contract No. 32200098 Amendment: ERA Construction, Inc. for O & K Docks Electrical Upgrades Project**  
**From: City Manager**  
**Recommendation:** Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 32200098 with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project, increasing the amount by \$115,000 for an amended total amount not to exceed \$1,453,000.  
**Financial Implications:** \$1,453,000.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
31. **Support the Fire Department to Fund a Program Manager II Position**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** The Disaster and Fire Safety Commission (DFSC) supports the request by the Fire Department to fund a Program Manager II.  
**Financial Implications:** See report  
Contact: Keith May, Commission Secretary, (510) 981-3473
32. **Use of Measure FF to Support Understory Mitigation**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** That the Berkeley City Council pass a resolution to support the Fire Department in using Measure FF funds to conduct one-time eucalyptus understory clean-ups on select, participating private properties within the City.  
**Financial Implications:** See report  
Contact: Keith May, Commission Secretary, (510) 981-3473

## Council Consent Items

33. **Budget Referral: \$70,000 to the FY 2025-2026 Budget Process for Supply Bank School Supply Distribution**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer to the FY 2025-2026 budget process \$70,000 for Supply Bank (\$35k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
34. **Budget Referral: Replenishing Business Damage Mitigation Fund**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer to the Fiscal Year (FY) 2025-2026 Budget Process \$50,000 to replenish the business damage mitigation fund providing one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

- 35. Budget Referral: Cesar Chavez Solar Calendar Maintenance**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer to the Fiscal Year (FY) 2025-2026 budget process to allocate \$10,000 to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, for the continued purpose of employing grounds keepers and providing the resources needed for the maintenance of the Cesar Chavez/Dolores Huerta Solar Calendar Site until May/June 2026.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 36. Budget Referral: SafeCity Connect Downtown Berkeley Pilot Program**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the budget process \$320,000 to develop and implement a two-year public-private security camera program with SafeCity Connect and the Downtown Berkeley Property-based Business Improvement District (PBID) for ten (10) locations, to develop performance and compliance metrics pursuant to the City of Berkeley's Surveillance Ordinance, and report on metrics regarding criminal activity clearance rates, deterrence and reduction of criminal activity, and privacy and transparency protocols.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 37. Waterside Workshops Emergency Recovery Grant**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the budget process \$82,000 to Waterside Workshops to support youth enrichment and climate resilience programs following revenue losses due to construction and street closures on Bolivar Drive.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 38. Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: 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 \$1,500 from the discretionary council office budget of Councilmember Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on May 4, 2024, in the courtyard on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Councilmember 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

## Council Consent Items

- 39. Budget Referral to Fund Small Sites Program to Acquire, Rehabilitate, and Protect Existing Small Scale Housing**  
**From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Refer to the FY 2025-26 Budget Process: An allocation of \$8 Million per year (for a two-year total of \$16 Million) from existing affordable housing funds to the City of Berkeley Small Sites Program to support the acquisition and rehabilitation of small-scale residential buildings and their conversion to deed-restricted permanently affordable housing. \$200,000 in FY25 and \$150,000 in FY26 (total of \$350,000 over two years) “Capacity Building” grants to the Bay Area Community Land Trust to support expanded participation in the City’s Small Sites Program.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 40. Budget Referral to Continue Market Match Program for Low-Income Berkeley Residents in the Event of Statewide Program Cuts**  
**From: Councilmember Hahn (Author), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Refer to the FY2025-26 Budget Process up to \$360,000 (up to \$180,000 per year) to safeguard the Market Match program for two fiscal years, supporting over 10,000 low-income Berkeley residents in accessing fresh local produce from Berkeley Farmers’ Markets.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

## Council Consent Items

### 41. CARE Program for Berkeley Fire

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

**Recommendation:** Refer to the FY2025/2026 Budget Process funding for programs that offer care and support for our firefighters and emergency medical service workers (First Responders), the equipment they rely on, and the homes and workplaces we provide for them.

1. For a two-year Pilot Project to Screen for Cancer: \$40,000 annually for two years to fund on-going age and risk-based full body cancer scans for First Responders that are subjected to carcinogens during the normal course of their work.

2. To add an FTE to the Fire Department for an In-House Fire Mechanic to service Fire Apparatus on-site and better meet the complex, unique, and time-sensitive needs of the Fire Department, and to save firefighters and the City time and money on outsourced maintenance service: \$203,107 for one FTE, ongoing and inclusive of benefits, for a Lead Fire Mechanic. \$350,000 in one-time funds to purchase the necessary tools and equipment.

3. For a Fire Reserve Program, offering internships with training to motivated High School graduates and/or college students who may enter the Fire Service after completion of the program, and to support recruitment: \$120,000 per year, ongoing, to cover salaries for 6 interns, training, supervision, and equipment.

4. For one-time “FFE” (Furniture, Fixtures, and Equipment) upgrades to all Fire Stations, including but not limited to new appliances, enhancements to prevent cancer (decontamination dryers, carcinogen-reducing soaps/detergents, etc.), lighting, furniture, and other amenities to improve living, health, and working conditions: \$140,000 to provide \$20,000 for each of the City’s seven Fire Stations in one fiscal year. Alternatively, \$70,000 in FY 2025 and in FY 2026, providing \$10,000 per year for each Fire Station over two years, for a two-year total of \$140,000.

**Financial Implications:** See report

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

### 42. Resolution in Support of the Campaign for a Safe and Healthy California

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

**Recommendation:** Send a resolution to Governor Gavin Newsom and the Campaign for a Safe and Healthy California, endorsing the campaign to “Keep the Law” and uphold Senate Bill 1137, which prohibits new oil and gas wells within 3,200 feet of homes, schools, nursing homes, and hospitals, and requires companies to adopt health, safety, and environmental standards.

**Financial Implications:** See report

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

## Council Consent Items

43. **Budget Referral: City of Berkeley Annual Holocaust Remembrance Day**  
**From: Councilmember Wengraf (Author), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2025/2026 budget process a request for \$7,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
44. **Budget Referral: Crossing Guard for Cragmont School**  
**From: Councilmember Wengraf (Author)**  
**Recommendation:** Refer to the Fiscal Year 2025/2026 Budget Process an annual allocation of \$22,000 to fund a Crossing Guard for Cragmont Elementary School at the intersection of Regal Rd. and Spruce Street.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
45. **Budget Referral: Equipment for Hybrid Commission Meetings**  
**From: Councilmember Wengraf (Author)**  
**Recommendation:** Refer to the Fiscal Year 2025/2026 Budget Process an allocation of \$110,000 for infrastructure costs to conduct hybrid city commission meetings.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
46. **Budget Referral: \$70,000 to Evaluate Pedestrian Safety and Implement Solutions on Euclid Avenue between Eunice Street and Bay View Place**  
**From: Councilmember Wengraf (Author), Councilmember Taplin (Co-sponsor), Councilmember Hahn (Co-sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2025-2026 Budget Process an allocation of \$70,000 to Evaluate Pedestrian Safety and Implement solutions on the short stretch of Euclid Ave between Eunice Ave and Bay View Place, including the crossings at Eunice and between Codornices Park and the Jane Hammond Field and the Berkeley Rose Garden and west side of Euclid.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
47. **Budget Referral: Civic Center Plan Phase III – Advancing Pre-Design & Construction Activities for Berkeley's Maudelle Shirek and Veterans Buildings**  
**From: Councilmember Wengraf (Author)**  
**Recommendation:** Refer to the Fiscal Year 2025/2026 Budget Process an allocation of \$300,000 for the Civic Center Plan Phase III.  
**Financial Implications:** See report  
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

**48. Submission of the PY 2024 (FY 2025) Annual Action Plan Containing Allocations of Federal Funds to Community Agencies and Recommendations of Other Local and State Funding to Community Agencies for FY 2025 - 2028  
From: City Manager**

**Recommendation:** Conduct a public hearing on the federal Program Year (PY) 2024, City Fiscal Year (FY) 2025, 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 2024 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), Home Investment Partnerships Program (HOME), and HOME American Rescue Plan Program (ARP); and
2. Authorizing the City Manager or her designee to execute resultant agreements and amendments with community agencies for the above-mentioned funds; and
3. Allocating 10% of the PY24 HOME funds for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2024 HOME funds to the Housing Trust Fund; and
4. Allocating 20% of the PY 2024 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 to the report 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 2024 ESG to Administration, \$6,676 to the Homeless Management Information System (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 2024 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 or her designee to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs; and
8. Authorizing Health, Housing, and Community Services (HHCS) staff to work with the Alameda County to allocate Berkeley's Homeless Housing Assistance and Prevention (HHAP) funds.

**Financial Implications:** See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

## Action Calendar – New Business

**49. Designate Ballot Measure Argument Authors – Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations**

**From: City Manager**

**Recommendation:** Designate, by motion, specific members of the City Council to file ballot measure arguments as provided for in Elections Code Section 9282, on the Initiative Ordinance Prohibiting Concentrated Animal Feeding Operations on the ballot for the November 5, 2024 General Municipal Election.

**Financial Implications:** No direct fiscal impacts

Contact: Mark Numainville, City Clerk, (510) 981-6900

**50. Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code**

**From: City Manager**

**Recommendation:**

1. Adopt the first reading of an Ordinance (Attachment 1) which proposes to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”);

2. Adopt a Resolution (Attachment 2) setting forth findings as to local conditions applicable to the revised portions of Section 19.48.020 that require more stringent building standards than those provided by the 2022 California Fire Code (“CFC”) with intervening code adoption cycle amendments, and amending Resolution number 70,611–N.S.;

3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading, and before the second reading, and schedule the second reading and public hearing for June 4, 2024.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

**51. Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Code**

**From: City Manager**

**Recommendation:**

1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions; and

2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2022 California Building Standards Code Supplements, and rescinding Resolution No. 70,585-N.S.

**Financial Implications:** See report

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

## Action Calendar – New Business

### 52a. Achieving Goals of 2018 Berkeley Age-Friendly Action Plan

#### From: Commission on Aging

**Recommendation:** Refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan as outlined in the report, by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

The Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan:

1. Housing and Economic Security: Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.
2. Transportation and Mobility: Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.
3. Health and Wellness: Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.
4. Social Participation and Civic Engagement: Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

In the short term, the Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

**Financial Implications:** See report

Contact: Darleen Bronson, Commission Secretary, (510) 981-5400

### 52b. Companion Report: Achieving Goals of 2018 Berkeley Age-Friendly Action Plan

#### From: City Manager

**Recommendation:** Refer to the City Manager to review and prioritize the recommendations of the City of Berkeley's Age-Friendly Action Plan, in conjunction with the results of the Community Health Assessment that will be conducted by the Health, Housing, and Community Services Department in the 2024 calendar year. In addition, to consider the following referrals:

1. Refer to the Transportation Commission to collaborate with the Commission on Aging to assess the equitable accessibility of public transportation options for the older adult and disabled community in Berkeley
2. Refer to Housing Advisory Commission to collaborate with staff to assess the level of affordable, accessible housing options for older adults to age in the Berkeley community.
3. Refer the Commission on Aging's request for increased funding to the Budget and Finance Policy Committees for further deliberation.

**Financial Implications:** See report

Contact: Tanya Bustamante, Health, Housing, and Community Services, (510) 981-5400

## Action Calendar – New Business

### 53a. Recommendation Regarding Panoramic Hill Secondary Evacuation

**From: Disaster and Fire Safety Commission**

**Recommendation:** Adopt a Resolution approving the development of a plan that includes a feasibility study and identification of funding sources for the construction of an emergency secondary egress road on Panoramic Hill. Such a plan could include discussions between the City of Berkeley, the City of Oakland, UC Berkeley, East Bay Regional Parks District and Alameda County and should also provide for continued contact with the Disaster and Fire Safety Commission (DFSC) as well as other related Berkeley Commissions as the Council determines.

**Financial Implications:** See report

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

### 53b. Companion Report: Recommendation Regarding Panoramic Hill Secondary Evacuation

**From: City Manager**

**Recommendation:** Adopt a Resolution directing the Fire Department to reach out to other impacted landowners to determine interest in pursuing, and coordinate costs sharing to conduct a feasibility study to identify a safe secondary evacuation and access route for the access impaired Panoramic neighborhood. The results of the study should then be shared with the Public Safety Policy Committee.

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473

## Council Action Items

### 54. Relationship Nondiscrimination Ordinance

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

**Recommendation:** Adopt first reading of an Ordinance amending the Berkeley Municipal Code to include non-discrimination protections based on family and relationship structure.

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Council Action Items

**55. Council Referral - Proposed Changes to Public Comment** *(Reviewed by Agenda & Rules Committee)*

**From: Agenda & Rules Committee**

**Recommendation:** Refer to the City Manager to review and implement recommendations by the Open Government Commission to improve public access, transparency, meeting procedures and public comment at City Council and commission meetings.

Direct the City Manager to return back to Council with amendments to the City Council Rules of Procedure and Order to implement these recommendations.

*Policy Committee Recommendation: Send to the City Council with a Qualified Positive Recommendation on the Open Government Commission’s proposal “Proposed Changes to Public Comment” with the amendments/comments outlined in the report.*

**Financial Implications:** None

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

## Action Calendar – Policy Committee Track Items

**56. Budget Referral: Berkeley Junior Jackets Capacity-Building Grant**

**From: Councilmember Taplin (Author)**

**Recommendation:** Refer to the Fiscal Year 2025-2026 biennial budget process \$300,000 to provide Young Lives Matter Foundation, Inc. with funding for two years of operating costs for the Berkeley Junior Jackets Football and Cheer youth sports program, and to develop longer-term sustainability and growth plans for the organization.

Direct the City Manager to evaluate organizational capacity and strategic planning supported by this funding on a rolling basis consistent with Reimagining Public Safety and Gun Violence Prevention program implementation.

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Action Calendar – Policy Committee Track Items

**57. Budget Referral: Vision Zero Rapid Response on Bicycle Boulevards**  
**From: Councilmember Taplin (Author), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:**

1. Direct the City Manager to incorporate the City of Oakland's Neighborhood Bike Route Implementation Guide for all Bicycle Boulevards designated in the City of Berkeley's Bicycle Plan, pursuant to the City's Vision Zero Action Plan, Complete Streets Policy, and other applicable policies and plans; and to prioritize proactive and retroactive implementation of standards on Bicycle Boulevards in response to recent traffic collisions, with consideration for quick-build interventions that can be removed, modified or made permanent to advance Vision Zero Action Plan goals.

2. Refer to the Fiscal Year 2025-2026 biennial budget process \$200,000 for a Pilot implementation of Neighborhood Bikeway standards and Complete Streets interventions on Heinz Avenue and the intersection with Seventh Street, and prioritizing implementation on Bicycle Boulevards on High Injury Streets and/or the Equity Priority Area, considering any and all possible interventions to eliminate the risk of severe and fatal collisions such as: centerline hardening, quick-build pedestrian safety zones, curb extensions, raised crosswalks, ADA accessibility improvements at AC Transit bus stops, and protected left-hand turns.

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

**58. EVITP (Electric Vehicle Infrastructure Training Program) Ordinance**  
**From: Councilmember Bartlett (Author)**

**Recommendation:** That the Berkeley Mayor and Members of City Council establish an EVITP (Electric Vehicle Infrastructure Training Program) ordinance to address increasing safety and fire concerns. The ordinance would require 50% of electricians per job installing and maintaining city-funded EVSE (Electric Vehicle Supply Equipment) equipment and infrastructure to be certified by EVITP.

**Financial Implications:** See report

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

**59. Co-Sponsorship and Budget Referral for the Solano Avenue Stroll**  
**From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:**

1. Adopt a Resolution for the City of Berkeley to Co-Sponsor the Solano Avenue Association's September 2024 and September 2025 Solano Avenue Stroll events taking place on Solano Avenue in both Berkeley and Albany; and

2. Resolve to provide in-kind City services previously provided at no cost to the Solano Stroll, including but not limited to police, fire, zero waste, and public works, at no cost to the September 2024 and 2025 Solano Stroll events, and allocate \$10,000 per year for FY 2025 and 2026 (\$20,000 total) for the Solano Avenue Stroll, to support the September 2024 and 2025 events.

**Financial Implications:** See report

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

## Information Reports

### 60. Environment and Climate Commission 2024 Work Plan

**From: Environment and Climate Commission**

Contact: Sarah Moore, Commission Secretary, (510) 981-7400

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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Disaster and Fire Safety Commission

CONSENT CALENDAR
May 7, 2024

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: Support the Fire Department to Fund a Program Manager II Position

RECOMMENDATION

The Disaster and Fire Safety Commission (DFSC) supports the request by the Fire Department to fund a Program Manager II.

SUMMARY

The Program Manager II position will be responsible for building a Street Trauma Prevention (STP) program in the Department. This program is necessary to meet the City’s Vision Zero goal of eliminating severe and fatal traffic crashes by 2028.

The STP program is a new initiative within the Department to support the transportation and infrastructure projects of Vision Zero in order to steadily reduce the 694 injuries that occur on Berkeley streets each year, on average, among people walking, riding bikes and riding in vehicles, including an average of five fatalities.

This position will allow the Department to: (1) engage consistently and constructively in the City’s Vision Zero planning and implementation processes; (2) collaborate with other City departments, as well as the Fire Marshal, to advance Vision Zero and other policies; and (3) build an evidence-based approach to balancing street trauma response and prevention.

The STP program will require sufficient staff and resources to support the Department’s capacity to perform analysis, interdepartmental coordination, program design, and implementation. The Program Manager II position represents the first step in establishing and building this program. The STP Program Manager would also participate in department decision-making regarding department equipment and operations, to the extent that those decisions intersect with preventing, or responding to, street trauma and the City’s Vision Zero policy. The STP Program Manager would report every six months, or as needed, to the DFSC regarding the activities of the STP Program.

FISCAL IMPACTS OF RECOMMENDATION

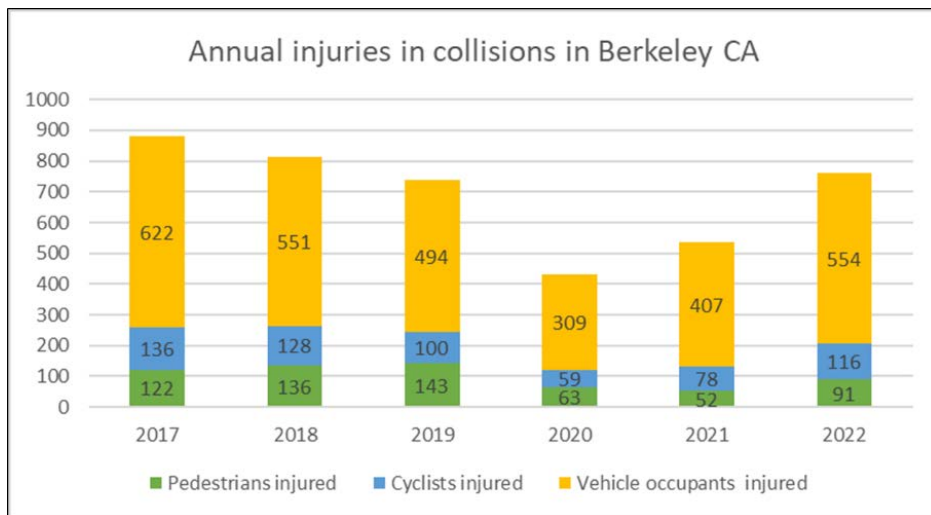
Sufficient funding will be needed to support a Program Manager II position for an initial period of five years. The Department and budget office will need to determine the total amount of funding required to meet this objective.

CURRENT SITUATION AND ITS EFFECTS

An average of 694 persons are injured in street trauma each year in Berkeley, and five are killed

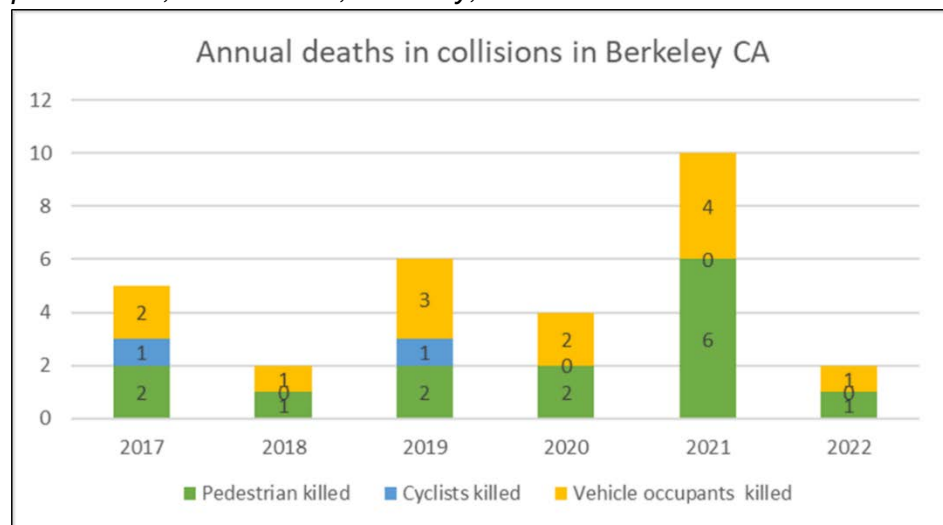
During the period 2017 to 2022, street trauma resulted in injuries to 490 people in vehicles, 103 people riding bikes, and 101 pedestrians on average each year (Figure 1), including an annual average of five fatalities (Figure 2).¹ During this same period, there were no deaths and an average of two persons injured each year in fires in Berkeley, a testament to the effectiveness of the Department’s decades of effort in fire prevention and response.

Figure 1. Annual average collisions causing injuries to vehicle occupants, cyclists and pedestrians, 2017—2022, Berkeley, CA.



¹ Collision data from the Collisions Stats tab of the Berkeley Police Transparency Portal - Traffic Safety website: (<https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/traffic-safety>). Death & severe injury collision data from the UC Berkeley SafeTREC Transportation Injury Management System (TIMS) Query & Map (<https://tims.berkeley.edu/tools/query/index.php?clear=true>). All data accessed 5/18/2023 – 5/20/2023 and prepared by Tom Lent.

Figure 2. Annual average collisions causing fatal injuries to vehicle occupants, cyclists and pedestrians, 2017—2022, Berkeley, CA.



Severe and fatal collisions disproportionately affect people walking and biking.

Berkeley residents report that they walk or bike for 40% of trips made in the city, but people walking and biking suffer 61% of severe and fatal collisions.² Drivers operating at unsafe speeds and drivers failing to yield at crosswalks are the two most common violations contributing to severe and fatal collisions in Berkeley, amounting to 33% of such incidents over the period 2011-2020.³ While 71% of Berkeley residents report being interested in relying on bicycles for daily use, most are too concerned about safety to act on this choice.⁴

A subset of injuries that result from street trauma cause immense suffering and financial hardship for those affected, and they require extensive Department and medical resources. On the current trajectory, traffic-related street trauma, and the demand for the Department's EMS services that accompany it, is expected to increase alongside increases in housing density. The Department already reports that the growing number of EMS calls is taxing its resources and personnel.

Responding to critically injured persons also takes a toll on emergency responders.

² City of Berkeley, Vision Zero Annual Report (June 2022). (https://berkeleyca.gov/sites/default/files/documents/2022-06-28%20Item%2023%20Vision%20Zero%20Annual%20Report_0.pdf). (p. 13).

³ City of Berkeley, Vision Zero Annual Report (June 2022). *ibid* (p. 14).

⁴ Berkeley City Manager Dee Williams-Ridley (June 29, 2022). Consent Calendar on Vision Zero Annual Report, 2021-2022. Environmental Sustainability and Climate Impacts (https://berkeleyca.gov/sites/default/files/documents/2022-06-28%20Item%2023%20Vision%20Zero%20Annual%20Report_0.pdf). (p. 3).

People struck by vehicles while walking or riding bikes are often seriously or critically injured. Providing emergency medical care for these patients, as well as for those injured while riding in vehicles, takes a toll on the mental health of firefighters and paramedics. California Senate Bill 542 (Stern) created a rebuttable presumption that post-traumatic stress injuries among firefighters and peace officers are work-related and thus compensable under workers' compensation. The bill, signed by Governor Newsom in 2019, noted that "trauma-related injuries can become overwhelming and manifest in post-traumatic stress, which may result in substance use disorders and even, tragically, suicide."⁵

The bill reports that "the fire service is four times more likely to experience a suicide than a work-related death in the line of duty in any year." Reducing the frequency of exposure to critically injured persons is an effective response to this occupational hazard for responders.

BACKGROUND

The fire service understands the power of prevention.

Data since 2010 shows that the Department's Fire Prevention Bureau has reduced fire-related injuries to an average of two per year.⁶ This success has resulted in large part from decades of advancements in fire prevention, prompted in 1973 by the report of the National Commission on Fire Prevention and Control, which found that "95 cents of every dollar spent on the fire services is used to extinguish fires; only about 5 cents is spent on efforts...to prevent fires from starting," and concluded that "much more energy and funds need to be devoted to fire prevention, which could yield huge payoffs in lives and property saved."⁷

The National Commission's recommendations spurred a steady stream of advancements in fire protection codes that required the use of passive and active fire protection systems, including design specifications for buildings, fire resistant building materials, exit systems, fire sprinkler and smoke control systems, smoke and heat alarm systems, and fire suppression systems. Altogether, these changes reduced civilian fire deaths by 60% between 1979 and 2012, resulting in 5,000 fewer deaths per year by 2012 (Figure 3).⁸

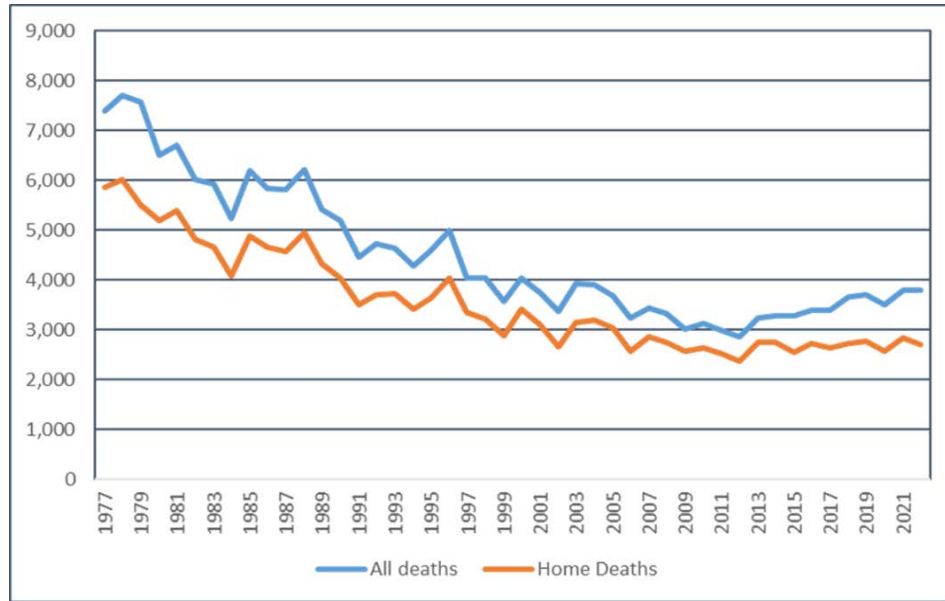
Figure 3. All U.S. civilian fire deaths and home fire deaths, 1977-2022.

⁵ Senate Bill No. 542. Chapter 390, Stern. Workers' Compensation. (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB542). See subsection (1)(e).

⁶ FireCARES. Berkeley Fire Department (<https://firecares.nfors.org/departments/74866/berkeley-fire-department?page=1>).

⁷ National Commission on Fire Prevention and Control (May 4, 1973). America Burning. (<https://www.usfa.fema.gov/blog/america-burning-50th-anniversary/>) p. 7

⁸ Hall, S. (November 2023). Fire loss in the United States during 2022. Quincy, MA: National Fire Protection Association. <https://injuryfacts.nsc.org/home-and-community/safety-topics/fire-related-fatalities-and-injuries/>



Street trauma is a serious public safety problem that is worsening nationally, particularly among pedestrians.

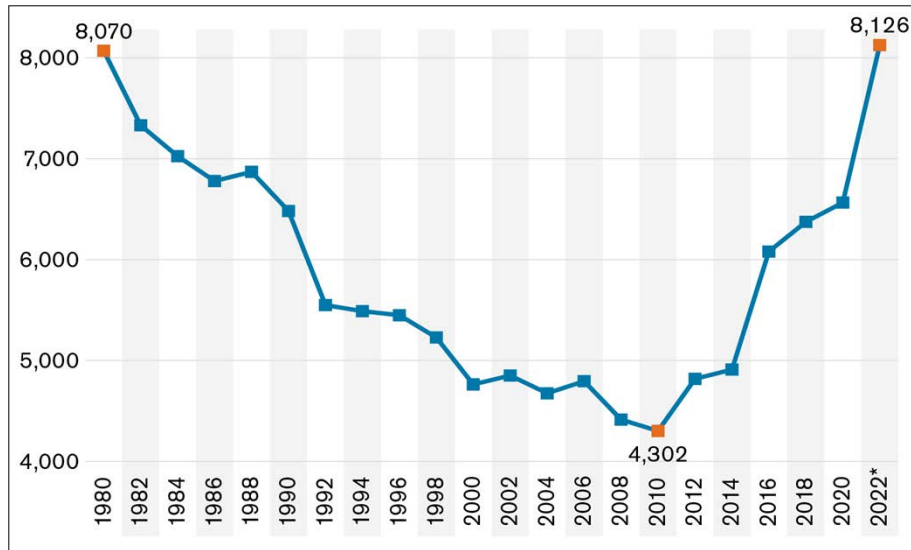
After a 40% decline over the 21 years between 1988 and 2009, national trends show a 77% increase in pedestrian fatalities from traffic collisions over the 11 year period from 2010 to 2021, with preliminary data showing a spike in 2022 that will bring the total increase during this period to 89% (Figure 4).⁹ All other traffic fatalities increased 25% during the period 2010 to 2021.¹⁰ This striking increase in pedestrian deaths is attributed to multiple causes, the most fundamental being a U.S. transportation system that is “designed to move cars quickly, not to move people safely.”¹¹

Figure 4. U.S. pedestrian fatalities resulting from traffic collisions, 1980—2022.

⁹ Governor’s Highway Safety Association (June 2023). Pedestrian Traffic Fatalities by State—2022 Preliminary Data, January-December. ([Pedestrian Traffic Fatalities by State: 2022 Preliminary Data | GHSA](#)). (p. 11).

¹⁰ Governor’s Highway Safety Association (June 2023). *Ibid.* (p. 5).

¹¹ Emily Badger and Alicia Parlapiano (Nov 27, 2022). The Exceptionally American Problem of Rising Roadway Deaths. The New York Times (<https://www.nytimes.com/2022/11/27/upshot/road-deaths-pedestrians-cyclists.html>). See also: Amanda Holpuch (June 27, 2022). U.S. Pedestrian Deaths Are at Highest Level in 41 Years, Report Says. The New York Times (<https://www.nytimes.com/2023/06/27/us/pedestrian-deaths-2022.html>). Simon Romero (Feb 14, 2022) Pedestrian Deaths Spike in U.S. as Reckless Driving Surges. The New York Times (<https://www.nytimes.com/2022/02/14/us/pedestrian-deaths-pandemic.html?action=click&module=RelatedLinks&pgtype=Article>).



*Projected based on data for the first six months of 2022.

First Reading Vote: Ayes – Katrz, Wilson, Bradstreet, Kinosian, Dean, Raine, Gordon;
Noes – None; Abstain – Murphy

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The Department has an important role to play in preventing street trauma, while also ensuring an effective response to it.

Research shows that street trauma can be reduced through hardened, engineered traffic controls.^{12,13,14} There is concern, however, that such protections could affect Department response times to critical emergency medical incidents, as well as response times and access by fire equipment to structural fires. Travel time from the scene of an emergency to the hospital

¹² Marshall W, Ferencak N (2019). Why cities with high bicycling rates are safer for all road users. *J. of Transport and Health* 13:285-301. (<https://www.sciencedirect.com/science/article/abs/pii/S2214140518301488?via%3Dihub>). Accessed January 28, 2024.

¹³ Aaron Short (May 29, 2019) Separated bike lanes means safer streets, study says. *Streetsblog*. (<https://usa.streetsblog.org/2019/05/29/protect-yourself-separated-bike-lanes-means-safer-streets-study-says>). Accessed January 28, 2024.

¹⁴ City of Cambridge, MA, Environmental and Transportation Planning Division (October 2023). *Bicycling in Cambridge. Data Report 2023*. (https://www.cambridgema.gov/-/media/Files/CDD/Transportation/Bike/bikereports/20231023bicyclingincambridgedatareport_final.pdf). Accessed January 28, 2024.

by the Department's paramedic ambulances could also be affected. These concerns warrant careful evaluation because the survival of a subset of persons who call 911 can hinge on the speed of fire response and subsequent transport to the hospital.

Implementing a street trauma prevention (STP) program will require a mission change within the Department.

Building a street trauma prevention (STP) program is essential to meeting the City's stated goals of Vision Zero. It will require sufficient staff and resources to support the Department's ability to perform analysis, interdepartmental coordination, program design, and implementation.

The Berkeley Fire Department is a progressive department that is well-positioned to offer the citizens of Berkeley, and of California, a new vision of the fire service that calls attention to the importance of both rapid response and effective prevention in the area of street trauma. To be successful, this will require the Department to adopt street trauma prevention as a core element of its public safety mission, just as the fire service adopted a prevention function within its fire suppression mission over the last 50 years, with remarkable success.

A Program Manager II is needed to establish and build the STP program. The STP program will coordinate with other City departments and commissions to integrate the Department's perspectives on both response and prevention into the City's traffic safety projects related to Vision Zero and other policies.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions. Relying on existing staff to establish and build the STP program is not sustainable, given existing workloads.

CITY MANAGER

The City Manager refers this recommendation to the Budget Process.

CONTACT PERSON

Dave Sprague, Fire Chief, Fire Department, 510-981-3473

Keith May, DFSC Secretary, Fire Department, 510-981-5508



Office of the City Manager

CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council
 From: Disaster and Fire Safety Commission
 Submitted by: Weldon Bradstreet, Chairperson
 Subject: Use of Measure FF to Support Understory Mitigation

RECOMMENDATION

That the Berkeley City Council pass a resolution to support the Fire Department in using Measure FF funds to conduct one-time eucalyptus understory clean-ups on select, participating private properties within the City.

FISCAL IMPACTS OF RECOMMENDATION

This program would use existing budgeted funds and requires no additional financial authority from the Council. Measure FF provides approximately \$8.5 million annually to support fire services, emergency response, 9-1-1 communication, hazard mitigation, and wildfire prevention. The Department allocated \$1,000,000 in the FY24 and FY25 budget for the purpose of supporting vegetation management activities.

CURRENT SITUATION AND ITS EFFECTS

Climate change is increasing the frequency and intensity of critical fire weather conditions and proactive fuel reduction is the safest, cheapest, and easiest way to reduce the likelihood of extreme fire behavior. This one-time program would provide funding to residents to help offset the costs associated with bringing properties into compliance with best practice hazardous vegetation management practices. Following participation in this program residents will be required to maintain properties in adherence with the Fire Code.

Large portions of the Berkeley Hills contain high levels of hazardous fuels on private property and responsibility for fuel reduction and its associated costs falls solely to property owners. Eucalyptus trees, such as Eucalyptus globulus, possess fire-adapted qualities that contribute to fire risk but are also extremely expensive to remove due to their size and

age. Planted in plantations over 100 years ago, eucalyptus groves can produce between 10 to 30 tons of dry matter per acre per year and can threaten entire neighborhoods because of their fire-adapted qualities, especially their production of highly flammable deciduous bark that can create catastrophic ember storms. Left unmaintained, eucalyptus bark can rapidly accumulate as hazardous ground and ladder

fuels that can result in rapid ground fire spread or support the propagation of a crown fire, in which a wildfire spreads through a forest canopy and is the most extreme form of fire behavior that could threaten the entire city.

The understory clean up would consist of fuels management as determined by the inspecting fire department personnel, beyond 100 feet of structures, to include maintaining the trunks of trees so that they are free of hanging bark and debris to a height of at least eight (8) feet; limbing trees and shrubs by removing branches that are within eight feet (8 ft.) of the ground, or four times the height of the understory vegetation, whichever is greater; removing subordinate trees, removing eucalyptus saplings and sprouts with diameters of less than 8 inches, and removing all flammable ground fuel.

At the December 6, 2023 meeting, the commission took the following action:

Motion to approve as amended: Bradstreet
Second: Murphy

Vote:

6 Ayes: M. Wilson, R. Kinosian, S. Dean, G. Murphy, W. Bradstreet. H. Raine, T. Gordon

0 Noes;

2 Absent: T. Darling, A. Katz.

0 Abstain.

BACKGROUND

Throughout the history of the East Bay Hills, humans have influenced the local ecology, beginning with thousands of years of regular burning by Native Americans, such as the Ohlone, Bay Miwok, Chochenyo peoples¹. Later, European settlers continued these practices for maintenance of grasslands for cattle grazing. Eucalyptus plantations were first established toward the end of the 19th century in the East Bay Hills. Following the end of widespread grazing, the unmanaged growth of eucalyptus and the establishment of the East Bay Regional Park system, the landscape began to transition towards shrubland and, eventually, an urban forest. By 1923, fuel loads were high enough to sustain the East Bay's first catastrophic wildfire, the 1923 Berkeley Fire that entered the city and destroyed 640 structures. Following the Berkeley Fire, the East Bay experienced regular cycles of catastrophic fire every 18-24 years². The last catastrophic wildfire, the Tunnel Fire, occurred 32 years ago.

¹ Keeley, J. E. (2005). Fire history of the San Francisco East Bay region and implications for landscape patterns. *International Journal of Wildland Fire*, 14(3), 285.

² Sprague, D. "Disaster & Fire Safety Commission: FY23 Review / FY24 Goals" Presentation, Berkeley, October 2023

One major event contributing to the alteration of the East Bay Hills occurred in 1972 with a prolonged freeze, that damaged numerous eucalyptus trees and giving rise to concerns about increased wildfire hazards³. In response, Governor Ronald Reagan declared a State of Emergency, making federal funds available for fire hazard reduction work.

The East Bay Regional Park District subsequently received a federal grant of \$1.3 million to create a 25-mile-long fuel break between Anthony Chabot Regional Park and Tilden Regional Park. The project aimed to mitigate the heightened wildfire risk by clearing 400 acres of freeze-damaged trees in the first year. Multiple agencies, including the State of California, EBMUD, the University of California, PG&E, and the cities of Oakland and Berkeley, collaborated in this emergency effort. Between 1972 and 1979, these agencies collectively spent \$6.7 million on freeze-related eucalyptus removal.

The effort involved the removal of dead and damaged trees, along with flammable debris, using contractors. Usable tree material was transported for paper production, but the stumps were not removed or treated with herbicide, so the stumps sprouted new stems (a natural type of reproduction known as coppice). The new coppice forest grew in dense canopies that escalated the fire hazard. Over 40 years later, the problem of coppiced eucalyptus trees remains, posing an increased threat of high wildfire severity.

The aftermath of the freeze revealed challenges in managing the coppiced eucalyptus. The lack of consistent and comprehensive efforts to address the issue has allowed these trees to persist, exacerbating the wildfire risk in the East Bay Hills. CalFire has designated the region as a very high hazard severity zone, underscoring the urgent need for effective vegetation management.

Today, much of the East Bay Hills remains covered in flammable vegetation, often on private property⁴. The Berkeley FireSafe Council, consisting of resident volunteers, regularly takes the initiative to clear out and maintain the constantly shedding debris of the eucalyptus groves.

They sponsor community workdays and engage students in educational experiences to clear out the groves. However, dense eucalyptus groves can produce between 10-30 tons of bark per acre per year, posing a significant threat as flaming eucalyptus bark can cast embers up to 40 miles ahead of a fire front as was seen in the 2009 Australian Black Saturday bushfires⁵ and the 2017 Portugal Firestorm. Mitigating the magnitude of this risk exceeds the capacity of local grassroots efforts.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

³ Kent, J. (2020, March 2). *Aerial views of eucalyptus trees in UC's Hill campus before and after the 1972 freeze*. Claremont Canyon Conservancy

⁴ McBride, J. R., & Kent, J. (2019). The failure of planning to address the urban interface and Intermix Fire- hazard problems in the San Francisco Bay Area. *International Journal of Wildland Fire*, 28(1), 1.

⁵ Cruz, M.G., Sullivan, A.L., Gould, J.S., Sims, N.C., Bannister, A.J., Hollis, J.J., and Hurley, R.J. 2012. Anatomy of a catastrophic wildfire: the Black Saturday Kilmore East fire in Victoria, Australia. *Forest Ecology and Management*, 284: 269-285.

Climate change is increasing the frequency of critical fire weather conditions resulting in elevated fire risk for the City of Berkeley. Acting on these recommendations will reduce the likelihood, intensity and severity of a wildfire in the City, potentially avoiding devastating and far-reaching human and environmental impacts in our City. Burnt landscapes can lead to polluted water sources, erosion or landslides, and health impacts from toxic airborne ash. Within forest ecosystems, high severity wildfire often leads to deforestation, the loss of forest carbon sinks, and conversion of biomass into carbon emissions. Reduction of fire risk may require the use of machinery that contributes to local carbon emissions but is overall significantly lower than the level of emissions to be released during a high severity wildfire. The removal of vegetation through management maintains carbon sequestration within biomass and seeks to ensure the longevity of forest carbon sinks.

RATIONALE FOR RECOMMENDATION

Climate change is increasing the likelihood of catastrophic wildfire in the City of Berkeley. Fuel reduction is a key strategy to lower wildfire risk, however most hazardous fuels within the City exist on private property. Many private property owners may be unable to mitigate fuels due to disability or cost-prohibitive labor. Eucalyptus understory constitutes a hazardous fuel and a difficult one to remove. Private property owners may benefit from one-time financial assistance to remove eucalyptus debris from their properties.

ALTERNATIVE ACTIONS CONSIDERED

The City of Berkeley is currently exploring Residential Assistance Programs that financially support homeowner wildfire mitigation; however, this program will provide limited support and participation is only eligible to residents who meet specific criteria such as household income, disability, and age.

Alternatives to this recommendation would be for Council to adopt an ordinance requiring property owners to clear hazardous fuel buildup on their entire property at their own expense, and enforcing that requirement, or to continue to leave this wildfire fuel untreated.

CITY MANAGER

The City Manager concurs with this report.

CONTACT PERSON

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-3473

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

Resolution to Mitigate Hazardous Eucalyptus Understory on Participating Properties

WHEREAS, climate change is increasing the frequency of critical fire weather conditions and elevating fire risk within California, and

WHEREAS, hazardous fuel mitigation is the safest and most effective method to reducing wildfire risk; and

WHEREAS, private property owners bear responsibility for mitigating wildfire risk on their property whether or not they have the physical or financial capacity to do so; and

WHEREAS, eucalyptus, such as *Eucalyptus globulus* exist in groves throughout private property in high fire risk areas in the City of Berkeley and may create between 10 to 30 tons per acre of hazardous debris each year; and

WHEREAS, Measure FF, passed with 74.6% voter approval, seeks to support wildfire prevention and hazard mitigation, and may be utilized to support residents' reduction of risk from eucalyptus groves.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pass an ordinance resolution to support the Berkeley Fire Department to apply Measure FF funds to conduct one- time eucalyptus understory clean-ups on select, participating properties.

Internal



Office of the Mayor

CONSENT CALENDAR
May 7, 2024

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Budget Referral: \$70,000 to the FY 2025-2026 Budget Process for Supply Bank School Supply Distribution

RECOMMENDATION

Refer to the FY 2025-2026 budget process \$70,000 for Supply Bank (\$35k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.

BACKGROUND

Supply Bank, formerly known as K to College, plays an important role in the community by purchasing and distributing school supplies to low-income students. Founded by a group of UC Berkeley students, a pilot program launched in Berkeley in 2009. Over the past 15 years, Supply Bank has grown to support kids in need in more than 300 school districts in California.

The mission of Supply Bank is to provide homeless and other underserved children with the tangible resources they need to achieve. Supply Bank operates the School Supply and Dental Kit Initiatives, intended for low-income students to help ensure that they are able to start the school year off on equal footing as their counterparts and provides the basic oral healthcare necessities: a toothbrush, toothpaste, and floss to ensure that oral health issues do not stand in the way of student's academic success.

In partnership with the Berkeley Unified School District, the City of Berkeley, and related partners, in 2023 SupplyBank.Org provided 1,300 low-income residents grade-appropriate school supply kits and dental kits. The School Supply Distribution and Resource Fair is their flagship program, which will enter its 15th year this year.

The City Council has consistently approved the budget request to Supply Bank. To help support the program and ensure it will be operational in the long term, this budget referral will cover the next two fiscal years, with \$35,000 being allocated in both FY 2025 and FY 2026, for a total of \$70,000.

FINANCIAL IMPLICATIONS

\$70,000

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1) Supply Bank One-Pager

Internal

02a.34

Office of the Mayor

CONSENT CALENDAR
May 7, 2024

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Budget Referral: Replenishing Business Damage Mitigation Fund

RECOMMENDATION

Refer to the Fiscal Year (FY) 2025-2026 Budget Process \$50,000 to replenish the business damage mitigation fund providing one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior.

BACKGROUND

On June 2, 2020, Council passed a referral to the FY 2021 Budget Process to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency. The 2020 Council referral also set conditions on the use of grant funds: 1) grants limited per incident to the amount of the affected party's deductible or \$3,000 whichever is greater; 2) limit to two grants per business; 3) prioritize repair of exterior damage; and 4) prioritize small independent businesses in need.

A total of \$85,000 was allocated to the Downtown Berkeley Association for administration of the grant program. Grants were to mitigate damage caused to businesses, such as removing graffiti, replacing broken windows, doors or furniture, or cleaning and sanitizing business site or property. Given available resources the maximum grant was \$2,500 per business. The funds were exhausted in 2022 and there was more demand for funding than there were resources.

Many businesses are still rebounding from the pandemic and have not seen the same level of business activity as before the pandemic. Some businesses are also dealing with significant public safety issues, which sometimes results in vandalism. To assist small businesses with maintenance of their property in response to damage or vandalism, and to keep our businesses going to create economic activity and jobs, we are proposing to replenish and re-launch the Business Damage Mitigation Fund. If funded this create a positive driving force to attract more small business, retain existing small businesses, and demonstrate our commitment as a City to the evolving needs circumstances that create financial constraints on our businesses.

FINANCIAL IMPLICATIONS

\$50,000 from the City's General Fund as part of the 20245/2026 biennial budget process.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín

510-981-7100

Anthony Rodriguez, Senior Legislative Assistant

Attachments:

- 1: Executed contract with Berkeley Downtown Association and annotated agenda from May 26, 2020 Council Meeting, November 6, 2020.
2. Original referral to the City Manager Establishing a COVID-19 Business Mitigation Fund dated June 2, 2020

Internal

EXPENDITURE NON-CONSTRUCTION CONTRACT REVIEW FORM: AMENDMENT

Original CMS #
(To be filled in by department)

Amendment CMS #
(To be filled in by department)

Contract # 32000175
(As originally issued by Auditor)

ERM 11/9

CONTRACTOR NAME: Downtown Berkeley Association

Subject of Contract: Administration of Business Damage Mitigation Fund

This contract package contains:	With Original Contract	Attached	Waiver Attached	Not Required
3 Original Contracts (Department, Vital Record and Vendor) in folders				
*The Vital Record contract MUST be in a folder.				
*Optional: In lieu of folders, Department and Vendor copies may be assembled with an Acco-fastener.				
1. Scope of Services and Term		x	<input type="checkbox"/>	<input type="checkbox"/>
2. Payment Provisions	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>
3. Living Wage Certification (if not submitted with original contract) LWO use current form on web*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
4. Certification of Compliance with Equal Benefits Ordinance (if not submitted with original contract) EBO use current form on web*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x
5. Federally Funded Project Requirement ONLY: Debarment status printout (\$25,000 and above)		<input type="checkbox"/>		x
6. Insurance Certificate/s AND Endorsement/s OR Insurance Waiver/s (originals, not copies)		x	<input type="checkbox"/>	<input type="checkbox"/>
7. Authorizing Council Resolution # (May 26, 2020)		x		<input type="checkbox"/>

see items 2, 5 on annotated agency

Berkeley Business License # 03558

Requisition # _____ (Hard copy attached) **Purchase Order #** _____

Budget Code 011-21-208-251-0000-000-446-636110 **Council Approved Amount \$** 25,000

Was there any advance payment? No Yes **If Yes, Advanced Amount \$** _____
If Yes, Purchase Order # _____

Original contract amount	\$ <u>60,000</u>
Amount/s added by previous amendment/s (if applicable)	\$ _____
Amount added by this amendment	\$ <u>25,000</u>
Total/cumulative contract amount after amendment	\$ <u>85,000</u>
Contingency	\$ _____
TOTAL NOT TO EXCEED AMOUNT	\$ <u>85,000</u>

Routing and signatures:

All elements of the contract package, including information provided above and on Amendment Data Transmittal form (page 2), have been reviewed for completeness and accuracy and evidenced by the following signatures (Project Manager please print name):

<u>Eleanor Hollander</u>	<u>OED</u>	<u>7536</u>	
1. Project Manager (PRINT NAME)	Department	Phone No.	Date
<u>Felicia Graham</u>			
2. Department Administrative Officer/Accounting			Date
<i>[Signature]</i>			
3. Department Head			Date
<i>[Signature]</i>			<u>11/4/2020</u>
4. Contract Administrator			Date
<u>BudgoTVia Email (attached)</u>			<u>11/5/2020</u>

EXECUTED
NOV 06 2020

* For current vendor forms, go to City of Berkeley website: <http://www.cityofberkeley.info/ContentDisplay.aspx?id=5418> Page 54

EXPENDITURE NON-CONSTRUCTION CONTRACT REVIEW FORM: AMENDMENT

City of Berkeley Contract Amendment Data Transmittal

(To be completed by Project Manager)

5. **Budget Manager**

Date

Routing continues to the following persons, who sign directly on the contract:

6. **City Manager** *(Will not sign unless all signatures and dates appear above)*

7. **City Auditor** *(Initial _____)*

8. **City Clerk:** CMS Login _____ Destruct _____ Review _____

EXPENDITURE NON-CONSTRUCTION CONTRACT REVIEW FORM: AMENDMENT

City of Berkeley Contract Amendment Data Transmittal

(To be completed by Project Manager)

Downtown Berkeley Association
Contractor
2230 Shattuck Avenue, Suite C Lower Level
Address
Berkeley, CA 94709
City/State/Zip

Amended Contract Number:
32000175

Contract Amendment Authority

- Resolution # _____ Original Resolution # _____
- Ordinance # _____ (if appropriate)
- City Manager Authorization May 26, 2020 Item #25 _____

Description of Amendment/s

- Change of Services/Scope: Business Damage Mitigation Fund
- Change of Dollars: Original Amount: \$60,000.00 Amended Not to Exceed Amount: \$85,000.00

Change of Contract Term

Change as of This Amendment or Extension:

From: _____ To: _____

Change as of Prior Amendment (if any) per letter from City Manager (May 2019):

From: _____ To: _____

Original Term: From: _____ To: _____

Evidence of Insurance for Contract Amendment

Insurance	Waiver	Amount	Expiration Date	<i>TICKLER DATE</i> <small>(City Clerk)</small>
Professional Liability	<input type="checkbox"/>	\$ _____	_____	_____
General Liability	<input checked="" type="checkbox"/>	\$ <u>2,000,000</u> _____	2/1/2021 _____	_____
Automobile	<input checked="" type="checkbox"/>	\$ _____	_____	_____
Workers Comp.	<input checked="" type="checkbox"/>	\$ _____	_____	_____
Bond	<input type="checkbox"/>	\$ _____	_____	_____

Sweet, Darryl

From: Berkeley, Teresa
Sent: Wednesday, November 04, 2020 10:56 PM
To: Sweet, Darryl
Cc: Murty, Rama
Subject: FW: DBA amendment for budget approval
Attachments: dba-002.pdf

Budget Final Review - Approved

From: Murty, Rama
Sent: Wednesday, November 4, 2020 2:49 PM
To: Berkeley, Teresa <TBerkeley@cityofberkeley.info>
Subject: FW: DBA amendment for budget approval

Budget Initial Review - Approved

Rama Murty, Senior Management Analyst
City Manager's Office - Budget Office
Phone: 981-7044
Fax: 981-7099

From: Sweet, Darryl
Sent: Wednesday, November 4, 2020 1:26 PM
To: Murty, Rama <RMurty@cityofberkeley.info>
Subject: DBA amendment for budget approval

DBA
amendment
for budget approval

Thank you,
Darryl

Darryl Sweet, MSCM, CPSM
General Services Manager
City of Berkeley, Department of Finance
510-981-7329
dsweet@cityofberkeley.info

AMENDMENT TO CONTRACT

THIS CONTRACT is entered into on October 23, 2020 between the CITY OF BERKELEY ("City"), a Charter City organized and existing under the laws of the State of California, and Downtown Berkeley Association ("Contractor") a company, doing business at 2230 Shattuck Avenue, Suite C Lower Level, Berkeley, CA 94704.

WHEREAS, City and Contractor previously entered into Contract Number 32000175, dated January 1, 2020, which Contract was authorized by the Berkeley City Council by the City Manager of the City of Berkeley.

WHEREAS, on December 3, 2019 (Item #27), As provided by Council allocation was approved the City Manager has the option to extend this agreement, the Berkeley City Council authorized amendment of said Contract as set forth below.

WHEREAS, on May 26, 2020 (Item #25), As provided by Council allocation was approved the City Manager has the option to extend this agreement, the Berkeley City Council authorized amendment of said Contract as set forth below

THEREFORE, City and Contractor mutually agree to amend said Contract as follows:

1. Section 2 is amended to read as follows:

PAYMENT

For services referred to in Section 1, City will pay Contractor a total amount not to exceed \$85,000. City shall make payments to Contractor in accordance with provisions described in Exhibit B1, which is attached to and made part of this Contract. The original Exhibit B, still remains in full force and effect.

2. Section 3.a. is amended to read as follows;

SCOPE

Accordance with provisions described in Exhibit A1, which is attached to and made part of this Contract. The original Exhibit A, still remains in full force and effect.

3. Further, this Contract is amended to include the following language regarding the City's Sanctuary Contracting Ordinance:

SANCTUARY CITY CONTRACTING

Contractor hereby agrees to comply with the provisions of the Sanctuary City Contracting Ordinance, B.M.C. Chapter 13.105. In accordance with this Chapter, Contractor agrees not to provide the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security with any Data Broker or Extreme Vetting Services as defined herein:

- a. “Data Broker” means either of the following:
 - i. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;
 - ii. The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. “Extreme Vetting” means data mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting does not include:
 - i. The City’s computer-network health and performance tools;
 - ii. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity.

In all other respects, the Contract dated October 1, 2018, shall remain in full force and

effect.

IN WITNESS WHEREOF, City and Contractor have executed this Contract as of the date written in the first paragraph of this Contract.

CITY OF BERKELEY

By [Signature]
City Manager

THIS CONTRACT HAS BEEN APPROVED AS TO FORM BY THE CITY ATTORNEY FOR THE CITY OF BERKELEY 10/2019

Registered on behalf of the City Auditor by:
[Signature]
Finance Department

Attest:

[Signature]
Deputy City Clerk

CONTRACTOR

John E. Z. Comer Jr, CEO, Downtown Berkeley Assn
Name (Printed)

By [Signature], CEO
Signature and Title

EXHIBIT A1

SCOPE OF SERVICES

This Scope of Services outlines the work to be performed by the Downtown Berkeley Association to administrate the citywide COVID-19 Business Damage Mitigation Fund for all eligible Berkeley businesses.

I. WORK PROGRAM IMPLEMENTATION

Administrate the citywide COVID-19 Business Damage Mitigation Fund to provide one-time grants to small businesses in Berkeley in good standing with a valid Berkeley business license who experience property damage due to vandalism during the declared COVID-19 local State of Emergency. The **COVID-19 Business Damage Mitigation Fund program** shall be operated with the following conditions and program parameters:

1. **COVID-19 Business Damage Mitigation Fund** Program is available for any small business in the city that has experienced documented vandalism and/ or property damage from the date that the initial local Shelter-In-Place order went into effect (March 16, 2020) until the local declaration of emergency is rescinded by the City Council of the City of Berkeley.
2. Maximum grant amount available to any small business: \$2,500
3. Recipient of grant funds shall submit pictures documenting vandalism / property damage, invoices and receipts, and proof of payment.
4. List of items that qualify for a grant under the COVID-19 Business Damage Mitigation includes, but is not limited to:
 - Removing graffiti
 - Repairing and/or replacing broken windows, doors, and furniture
 - Cleaning and / or Sanitization of business site or property
5. DBA shall provide the City a monthly report on the businesses that have received a grant under the COVID-19 Business Damage Mitigation Fund including the business name, address, amount of grant funds received, and items subject to reimbursement.
6. Recipients of any amount of COVID-19 Business Damage Mitigation Funds shall attest that third-party funds (i.e. insurance reimbursement or any other grant) have not been used to repair the vandalism and/or property damage subject to reimbursement.
7. DBA shall work collaboratively with the City to widely publicize the COVID-

19 Business Damage Mitigation Fund to all eligible Berkeley businesses.

8. Any Recipient of a grant from the COVID-19 Business Damage Mitigation Fund shall retain records for 5 years.
9. In the event the fund is oversubscribed at the outset, payments will be proportionally reduced by amount over subscribed. Conversely, if the fund is not oversubscribed at the outset (beginning with the disbursement of funds and execution of this contract), then payments will be continue to be may after that date on a 'first come first serve' basis.

EXHIBIT B1

PAYMENT

City of Berkeley agrees to provide the Downtown Business Association with a lump-sum payment of \$25,000 to administer, on the City’s behalf, a COVID-19 Business Damage Mitigation Fund that is available to all small businesses in the City of Berkeley.

Any remaining funds in the COVID-19 Business Damage Mitigation Fund that have not be granted at the time that the City Council rescinds the local declaration of emergency due to COVID-19 shall be returned to the City within 90 days of the date that the local declaration of emergency expires.

The City will pay funds to the Downtown Berkeley Association upon receipt of a complete invoice.

An invoice shall be submitted once for payment upon the execution of this contract amendment.

The estimated total amounts of each invoice shall be:

	Amount NTE
<u>Payment One</u>	<u>\$25,000</u>
Total Additional Contract Amount	\$25,000

The cumulative total amount of the contract not to exceed is (\$60,000 [original] + \$25,000[additional]), or \$85,000.

**ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING**

**Tuesday, May 26, 2020
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84645708594>. 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 **1-669-900-9128** and enter Meeting ID: **846 4570 8594**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. 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: 6:09 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Action: M/S/C (Arreguin/Robinson) to adopt the temporary rules presented by the Mayor for the conduct of business at the May 26, 2020 Council meeting.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Ceremonial Matters:

1. Adjourn in memory of all victims of COVID-19
2. Morton McDonald, Berkeley Resident
3. Lynette Levy, Berkeley Resident
4. Maria Guevarra, Local Activist
5. William Barclay Caldeira a.k.a. "300"
6. Recognition of May 2020 as Mental Health Month

City Auditor Comments:

The City Auditor provided a summary of the services provided by the City Auditor Department and an update on the budget and staffing demands on the Department.

City Manager Comments:

The City Manager expressed appreciation to the City Council and COVID-19 response team for their efforts. The City Manager also provided a summary of the efforts to respond to and contain COVID-19 in the Skilled Nursing Facilities and Long Term and Memory Care Facilities in Berkeley.

Public Comment on Non-Agenda Matters: 8 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 3 speakers.

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 24a.

Vote: Ayes – Kesarwani, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Harrison.

Action: M/S/C (Arreguin/Wengraf) to add an urgent item from the City Manager to the agenda pursuant to Government Code Section 54954.2(b).

Vote: All Ayes.

Consent Calendar

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

Vote: All Ayes.

Consent Calendar

Urgency Item: Contract with Berkeley Food & Housing Project for COVID-19 Non-Congregate Shelter Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1) Execute one or more sole-source contract(s) and any amendments with Berkeley Food & Housing Project (BFHP) for one year to provide homeless wrap-around supportive services at Berkeley's COVID-19 Respite Sites, located at 1281 University Avenue, 1654 5th Street and 701 Harrison Street; and 2) Make an advance payment on this contract from Homeless Emergency Aid Program (HEAP) funding sufficient to cover one month's worth of services prior to contract execution.

Financial Implications: See report.

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

Action: Adopted Resolution No. 69,399–N.S.

1. **Amendment: FY 2020 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,700-N.S. amending the FY 2020 Annual Appropriations Ordinance No. 7,694–N.S. for fiscal year 2020 based upon recommended re-appropriation of committed FY 2019 funding and other adjustments in the amount of \$47,770,093 (gross) and \$42,815,104 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Action: Adopted second reading of Ordinance No. 7,700-N.S.

2. **Dorothy Day House License Agreements: Veterans Memorial Building and Old City Hall**

From: City Manager

Recommendation: Adopt second reading of Ordinance Nos. 7,701-N.S. and 7,702-N.S. authorizing the City Manager or her designee to execute license agreements and any amendments thereto with Dorothy Day House to provide services at the Veterans' Memorial Building at 1931 Center Street (Ordinance No. 7,701-N.S.) and the Old City Hall at 2134 Martin Luther King Jr. Way (Ordinance No. 7,702-N.S.).

First Reading Vote: All Ayes.

Financial Implications: See report

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

Action: Adopted second reading of Ordinance No. 7,701-N.S. (1931 Center Street) and Ordinance No. 7,702-N.S. (2134 MLK Jr. Way).

Consent Calendar

- 3. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of April 14, 2020 (special closed and regular), April 21, 2020 (special closed and regular) and April 28, 2020 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved minutes as submitted.
- 4. California Governor's Office of Emergency Services - Authorized Agent for Disaster Relief for COVID-19**
From: City Manager
Recommendation: Adopt a Resolution designating the City Manager as the Authorized Agent for the purpose of obtaining certain state and financial assistance related to preparation for, response to, and recovery from the COVID-19 pandemic.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,400–N.S.
- 5. 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 FY 2020 and proposed budget for FY 2021, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2021.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,401–N.S.
- 6. 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 FY 2020 and proposed budget for FY 2021, and declaring Council's intention to levy an annual assessment for the TBID for FY 2021.
Financial Implications: See report
Contact: Jordan Klein, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,402–N.S.

Consent Calendar

7. **Notice of Appropriations Limit for Fiscal Year 2021**
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2021 at its meeting of June 30, 2020; and 2) the amount of the limit and the background material used in its calculation will be available for public review from the City Clerk's Office on or before June 15, 2020.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,403–N.S.
8. **Contract Amendment: Berkeley Food & Housing Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with vendor Berkeley Food & Housing Project (BFHP) to provide administrative services for Berkeley Mental Health (BMH) Flexible Spending Programs and the Russell Street Residence through June 30, 2021 in an amount not to exceed \$960,874. This will extend the existing contract by one year and add in \$603,874 in funding to pay for the services outlined below.
Financial Implications: Various Funds - \$603,874
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,404–N.S.
9. **Contract: Bay Area Community Resources for the Placement of AmeriCorps Members**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an expenditure contract and any amendments or extensions thereto with Bay Area Community Resources in an amount not to exceed \$56,000 for the period July 1, 2020 through June 30, 2021 for the placement of AmeriCorps members.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,405–N.S.
10. **Grant Agreement: Funding Support from Alameda County to Public Health Infrastructure Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2021.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,406–N.S.

Consent Calendar

- 11. 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 five revenue agreements:
1. Foster Care Program in the projected amount of \$93,187 for FY 2021;
 2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$178,778 for FY 2021;
 3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$193,175 for FY 2021;
 4. Tobacco Prevention Program in the projected amount of \$76,290 for FY 2021.
- Financial Implications:** See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,407–N.S. (Foster Care), Resolution No. 69,408–N.S. (Berkeley High), Resolution No. 69,409–N.S. (School Linked), and Resolution No. 69,410–N.S. (Tobacco Prevention).
- 12. Revenue Grant Agreement: Funding Support from the State of California for the Tuberculosis Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tuberculosis Control Program in the projected amount of \$14,000 for FY 2021.
Financial Implications: See report
 Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,411–N.S.
- 13. Contract: Software AG, Inc. for Software, maintenance and professional services for Data Integration Middleware Platform webMethods**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Software AG, Inc. for software, maintenance and professional services for Data Integration Middleware Platform webMethods in an amount not to exceed \$436,000 for the term June 1, 2020 to June 30, 2023.
Financial Implications: See report
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,412–N.S.

Consent Calendar

- 14. Contract No. 10414B Amendment: Geographic Technologies Group (GTG) for Geographic Information System (GIS) Master Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10414B with Geographic Technologies Group (GTG) for Geographic Information System (GIS) Master Plan, for a total not to exceed \$95,451 and for a total contract value of \$399,411 from September 14, 2016 to June 30, 2022.
Financial Implications: Professional Services Fund - \$95,451
 Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,413–N.S.
- 15. Donation: Friends of Berkeley Tuolumne Camp for Berkeley Tuolumne Camp Shade Structure Design**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation from the Friends of Berkeley Tuolumne Camp in the amount of \$74,266 for the Berkeley Tuolumne Camp Shade Structure Design.
Financial Implications: Donation - \$74,266
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,414–N.S.
- 16. Lease for 235 University Avenue – YOONACO, Inc. dba Hana Japan**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement and necessary amendments with YOONACO, Inc., doing business as Hana Japan Steak and Seafood, at 235 University Avenue at the Berkeley Marina for a term of five years, with a five year tenant-option.
Financial Implications: See report
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted first reading of Ordinance No. 7,703–N.S. Second reading scheduled for June 16, 2020.
- 17. Declaration of Intent - FY 2021 Street Lighting Assessments**
From: City Manager
Recommendation: Adopt two Resolutions granting the City Manager the authority to approve the Engineer's Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 16, 2020 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for FY 2021 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.
Financial Implications: See report
 Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,415–N.S. (District No. 1982-1) and Resolution No. 69,416–N.S. (District 2018).

Consent Calendar

- 18. Contract Amendment No. 31900055: Community Conservation Centers, Inc. for Processing and Marketing Services of Recyclable Materials**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend and extend Contract No. 31900055 with Community Conservation Centers, Inc. for the Processing and Marketing of Recyclable Materials, which includes curbside collected, residential drop-off and buyback materials, for one (1) year through June 30, 2021, with an increase of \$2,100,000 for a revised Contract not to exceed amount of \$6,100,000.
Financial Implications: Zero Waste Fund - \$2,100,000
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,417–N.S.
- 19. Contract No. 10661A Amendment: SKIDATA, Inc. (formerly Sentry Control Systems) for Parking Access and Revenue Control System Maintenance Services and Warranties**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10661A with SKIDATA, Inc. (formerly Sentry Control Systems) to provide maintenance services and warranties for parking access and revenue control system equipment, increasing the contract amount by \$111,150 for a total not-to-exceed amount of \$1,335,257.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,418–N.S.
- 20. Contract No. 10145 Amendment: IPS Group, Inc. for Parking Meter Operations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No.10145 with IPS Group, Inc. to provide parking meters, replacement parts, and support services, increasing the contract amount by an additional \$1,513,540 for a total contract amount not to exceed \$7,033,457 through June 30, 2022.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,419–N.S.

Consent Calendar

21. **Contract No. 9977A Amendment: Portable Computer Systems dba PCS Mobile for Automated License Plate Reader Equipment**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9977A with Portable Computer Systems dba PCS Mobile to replenish the contract budget for automated license plate reader equipment, increasing the contract amount by \$175,000, for a total amount not to exceed \$1,825,000.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,420–N.S.
Vote: Ayes – Kesarwani, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila, Bartlett, Harrison, Hahn.

Action Calendar – Public Hearings

22. **Electric Bike Share Program Franchise Amendment** (*Continued from April 21, 2020*)
From: City Manager
Recommendation: Pursuant to Berkeley Municipal Code Chapter 9.60, conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance granting a Franchise Agreement Amendment to Bay Area Motivate, LLC, a subsidiary of Lyft Incorporated, to provide shared electric bicycles to the Berkeley public.
Financial Implications: See report
Contact: Phillip Harrington, Public Works, (510) 981-6300

Action: Item 22 removed from the agenda by the City Manager.

Action Calendar – Old Business

23. **Contract: CycloMedia Technology, Inc. for Geographic Information System Infrastructure Asset Data Acquisition** (*continued from May 12, 2020*)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with CycloMedia Technology Incorporated for Geographic Information System infrastructure asset data acquisition, for an amount not to exceed \$187,401 for the period commencing on May 15, 2020 to June 30, 2022.
Financial Implications: Various Funds - \$187,401
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: 3 speakers. M/S/C (Harrison/Hahn) to continue Item 23 to the June 16, 2020 agenda and direct the City Manager to provide an acquisition report and use policy for the infrastructure asset data technology.
Vote: All Ayes.

Recess 8:15 p.m. – 8:25 p.m.

Action Calendar – New Business

24a. Fiscal Year 2021 Proposed Budget Update Discussion

From: City Manager

Recommendation: Discussion regarding the FY 2021 Proposed Budget Update.

Financial Implications: See FY 2021 Proposed Budget Update

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Action: 4 speakers. Presentation made and discussion held.

24b. FY 2020 Mid-Year Budget Update (*Continued from May 12, 2020*)

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Action: M/S/C (Arreguin/Robinson) to continue Item 24b to June 2, 2020.

Vote: All Ayes.

25. ~~Establishing a COVID-19 Business Damage Mitigation Fund~~

From: ~~Mayor Arreguin (Author), Councilmember Harrison (Author),~~

~~Councilmember Robinson (Author)~~

~~**Recommendation:** Refer to the City Manager to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency~~

~~**Financial Implications:** Up to \$100,000~~

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

~~**Action:** speakers. M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:30 p.m. and continue Item 25 to June 2, 2020 to be the first item on the Action Calendar.~~

~~**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.~~

26. Support a Global Ceasefire During the Coronavirus (COVID-19) Pandemic

From: Councilmember Davila (Author), Councilmember Bartlett (Co-Sponsor)

Recommendation:

1. Adopt a Resolution in Support of a Global Ceasefire during the COVID-19 Pandemic.

2. Send copies of this resolution to the United Nations Secretary-General, United States Senators Bernie Sanders, Kamala Harris, Dianne Feinstein, and United States Congressional Representatives Barbara Lee, Ro Khanna, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Rashida Harbi Tlaib, and Pramila Jayapa.

Financial Implications: None

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: Moved to Consent Calendar. Adopted Resolution No. 69,421–N.S. and approved sending the resolution to the listed entities.

Action Calendar – New Business

27. **Urgency Ordinance: Updates to the Covid-19 Emergency Response Ordinance From: Councilmember Harrison (Author), Councilmember Davila (Co-Sponsor), Councilmember Bartlett (Co-Sponsor) (Item contains revised material)**
Recommendation: Adopt an urgency ordinance amending Berkeley Municipal Code 13.110, Title 13, "The COVID-19 Emergency Response Ordinance," to enhance emergency tenant protections consistent with recently adopted County laws, action in other jurisdictions, and consultation with community stakeholders.
Financial Implications: None
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- Action:** speakers. M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:40 p.m.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – Davila.
- Action:** 16 speakers. M/S/C (Harrison/Davila) to adopt Ordinance No. 7,704–N.S. as revised in Supplemental Communications Packet #1 from Councilmember Harrison with additional amendments to sections 13.110.020B, 13.110.030A, 13.110.030D, 13.110.050A, and 13.110.050B introduced verbally at the meeting.
Vote: All Ayes.

Information Reports

28. **FY 2019 Fourth Quarter Investment Report: Ended June 30, 2019 (Reviewed by Budget & Finance Policy Committee. Item contains supplemental material)**
From: City Manager
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed. (Item contains supplemental material.)
29. **FY 2020 First Quarter Investment Report: Ended September 30, 2019 (Reviewed by Budget & Finance Policy Committee. Item contains supplemental material)**
From: City Manager
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed. (Item contains supplemental material.)

Public Comment – Items Not Listed on the Agenda – 4 speakers.

Adjournment

Adjourned at 11:40 p.m.

Communications

- Item #25: Establishing a COVID-19 Business Damage Mitigation Fund**
 1. John Caner, on behalf of the Downtown Berkeley Association

Item #27: Urgency Ordinance: Update to the Covid-19 Emergency Ordinance

2. Samara Bennett
3. Diana Bohn
4. Friends of Adeline
5. Ellen Woods
6. David Seegal
7. Ariana Thompson-Lastad

Berkeley Manufacturing

8. Kirsten MacDonald, on behalf of the Berkeley Chamber of Commerce
9. Sam Johnson (4)
10. Dee Williams-Ridley, City Manager (2)

Slow Streets – Walkers, Runners and Bicyclists

11. Sabina McMurtry
12. Shirley Stuart
13. Hanna Tamrat
14. Josie Gerst

Homelessness

15. Alfred Manning
16. Safiyah Lazkani

Construction during the Pandemic

17. Thomas Lord

Transfer Station Rates

18. David Lerman

Berkeley Businesses, Arts and Education Programs

19. Doris Fukawa, on behalf of the Crowden Music Center

TOD at Ashby and Berkeley BART

20. Laura Klein
21. Councilmember Harrison
22. Barbara Gilbert
23. David Taylor

People's Park

24. Max Ventura
25. Ivar Diehl
26. Tom Luce

KPFB

27. Thomas Lord (2)
28. Mark Numainville, City Clerk

Property Lien

29. Sinan and Arzu Sabuncuoglu

Golden Duplex/ADU/Airbnb

30. Monika Mann

31. Judy Hunt

32. Sage Linda Spatz

Crisis at Aquatic Park

33. James Corrie

Salary Cuts for City of Berkeley Employees

34. Genevieve Wilson (2)

COVID-19

35. Todd Seeley

36. David Lerman (3)

37. Carol Denney

38. Topher Brennan

39. Thomas Lord

Supplemental Communications and Reports 1

Item #25: Establishing a COVID-19 Business Damage Mitigation Fund

40. Kathryn Collins, on behalf of Harvest Properties

41. Eric Friedman

Item #27: Urgency Ordinance: Updates to the Covid-19 Emergency Response Ordinance

42. Revised material, submitted by Councilmember Harrison

43. Chimey Lee

44. The 1921 Walnut Street Association

45. Chris Hudson

46. Pablo

47. Tim Ranahan

48. Samara Bennett

Supplemental Communications and Reports 2

Item #22: Electric Bike Share Program Franchise Amendment

49. Ingrid Good

50. Chimey Lee

Item #25: Establishing a COVID-19 Business Damage Mitigation Fund

51. Eric Friedman (2)

52. Councilmember Harrison (2)

Item #26: Support a Global Ceasefire During the Coronavirus (COVID-19) Pandemic

53. Chimey Lee

Item #27: Urgency Ordinance: Updates to the Covid-19 Emergency Response Ordinance

- 54. Evelina Nava, on behalf of the East Bay Community Law Center
- 55. Max Ventura
- 56. Pam Speich
- 57. Juli Dickey
- 58. Todd Jersey
- 59. Summi Kaipa
- 60. Bruce Bagnell
- 61. Margot Smith
- 62. Michael Katz
- 63. Jane Kitchel
- 64. Donna Mickleson
- 65. Carol Denney
- 66. Kitty Calavita
- 67. Sophia DeWitt
- 68. Arnold Kessler
- 69. Glen Lindwall
- 70. Erik Dreher
- 71. Zane Dundon
- 72. Milind Hegde
- 73. Elizabeth Ferguson
- 74. Louise Rosenkrantz
- 75. Igor Tregub, on behalf of the Sierra Club Northern Alameda County
- 76. Travis King
- 77. Blair Beckman
- 78. Mick Mize
- 79. Bert Knorr
- 80. Corey Sherman
- 81. Izaak Meckler
- 82. Michael Stock-Matthews
- 83. Liza Veale
- 84. Leah Bacon
- 85. Isaac Krone
- 86. Linda Franklin
- 87. Sally Nelson
- 88. Kitty Calavita
- 89. Rose Glickman
- 90. Lynne Camerson
- 91. Rosie Cohan
- 92. Zoe Stahl
- 93. Kevin Jude
- 94. Emma Heinichen, on behalf of Zacks, Freedman & Patterson Law Firm
- 95. Andrew Muhoberac
- 96. Chimey Lee
- 97. Xenia Lopez (2)

Supplemental Communications and Reports 3

Item #24a: Fiscal Year 2021 Proposed Budget Update Discussion

- 98. Supplemental material, submitted by the City Manager's Office
- 99. Presentation, submitted by the City Manager's Office

Item #27: Urgency Ordinance: Updates to the Covid-19 Emergency Response Ordinance

- 100. Andrea Mullarkey
- 101. Sophia Hussain
- 102. Melanie Lawrence & John Small
- 103. Terry Taplin
- 104. Brian Troutwine
- 105. Sara Elzeiny
- 106. Sara
- 107. Sheila Jordan
- 108. Chimey Lee
- 109. Christine Schwartz
- 110. Bay Area Community Land Trust
- 111. Bryce Nesbit
- 112. Carole Marasovic

Urgent Item: Contract with Berkeley Food & Housing Project for COVID-19 Non-Congregate Shelter Services

- 113. Urgent Item, submitted by the City Manager's Office

Miscellaneous Communications

Keeping Lockdown Livable

- 114. Bryce Nesbit

Cell Tower Installation

- 115. Wanda Warkentin (2)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/13/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER AJ GALLAGHER & CO INS BKR CA/PHS 57101944 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78251	CONTACT NAME: PHONE (888) 920-6259 FAX (888) 443-6112 (A/C, No, Ext): (A/C, No):	
	E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE NAIC#	
INSURED DOWNTOWN BERKELEY ASSOCIATION 2230 SHATTUCK AVE STE C BERKELEY CA 94704-1416	INSURER A: Sentinel Insurance Company Ltd. 11000	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> General Liability	X		57 SBA BI9918	02/01/2020	02/01/2021	EACH OCCURRENCE	\$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:						DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	\$1,000,000 \$10,000 \$2,000,000 \$4,000,000 \$4,000,000
A	UMBRELLA LIAB EXCESS LIAB			57 SBA BI9918	02/01/2020	02/01/2021	EACH OCCURRENCE	\$1,000,000
	<input checked="" type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE	AGGREGATE				\$1,000,000	
A	DATA BREACH - DEFENSE & LIAB COVG			57 SBA BI9918	02/01/2020	02/01/2021	Limit	\$250,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Those usual to the Insured's Operations City of Berkeley, its officers, agents, employees and volunteers are additional insured per the Business Liability Coverage Form SS0008 attached to this policy.

CERTIFICATE HOLDER CITY OF BERKELEY 2180 MILVIA ST BERKELEY CA 94704-1122	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Susan S. Castaneda</i>



THE HARTFORD
BUSINESS SERVICE CENTER
3600 WISEMAN BLVD
SAN ANTONIO TX 78251

February 13, 2020

CITY OF BERKELEY
2180 MILVIA ST
BERKELEY CA 94704-1122

Account Information:

Policy Holder Details :	DOWNTOWN BERKELEY ASSOCIATION
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Contact Us

Business Service Center

Business Hours: Monday - Friday
(7AM - 7PM Central Standard Time)

Phone: (888) 920-6259

Fax: (888) 443-6112

Email: agency.services@thehartford.com

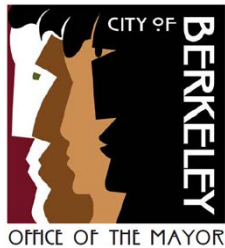
Website: <https://business.thehartford.com>

Enclosed please find a Certificate Of Insurance for the above referenced Policyholder. Please contact us if you have any questions or concerns.

Sincerely,
Your Hartford Service Team

RECEIVED
NOV 16 2020
CITY OF BERKELEY
CITY CLERK DEPARTMENT

RECEIVED
MAR 10 2020
CITY OF BERKELEY
CITY CLERK DEPARTMENT



ACTION CALENDAR
May 26, 2020

To: Members of the City Council

From: Mayor Jesse Arreguín (Author), Councilmembers Kate Harrison (Author) and Rigel Robinson (Author)

Subject: Establishing a COVID-19 Business Damage Mitigation Fund

RECOMMENDATION

Refer to the City Manager to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency

BACKGROUND

The local Shelter in Place order, which initially went into effect on March 17, prohibits in-person dining and retail activity. This has created a significant decrease in revenues to local businesses which has resulted in layoffs and in some extreme cases permanent closures. Additionally, many of our commercial districts are empty throughout the day, which means that those businesses that are still in operation see limited foot traffic, leaving employees vulnerable to aggressive behavior. Based on preliminary figures from the Berkeley Police Department, crime in most areas during the year to date has gone down compared to this time last year. However, one notable exception to this is a 10.4% increase in thefts. Specifically, petty theft (a loss less than \$950) is up 7.4% and grand theft (a loss of more than \$950) is up by 56.4% - a spike attributed in part to a rise in catalytic converter thefts. While these preliminary numbers have not been fully vetted, they are believed to be solid indicators of the crime situation in Berkeley.

During this COVID-19 emergency, City staff have received numerous complaints from local businesses regarding problematic and violent behavior, including assault of employees and property damage. As a result of increased criminal activity, the Berkeley Police Department have deployed overtime shifts in Telegraph and the Downtown to increase police patrols to respond more quickly to calls for service and to increase police presence to deter crime. While the deployment of the Downtown Task Force has provided additional presence and support for businesses, crime is still occurring. Businesses have specifically requested that the City establish a Damage Mitigation Fund to provide one-time funding for repairs to local businesses occurring as a result of vandalism and other problematic behavior during this COVID-19 State of Emergency.

FINANCIAL IMPLICATIONS

Up to \$100,000.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts from the recommendation

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1) Letter from business associations requesting Damage Mitigation Fund
- 2) Report on vandalism from the Downtown Berkeley Association and the Telegraph Business Improvement District



May 4, 2020 - VIA EMAIL

Mayor Jesse Arreguin and City Council
City of Berkeley
2180 Milvia St., Berkeley, CA 94704

Dear Mayor and City Council,

Our merchants and property owners need help NOW with a Damage Mitigation Fund due to extraordinary adverse impacts related to the coronavirus on their businesses, employees, and livelihoods. Since the Shelter in Place order went into effect on March 16, merchants and property owners in the Downtown and Telegraph commercial districts have sustained a significant increase in property damage and deeply disturbing behaviors. Not only are we experiencing a significant increase in the homeless population (60% increase Downtown), but also a small subset of homeless and/or street population are engaging in very aggressive behaviors. Many know they will not be jailed for illegal behaviors because of the COVID related mandate from the California Judicial Council. Moreover, there is absence of students, workers, and residents in our districts, that usually have a moderating impact on behavior norms.

As per attached examples this violent behavior has included multiple broken windows, doors and fixtures; and well as spreading of feces, firing extinguishers, throwing furniture, assaulting employees, etc. Just this past Saturday a woman entered McDonalds on at University and Shattuck and went behind counter and into the kitchen touching equipment and employees and ripping out cabling and damaging point-of-sale system. Understandably their employees were terrified. Moreover, McDonalds had to shut down and bring in a decontamination company to insure the kitchen and food preparation was safe to resume operations.

In addition to this damage, most our businesses have experienced a serious decline in revenues due to the coronavirus and the Shelter in Place order. Many businesses have been forced to close, and many essential businesses and restaurants doing take-out and delivery are hanging on by a thread with sales down often 50% to 80%. And then they have to deal with wanton property damage, that is traumatizing and they cannot afford.

While we appreciate BPD's efforts for increased patrols, these courageous businesses need City support NOW to defray the cost of this property damage and clean up costs. Hence, we are requesting that the City set up a Damage Mitigation Fund for businesses and property owners in the Downtown and Telegraph commercial districts that immediately reimburses them documented property damage repair, third party cleaning expenses, and/or health or leave costs of traumatized employees, from the start of the Shelter in Place order on March 16 through as long as the order continues, or the fund is exhausted. It is the least we can do, and also the right thing to do, so they hopefully survive and we are not faced by lost businesses and vacancies in the heart of our great City.

Thank you for your timely consideration of this urgent matter.

Sincerely,

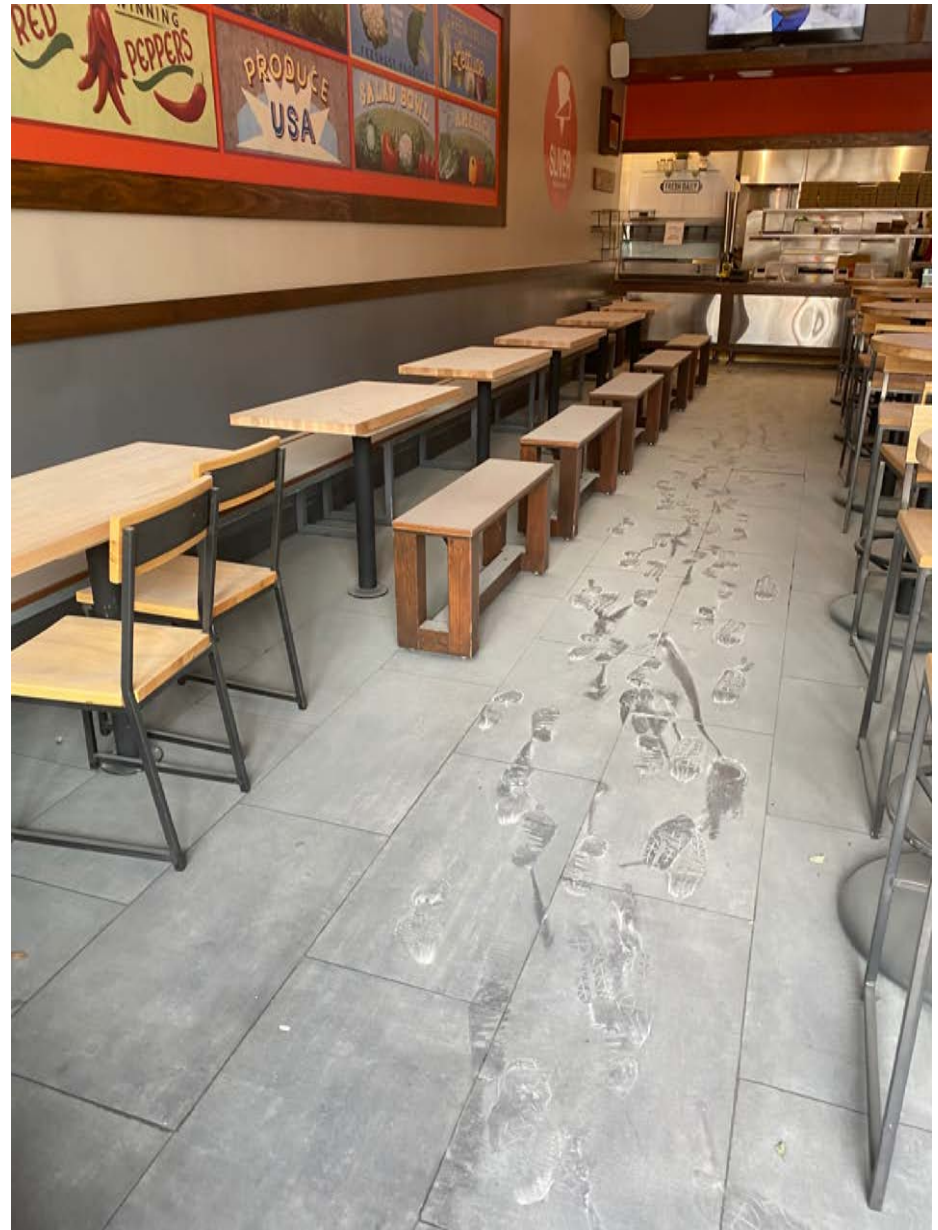

John Caner, CEO
Downtown Berkeley Association


Alex Knox, Executive Director
Telegraph Business Improvement District

CC: City Manager Dee Williams-Ridley

Merchant Vandalism
Telegraph Business District
Downtown Business District
Updated: April 28th, 2020





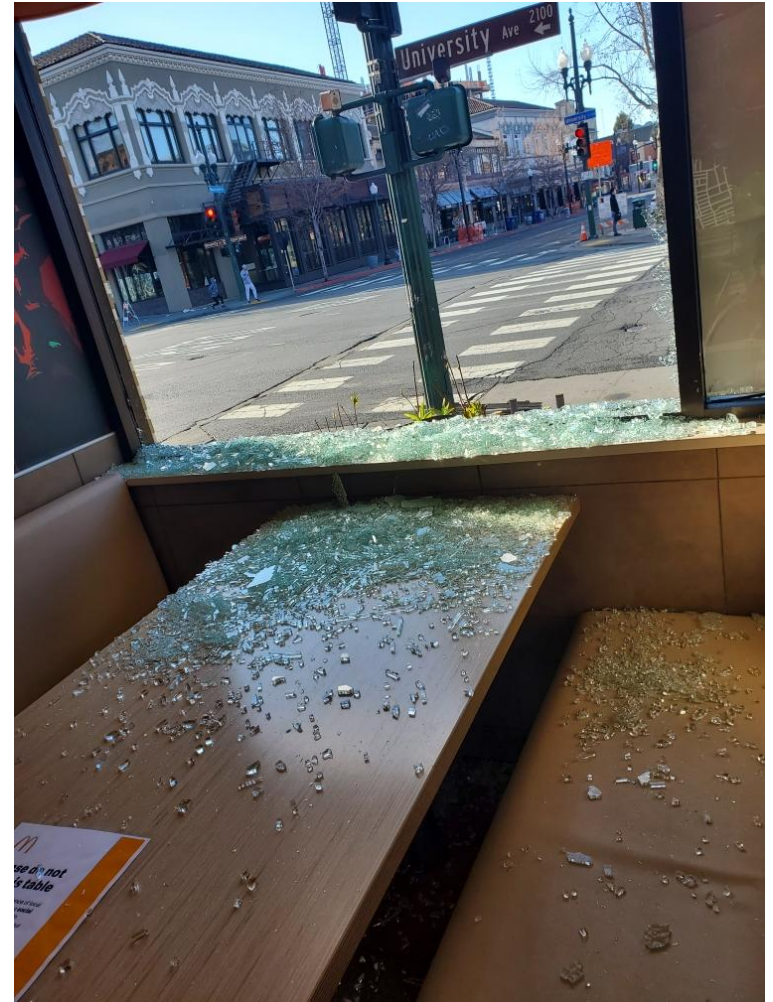
Sliver Pizzeria
2174 Shattuck Ave, Berkeley, CA 94704



Cancun Sabor Mexicano
2134 Allston Way, Berkeley, CA 94704



it starts here.
**DOWNTOWN
BERKELEY**



McDonalds 4/5
1998 Shattuck Ave, Berkeley, CA 94704



McDonalds 1/5
1998 Shattuck Ave, Berkeley, CA 94704



McDonalds 3/5
1998 Shattuck Ave, Berkeley, CA 94704



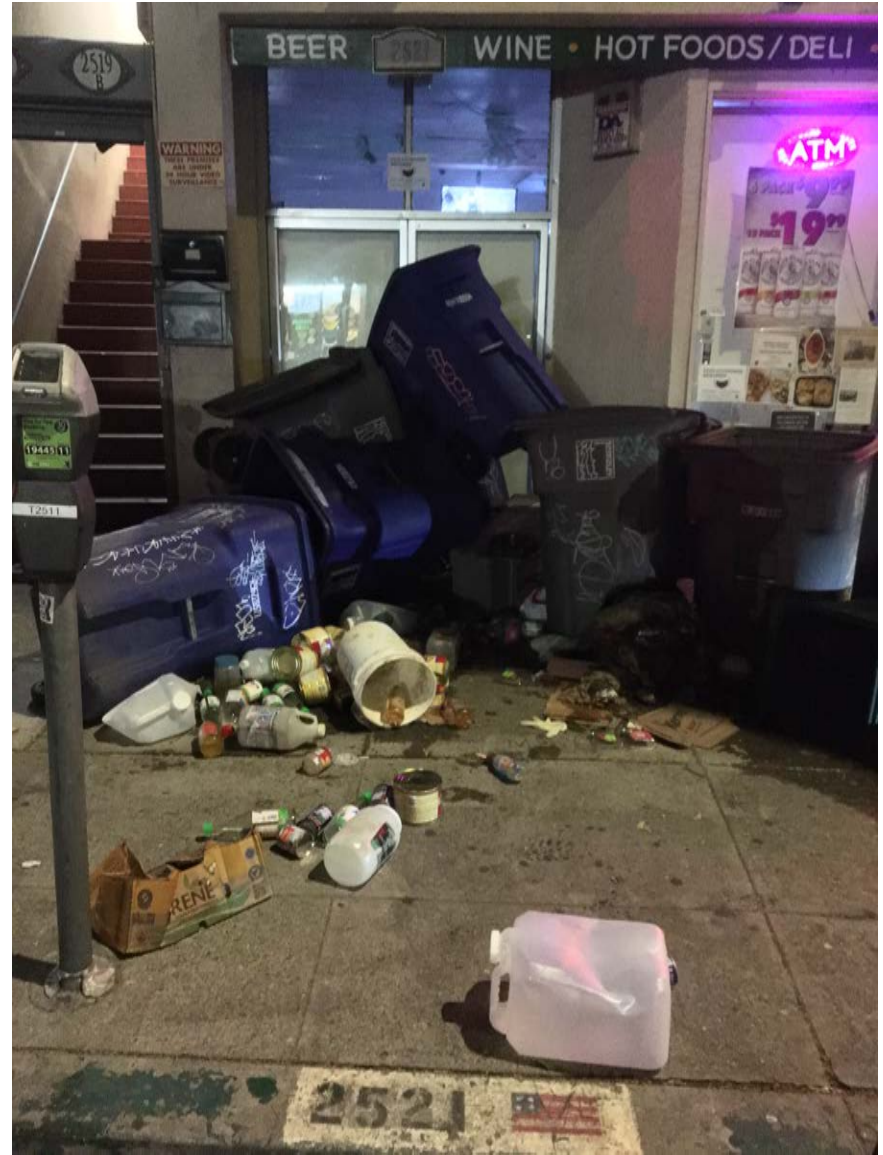
McDonalds 2/5
1998 Shattuck Ave, Berkeley, CA 94704



Barbarian Grub & Ale
2012 Shattuck Ave, Berkeley, CA 94704



Bank of America
2347 Telegraph Ave, Berkeley, CA 94704



2521 Telegraph Ave



Office of the Mayor

CONSENT CALENDAR

May 7, 2024

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Budget Referral: Cesar Chavez Solar Calendar Maintenance

RECOMMENDATION

Refer to the Fiscal Year (FY) 2025-2026 budget process to allocate \$10,000 to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, for the continued purpose of employing grounds keepers and providing the resources needed for the maintenance of the Cesar Chavez/Dolores Huerta Solar Calendar Site until May/June 2026.

BACKGROUND

The Chavez/Huerta Tribute Site¹, located at Cesar Chavez Park along Spinnaker Way, is centered around a lush green space overlooking the Bay Area. Instead of a single statue or monument for the farmworker and labor organizer by which the park is named after, the site has intentionally developed as a urban solar/lunar calendar, along with a quartet of stones engraved with the four virtues of the Farmworkers Movement: Determination, Courage, Hope, and Tolerance. The site draws from design concepts in art, astronomy, and architecture found at ancient and indigenous observatory sites from around the world. The site seeks to promote an understanding of the Rhythm of the Seasons, the work, life, and values of Cesar E. Chavez and Dolores Huerta, provide an outdoor classroom to study science, math, and culture, and create a space for reflection and peace along the Berkeley shoreline. The site also contains a virtual tour, which can be activated using your mobile device, and a physical, self-explanatory sign to assist visitors with utilizing the solar calendar and position of stones to understand its relationship to solstice and equinox.

While the Berkeley Parks Department does general maintenance and landscaping of Cesar Chavez Park, additional resources are needed to remove vegetation and maintain the site using hand crews. The Parks Department does not have the resources to do this additional work, so supplemental funding is needed.

¹ <https://chavezpark.org/cesar-chavez-memorial-solar-calendar/>

To assist with the maintenance of the site, on July 11, 2023, Council passed a resolution allocating \$5,000 from the Mayor's and Councilmembers discretionary office budgets to fund maintenance. The Cesar Chavez Solar Calendar Project, the

community group which helped develop the solar calendar, is requesting additional resources to maintain the site over the next two years. The funding would go towards fees associated with employing gardeners, hauling soil, conducting stone replacement, composting goods, grounds maintenance, upgrading signage, and paying the Kala Art Institute a fiscal agent fee, supplying them with the funds to sustain the continued efforts. The current \$5,000 provides maintenance services completed in October/November 2023 and May/June 2024, with the additional \$10,000 covering services completed in October/November 2024 and May/June 2025.²

FINANCIAL IMPLICATIONS

\$10,000 from the City's General Fund as part of the 2025/2026 biennial budget process.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín

510-981-7100

Anthony Rodriguez, Senior Legislative Assistant

Attachments:

1: Resolution passed on July 14, 2023 for Council Expenditures.

² The exact month is determined by the amount of rain experienced at the site.

RESOLUTION NO. 70,955-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR FUNDING TOWARDS THE MAINTENANCE OF THE CHAVEZ/HUERTA TRIBUTE SITE, A PUBLIC SERVICE FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Mayor Jesse Arreguin has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Rashi Kesarwani has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Terry Taplin has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Ben Bartlett has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Sophie Hahn has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Susan Wengraf has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Rigel Robinson has discretionary funds in their office expenditure account; and

WHEREAS, Councilmember Mark Humbert has discretionary funds in their office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation, the Kala Art Institute, seeks funds in the amount of \$5,000 to provide maintenance and upkeep for the Chavez/Huerta Tribute Site located at the Cesar Chavez Park along Spinnaker Way; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of bringing communities across the City, including but not limited to Latine, immigrant, astronomy lovers, historians, youth, and civic communities, together to honor the virtues and contribution of Cesar Chavez, Dolores Huerta, and others involved in the Farmworkers Movement.

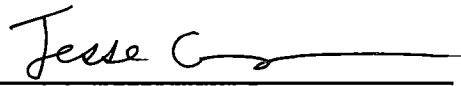
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget of up to \$5,000 per office shall be granted to the Kala Art Institute to fund the following services bringing communities across the City, including, but not limited to, Latine, immigrant, astronomy lovers, historians, youth, and civic communities, together to honor the virtues and contribution of Cesar Chavez, Dolores Huerta, and others involved in the Farmworkers Movement.

The foregoing Resolution was adopted by the Berkeley City Council on July 11, 2023 by the following vote:

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

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Rose Thomsen, Deputy City Clerk



CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Budget Referral: SafeCity Connect Downtown Berkeley Pilot Program

RECOMMENDATION

Refer to the budget process \$320,000 to develop and implement a two-year public-private security camera program with SafeCity Connect and the Downtown Berkeley Property-based Business Improvement District (PBID) for ten (10) locations, to develop performance and compliance metrics pursuant to the City of Berkeley's Surveillance Ordinance, and report on metrics regarding criminal activity clearance rates, deterrence and reduction of criminal activity, and privacy and transparency protocols.

FINANCIAL IMPLICATIONS

\$320,000 over a two-year period in General Fund impact. The proposed public-private partnership realizes significant unit cost savings relative to prior budget allocations, with approximately \$32,000 per location, including installation and maintenance, representing approximately a 60% lower unit cost.¹

CURRENT SITUATION AND ITS EFFECTS

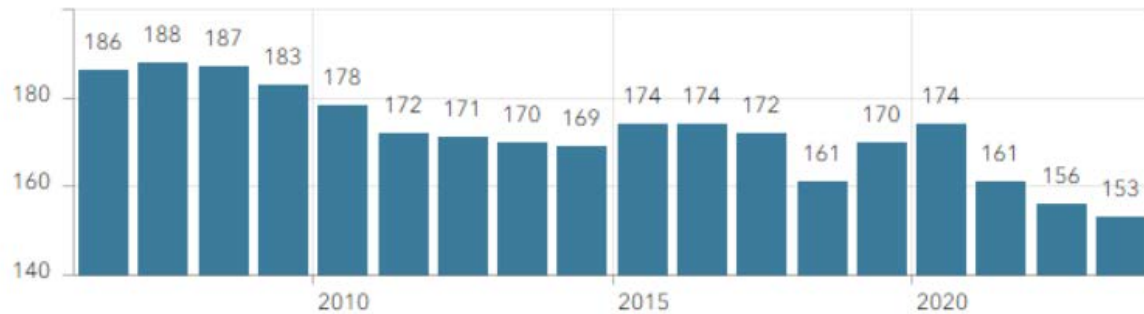
In 2023, Berkeley saw a significant increase in Violent Crimes (15%) and Property Crimes (9.7%), with an alarming 61.5% increase in Auto Theft and Arson, respectively. While shootings overall decreased, a 32% increase in Robbery was paired with a 5% increase of the share of robberies committed with a gun.

While the Berkeley Police Department continues with its recruitment effort, new sworn officers cannot be added quickly without the significant cost of attracting lateral hires, due to a highly competitive regional job market for law enforcement. This is reflected in BPD's latest staffing data, which has been unable to keep pace with the rising rates of crimes reported since 2020.

¹ Oct. 12, 2021 Budget Referral: <https://berkeleyca.gov/sites/default/files/documents/2021-10-12%20Item%2020%20Budget%20Referral%20Security%20Cameras%20-%20Rev%20Taplin.pdf>

Sworn Staff

Annual Peak Staffing Levels



Source: BPD Annual Report, 2023

There is a preponderance of criminology literature supporting a strong link between clearance rates (a criminal investigation being solved with an arrest) and deterrence of future criminal activity, in particular as the perceived risk of sanction among potential criminal actors *changes* “through a process consistent with rational Bayesian updating” (i.e. relative changes are more salient than *absolute* level of perceived risk).² Cook et al (2019) have reported that a higher amount of hours investigating gun homicides appears to increase the clearance rate relative to non-fatal gun crimes.³ It is thus reasonable to infer that more successful investigations can deter future criminal activities.

In 2022, the Berkeley Police Department saw only a 3% increase in clearance rates for Robbery and Auto Theft, and a 5% decrease in clearance rates for Burglary and Arson, likely reflecting historically low staffing levels in the Department. (2023 clearance data is not yet available.) However, security cameras have been effective in helping solve Part One crimes in Berkeley, particularly the homicide of Anthony Joshua Fisher in 2022.⁴

Public-private partnerships to leverage technology for public safety investigations and deterrence of criminal activities is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

² Pogarsky, Greg & Loughran, Thomas. (2016). The Policy-to-Perceptions Link in Deterrence: Time to Retire the Clearance Rate. *Criminology & Public Policy*. 15. 10.1111/1745-9133.12241.

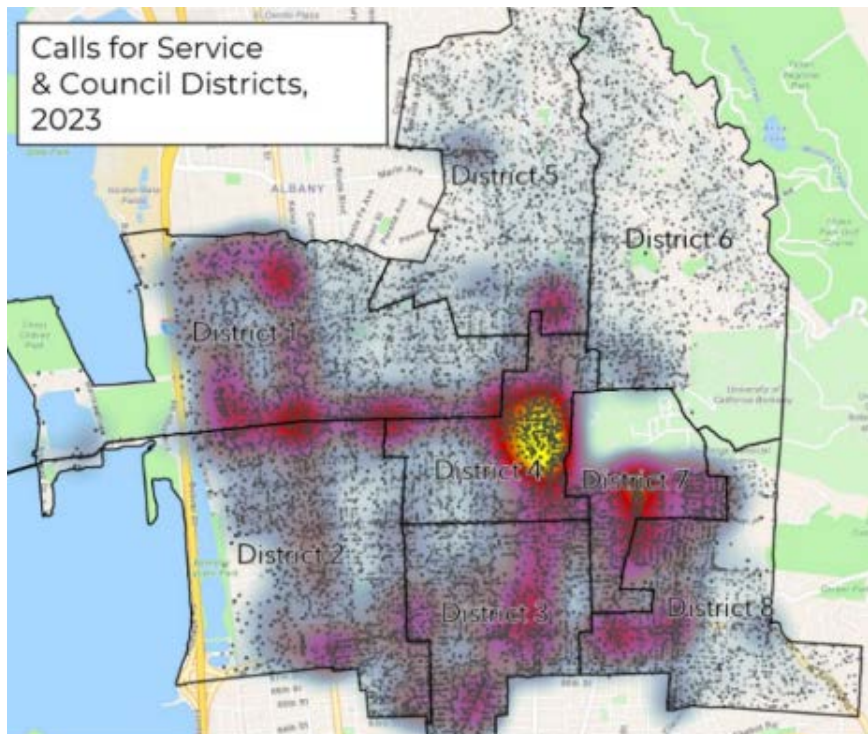
³ See Attachment 3.

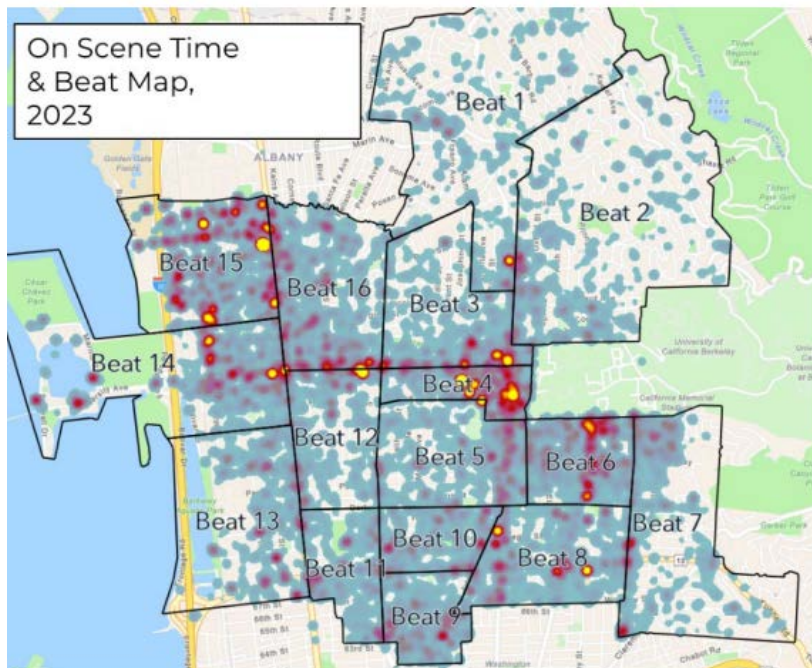
⁴ Raguso, E. (2022, Mar. 9). Berkeley shooting victim dies, longtime drug dealer charged with murder. *Berkeleyside*. Retrieved from <https://www.berkeleyside.org/2022/03/09/berkeley-homicide-seventh-street-drug-dealer-charged-murder>

BACKGROUND

The Downtown Berkeley Association has partnered with the San Francisco-based company SafeCity Connect to provide a cost estimate and implementation proposal for a public-private security camera program to provide BPD with additional resources to investigate and deter criminal activity.

As illustrated in BPD’s 2023 Annual Report, Downtown Berkeley has the highest concentration of calls for service in the entire city by a wide margin. BPD also reconfigured its beat structure to a 14-beat map to provide shorter response times.





Source: *Berkeley Police Department Annual Report, 2023*

There are several benefits to this program, notably in unit costs and compliance, which can enable more efficient installation, operations, and maintenance, while still providing high-quality information for BPD criminal investigations.

First, as noted above, unit costs may be as much as 60% lower than security cameras allocated in previous budget cycles. Second, ensuring full compliance with the City of Berkeley's civil rights laws and privacy protections is an essential part of the program itself, in addition to robust community engagement (see Attachment 2).

On January 30, 2024, the Berkeley City Council passed a budget referral for six additional security cameras with additional stipulations for policy development. Specifically:

2. Direct the City Manager to engage with the Police Accountability Board on this proposal and request their feedback to Council within 30 days of submission. The Council will take its comments into consideration during subsequent steps for final approval for purchase and installation of cameras at approved locations.

3. Direct the City Manager to prepare targeted amendments to various pertinent surveillance technology reports and policies in order to provide extra transparency beyond what is explicitly required by the Berkeley Municipal Code and Berkeley Police Department Law Enforcement Manual.

Security camera footage would be used solely in a manner consistent/compliant with existing ordinances and the Berkeley Police Department's existing use policies, as enumerated in the Berkeley Municipal Code, the Berkeley Police Department Law Enforcement Manual. The cameras are not intended and would not be used for continuous surveillance purposes. Cameras should ideally be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 and those deployed at other intersections throughout the city.⁵

This is consistent with the proposal provided to the Downtown Berkeley Association, which includes the following section:

Policy Development: *Crafting clear, transparent policies in adherence to local and pertinent ordinances is critical.*

SafeCity Connect collaborates with you to develop bespoke video program policies, covering essential areas such as:

- *Video Usage: Deploying cameras strategically to enhance public safety and optimize personnel deployment.*
- *Video Privacy: Guaranteeing video technology is used ethically, respecting everyone's right to privacy in sensitive areas.*
- *Video Retrieval and Retention: Establishing protocols for secure access to footage and defining storage durations to manage the balance between quality, storage and privacy best practices.*

SafeCity Connect provides the following background on successful implementation in the San Francisco Bay Area so far, including in Downtown Oakland and Union Square in San Francisco (see Attachment 2):

As of 2024, SafeCity Connect had deployed and networked over 1,500 camera sensors as part of geographically focused, public-private, community programs throughout the San Francisco Bay Area region. The approximate area of coverage now spans over 100 City Blocks throughout 6 Community Benefit Districts.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

⁵ January 30, 2024 City Council Meeting Minutes: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2024-01-30%20Annotated%20Agenda%20-%20Council.pdf>

Attachments:

- 1: SafeCity Connect Program Proposal Cover Letter
- 2: SafeCity Connect Program Proposal
- 3: Cook et al (2019)
- 4: Berkeley Police Department Annual Report (2023)

SafeCity Connect Downtown Berkeley Phase 1 - Pilot Project

We are pleased to submit a comprehensive pilot project proposal for the SafeCity Connect Downtown Berkeley - Phase 1 initiative, aiming to develop and deploy a public-private camera program in one of the most vibrant merchant corridors. Our proposal outlines a detailed plan for rapid deployment, integration, operation, and potential expansion of the network, focusing on its primary use as an after-the-fact evidentiary tool for the Berkeley Police Department while fully aligning with the privacy guidelines and the Berkeley surveillance ordinance.

PROVEN TRACK RECORD

Our organization brings a proven track record from successful deployments in major Bay Area jurisdictions, including San Francisco and Oakland. These deployments have demonstrated the effectiveness of network-based cameras in providing quick and reliable evidence for law enforcement agencies, significantly aiding in crime-solving efforts. Our collaboration with local authorities and adherence to strict operating rules have ensured the privacy and civil liberties of the community are protected.

Union Square Business Improvement District (San Francisco, CA)

- **513** high-definition exterior cameras covering 27 city blocks of public space.
- **50** participating property owners including hotels, retailers, parking garages, commercial and multi-unit residential properties.
- **12** years of operation with hundreds of cases aided including organized retail crime, violent crime, traffic accidents, arson and property crime (including car break-ins and graffiti vandalism).
- In alignment with local [CCSF COIT](#) approved surveillance technology policies.

Successful evidentiary uses of SafeCity Connect camera programs:

- [52 Felony Counts, 7 indicted in Graffiti Case leading to 50% reduction](#)
- [16 charged in "Rainbow Girls Crew" Ring](#)
- [83% reduction in car break-ins at Sutter Stockton Garage](#)
- [Reckless driver was recording on social media](#)
- [Unprovoked Assault on a Homeless Man](#)

RAPID DEPLOYMENT

The proposed network leverages rapid deployment technology and methodology, enabling swift installation on the exterior of privately owned buildings facing sidewalks and other public spaces. This strategy not only facilitates immediate operational capability but also minimizes visual and physical impact on the urban environment.

COST EFFECTIVENESS

In recognition of the evolving security needs and financial considerations, public-private camera networks offer a lower upfront and operating cost structure as compared to traditional Citywide video technology deployments. This approach ensures the project's sustainability and opens avenues for possible future expansion through public-private partnerships. Such collaborations could include co-funding arrangements with property owners, further enhancing the network's coverage and effectiveness.

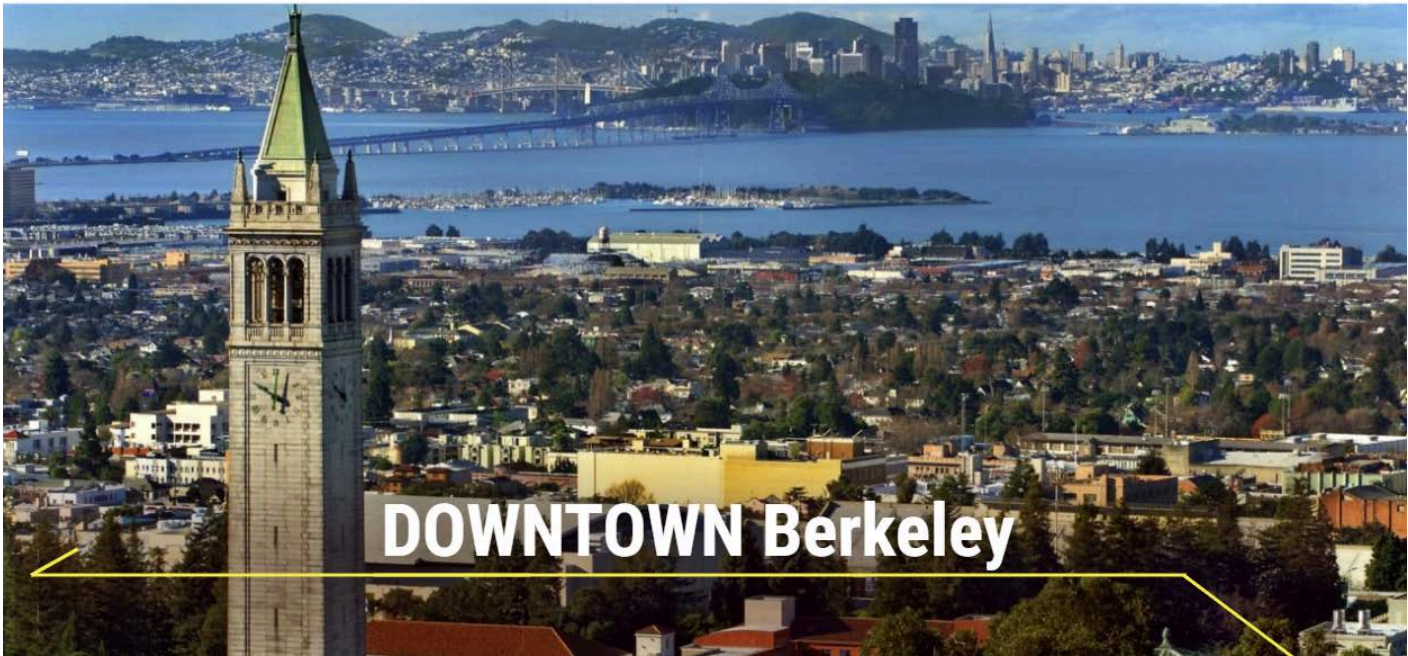
OPEN PLATFORM

Moreover, the potential integration of SafeCity Connect public-private cameras into the City's own public camera technology presents a holistic and forward-thinking approach to urban safety. By combining resources and technologies, we can create a more complete operating system that amplifies the city's ability to protect its citizens and visitors.


FUTURE SCALABILITY

Our team is fully committed to working closely with the City of Berkeley, local businesses, and the community to ensure the successful implementation and operation of SafeCity Connect Downtown Berkeley - Phase 1. We are confident that this initiative will serve as a cornerstone for a safer and more secure downtown area, setting a benchmark for public-private safety collaborations.

We look forward to the opportunity to discuss our proposal in further detail and to answer any questions you may have. Thank you for considering our submission for this critical initiative.



Downtown Berkeley Association



SafeCity Connect Program Proposal

PRESENTED TO:

John Caner, CEO

DATE:

March 25, 2024

TABLE OF CONTENTS

EXECUTIVE SUMMARY

- Objectives
- Program Overview
- Investment
- Impact
- About SafeCity Connect

STATEMENT OF WORK

- SafeCity Connect:

INVESTMENT

PROGRAM IMPLEMENTATION PLAN

FORENSIC-GRADE CAMERA NETWORK DESIGN

- Adherence to Best Practices
- Active Feedback
- Determining Camera Locations

SAFECITY CONNECT SUPPORT CENTER

- Establishing an "Always On" Service, Safety and Security Environment

SUCCESS FACTORS AND METRICS

- Critical Success Factors
- Success Metrics
- Our Team
- Our Expertise

PROGRAM REFERENCES

REFERENCES AND ATTACHMENTS

EXECUTIVE SUMMARY

Objectives

- Support Downtown Berkeley Safety Corridor Is broader efforts in creating a clean, safe, and economically vibrant environment for all.
- Contribute towards achieving greater public safety by providing forensic-grade evidence for after-the-fact investigatory use and a proven policy-based process.
- Raise awareness through community participation, outreach, and signage to help identify that video may be recorded in public places for everyone's protection.

Program Overview

- Tailored program designed to support the Clean and Safe initiatives in the area.
- Comprehensive coverage of public space for crime investigation and deterrence.
- High-definition forensic-grade video surveillance cameras with day and night capabilities.
- Protecting high traffic and high-risk areas, supported by crime data.
- End-to-end Managed Support Services and System Health Monitoring.

Investment

Please see Investment Overview page (p.5)

Impact

- Improved incident resolution with court-admissible forensic-grade evidence
- Increased community engagement around public safety and public-private collaboration
- Economic Development enablement through public safety

About SafeCity Connect

- Professional services firm specializing in design, development and management of public-private video surveillance networks
- 12+ years of private-public collaboration expertise
- Forensic video surveillance expertise with ex-CSI experts on staff
- Proactive technical support services driven by real-time system diagnostics

STATEMENT OF WORK

SafeCity Connect:

- Develop a camera program, complete with policies, procedures, and necessary operating tools.
- Provide a phased camera network deployment plan based on crime data, stakeholder input, and budget.
- Deploy a high-definition video camera network in designated locations according to approved system design.
- Provide ongoing technical support, training, maintenance, and program management services.

Downtown Berkeley Safety Corridor & Program Participants:

- Conduct community outreach for camera program adoption and installation coordination.
- Designate a responsible point of contact for program development and implementation.
- Adopt usage policies and procedures for the use of surveillance technology.
- Grant access to the designated and approved equipment installation locations.
- Provide power, network, and Internet connectivity (where applicable) and necessary space for all equipment and infrastructure pathways.

SAFE CITY CONNECT DOWNTOWN BERKELEY

PHASE 1 - PILOT PROJECT

PROFESSIONAL SERVICES

Camera Program Development	\$50,000
----------------------------	----------

SYSTEMS INTEGRATION

Phase 1 Camera Network Implementation	\$175,000
---------------------------------------	-----------

- 10 Participating locations
- 58 Camera Sensors

MANAGEMENT & SUPPORT - 2 Years

SafeCity Connect Support Services	\$95,000
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GRAND TOTAL	\$320,000
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PROGRAM IMPLEMENTATION PLAN

SafeCity Connect's proposal for a public-private camera program represents an innovative approach to enhancing public safety. By leveraging advanced technology and fostering collaboration between the city, its residents, and the private sector, this initiative promises to not only improve crime prevention efforts but also strengthen the bonds within the community. We look forward to partnering to realize a safer, more connected urban environment.

1. Needs Assessment and Strategic Planning

- Engage with CBD leadership, stakeholders, law enforcement, and community leaders to outline program goals.
- Conduct a comprehensive review of current safety systems, identifying gaps and opportunities for integration.

2. Program Development and Integration

- Collaborate with technology partners to design the program architecture, ensuring scalability and interoperability with existing city and CBD infrastructure.
- Integrate new systems with current infrastructure, prioritizing data security and user accessibility.

3. Training and Deployment

- Organize training sessions for personnel and community stakeholders, focusing on program utilization, data privacy, and safety protocols.
- Implement the program in phases, ensuring minimal disruption and maximizing user adaptability.

4. Launch

- Announce the program launch through targeted communication channels, highlighting its benefits and key features.
- Activate a comprehensive support network to assist users and address any operational concerns.

5. Ongoing Management and Support

- Continuously monitor program performance, utilizing feedback to drive improvements and adjustments.
- Provide enduring training and support to ensure the program's long-term success and community benefit.



SAFECITY CONNECT PLATFORM

SafeCity Connect is your comprehensive partner in deploying effective, community-driven safety solutions. Tailored to the unique needs of Business Improvement Districts (BIDs), SafeCity Connect encompasses a holistic approach, blending community engagement, customized policies, state-of-the-art technology, and a collaborative ecosystem. By embracing SafeCity's scalable infrastructure through a licensing agreement, BIDs can leverage a suite of tools and best practices designed to nurture and develop their SafeCity Programs.

Community Engagement: At the heart of a successful SafeCity Connect initiative is the endorsement and involvement of the community. We provide a suite of customizable outreach materials to ensure your program resonates with and is embraced by the community. From informative brochures explaining the SafeCity Connect mission to detailed maps highlighting safety hot spots and comprehensive guides on joining the program, every piece is designed to strengthen community ties and encourage active participation.

Contractual Framework: Our platform simplifies the complexity of public-private partnerships through ready-to-use Video Sharing Agreement templates. These agreements clarify the responsibilities of all parties, ensuring a seamless and efficient operation of the shared camera network.

Policy Development: Crafting clear, transparent policies in adherence to local and pertinent ordinances is critical. SafeCity Connect collaborates with you to develop bespoke video program policies, covering essential areas such as:

- **Video Usage:** Deploying cameras strategically to enhance public safety and optimize personnel deployment.
- **Video Privacy:** Guaranteeing video technology is used ethically, respecting everyone's right to privacy in sensitive areas.
- **Video Retrieval and Retention:** Establishing protocols for secure access to footage and defining storage durations to manage the balance between quality, storage and privacy best practices.

Operational Excellence: We provide guidance in setting up your Video Control Center, ensuring it becomes a cornerstone of community safety by facilitating secure access to live and recorded footage, and maintaining the integrity of evidence. Our operational procedures are designed to ensure compliance with policies and deliver efficient service to the community.

Advanced Technology Platform: Built on cutting-edge video forensic technology and adhering to Open Platform standards, SafeCity Connect offers unparalleled flexibility and integration. From camera selection to Video System Management (VMS) software and a comprehensive Camera Registry, our platform is engineered to function seamlessly as a unified system, without locking you into any proprietary technology.

SafeCity Connect is not just a platform; it's a commitment to community safety, operational clarity, and technological excellence. Partner with us to transform your BID into a safer, more connected community.

Forensic-Grade Camera Networks for Urban Safety

Implementing a robust urban camera network demands a strategic approach that ensures forensic-grade quality and effectiveness. This involves overcoming challenges such as optimal camera placement, environmental factors affecting visibility, and the need for clear, identifiable footage. Here's a streamlined guide to achieving a high-standard surveillance system:

Best Practices Adherence

Ensuring compliance with guidelines from reputable bodies like the Law Enforcement and Emergency Services Video Association (LEVA) lays the foundation for a trustworthy and effective surveillance system. These best practices serve as a benchmark for quality, reliability, and community respect in camera program operations.

Strategic Camera Placement

Effective surveillance requires a methodical approach to camera placement, focusing on:

- **High-Risk Area Prioritization:** Key locations with high crime rates or foot traffic should be covered comprehensively to maximize the network's deterrent and investigative capabilities.
- **Community and Law Enforcement Collaboration:** Engaging with stakeholders helps identify essential surveillance spots, ensuring the network aligns with both safety needs and community values.
- **Leveraging Crime Data:** Utilizing historical crime data informs camera placement decisions, aiding in crime prevention and strategic security planning.
- **Integrating Private CCTV Systems:** Coordinating with private entities extends camera network coverage, filling gaps in public monitoring efficiently.

Maintaining Forensic-Quality Standards

Achieving high-quality footage involves several considerations:

- **Camera Placement:** Cameras should be positioned to avoid obstructions and backlit conditions, optimizing the potential for capturing clear, usable images.
- **Lighting:** Adequate lighting, particularly in nighttime conditions, is crucial for maintaining image clarity. Surveillance areas must be well-lit, and cameras equipped to handle low-light conditions.
- **Technological Advancements:** Incorporating technology like facial recognition and motion detection enhances the network's utility. However, balancing technological capabilities with ethical considerations is essential to maintain privacy rights.

Continuous Improvement

A successful forensic-grade camera network necessitates ongoing evaluation and adaptation. Regularly assessing footage quality, system functionality, and coverage effectiveness ensures the surveillance network evolves to meet changing needs and technologies.

SAFECITY CONNECT SUPPORT CENTER

Establishing an “Always On” Service, Safety, and Security Environment

The SafeCity Connect Support Center provides a single point of administration, management, oversight, and control of camera networks.

Proactive system diagnostics and reporting provide complete end-to-end visibility system performance – down to the individual device level.

“

SafeCity Connect Managed Services and Performance Diagnostics provide end-to-end visibility of the entire system, reducing the risk of after-the-fact damage control caused by lack of insight on the true measures of surveillance system performance”.

- **SYSTEM HEALTH MONITORING** – vital system performance indicators are monitored using proprietary real-time diagnostics suite of software designed for proactive and anticipatory service.
- **SOFTWARE UPDATES** – systems are updated with latest software releases automatically “pushed” to include new upgrades, features and enhancements.
- **HELP DESK** – Knowledgeable staff ready to handle proactive system alerts, troubleshooting and problem resolution issues; frequently before they can affect system performance.
- **REMOTE SUPPORT** – significantly reduce time to resolve an issue through secure remote access. 90% of support issues are resolved within 15 minutes of a remote support session.
- **ON-DEMAND TRAINING** – new system users benefit from proven and structured system training services and video tutorials.
- **HARDWARE DEPOT** – replacement equipment is shipped in advance upon completion of remote diagnostics in order to minimize downtime and reduce field service visits.

SUCCESS FACTORS AND METRICS

Critical Success Factors

- Instituting a project manager role for the purpose of monitoring and reviewing project progress and success.
- Solicit feedback specifically from public and private sector stakeholders.

Success Metrics

The following are some of the proposed data points to be factored into the overall ROI Model for the Project:

- Examples of incidents resolved successfully using video footage.
- Number of requests and retrievals over time.
- Number of times video was used successfully in prosecution.
- Change in crime levels in the area where cameras were installed before and after installation.
- Community member survey responses prior to and following the installation of the camera network.
- Closer levels of collaboration with community members, law enforcement, and other stakeholders.
- Other metrics may include - changes in foot traffic patterns and operational efficiency gains through the use of the video network (i.e. street cleaning services).

Important Note: Achieving statistically significant reductions in crime can be difficult (i.e., crime reductions that clearly go beyond the level that might occur due to the normal fluctuations in the crime rate are difficult to prove).

About SafeCity Connect

SafeCity Connect, Inc. is a professional services and systems integration firm specializing in Network Video and Public-Private Collaboration Programs for a range of Cities and districts. SafeCity Connect also offers unique next-generation architecture that enables quality assurance for geographically distributed deployments. We assist our clients in all phases of technology deployment lifecycle, ranging from strategic planning through system design, implementation, and training.

Our Team

SafeCity Connect is a professional services and systems integration firm specializing in design, deployment, and management of community-based forensic-grade video networks. Our team is composed of experts in network technology, forensic video and crime scene investigations. We are uniquely qualified to assist customers in all phases of the program lifecycle from strategic planning, network design, project management, program launch, and ongoing technical support and reporting.

Our Expertise

We are experts in the latest technologies for local and wide-area networking, telecommunications, system integration, and business process modeling and automation. The team has been responsible for hundreds of projects in the areas of physical security, business intelligence, and global enterprise-grade IT project deployments.

PROGRAM REFERENCES

SafeCity Connect specializes in delivering turn-key public-private camera programs to districts and municipalities.

As of 2024, SafeCity Connect had deployed and networked over 1,500 camera sensors as part of geographically focused, public-private, community programs throughout the San Francisco Bay Area region. The approximate area of coverage now spans over 100 City Blocks throughout 6 Community Benefit Districts.

Union Square Business Improvement District (San Francisco, CA)

- 480+ camera sensors across 50+ participating locations, covering over 25 city blocks.
- Successful public safety video surveillance project covering high-traffic and high-risk areas with high-definition video surveillance
- Broad range of professional services supporting implementation and use of video surveillance technology

Uptown Downtown Oakland, CA (Oakland, CA)

- 200+ camera sensors covering over 12 city blocks.
- Successful public safety video surveillance project covering high-traffic and high-risk areas with high-definition video surveillance
- Broad range of professional services supporting implementation and use of video surveillance technology



REFERENCES AND ATTACHMENTS

- a. White Paper on Forensic Video Best Practices – CSI Perspective
- b. Technology Architecture Blueprint



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RESEARCH ARTICLE**SHOOTING CLEARANCE RATES****Why do gun murders have a higher clearance rate than gunshot assaults?****Philip J. Cook¹ | Anthony A. Braga² | Brandon S. Turchan² |****Lisa M. Barao²**¹Duke University²Northeastern University**Correspondence**

Philip J. Cook, Sanford School of Public Policy, Duke University, 218 Rubenstein Hall, Box 90312, Durham, NC 27708-0245.
Email: pcook@duke.edu

This research was supported by funds provided by the U.S. Bureau of Justice Assistance (Award #2011-DB-BX-0014) and the Rappaport Institute for Greater Boston. We would like to thank Boston Mayor Martin Walsh, Boston Police Commissioner William Walsh, Boston Police Commissioner William Gross, former Boston Police Commissioner William Evans, Deputy Chief of Staff Desiree Dusseault, Superintendent-in-Chief Gregory Long, Captain Detective James Hasson, Lieutenant Detective Darrin Greeley, Sergeant Detective Catherine Doherty, and the Boston Police Department homicide unit and district detectives for their valuable assistance in the completion of this research. We would also like to thank John MacDonald and Greg Ridgeway for their helpful comments on an earlier draft of this article. Points of view in this document are those of the authors and do not necessarily represent the official position of the U.S. Bureau of Justice Assistance, City of Boston, or the Boston Police Department.

Research Summary: The prevailing view is that follow-up investigations are of limited value as crimes are primarily cleared by patrol officers making on-scene arrests and through the presence of eyewitnesses and forensic evidence at the initial crime scene. We use a quasi-experimental design to compare investigative resources invested in clearing gun homicide cases relative to nonfatal gun assaults in Boston. We find the large gap in clearances (43% for gun murders vs. 19% for nonfatal gun assaults) is primarily a result of sustained investigative effort in homicide cases made after the first 2 days.

Policy Implications: Police departments should invest additional resources in the investigation of nonfatal gun assaults. When additional investigative effort is expended, law enforcement improves its success in gaining the cooperation of key witnesses and increases the amount of forensic evidence collected and analyzed. In turn, the capacity of the police to hold violent gun offenders accountable, deliver justice to victims, and prevent future gun attacks is enhanced.

KEYWORDS

clearance, detectives, homicide, investigations, shootings

Fatal and nonfatal gunshot assaults are similar with respect to victim characteristics and circumstances, yet the clearance-by-arrest rates tend to be considerably higher for fatal cases. One plausible reason for this disparity is that police departments give higher priority to the fatal cases, which in larger cities are assigned to homicide detective squads. In comparison with the detectives who are assigned aggravated assault cases, homicide detectives tend to have a lighter case load and greater access to forensic

evidence. A second possibility is witnesses are more inclined to cooperate with a police investigation if the victim dies.¹

The following contrast between police investigations of fatal and nonfatal gunshot cases is potentially useful both for basic research on police science and for informing policy:

- From a research perspective, the contrast provides evidence on the extent to which the success rates of police investigations of serious violent crimes may be affected by the resources expended in these investigations.
- From a policy perspective, the contrast provides a basis for assessing the value of increasing police resources allocated to investigation of gun violence, in particular, for nonfatal gunshot cases. For the prevention of future gun attacks, clearing nonfatal gunshot assault cases is as important as clearing homicides.

In this article, we use 5 years of data (2010–2014) from the Boston Police Department (BPD) that include all gun homicides and a sample of criminal cases in which the victim survived a gunshot wound. In particular, we analyze the 204 shooting cases that included at least one homicide, as well as a representative sample of 231 shooting cases in which no one died. Detailed data were collected from police investigation files, forensic evidence databases, and interviews with detectives. Data items included information on the circumstances and medical outcome of the shooting, characteristics of the victim, measures of the amount of evidence collected during the investigation by the BPD, and detective reports of the key reasons for the success or failure of the investigation. Our quasi-experimental analysis of these data results in the following findings relevant to the research and policy:

- The two groups of cases, fatal and nonfatal, are statistically indistinguishable with respect to circumstances, with the sole exception of whether the shooting was indoors or outdoors. The former is more lethal.
- The clearance-by-arrest rate for gun homicide cases was more than twice as high as the corresponding rate for gunshot assault cases (43% and 19%, respectively). That difference would possibly be still larger except for the fact that homicide arrests (but not assault cases) were subject to prior review for probable cause by the district attorney.
- For both fatal and nonfatal cases, the likelihood of arrest is higher for cases involving personal disputes or domestic violence than for cases arising from gang- and drug-related disputes. But regardless of circumstance, fatal cases have a higher clearance rate compared with nonfatal.
- The arrest rates during the 2 days immediately following the shooting, however, are the same for fatal and nonfatal cases, 11%. The fatal–nonfatal difference in arrest rates emerges in the much higher rate of homicide arrests that occur subsequently, sometimes months after the shooting. We tentatively interpret the equal success rate during the first 2 days as reflecting the importance of a latent dimension of shooting cases, which we label the “intrinsic difficulty of solution.” Easy cases are solved quickly and without the need for the extra resources deployed in homicide investigations. Given the similarity in fatal and nonfatal case distributions, we expect that the prevalence of easy cases would be about the same in homicides as in nonfatal cases.
- As in other cities, BPD’s homicide unit has lighter caseloads and priority access to the crime lab and other units of the police force. Based on a variety of indicators, the initial crime-scene investigations yielded more evidence of various sorts. The commitment of additional resources to homicide cases is also evident from comparing the amount of evidence collected outside of the crime scene.
- Most successful investigations have as one key source of evidence the information provided by a cooperating eyewitness. Excluding exceptional clearances, that source was named as the key in

solving the case for 28% of all homicide investigations (67% of arrests) compared with just 14% of all nonfatal investigations (77% of arrests).

- The direct connection with effort is clear for collecting other types of evidence, such as ballistic and video evidence, latent prints, and analysis of phone calls. One or more of those were mentioned as the key to success more than 100 times in homicide cases but only 24 times in nonfatal cases.
- In sum, the comparison of these similar groups of cases, distinguished by the random event of whether a gunshot wound proves fatal, allows for us to quantify how much more evidence is collected in fatal than in nonfatal cases, and to bracket the effect of the additional effort on the clearance rate. The observed difference in clearance by arrest is 24 percentage points (43% vs. 19%). This gap is entirely a result of arrests made after the first 2 days, which suggests that the more sustained effort in homicide cases is an important part of the difference. Much of that difference is associated with the greater success in gaining the cooperation of key witnesses.

1 | EVOLVING EVIDENCE BASE ON THE PRODUCTIVITY OF POLICE INVESTIGATIONS

Early researchers on criminal investigators were divided on the effectiveness of criminal investigators in solving crime. Eck (1992) categorized these two competing perspectives as (1) the circumstance–result hypothesis, in which circumstances determine case outcomes, with little or no contribution from investigative effort; and (2) the effort–result hypothesis, in which the work of criminal investigators substantially affects the likelihood of solving a crime. Although the findings of several studies demonstrate support to the former claim (Ericson, 1982; Reiss, 1971; Reiss & Bordua, 1967; Royal Commission on Criminal Procedure, 1981), the most prominent was a landmark study conducted by the RAND Corporation. The authors of the study concluded that investigators contributed little to solving a case (Greenwood, Chaiken, & Petersilia, 1977; Greenwood & Petersilia, 1975). In several studies of that era, however, researchers found that investigative activities and management practices could positively affect the odds of clearing a case (Bloch & Bell, 1976; Bloch & Weidman, 1975; Folk, 1971; Ward, 1971). The Police Executive Research Forum examined investigative practices in three U.S. cities in 1979 and found that even though circumstances are important, investigative practices did influence the probability of a case being cleared (Eck, 1983, 1992).

In evaluating the techniques and overall efficacy of crime investigation, it is important to distinguish between types of crime. Unlike most property crimes, violent crimes typically involve eyewitnesses (the victim, for one), and so eyewitnesses figure importantly in successful investigations. The RAND study mentioned earlier (Greenwood & Petersilia, 1975) included a detailed study of investigation data from Kansas City, Missouri, and the authors found that in 35% of successful homicide investigations, and in fully 63% of successful investigations of aggravated assault, the victim or a witness identified the suspect (Chaiken, Greenwood, & Petersilia, 1976). But it should be pointed out that the importance of witnesses in solving these cases does not imply that detective work gets none of the credit. Not infrequently, key witnesses are reluctant to talk, so that success requires locating witnesses and persuading them to cooperate.

More recently, researchers have analyzed the specific techniques used by investigators in serious crimes. It should be noted that most of this research has been descriptive and has not included clear statistical identification of a causal effect. For example, on the basis of an analysis of homicides in four large cities in 1994 and 1995, Wellford and Cronin (1999) identified several investigation-related factors that were associated with the likelihood of arrest, including what the first responding officer did at the scene, how quickly a detective arrived on the scene, whether the crime lab and medical

examiner's officer were informed, the number of detectives assigned to the case, and how the scene was documented. Other research results have indicated police departments can improve homicide clearance rates by training detectives and other personnel involved in investigations (Keel, Jarvis, & Muirhead, 2009), implementing case management systems (Richardson & Kosa, 2001), establishing collaborative relationships with external agencies (Carter & Carter, 2016; Richardson & Kosa, 2001), and having a strong community presence (Carter & Carter, 2016).

Some researchers have found that forensic analysis of physical evidence collected at the initial crime scene has little statistical association with clearance rates (Baskin & Sommers, 2010; McEwen, 2010; McEwen & Regoeczi, 2015; Peterson, Sommers, Baskin, & Johnson, 2010; Schroeder & White, 2009). The value of forensic evidence may be attenuated by long delays in processing such evidence. But in a recent analysis of homicide in Boston, using a data set that overlaps with the data used in the current study, researchers found a strong statistical association with a variety of investigative actions, including forensics testing conducted both before and after arrest (Braga, Turchan, & Barao, 2019).²

Experimental and quasi-experimental studies in this area have been rare. The descriptive studies cited earlier provide suggestive evidence, but they were not designed to identify reliably whether the observed statistical associations are a result of a direct causal effect, reverse causation, or some other process. For example, investigators may tend to devote more effort to promising cases, with the implication that the positive association between effort and success would be partly the result of reverse causation. Given the ambiguity of correlational evidence regarding causal process, it is important to study the effect of interventions, but we know of only one study in which the authors have done so. Following a study and the recommendations of an expert panel, the Boston PD launched several reforms affecting homicide investigations beginning on January 1, 2012. The reforms included the assignment of additional detectives to the homicide unit, the standardization of investigative procedures and forensic reviews, improved training for investigative personnel, and peer review of open investigations (Braga & Dusseault, 2018; Braga et al., 2019). Several measures of investigative activity in homicide cases increased, and the homicide clearance rate increased from 47% during the 5 years before the reform to 57% during the 3 years after it. Other jurisdictions that served as plausible control groups were tracked and did not exhibit a comparable jump in clearance rates.

Finally, no published study has yet been designed to consider the role of the large differential in investigation resources in accounting for why gun homicide cases have a higher clearance rate than nonfatal gunshot cases. This clearance-rate gap is apparently ubiquitous, but it has only been established systematically for a handful of jurisdictions: For example, from 2006 to 2016 in Milwaukee, annual clearance rates ranged between 56% and 78% for homicides and between 13% and 31% for nonfatal shootings; furthermore, for any given year during this period, clearance rates were 29–65 percentage points lower for nonfatal shootings than for homicides (Abadin & O'Brien, 2017).³ A comparable but less pronounced discrepancy was observed in Chicago between 2010 and 2016 when annual clearance rates for homicide ranged from 26% to 46% and from 5% to 11% for nonfatal shootings, with a yearly disparity of 21–35 percentage points (Kapustin et al., 2017). In Durham in 2015, half of all gun homicides resulted in an arrest but an arrest was made in just 10% of the 145 nonfatal shootings that occurred (Cook, Ho, & Shilling, 2017).

In the Durham study, Cook et al. (2017), incidentally, provided a different sort of evidence: a survey of expert opinion. The survey consisted of interviews with 17 investigators, including 6 homicide investigators and 11 district investigators whose caseload included nonfatal shootings. All respondents were asked for their views of why gun homicides were more likely to be cleared by arrest than were nonfatal shootings, despite the fact that these cases are so similar with respect to the characteristics of victims and assailants, and of the circumstances of the attack. Most respondents mentioned that homicide investigators have a far lighter caseload, or more resources generally, compared with district

investigators. As a result, the homicide investigators can spend more time working a case, tracking down witnesses, and creating a relationship with potential witnesses. The other common answer (11 respondents) was that witnesses were more likely to cooperate with homicide investigations than with investigations of nonfatal shootings. Potential witnesses may view homicides as more serious, especially than nonfatal cases in which the victim seems to have recovered completely. And if a survivor, the victim may warn potential witnesses not to cooperate, and in other ways undercut the strength of the case.

In the old RAND study, Greenwood and Petersilia (1975) cast doubt on the efficacy of detective work in clearing cases. Their findings, although challenged even at the time, may have contributed to a trend in policing toward an increased focus on crime prevention rather than on making arrests (Mastrofski, 2015; Skogan & Frydl, 1994; Sparrow, Moore, & Kennedy, 1990; Weisburd & Majmundar, 2018). The findings from recent studies, including those by the present authors, can be used by researchers to help make a case that investigative resources and technique have an effect on clearance rates with respect to homicide. The findings from the current study can be used to strengthen the case that resources matter in crimes of gun violence.

2 | IMPORTANCE OF CHANCE IN DETERMINING WHETHER A SHOOTING VICTIM SURVIVES

The design of the current analysis is valid to the extent that fatal and nonfatal cases are similar in relevant respects. Here we develop this claim and subsequently provide some empirical evidence.

Nationwide, the victim dies in one out of six or seven criminal assaults in which the victim suffers at least one gunshot wound (Cook, 1985).⁴ There seems to be a large element of chance in whether the victim lives or dies in a given set of circumstances (Zimring, 1972). For example, in a drive-by shooting in which a passenger fires several times at a pedestrian, whether the victim is hit in a vital organ is not predetermined. If the event could be repeated (in simulation) 1,000 times, the outcome would differ, and some percentage of the trials would result in death. That percentage provides an intuitive notion of the *ex ante* probability of death given the circumstances. The *ex ante* probability may be very high in an attack in which a skilled assailant who is determined to kill his victim engages at close range and has the opportunity to follow up. Far more common are unsustained attacks with ambiguous motivation, which will typically have a low *ex ante* probability of death. The national case–fatality rate (of ~14%) can be viewed as the average of the *ex ante* probabilities for all criminal assaults in which the victim suffers a gunshot wound.

If the outcome (life or death) were pure chance, then the average *ex ante* probability for the nonfatal cases would be the same as for the fatal cases. In effect, the fatalities would be drawn from an urn and, for a large sample, would tend to be similar to the universe of all gunshot cases. But in reality we expect some differentiation among cases, certainly with respect to such immediate factors as the number of shots fired, the caliber of the gun, the skill of the shooter, whether the shooter was in control of the situation, and so forth (Braga & Cook, 2018). In that sense, the average *ex ante* probability of the fatal cases would be higher than the average for the nonfatal cases. Of greatest interest in the current study is whether the circumstances of the shooting that affect the “intrinsic difficulty of solution” are correlated with the *ex ante* probability of death. That is an empirical question, and in what follows, we provide some evidence that reveals that the distribution of fatal cases is statistically indistinguishable from the distribution of nonfatal cases in several relevant dimensions, and that the likelihood of solution follows the same statistical pattern for fatal and nonfatal cases.

Given that fatal and nonfatal assault cases are similar with respect to circumstance and victim characteristics, but that more police resources are devoted to investigating fatal cases, it is reasonable to

view this process as a quasi-experiment in the productivity of those additional investigation resources. One potential confounding factor in this experiment is the willingness of witnesses to cooperate with the investigation. If the victim survives, the victim is often in a position to provide useful information about the identity of the assailant—a source that ordinarily is not available in fatal shootings (the likely exception being homicide cases when there are multiple victims including at least one survivor). But in practice, it is somewhat unusual for victims of gun violence to cooperate, especially in cases of gang violence. Other witnesses may be potentially helpful, but their cooperation is far from assured. Interestingly, there is some indication that other witnesses are more inclined to cooperate if the victim dies; perhaps their sense of the seriousness of the case helps overcome negative attitudes toward the police in general and the “no snitching” cultural prerogative in particular (Police Executive Research Forum, 2009). More directly, if the victim survives, he may warn family and friends not to speak with the police (Cook et al., 2017). So the quasi-experiment is far from a perfect tool for identifying the relationship between investigative effort and probability of arrest. Nevertheless, use of the comparison does result in some robust conclusions about how investigative effort affects the amount and types of evidence collected, as well as result in documenting the importance of sustained investigations in solving cases.

The statistical similarity between fatal and nonfatal cases is still more relevant in policy evaluation. The principal mechanisms by which police investigations prevent crime are through arrest, conviction, and punishment. If the BPD increased its arrest rate and subsequent conviction and punishment for shootings, the presumed result would be incapacitation of past shooters (assuming imprisonment as the punishment) and deterrence of future would-be shooters. When it comes to deterrence and incapacitation, it is entirely plausible that increasing the likelihood of punishment for a nonfatal shooting would be on an equal footing with increasing the likelihood of punishment for fatal shootings. In addition, arresting shooters may help disrupt the cycle of violence by serving as an alternative to private retaliation. There is no reason to believe that the effect is any less important for nonfatal cases than for homicides. And additional resources directed to nonfatal shootings may be more productive (in terms of additional arrests) than the same resources directed to fatal shootings simply because the marginal unsolved case is likely to be intrinsically more difficult for fatal than for nonfatal shootings, given the current disparity in investigative effort.

3 | DIFFERENCES IN LAW ENFORCEMENT RESPONSE TO FATAL VERSUS NONFATAL SHOOTINGS

As with other states, the Massachusetts criminal code specifies more severe sentences for gun assaults if the victim happens to die, thereby converting an aggravated assault into a criminal homicide. At the extreme, a conviction for first-degree murder (felony murder or premeditated murder) carries a sentence of life imprisonment without parole. The same set of circumstances would typically result in a much lighter sentence if the victim survived.

In line with this distinction, BPD, like the departments of other large cities, devotes greater investigative resources to homicides than to aggravated assaults, such as follows:

- If the gunshot victim dies (or is deemed likely to die), then the case is investigated by one of the homicide squads and has a strong claim on other police units and forensic services.
- If the victim survives, then the case goes to district investigators, who have a heavy caseload that includes a variety of felony cases.

In Suffolk County, where Boston is located, the district attorney (DA) oversees homicide investigations (but not investigations of aggravated assaults).⁵ The BPD consults with the DA's office before making an arrest. Authorization for the arrest is contingent on the DA's determination that there is probable cause for the suspect to be arrested and charged with homicide—a process that in some cases can delay an arrest for weeks or even months, particularly if the DA deems it necessary to take the case to the grand jury. But on-scene arrests are possible after a quick consultation with an assistant DA in the field or on the phone. Note that the DA's participation in this process should, if working smoothly, ensure that all homicide arrests are of high quality, in the sense of being likely to lead to conviction. It is reasonable to suppose that homicide arrests have met a somewhat more stringent standard compared with arrests in nonfatal shootings, which suggests that the gap in arrest rates between fatal and nonfatal cases would be larger if the decision to arrest followed the same process.

4 | CONCEPTS, MEASURES, AND PLAN OF ANALYSIS

Our goal is to conduct an exploratory analysis of how investigative resources affect the likelihood that an investigation will be successful. "Success" is defined relative to the "case," which typically stems from a single event in which one or more perpetrators shoot at one or more victims, wounding (and perhaps killing) at least one. A drive-by shooting in which two passengers shoot out of a vehicle into a group of pedestrians would, for investigative purposes, represent a single case. A successful outcome would entail at least one arrest, without regard to the number of perpetrators or whether the arrest resulted in conviction. In addition to an arrest, a case can be cleared by "exceptional means," which for our sample occurs only if the prime suspect dies, which is a rare event.

We have gathered extensive data on the circumstances of each case and the resources devoted to the police investigation. Both may be important in determining whether there is an arrest. It is useful to view the cases in our sample as occupying a spectrum in terms of what might be called the "intrinsic difficulty of solution." This remains a latent variable in our analysis, and we make no attempt to give it a precise definition. It is clear, however, that some cases are "easy" (such as a domestic killing in which the prime suspect confesses to the first officer on the scene) and others are "hard" (such as the case of an unidentified body pulled from the Charles River long after death).

The easy cases will include those that are solved quickly—on scene or within the first few days. Our speculation is that investigative resources will matter less in solving easy cases and, more generally, that the easy end of the spectrum for both fatal and nonfatal cases will have similar (high) arrest rates. For cases that are not solved in the first few days, investigative resources may matter more. Figure 1 illustrates this concept. In the figure, the y-axis is the cumulative percentage of cases that are cleared and the x-axis is the BPD resources committed to investigating the case. "Resource commitment" is an *ex ante* measure of what BPD's routine operating procedures imply about what it is willing to expend in an investigation, rather than what it ends up spending *ex post*. Actual *ex post* expenditures depend on the intrinsic difficulty of a solution, and whether the case does in fact result in an arrest and hence requires additional detective work to develop it for trial.

Figure 1 illustrates the possibility that for the intrinsically more difficult cases, the hypothesized relationship between resource commitment and clearance rate for nonfatal cases may lie below the relationship for fatal cases, as a result of the tendency of the relevant community to be less inclined to cooperate with the investigation if the victim survives. The resulting clearance rate is depicted as higher for fatal than for nonfatal cases, both because of the difference in the resource–clearance schedules and the fact that BPD typically mobilizes a greater resource commitment to fatal than to nonfatal cases. Our

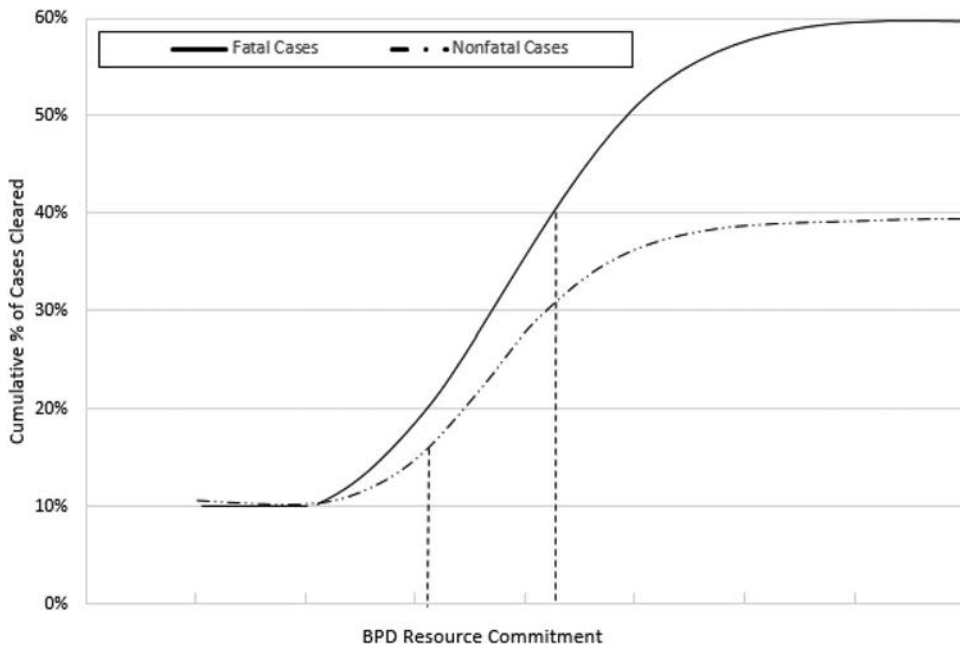


FIGURE 1 Cumulative probability of solution (y-axis) plotted against resource commitment (x-axis)

basic analytic approach seeks to compare clearance outcomes for investigations of fatal and nonfatal shooting cases that are seemingly alike but differ significantly in the investigative resources applied to identify shooting suspects.

We will explore the nature of these relationships using data on the circumstances of the shooting, whether there was an arrest and if so how quickly it occurred, several measures of investigative effort or resources, and BPD investigators' observations on what were the keys to success or failure in an investigation. We also illustrate the processes behind the data with the aid of several case descriptions, which are presented in Appendix A.

5 | DATA

Official incident reports for 221 homicides and 1012 nonfatal gun assaults in which victims sustained gunshot wounds were accessed through the BPD. These represent all cases known to the BPD for the period January 1, 2010, to December 31, 2014, that were deemed to be criminal by the BPD (not justified or self-inflicted). The research team did not have the resources to code all of the nonfatal cases, and instead, members selected a stratified random sample of 300 gunshot survivors by randomly selecting 60 survivors per year. Of the selected cases, 1 was excluded because the event did not occur in the BPD's jurisdiction and 6 were excluded because it was determined that the survivor had not been shot. The yearly number of Boston gun homicide victims decreased over the course of the study period: 55 victims in 2010, 48 victims in 2011, 36 victims in 2012, 30 victims in 2013, and 35 victims in 2014.

The research team attempted to acquire detailed information on the 511 fatal and nonfatal shootings by interviewing investigators and reviewing incident reports and detective case files (including emergency medical response and coroner reports). Appendix A presents narrative details on four cases

representing cleared fatal and nonfatal shooting investigations that differ on whether the suspect was apprehended immediately or after longer periods of time elapsed. Some identities and details have been slightly modified in each case to preserve confidentiality. It is worth saying again that detectives, forensic analysts, and others play active roles in continuing investigations even after arrests are made. This post-clearance investigative work is intended to both safeguard against miscarriages of justice by ensuring that the “right” person has been apprehended and promote an effective prosecution. These important investigative activities are often ignored by scholars in the existing literature when they appraise the effectiveness of detectives.

Note that we have a random sample of nonfatal victims and a census of fatal victims. But our unit of analysis is the case. A case may involve multiple victims, sometimes with a mixture of fatal and nonfatal. (During the 5-year period of our study, 4% of surviving victims were part of homicide cases.) Cases with at least one fatality are included with certainty, whereas cases in which the victim or victims all survived are selected with a probability that depends on the total number of victims in that year, the number of victims included in the case, and the number of nonfatal victims who were part of a homicide case. We conducted analyses in which we considered the sample weights associated with these probabilities and we found that the weighting had little effect on parameter estimates. For that reason, and for the sake of simplicity, we present unweighted estimates in what follows.

6 | ANALYTICAL RESULTS

6.1 | Comparison of fatal and nonfatal cases

In Table 1, we report a statistical comparison between fatal and nonfatal cases in our sample. In all, 45 (22%) of the 204 homicide cases had more than one victim, whereas 39 (17%) of the 231 nonfatal cases had multiple victims. (When a case includes both a homicide and a nonfatal shooting, it is included under the “homicide” category.) For the variables included, there is no discernible difference, with one exception—fatal shootings are significantly more likely to occur indoors (23% vs. 14%). The importance of the “similarity” finding is that it can be used by researchers to help establish the claim that any difference in clearance rates is not a result of the variables considered here (see also Braga & Cook, 2018).

The statistics on case characteristics can be used to provide insight into the nature of gun violence in Boston. With respect to circumstances, 83% of known-circumstance cases (both fatal and nonfatal) were deemed by BPD analysts to involve gang- or drug-distribution-related disputes. The category of personal disputes is also common (11% and 13%), whereas there are only a handful of shootings in domestic violence or in a robbery. Most cases involved male victims (greater than 90%) with a criminal record (greater than 80%). The average age of victims is 27.

6.2 | Patterns in clearance rates

Cases are considered “cleared” if there is at least one arrest or, in exceptional cases, if the BPD has identified a suspect who cannot be arrested. The key outcome variable used in this analysis was binary: homicides were either cleared (1) or not cleared (0) as of June 1, 2017. As reported in Table 2, the clearance-by-arrest rates were 43% (gun homicide cases) and 19% (nonfatal cases). In a handful of cases, the BPD designates a case as “exceptionally cleared.” For the shooting cases in our sample, all 7 exceptional clearances are the result of the fact that the main suspect has died. In what follows, our focus is on clearance by arrest. In most of our analyses, the cases that were exceptionally cleared are

TABLE 1 Characteristics of fatal and nonfatal shooting cases in Boston, 2010–2014

Characteristic	One or More Gun Homicides	Nonfatal Only	Test Statistic
<i>N</i>	204	231	
Circumstance ^a			
Gang / drug	167 (83.5%)	161 (83.0%)	$X^2 (4) = 4.126$
Personal dispute	21 (10.5%)	25 (12.9%)	$p = 0.389$
Robbery (nondrug)	8 (4.0%)	3 (1.5%)	
Domestic	3 (1.5%)	5 (2.6%)	
Other	1 (0.5%)	0 (0.0%)	
Crime Scene Location			
Outdoor	157 (77.0%)	198 (85.7%)	$X^2 (1) = 5.531$
Indoor	47 (23.0%)	33 (14.3%)	$p = 0.019$
Number of Victims			
One victim	159 (77.9%)	192 (83.1%)	$X^2 (2) = 1.978$
Two victims	36 (17.7%)	30 (13.0%)	$p = 0.372$
Three or more victims	9 (4.4%)	9 (3.9%)	
Victim Attributes			
Gender			
Male victim(s) only	187 (91.7%)	215 (93.1%)	$X^2 (1) = 0.306$
At least one female victim	17 (8.3%)	16 (6.9%)	$p = 0.580$
Criminal record			
At least one victim w/ record	168 (82.4%)	196 (84.8%)	$X^2 (1) = 0.494$
No criminal record	36 (17.6%)	35 (15.2%)	$p = 0.482$
Mean age (standard deviation)	26.9 (9.8)	26.7 (8.8)	$t = 0.244$ $p = 0.827$

^aExcludes cases with unknown circumstances: 4 homicides and 37 nonfatal shootings.

TABLE 2 Clearance status and percentage of cases cleared for each circumstance of fatal and nonfatal shooting cases in Boston, 2010–2014

Status	One or More Gun Homicides	Nonfatal Only
Cleared	91 (44.6%)	46 (19.9%)
Cleared by Arrest	87 (42.6%)	43 (18.6%)
Exceptional Clearance	4 (2.0%)	3 (1.3%)
Open Investigation	113 (55.4%)	185 (80.1%)
% Cleared, Circumstance		
Gang/drug	163 (39.9%)	158 (12.0%)
Personal dispute	21 (66.7%)	25 (56.0%)
Robbery (nondrug)	8 (50.0%)	3 (33.3%)
Domestic	3 (100.0%)	5 (100.0%)
All circumstances ^a	204 (44.6%)	231 (19.9%)
<i>Total</i>	<i>204 (100.0%)</i>	<i>231 (100.0%)</i>

Notes. The shooter died in all seven exceptional clearances. There were 41 cases with unknown circumstance: 4 homicides and 37 nonfatal shootings.

^aIncluding “other” and “unknown”.

TABLE 3 Multivariate regressions of clearance by arrest on circumstances, number of victims, at least one female victim, and indoor crime scene location with interaction terms

Covariates	Logistic Regression		OLS Regression
	OR	Coef. (RSE)	Coef. (RSE)
Fatal Shooting	1.364	0.311 (.121)**	0.249 (.045)**
Gang / Drug Dispute	0.105	-2.257 (.477)**	-0.435 (.101)**
Indoor Crime Scene	1.777	0.575 (.232)**	0.076 (.029)**
At Least One Female Victim	3.636	1.291 (.492)**	0.196 (.051)**
Two or More Victims	1.149	0.139 (.289)	0.052 (.065)
Interactions			
Fatal × gang / drug	2.125	0.754 (.511)	0.168 (.148)
Fatal × indoor	0.776	-0.253 (.653)	0.001 (.115)
Fatal × at least one female victim	0.903	-0.101 (.599)	-0.041 (.147)
Fatal * two or more victims	0.749	-0.288 (.619)	-0.035 (.111)
Constant	1.244	0.219 (.106)*	0.469 (.076)**
Wald X^2 (df = 9)	1433.48**		
Log pseudolikelihood	-191.792		
Pseudo R^2	0.151		
<i>F</i> test			14.65*
R^2			0.170

Notes. *N* = 373. OR = odds ratio, Coef. = coefficient, RSE = robust standard error. Samples were limited to gang/drug and personal dispute cases and excluded cases with exceptional clearances. Robust standard errors clustered by police district. Police district and year dummy variables included but not shown. Nonfatal shooting was the reference category for the fatal shooting dummy variable. Personal disputes (nongang, nondrug) was the reference category for the gang/drug dispute dummy variable. Outdoor crime scene was the reference category for the indoor crime scene dummy variable. Male victim(s) only was the reference category for the at least one female victim dummy variable. One victim was the reference category for the two victims or more victims' dummy variable.

p* < .05; *p* < .01.

excluded simply because they represent neither success nor failure of the investigative process. Since exceptional clearance is rare, that exclusion has little effect on rates.

Our next step is to analyze the possible influence of observable case characteristics on the likelihood of arrest. Table 2 also demonstrates a simple breakdown by circumstance. Again, most cases are gang or drug related, so unsurprisingly the arrest rates are similar to those for the overall sample. It is interesting to note that all of the domestic cases were solved (3 fatal, 5 nonfatal), and that the personal dispute cases tend to have somewhat higher clearance rates than do the gang/drug cases.

We elaborate on these results with a multivariate analysis of arrest in a sample that includes only gang/drug and personal-dispute cases, and it excludes the exceptional clearances. (The resulting subsample includes 85% of all cases.) We report the results of both a logit analysis and ordinary least squares (OLS) in Table 3. In both estimators, the specification includes whether the case was fatal or nonfatal, gun/drug versus personal dispute, indoor versus outdoor, sex of the victim, and number of victims. Also included are interaction terms for each of these case characteristics with whether it was fatal or nonfatal. Year of incident dummy variables was included but not shown in both models.⁶ The pattern of coefficient estimates is identical for the two estimators, but the OLS results are easier to interpret. What we find from the OLS is that other things equal, fatal cases have a greater probability of arrest (an added 25 percentage points). When we control for the other predictor variables, we find that the marginal change in clearing a shooting investigation increases by 27 percentage points from

TABLE 4 Time to clearance in fatal and nonfatal shooting cases in Boston, 2010–2014

Clearance Time	One or More Gun Homicides		Nonfatal Only	
	<i>N</i>	Cum. %	<i>N</i>	Cum. %
Scene, Leaving Scene	12	(6.0%)	13	(5.7%)
Not Scene, Same Day	5	(8.5%)	6	(8.3%)
1–2 Days	5	(11.0%)	6	(11.0%)
>2–7 Days	1	(11.5%)	5	(13.2%)
>1 Week–1 Month	10	(16.5%)	3	(14.5%)
>1–6 Months	30	(31.5%)	6	(17.1%)
>6 Months–1 Year	11	(37.0%)	3	(18.4%)
>1 Year	13	(43.5%)	1	(18.9%)
Open Investigation	113	(100.0%)	185	(100.0%)
<i>Total</i>	<i>200</i>		<i>228</i>	

.195 for nonfatal cases to .467 for fatal cases. None of the coefficient estimates for the interaction terms are statistically significantly different from zero, which indicates that the pattern of arrest probabilities for fatal and nonfatal cases is similar enough that there is no distinction in a statistical sense.

The covariates provide some insight into the intrinsic difficulty of solution. The gang/drug cases are much less likely to be solved than the personal-dispute cases. (Given the OLS point estimates, the gap in arrest rates is 43 percentage points for nonfatal cases and 27 percentage points for fatal cases.) Indoor shootings and those with female victims were somewhat more likely to be solved compared with their counterparts. (Recall that domestic cases, all of which were solved, are excluded from this analysis.) Perhaps, surprisingly, cases with two or more victims are no more likely to be solved than are those with one.

6.3 | Time to arrest

“Time to arrest” indicates a strong signal regarding both the intrinsic difficulty of solution and the importance of investigation resources. We find that 6% of both fatal and nonfatal cases result in an on-scene arrest and that 11% of both fatal and nonfatal cases have an arrest within 2 days of the crime. These clearance rates subsequently diverge and increasingly favor the fatal cases. Indeed, the arrests during the first 2 days account for just one quarter of arrests in fatal cases but for more than half of arrests in nonfatal cases. Between 2 days and 6 months, there is an arrest in 20% of the fatal cases but in only 6% of the nonfatal cases. An additional 12% of fatal cases are solved after 6 months have elapsed but for only a handful of nonfatal cases (2%). These results are shown in Table 4 and graphically in Figure 2.

The time-to-arrest results can be interpreted by reference to the conceptual framework represented in Figure 1 although it is a bit more complicated in practice. On-scene and other arrests within 2 days presumably include those cases that are intrinsically easy to solve. The extra resources available for fatal cases are not needed to make the arrest. Given our presumption that the fatal and nonfatal cases are similar in relevant respects (and in particular follow the same distributions of intrinsic difficulty of solution), it is then predictable that the rate of quick arrest is the same for the two types of cases. Where the extra resources available for homicide investigations may become relevant is for the more complex, less transparent cases.

It is necessary to introduce several caveats to this analysis. The first is with respect to the possible delays in making an arrest that are introduced by the requirement that homicide arrests be approved

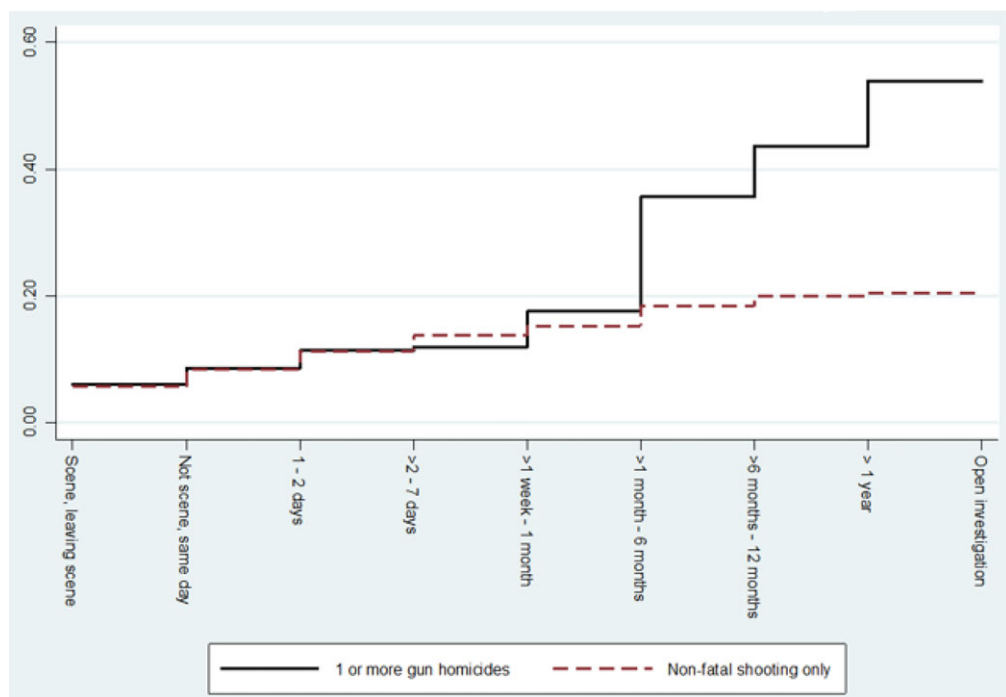


FIGURE 2 Nelson-Aalen cumulative hazard estimates for time-to-arrest categories [Color figure can be viewed at wileyonlinelibrary.com]

by an assistant district attorney, which is not necessary for arrests in nonfatal cases. In some homicide cases, the DA may take a case to the grand jury to establish probable cause, which can add weeks or even months to the time line. In clear-cut cases, such as a literal “smoking gun” in the hands of a likely perpetrator, however, the DA’s office tends to move quickly. Assistant DAs responsible for prosecuting homicides are called to the scene of the crime to participate in the investigation and can approve an arrest quickly when probable cause seems obvious. So even though it is possible that the homicide arrest rate would have been higher in the first 2 days without the requirement of DA approval, that seems unlikely. One clue is that there was only one homicide arrest during the 2–7-day period, which indicates that taking into account the possibility of a delay of a few days in homicide arrests would not have changed the basic result.

Figure 2 presents a graph of the Nelson–Aalen cumulative hazard estimates for the time-to-arrest categories presented in Table 4. The graph illustrates a large increase in the cumulative proportion of gun homicide cases cleared beginning at the 1–6-month interval that is not evident in the cumulative proportion of nonfatal shooting cases cleared. This gap in clearances for fatal cases relative to nonfatal cases increases further in the subsequent 6 months-to-1-year and greater-than-1-year intervals. The results of a Wilcoxon test of equality for survivor functions reveals the significant gap in time to arrests for gun homicide cases relative to nonfatal shooting cases ($X^2 = 21.46, p < .001$). The results of a bivariate log logistic regression in which the difference in the odds of timing to arrest by shooting case type is predicted reveals that gun homicide cases are cleared ~51% quicker when compared with nonfatal shooting cases.⁷

The large difference in time to arrest indicates that increased investigative resources in gun homicide cases generate considerable value in identifying suspected shooters. The influence of the DA on the timing of gun homicide arrests, however, introduces some uncertainty in the precision of our

time-to-arrest data in fatal cases relative to our time-to-arrest data in nonfatal cases. As such, we do not pursue formal survival analyses, such as Cox proportional hazard models, to estimate the influence of specific investigative factors on the time to arrest in fatal shooting cases relative to nonfatal shooting cases. Future research conducted in jurisdictions that do not have laws mandating DA control of homicide investigations should be aimed at pursuing these kinds of analyses.

The much higher arrest rate in fatal cases after the initial 2-day period is evidence that the extra resources committed to such cases by BPD are important. If the investigation of a nonfatal shooting is not successful quickly, the investigator may move on to the next case. But for a homicide, the cases are sufficiently high priority to allow for greater persistence and scope to the investigation. This interpretation is speculative, but it receives support from the analysis of evidence reported as follows.

6.4 | Evidence collected

In this section, we document the proximate results of the BPD's committing more resources to investigation of fatal than of nonfatal shootings. In particular, the amount of evidence collected in homicide cases is greater than in nonfatal cases. Following Braga et al. (2019), the various types of evidence are classified as resulting either from the crime scene investigation or from subsequent actions including forensic tests. It should be noted that in these measures, the evidence collected to make an arrest (identify a suspect and establish probable cause) is not explicitly distinguished from, when there is an arrest, the evidence collected to make a stronger case for trial. For that reason, the fatal–nonfatal comparisons are made for both successful and unsuccessful investigations.

The detailed results are presented in four tables in Appendix B (Tables A1–A4) and summarized by two bar charts (Figures 3 and 4). As shown in Figure 3, for each of six categories of evidence collected at the crime scene, the mean for fatal cases is much higher than that for nonfatal cases, typically twice as high. This difference is confirmed by the results on medians for each of these categories (Table A1), except for “firearms recovered,” which interestingly has a median of zero. Investigating detectives interview more witnesses, run more computer checks, and collect more videos and other tangible evidence (cartridge cases, pieces of clothing, and so forth). The number of officers providing information relevant to the investigation, with a median of just one for nonfatal cases, is 3 for fatal cases.

Similar statistics are broken down by whether the case was cleared by arrest and, if so, how quickly, in Table A2. The large fatal–nonfatal gap persists for each category, and thus, it cannot be accounted for by the fact that a higher percentage of homicides are solved so that the investigators' job includes developing the case for trial. For example, in a fatal–nonfatal comparison for cases that are not cleared, there were more than twice as many interviews with witnesses at the scene, almost three times as much tangible evidence collected, and four times as many videos collected.

Figure 3 provides a summary of the results on means. For each category of evidence collection, there are three bars, representing the overall mean, the mean for cases that are cleared, and the mean for cases that are not cleared. The relevant mean for fatal cases is represented by the entire bar, and the mean for nonfatal cases is shown by the cross-hatched portion of that bar.

All these tabulations are repeated for the evidence collected after the crime scene investigation. The subsequent actions of investigators include additional interviews, as well as a variety of lab work such as tests of latent prints, DNA, and ballistics, and analyzing data from phones and computerized databases. There are large gaps between fatal and nonfatal cases in every type of activity. Perhaps it is especially noteworthy that the median number of postscene witnesses interviewed in homicide cases is two, and for nonfatal cases, it is zero (Table A3).

As in the previous analysis, we break down these measures of evidence collection activity according to whether the investigation resulted in arrest and, if so, when. The fatal–nonfatal gaps persist for each

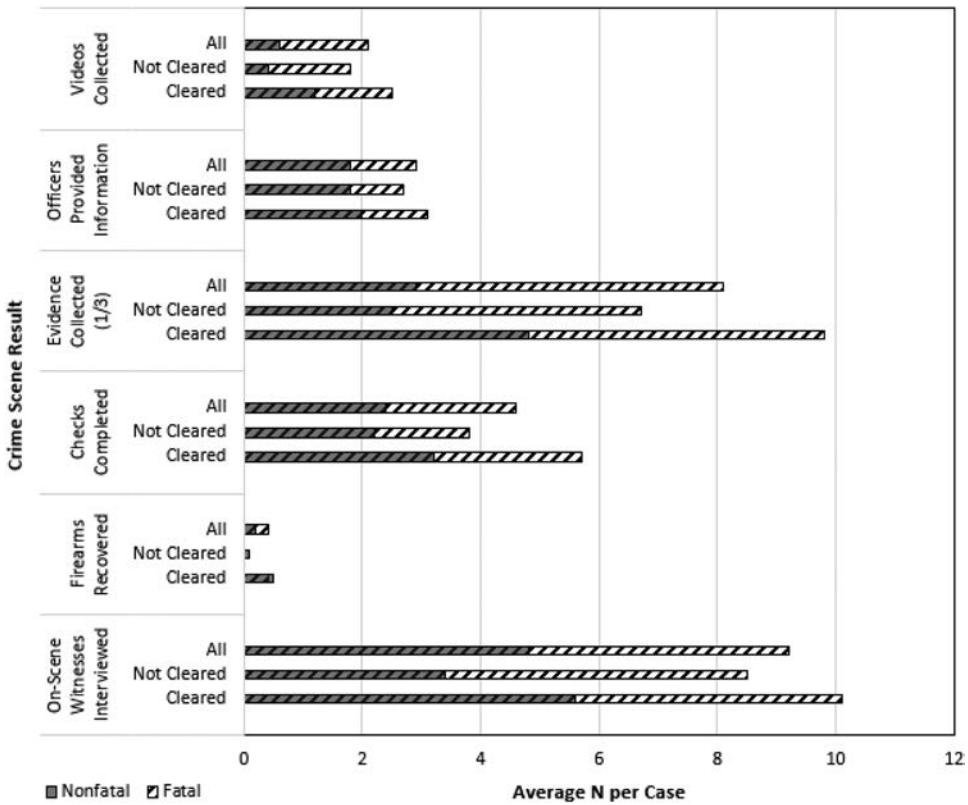


FIGURE 3 Evidence yield per case at crime scene

category of clearance. It is also of interest that when compared with unsuccessful cases, cleared cases entail more evidence collection of all types for both fatal and nonfatal cases.

The results on means are depicted in a bar chart in Figure 4 using the same scheme as before. Table A4 shows both medians and means.

What can be concluded from these comparisons? One clear conclusion is that the BPD tends to collect more evidence of all kinds in fatal than in nonfatal cases, regardless of whether there is an arrest. Granted our presumption that fatal and nonfatal cases are intrinsically similar, that finding seems to be a direct result of the fact that the BPD assigns fatal cases higher priority for investigative resources. The results of our analysis reveal confirmation that the proximate result of devoting additional resources is the production of additional evidence. That result, unsurprising though it may be, fills in an intermediate step linking investigative resources to outcome (clearance by arrest).

Note that we did not relate the probability of arrest to the amount of evidence collected on a case-by-case basis. The amount of evidence collected in any one case depends not only on effort but also on the intrinsic features of the case. Our comparison of means for fatal and nonfatal cases provides a measure of the effect of effort on evidence collection that is not confounded by variation in the intrinsic features of the case—they tend to average out (except as noted), given that fatal and nonfatal cases are similar.

6.5 | Witness cooperation and other key investigative results

For the 130 shooting cases that resulted in arrest (87 fatal, 43 nonfatal), detectives were asked what evidence was the key to identifying the suspect and establishing probable cause. In many cases, the

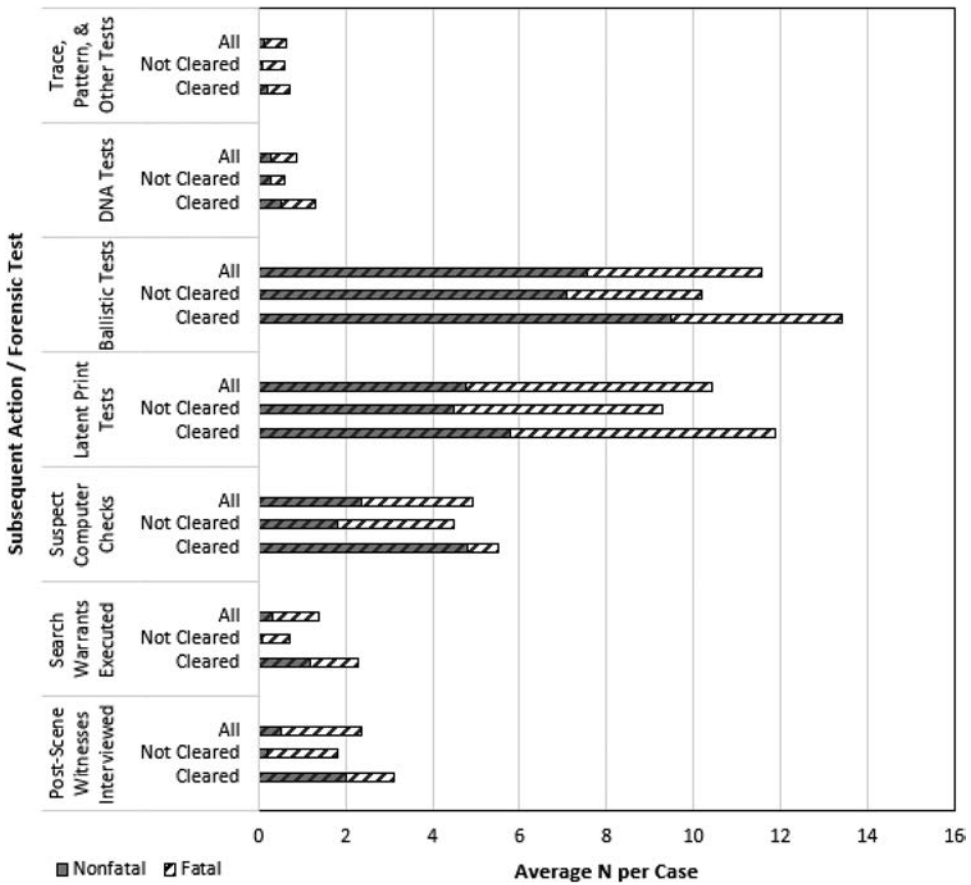


FIGURE 4 Subsequent investigative actions and forensic tests per case

respondents named more than one key. We begin with a focus on the most commonly named key to success, the evidence provided by an eyewitness. Both survivors and other eyewitnesses are included in the discussion.

6.5.1 | Eyewitnesses

Past studies of the investigative process have found that most successful investigations have resulted in detectives obtaining key evidence from one or more witnesses (Chaiken et al., 1976; Wellford & Cronin, 1999). The current sample of BPD investigations follow that pattern (see also Braga & Dusseault, 2018; Braga et al., 2019). As shown in Table 5, 62% of cleared homicide cases and 65% of cleared nonfatal cases had a cooperating witness (not including victims) from the scene of the crime as the key to solving the case.⁸ In several additional cases, a key to the solution was that a victim identified the shooter. When we combine these two categories, we find that in 67% of fatal cases and 77% of nonfatal cases that resulted in an arrest, the cooperation of an eyewitness, including in some cases a victim, was the key to success.

There are several additional results to be gleaned from these data. First, the prevalence of successful cases in which eyewitnesses are vital is surprisingly similar in fatal and nonfatal cases. But that finding is contingent on success. Given that fatal cases have more than twice the clearance rate, there is logically

TABLE 5 Key Investigative results suggesting witness cooperation by time to arrest, counts and percentages of cases cleared in specified time period

Time to Arrest	Number of Cases		% Cooperative Witness From Scene (N)		% Survivor Identified Shooter (N)	
	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
First 2 Days	22	25	68% (15)	68% (17)	14% (3)	16% (4)
>2 Days	65	18	60% (39)	61% (11)	5% (3)	6% (1)
Total Cleared Cases	87	43	62% (54)	65% (28)	7% (6)	12% (5)
Total—All Cases	200	228	27% (54)	12% (28)	3% (6)	2% (5)

Notes. In the fatal cases, there were six cases with survivors who identified the shooters in the “key investigative results” variable. In two cases, other cooperative witnesses from the scene were also credited. There were just 39 fatal cases in which there were survivors, and 6 / 39 = 15.4%. In the nonfatal cases, there were five cases with survivors who identified the shooters in the “key investigative results” variable. In one case, other cooperative witnesses from the scene were also credited. Note there were 231 nonfatal cases total, and 5 / 231 = 2.2%.

a much higher likelihood of cooperation by a key witness in fatal than in nonfatal cases. The relevant statistics are presented in the final row of the table.

Second, the importance of a cooperating eyewitness is about the same for cases in which there is an immediate arrest as in cases in which the arrest is delayed by more than 2 days. To some extent, that result may reflect the fact that witness cooperation is not always immediate and spontaneous—sometimes obtaining cooperation requires a good deal of effort by investigators, who may have to track down a recalcitrant witness and then “convert” him. The point here, which sometimes gets lost in discussions of the investigative process, is that cooperation is not predetermined but may change in response to the investigator’s efforts.

Third, we note the intriguing finding that the likelihood a surviving victim is cooperative seems to be much higher in homicide cases than in nonfatal cases. There were 39 homicide cases in our sample with a surviving victim, and 6 of those victims (15%) helped identify the shooter. In comparison, the 231 nonfatal cases produced only 5 (2%) in which the victim helped the investigation in that fashion. That is a statistically significant difference,⁹ but of course, our basic assumption of the similarity of fatal and nonfatal cases does not apply to this comparison.

6.5.2 | Forensic evidence

We now shift our attention from witnesses to forensic evidence. We have already seen (Figure 4) that much more forensic evidence is collected on average in homicide investigations than in nonfatal investigations. Here we explore the importance of this sort of evidence in solving cases. Five categories are reported in Table 6: (1) ballistic evidence from recovered firearms and from cartridges and bullets associated with the shooting; (2) evidence from video recordings that may have images of the suspect or of the attack; (3) latent fingerprints taken from the scene; (4) data downloaded from smartphones and other devices; and (5) a variety of other sources. This sort of evidence is of particular interest to our inquiry because it is a direct and clear reflection of investigative effort. In particular, it is not affected by the willingness of witnesses to cooperate.

Some type of forensic evidence was mentioned as the key to solving a homicide investigation more than 100 times, compared with just 24 mentions, in the nonfatal cases. Two or more types of forensic

TABLE 6 Key Investigative results from evidence processing, counts and percentages of all cases (excluding those that were exceptionally cleared)

Evidence Type	Fatal (<i>N</i> = 200)	Nonfatal (<i>N</i> = 228)	Test Statistic
Ballistic Evidence	14% (28)	5% (12)	<i>Z</i> = 3.21 <i>p</i> < .001
Video Evidence	13.5% (27)	2% (4)	<i>Z</i> = 4.54 <i>p</i> < .001
Latent Prints	8% (16)	1% (3)	<i>Z</i> = 3.57 <i>p</i> < .001
Mobile Phone Data Analysis	7% (14)	1% (2)	<i>Z</i> = 3.24 <i>p</i> < .001
Other ^a	9.5% (19)	1% (3)	<i>Z</i> = 4.04 <i>p</i> < .001
Number of Unique Cases	34% (68)	7% (16)	<i>Z</i> = 7.02 <i>p</i> < .001

^aIncludes the following categories: Gunshot residue on suspect, other forensic tests, DNA match, RMV license plate search, and database analysis linked another event.

evidence were mentioned in some of these cases: The number with at least one such mention is 68 for fatal cases and 16 for nonfatal cases.

In many of the successful cases, both forensic and eyewitness evidence were mentioned as vital by our respondents. For the fatal cases, both eyewitness evidence and at least one type of forensic evidence are mentioned in 60 cases (30%), whereas in an additional 8 cases (4%) with forensic evidence, eyewitness evidence is not mentioned. The corresponding numbers for nonfatal cases are 13 (6%) and 3 (1%).

These findings speak directly to the importance of investigative effort. Given a strong presumption that fatal and nonfatal cases are similar, the implication is that the same amounts of forensic evidence could have been collected on average from each. The higher success rate in homicide investigations is closely linked to greater effort in gathering and processing forensic evidence.

6.5.3 | Summary of key evidence

The RAND study (Greenwood & Petersilia, 1975) questioned the importance of detective work on the grounds that in most successful investigations, the arrest occurs on scene or is informed by a witness who is able to identify the prime suspect. Similarly, in our Boston sample, in most successful investigations, the arrest occurs on scene or an eyewitness (possibly including a surviving victim) provides evidence that is the key to making the arrest. That characterizes 75% of arrests in homicide cases and 84% of arrests in nonfatal shooting cases. But we disagree that such results imply that detective work is of little importance. Eliciting the cooperation of witnesses, especially when gangs are involved, may require skill and persistence on the part of investigators. (For example, 30% of the homicide arrests for which a cooperating eyewitness was the key to success occurred 6 months or more after the event.) And forensic evidence, although rarely the unique key to solving a case,¹⁰ may be important in establishing probable cause for an arrest and in making the case for conviction beyond reasonable doubt. Given the existing scientific evidence indicating eyewitness evidence is often inaccurate (National Research Council, 2014), supplementing eyewitness testimony with forensic evidence can be helpful in avoiding miscarriages of justice.

7 | DISCUSSION AND CONCLUSION

In a large sample of shooting cases investigated by the Boston Police Department, 2010–2014, fatal and nonfatal cases were demonstrated to occur in similar circumstances, but the arrest rate for fatal cases was more than twice as high. The much higher success rate in homicide investigations may have been the direct result of the fact that the BPD, like other police departments, commits more resources to the investigation of shooting cases if the victim dies. The homicide detective unit is an elite group that has a lighter case load and better access to technical support from the crime lab and from other units within the BPD. Yet the conclusion that those additional investigation resources are productive, and can account for the large difference in outcomes, is controversial within criminology. The legacy of the old RAND study (Greenwood & Petersilia, 1975) in particular is a presumption that cases either “solve themselves” or they are not going to be solved. Given that that presumption may still be influencing staffing and priorities in some police departments, it is important to consider the evidence with care. The new evidence presented in the current study is based on a quasi-experiment—a comparison of fatal and nonfatal shootings. It is reasonable to conclude that the extra resources do indeed get much of the credit for the large fatal–nonfatal gap in arrest rates.

We find that in comparison with the investigations of nonfatal shootings, the homicide investigations resulted in the collection of more evidence of every type, at both the crime scene and elsewhere. (That is true for both successful and unsuccessful investigations.) Given that fatal and nonfatal cases occur in similar circumstances, the greater volume of evidence collected in fatal cases was likely the direct result of extra investigative resources. That result is relevant but does not settle the issue.

Besides the amount of evidence collected, the timing of the arrests is relevant to assessing the productivity of the extra investigative resources. The arrest rates for fatal and nonfatal cases were identical during the first 2 days after the crime (11%). For those cases, which presumably include most of the cases that may “solve themselves,” the extra investigative resources do not seem to matter. But for the remaining cases, those that have a greater intrinsic difficulty of solution, the outcomes are entirely different. In the weeks and months after those first 2 days, an additional 32.5% of homicides were solved, compared with an additional 8.0% of nonfatal cases. It seems that persistence paid off but that staying with an investigation that may take months was a luxury that only the homicide detectives could afford.

That pattern raises an interesting question about the productivity of inputs into the investigation process. The BPD tends to deploy more resources for homicides than for nonfatal shootings for both the initial response (evidence collection at the crime scene) and the subsequent investigation. Although our evidence supports the conclusion that extra investigative inputs are productive, we cannot distinguish between different types of resources, and in particular, we cannot distinguish between the resources deployed for collecting evidence at the scene and the resources available in subsequent months to develop a case. The time profile of arrests in homicides indicates that the latter may be particularly important, but further research is needed to place that conclusion on a strong evidence base.

The role of eyewitnesses also requires further research. When detectives were asked to name the keys to success for cases in which there was an arrest, they usually included the cooperation of an eyewitness or surviving victim. But it is important to recognize that just because a key witness cooperated with the investigation does not negate the importance of investigative effort. In many cases, witnesses must be located and persuaded to cooperate. Most successful homicide investigations that included a cooperating witness from the scene were not solved in the first 2 days, and in 30% of such cases, it took more than 6 months.

In our interviews with detectives in Boston and Durham (Cook et al., 2017), we found that civilian witnesses are believed to be more likely to cooperate in gangland shootings if the victim dies. If true,

the “cooperation gap” that we have documented is not entirely a result of the difference in investigators’ persistence and effort. But given the delayed timing of the arrests, that is likely an important part of it.

This exploratory analysis has yielded suggestive but not definitive results. If it is true that most of the clearance-rate gap between fatal and nonfatal cases is a result of the extra resources that police departments commit to homicides, then it should be possible to increase arrest rates for nonfatal shooting cases greatly by giving them near-equal priority to homicides. The case for doing so is that nonfatal shootings (“almoscides”) involve shooters, victims, and circumstances that are usually indistinguishable from gun homicides. If true, then consideration of the preventive effects of punishment, particularly deterrence and incapacitation, makes a strong case for taking nonfatal shootings more seriously. Reducing the number of shootings through these mechanisms would reduce the number of gun homicides in proportion. Even if it is not feasible to give equal priority to fatal and nonfatal cases, at the margin, it is likely that additional resources in nonfatal shootings will have a higher payoff (in the form of more arrests) than in fatal shootings. The current regime leaves more low-hanging fruit (easy-to-solve cases) in nonfatal than in fatal cases.

These conclusions are not based on settled fact. The logical next step for learning more is a series of evaluable interventions designed to increase investigative capacity for nonfatal shootings. We submit that the evidence presented here is strong enough to justify that experimental program.

ENDNOTES

¹ These are the two most common explanations provided in individual interviews with 17 investigators from the Durham, NC Police Department (Cook et al., 2017).

² It should be noted that much of the forensic testing is less for the purposes of identifying a suspect than for making a case against a suspect that would hold up in court. For instance, a clearance of an offender caught at the scene with a smoking gun and cooperative eyewitnesses will still involve forensic testing. The gun will be matched to the cartridge casings and bullets, the offender will be fingerprinted as will the gun, and often the offender is tested for gunshot residue.

³ These statistics were retrieved from annual reports on homicides and nonfatal shootings produced by the Milwaukee Homicide Review Commission and published on their website.

⁴ In 2016, there were 14,415 gun homicides and an estimated 88,702 gunshot assaults in which the victim was treated in a hospital emergency department. The implied case fatality rate is 14.0% or about 1 in 7. Data taken from WISQARS (<https://www.cdc.gov/injury/wisqars/>).

⁵ According to Massachusetts General Laws Chapter 38 Section 4, the county district attorney shall direct and control the investigation of the death and shall coordinate the investigation with the medical examiner and the police department within the jurisdiction where the death occurred.

⁶ These variables were included to account for varying caseloads, policing activities, and other secular changes that might influence fatal and nonfatal shooting clearances in the same year of the incident. It is worth noting here that only ~3% (14 of 435) total shootings were cleared after 1 year of investigation had passed. As such, simple dummy variables were adequate to control for yearly changes in caseload, policing activities, and other factors net of the included covariates. None of the year of incident dummy variables were statistically significant predictors of investigative clearance.

⁷ Coefficient = -0.716 , standard error = $.164$, $t = -4.36$, $p < .001$. Predicted difference in the odds of timing to arrest calculation: $100 \times (\exp(-0.716) - 1) = -51.129$.

⁸ Witnesses identified at the initial crime scene ranged from individuals who provided information that generally moved the investigation forward by confirming basic facts about what had happened (e.g., “a white van pulled up and a man in a mask jumped out and fired three shots at the victim” or “I heard five shots, looked out my window, and saw two black males running from the corner towards the park”) to individuals who could positively identify suspects through detailed physical descriptions or by providing offender names. In essence, all were “eyewitnesses” with varying degrees of relevant information on the gun assault event.

⁹ Test for difference of two sample proportions: $Z = 3.89$, $p < .001$.

¹⁰ Forensic evidence was named as the only key evidence in three fatal shooting cases (3.4%) and one nonfatal shooting case (2.3%). Video evidence (combined with latent prints and analysis of mobile phone records) was present in all four of these cases.

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How to cite this article: Cook PJ, Braga AA, Turchan BS, Barao LM. Why do gun murders have a higher clearance rate than gunshot assaults? *Criminol Public Policy*. 2019;18:525–551. <https://doi.org/10.1111/1745-9133.12451>

APPENDIX A: CASE DESCRIPTIONS

Gun homicide—immediate arrest

At 1:45 A.M. on a Saturday night, a 25-year-old Black male was shot seven times to the head and torso while sitting in a car at the intersection of a major thoroughfare and a side street. BPD dispatchers were immediately notified of multiple shots fired by the Shotspotter system and received several calls for service from concerned citizens who reported shots were fired. Nearby BPD district officers arrived at the scene in less than 30 seconds; these officers immediately secured the scene and attempted to administer medical aid to the victim. BPD dispatchers then issued “full notifications” for a potential homicide incident; homicide detectives arrived to the scene within 16 minutes of the initial call for service. Emergency medical services technicians pronounced the victim dead at the scene. Three members of the crime scene response unit responded to the scene and spent 3.5 hours processing the scene. Key evidence recovered from the scene included 15 cartridge casings and 6 bullet fragments. All recovered crime gun evidence came from .380 or 9 mm firearms. Nine detectives and officers canvassed the scene and surrounding area for witnesses. Eleven potential witnesses were interviewed at the scene by homicide detectives; none could make a positive identification. Several, however, confirmed that an SUV sped away from the scene after shots were fired. The Office of the Chief Medical Examiner removed the corpse from the crime scene; four bullets were removed from the cadaver during the autopsy.

As members of the citywide Youth Violence Strike (gang unit) were responding to the initial dispatch, the officers noticed an SUV speeding from the shooting location. YVSF officers pulled over the SUV and located three known gang members in the vehicle (all Black males between the ages of 18 and 30). These officers recovered two 9 mm pistols and one .380 pistol from these individuals. Homicide detectives conferred with the on-call assistant DA and were authorized to arrest these individuals for the homicide. The homicide detectives received approval for search warrants for the victim’s car, the suspects’ SUV, and three mobile phones (the victim’s phone and two phones recovered from the suspects). The next day, homicide detectives located video of the incident from a nearby camera that revealed the SUV speeding away from the scene; the video captured the license plate of the suspect SUV. Within 2 days, ballistic analysis confirmed that the guns recovered from the suspects were the same guns used to shoot the victim. Subsequent interviews with associates of the victim and the suspects suggested that the homicide was generated by ongoing violence between feuding gangs. The interviews revealed that the victim was believed to have fired shots at the rival gang earlier in the evening and was believed to be the killer in a previous homicide of a member of the rival gang.

Gun homicide—arrest later

At 4:13 P.M. on a Thursday afternoon, a 21-year-old Black male was shot three times in the torso while in his cousin’s apartment located in a Boston public housing building. BPD officers were notified of the shooting by both a Shotspotter activation and multiple citizen calls for shots fired. BPD officers arrived at the apartment within 2 minutes of the initial dispatch for shots fired, attempted to administer aid, and secured the scene; homicide detectives were present at the scene within 8 minutes of the “full notifications” dispatch. The victim was transported by emergency medical services to Boston Medical

Center where he was pronounced dead. Twelve detectives and officers canvassed the apartment building and surrounding neighborhood for potential witnesses. Twenty-four individuals were interviewed by the detectives; one witness informed officers that, after the shots, a Black male hurried out of the back door of the building and placed something in the dumpster. This witness also provided a detailed description of the clothing worn by the suspect. Three crime scene response unit officers and two crime lab scientists spent approximately 5 hours processing the indoor crime scene and dumpster area. Three .45 cartridge casings and two bullet fragments were recovered in the apartment. A .45 semiautomatic pistol was recovered from the dumpster. A bullet was recovered from the cadaver during the autopsy.

Subsequent interviews with the victim's family suggested that the victim was not the intended target. Rather, the victim was visiting his cousin who was a known marijuana dealer. A review of the cousin's criminal history confirmed that he was a convicted drug dealer; the cousin was not cooperative with the homicide detectives when interviewed. A BPD drug control unit officer, however, provided intelligence that a rival marijuana dealer had an ongoing dispute with the cousin.

Video pulled from the housing project building captured a male matching the witness description entering the building before the shooting occurred. The New England Electronic Crimes Task Force enhanced the video quality; this yielded a clear image of the suspect's face. Unfortunately, reviews of the image by officers who worked the area and witnesses from the scene did not result in a positive identification of the shooter. The findings from subsequent analyses of the ballistic evidence confirmed that the recovered casings and bullets from the crime scene and the bullet from cadaver matched the recovered .45 pistol. Fingerprints were successfully lifted from the recovered .45 pistol. When the investigation did not progress further over the next several weeks, the homicide detectives released the video to a local news station; the news station aired the video with the request for an identification of the suspect. After 2 days, a citizen called the homicide unit and identified the suspect as his brother. The accumulated evidence in the case was presented to the grand jury who indicted the suspect. Approximately 3 months after the homicide, the BPD fugitive apprehension unit located and arrested the 24-year-old Black male suspect. Subsequent fingerprints taken from the suspect matched the fingerprints on the recovered firearm. The suspect then confessed to the murder.

Nonfatal shooting—immediate arrest

At 10:05 P.M. on Saturday night, the BPD received a call for two 25-year-old Black males shot inside of a strip club. A patrol officer working a detail on the same block immediately responded to the scene and stopped a 31-year-old Black male who was fleeing from the club. The officer frisked the individual and arrested him after finding a .38 revolver in his backpack. As neither victim died, the suspect was charged with illegal gun possession and two aggravated assaults with a deadly weapon—firearm counts. Responding homicide and district detectives interviewed 28 individuals who were present in the club at the time of the shooting. A bouncer reported that the alleged shooter got into an argument with the victims after being bumped by one victim. After calming down the suspect and victims, no further conflict was observed by the bouncer. None of the interviewed individuals from the scene reported seeing the suspect shoot the victims. Shortly after the arrest, the shooter's hands were subjected to a gunshot residue test by district detectives. Two crime scene response unit officers processed the crime scene for nearly 6 hours; three bullet fragments were recovered from the scene. Club video cameras did not capture the shooting but did place the suspect in the club during the time that the shooting occurred.

Both victims were transported to the Boston Medical Center by emergency response services; one victim was shot in the back and claimed not to have seen the individual who committed the shooting. He did not provide any helpful information on any events that may have led to the shooting. This victim

reviewed a photo array and did not identify the suspect. The other victim suffered a life-threatening gunshot wound to the head and was in a coma for more than a month. A bullet fragment was recovered from the victim's jaw. Once this victim regained consciousness, he had no memory of what happened that evening. Although the victims and the suspect had criminal histories, none were documented gang members; there were also no police records that the suspect was connected to the victims via arrest or field contact reports.

The gunshot residue kit was processed by the Massachusetts State Police and confirmed that the suspect had recently fired a gun. The BPD ballistics unit confirmed that the bullet fragments were fired from the .38 revolver recovered from the suspect.

Nonfatal shooting—arrest later

At 9:30 P.M. on a Wednesday night, the BPD received multiple calls for shots fired at a residential location; the dispatch to officers was soon upgraded to a "person shot" call of service after the initial 911 call was received. BPD district officers and detectives responded to the scene within 3 minutes of the initial dispatch and found a 15-year-old Hispanic male on the front stoop of his house that was shot in the thigh. Eleven officers and detectives interviewed 15 individuals at the scene. Several witnesses reported that a young Hispanic male wearing a white t-shirt and blue jeans pulled up to the house on a bicycle and fired shots at the victim. The victim's brother chased the shooter but was not successful in stopping the individual. The family was responsive to the detectives' questions and expressed concern that the victim had recently started associating with a local gang. Unfortunately, no witnesses were able to make a positive identification of the shooter. The victim was transported to Boston Medical Center and was not cooperative with the police when interviewed at the hospital. Two crime scene response unit officers processed the crime scene and recovered three .22 shell casings.

The victim was eventually released from the hospital and re-interviewed by district detectives approximately 10 days after the initial shooting. The victim was much more cooperative and reported that he did not know the actual identity of the shooter. He just knew the shooter as "JT". The district detectives contacted the BPD Youth Violence Strike Force and asked whether officers knew a gang member who used the "JT" nickname. The YVSF officers did know an individual from a rival gang who was known by this nickname. The detectives and YVSF officers then worked with Boston Regional Intelligence Center analysis to establish the identity of "JT" via analyses of intelligence information and social media resources. After JT's identity was confirmed, the detectives applied for a search warrant for his home. The execution of the search warrant led to the recovery of a .22 semiautomatic pistol. The suspect, an 18-year-old Hispanic male, was initially charged with illegal possession of a firearm. After the BPD Ballistics Unit confirmed that the .22 semiautomatic pistol did fire the shell casings recovered at the crime scene, the suspect was charged with assault and battery with deadly weapon—firearm slightly more than 4 months after the initial shooting.

APPENDIX B: ADDITIONAL TABLES

TABLE A1 Crime scene investigation results

Result	One or More Gun Homicides (N = 200)		Nonfatal Only (N = 228)	
	Mean	Median	Mean	Median
N Scene Witnesses Interviewed	9.2	7	4.8	4
N Firearms Recovered	0.4	0	0.2	0
N Vehicle, Victim, Other Computer Checks	4.6	4	2.4	2
N Evidence Collected ^a	24.3	19	8.8	7
N Officers Providing Information	2.9	3	1.8	1
N Videos Collected	2.1	2	0.6	1

Note. Exceptional clearances excluded (4 fatal, 3 nonfatal).

^aThe variable "evidence collected" includes all evidence that is collected from the crime scene and submitted to the crime lab for documentation. The BPD logs everything it collects from the crime scene into its "Evidence Tracker" database. The crime lab analysts then log tests and results into this database. The counting is inclusive. For instance, each cartridge casing, piece of clothing, and so on, is logged separately. Items like broken glass, however, would be considered one unit (preserved in a bag) rather than counting each shard (same window or bottle, etc.; separate windows/bottles would result in separate items). A shirt could be tested for the presence of hairs or fibers (fibers that were not part of the shirt cloth). In the database, the shirt would be Piece 1 and any detected hairs or fibers would be subitems 1A, 1B, 1C. We coded the shirt as one piece of evidence, coded the trace hair/fiber analysis as a test, and then coded the test results.

TABLE A2 Crime scene results

<i>Median of the Relevant Distribution</i>								
Result	Not Cleared		Cleared by Arrest		Arrest in First Week		Arrest Later	
	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Interviews with Witnesses at Scene	7	3	9	4	9	4	8	4
Firearms Recovered	0	0	0	0	0	0	0	0
Computer Checks on Vehicles, etc.	3	2	4	3	4	2	5	2
Evidence Collected	17	6	24	11	22	9	24.5	18
Officers Providing Information	2	1	2	1	2	1	2	1
Videos Collected	1	0	2	1	2	1	2	0
<i>Total Cases</i>	<i>113</i>	<i>185</i>	<i>87</i>	<i>43</i>	<i>23</i>	<i>30</i>	<i>64</i>	<i>13</i>
<i>Mean of the Relevant Distribution</i>								
Result	Not Cleared		Cleared by Arrest		Arrest in First Week		Arrest Later	
	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
Interviews with Witnesses at Scene	8.5	3.4	10.1	5.6	10.1	5.8	10.2	5.1
Firearms Recovered	0.1	0.1	0.4	0.5	0.7	0.6	0.3	0.2
Computer Checks on Vehicles, etc.	3.8	2.2	5.7	3.2	4.4	3.1	6.1	3.5
Evidence Collected	20.2	7.5	29.5	14.5	25.0	11.1	31.1	22.3
Officers Providing Information	2.7	1.8	3.1	2.0	2.8	2.1	3.2	1.6
Videos Collected	1.8	0.4	2.5	1.2	2.7	1.3	2.5	1.0
<i>Total Cases</i>	<i>113</i>	<i>185</i>	<i>87</i>	<i>43</i>	<i>23</i>	<i>30</i>	<i>64</i>	<i>13</i>

TABLE A3 Subsequent actions/forensic tests (exceptional clearances excluded)

Result	One or More Gun			
	Homicides (N = 200)		Nonfatal Only (N = 228)	
	Mean	Median	Mean	Median
N Postscene Witnesses Interviewed	2.37	2	0.53	0
N Search Warrants Executed	1.38	1	0.33	0
N Suspect Computer Checks	4.92	3	2.35	1
N Latent Print Tests	10.42	7	4.76	3
N Ballistic Tests	11.58	9	7.56	5
N DNA Tests	0.88	0	0.29	0
N Trace, Pattern, Other Tests	0.63	0	0.12	0

TABLE A4 Subsequent actions/forensic tests

<i>Median of the Relevant Distribution</i>								
Result	Not Cleared		Cleared by Arrest		Arrest in First Week		Arrest Later	
	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
N Postscene Witnesses Interviewed	1	0	2	1	2	1	2	0
N Search Warrants Executed	0	0	1	0	1	0	1	1
N Suspect Computer Checks	3	1	3	2	3	3	4	3
N Latent Print Tests	7	3	9	4	8	3	10	6
N Ballistic Tests	8	5	10	7	10	7	10	9
N DNA Tests	0	0	0	0	0	0	1	0
N Trace, Pattern, Other Tests	0	0	0	0	0	0	0	0
<i>Total Cases</i>	<i>113</i>	<i>185</i>	<i>87</i>	<i>43</i>	<i>23</i>	<i>30</i>	<i>64</i>	<i>13</i>
<i>Mean of the Relevant Distribution</i>								
Result	Not Cleared		Cleared by Arrest		Arrest in First Week		Arrest Later	
	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal	Fatal	Nonfatal
N Postscene Witnesses Interviewed	1.8	0.2	3.1	2.0	3.5	2.2	3.0	1.3
N Search Warrants Executed	0.7	0.1	2.3	1.2	1.9	0.9	2.5	1.9
N Suspect Computer Checks	4.5	1.8	5.5	4.8	4.7	4.3	5.8	5.2
N Latent Print Tests	9.3	4.5	11.9	5.8	10.5	4.5	12.4	8.8
N Ballistic Tests	10.2	7.1	13.4	9.5	12.9	8.6	13.6	11.5
N DNA Tests	0.6	0.3	1.3	0.5	0.6	0.1	1.5	0.5
N Trace, Pattern, Other Tests	0.6	0.1	0.7	0.2	0.2	0.1	0.9	0.5
<i>Total Cases</i>	<i>113</i>	<i>185</i>	<i>87</i>	<i>43</i>	<i>23</i>	<i>30</i>	<i>64</i>	<i>13</i>



Office of the City Manager

WORKSESSION
March 12, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jennifer Louis, Chief of Police
Subject: 2023 Berkeley Police Department Annual Report

INTRODUCTION

At the request of City Council, the City Manager provides regular reports on crime in Berkeley. The Berkeley Police Department Annual Report details 2023 year-end crime, collision, stop data and use of force data. This annual report also serves to provide a number of status updates on Council referral items, department initiatives and legislative mandates.

CURRENT SITUATION AND ITS EFFECTS

The mission of the Berkeley Police Department is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect. The Department works in service to the community and in partnership with the community, the Office of the Director of Police Accountability and the Police Accountability Board, as well as other City Departments and our regional partners.

The Berkeley Police Department understands the importance of partnering with the community and maintaining accountability. We are committed to being transparent about our policies and actions, to sharing data and information, and welcoming suggestions on enhancing our service quality as we safeguard our community. To help achieve that goal, the Department launched our Transparency Hub. That hub gives the public an accessible platform to analyze critical data and insights related to policing activities, calls for service, crimes, traffic safety, and community engagement. It can be accessed at bit.ly/bpd-transparency and provides near-real-time, area-specific data directly to our community.

To further support our public safety efforts and collaboration with stakeholders and our commitment to transparency and accountability, the Department has expanded the annual crime report to provide a more comprehensive annual report which is attached here and will be presented to Council during the Special Meeting on March 12, 2024. This report will cover a range of topics beyond the traditional reporting on crime and collision data. It will include reporting on staffing levels, specific information on call volume, type and response, efforts related to fair and impartial policing initiatives, crime and public safety problem solving responses, as well as other important departmental efforts.

ENVIRONMENTAL SUSTAINABILITY

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

FISCAL IMPLICATIONS

Specific fiscal implications related to items referred to within this report are addressed in the biennial budget process. Additional information of costs can be provided as needed.

CONTACT PERSON

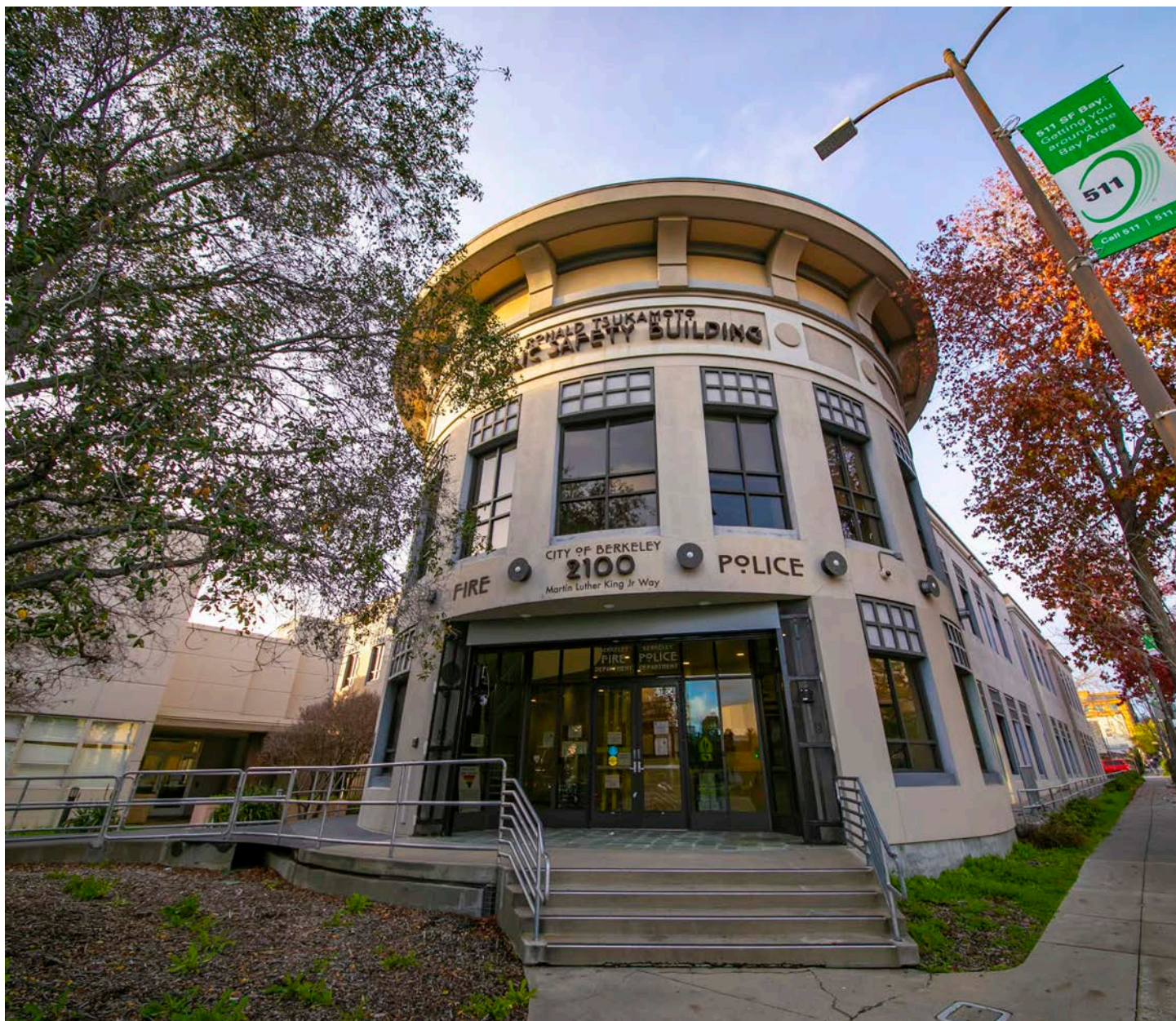
Chief Jennifer Louis, Police Department, (510) 981-5700

Data and Policy Analyst Arlo Malmberg, Police Department (510) 981-5747

ATTACHMENT

1. 2023 Berkeley Police Department Annual Report

cc: Dee Williams-Ridley, City Manager
LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Jennifer Louis, Chief of Police
Mark Numainville, City Clerk



2023 Berkeley Police Department Annual Report

March 12, 2024

Contents

Introduction 2

Staffing & Workload..... 4

 Staffing 4

 Workload / Calls for Service 7

 Workload Metrics..... 10

 Department Initiatives 11

 What We’ve Done 11

 How We’re Doing..... 13

 What’s Next 16

Crime & Investigations..... 18

 Crime Data..... 18

 Part One Crimes..... 19

 Crime Categories of Interest..... 20

 Department Initiatives 23

 What We’ve Done 23

 How We’re Doing..... 25

 What’s Next 27

Road Safety & Collisions 29

 Collision Data..... 29

 Department Initiatives 31

 What We’ve Done 31

 How We’re Doing..... 32

 What’s Next 33

Accountability: Stops & Use of Force..... 34

 Stop Data Report..... 34

 Use of Force Report..... 38

Audits & Oversight 41

 City Auditor Reports..... 42

 Fair and Impartial Policing Recommendations 42

Introduction

In presenting the Berkeley Police Department's annual report, we reaffirm our enduring mission, embrace our vision for the future, and recommit to our core values. These principles guide our daily operations and strategic planning, ensuring that we serve our community with the utmost integrity, respect, and dedication.

Mission: United in service, our mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

Vision: The Berkeley Police Department will be a team of leaders at every level. We will foster strong relationships with our community, inspiring trust through our service, building on our historic tradition of progressive policing, and dedicated to the safety of all.

Values: Service is our calling. As members of this community, the Berkeley Police Department team is committed to proactive law enforcement and problem solving, holding these as our core values:

- **Integrity:** We are ethical, fair, and trustworthy in all we do.
- **Safety:** We strive to keep our community and each other safe.
- **Respect:** We fulfill our duties with dignity, compassion, and empathy.
- **Diversity:** We value the strength of a diverse workplace and community. We endeavor to reflect the community we serve, promoting inclusion and fairness.
- **Professionalism:** We commit to organizational excellence through progressive training, positive attitude, and superior performance.

Command Staff began the year by strategically assessing the key challenges and opportunities facing the department. We sought to align our priorities with the needs of the community, the concerns of the Council, and the principles named above. Guided by this analysis, we focused on three priorities for 2023:

Recruitment and Retention: Our priority is attracting and retaining staff who align with our core principles. We are proud of our diverse team that shares our community's values and commitment to service.

Proactivity and Problem Solving: Crime prevention and long-term problem solving is a major focus for us. That's why we emphasize being proactive, using data to spot potential issues early and working with the community to find solutions before problems escalate.

Internal Communication: This year we recommitted ourselves to clear, consistent communication so every member of our department feels informed, understands what's expected, and has the resources they need to do their jobs well.

These priorities are reflected in the work completed in 2023 and detailed below. To that end, the value of this report is multifold. To the Council, it offers a transparent, measurable account of our stewardship of public trust and resources, while also highlighting how our strategies align

2023 Berkeley Police Department Annual Report

with and complement the work of the Office of the Director of Police Accountability and the Police Accountability Board. To the community, it underscores our unwavering commitment to public safety and service, demonstrating our efforts in connecting with and uplifting the Reimagining Public Safety initiative and Fair and Impartial Policing principles. To our department, it provides a foundation for continuous improvement and a benchmark for the pursuit of excellence as we move into 2024.

As we present this annual report we invite our community and its representatives to reflect on our shared achievements, to engage with us in addressing the challenges ahead, and to contribute to the evolution of our service to better suit the needs of all those we are privileged to serve.

Staffing & Workload

Despite a high workload, our department has sought to enhance efficiency and service quality. Through innovative recruitment and retention strategies, community engagement, and performance analytics, we have continued to strengthen our operational effectiveness. Our ongoing commitment to strategic analysis and accountability ensures sustained care and excellence in our service to the community.

Staffing

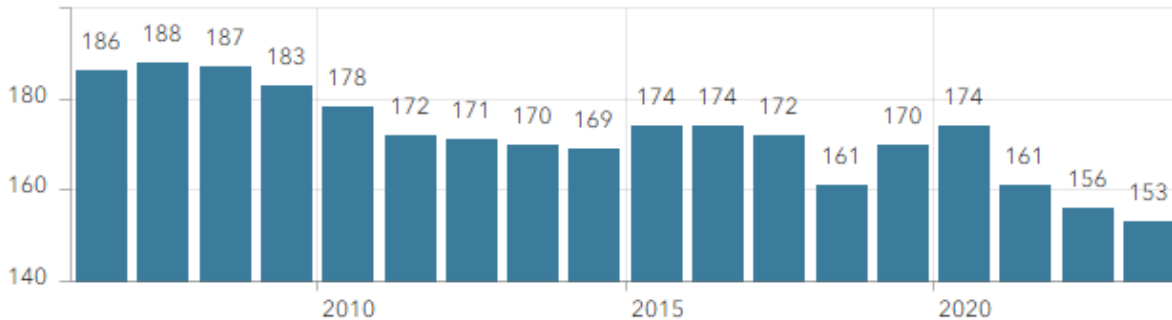
Current Levels

As of 2/7/24, we are staffed at 151 police officers, well below our current authorized staffing level of 181 sworn personnel. Two of those positions are held by recruit officers who are currently in the academy, and 5 are in field training and will not reach solo officer status until June 2024. Twenty four of the 151 officers are eligible to retire, and at least half of these 24 have stated an intent to retire over the course of 2024.

Berkeley Police Department currently is authorized 36 dispatch positions and is currently staffed with 23 dispatchers and 4 dispatch supervisors. There are currently 2 dispatchers and 0 supervisors that are eligible to retire. The Communications Center is supported by several per diem and other dispatch-qualified employees who alleviate some of the strain of understaffing.

Sworn Staff

Annual Peak Staffing Levels



We are also in the process of hiring additional Community Service Officers (CSO). We are authorized 29 CSOs and are currently staffed with 25. For the last several years we were authorized 22 CSOs but 6 CSOs and 1 CSO Supervisor were added to the Fiscal Year 2023 budget as a recommendation stemming from the reimagining public safety process. Conceptually, the additional CSOs will be trained to respond to lower priority calls and bridge the gap between sworn and professional personnel performing a variety of tasks that would have traditionally fallen to a sworn officer. Community outreach and engagement will be part of the work of CSOs as well. Staff has encountered difficulty identifying the scope of necessary training and attracting existing CSOs to this developing position since it was only funded on a limited three-

2023 Berkeley Police Department Annual Report

year term in the FY 2023 budget. The Department is committed to supporting this reimagining public safety goal and will continue work to develop this program.

Recruitment and Retention Strategies

The Berkeley Police Department prides itself on rigorous evaluation of police officer applicants, as well as hiring and training some of the profession's best officers who exemplify the department's overall mission as well as the values of our diverse and vibrant City. Beyond the expectations to successfully complete training and education requirements, the department demands that officers hold themselves to a departmental culture of integrity, respect, and professionalism. The Department continues to actively recruit and work with Human Resources to facilitate open and continuous recruitments to reach full staffing of police officers, dispatchers and other critical positions in the department.

Recruitment and Retention Team

To help address the challenges associated with hiring, in 2022 the department committed to the creation of a Recruitment and Retention Team. That team is comprised of officers and dispatchers who work with Personnel and Training on a part-time basis to attend job fairs, work on our social media outreach, respond to applicants who submit interest cards, and facilitate ride-alongs with officers and sit-alongs with dispatchers. In 2023, the Recruitment and Retention Team attended 111 events, corresponded with 2,600 potential applicants, and ultimately funneled 8 recruits into the academy and 4 Lateral officers into the Field Training Program. They also helped to hire 7 Public Safety Dispatchers.



Recruitment Incentives

In 2022, the department introduced the Recruitment and Retention Incentive Program, approved by City Council, to enhance our recruitment strategy and strengthen community ties. This initiative allowed all city employees to refer potential candidates, significantly increasing our recruiter base and ensuring that we are attracting candidates familiar with the community. In that way, this initiative supports our efforts to hire individuals who understand and embody Berkeley's deeply rooted values. The incentive program also boosted hiring bonuses for applicants, with 19 applicants qualifying for the incentive in 2023.

2023 Berkeley Police Department Annual Report

Wellness

In 2023, BPD received Collaborative Reform Assistance through the COPS Office, which funded in-person financial wellness training to all employees. This also provided future virtual training for 30 new employees as they are hired. The department used funding from the BSCC Officer Wellness Grant to contract with the West Coast Post Trauma Retreat to provide confidential immersive assistance to employees to work through traumatic experiences and build resilience. We also used this funding to provide two blocks of training from The Counseling Team International. The training was called First to Respond, Last to Seek Help and Mental Health Mayday, which further assisted officers navigating vicarious trauma and negative health impacts. The BSCC grant was also used to purchase a two-year contract to provide staff with a mobile wellness application called Light House. This application provides staff with anonymous access to health and wellness resources. We renewed our Public Safety Family Counseling Group contract, which supports our Peer Support Team through training and guidance. Their clinicians are essential to assisting with our response to critical incidents, facilitation of critical incident stress debriefs, and providing individual support to employees. BPD continued our partnership with O2X staff to provide nutrition, mental health, sleep and yoga workshops to employees. Our onsite strength and conditioning coach and athletic trainer both saw improved engagement with public safety personnel. Outdated fitness equipment was replaced, a new outdoor break area was created to provide staff an area to regroup and hold meetings outdoors. The BPD Wellness and Resilience Group along with BPD leadership will continue to look for ways to provide services and opportunities to enhance the overall well-being of BPD employees.

2023 Berkeley Police Department Annual Report

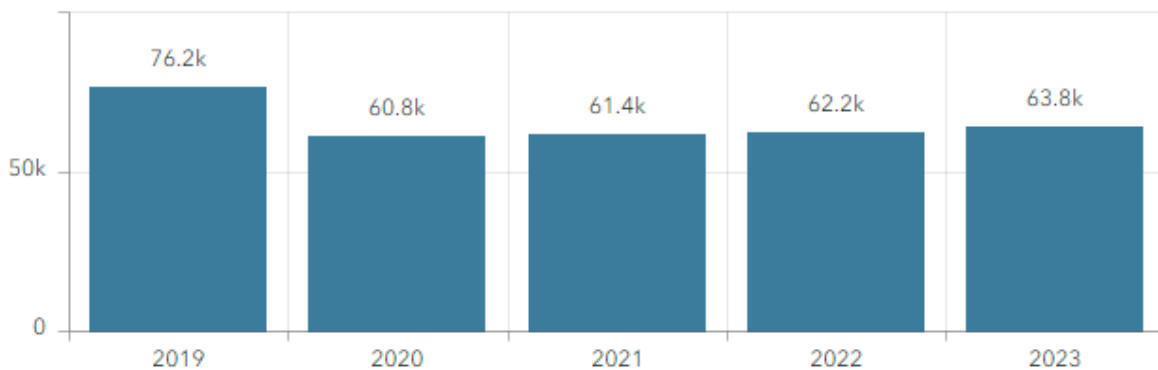
Workload / Calls for Service

The Berkeley Police Department (BPD) is committed to providing timely and effective responses to calls for service from our community. This section of the annual report provides a detailed analysis of the calls for service we receive and the strategies we have employed to manage and respond to these calls efficiently and effectively.

Yearly

In 2023, the Berkeley Police Department received a total of 63,791 calls for service (CFS). This figure gives us a sense of the community's needs and the demand for police services.

Calls for Service by Year, 2019-2023



The data shows a 2.3% increase in the volume of calls compared to the previous year (62,245 total in 2022), signaling a slow increase of call volumes towards pre-pandemic levels. Over the past 5 years, BPD has managed an average of 64,868 calls for service annually.

Monthly

The average number of calls for service per month in 2023 was 5,308.

Calls for Service by Month, 2023



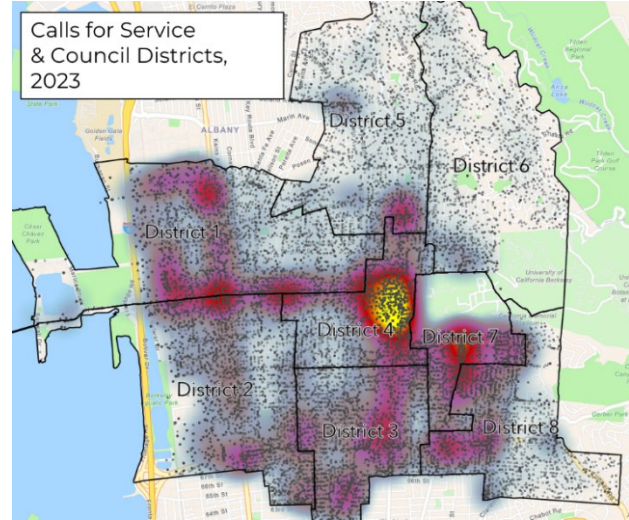
There is a discernible pattern throughout the year with peaks in May and September, reaching up to 5,737 calls. This pattern is consistent with trends observed in recent years and provides insight into seasonal variations in the frequency of calls that we may expect to see in future years.

2023 Berkeley Police Department Annual Report

Geography

Geographically, the distribution of calls for service highlights areas of higher demand within the city. In 2023, City Council District 4 registered the most calls of any council district.

This geographical pattern has informed our operational strategies, leading to adjustments in police beats (more on our beat map below) and resource allocation to ensure an appropriate and timely response to community needs.



Initial Call Type

When a dispatcher receives a call for service, they determine a call type, often a penal code type, using the information immediately available from the caller. An officer may arrive on scene and determine the nature of the incident is different than that of the initial call type. Therefore, the call type data, along with priority level data (below), is useful as an indication of the information available to the call taker before an officer arrives on scene to investigate further. The most frequent non-officer-initiated call types in 2023 were:

Most Frequent Initial Call Types*	2019	2020	2021	2022	2023
Disturbance	6,833	5,578	5,493	5,450	5,378
Audible Alarm	4,207	3,405	3,671	4,007	4,231
Wireless 911	2,830	2,401	2,580	2,814	3,144
Welfare Check	3,020	2,559	2,693	2,679	2,736
Theft	2,864	2,852	2,101	2,187	2,312

*Non-officer-initiated calls; 5 most frequent in 2023

2023 Berkeley Police Department Annual Report

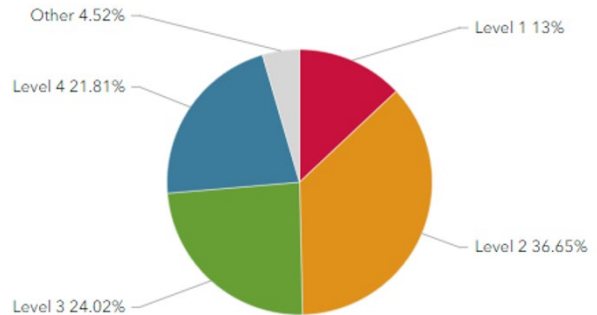
The data for 2023 shows that the most frequent call types align with the patterns observed in recent years, offering insight into the prevalent issues and concerns within the community.

Priority Level

In 2023, nearly 50% of non-officer-initiated calls for service were classified as Priority 1 or Priority 2. These categories represent the most urgent calls, requiring immediate police response due to their potential threat to life, safety, or property.

Calls for Service by Priority Level, 2023

Non-Officer-Initiated Calls



It is important to note that calls classified as lower priority, such as Priority 3 or Priority 4, often involve serious matters that are considered 'cold,' meaning there is no immediate danger to life or property. These calls might include reports of past incidents where the suspect is no longer on the scene or situations that, while serious, do not require an urgent police response. BPD is dedicated to investigating and resolving these matters with the same level of professionalism and thoroughness as higher priority calls, as every call represents a significant concern for the community members involved.

Dispositions

The disposition of a call for service is selected by officers and dispatch from a predefined list and marks the conclusion of the incident. Due to the complexity and dynamic nature of police responses, a single call may result in multiple dispositions.

Dispositions of Interest*	2019	2020	2021	2022	2023
Case Report	10,141	8,819	8,948	10,318	11,247
RIPA Survey	-	594*	1,489	1,379	1,118
Homeless-Related	-	-	1,275*	2,721	2,727
Mental-Health Related	1,573	1,133	1,840	2,912	3,109

*Non-officer-initiated calls; dispositions for RIPA and Homeless-Related started in 2020 and 2021, respectively.

The disposition data shows a notable increase in “Mental-Health Related” dispositions in 2022 (reflecting a change in reporting practice) and “Case Report” dispositions in 2023 (reflecting a rise in crime). “Homeless-Related” dispositions have rapidly increased since being tracked in 2021, while “RIPA Survey” dispositions (stops) have decreased since being tracked in 2020. These trends reflect evolving community needs and the changing focus of police response efforts.

2023 Berkeley Police Department Annual Report

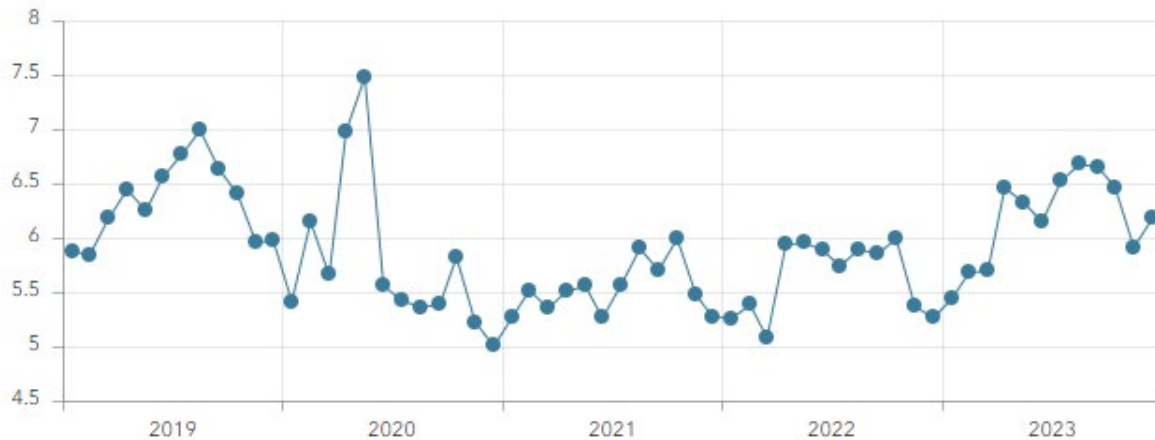
Workload Metrics

The workload metrics below offer insights into the operational challenges and demands that BPD faces. As staffing levels grow at a slow pace in comparison to the increasing volume of calls for service, it is important to assess the impact on the workload of our officers and the quality of service provided to the community.

Calls per Officer per Shift

Average Calls Handled per Officer per Shift

Non-Officer-Initiated Calls



One of the primary indicators of an officer's workload is the number of calls handled per shift. Despite efforts to manage workload through backfilling shifts with overtime, officers addressed more calls per service per shift than in any year since 2019.

This trend is an indicator of the growing demands placed on our officers, highlighting the need for strategic planning and resource allocation to maintain high service standards.

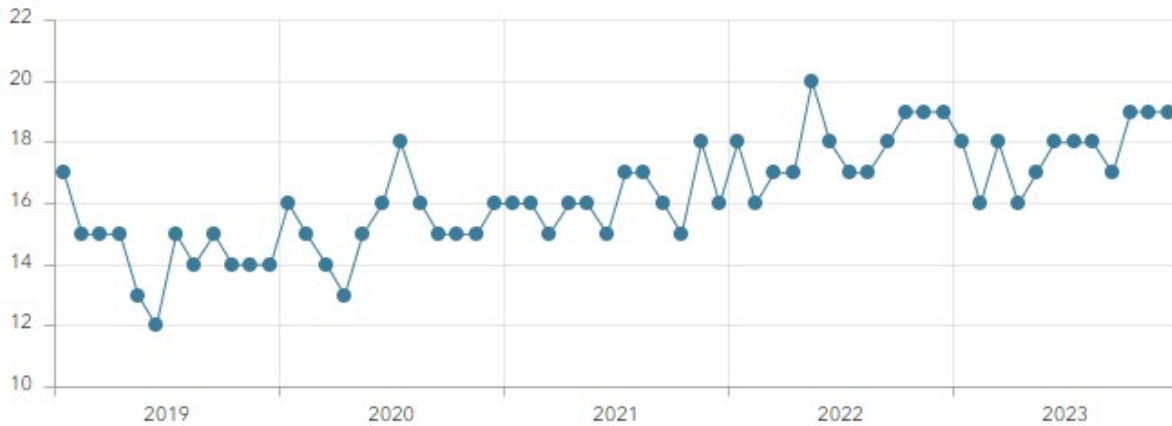
Time on Scene per Call

Another crucial aspect of an officer's workload is the time spent on scene per call. This metric is influenced by various factors, including the nature of the call and the overall activity in the city at the time of the call.

2023 Berkeley Police Department Annual Report

Median Officer Time On Scene per Call

Minutes | Non-Officer-Initiated Calls



Despite the increase in calls per shift seen above, officers are dedicating more time on scene for each call. This trend reflects both the increasingly complex and demanding nature of the calls and our officers' commitment to providing thorough and quality service in response to each incident.

Department Initiatives

What We've Done

In the face of challenging staffing levels coupled with an increasing workload, the Berkeley Police Department (BPD) has proactively taken steps to prioritize our efforts and enhance organizational efficiency.

Department Priorities

In 2023, BPD identified and committed to three core priorities that guided our actions and decisions throughout the year: recruitment and retention, proactivity and problem solving, and internal communication. These priorities were carefully chosen to address the most pressing challenges and opportunities facing the department and thereby maximize the impact of our efforts

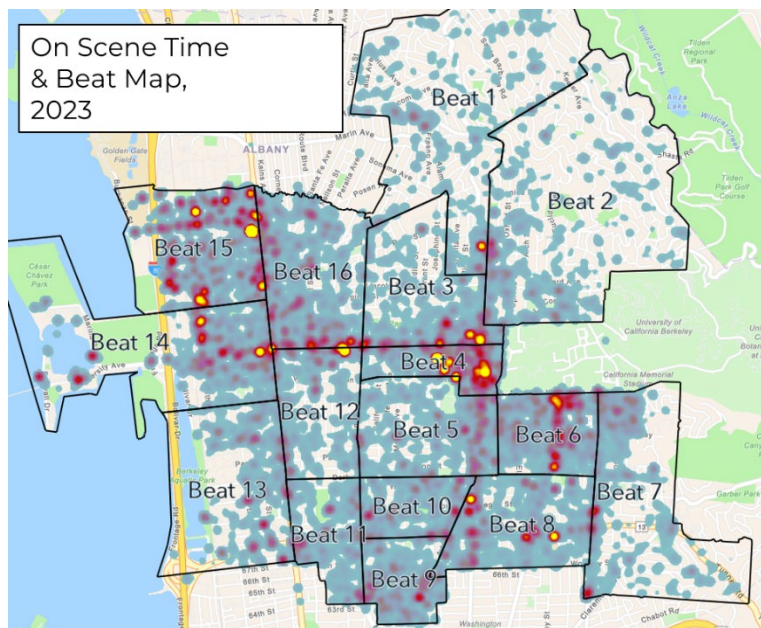
The deliberate focus on these three priorities in 2023 was instrumental in keeping the department on track amidst a myriad of challenges and decisions. By consistently revisiting and reflecting on these key areas, we strived to align critical and pivotal decisions made throughout the year with our overarching objectives and the needs of the community we serve. This strategic focus has streamlined our efforts and reinforced our commitment to excellence, innovation, and community engagement.

2023 Berkeley Police Department Annual Report

Updated Beat Structure

Due to the dynamic nature of crime patterns, service demands and staffing levels, BPD recognized the necessity to re-evaluate our beat structure, which had been in place for nearly a decade. Though effective at its inception, the previous 16-beat structure placed a significant strain on our limited patrol resources and intensified a need for forced overtime.

In response to these challenges, our Strategic Analysis Team conducted a comprehensive analysis of calls for service volume, considering temporal and spatial factors. This data-driven approach culminated in the development of a more efficient 14-beat map, designed to achieve a better balance in workload distribution and service delivery across the city.



The transition to the new beat structure was implemented in April of 2023 by the Operations Division. This strategic shift not only addressed the immediate need for more manageable workloads and reduced reliance on overtime but also sets the stage for the generation of valuable data that will inform the ongoing sworn staffing study.

Early results suggest our efforts to achieve a more equitable workload distribution among officers have been successful. Nevertheless, we believe the addition of swing officers would significantly enhance the effectiveness of this new structure. This would provide the adaptability necessary to address unanticipated fluctuations in service demands.

As BPD continues to evaluate and improve its operations, we look forward to the analysis and recommendations from an impending comprehensive staffing assessment (detailed later in this report). That assessment will be invaluable as we make informed decisions about staffing levels and beat design.

Community Engagement

The limitations on officer resources puts greater emphasis on the importance of trusted relationships with our community. The Department's community engagement efforts are of

2023 Berkeley Police Department Annual Report

vital necessity to maintaining and increasing an efficient workflow. The Berkeley Police Department's dedication to community engagement and connectedness was a primary focal point in 2023. From monthly Coffee with a Cop events, to numerous neighborhood meetings, city sponsored special events and strategic department Pop Up events, the diverse community engagement activities have initiated, deepened and expanded police department relationships with our community.

One program in particular which highlights our ongoing relationship with our community is the Law and Social Justice pathway, a two-year criminal law program at Berkeley High School. Now in its 8th year, Law & Social Justice brings professionals working within the criminal justice system into contact with juniors and seniors at Berkeley High. The BHS students are introduced to police officers, community service officers, dispatchers, prosecutors, defense lawyers, judges, probation officers, and parole officers, both in the classroom and in the field. The goal of the class is to introduce students to careers while creating a place of informed dialogue pertaining to the criminal justice system. At the completion of this school year the class will have educated more than 680 students.

How We're Doing

In our ongoing effort to provide transparent and accountable policing, BPD closely monitors a range of performance metrics. These metrics serve as indicators of our effectiveness and

MOMENTS OF IMPACT

Among the many opportunities offered by the Law and Social Justice class at Berkeley High, ride-alongs with Berkeley PD police officers stand out for their profound impact on students. One student recounted their experience with Officer Villaroel, saying, *"The most thrilling part about the ride along was when we went code 3 with lights and sirens and we started speeding down the street... I could just feel the adrenaline going through me."* The student went on to reflect *"people either have good experiences or bad experiences with cops and depending on the experience you've had your opinion on cops might change... being on that ride alone makes me want to become a cop."* This firsthand experience not only highlights the challenges and skills involved in policing but also emphasizes the importance of understanding the diverse perspectives people have towards law enforcement.

Similarly, another student was moved by the personal story of Officer Valle, noting, *"he also told us that [he] could have never imagined he would become a police officer, because as a teenager he had multiple unpleasant experiences with law enforcement"* Officer Valle ultimately *"decide[d] that he wanted to be the change in the system which resulted in him doing some ride alongs, and then going to the academy"* Such stories are emblematic of the transformative potential of the Law and Social Justice pathway, bridging the gap between law enforcement and the community by fostering empathy, understanding, and dialogue.

Through these interactions and experiences, the Law and Social Justice pathway not only educates but also molds future leaders, thinkers, and change-makers in our society, reinforcing the connection between Berkeley PD and our community.

2023 Berkeley Police Department Annual Report

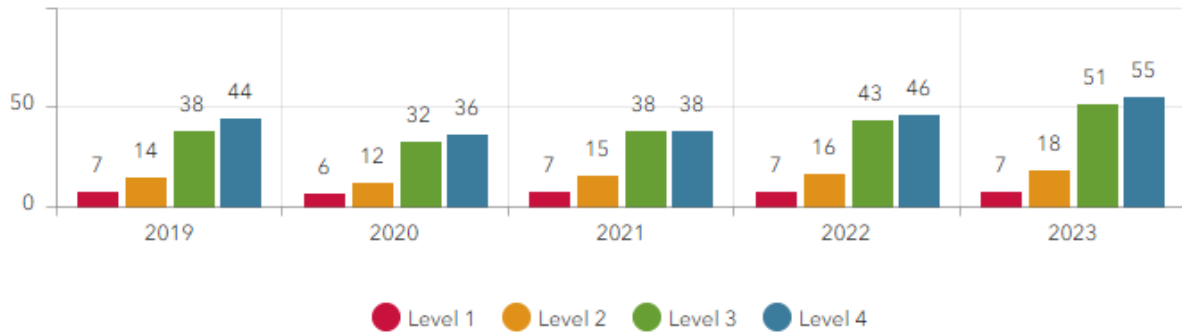
efficiency and also offer insights into areas where we can improve. This section dives into key performance indicators including response times, time on scene by call type, and officer-initiated calls.

Response Times

Response time is a critical measure of our service to our community. BPD is committed to maintaining swift response times and ensuring that community members receive timely assistance in emergencies and other situations requiring police presence.

Median Response Times

First Unit, Minutes



*Excludes Officer Initiated calls and call types: Audible Alarms and Traffic Stop

Below is a comparison of response times to agencies in the region that publish this data. Because every agency defines priority levels differently, we have included (where available) the percentage of calls that each priority level represents for the corresponding agency.

Our median response time for Priority 1 calls was 7 minutes, meeting or exceeding regional standards.

Median Response Times, 2023 (minutes)	Level 1 (% of all calls)	Level 2	Level 3	Level 4
Berkeley	7 (13%)	18 (37%)	51 (24%)	55 (22%)
San Francisco	9 (19%)	32 (30%)	105 (51%)	-
Oakland	14	184	443	-
San Jose	7 (5%)	24 (42%)	-	-

Comparison cities chosen based on data availability and region

Time on Scene by Call Type

The time our officers spend on the scene is indicative of the complexity of incidents and our commitment to thorough, community-centered policing. Below is a table of 5 types of calls for service and the resources that BPD allocated to those calls. Below the on-scene time is

2023 Berkeley Police Department Annual Report

measured from the time that the primary unit- that is, the officer responsible for managing the scene and initial investigation- arrives on scene until that officer is no longer working on the incident.

Median Time on Scene by Call Types of Interest	Median Primary Unit On-Scene Time	Avg. Units/Call
Disturbance	17 minutes	1.9
Grand Theft	62 minutes	1.8
Robbery	116 minutes	5.3
Sexual Assault	194 minutes	2.0
Shooting	285 minutes	15.9

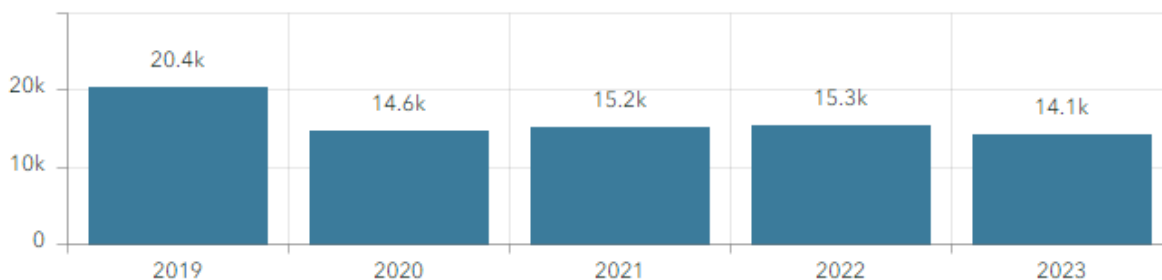
The call types listed above represent some of our most common (Disturbance, Grand Theft) and resource intensive (Robbery, Sexual Assault, Shooting) call types. Less severe calls like disturbances required less time on scene, while more serious crimes such as shootings demanded significantly more officer time and resources. This reflects the department's adaptive resource allocation intended to ensure that more critical situations receive the attention necessary for thorough investigation and community support.

Officer-Initiated Calls

Officer-initiated calls serve as an indicator of proactive policing practices and our dedication to ensuring community safety and preventing crime (for an analysis of the impact of our proactive stops, see the “Stop Report” section below). In 2023, the number of officer-initiated calls reflected the challenges and constraints faced by the BPD, including staffing levels and prioritization of non-officer-initiated calls for service.

Calls for Service by Year, 2019-2023

Officer-Initiated Calls



2023 Berkeley Police Department Annual Report

Calls for Service by Month, 2023

Officer-Initiated Calls



The data indicates a lower volume of officer-initiated calls, with an average of 1,173 calls per month. This trend is unsurprising given the impact of staffing levels and the distribution of workload among our officers. Despite these figures, BPD remains committed to proactive community engagement and crime prevention. We are actively exploring strategies to enhance our proactive policing efforts and ensure that our officers have the support and resources they need to effectively engage in community policing and crime prevention, alongside their responsibilities in responding to non-officer-initiated calls for service.

What's Next

As the Berkeley Police Department (BPD) continues to evolve and adapt to the changing needs of our community and the broader landscape of public safety, we are focused on implementing strategic initiatives that enhance our operational capabilities, ensure accountability, and foster community trust. The upcoming initiatives outlined below represent our proactive approach to addressing current challenges and embracing opportunities for growth and innovation.

Sworn Staffing Study

In our continuous efforts to enhance operational efficiency and align our staffing strategy with the evolving needs of the community, BPD has partnered with Citygate Associates, a firm renowned for its expertise in public safety organizational strategies. Citygate is currently in the process of conducting a comprehensive and independent staffing analysis. This report will bring their extensive experience and specialized knowledge to bear on challenges surfaced by the department, the City Auditor's Audit on Police Overtime and the Fair and Impartial Policing Working Group (more details on recommendations by those bodies below).

Citygate is wrapping up the information gathering phase which involves soliciting feedback from stakeholders as well as analyzing relevant data. The study is on track to be completed by the end of the fiscal year (June 30, 2024). We are optimistic that the findings and recommendations provided by Citygate Associates will be instrumental in shaping our strategic staffing decisions. Early recommendations are being incorporated into the budget process as well as the Command Team Building Workshop we are holding in March 2024. The insights gained from this study will guide our department through this phase of rebuilding staffing levels

2023 Berkeley Police Department Annual Report

and make sure that future deployment of police services in Berkeley is both effective and aligned with the principles of the Reimagining Public Safety initiative.

Strategic Analysis and Accountability

In a step toward institutionalizing data-driven decision-making and enhancing accountability, the department is focusing analytical efforts on strategic planning and accountability. This approach builds upon the foundational work of the Strategic Analysis Team and aims to drive the implementation of equitable, fair, and effective public safety strategies that are deeply rooted in the principles articulated by the City's Reimagining Public Safety initiative.

This organizational focus will deepen collaboration with key partners including the Police Accountability Board by providing essential data and insights that support comprehensive police accountability and oversight. Key initiatives will include the enhancement and management of our Early Intervention Systems (EIS, more information in the "Audits and Oversight" section) and the overall risk management framework, demonstrating a commitment to operational excellence and innovation in public safety. This shift represents a proactive effort to meet the emerging needs of the department and community and embodies a vision of a more accountable, transparent, and community-aligned approach to public safety.

2023 Berkeley Police Department Annual Report

Crime & Investigations

Amid increasing crime rates, our department employs creative, problem-oriented solutions. Our robust clearance rates, competitive on a regional scale, reflect our commitment to delivering first-class police work from start to finish.

Crime Data

Understanding the distinctions between calls for service, case reports, and confirmed crimes is crucial for clarity when reviewing crime data. Calls for service are the initial contacts made by the public with our department, ranging from reports of suspicious activities to requests for emergency assistance. These calls often prompt further investigation.

Following an investigation, if there is reason to believe a crime has occurred, an officer writes a case report. These case reports document the investigation's details, including any evidence collected, witness statements, and the officer's observations and conclusions at that stage.

The determination of whether prosecution will be pursued falls to the District Attorney (DA). The DA reviews the case report and decides whether they can prove beyond a reasonable doubt that a crime occurred.

This higher standard—beyond a reasonable doubt—is the legal benchmark used in criminal trials to determine the guilt of the accused before any criminal penalty is imposed.

The statistics presented below are derived from case reports. These reports form the backbone of our crime data analysis as they provide a comprehensive overview of our department's investigative activities and outcomes.



It is important to note that the data below utilizes the Uniform Crime Reporting (UCR) Summary Reporting System (SRS) methodology. The SRS is a national reporting standard that facilitates a summarized account of major crime categories, thereby allowing comparisons over time and across jurisdictions. In 2024 we transitioned to the National Incident-Based Reporting System (NIBRS), which is an updated national reporting standard that promises a more detailed and nuanced approach to crime data collection and analysis.

NIBRS provides several key advantages over the UCR SRS. Unlike UCR SRS, which focuses on a limited number of "Part One" crimes, NIBRS includes a broader range of crime categories, offering a more comprehensive view of crime in the community. NIBRS captures detailed

2023 Berkeley Police Department Annual Report

information about each criminal incident, including the types of offenses committed, characteristics of the victims and offenders, types of property involved, and the relationship between the victim and the offender. The detailed data collected through NIBRS supports more sophisticated and nuanced analysis, enabling law enforcement agencies, policymakers, and researchers to identify trends, patterns, and correlations in crime data more effectively across jurisdictions nationwide.

Part One Crimes

Part One Crimes, as classified by the UCR, are comprised of both violent and property crimes, reflecting the most serious offenses. Part Two Crimes include a range of other offenses, providing a broader scope of the crime landscape.

Part One Crimes by Year

In 2023, there was a 10.5% overall increase in total Part One Crime in Berkeley compared to 2022. Specifically, Part One Violent Crimes saw an increase of 100 cases, while Part One Property Crimes rose by 759 cases.

Part One Crimes by Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	% Change 2022-2023
Homicide	3	1	2	1	1	0	5	0	3	1	-66.7%
Sexual Assault	35	44	54	83	65	74	47	57	89	97	+9.0%
Robbery	263	330	361	364	353	369	274	265	292	386	+32.2%
Aggravated Assault	130	155	185	218	167	175	210	210	282	282	+0.0%
Total Violent Crimes	431	530	602	666	586	618	536	532	666	766	+15.0%
Burglary	932	1090	805	843	829	771	797	803	1036	1228	+18.5%
Larceny	3615	4099	3965	4556	4004	4993	3933	3736	4611	4532	-1.7%
Auto Theft	555	717	650	621	548	492	805	1098	836	1350	+61.5%
Total Property Crimes	5102	5906	5420	6020	5381	6256	5535	5637	6483	7110	+9.7%
Arson	15	22	24	30	31	17	52	72	52	84	+61.5%
Total Part One Crimes	5548	6458	6046	6716	5998	6891	6123	6241	7201	7960	+10.5%

2023 Berkeley Police Department Annual Report

The most significant percentage increases in Part One Crimes were observed in Auto Theft (61.48%), Arson (61.54%), and Burglary (18.53%). Conversely, decreases were recorded in Homicide (-66.7%) and Larceny (-1.71%).

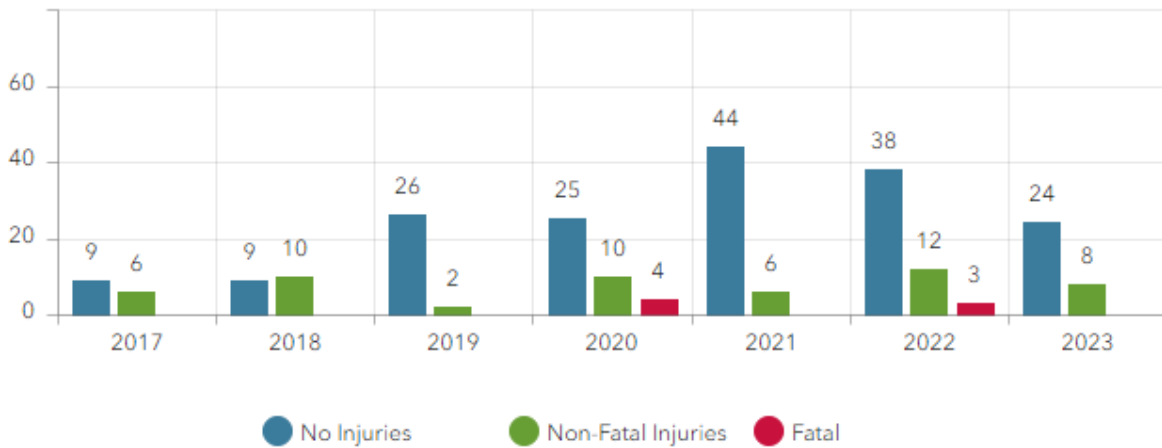
Crime Categories of Interest

In 2023, we observed notable trends in specific crime categories, each presenting unique challenges and requiring tailored approaches for effective management and prevention.

Shootings

2023 marked a significant decrease in shooting incidents within Berkeley, with a total of 31 confirmed incidents compared to 53 in 2022. Confirmed shooting incidents encompass both witnessed events and instances where evidence of gunfire, such as shell casings, was discovered.

Shootings by Type



While the decline in shootings in 2023 is encouraging, the data presented in the chart above shows that the number of incidents remains substantially higher than the 15 reported in 2017. The data further indicates that the decrease in 2023 primarily stems from a reduction in 'No Injury' events, where a firearm was discharged but no individuals were struck; however, the persistent occurrence of both 'Fatal' and 'Non-Fatal Injury' shootings highlights the need for ongoing interventions to combat gun violence. For more on our efforts to recover guns and our collaboration with the City of Berkeley's Gun Violence Intervention & Prevention program see below.

Robbery

Robberies are crimes involving the unlawful taking of property from a person or their immediate presence, through the use of force or threat of force. This definition encompasses a range of scenarios, from physical confrontations where a victim is threatened or harmed to secure their belongings, to intimidation tactics where the threat of violence compels a victim to surrender their property. Robberies can occur in various settings, including but not limited to,

2023 Berkeley Police Department Annual Report

public streets (pedestrian robberies), commercial establishments (commercial robberies), residences (home invasions), banks (bank robberies), and incidents involving vehicles (carjackings). The key elements that define an act as robbery include the intent to permanently deprive the owner of their property, the use or threat of force, and the direct interaction with the victim.

Robberies	2018	2019	2020	2021	2022	2023
Pedestrian	229	247	131	119	148	205
Commercial	108	97	117	118	117	135
Home Invasion	5	4	8	8	8	5
Bank	3	2	5	6	4	2
Carjacking	10	14	13	14	15	39
Total	355	364	274	265	292	386
By Gun (% of total)	82 (23%)	74 (20%)	46 (17%)	74 (28%)	69 (24%)	111 (29%)

The data for 2023 indicates a noticeable increase in robbery incidents, particularly in the pedestrian and carjacking categories. This uptick brings the total number of robberies to 386, marking a 32% rise from the 292 cases in 2022.

Hate Crimes

Hate crimes are crimes motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability. Hate crimes in Berkeley continue to be a critical concern. The majority of hate crime reports in 2023 were characterized as crimes of intimidation, involving slurs or graffiti, rather than physical violence.

Hate incidents are acts of prejudice that are not crimes and do not involve violence, threats, or property damage. We take hate incident reports because these incidents perpetuate prejudice and intolerance, creating an environment of fear and alienation for the targeted individuals and communities, even in the absence of criminal activity.

Hate Crimes	2018	2019	2020	2021	2022	2023
Race/Ethnicity/National Origin	11	5	7	29	24	27
Religion	3	1	2	11	3	9
Sexual Orientation	3	2	1	2	11	9
Gender	1	0	2	0	0	0
Disability	0	0	0	0	0	1
Total	18	8	12	42	38	46

2023 Berkeley Police Department Annual Report

Hate Incidents	2021	2022	2023
Race/Ethnicity/National Origin	16	22	24
Religion	1	5	19
Sexual Orientation	4	4	7
Gender	0	0	0
Disability	1	0	0
Total	22	31	50

Prior to October 7th, there were 29 hate crimes, 24 of which were tied to race or religion, including 5 anti-Jewish and 1 anti-Arab or anti-Muslim hate crimes. There were 31 hate incidents before this date, with 24 of these being race or religion-related, including 5 anti-Jewish and 4 anti-Arab or anti-Muslim incidents. Since October 7th, we recorded 17 hate crimes, of which 12 were directly related to race or religion, including 5 anti-Jewish hate crimes and a single hate crime targeting Arab or Muslim individuals. In the same period, hate incidents rose to 19, all related to race or religion, with a notable increase to 13 anti-Jewish hate incidents, while no anti-Arab or anti-Muslim hate incidents were reported.

Sexual Assault

The number of sexual assault cases remained at a high level in 2023, mirroring the figures from 2022. This persistent trend emphasizes the importance of providing support services, raising awareness, and implementing preventive measures to address and reduce instances of sexual assault within the community. The Department continues to take reports where the full elements of the penal code are not met, when a survivor requests a report for catharsis and in other non-investigatory situations. For a significant number of cases the survivors choose not to follow through with an investigation. There are a number of reasons for this, but it inflates our reported numbers compared to other agencies and leads to lower clearance rates. It also reflects our total commitment to providing support to survivors. Additionally, these cases are typically closed as “Suspend” not “Closed” as an added safeguard to protect information on these sensitive cases from being released; this practice directly lowers our clearance rate for sexual assaults.

Sexual Assault	2018	2019	2020	2021	2022	2023
Felony	65	74	47	57	89	97
Misdemeanor	31	64	38	50	81	62
Total	96	138	85	107	170	159

In 2023, there were 97 felony and 62 misdemeanor sexual assault cases reported, totaling 159 cases, including an increase in the number of felony cases, and a slight decrease from the previous year's total of 170 cases.

2023 Berkeley Police Department Annual Report

Property Crimes

2023 saw a notable increase in certain property crimes, specifically retail thefts and vehicle thefts, while catalytic converter thefts declined significantly.

Property Crimes of Interest	2018	2019	2020	2021	2022	2023
Commercial Burglaries	275	307	324	316	435	574
Vehicle Thefts	548	492	805	1098	836	1350
Catalytic Converter Thefts	35	186	586	573	847	457

The Department works in collaboration with regional loss prevention agents to identify organized retail theft offenders. Additionally, the department has been working with the San Francisco Police Department Organized Retail Crime and Fencing units, the Oakland Police Department CRT, the CHP Organized Retail Crime Unit, the Emeryville Police Department, the Palo Alto Police Department, the Walnut Creek Police Department, and the Central Marin Police Authority. We share suspect information, including surveillance photos/videos, suspect vehicles, and suspect MO to link cases committed by the same groups of suspects throughout the Bay Area.

Department Initiatives**What We've Done****Firearm Recoveries**

In 2023, a total of 69 firearms were recovered, marking a decrease of 42% from the previous year.

Firearm Recovery Methods	2019	2020	2021	2022	2023
Patrol calls for service	33	36	51	64	41
Patrol proactive traffic stops	25	17	24	12	11
Detective Follow-up investigation	29	32	43	43	17
Total	87	85	118	119	69

All firearms recovered are processed through the National Integrated Ballistic Information Network (NIBIN). This database is a nationwide collaboration coordinated by the Bureau of Alcohol, Tobacco and Firearms (ATF). The Department enters ballistic information for each firearm recovered and the database makes connections with evidence recovered from shooting scenes, provides information about persons who have owned and or purchased the firearm.

BPD routinely processes recovered firearms for DNA and fingerprints. This work is key to helping determine who shooters or illegal firearms possessors are.

Gun Violence Intervention & Prevention

To further address the issue of gun violence, the City of Berkeley has developed a Gun Violence Intervention & Prevention program framework as a key component of its Reimagining Public

2023 Berkeley Police Department Annual Report

Safety initiative. This comprehensive program aims to significantly reduce gun violence incidents through a multifaceted approach. The strategy combines place-based interventions in critical areas, direct engagement with individuals at risk, street outreach, and the provision of robust social services. This collaborative effort, involving multiple city departments, community-based organizations and field experts, is grounded in empirical evidence and best practices. It represents Berkeley's holistic and proactive approach to fostering a safer community by addressing the proximate causes of gun violence and supporting those most at risk.

Tailored Response and Proactivity to Hate Crimes

In response to hate crimes, the Berkeley Police Department emphasizes customized and effective strategies. Each incident is carefully evaluated based on its specific details, including the people involved and the context, ensuring the response is accurately tailored.

Area Coordinators from the Community Services Bureau work closely with community leaders from the areas impacted, offering targeted safety advice. This includes specific strategies for Crime Prevention Through Environmental Design (CPTED) and personal safety, all adapted to fit the unique needs of each situation.

The department also proactively keeps an eye out for potential threats to stay ahead of any issues. To further enhance safety, patrols are increased around places of worship and sensitive locations during important events, providing extra security when it matters most.

Additionally, the Hate Crime Awareness Week campaign plays a crucial role in raising awareness about hate crimes, encouraging community resilience, and urging people to report incidents. Through these focused and anticipatory actions, the Berkeley Police Department commits to maintaining a safe and welcoming environment for everyone.

Automated Security Checks

BPD, with insights from our Strategic Analysis Team, has started using data to guide our patrols through automated security checks. These checks send officers to specific places at times where their presence can help prevent crime. By using detailed crime data to decide where and when officers should go, we are more effectively deterring crime. This careful planning of patrols is part of our larger goal to make our policing strategies smarter and more data-driven. This way, we can ensure our crime prevention efforts are not only successful but also adapt to the changing needs of our community.

Engravings

To combat a rise in catalytic converter thefts, the BPD invested in an engraving tool, marking 82 catalytic converters with unique identifiers. This initiative is meant to deter thieves by making stolen parts more identifiable and thus harder to sell.

2023 Berkeley Police Department Annual Report

Through these initiatives, the Berkeley Police Department has demonstrated its resolve in adopting a forward-thinking and community-centric approach to law enforcement. Our efforts in 2023 have sought to address immediate concerns as well as lay a strong foundation for sustainable safety and security in our community.

How We're Doing

As we navigate the complexities of crime and law enforcement, the Berkeley Police Department (BPD) remains steadfast in its commitment to transparency and accountability. Our performance metrics for 2023, including Part One Crimes per capita and clearance rates, provide valuable insights into our effectiveness and our ongoing efforts to enhance public safety in our community.

Part One Crimes per Capita:

With a population of approximately 118,950 (as of July 2022), there were 669 part one crimes overall per 10,000 residents in Berkeley. There were **64 violent crimes** per 10,000 residents and **598 property crimes** per 10,000 residents in 2023. In 2022, there were 57 violent crimes per 10,000 residents and 555 property crimes per 10,000 residents.

Based on the latest data from the Department of Justice available to the public, the following crime statistics were reported in 2022 for cities selected for their proximity to Berkeley and similar population sizes:

- In Santa Clara, population 126,930, there were **31 violent crimes** (395

MOMENTS OF IMPACT

On 1/21/2023 officers responded to an assault between multiple subjects. The offender had threatened the 14-year-old survivor with a knife, twisted her wrist, causing pain and stole various items from her.

The survivor explained she had been living on the street and she had met the offender three weeks prior. The survivor had begun living with the offender and she was sexually and physically assaulted by the offender during this time. The offender also threatened to kill the survivor and prevented her from leaving the apartment. The survivor disclosed that the offender furnished and injected methamphetamine into the victim's hand. The offender was arrested at the scene.

Through extensive conversations and follow up, Detective Martinez and the survivor built trust and established a close connection. The victim disclosed that she was a victim of human trafficking in other cities prior to her arrival in Berkeley. Detective Martinez connected her with a shelter specializing in homeless and trafficked youth. Ultimately the Alameda County District Attorney's Office charged the offender with multiple sexual crimes, robbery, burglary and drug possession.

In the department's continued commitment to the survivor, Detective Martinez worked with her family to find the right family member for her to live with long term and we matched her with a social worker specializing in trafficked youth. This social worker helped get the survivor back into school, into therapy and helped obtain other resources for the survivor and her family. Throughout the department's contact with the survivor she expressed how she felt seen and heard by the department and her appreciation for the work that was done on her case.

2023 Berkeley Police Department Annual Report

incidents in total) and **360 property crimes** (4,564 incidents in total) reported per 10,000 residents.

- San Leandro, population 86,762, reported **58 violent crimes** (499 incidents in total) and **490 property crimes** (4,254 incidents in total) per 10,000 residents.
- Richmond, population 114,301, reported **88 violent crimes** (1,006 incidents in total) and **272 property crimes** (3,117 incidents in total) per 10,000 residents.

Clearance Rates

Forensic and electronic evidence, diligent and detailed investigative efforts, as well as community willingness to share information are critical to developing leads and chargeable cases. The following table summarizes our clearance rates of crimes in UCR categories alongside clearance rates for Santa Clara PD (SCPD), San Leandro PD (SLPD) and Richmond PD (RPD) . A note about clearance rates: the numbers reported for BPD in the second table below only cover cases closed within one year of being reported; however, many investigations occur over an extended period and these cases will be closed after this reporting period.

Part One Crimes Clearance Rates* by Year – DOJ	2020 SCPD	2020 SLPD	2020 RPD	2020 BPD	2021 SCPD	2021 SLPD	2021 RPD	2021 BPD	2022 SCPD	2022 SLPD	2022 RPD	2022 BPD
Homicide	100%	14%	25%	33%	-	100%	25%	100%	0.0%	0.0%	35%	67%
Sexual Assault	23%	27%	9.1%	6.4%	15%	17%	67%	5.3%	27%	0.0%	17%	7.9%
Robbery	39%	20%	19%	21%	35%	19%	26%	26%	24%	12%	10%	31%
Aggravated Assault	57%	32%	27%	37%	65%	38%	44%	44%	64%	41%	34%	43%
Burglary	7.6%	5.0%	7.6%	11%	6.4%	4.7%	17%	16%	10%	5.2%	11%	15%
Larceny	5.5%	4.1%	2.6%	6.8%	4.0%	4.2%	1.5%	4.8%	8.5%	4.1%	1.1%	5.4%
Auto Theft	4.3%	2.7%	11%	3.7%	3.7%	2.7%	7.4%	4.3%	6.7%	2.4%	2.5%	6.1%
Arson	20%	20%	6.1%	15%	47%	4.5%	17%	19%	29%	8.3%	17%	15%

2023 Berkeley Police Department Annual Report

Part One Crimes Clearance Rates* by Year – 1-Year	2020 BPD	2021 BPD	2022 BPD
Homicide	100 %	100 %	100 %
Sexual Assault	22%	10%	15%
Robbery	30%	29%	32%
Aggravate d Assault	57%	61%	46%
Burglary	12%	15%	10%
Larceny	7.3%	7.0%	6.6%
Auto Theft	9.3%	8.2%	11%
Arson	25%	32%	27%

**Here we are reporting both a DOJ-calculated clearance rate and a 1-year clearance rate for BPD cases. The DOJ rates are calculated by dividing the number of cases reported by the number of cases closed in the same calendar year. A 1-year clearance rate is the percentage of cases that were closed within a year of being reported.*

Looking at the 1-year clearance rates, BPD consistently achieved a 100% clearance rate for homicides across all three years. For sexual assault, BPD's clearance rates ranged from 22% in 2020 to 15% in 2022. Robbery and aggravated assault rates for BPD were generally high, with robbery clearance peaking at 32% in 2022 and aggravated assault at 61% in 2021. Burglary, larceny, and auto theft clearance rates remained relatively low across all jurisdictions, with BPD maintaining consistent rates over the past 3 years.

In 2023, the Property Crimes Bureau was staffed with 3 detectives out of 5 allocated positions, the Youth Services Detail was staffed with 2 detectives of 3 allocated positions, while the Robbery, Homicide and Sex Crimes units were fully staffed.

What's Next

Gun Violence Restraining Orders

The Department recently began using a newly created tool called the Gun Violence Retraining Order (GVRO). This restraining order allows for the seizure of firearms from a person who “poses an immediate and present danger of causing personal injury to self or another by custody or control, owning, purchasing, receiving or having access to a firearm or ammunition.” Thus far this tool has been used in response to calls for service where gun violence or self-harm could be an issue. Going forward we will leverage this powerful tool to proactively take guns from individuals who pose an immediate and present danger.

2023 Berkeley Police Department Annual Report

Automated License Plate Readers & External Fixed Surveillance Cameras

As directed by City Council, in 2023 the Berkeley Police Department (BPD) took additional steps forward in acquiring fixed Automated License Plate Readers (ALPR) and External Fixed Video Surveillance Cameras. Since ALPRs and video surveillance cameras are clearly defined as surveillance technology by the City of Berkeley Surveillance Technology Ordinance (#7,592), we spent months completing the steps outlined in the ordinance to acquire these technologies, including: drafting Surveillance Use Policies; presenting those policies for recommendations to the Police Accountability Board; and receiving City Council Approval of the policies.

Fixed ALPR: After receiving Council approval of the policies (422 and 1305), Berkeley Police Department secured a contract with the preferred vendor, Flock Safety, for the acquisition and installation of 52 cameras on a two-year trial basis from the time of activation. BPD is currently working with Flock Safety and Berkeley Public Works (PW) Department to determine placement of the cameras.

External Fixed Video Surveillance Cameras: San Pablo Park, Berkeley Marina and the PW Transfer Station have had fixed cameras in place for several years. In 2021 BPD was given approval by Council to install additional cameras at ten locations. Those locations are listed in the BPD policies related to Fixed Cameras, 351 and 1304. In 2023, Public Works installed the first camera approved in Policy 351 at 6th and University Avenue and the Berkeley Police Department established procedures for tracking access that will permit an audit to be conducted annually.

Throughout 2023, BPD fielded many inquiries from the Berkeley community expressing a strong interest and support for ALPR and fixed surveillance cameras. In 2024 we will continue on our path to installing and utilizing these technologies for combatting crime with careful consideration of cost, equity, privacy and efficacy guiding us every step of the way.

Regional Collaboration

In January 2024, Berkeley PD participated in a regional convening on crime and public safety hosted by Mayor Arreguín. In attendance were law enforcement leaders and elected officials from across the Bay Area. We discussed the regional efforts underway to address crime and safety concerns as criminals have become more sophisticated and brazen. We identified opportunities for strengthened partnerships across jurisdictional lines and will continue our collaboration in this space to more efficiently and effectively use our resources to solve crimes. There is a lot to be gained from improving our regional approach to data collection and analysis. Investing in both real-time crime analysis for tactical purposes and to inform strategic analysis and long-term planning can enhance our efforts significantly. By sharing data and insights, we can develop more effective strategies to combat crime and ensure public safety. In 2024, we will continue this partnership further at a regional level, exploring innovative solutions and fostering a more collaborative environment for tackling these challenges together.

2023 Berkeley Police Department Annual Report

Road Safety & Collisions

Leveraging detailed collision data and community insights, our department has strategically enhanced traffic safety through targeted initiatives and enforcement. As we move forward, our partnership with Vision Zero promises to further deepen our dedication to efficient and effective traffic safety solutions.

Collision Data

In 2023, there were a total of 873 collisions. They included 514 injury and 359 non-injury collisions. Total collisions increased by 23, or 2.6% from 2022. Non-injury collisions increased by 3.6% and fatal collisions decreased to 0. Injury collisions decreased by 6.2% and DUI collisions increased by 3.7%.

Collisions	2019	2020	2021	2022	2023
Fatal collisions	4	2	7	2	0
Injury collisions	520	316	431	548	514
Non-injury collisions	405	271	351	346	359
Total	929	589	789	896	873

The most common causes of injury collisions (the primary collision factor or PCF) were 22350 VC, 21800-21804 VC, 21950(a)VC, and 22107 VC. Bicyclists (107) and pedestrians (97) accounted for 39.7% of the injury collisions. Bicyclists were found at fault in 60 of the collisions and pedestrians in 22 of the collisions. A closer examination of the 60 at fault injury collisions involving a bicycle revealed 19 involved a solo bicyclist falling or hitting an object.

In 2023, 81 collisions (26 injury / 55 non-injury) involved a DUI driver (an increase from 53 in 2022) which resulted in 39 injured people.

2023 was the first year with no fatal collisions since 2011.

The three intersections which accounted for the highest number of collisions were University Ave/ Acton St, Ashby Ave / San Pablo Ave, and Ashby Ave / Shattuck Ave. The top twelve intersections where collisions occurred were:

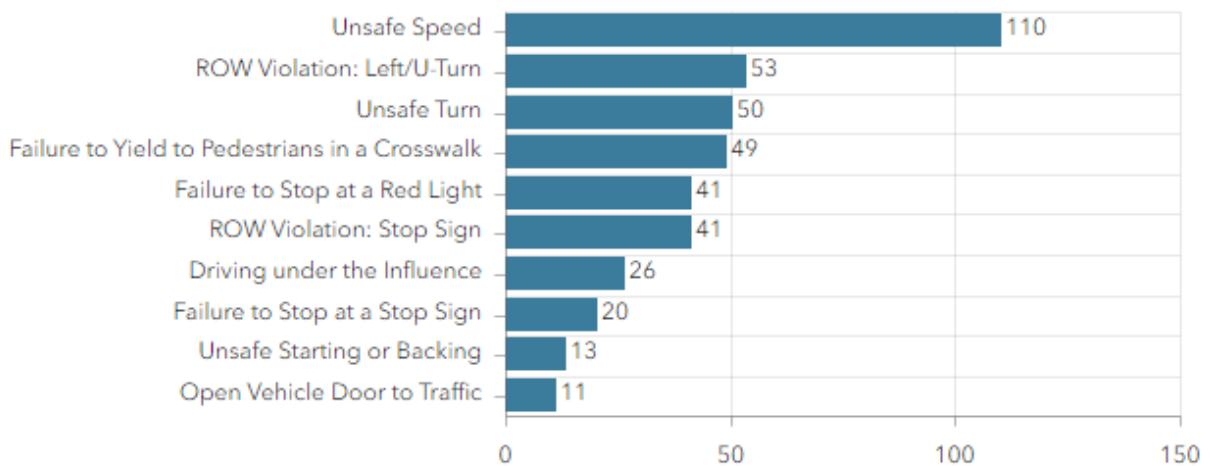
2023 Berkeley Police Department Annual Report

High Collision Intersections, 2023	Total Collisions	Injury Collisions	# of People Injured	Suspected Serious Injury*
University Ave / Acton St	11	9	14	2
Ashby Ave / San Pablo Ave	11	7	11	0
Ashby Ave / Shattuck Ave	11	4	5	0
Ashby Ave / College Ave	10	6	7	1
University Ave / San Pablo Ave	9	4	8	1
University Ave / MLK Jr Way	9	5	5	0
Ashby Ave / MLK Jr Way	8	7	12	4
San Pablo Ave / Gilman St	8	7	10	0
Shattuck Ave / Channing Way	7	4	4	0
Shattuck Ave / University Ave	7	4	4	0
MLK Jr Way / Blake St	6	6	9	0
Sacramento St / Alcatraz Ave	6	5	9	0

*Suspected serious injury is any injury other than a fatality that results in significant injury as defined in the CHP Collision Investigation Manual (CHP, 2017, p. 5-5)

Primary Collision Factors, 2023

Injury Collisions



As previously stated, bicycles were involved in 107 of the injury collisions and pedestrians were involved in 97. Of the 97 injury collisions involving a pedestrian, 22 found the pedestrian to be at fault, 74 found the driver of a vehicle to be at fault and 1 found a bicyclist to be at fault. Of the 107 injury collisions involving a bicyclist, 60 found the bicyclist at fault, 34 found the driver of a vehicle at fault, 2 found a pedestrian at fault and the remainder were either unable to

2023 Berkeley Police Department Annual Report

determine fault or a person other than a driver, caused the collision. The biggest factor for this is an occupant in a parked vehicle opening a car door before it is safe/ not yielding to bicyclist in violation of 22517 VC (PCF for 10 bicycle injury collisions in Berkeley in 2023.)

Department Initiatives

What We've Done

In 2022, BPD reprioritized traffic enforcement efforts around a three-prong approach that focuses on primary collision factors, community member reports and observations reported to the BPD and community caretaking. Community caretaking functions consider safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions. BPD will continue to collect and analyze collision data to understand and guide needs and shape future resource allocation decisions.

Primary Collision Factors

Automated Security Checks – Calls for service are automatically generated based on collision data, and time and location of occurrence to focus officer discretionary enforcement time on collision prone locations.

Community Reports

Community members are able to submit traffic safety concerns via the Transparency Hub. The submission is triaged and added to the traffic unit's enforcement requests. After launching this feature in April 2023, the traffic unit received 53 traffic concern submissions.

Community Caretaking

BPD Traffic Unit uses OTS funds to hold DUI checkpoints and DUI saturation patrols. The checkpoints are set up at strategic locations based on the DUI collision and arrest data. DUI checkpoints and saturation patrols use highly trained officers to identify and apprehend impaired drivers and educate the motoring public.

BPD Traffic Bureau just completed a full year of offering a free presentation to senior drivers focusing on the importance of roadway safety for older drivers. The unit has been using education funds from the Office of Traffic Safety (OTS) Grant to teach the program called, "Drive Safer, Drive Longer". This material was developed by the Training, Research and Education for Driving Safety (TREDS) Program at the University of California San Diego School of Medicine. The classes are held once a quarter at the north and south Berkeley Senior Centers and is designed to increase awareness of the dangers older drivers encounter and to offer strategies to keep them safe and mobile.

2023 Berkeley Police Department Annual Report

In 2023, BPD applied for and was awarded grant funding that supports our efforts to reduce traffic collisions and impaired driving in Berkeley. Grant sources include the Office of Traffic Safety (Selective Traffic Enforcement Program / STEP Grant) and the California Highway Patrol Cannabis Tax Fund Grant to provide additional enforcement, education and traffic safety programs. The funding allows us

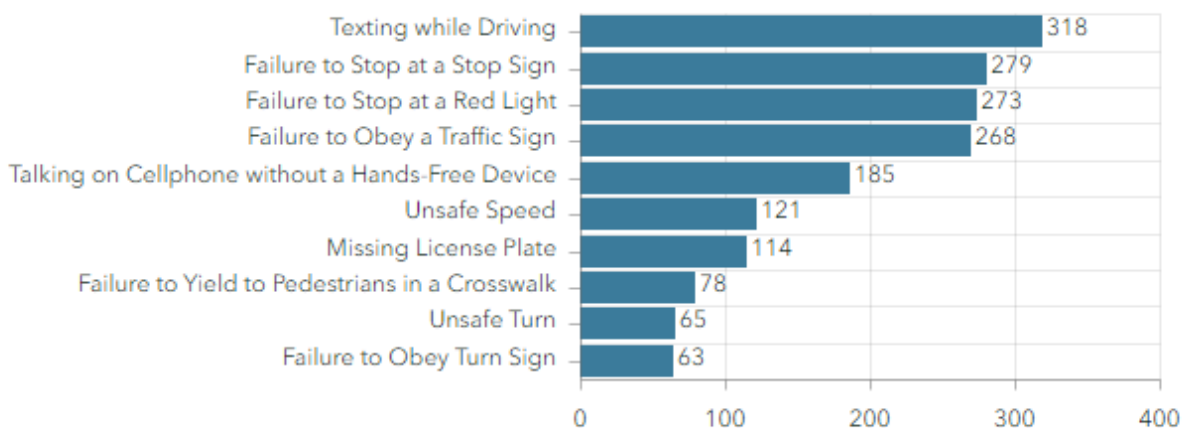


to conduct DUI checkpoints, DUI saturation patrols and provide enforcement in locations identified as high collision areas targeting dangerous driving behavior. Grant funding allows officers to attend training to become proficient in field sobriety testing to detect both alcohol and drug impairment. In partnership with OTS and other law enforcement agencies throughout the state BPD participates in national campaigns such as pedestrian safety month, winter DUI mobilization, distracted driving awareness, bicycle safety, motorcycle safety, walk to school day and click it or ticket enforcement.

How We're Doing

Moving Violations and Primary Collision Factors

Most frequent vehicle violations, 2023

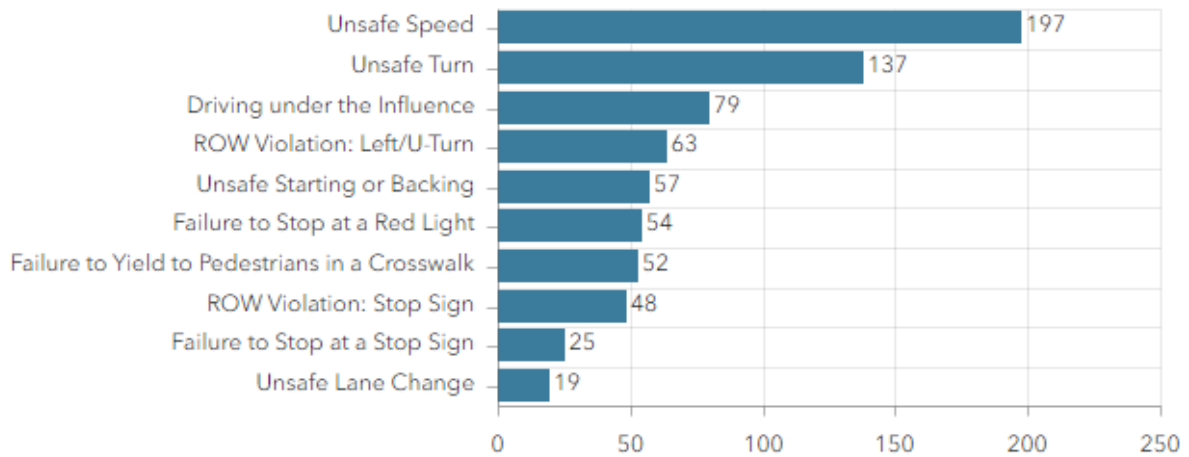


*Excludes stops made in response to calls for service and information-based stops

2023 Berkeley Police Department Annual Report

Primary Collision Factors, 2023

All Collisions



The tables above outline the moving violations associated with our vehicle stops as well as the primary collision factors for all stops. The violations related to this year’s stop data correlate closely with primary collision factors as well as other serious traffic safety violations geared toward community caretaking.

Transparency Hub Survey Responses

After a community member submits a traffic safety concern via the Transparency Hub and enforcement or education is conducted at the location by the traffic unit, the submission is updated by traffic unit staff indicating the concern had been addressed. In 2023, the traffic bureau conducted 10 traffic safety interventions in response to community concern submissions.

What’s Next

In 2024, BPD will continue to use Office of Traffic Safety grant funding to support traffic safety measures to enhance our enforcement and education efforts. Through grant funding, we intend to increase the number of Drive Safer, Drive Longer classes for aging drivers, increase the number of DUI checkpoints, and continue to use the Traffic Safety Transparency Hub and collision data to guide our traffic enforcement strategies. As we look for other ways to improve our strategies, we are committed to deepening our Vision Zero collaboration with key stakeholders to identify high-risk locations, analyze the causes and contributing factors of collisions, and develop meaningful interventions. Our continued partnership with Vision Zero stakeholders will allow BPD leadership to identify strategies that inform decision making around the way and areas we prioritize traffic safety, guided by our three-pronged approach for traffic enforcement.

Accountability: Stops & Use of Force

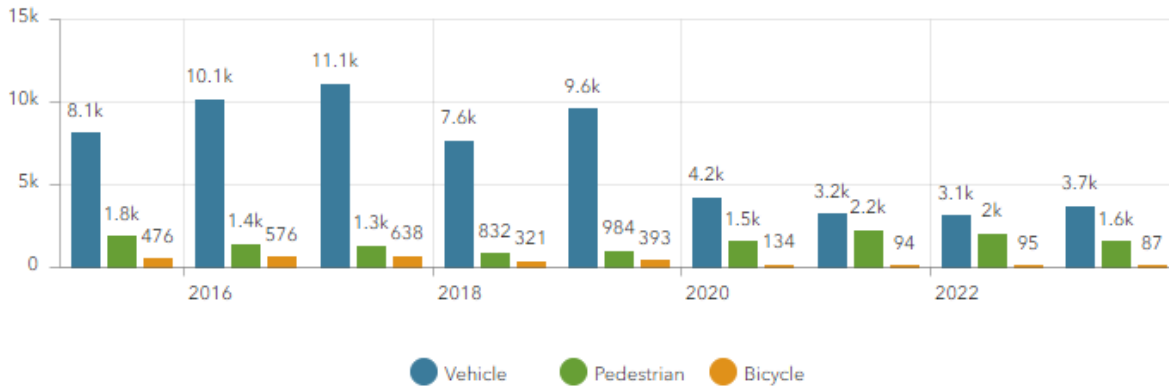
Our department's thorough review of stop data and use of force incidents underscores our commitment to moving forward efforts supporting Fair and Impartial Policing. Performance metrics and tests for bias help ensure our practices don't perpetuate societal inequities. With ongoing enhancements in our Early Intervention System (for more, see the "Audits & Oversight" section below), we are steadfast in our mission to deliver public safety equitably to our community.

Stop Data Report

In October 2020, the Berkeley Police Department began tracking and ultimately supplying the State of California with our stop data pursuant to the Racial Identity Profiling Act (RIPA). BPD began this data collection a full two and a half years before agencies our size were required to comply with RIPA. Berkeley began this process early as part of the department's efforts to better capture, understand and share the data associated with our stops.

During 2023, BPD averaged 442 total stops including 305 vehicle stops, 129 pedestrian stops, and 7 bicycle stops per month for a yearly count of 5,306 total stops, 3,665 vehicle stops, 1,554 pedestrian stops, and 87 bicycle stops.

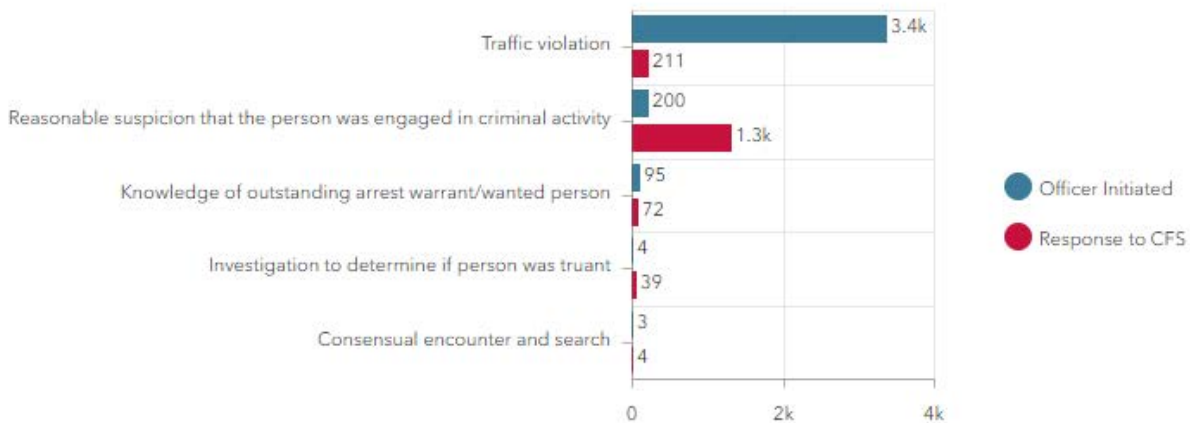
Stops by Year and Type



69.08% of all stops were officer-initiated, primarily focusing on traffic violations, while the remaining stops were in response to calls for service. This data, along with the breakdown of reasons for the stops, is depicted in the following graph.

2023 Berkeley Police Department Annual Report

Reason for Stop, 2023



Yields

880 stops resulted in at least 1 arrest, 2,100 stops resulted in a citation and 1,661 resulted in a warning. 471 stops resulted in no enforcement action.

According to data published by the RIPA board in 2024, Berkeley's yield rate was higher than 92% of all agencies in California in 2022.

In 2023 BPD's search rate for all stops was 14% and had an overall contraband yield rate of 42%. Those searches resulted in 82 seizures of one or more weapons, including 15 recoveries of one or more firearms. The yield rate for all discretionary searches (searches not incident to arrest, a search warrant, vehicle inventory for towing, or exigent circumstances/emergency) was 48%.

Tests for Bias

BPD is deeply committed to ensuring fairness and impartiality in all aspects of law enforcement. To uphold these values, we rigorously examine our practices for any potential biases, employing a series of analytical methods to evaluate the objectivity of our policing. This section details our approach to testing for bias. From analyzing at-fault collision demographics to employing methods like yield rate analysis and the veil of darkness test, our approach is multifaceted and data-driven, aiming to foster a culture of transparency, accountability, and equitable policing.

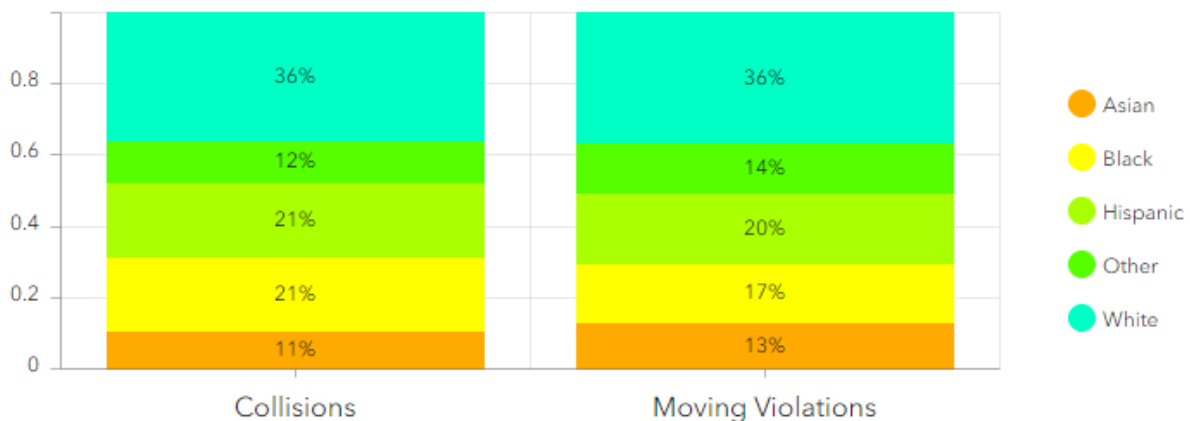
At the core of our analytical approach is an emphasis on discretionary decision making. Research in this field posits that moments of discretion are when implicit bias is most likely to manifest itself. For that reason, in the analyses below we focus on stops where officers were not responding to a call for service nor relying on additional information (for example, a description of a wanted vehicle) when making the decision to stop. This filtering allows us to key in on moments of maximum discretion where we would most clearly see the effects of implicit bias if such bias were to play a role in officer decision making.

At-Fault Collision Demographics

A key component of this approach is the comparison of at-fault collision demographics with the demographics of individuals stopped for moving violations. This comparison helps us assess whether traffic stops are being conducted based on objective, race-neutral criteria. This test is particularly important because moving violations made up 81% of all discretionary stops in 2023.

Collision data gives us representative sample of who is driving in Berkeley. This information is useful because it gives us a baseline of the population that officers encounter when they make a stop. Looking at drivers who were determined to be the at-fault party in a collision further refines that baseline to give us a sample of who is driving dangerously in Berkeley. Because we expect our traffic enforcement to focus on dangerous drivers, if our traffic enforcement is unbiased, we would expect a close alignment between the demographics of those involved in at-fault collisions and those stopped for moving violations. Close alignment of those demographics would indicate that stops are influenced by driving behavior rather than implicit biases.

At-Fault Collision & Discretionary Moving Violation Demographics, 2023



An analysis of 2023 data indicates a close alignment between these two demographic groups. This is the finding we would expect if officers are using race-neutral factors when making a discretionary stop for a moving violation.

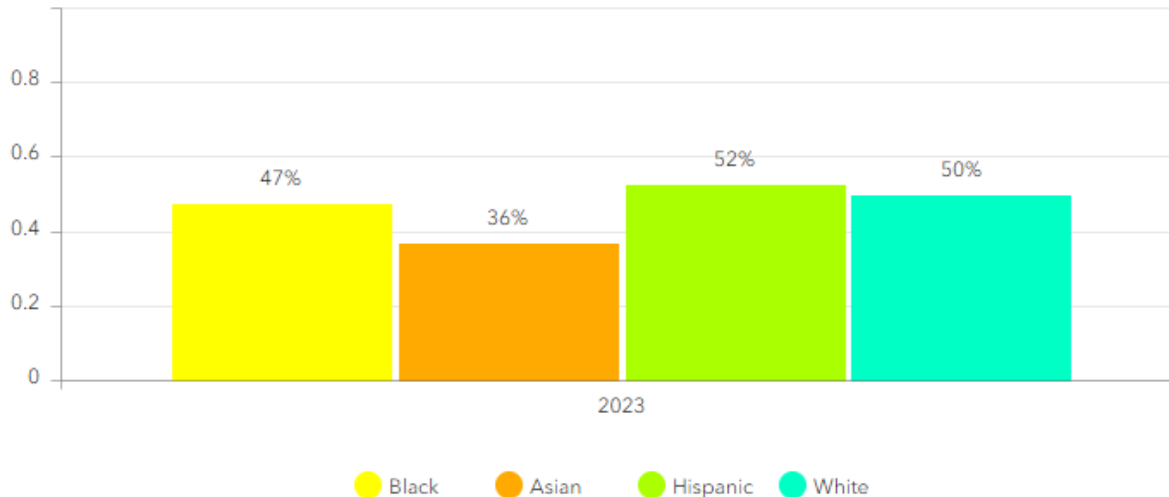
Yield Rate Analysis

Another method of determining whether officer discretion is influenced by implicit racial bias is to measure whether the officer’s decision to search is subject to a lower threshold of suspicion for Black and Brown people as compared to for White people. Often called yield rate analysis, the method assumes that race-neutral indicators observable by an officer will accurately predict the probability that a search will uncover contraband. The logic follows that a search triggered by a given level of suspicion based on race-neutral factors will ‘yield’ contraband at the same rate across racial groups. Conversely, a higher yield rate for searches of White people

2023 Berkeley Police Department Annual Report

as compared to searches of Black people would indicate that officers are deciding to search White people when they have a higher confidence of finding contraband.

Discretionary Search Yield Rate by Race, 2023



The nearly equivalent search yield rates between Black and White individuals are in line with what we would expect to see if searches conducted by officers were based on factors that do not involve race. A regression analysis conducted by the RIPA board in 2024, which examined data from 2022, found that race—specifically being Black or Hispanic as opposed to White—did not have a statistically significant effect on the likelihood of a Berkeley PD search yielding contraband. This is the result we would expect to see from search decisions being carried out without bias.

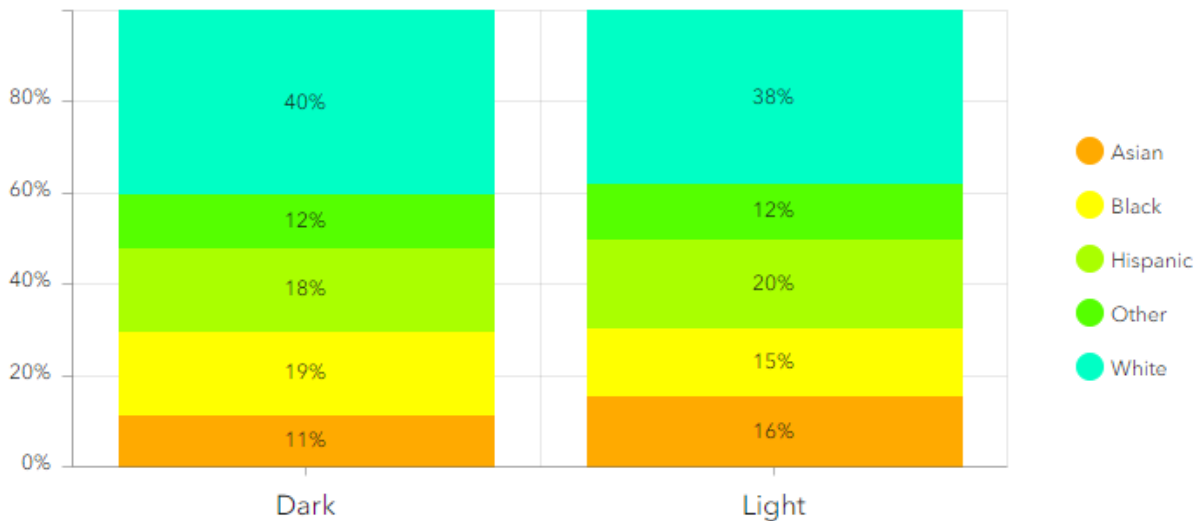
Veil of Darkness

The "veil of darkness" analysis is a test of implicit bias at the decision to stop. The analysis looks at the proportion of stops that are of a racial group when it is light outside versus when it is dark outside. If Black people are stopped more often in the light than in the dark, it could indicate that the visibility of race is playing a role in the decision to stop. The test takes advantage of daylight savings time and seasonal changes in day length by looking at times of the day (say, 6:30pm) where for part of the year it is dark outside and part of the year it is light out. Those times can be called the "inter-twilight period." In that way the test can control for any changes in the distribution of who is on the street throughout the day (as opposed to just doing day vs. night) while observing the difference in stop patterns when race is more visible or less visible to an officer.

2023 Berkeley Police Department Annual Report

The graph below is a visual representation of this comparison. The test relies on the assumption that race is more apparent to the officer in the light than in the dark, and to the extent that the assumption is violated by the presence of streetlights or racially correlated characteristics of the car or neighborhood, the validity of the test is undermined. Nevertheless, as long as the assumption holds on average, the test can indicate the presence of the effect; that is, a result

Discretionary Stop Demographics during Inter-twilight Period, 2023



concluding a statistically significant result would be evidence of the presence of bias, while a null result would not necessarily prove the absence of bias.

The close alignment of demographic groups for discretionary stops in the dark and in the light during the “inter-twilight period” seen above is what we would expect to see if those stops were being made based on race-neutral factors.

Use of Force Report

Berkeley Police Department takes pride in our ability to accomplish our work with minimal reliance on force through approaches that include de-escalation techniques, as well as an awareness of mental health crisis issues and appropriate responses. The department reinforces these skills and strategies through regular training.

In February 2021, BPD transitioned to a new Use of Force Policy that had several substantial changes, that included a de-escalation requirement and an expanded use of force reporting standard. Under this policy, reportable force is delineated into the following four categories:

Level 1 – Involves grabs, control holds, the use of leverage, or body weight with no injury or complaint of pain.

Level 2 – Applies when an officer points or deploys a firearm while interacting with someone. It also applies to a Level 1 force that involves more than momentary discomfort but does not have an injury or complaint of pain.

2023 Berkeley Police Department Annual Report

Level 3 – Parallels our old Use of Force reporting standard and involves the use of a weapon, subject injury, or complaint of pain. This category also applies to specific circumstances when an officer does not activate their body-worn camera.

Level 4 – Applies when an officer uses a firearm or when there is an in-custody death.

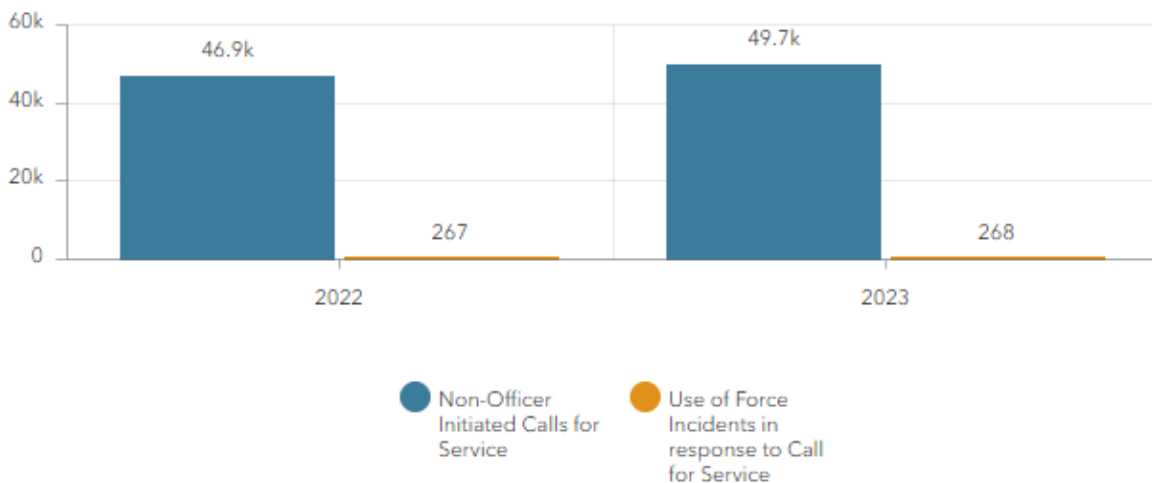
The department use of force policy requires officers to report uses of force to their sergeant, who documents these incidents in a formal report. A lieutenant and captain review each report, including associated body worn camera (BWC) footage, before forwarding it to Internal Affairs. In a given incident, more than one technique or type of force may be used to bring a resistant or combative individual into custody, and more than one officer may use force during the incident.

In 2023 there were 346 incidents that involved 1,214 uses of force. 68 % of all uses were Level 1 uses of force, and 28% were level two. These two categories accounted for 96% of all uses.

While the department has consistently evaluated individual use of force incidents, our expanded data collection and analysis tools allow us to understand and evaluate our use of force trends and share them with the community.

Of the 49,703 non-officer-initiated calls for service that BPD received in 2023, 0.54% (268 incidents) resulted in a use of force incident, and 0.06% (29) resulted in a use of force that produced more than a minor complaint of pain or where a weapon was used (Level 3 and 4). 77.46% of our use of force incidents occurred when officers responded to calls for service from the community, and trends show that calls for service account for a larger percentage of cases

Calls for Service and Use of Force Incidents



where force was used this year than in previous years: 77.46% versus 75.85% in 2022 and 68.5% in 2021.

The chart below illustrates that while carrying out arrests, the likelihood of use of force incidents occurring during arrests is relatively similar across racial groups. Specifically, the use

2023 Berkeley Police Department Annual Report

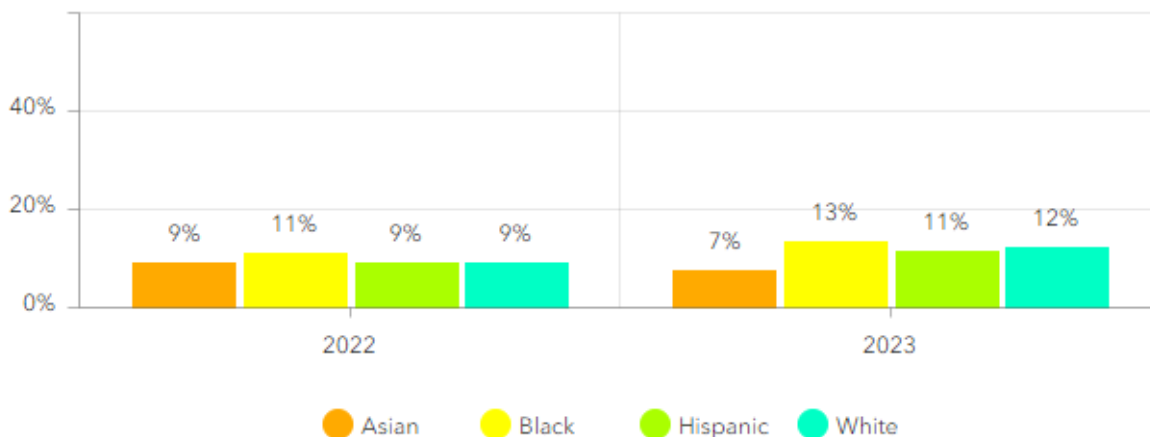
of force was involved in 7% of arrests for Asian subjects, 13% for African American subjects, 11% for Hispanic subjects, and 12% for White subjects. These closely aligned rates are what we would expect if the decision to use of force is being determined by factors other than race.

Utilizing the number of arrested subjects as a baseline for comparing use of force rates is a valuable approach because it reflects the most common scenario in which force is applied. By evaluating use of force as a percentage of arrests, we can more accurately assess the frequency and circumstances in which force is used. This method helps to isolate the act of arrest as a variable and allows for a direct comparison of use of force incidents relative to that variable across different racial groups.

The close percentages across racial groups is what we would expect to observe if use of force is

Arrest Use of Force Rates

All Use of Force Levels



more closely associated with the dynamics of the arrest situation itself rather than the race of the individuals involved.

The department also tracks use of force complaints. While our use of force cases are always reviewed by a Lieutenant and Captain, those associated with a personnel complaint are also subject to an Internal Affairs Bureau (IAB) investigation. The results of the investigation (including BWC footage) are given to a Board of Review that evaluates the case and makes a recommendation to the Chief.

In 2023 the department received a total of 12 complaints associated with use of force incidents. To date, 7 of those investigations have been completed while 5 are still being evaluated. Additionally, 6 out of those 12 cases were also independently assessed by the Office of the Director of Police Accountability and Police Accountability Board. Of the 7 completed cases reviewed by the department or the ODP/A/PAB, 0 resulted in sustained findings of misconduct.

The department will continue to collect, evaluate, and assess our use of force data and use it to inform our policies and training with a focus on achieving positive outcomes.

2023 Berkeley Police Department Annual Report

Audits & Oversight

In 2023, the Berkeley Police Department significantly advanced towards fulfilling oversight directives, completing key reports, audits, and policy reviews, while actively engaging in training and collaborative efforts to ensure fair and impartial policing.

In 2023 we completed a number of reports and audits including:

- The 2022 Annual Complaint Statistics from the Internal Affairs Bureau
- The 2022 Police Equipment and Community Safety Ordinance Annual Report
- The 2022 Police Department Annual Report
- Biannual Automated License Plate Reader audits
- Quarterly Early warning system audits
- Quarterly Fair and Impartial Policing updates
- City Auditor open audit updates
- Contracted for a department-wide staffing and resources assessment with Citygate consulting

The department also actively participated in a number of subcommittees and collaborative conversations with the PAB including reviews of the policies for Body Worn Cameras, Off Duty Officer Conduct, Early Intervention System, and Departmental budget development.

Our personnel also completed annual refresher training to satisfy our policies and state requirements for continuing education.

The work mentioned here is just a portion of the 2023 efforts within the department, which also included contributions to the city's Gun Violence Intervention & Prevention program and the assessment of 911 dispatch services, alongside collaborations with Health, Housing, and Community Services on reimagining public safety projects. Much of this administrative work falls to sergeants and lieutenants, who are also responsible for the supervision and leadership of their teams.

MOMENTS OF IMPACT

One of the duties of the Police Accountability Board (PAB) is to recognize officers who demonstrate exceptional service. An illustrative example of this is the commendation awarded to Officers Gasper and Ludovico for their skilled and empathetic handling of a critical incident on April 6th.

Facing a situation where a person in crisis threatened to jump from a third-story window, the commendation highlights,

“Both [Ofc. Gasper] and Ofc. Ludovico know many of the people encountered in the west area of Berkeley and have established working relationships with many of those people which has allowed them to gain both trust and compliance in critical incidents. April 6th was one of those days where that trust mattered the most.”

Their ability to deescalate the situation and secure medical and mental health support for the individual underscores the importance of community trust and engagement in policing.

This act of recognition by the PAB not only celebrates the officers' dedication but also emphasizes the board's commitment to acknowledging the positive impact of law enforcement personnel who vividly illustrate BPD's commitment to service.

2023 Berkeley Police Department Annual Report

Below are updates on our progress towards completing the recent City Auditor report recommendations and our quarterly update on our implementation of the Fair and Impartial Policing Working Group recommendations.

City Auditor Reports

There were three open audits in 2023. Working with Auditor Wong and her staff, two have been fully completed. The remaining open audit contains 12 recommendations. Of these, 10 are complete leaving only 2 open recommendations. Both of these items are related to staffing and involve our in-progress work with an outside consultant (Citygate). Both are actively being worked on;

- 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale (Complete)
- Data Analysis of Berkeley’s Police Response (Complete)
- Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities (Open/In Progress)

The Department will be submitting our next audit update to City Council in May 2024 regarding the two remaining open audit items. We look forward to continuing to work with Auditor Wong’s office to accomplish all of the recommendations in this budget related audit.

Fair and Impartial Policing Recommendations

BPD has worked hard to fully implement the Fair and Impartial Policing (FIP) Working Group recommendations, and efforts in this area are ongoing and live well beyond the specific recommendations of Council. A prime example of this is the analysis presented in the “Accountability” section above, where we track key measures of fair and impartial policing outcome. The FIP Working Group recommendations have provided invaluable guidelines as we enhance our policies and protocols to ensure the highest standards of policing and are deeply aligned with our departmental values. The department will continue ensuring our personnel, policies and actions support fair, impartial and equitable treatment of all those we serve. The department is also committed to maintaining transparency and accountability in our reporting on these efforts to the community and Council. To ensure this, we will continue providing information both via our Transparency Hub as well as our annual department report.

FIP Working Group Recommendations Progress Report: March 2024

We have made significant progress in implementing the recommendations set forth for the department, with actions taken in nearly all areas specified. The final piece, an extensive staffing assessment conducted by Citygate Associates, is underway and its completion will mark the fulfillment of the last recommendation.

To date, implementation of the recommendations has led to the amendment of departmental policies and the establishment of new protocols. Some major accomplishments included a departmental policy focusing traffic stops on safety and preventing collisions, using evidence-

2023 Berkeley Police Department Annual Report

based models and strong data analysis to guide enforcement actions, and our current work to strengthen and expand our Early Intervention System

The additional FIP training funds allocated as part of the reimagining process have allowed us to continue to move this important work forward. We have created a training focus on courses strengthening responses that are Constitutional, Humane, Impartial, Neighborhood and Community Oriented and DEI-Centered. We refer to this as “KIND” training.

We are also bringing Active Bystander for Law Enforcement (ABLE) training to our agency. ABLE is a nationally recognized program with the aim of creating a police culture in which officers routinely intervene and accept interventions from their peers as necessary to: prevent misconduct, avoid police mistakes, and promote officer health and wellness. ABLE guides agencies and communities on the concrete measures that must be in place to create and sustain a culture of peer intervention leading to the benefit of the community and department. The department was honored to receive letters of support and partnership for this program from community-based organizations in our city such as Dorothy Day House and the Center for Food, Faith and Justice

With this progress, we're turning our attention to further enhancing our practices. Central to this is the development of our Early Intervention System (EIS). We recognize the power of an EIS to promote transparency, proactive intervention, and a supportive environment for officer development. We have taken pride in having an EIS protocol since 2004, reflecting our long-held commitment to accountability. In 2023, guided by the recommendations of the FIP Working Group, we updated our policy, significantly broadening the scope and depth of our audits to include the incorporation of RIPA-mandated stop data. Also in 2023, after collaboration with the Police Accountability Board, the department added audits of body-worn camera footage to our quarterly audit procedure.

To accelerate the expansion of our EIS, we've recently released an RFP for design support in building a cutting-edge, real-time system. This system will give us a comprehensive overview of officer and team performance, helping us identify potential areas where proactive support would be beneficial.

Our EIS work has benefited from ongoing collaboration with the Police Accountability Board (PAB), and we understand they are preparing a comprehensive report on the subject. We look forward to continuing our engagement with the PAB on EIS implementation and improvement.

The Berkeley Police Department remains committed to equitable and unbiased policing and we are proud to have implemented almost all of the FIP recommendations. A Special Order (policy) 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 FIP Working Group. Once the final recommendation of the referral is completed, the department will continue efforts related to fair and impartial policing and provide annual updates and progress in this report.

2023 Berkeley Police Department Annual Report





CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Waterside Workshops Emergency Recovery Grant

RECOMMENDATION

Refer to the budget process \$82,000 to Waterside Workshops to support youth enrichment and climate resilience programs following revenue losses due to construction and street closures on Bolivar Drive.

FINANCIAL IMPLICATIONS

\$82,000 in General Fund impact.

CURRENT SITUATION AND ITS EFFECTS

Supporting youth enrichment and climate resilience programs at Waterside Workshops is a Strategic Plan Priority Project, advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

Waterside Workshops is a youth enrichment nonprofit based in West Berkeley that provides various cycling and workforce development initiatives with an emphasis on climate resilience and ecological sustainability. Due to a major construction project at 600 Addison, street closures on Bolivar Drive beginning in August of 2021, including no access at all for 3+ weeks in July-August of 2023 and closure of the Waterside Cafe program have drastically reduced revenue and negatively impacted various important programs. Bolivar Drive remains partially closed while a new water main is installed under the road and is projected to negatively impact access to the bike shop, boat rentals and cafe through at least June of 2024.

On a cash basis, Waterside Workshops saw a net operating deficit as high as \$141,618.78 in the first quarter of 2023. Despite periodic fluctuations, the organization's net operating income only reached \$23,009.62 in 2023, with roughly \$1.2 million in expenses. The situation has grown more dire in 2024, with a net operating loss of \$32,784.96 reported in January of 2024. By contrast, Waterside Workshops realized a net operating income of \$49,250.34 in 2018, which represents a healthy fiscal situation in a typical year.

These revenue shortfalls have severely impacted the following programs:

- **Waterside Cafe**, a cafe and barista training program that generates critical revenue for the organization. Bolivar Drive closure has forced this program to discontinue for the time being.
- **Street Level Cycles**, a full service retail bike shop that also serves as a bicycle education, repair, and reuse program.
- **Community Open Shop**, in which community members can use Waterside Workshop's tools, purchase components, and fix their bikes on Saturdays and Sundays.
- **Berkeley Boathouse**, a youth internship and boat rental program. In this program, youth work alongside skilled instructors learning carpentry and traditional wooden boat building. When weather permits, interns take Waterside Workshops' fleet of boats paddling and sailing in Aquatic Park and the San Francisco Bay. Youth interns and staff also provide boat rentals to the general public and help conduct field trips for groups of youth from partner organizations.

Street Level Cycles and Berkeley Boathouse are approaching their seasonally high sales months and most active programming months of April through August. Waterside Workshops had to reduce its workforce which diminished its capacity to employ disadvantaged Berkeley youth ages 16-24 by 37% in order to balance its 2024 budget.

Waterside Workshops' programs, including summer camps, enroll more than 300 youth each year at the Aquatic Park. This year, the organization is at risk of having to reduce the number of youth enrolled in these programs due to staffing reductions. This is a direct result of a year of ongoing construction.

Waterside Workshops would use the funds from the city to employ staff and youth to fully staff programs and restart the cafe, directly contributing to productive employment and youth services in the city.

BACKGROUND

Established in 2007, Waterside Workshops is a youth enrichment nonprofit based in West Berkeley that provides education and workforce development initiatives to address the gradual loss of woodworking and machine shop classes in public schools throughout the Bay Area. Currently, Waterside Workshops provides internships and workforce training programs through three programs: Street Level Cycles, Berkeley Boathouse, and Waterside Cafe.

According to Waterside Workshops' latest data, on an annual basis the organization has provided 77 young people with paid internships and job training, 254 refurbished bikes to youth and adults, and access to its free DIY bicycle repair shop to an estimated 1,360 community members.¹

¹ <https://watersideworkshops.org/about/>

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Berkeley's most recent greenhouse gas inventories have identified roughly 60% of community-wide greenhouse gas emissions coming from the transportation sector.² Accordingly, the City's Climate Action Plan identifies "shift[ing] trips to walking, biking, and shared electric modes" as a key strategy for eliminating carbon emissions.³ By providing free space for bicycle repair, free refurbished bicycles, and workforce development for youth in the community, Waterside Workshops is a key partner for the City's goals for a Just Transition away from a fossil fuel-based economy in a way that reduces automobile dependence while increasing opportunities for historically marginalized communities.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

- 1: Waterside Workshops Budget vs. Actuals: 2023 Budget - FY23 P&L
- 2: Waterside Workshops Profit and Loss Statement: January 2024
- 3: Waterside Workshops Profit and Loss Statement: January - December 2018

² <https://berkeleyca.gov/sites/default/files/2022-04/2022-02-08%20Item%2017%20Greenhouse%20Gas%20Emissions%20Inventory.pdf>

³

https://berkeleyca.gov/sites/default/files/documents/2023%20Climate%20Action%20Plan%20and%20Resilience%20Staff%20Update%20to%20Council_2023-12-12.pdf

Waterside Workshops

Budget vs. Actuals: 2023 Budget - FY23 P&L

January - December 2023

	JAN - MAR, 2023		APR - JUN, 2023		JUL - SEP, 2023		OCT - DEC, 2023		TOTAL	
	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET
Health Insurance	11,819.82	12,200.00	13,132.80	12,600.00	15,981.08	12,600.00	13,710.99	12,600.00	\$54,644.69	\$50,000.00
Outside Contractors	250.00	150.00	27,150.00	27,100.00	150.00	150.00	600.00	150.00	\$28,150.00	\$27,550.00
Parts and Materials	32,402.45	58,000.00	76,695.90	55,000.00	19,922.40	22,000.00	11,766.43	15,000.00	\$140,787.18	\$150,000.00
Payroll - Program	149,351.52	145,500.00	131,784.44	145,500.00	155,462.23	145,500.00	138,691.91	145,500.00	\$575,290.10	\$582,000.00
Boating payroll	3,793.80	4,500.00	4,223.90	4,500.00	5,334.31	4,500.00	5,650.76	4,500.00	\$19,002.77	\$18,000.00
Youth Job Training Wages	16,804.46	15,000.00	12,692.02	15,000.00	18,207.35	15,000.00	13,478.71	15,000.00	\$61,182.54	\$60,000.00
Total Payroll - Program	169,949.78	165,000.00	148,700.36	165,000.00	179,003.89	165,000.00	157,821.38	165,000.00	\$655,475.41	\$660,000.00
Sales tax expense	6,010.56	9,000.00	9,465.46	9,000.00	9,366.94	9,000.00	9,859.96	9,000.00	\$34,702.92	\$36,000.00
Tools							33.17		\$33.17	\$0.00
Youth Expenses									\$0.00	\$0.00
Therapy Services and Medical	700.00	420.00		600.00		600.00	1,300.00	600.00	\$2,000.00	\$2,220.00
Youth Trips	1,490.35		362.00		351.92		2,355.40		\$4,559.67	\$0.00
Total Youth Expenses	2,190.35	420.00	362.00	600.00	351.92	600.00	3,655.40	600.00	\$6,559.67	\$2,220.00
Total Program Expenses	222,622.96	244,770.00	275,506.52	269,300.00	224,776.23	209,350.00	197,447.33	202,350.00	\$920,353.04	\$925,770.00
Total Expenses	\$292,702.08	\$311,358.43	\$356,945.38	\$342,463.48	\$316,522.26	\$279,337.00	\$266,122.76	\$269,050.41	\$1,232,292.48	\$1,202,209.32
NET OPERATING INCOME	\$ -141,618.78	\$ -156,525.43	\$98,652.22	\$189,469.52	\$ -31,393.46	\$ -68,587.00	\$97,369.64	\$78,649.59	\$23,009.62	\$43,006.68
NET INCOME	\$ -141,618.78	\$ -156,525.43	\$98,652.22	\$189,469.52	\$ -31,393.46	\$ -68,587.00	\$97,369.64	\$78,649.59	\$23,009.62	\$43,006.68

Waterside Workshops

Profit and Loss

January 2024

	TOTAL	
	JAN 2024	JAN 2023 (PY)
Income		
Contributed Income		
Donations	15,472.01	13,785.29
Grants		
Foundations		25,000.00
Government	17,961.96	
Total Grants	17,961.96	25,000.00
Total Contributed Income	33,433.97	38,785.29
Program Income		
Bike Repairs	1,820.00	2,085.00
Workshop Fees		1,350.00
Total Program Income	1,820.00	3,435.00
Sales		
Bicycle Sales	8,727.49	19,459.84
Cafe		53.00
Total Sales	8,727.49	19,512.84
Total Income	\$43,981.46	\$61,733.13
GROSS PROFIT	\$43,981.46	\$61,733.13
Expenses		
Fundraising		
Salaries - Fundraising	3,461.54	5,163.50
Website	143.76	719.64
Total Fundraising	3,605.30	5,883.14
General and Administrative		
403(b) Plan	-875.00	0.00
Administrative Salaries	3,461.54	5,163.50
Advertising		114.57
Commuter Check	-174.00	
Insurance - Auto		1,177.30
Insurance - Workers Comp		612.24
Meals and Entertainment		159.39
Office Expense	11.99	252.98
Payroll taxes	5,313.37	5,316.67
Postage and delivery	72.50	
Professional fees	216.00	642.70
Rent	485.12	1,921.28
Security	584.88	312.63
Supplies	811.96	354.54
Telephone	72.99	107.22

Waterside Workshops

Profit and Loss

January 2024

	TOTAL	
	JAN 2024	JAN 2023 (PY)
Utilities	814.18	951.19
Total General and Administrative	10,795.53	17,086.21
Insurance	623.60	
Program Expenses		
Health Insurance	4,265.16	4,399.89
Outside Contractors	260.00	150.00
Parts and Materials	4,577.51	2,720.99
Payroll - Program	43,254.43	46,983.18
Boating payroll	1,819.35	
Youth Job Training Wages	2,466.22	2,947.07
Total Payroll - Program	47,540.00	49,930.25
Sales tax expense	5,099.32	1,939.09
Total Program Expenses	61,741.99	59,140.22
Total Expenses	\$76,766.42	\$82,109.57
NET OPERATING INCOME	\$ -32,784.96	\$ -20,376.44
NET INCOME	\$ -32,784.96	\$ -20,376.44

Waterside Workshops

Profit and Loss

January - December 2018

	TOTAL
Income	
Contributed Income	
Donations	57,006.53
Grants	
Foundations	362,366.00
Government	12,500.00
Total Grants	374,866.00
Total Contributed Income	431,872.53
Program Income	
Bike Rentals	3,510.00
Bike Repairs	9,908.23
Boatshop Commision	360.00
Boatshop Rentals	4,615.00
Boatshop Repairs	600.00
Workshop Fees	5,045.00
Total Program Income	24,038.23
Sales	
Bicycle Sales	247,308.44
Boatshop Sales	390.00
Cafe	12,895.72
Total Sales	260,594.16
Total Income	\$716,504.92
GROSS PROFIT	\$716,504.92
Expenses	
Building Renovations	6,976.70
Furniture and Equipment	1,273.97
Total Building Renovations	8,250.67
Fundraising	312.48
Salaries - Fundraising	41,470.82
Website	75.00
Total Fundraising	41,858.30
General and Administrative	
Administrative Salaries	38,435.48
Advertising	500.00
Automotive	2,043.99
Commuter Check	106.00
Filing fees/licenses	179.80
Insurance - Auto	2,618.52
Insurance - Gen Liabilty	14,134.96
Insurance - Workers Comp	8,440.00
Meals and Entertainment	1,313.17

Waterside Workshops

Profit and Loss

January - December 2018

	TOTAL
Merchant Fees	7,344.48
Miscellaneous Expense	120.00
Office Expense	483.60
Payroll taxes	36,026.68
Postage and delivery	166.64
Professional fees	1,574.55
Promotion and Outreach	254.99
Rent	1,200.00
Security	2,875.80
Supplies	2,871.33
Telephone	2,846.18
Travel and Mileage	253.30
Utilities	5,913.15
Total General and Administrative	129,702.62
Program Expenses	
Equip repairs and maintenance	32.16
Health Insurance	22,781.40
Outside Contractors	3,553.75
Parts and Materials	75,938.36
Payroll - Program	332,505.11
Sales tax expense	21,182.00
Tools	1,046.70
Youth Expenses	2,531.32
Therapy Services and Medical	16,360.00
Youth Housing and Edu	5,019.56
Youth Trips	6,492.63
Total Youth Expenses	30,403.51
Total Program Expenses	487,442.99
Total Expenses	\$667,254.58
NET OPERATING INCOME	\$49,250.34
NET INCOME	\$49,250.34

**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

May 7th, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: Celebración Cultural Sylvia Mendez (Spring Cultural Celebration) by the Sylvia Mendez School PTA: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

Adopt a Resolution approving the expenditure of funds, including \$1,500 from the discretionary council office budget of Councilmember Ben Bartlett, to the Sylvia Mendez Elementary School PTA to host a Spring Cultural Celebration event on May 4, 2024, in the courtyard on campus. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Councilmember Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.

BACKGROUND:

This year, the Berkeley Unified School District's (BUSD) only Two-Way Immersion school, Sylvia Mendez Elementary (Sylvia Mendez), will host a Cultural Celebration to celebrate the global heritage, various nationalities, and other cultures important to its community. Community members are creating teams to determine the information, tastes, crafts, dress, music, and performances they would like to share at the event.

Last year's inaugural event was hosted by 10 teams: Eritrea, Mexico, Chile, Cuba, Canada, African American, Croatia, Farm & Garden, Rainbow Families, and Venezuela. The meal was catered by different local ethnic restaurants and supplemented by some of the teams with homemade foods. In addition, the tables shared cultural music to a community playlist and there was a live act as well. In all, the participants shaped the event, which was well received by the community.

With such great success, the Sylvia Mendez PTA is hosting this second annual event, maintaining the same goal of contextualizing some of our students' cultural influences, backgrounds, and much more. The funds requested are intended to offset some costs associated with the event. Therefore, they should be sent to the Sylvia Mendez PTA organization to distribute accordingly.

This parent-led committee is already funding the majority of the costs of the event and

has been a reliable resource to offset budget shortfalls. The donations ultimately support the program guidelines laid out by BUSD (on the [Sylvia Mendez Elementary website](#)¹), which is to “develop long-lasting relationships and cultural appreciation for peers who are often separated by race and language.” This is further defined as the vision of the [school on its website](#)² “to seek to honor and understand families.”

Since the pandemic restrictions were lifted in 2022, Sylvia Mendez Elementary has hosted well-attended Spring Events (last year being the first Cultural Celebration). Scheduled late in the school year, they have proven to be important for the community, particularly in light of the COVID pandemic. Facing heightened challenges (such as construction starting this summer for at least the next two years), fostering relationships by building a greater understanding of families within and development of our community is fundamental in uplifting morale.

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1,000 is available from the discretionary council office budget of Councilmember Ben Bartlett. The cost is as follows: Sylvia Mendez School PTA: Celebración Cultural (Spring Cultural Celebration).

CONTACT PERSON:

Councilmember Ben Bartlett
James Chang

bbartlett@cityofberkeley.info
jchang@cityofberkeley.info

ATTACHMENT:

- 1. Resolution

¹ <https://www.berkeleyschools.net/schools/elementary-schools/sylviamendez-elementary/>

² <http://sylviamendezschool.org/en/welcome-eng>

RESOLUTION NO. ##,###-N.S.

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A DONATION TO THE SYLVIA MENDEZ SCHOOL PTA TO PROVIDE SUPPORT FOR A SPRING CULTURAL CELEBRATION EVENT.

WHEREAS, Councilmember Ben Bartlett has surplus funds in his office expenditure account; and

WHEREAS, Sylvia Mendez School PTA, a California non-profit organization, will receive funds in the amount of \$1,000 from Councilmember Ben Bartlett's office expenditure account; and

WHEREAS, the Sylvia Mendez School PTA supports equitable public education for students, families, and our community through grants and volunteer programs; and

WHEREAS, the provisions of such services would fulfill the municipal public purpose of providing students and the youth with opportunities through educational programs and activities to encourage them to learn and embrace cultural diversity;

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 Sylvia Mendez School PTA for this purpose of supporting students and the youth in highlighting cultural heritage that forms the community of the student body.



Sophie Hahn
Councilmember, District 5
City of Berkeley
2180 Milvia Street
Berkeley, CA, 94704
(510) 981-7150 | shahn@berkeleyca.gov

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author) and Councilmembers Taplin and Bartlett (Co-Sponsors)
Subject: Budget Referral to Fund Small Sites Program to Acquire, Rehabilitate, and Protect Existing Small Scale Housing

RECOMMENDATION

Refer to the FY 2025-26 Budget Process:

- An allocation of \$8 Million per year (for a two-year total of \$16 Million) from existing affordable housing funds to the City of Berkeley Small Sites Program to support the acquisition and rehabilitation of small-scale residential buildings and their conversion to deed-restricted permanently affordable housing.
- \$200,000 in FY25 and \$150,000 in FY26 (total of \$350,000 over two years) “Capacity Building” grants to the Bay Area Community Land Trust to support expanded participation in the City’s Small Sites Program.

SUMMARY STATEMENT

Berkeley, like much of California, is in the midst of a housing affordability crisis. In response, the State of California passed a package of 56 housing bills to mitigate the crisis, requiring cities and counties to streamline the housing approval process and build and preserve affordable units. To meet the City’s affordability goals under the Housing Element and alleviate the burden of high housing costs on low- and middle-income families, Berkeley must continue to build, acquire, and protect affordable units.

One program Berkeley has developed to support the acquisition, rehabilitation, and deed restriction of existing housing is the Small Sites Program, which prevents the displacement of tenants and increases housing stability. The Bay Area Community Land Trust (BACLТ) is one of Berkeley’s key partners in carrying out this program, using existing City affordable housing funds – up to a maximum subsidy of \$300,000 per unit for buildings of 10-25 units or \$375,000 per unit for buildings of 2-9 units – combined with loans and funding from other government and not-for-profit sources, to purchase smaller multi-unit properties and convert them into permanently affordable housing.

This item requests the allocation of existing affordable housing dollars to cover the City’s portion of funds to acquire one or several small sites per year. BACLТ has already identified a list of ten properties it could acquire and convert into permanent affordable housing if the City’s allocation

to the Small Sites Program were increased. With a total allocation of \$16 million over two years, BACLT can acquire 3-4 smaller properties per year, resulting in a cumulative total of about 48 to 64 affordable housing units made permanently affordable to low- and middle-income families.

In addition, Berkeley has previously granted BACLT capacity-building funds of \$200,000 per year to strengthen the organization's ability to acquire properties, manage their rehabilitation, and identify and fill units as quickly as possible. BACLT operates on a shoestring budget and has been working to add staff with appropriate expertise in a competitive labor market. This item requests a continuation of the City's current \$200,000 capacity building support for FY 25 and a reduced capacity-building grant of \$150,000 for FY 26, for a two-year total of \$350,000. BACLT has appreciated and relies on these grants while the organization continues to build capacity, and is committed to reducing and eventually ending dependence on grants from the City as the Developer Fees are increased and a larger number of annual projects can be undertaken.

BACKGROUND

Through cycles of boom and bust, the San Francisco Bay Area has grown into one of the largest metropolitan regions in the United States. A convergence of factors including strong economic growth and population booms paired with a lack of housing and strict zoning have led to significant housing, transportation, and environmental challenges. Key among them is the Bay Area Housing Crisis, with about one third of all households considered "rent burdened" – spending more than 30% of their income on rent.¹

In Berkeley, some 58% of residents are renters. The average monthly rent for a unit in Berkeley is \$2,700 or about 32% higher than the national median.² Amid soaring costs, many long-term residents have been pushed out. In the last half century, Berkeley has lost close to two thirds of its African American community – many displaced by the rising cost of housing. In Alameda County, where the Median Family Income is \$147,000, a 1-bedroom apartment would be considered affordable to a "very low income" two-person household, earning 30% of the Area Median Income (AMI) – \$35,500, at no more than \$887 a month - one third of the average rent in Berkeley. For a household of two earning 80% of AMI, or approximately \$120,000, affordable rent for a 1-bedroom apartment would be no more than \$2,366 - still lower than the average monthly rent in Berkeley.³

In the wake of mass displacement and increasing pressures on housing, the Berkeley City Council approved Mayor Arreguín's Small Sites Program (SSP) in 2018 to prevent the displacement of Berkeley residents and preserve permanent affordability in small to mid-sized buildings with 2-25 units. To make the program effective, Council partnered with local community land trusts which specialize in the preservation of units in smaller multi-unit

¹ [Leonard, Christian, and Sriharsha Devulapalli. "Where Is the Bay Area's Housing Crisis Impacting People the Most? Here's One Key Stat." San Francisco Chronicle, 8 Dec. 2023.](#)

² ["Berkeley, CA Rental Market." Zillow Rental Manager, 9 Apr. 2024.](#)

³ ["Alameda County Housing & Community Development Income and Rent Limits." Alameda County Housing and Community Development Department, 2023.](#)

buildings. One of the City's partners in this effort, the Bay Area Community Land Trust, is a non-profit organization dedicated to developing affordable, sustainable, resident-controlled cooperative housing.

The first project funded by the SSP was the Stuart Street Co-Op Apartments in District 3. A joint venture between the Historic McGee Avenue Baptist Church and BACLT, the building had been vacant and deteriorating for 20 years before undergoing a full rehabilitation and becoming home to eight local families. With a per unit cost of \$415,000, or a total cost of \$3.3 million, the project cost about 40% less than the construction of new affordable housing in Alameda County, at an average cost of \$726,469 per unit.⁴

In 2023, the Bay Area Community Land Trust renovated and rehabilitated 1685 Solano Avenue, where tenants were facing an illegal Ellis Act eviction, ensuring that the 13-unit building was preserved as permanent affordable housing. The cost to preserve and renovate these 13 units – most of which are spacious units with bay views, high ceilings, full kitchens and two- three-bedrooms, was \$7.1 million or \$546,154 per unit – about 30% lower than the cost to build new affordable units, often smaller and with fewer amenities, in Berkeley.

Despite numerous challenges during the pandemic years, BACLT completed these 2 highly complex acquisition/rehabilitation projects, bringing 21 high-quality, renovated housing units into the City's permanent affordable housing portfolio at a total cost of \$10.4 million. The success of these projects has been noted by Berkeley renters who frequently contact BACLT asking the Trust to acquire the residential properties they live in.

With these two highly successful projects completed, BACLT has identified 10 properties it could seek to purchase and preserve as soon as Small Sites Program funding becomes available.

Identified properties for potential purchase, rehabilitation and conversion to permanently affordable housing include:

- 2717 Derby Street
- 2627 California Street
- 1902 Virginia Street
- 1809 Tenth Street
- 2035 Ninth Street
- 2032 Parker Street
- 2416 Roosevelt Avenue
- 1915 Delaware Street
- 2479 Virginia Street
- 2431 Oregon Street

⁴ [Bay Area Council Economic Institute. "How Much Does It Cost to Construct One Unit of Below Market Housing in the Bay Area?", Bay Area Council Economic Institute, Accessed 10 Apr. 2024.](#)

Over the next two years, with a total of \$16M in affordable housing funds, the Bay Area Community Land Trust estimates it can acquire and preserve around 48 to 64 units of permanent affordable housing.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

The City of Berkeley's Housing Trust Fund (HTF) was established in 1990. The purpose of the HTF is to support the creation and preservation of affordable housing in Berkeley.

On February 14, 2017, Council referred to the City Manager Mayor Arreguín's item requesting establishment of a Small Sites Program with a streamlined approval process. The program is intended to support the acquisition and renovation of small, multifamily rental properties of up to 25 units, especially those at risk of Ellis Act evictions, and add long-term affordability restrictions. The City's Small Sites Program guidelines, approved on October 2, 2018, are based on the requirements for San Francisco's Small Sites Program, which has been funding similar projects since 2014.

The explicit purpose of the City's Small Sites Program is to support:

1. Acquisition and renovation of occupied, multifamily rental properties;
2. Conversion of rent controlled properties to restricted affordability; and
3. Potential conversion to limited- or non-equity housing cooperatives (LEHC).

The City's expedited, over-the-counter Small Sites Program requires the City Council to formally designate Affordable Housing Trust funds into the Small Sites Program *before* projects can be proposed. City Staff then issues a "NOFA," informing affordable housing providers of the availability of funds for projects qualifying for the Small Sites Program. Any not-for-profit housing developer can apply for Small Sites Program funds; in practice, only Land Trusts such as BACLT currently have a business model appropriate for the purchase and conversion of existing smaller buildings to permanently affordable housing.

Between 2015 and 2018, the Housing Trust Fund led to the construction of a total of 194 affordable units, including 86 very low income and 17 low income units. In 2018, voters passed Measure O to provide \$135 million in bond funds for affordable housing. In 2019, the City awarded \$950k in Small Sites Program funds from Measure U1 to the Bay Area Community Land Trust for the renovation and preservation of the 8-unit Stuart Street Apartments, targeted for Berkeley residents making up to 80 percent of Area Median Income. The City also awarded \$37 million in local Measure O bond funds to support 6 new-build projects including 430 units. In 2020, the City executed contracts for \$21.5 million in development funds for four additional new-construction affordable housing developments.⁵

⁵ [Housing Element Update 2023-2031.](#) *City of Berkeley*, 17 Feb. 2023

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Hahn has consulted with the Bay Area Community Land Trust and the organization has expressed interest and capacity to acquire and rehabilitate additional properties in the coming years, at an accelerated pace. The Trust has outlined a list of ten properties it is ready to approach for purchase as soon as funding is made available.

RATIONALE FOR RECOMMENDATION

The Small Sites Program has proven itself to be a valuable solution to help boost the City's supply of affordable housing. The program has been successful in saving long-term tenants from displacement and preserving permanent affordable housing. When compared to new affordable housing development, acquisition and rehabilitation of existing small scale residential properties results in less expensive per-unit costs and more environmentally friendly outcomes.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

Having successfully completed two projects, the Bay Area Community Land Trust has the capacity and expertise to continue administering the Small Sites program and expanding the City's affordable housing portfolio. Other Land Trusts may also reach out to apply for Small Sites funds when made available. The City has established processes for administering the Small Sites program and monitors compliance with affordable housing, habitability, and other requirements. While the first two projects were time-consuming for City housing staff, lessons learned from the initial two projects and capacity building at BACL T should result in lower per-project/unit investments on the part of City staff going forward.

ENVIRONMENTAL SUSTAINABILITY

Rehabilitating existing structures is generally more environmentally friendly than building new from the ground up.⁶ New construction is material-intensive, creates more waste, requires the transportation of extracted materials, and often demolition, resulting in significantly more greenhouse gas emissions than acquisition and rehabilitation of existing housing. Rehabilitation of existing units brings them to high energy efficiency code standards, reducing ongoing emissions - and costs - from building operations.

FISCAL IMPACTS

\$8 million per year for a total of \$16 million over 2 years from the General Fund, Housing Trust Fund, or other existing Affordable Housing funds for the Small Sites Program, plus an additional \$350,000 in capacity building grant funds. Funding for the Small Sites program already exists in the Affordable Housing Trust Fund or in Measure O Bond funds, Measure P and/or U1 funds, and anticipated Measure M funds.

Measure U1 was a 2016 affordable housing measure that raised the business license tax on landlords in Berkeley and passed with almost 75% of the vote. Generating \$4.9 million a year,

⁶ [Hanscom, Greg. "This Old House: Why Fixing Up Old Homes Is Greener than Building New Ones." *Grist*, 5 Jan. 2012.](#)

the measure has since provided funding for projects like the [Berkeley Way Apartments and Hope Center](#) and the [Maudelle Miller Shirek Community](#).⁷

Measure M, the Empty Homes tax, applies to residential properties that are vacant for at least 182 days a year and passed in 2022 with almost 65% of the vote. As a general tax, revenue from Measure M is deposited directly into the General Fund for any municipal services. However, the Council can also deposit any portion of proceeds generated by Measure M into the Housing Trust Fund. Measure M is expected to bring in between \$3.9 and \$5.9 million annually, beginning in FY 2025.⁸

OUTCOMES AND EVALUATION

With \$8 million per year, the Bay Area Community Land Trust expects to rehabilitate between 3 and 4 buildings. Once BACLTL acquires a property, it will report back to the City Council the cost of acquisition and rehabilitation, as well as the total number of units that will be brought into the City's affordable housing portfolio.

CONTACT

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⁷ ["Measure U1 Budget Forecast." City of Berkeley.](#)

⁸ ["Measure M Vacancy Tax." City of Berkeley.](#)



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CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author); Councilmembers Humbert, Taplin, and Bartlett (Co-Sponsors)

Subject: Budget Referral to Continue Market Match Program for Low-Income Berkeley Residents in the Event of Statewide Program Cuts

RECOMMENDATION

Refer to the FY2025-26 Budget Process up to \$360,000 (up to \$180,000 per year) to safeguard the Market Match program for two fiscal years, supporting over 10,000 low-income Berkeley residents in accessing fresh local produce from Berkeley Farmers’ Markets.

SUMMARY STATEMENT

[Market Match](#) is California’s healthy food incentive program, which matches customers’ federal nutrition assistance benefits at farmers’ markets and other farm-direct sites. Market Match is a public-private partnership to reduce diet-related illnesses among California’s low-income shoppers and stabilize farming communities in some of the nation’s most economically vulnerable farming regions.

Market Match is distributed by over 60 community-based organizations and farmers’ market operators at over 275 sites across the state. Berkeley’s Ecology Center, which helped develop and pioneered the program, manages Market Match statewide.

Market Match has been proposed to be cut from the 2024-2025 State Budget. While advocates at the state level are working hard to restore funding, Berkeley must ensure that local funds are available for low-income Berkeley residents to continue accessing fresh and healthy food in the event the State program is reduced or cut.

10,000 low-income residents in Berkeley access fresh local produce at Berkeley’s Farmers’ Markets through Market Match. If funds are cut, not only will low-income residents lose a critically important benefit, but local vendors and farmers will lose important revenues.

This item refers up to \$360,000 over two years to allow for the continuation of the Market Match program in Berkeley, should the statewide program be eliminated from the State budget. Should the statewide program be reduced but not eliminated, a portion of these funds will be made available to ensure Berkeley residents can still access the full benefits. Should the program be fully retained by the State, no funds will be needed from the City of Berkeley. In all cases, the program would be administered for the City of Berkeley through the Ecology Center.

BACKGROUND

In 2003, the Supplemental Food Assistance Program moved its currency from paper “food stamps” to Electronic Benefits Transfer (EBT) cards. As the new electronic system required a point-of-sale device that had electricity and a phone line, which are not typically available at farmers’ markets, this left farmers across the state unable to accept EBT from low-income shoppers, excluding them from the benefit of purchasing directly from California’s leading farming families. It also cut off important sale opportunities for struggling small and mid-sized farmers, many of whom have been innovators and leaders in sustainability, climate resilience, fair treatment of workers, biodiversity, organic certification, and other movements.

The Ecology Center engaged county, state, and federal officials to develop a system in which a single battery-powered cellular point-of-sale device operated by the market management would create an opportunity for CalFresh shoppers to spend their benefits directly with California farmers once again. The Ecology Center provided technical assistance to other markets statewide and advanced state legislation such that today 2/3 of all farmers’ markets in California have this service available to their customers and farmers.

When shoppers use their federal nutrition benefits at farmers’ markets and other farm-direct outlets, Market Match provides matching funds so customers can buy even more fruits and vegetables. For example, a customer who spends \$15 of CalFresh benefits at the farmers’ market receives an additional \$15 to spend on fresh produce, for a total of \$30 to spend at the market. It is a triple-win program addressing health equity, food insecurity, and economic development.

Joining forces with national leaders, the Ecology Center managed to secure federal funding in the Farm Bill through a program called the Gus Schumacher Nutrition Incentive Program (GusNIP), and received matching funds from the federal government to administer this program. After receiving this funding, the Ecology Center began offering the program in Berkeley directly and subcontracting with other market operators across the state to provide this program under one name, Market Match. During these years, charitable donations and private grant money supplied dollar-for-dollar matching to bring in federal funds and the program grew from a dozen farmers’ markets to nearly 100 statewide.

In 2015, working with Assemblymember Phil Ting, the Ecology Center, and other key partners helped create the California Nutrition Incentive Program (CNIP) in the newly formed Office of Farm to Fork in the State Department of Food and Agriculture (CDFA). In subsequent efforts, the Ecology Center and its partners successfully advocated for state funding to match and draw down federal funding.

In 2016, \$5 million was allocated by the State; in 2018, \$10 million and in 2021, \$20 million. During the pandemic, an additional \$6 million was made available by the federal government to meet the growing demand.

By 2023, the program provided \$19.4 million or 38.8 million servings of fresh fruit and vegetables to over 574,000 shoppers at 294 markets. And it has only grown in popularity – last year, 9% of shoppers who took advantage of the program were first-timers.¹

However, without committed state funds in the next fiscal year, the program will not be able to continue past 2024. The GusNIP competitive grant program application period will be in FY23-24, and it requires a committed, 100% match of state, local, or private funding.

If the City of Berkeley doesn't ensure funds are available to subsidize this program at the same level of funding in 2024, 10,000 Berkeley residents who depend on Market Match will have these benefits come to an abrupt end. Not only will this negatively impact low-income residents' access to fresh fruits and vegetables, it will also harm local California farmers who rely on revenue generated from Farmers' Markets.

For these reasons, the City of Berkeley must act to protect Market Match for its residents.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

[CalFresh](#), known federally as the Supplemental Nutrition Assistance Program or SNAP, provides monthly food benefits to individuals and families with low-income and provides economic benefits to communities. It is the largest farm direct food assistance program in California and provides an essential hunger safety net.

ACTIONS/ALTERNATIVES CONSIDERED

If the City of Berkeley chooses not to safeguard the Market Match program, some 10,000 Berkeley residents may struggle to access fresh fruits and vegetables at their local farmers' markets, leading to potentially worse health outcomes for already vulnerable communities.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Hahn has consulted with the Ecology Center, which has expressed strong support for the continuation of the program.

RATIONALE FOR RECOMMENDATION

In California, CalFresh offers up to \$291 per month to residents earning up to \$18,921. This is nowhere near enough to support low-income shoppers in purchasing fresh, healthy foods in alignment with the City's nutrition and healthy environment goals.

Despite overall good health, Berkeley is not yet a city where all people are living long lives and achieving the highest possible level of health. With a poverty rate of 18%, accessing healthy foods remains an equity issue, with some studies indicating that purchasing healthy foods costs

¹ "Market Match is a Food Safety Program that Sustains Local Economy." *2023 Market Match Impact Report*, https://marketmatch.org/wp-content/uploads/2024/02/2023-Market-Match-Statewide-Impact_2024.2.8-3.pdf. Accessed 20 Mar. 2024.

twice as much as purchasing unhealthy foods.²³ A 2013 Harvard study found that on average, a healthy diet costs \$1.50 more a day or \$550 a year than an unhealthy diet, creating barriers for low-income households.⁴

This is where programs like Market Match can make a difference and fill the gaps between what families need and what our federal and state social safety nets provide.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

The Ecology Center will continue to administer the program as it has in the past. Funding would be provided to the Ecology Center to continue the program in Berkeley only. Should the Market Match program be eliminated entirely by the State, the City would provide \$180,000 per year for two years, with most funds being disbursed directly to low-income farmers' market customers and the remainder covering the Ecology Center's staffing and administrative costs. Should the State reduce but not eliminate funding for Market Match, the City would backfill direct subsidies to community members.

ENVIRONMENTAL SUSTAINABILITY

Market Match encourages the purchase of fresh, sustainable foods directly from local farmers and food artisans. Many of these vendors are organic, regenerative, and most importantly local. Buying locally not only generates jobs and supports the local economy, but reduces the unnecessary transport of goods thereby reducing greenhouse gas emissions.

FISCAL IMPACTS

Up to \$360,000 from the City's General Fund over the next two years (up to \$180,000 per year); only if there are reductions to the program at the State level, or the program is eliminated.

OUTCOMES AND EVALUATION

Consider whether Berkeley residents are taking advantage of the program, the impact to farmers' market vendors, and the positive impacts on nutrition, health, and wellbeing of low-income community members. If the Ecology Center is successfully administering the program, and residents and farmers continue to benefit, the City should – upon conclusion of this two-year period and if the State does not restore funding – consider expanding the program for another two-year period.

CONTACT

Sophie Hahn, District 5, (510) 981-7150

² "City of Berkeley Community Action Plan 2023, Community Needs Assessment." *The City of Berkeley*, berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/DRAFT_2024_2025_Community%20Needs%20Assessment.pdf. Accessed 20 Mar. 2024.

³ Karsit, Idil. "Healthy Foods Are Often More Expensive. Here's Why." *CNBC*, 27 Dec. 2023, www.cnbc.com/2023/12/27/healthy-foods-are-often-more-expensive-heres-why.html.

⁴ "Eating Healthy vs. Unhealthy Diet Costs about \$1.50 More per Day." *Harvard T.H. Chan School of Public Health*, 13 Jan. 2014, www.hsph.harvard.edu/news/press-releases/healthy-vs-unhealthy-diet-costs-1-50-more/.

Attachments:

1. Market Match 2023 Impact Report

Market Match is a Food Safety Net Program that Sustains Local Economy

About the Statewide Market Match Program

Market Match is a 15 year-old program funded by federal, state and private funds that incentivizes CalFresh (known as SNAP on a federal level) recipients to spend their benefits with California farmers on fresh fruits and vegetables. The program provides a dollar-for-dollar match on CalFresh purchases, up to a daily maximum, at hundreds of locations across 38 California counties.

Since the beginning of the pandemic, CalFresh enrollment has grown significantly, with Californians struggling to afford food for their families. As a result, spending on fresh produce through the Market Match program has nearly tripled from 2019-2022.

Between 2019 and 2022, the statewide Market Match program grew nearly 300%. In 2022, the Program led to \$19.5 million in spending of Market Match and CalFresh on fresh produce at 270 participating locations.

Impact in Berkeley, CA (2023)

Consumers spent \$311,553 of their CalFresh and Market Match incentives at 3 sites in this district. This spending represented a 255% increase in total dollars spent and 174% increase in customers served compared to 2019, showing us that Market Match is a safety net program meeting the growing needs of low income Californians during and post-pandemic. In this district, we estimate that this program led to the purchase of about 623,000 servings of fresh fruits and vegetables.²

Economic Impact

State funding for Market Match is part of a federal matching program that brought \$30 million into California between 2017 and 2023. If funded, Market Match is expected to bring more than \$13 million into California next year.

Researchers estimate that for every \$1 of Market Match spent, an additional \$3 is generated in the California economy.¹



\$311,553

CalFresh & Market Match
Spent with Local Farmers



3

Participating
Sites



623,000

Estimated Servings
of Fruits & Vegetables

(1) "The Economic Contributions of Healthy Food Incentives" Dawn Thilmany, Allison Bauman, Erin Love, Becca B. R. Jablonski. Colorado State University. 2021 https://marketmatch.org/wp-content/uploads/2021/02/Economic_Contributions_Incentives.pdf

(2) According to the USDA ERS, one serving of fruits and vegetables costs \$0.50: <https://www.ers.usda.gov/data-products/fruit-and-vegetable-prices/>

2024-25 State Budget Funds Needed to Meet Low-Income Californians' Fresh Food Access and to Support Economic Recovery

Market Match is currently funded through the CDFA California Nutrition Incentive Program (CNIP) and the USDA Gus Schumacher Nutrition Incentive Program. The Market Match program reinvests state and federal dollars into small and mid-sized farms and the rural California communities where they are located and increases the spending power of low-income Californians, which is needed now more than ever.

However without committed state funds in the next fiscal year, the program will not be able to continue past 2024. The GusNIP competitive grant program application period will be in FY23-24, and it requires a committed, 100% match of state, local or private funding.

An investment of \$35 million of state funds into CNIP could bring significant federal dollars into the state and will lead to tremendous economic impact for the state since every \$1 invested in Market Match results in an additional \$3 to the local economy.



”
I'm eating better because I can afford to get fresh food, fresh vegetables and fruit that I wouldn't get otherwise.

- Market Match Customer

Market Match locations in Berkeley CA:

Downtown Berkeley Farmers' Market

Saturdays 10am - 3pm year round
Center Street and MLK Jr Way
Berkeley, CA

South Berkeley Farmers' Market

Tuesdays 2pm - 6:30pm year round
Adeline St and 63rd St Berkeley, CA

North Berkeley Farmers' Market

Thursdays 3pm - 7pm year round
Shattuck Ave and Vine St.
Berkeley, CA

The Ecology Center is lead contractor under the CDFA Office to Farm to Fork's California Nutrition Incentive Program responsible for implementing the Market Match program statewide. The Ecology Center subcontracts with 50+ local partners to implement Market Match. For more information visit www.MarketMatch.org.



”
Helped my partner and I
eat fresh and healthy food
we otherwise wouldn't
have much access too.

- Market Match Customer

”

At 78 years old, I am still working as a self-employed person. I hope to be able to work until 85. If not, it is going to be very difficult for me to pay my rent, let alone buy food. The Market Match is essential for me

-Berkeley Market Match customer



”

Market Match helps me to cook with healthy and local ingredients on a limited budget. It has introduced many low-income people and families to the farmers market, making it more accessible to all. I had never been able to afford to shop at the farmers market before Market match and if it gets cut I likely will not be able to continue going there.

-Berkeley Market Match customer



Internal

CONSENT CALENAR
MAY 7, 2024

Sophie Hahn
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To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author), Mayor Arreguin (Co-Sponsor)

Subject: CARE Program for Berkeley Fire

RECOMMENDATION

Refer to the FY2025/2026 Budget Process funding for programs that offer care and support for our firefighters and emergency medical service workers (First Responders), the equipment they rely on, and the homes and workplaces we provide for them.

1. For a two-year **Pilot Project to Screen for Cancer**:
 - \$40,000 annually for two years to fund on-going age and risk-based full body cancer scans for First Responders that are subjected to carcinogens during the normal course of their work.
2. To add an FTE to the Fire Department for an **In-House Fire Mechanic** to service Fire Apparatus on-site and better meet the complex, unique, and time-sensitive needs of the Fire Department, and to save firefighters and the City time and money on outsourced maintenance service:
 - \$203,107 for one FTE, ongoing and inclusive of benefits, for a Lead Fire Mechanic.
 - \$350,000 in one-time funds to purchase the necessary tools and equipment.
3. For a **Fire Reserve Program**, offering internships with training to motivated High School graduates and/or college students who may enter the Fire Service after completion of the program, and to support recruitment:
 - \$120,000 per year, ongoing, to cover salaries for 6 interns, training, supervision, and equipment.
4. For one-time “FFE” (Furniture, Fixtures, and Equipment) **upgrades to all Fire Stations**, including but not limited to new appliances, enhancements to prevent cancer (decontamination dryers, carcinogen-reducing soaps/detergents, etc.), lighting, furniture, and other amenities to improve living, health, and working conditions:
 - \$140,000 to provide \$20,000 for each of the City’s seven Fire Stations in one fiscal year.

- Alternatively, \$70,000 in FY 2025 and in FY 2026, providing \$10,000 per year for each Fire Station over two years, for a two-year total of \$140,000.

SUMMARY STATEMENT

Berkeley's First Responders provide essential services to our community, 24/7. Unlike all other City staff, they are also required to live apart from their homes and families for 24 to 96 hour shifts, sleeping, eating, and taking care of personal needs in living quarters provided by the City of Berkeley.

In the course of their work, First Responders are exposed to toxins that are proven to increase risks of cancer. According to the U.S. Fire Administration, firefighters have a 9% higher risk of developing cancer and a 14% higher risk of dying from cancer compared to the general public.¹

First Responders also rely on vehicles and equipment that are highly specialized, state-of-the-art, and must be in good working condition. If an engine is out of service or equipment is in need of cleaning or repair, First Responders cannot do their work at the highest levels of safety and effectiveness.

To ensure the City of Berkeley cares for the health and wellbeing of our First Responders and the facilities and equipment they rely on, this item proposes funding a suite of initiatives that provide the care and support our Fire Department needs to deliver their critical services to the community.

Care for our Firefighters' Health: Advanced cancer screening for individuals with the longest exposure to toxins associated with Fire Service will allow for early, pre-emptive detection and early treatment of cancers.

Care for the Vehicles our First Responders and Community Rely On: An in-House Lead Fire Mechanic will provide rapid, on-site repairs to fire apparatus, ensuring vehicles are in good working condition at all times, increasing regular maintenance to delay or avoid major repairs, keeping apparatus in use rather than waiting for smaller mechanical matters to be serviced off-site, and saving both time and money for the City.

Support for Routine Tasks and Recruitment of Future First Responders: Interns hired through the Fire Reserve Program will support logistics, training, equipment maintenance and more. The program will also allow for the development of skills and relationships that build bridges to the City's recruitment pipeline. Similar programs in other jurisdictions have yielded a stream of interested and qualified candidates for entry level classifications.

¹ "Impact of Occupational Cancer." *U.S. Fire Administration*, 11 Oct. 2022, www.usfa.fema.gov/about/usfa-events/2022-10-11-usfa-summit/firefighter-cancer/.

Care for First Responders' Homes and Workplaces: While major remodels/rebuilds of Fire Stations as called for in the Fire Department's Facility Master Plan are not currently funded, small upgrades and amenities can make a big difference in the comfort, health, and enjoyment of these homes-away-from-home, which also double as workspaces. By providing the Fire Department with the equivalent of \$20,000 per station over one or two years, small upgrades and amenities, including purchase of equipment and products that can reduce cancer risks, can be acquired to make a significant positive difference in the lives, health, and work of First Responders.

BACKGROUND

Introduction:

The Berkeley Fire Department operates out of seven fire stations, most of which were built during the 1960s. During the 1960s-70s, ten stations were reduced to seven, the workweek was reduced from 63 to 56 hours per week, and staffing was reduced from four firefighters per engine company to three. Currently, there are nine fire companies, amounting to a total of 120 firefighters. The Department is in the process of staffing ambulances with non-firefighter paramedics, with 15 currently employed. The most recent class began in October 2023, and the transition is due to be completed by July 2025, with a full ambulance staff of 32.

Budget and staffing cuts have occurred against the backdrop of growing population and increased housing and commercial space, including many mid- and high-rise structures. In a September 13 report to the City Council, Chief Sprague highlighted some of the challenges faced by the department as a result of underinvestment, including potential staff shortages, slowed response times, and insufficient staff in the event of a severe fire or earthquake.

The June 8th, 2023 Standards of Cover Study and Community Risk Assessment report by Citygate Associates found that the Department's minimum daily staffing is sufficient for a "modest single-family house fire or small commercial building fire at the ground floor." However, current staffing levels are insufficient to provide necessary response to severe fires.

Fire Stations are in need of major repairs, as detailed in the Fire Department's May 2023 Facilities Master Plan. While Berkeley Fire facilities have undergone some modifications since their construction, these improvements have not been to the extent necessary to "properly house modern apparatus, equipment, additional units and new staff, nor to meet current policy, codes and health, safety and inclusion standards. Additionally, many of the stations house outdated features (such as hose drying towers) and hinder healthy environmental practices (such as physical training in apparatus bays). Without further renovation, replacement or relocation, the stations will continue to fall short of addressing the present day needs and expanding and changing operational demands."

Difficulties in recruitment are not unique to Berkeley. Low pay, poor work-life balance, and occupational hazards have resulted in a nationwide First Responder shortage. However, Berkeley can be a model for the nation by ensuring its responders, and their living and working conditions, get the care and attention they deserve.

Cancer Screening - Background:

Firefighters are routinely exposed to carcinogens through inhalation, absorption, and even ingestion. When residential or commercial buildings burn, they release cancer-causing agents known as polycyclic aromatic hydrocarbons (PAHs), asbestos, and diesel exhaust. Firefighters who responded to the 9/11 attacks on the World Trade Center have been the subject of much research, and studies consistently confirm elevated rates of cancer. In the last year alone, five retired Berkeley Firefighters have been diagnosed with cancer.

Despite the statistics indicating the high risk of cancer among firefighters, individuals still experience obstacles to early cancer screenings because their occupation is often not taken into account. Recently, in a Memorandum of Understanding with its Fire Department, the City of Hayward approved annual cancer screenings for its Firefighters:

“The City will provide an annual comprehensive cancer screening mutually agreed upon by Local 1909 and the Fire Chief. All testing is to be scheduled and completed on-duty during the month of February each year.”

Berkeley Fire estimates a cost of \$1,600 per person for advanced cancer screenings. The Cancer Screening Pilot will prioritize firefighters with the greatest number of years in fire service. The first year will include all firefighters with at least 5 years working in the fire service, in order to get a baseline scan – this cost has been covered by the Department in FY24 with one-time funds that were available.

The rotation following the baseline year is based on risk, which generally correlates to age and years of service. Members that are 50 years of age or older receive a scan every 3 years, members between 36-49 years old receive a scan every 5 years, and members between 23-35 years old receive a scan every 7 years. This breakdown results in an annual budget of not more than \$40,000 per year or \$80,000 to fund the total cost of the two-year pilot.

In-House Mechanic - Background:

Currently the Berkeley Fire Department does not have its own dedicated, on-site mechanic. Because Fire shares a mechanic with other departments centralized in Public Works, the Department often must seek outside repairs due to staffing, internal mechanic certification, vacancy rate, and workload. Because this is a highly specialized job, outsourcing repairs is extremely costly and time consuming. In 2022, the Department incurred \$440,000 in apparatus maintenance costs, a majority of which was labor, through an outside vendor. In addition, when fire vehicles are sent to off-site shops, it requires hours of shuttling apparatus back and forth to Sacramento, using fire personnel that are assigned to other duties, and leaves these critical vehicles out of the City for weeks to months at a time.

In FY 2023, the Department spent \$303,000 on maintenance and repairs within the first four months of the year. With a dedicated on-site mechanic, a greater portion of repairs could be accomplished in-house – at lower cost and with significantly fewer vehicle-days out of service.

The Alameda County Fire Department has its own dedicated team of mechanics at its Vehicle Maintenance Facility, “responsible for maintaining the operational readiness of the Department’s fleet of apparatus and support vehicles. Performing routine and emergency repairs, safety inspections, preventative maintenance, communications equipment installation, and emergency apparatus outfitting.”² This and other regional maintenance facilities are not able to service Berkeley’s fleet due to staffing, workload and facility constraints.

Berkeley can model its own in-house Fire Mechanic Service after Alameda County’s successful program. Hiring one full-time employee for this specialized function would save the City significant funds in the long-run and ensure appropriate apparatus are functional and available in the event of emergencies. Additionally, there may be an opportunity to contract this function out to nearby municipalities as a means to share a valued service, and gain revenue to support a robust program for Berkeley.

Fire Reserve Program - Background:

The Fire Department is experiencing challenges in recruitment and retention - as are Fire Departments throughout the Bay Area. In an increasingly competitive environment, it’s important for Berkeley to invest in the development of potential future Berkeley First Responders. The Fire Reserve Program is an effective strategy to recruit new talent by developing skills and relationships that can translate into a desire to join Berkeley Fire.

This program would see the creation of six paid part-time internships for young people to gain training and experience with the BFD. Berkeley Fire already has successful partnerships with Berkeley High School and YouthWorks, which can be expanded and improved upon.

Offering reserve positions to motivated individuals can yield substantial long-term benefits, particularly in the recruitment of full-time firefighters, paramedics, and EMTs. These programs provide meaningful experiences to our youth that translate to valuable life skills useful in day-to-day settings, making them more attractive to future employers. These programs also provide meaningful options for high school students who do not plan to attend college directly out of high school.

Fire Station Care Program - Background:

Fire Stations are not just workplaces; they are also homes where our first responders live for 24 to 96 hour shifts. They sleep, exercise, socialize, eat meals, and recreate in our stations, 24/7. While this item does not address the need for major renovations, as documented in the recent Fire Facilities Master Plan Report that was delivered to Council on May 16, 2023, small changes can have outsized positive impacts on the comfort, health, and enjoyment of these homes-away-from-home.

² “Stations and Facilities.” *Alameda County Fire Department*, <https://fire.acgov.org/stations-and-facilities/>.

Small grants for each fire station for “FFE” – furniture, fixtures, and equipment – a total of \$20,000 per station over one or two years, will help fund the acquisition of new kitchen equipment, furniture, lighting, appliances, blinds, cancer-preventative equipment and supplies, and other amenities that create a more welcoming and comfortable environment, and improve morale.

CONSULTATION/OUTREACH OVERVIEW & RESULTS

The Berkeley Fire Department was consulted regarding the need for each of these programs, and has expressed strong support.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

Each program will have its own administration through the Fire Department.

FISCAL IMPACTS

See referral language.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts.

OUTCOMES & EVALUATION

Each of these funding requests is related to a specific need, and anticipates positive outcomes, as described above. Evaluation for effectiveness of each program in meeting its intended goals should be undertaken by the Department at appropriate times.

For the Cancer Pilot, evaluation should take place at the end of the two-year period to determine the value of the program and consider ongoing funding for a cancer screening program covering all Fire staff going forward.

For the In-House Mechanic Program, the Department will track costs and benefits associated with an on-site mechanic in dollars, efficiency, and across other relevant metrics and, after three years of experience with the program, consider whether to continue and/or expand services.

For the Fire Reserve Program, evaluation should happen after three years to determine whether the internship program is effectively supporting First Responders in their day-to-day work and whether program participants are applying for academies or positions within the service.

For the Fire Station Care Program, evaluation could include a survey to measure the satisfaction levels of First Responders with improvements paid for by station care funds.

CONTACT

Councilmember Sophie Hahn, (510) 981-7150

May 7, 2024



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To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author) and Vice Mayor Wengraf (Co-Sponsor)

Subject: Resolution in Support of the Campaign for a Safe and Healthy California

RECOMMENDATION

Send a resolution to Governor Gavin Newsom and the [Campaign for a Safe and Healthy California](#), endorsing the campaign to “Keep the Law” and uphold Senate Bill 1137, which prohibits new oil and gas wells within 3,200 feet of homes, schools, nursing homes, and hospitals, and requires companies to adopt health, safety, and environmental standards.

SUMMARY STATEMENT

Following the successful passage of SB 1137 – co-authored by State Senators Lena Gonzalez and Monique Limón – which created a public health buffer between new oil and gas wells and homes, schools, and other community sites, Jerome Reedy – a board member of the California Independent Petroleum Association (CIPA) – successfully filed a State-level referendum to overturn the law.

The referendum will appear on the November 5, 2024 ballot. This item seeks to register the Berkeley City Council’s official position in opposition to the referendum, which would allow oil companies to continue polluting areas close to homes, schools, and other sensitive facilities.

BACKGROUND

In 2022, the California State Legislature overwhelmingly passed and the Governor signed SB 1137, creating a public health buffer between new oil and gas wells and homes, schools, and other community sites. Living near oil and gas wells increases exposure to air pollution in the form of toxic particulate matter, carbon monoxide, nitrous oxide, ozone and volatile compounds.¹ The adverse health effects of which have been well-documented: increased risk of cancer, cardiovascular and respiratory disease, migraines, and birth defects.²

¹ [Tucker, D. \(2021, October 12\). *Living near oil and gas wells increases air pollution exposure, according to Stanford research* \[Press Release\]. Stanford News Service.](#)

² [Gross, L. \(2022, November 39\). *Petition Circulators Are Telling California Voters that a Ballot Measure Would Ban New Oil and Gas Wells Near Homes. In Fact, It Would Do the Opposite.* Inside Climate News.](#)

With more than 2.7 million Californians living within the 3,200 ft buffer zone – 70% of them people of color – the law was celebrated as a victory for environmental justice.³

However, just days after the bill passed, CIPA board member Jerome Reedy filed a referendum to undo the law. Since then, oil companies have spent over \$20 million on a campaign to mislead California voters. Petition circulators funded by “Stop the Energy Shutdown,” the oil industry backed committee leading the campaign against SB 1157, were caught lying to voters on multiple occasions – with some allegedly going as far as to say that the petitions they are circulating would ban new oil and gas wells.⁴ Community member Beth Harvey has shared that she was finishing up grocery shopping at Trader Joe’s Rockridge in Oakland when she was approached by a canvasser who told her they were circulating a petition to protect communities from oil drilling. Hurriedly, packing her groceries into her car, she took the canvasser at their word and signed the petition, only to realize later on she had been told a lie.⁵

The top funder, Sentinel Peak Resources, operates the largest urban oil field in the country – Los Angeles County’s Inglewood Oil Field – and has donated \$4.5 million to the effort.⁶ The Inglewood Oil Field has a long history of spills and disasters, and neighbors – most of whom are Black or Latino – have been raising concerns over air and water pollution for years. In April 2021, a pipeline leak spilled over 1,600 gallons of oil onto the field, just a few hundred feet from Kenneth Hahn Park Playground.⁷ In 2019, an oil-water leak traveling down a storm drain led to the closure of traffic lanes and a dog park in Culver City.⁸ A containment tank leak in 2018 exposed residents within 4,100 feet to a cloud of toxic benzene, a known carcinogen. In both 2005 and 2006, nearby residents were forced to evacuate their homes after major toxic releases. These examples just barely scratch the surface of the negligence and public health implications of allowing oil and gas drilling within a stone’s throw of California communities.

In 2023, the Secretary of State announced that CIPA cleared the 623,000 signature threshold and the referendum qualified for the November 5, 2024 ballot. Following this setback, health professionals, environmental justice groups, community and faith leaders, and young people joined together to form the Campaign for a Safe and Healthy California to ensure that no Californians have to endure health hazards from living just steps from dangerous oil wells.

³ [Grigoryants, O. \(2022, September 16\). Gov. Newsom signs SB 1137, creating a safety buffer between homes and oil wells in California. Los Angeles Daily News.](#)

⁴ [Gross, L. Petition Circulators Are Telling California Voters that a Ballot Measure Would Ban New Oil and Gas Wells Near Homes. In Fact, It Would Do the Opposite.](#)

⁵ [Gross, L. Petition Circulators Are Telling California Voters that a Ballot Measure Would Ban New Oil and Gas Wells Near Homes. In Fact, It Would Do the Opposite.](#)

⁶ [Gross, L. \(2023, January 29\). California Activists Redouble Efforts to Hold the Oil Industry Accountable on Neighborhood Drilling. Inside Climate News.](#)

⁷ [Sierra Club. \(2021, April 7\). Oil Spill at Inglewood Oil Field Sends Over 1,600 Gallons Flowing Near Communities \[Press Release\].](#)

⁸ [Martin-Straw, J. \(2019, April 2\). No Fooling – April 1st Oil Spill Affected Dog Park, Traffic Lanes. Culver City Crossroads.](#)

RATIONALE FOR RECOMMENDATION

As outlined in its Strategic Plan, the City of Berkeley is committed to being a global leader in addressing climate change, advancing environmental justice, protecting the environment, as well as championing and demonstrating social and racial equity.

In 2006, 82% of Berkeley residents voted to reduce the community's greenhouse gas emissions by 80% below 2000 levels by 2050. In 2018, the City adopted a Climate Emergency Declaration and a resolution establishing the goal of becoming a Fossil Fuel-Free city. Further, in 2021, City Council adopted a resolution in support of the [C40 Race to Zero Campaign](#), committing to reaching net-zero emissions by 2045 or sooner.

These resolutions are in line with Berkeley's stated goals under its Resilience Strategy to advance preparedness and equity, which includes accelerating access to reliable and clean energy, advancing racial equity, and adapting to climate change.

By endorsing the Campaign for a Safe and Healthy California, Berkeley is living up to its goals and values of environmental justice and leadership.

FISCAL IMPACTS

None.

CONTACT

Councilmember Sophie Hahn, (510) 981-7150

Attachments:

1. Resolution
2. Senate Bill 1137

RESOLUTION NO. ##,###-N.S.

RESOLUTION IN SUPPORT OF SB 1137 AND
THE CAMPAIGN FOR A SAFE AND HEALTHY CALIFORNIA

WHEREAS, research shows that living within half a mile of an oil well increases the risk of asthma, birth defects, high risk pregnancies, respiratory illnesses and cancer; and

WHEREAS, today, more than two million Californians are exposed to the most toxic emissions, and communities of color are disproportionately harmed by neighborhood drilling; and

WHEREAS, creating a buffer separating industrial oil operations from day care centers, schools, parks and homes helps protect nearby communities – primarily low-income communities of color, including children, seniors and other vulnerable individuals – from potentially devastating health impacts; and

WHEREAS, it is imperative that, as a community committed to health, equity, and environmental justice, Berkeley speak out against fossil fuel companies that seek to perpetuate harm against low-income communities of color and other communities impacted by their operations, and must counter a campaign that already has amassed millions of dollars to veto legislation they dislike; and

WHEREAS, in 2006, Berkeley voters issued a call to action on the climate crisis by overwhelmingly endorsing ballot Measure G to reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050; and

WHEREAS, in further recognition of the climate emergency, the City Council on June 12, 2018, adopted a Climate Emergency Declaration and a resolution establishing the goal of becoming a Fossil Fuel-Free city, and on May 11, 2021, adopted a resolution committing to the C40 Race to Zero Campaign to reach net-zero emissions by 2045 or sooner; and

WHEREAS, one of the key goals of Berkeley's Resilience Strategy, in recognition of the harm perpetuated by fossil fuels, is to accelerate community access to clean and renewable energy;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council proudly joins the statewide coalition of public health leaders, environmental justice groups, community and faith leaders, and youth to stand up to Big Oil and make sure that no Californians have to endure health hazards from living near dangerous oil wells.

BE IT FURTHER RESOLVED that the City of Berkeley endorses the Campaign for a Safe and Healthy California to uphold SB 1137, California's 2022 law that prohibits toxic oil drilling within 3,200 feet of homes, schools, day care centers, parks, healthcare facilities and businesses, and oppose the fossil fuel industry's referendum.

Senate Bill No. 1137

CHAPTER 365

An act to add Article 4.6 (commencing with Section 3280) to Chapter 1 of Division 3 of the Public Resources Code, relating to oil and gas.

[Approved by Governor September 16, 2022. Filed with Secretary of State September 16, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1137, Gonzalez. Oil and gas: operations: location restrictions: notice of intention: health protection zone: sensitive receptors.

Existing law establishes the Geologic Energy Management Division in the Department of Conservation, under the direction of the State Oil and Gas Supervisor, who is required to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells in the state and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field, so as to prevent damage to life, health, property, and natural resources. Existing law requires the operator of a well to file a written notice of intention to commence drilling with, and prohibits any drilling until approval is given by, the supervisor or district deputy. Existing law authorizes the supervisor to require other pertinent information to supplement the notice. Existing law requires the owner of any well to file with the supervisor a monthly statement that provides certain information relating to the well, as provided. Existing law requires an operator proposing to perform a well stimulation treatment to apply to the supervisor or district deputy for a permit to perform the well stimulation treatment and imposes other requirements and conditions on the use of well stimulation treatments. Under existing law, a person who fails to comply with this and other requirements relating to the regulation of oil or gas operations is guilty of a misdemeanor.

This bill would prohibit, commencing January 1, 2023, the division from approving any notice of intention within a health protection zone, as defined, except for reasons related to preventing or responding to a threat to public health, safety, or the environment, complying with a court order, or to plug and abandon or reabandon a well, as provided. The bill would also explicitly authorize the division to approve notices of intention to public and private entities who own, purchase, or lease land containing idle-deserted or previously plugged and abandoned wells for the purposes of those public and private entities plugging and abandoning, or replugging and abandoning, those oil and gas wells so development of nonfossil fuel production and injection and related uses can proceed, as provided. The bill would require an operator who submits a notice of intention, except for certain notices of intention, to also submit either a sensitive receptor inventory and map of

the area within the 3,200 feet radius of the wellhead or proposed wellhead location to the division, or a statement certifying that the operator has confirmed that there are no sensitive receptors, as defined, located within 3,200-foot of the wellhead location, as provided. If a notice of intention is approved pursuant to compliance with a court order, the bill would require the operator of the oil or gas well to provide an individual indemnity bond sufficient to pay the full cost of properly plugging and abandoning the operator's well or wells, and decommissioning any attendant production facilities in the health protection zone, as provided.

Commencing January 1, 2025, the bill would require all oil or gas production facilities or wells with a wellhead within a health protection zone to comply with specified health, safety, and environmental requirements, as provided. These health, safety, and environmental requirements would, among other things, require compliance with requirements related to applicable permits, public notice, sound levels, light generation, migration of dust and particulates beyond property boundaries, emissions and vapor venting, and chemical analyses of produced waters. The bill would also require all operators with a production facility or well with a wellhead in a health protection zone to submit a leak detection and response plan, as provided, to the division by January 1, 2025, require division approval or notice of deficiency by January 1, 2026, and require implementation of the plan by January 1, 2027. The bill would require the division to hold public workshops related to the leak detection and response plans, as provided, operators to review and update their plans at least once every 5 years, subject to division approval, and the supervisor to notify the applicable legislative budget and policy committees about these leak detection and response plans, as provided. The bill would require operators to contact property owners and tenants before commencing work that requires a notice of intention, and would also require operators to comply with water sampling requirements, as provided. The bill would require every operator to submit a sensitive receptor inventory and map to the division by July 1, 2023, and provide updates to the inventory and map annually thereafter, as provided, and require the division to make all current sensitive receptor inventories and maps publicly available on its internet website. The bill would, commencing January 1, 2027, and annually thereafter, require operators with a wellhead or other production facility in a health protection zone to provide information to the division, as provided, and require the division to make this information publicly available on its internet website.

Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

The bill would exempt from its provisions underground gas storage wells and attendant production facilities.

The bill would require the division, on or before July 1, 2027, and annually thereafter, to provide a legislative report to the applicable budget and policy committees regarding the implementation of health protection zones, as provided. The bill would authorize the division, the State Air Resources

Board, and the State Water Resources Control Board to prescribe, adopt, and enforce any emergency regulations as necessary to implement, administer, and enforce these duties, as provided. The bill would require the State Air Resources Board, relevant local air districts, the State Water Resources Control Board, and relevant local water quality control boards, by June 1, 2023, to enter into memoranda of understanding with the division to clearly delineate respective responsibilities for the implementation and enforcement of health protection zones. By imposing requirements on local entities, the bill would impose a state-mandated local program.

This bill would state that its provisions are severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In addition to increasing impacts of climate change, a growing body of research shows direct health impacts from proximity to oil extraction.

(b) These impacts are disproportionately impacting Black, indigenous, and people of color in California, who are most likely to live in close proximity to oil extraction activities and who are the most vulnerable to the negative impacts of climate change.

(c) Proximity to oil and gas extraction sites pose significant health risks, especially due to increased air pollution.

(d) Studies have shown evidence of harm at distances less than one kilometer, which is approximately 3,200 feet.

(e) Further assistance must be provided to frontline communities that have been most polluted by the fossil fuel industry by cleaning up pollution, remediating negative health impacts, and building resilient infrastructure to prepare for the unavoidable impacts of climate change.

SEC. 2. Article 4.6 (commencing with Section 3280) is added to Chapter 1 of Division 3 of the Public Resources Code, to read:

Article 4.6. Health Protection Zones

3280. For purposes of this article, the following definitions apply:

(a) "Area" means surface area, and all measurement of distances is on the surface of the land.

(b) “Health protection zone” means the area within 3,200 feet of a sensitive receptor. The measurement shall be made from the property line of the receptor unless the receptor building is more than 50 feet set back from the property line, in which case the measurement shall be made from the outline of the building footprint to 3,200 feet in all directions.

(c) “Sensitive receptor” means any of the following:

(1) A residence, including a private home, condominium, apartment, and living quarter.

(2) An education resource, including a preschool, school maintaining transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, daycare center, park, playground, university, and college. Where a university or college is the only sensitive receptor within 3,200 feet of the operator’s wellheads or production facilities, the university or college is not a sensitive receptor if the operator demonstrates to the division’s satisfaction that no building with nominal daily occupancy on the university or college campus is located within 3,200 feet of the operator’s wellheads or production facilities.

(3) A community resource center, including a youth center.

(4) A health care facility, including a hospital, retirement home, and nursing home.

(5) Live-in housing, including a long-term care hospital, hospice, prison, detention center, and dormitory.

(6) Any building housing a business that is open to the public.

3281. (a) Notwithstanding any other law, commencing January 1, 2023, the division shall not approve any notice of intention under Section 3203 within a health protection zone, except for approvals of notices of intention necessary for any of the following purposes:

(1) To prevent or respond to a threat to public health, safety, or the environment.

(2) To comply with a court order finding that denying approval would amount to a taking of property, or a court order otherwise requiring approval of a notice of intention.

(3) To plug and abandon or reabandon a well, including an intercept well necessary to plug and abandon or reabandon a well.

(b) An operator who submits a notice of intention under Section 3203, except for notices of intention described in paragraph (3) of subdivision (a), shall submit a sensitive receptor inventory and map pursuant to Section 3285 of the area within the 3,200-foot radius of the wellhead or proposed wellhead location to the division with the notice of intention or a statement certifying that the operator has confirmed, and the division has verified, that there are no sensitive receptors located within 3,200 feet of the wellhead location. The operator shall submit the sensitive receptor inventory and map in a format that complies with all requirements of the federal Americans with Disabilities Act of 1990 (Public Law 101–336) and its implementing regulations for online viewing. If the inventory or map includes any personally identifiable information, the operator shall submit a second version with the personally identifiable information redacted. Inventories

and maps with no personally identifiable information shall be made available to the public in compliance with Section 3234. No new production facilities shall be constructed or operated in a health protection zone unless associated with a notice of intention approved pursuant to subdivision (a) or as determined by the division to be necessary to protect public health and safety.

(c) If a notice of intention is approved pursuant to paragraph (2) of subdivision (a), the approval shall require the operator of the oil or gas well to provide an individual indemnity bond sufficient to pay the full cost of properly plugging and abandoning the operator's well or wells, and decommissioning any attendant production facilities in the health protection zone. The division shall determine the amount of the individual indemnity bond in accordance with subdivision (b) of Section 3205.3. The bond shall be executed by the operator, as principal, and by an authorized surety company, as surety, and shall be in substantially the same language and upon the same conditions as provided in Section 3204, except as to the difference in the amount. The operator's blanket indemnity bond authorized pursuant to Section 3205 shall not be used to satisfy this subdivision.

(d) Underground gas storage wells and attendant production facilities are not subject to this article.

3281.5. (a) The Legislature finds and declares that development of oil and gas fields into nonfossil fuel production and injection and related uses, including, but not limited to, housing, recreation, and commercial development, may have plugged and abandoned wells or may require existing oil and gas wells to be plugged and abandoned, or replugged and abandoned, to current statutory and regulatory standards, and that the creation of health protection zones, and the related restrictions and requirements of this article, do not apply in the context of development for nonfossil fuel production and injection and related uses.

(b) Notwithstanding any contrary provisions of subdivision (a) of Section 3281, the division may approve notices of intention pursuant to Section 3203 to public and private entities who own, purchase, or lease land containing idle-deserted or previously plugged and abandoned wells for the purposes of those public and private entities plugging and abandoning, or replugging and abandoning, those oil and gas wells so development of nonfossil fuel production and injection and related uses can proceed. This may include, without limitation, a notice of intention to drill or rework an intercept well, if needed to plug and abandon or replug and abandon another well on the condition that the intercept well is itself plugged and abandoned. The public and private entities, as well as any lessees, tenants, or other occupants, shall not engage in oil or gas development or production or injection or related uses for which they have submitted a notice of intention pursuant to this subdivision.

3282. Commencing January 1, 2025, all oil or gas production facilities or wells with a wellhead within a health protection zone shall be in compliance with all of the following requirements:

(a) The operator is required to comply with the terms and conditions of all applicable federal, state, and local permits required to operate the well and facility.

(b) If not otherwise required by law or regulation, clearly post contact information for where to address complaints about noise, odor, and other concerns on the perimeter of the site. This information shall include responsible persons employed by the operator, as well as enforcement officials in the city, county, or city and county, and air district, in which the facility is located. The size and format of the posted information shall be consistent with existing requirements.

(c) Unless more stringent local requirements apply, between 8 p.m. and 7 a.m., sound levels from oil and gas production operations shall not exceed ambient noise levels, as measured at the property line.

(d) Unless more stringent local requirements apply, minimize light generated at an oil or gas well or production facility to reduce light traveling beyond property boundaries. Except as needed in emergency circumstances, operators shall use only such lighting as is necessary to provide the minimum intensity and coverage for safety and basic security between the hours of 8 p.m. and 7 a.m. Lighting shall be hooded or otherwise directed so that it shines onto only the operator's property and not onto adjacent properties or into the sky.

(e) Unless more stringent local requirements apply, employ operational measures to prevent dust and particulates from migrating beyond property boundaries. Dust control measures to be employed within property boundaries shall include, but are not limited to, the following:

(1) Limiting vehicle speeds on unpaved roads to 15 miles per hour or less.

(2) Containing or covering stored sands, drilling muds, and excavated soil.

(f) Immediately suspending the use of a production facility if the production facility, including all permanent and temporary equipment within the health protection zone that emits vapors, such as tanks, vessels, separation facilities, gas processing units, and other equipment holding petroleum liquids or produced water, is not in compliance with all applicable air district requirements relating to preventing vapor venting to the atmosphere.

(g) (1) The operator is required to provide the division with representative chemical analyses for all produced water transported away from the oilfield where it was produced.

(2) Chemical analysis required under this subdivision shall be in accordance with the analytical specifications for liquid analysis detailed in Section 1724.7.2 of Title 14 of the California Code of Regulations, and shall be filed with the division within three months of produced water being transported from the oilfield and whenever the source of produced water is changed.

(3) For the purposes of this subdivision, the source of produced water is changed if the treatment process or additives are changed, if a contributing source is added or removed, or if there is a significant change to the relative

contribution of individual sources such that the last chemical analysis is not representative of the produced water being transported from the oilfield.

3283. (a) All operators with a production facility or well with a wellhead in a health protection zone shall develop a leak detection and response plan that shall be submitted to the division no later than January 1, 2025, and fully implemented by operators by January 1, 2027. For any leak detection and response plan submitted by January 1, 2025, the division shall either approve the plan or provide notice of deficiencies by January 1, 2026. Commencing January 1, 2027, the operator shall suspend all production and injection operations within a health protection zone unless an approved leak detection and response plan is fully implemented in that area. A leak detection and response plan is subject to review and approval by the division, in consultation with and with the concurrence of the State Air Resources Board, and shall include all of the following:

(1) The leak detection and response plan shall identify the chemical constituents, such as methane and hydrogen sulfide, as well as potential toxics of highest concern in the region as identified by the State Air Resources Board or local air district that will be detection targets for the emissions detection system to ensure early detection of leaks that otherwise may result in emissions impacting the surrounding communities. Not all chemical species that may be found in the oilfield are required to be detection targets and methane may serve as a surrogate for chemical constituents that cannot be continuously monitored but are identified in the leak detection and response plan. The State Air Resources Board and the State Water Resources Control Board shall adopt regulations as necessary to implement and set performance standards by regulation for the emissions detection system. The division, the State Air Resources Board, and the State Water Resources Control Board may adopt such regulations under an emergency rulemaking process as provided in Section 3288.

(2) (A) The leak detection and response plan shall include a continuously operating emissions detection system designed to provide for rapid detection of target chemical constituents to identify leaks before emissions impact the surrounding communities. Sampling locations and sample inlets shall be sited consistent with local meteorology and best practices.

(B) The emissions detection system shall include an alarm system that effectively, immediately, and reliably alerts the operator when triggered.

(C) The emissions detection system shall include a new, or use an existing, meteorological system that is appropriately sited with the ability to continuously record measurements.

(b) The leak detection and response plan shall include an alarm response protocol that provides for immediate action to rapidly identify and fix the leak that is the source of the emissions. In the event that the source of the emissions is not identified and the leak stopped within 48 hours of the leak being identified, the alarm response protocol shall include a communication plan for notification of local emergency responders and public health authorities, the division, and people in the community, including notification in languages that are easily understood by the affected community. The

alarm response protocol shall provide for compliance with all local, state, and federal requirements for reporting leaks of hazardous emissions. The operator shall consult with local emergency response entities when preparing the alarm response protocol and shall engage in drills as deemed necessary by the local emergency response entity. The alarm response protocol shall provide for collection and determination of the chemical composition of a representative sample near the leak when a continuous alarm event indicates that emissions from the leak may have impacted the surrounding community, and the subsequent collection and determination of the chemical composition of samples when there is reason to believe that the composition of the emissions may be changing. If the source of the emissions is a leak from a well or production facility, the operator shall suspend use of the well or production facility until the leak has been corrected and the division has approved the resumption of its use. Where the operator can demonstrate to the division that the source of the emissions is not related to the oil and gas operations, the division may waive any additional actions required under the alarm response protocol.

(c) The division and the State Air Resources Board shall collaborate to develop methods for providing public access to data generated by operators from emissions detection systems.

(d) The division shall hold no less than three public workshops following the enactment of the emergency regulations pursuant to Section 3288 to provide information and guidance to operators and the public on the development of leak detection and response plans pursuant to this section.

(e) An operator's leak detection and response plan shall be reviewed and updated by the operator, subject to division approval, at least once every five years from the date of its initial approval by the division. The division shall hold at least one public technical workshop at least biennially to provide information and guidance to operators on best practices for the development, review, and update of leak detection and response plans.

(f) The operator shall record and maintain records of emissions and meteorological monitoring, including the composition of any samples collected during leak events, for 10 years.

(g) Notwithstanding Section 10231.5 of the Government Code, commencing July 1, 2023, and at six-month intervals thereafter, the supervisor shall notify the applicable legislative budget and policy committees on progress, including milestones, towards achieving the deadlines in subdivision (a) for the development, approval, and implementation of the leak detection and response plans.

3284. (a) Before commencing any work that requires a notice of intention under Section 3203 in the health protection zone, the operator shall contact property owners and tenants within a 3,200-foot radius of the wellhead in writing with a record of delivery and offer to sample and test water wells or surface water on their property before and after drilling.

(b) The operator shall contact property owners and tenants as specified in subdivision (a) at least 30 days before commencing drilling. If a property owner or tenant requests sampling and testing of a water well or surface

water, drilling may not commence until a baseline water sample has been collected, provided that the owner's or tenant's request is delivered in writing with a record of delivery to the operator within 20 days from the date notice is provided and the surface property owner makes necessary accommodations to enable the collection of a water sample within 10 days from the date notice is provided. The operator shall collect a followup water sample no sooner than 30 days, and no later than 60 days, after drilling is complete. The costs of sampling and testing required under this section shall be borne by the operator.

(c) Before commencing drilling in the health protection zone, the operator shall provide to the division documentation of the effort to identify and notify property owners and tenants as required.

(d) The operator shall conduct water sampling and testing, both baseline and followup, pursuant to this section, in accordance with all of the following requirements:

(1) Water quality sampling shall be conducted by appropriately qualified personnel in a manner consistent with standard environmental industry practice and chain of custody protocols. Documentation of the sampling process shall accurately describe the location that the sample was taken from and the process for collecting the sample.

(2) Water quality analytical testing shall be performed by a laboratory that has been accredited under the State Water Resources Control Board's Environmental Laboratory Accreditation Program to perform the tests necessary to complete the required analysis under this subdivision, except for those tests labeled as field tests, that may be conducted by any person qualified to sample and interpret the results of the required test.

(3) (A) Water quality testing shall include baseline measurements before the commencement of the drilling, and followup measurements after drilling is completed.

(B) Liquid analysis required under this subdivision shall include testing for all of the following: total dissolved solids; total petroleum hydrocarbon as crude oil; major cations (Ca, Mg, Na, K, Fe, Mn, Sr, B); major anions (Cl, SO₄, HCO₃, CO₃, Br, I, NO₃); any constituents listed in subparagraphs (A) and (B) of paragraph (2) of subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations; radionuclides; appropriate indicator chemicals for drilling mud and fluids used for well cleanout; total alkalinity and hydroxide; electrical conductance; pH; and temperature.

(C) The division or the regional water quality control board may require testing for additional constituents on a case-by-case basis.

(4) Within 120 days after drilling in the health protection zone is complete, the results of any baseline and followup water quality testing shall be provided by the operator to the division, the appropriate regional water quality control board, the State Water Resources Control Board, the surface property owner, and the requesting tenant.

(5) The appropriate regional water quality control board shall be notified at least five working days before collecting a sample under this section so that regional water quality control board staff may witness the sampling.

(6) Water quality data collected under this section shall be submitted to the State Water Resources Control Board and the appropriate regional water quality control board in an electronic format that follows the guidelines detailed in Chapter 30 (commencing with Section 3890) of Division 3 of Title 23 of the California Code of Regulations within 120 days after drilling is complete.

(7) If the property owner or tenant is unable to provide the necessary access to perform baseline or followup testing under this section, then failure to do the testing is not a violation of this section. The division may waive the requirements of this section if the operator demonstrates that the delay in well work associated with the requirements of this section is likely to result in significant damage to life, health, or natural resources. The operator is not required to sample or test water under this section if the relevant authorities have determined that the water is not an underground source of drinking water, as defined in the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et. seq.), and the water has no beneficial uses, in accordance with subdivision (f) of Section 13050 of the Water Code.

3285. (a) Every operator shall submit to the division by July 1, 2023, a sensitive receptor inventory and map that includes the following:

(1) A list of all sensitive receptors within 3,200 feet of an operator's wellheads and production facilities by field. For each sensitive receptor listed, the operator shall provide all of the following:

(A) The distance from the sensitive receptor to each wellhead or production facility that is located within 3,200 feet of that specific receptor. The well shall be identified by API number, and the production facility shall also be explicitly identified. Latitude and longitude shall also be provided for the wellhead and production facility.

(B) The type of sensitive receptor.

(C) A map showing each sensitive receptor's location in relation to the operator's wellheads and production facilities.

(2) A statement from each operator based on their sensitive receptor inventory that provides the operator's determination as to whether their wellheads and production facilities are located within 3,200 feet of a sensitive receptor. An operator who has identified sufficient sensitive receptors such that their entire operation is located within a health protection zone may cease adding new sensitive receptors to their inventory and make a determination that all of their wellheads and production facilities are located within a health protection zone.

(b) By July 1 of each year, all operators shall submit to the division a sensitive receptor inventory and map pursuant to subdivision (a) that is up to date, with information no more than 90 days old, and shall make a new determination regarding the location of each of their wellheads and production facilities within a health protection zone. If there have been no changes to the location of sensitive receptors in the 3,200 feet surrounding the operator's wellheads and production facilities, the operator shall submit a statement that no changes to the determination are needed.

(c) The division shall review for completeness and accuracy no less than 30 percent of the inventories and associated maps submitted annually pursuant to this section. The division shall notify operators of any discrepancies in the submitted inventories and maps as determined by the division.

(d) The division shall make available to the public on its internet website all current sensitive receptor inventories and maps.

3286. (a) Commencing January 1, 2027, and no less than annually on a date to be determined by the division, an operator with a wellhead or other production facility or facilities in a health protection zone shall provide at least the following information to the division by location in a format that complies with all requirements of the federal Americans with Disabilities Act of 1990 (Public Law 101–336) and its implementing regulations for online viewing:

(1) The number of and amounts of time the emissions detection system was not operating.

(2) The number of validated alarms, and the reasons for the alarms.

(3) The number of leaks that occurred, the time needed to repair the leak, and a brief description of the leak, including the impact on air quality and community exposure.

(4) The number of times the surrounding community was notified after a leak persisted for 48 hours.

(5) The number of times and length of time production and injection operations and other use of the facility were suspended due to leaks.

(6) Any baseline and postdrilling groundwater testing performed by location.

(b) The division shall make the information submitted by the operators available to the public on its internet website.

3287. Notwithstanding Section 10231.5 of the Government Code, on or before July 1, 2027, and annually thereafter, the division shall provide a legislative report to the applicable budget and policy committees regarding the implementation of health protection zones by the division. The reports shall include at least the following:

(a) The number and types of wells and attendant facilities in health protection zones by operator and field.

(b) The estimated population protected by the health protection zone.

(c) The status of leak detection and response plans by operation and location.

(d) The number and type of notices of intention approved in health protection zones and the reason the notices of intention received approval by operator and field.

(e) The number of sensitive receptor inventories and maps received by the division by operator and field.

(f) Aggregated information by operator and location of leaks detected and alarms associated with the leaks.

(g) The number of notices of violation issued by the division for dust control, excess noise and light, and other requirements pursuant to this article by operator and field.

(h) The number of orders issued by the supervisor pursuant to this article by operator and field.

(i) The number of times by operator and location that baseline and postdrilling groundwater testing was performed.

3288. The division, the State Air Resources Board, and the State Water Resources Control Board may prescribe, adopt, and enforce any emergency regulations as necessary to implement, administer, and enforce its duties under this article. Any emergency regulation prescribed, adopted, or enforced pursuant to this article shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding any other law, the emergency regulations adopted by the division, the State Air Resources Board, and the State Water Resources Control Board may remain in effect for two years from adoption.

3289. (a) No provision of this article is a limitation on the authority or jurisdiction of the State Water Resources Control Board, the regional water quality control boards, the State Air Resources Board, or local air quality districts.

(b) This article does not prohibit a city, county, or city and county from imposing more stringent regulations, limits, or prohibitions on oil and gas development.

3290. The State Air Resources Board, relevant local air districts, the State Water Resources Control Board, and relevant local water quality control boards shall enter into memoranda of understanding with the division to clearly delineate respective responsibilities for implementing and enforcing health protection zones. These memoranda of understanding shall be executed by June 1, 2023. The division may pursue additional memoranda of understanding with other state and local entities as needed.

3291. This article does not diminish or alter the authority of the supervisor to deny, revoke, or suspend permits to meet the division's purpose to protect public health and safety and environmental quality, including the reduction and mitigation of greenhouse gas emissions, or the supervisor's repeated obligation pursuant to this division to supervise certain oil and gas related operations to prevent, as far as possible, damage to life, health, property, natural resources, or underground and surface waters suitable for irrigation or domestic purposes, among other reasons.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O



Susan Wengraf
Vice Mayor and Councilmember District 6

CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author), Councilmember Humbert (Co-Sponsor),
Councilmember Taplin (Co-Sponsor)

Subject: Budget Referral: City of Berkeley Annual Holocaust Remembrance Day

RECOMMENDATION

Refer to the Fiscal Year 2025/2026 budget process a request for \$7,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.

FINANCIAL IMPLICATIONS

A total of \$14,000 over two years.

CURRENT SITUATION AND ITS EFFECTS

For the past 21 years, The City of Berkeley has sponsored a Holocaust Remembrance Day Program. Participation in this important annual program has exceeded expectation, with attendance at in-person events in excess of 200 people (room capacity). The pandemic-inspired virtual program has brought in between 300 and 750 viewers each of the last four years.

Councilmembers have always given generously to this program from their discretionary accounts. In 2018, with the goal of ensuring continuation of the only non-secular Holocaust Remembrance Day Program in the East Bay Area, Council approved a modest \$6,000 expenditure from its General Fund Budget to support the Annual Program. City funding has since been approved each year a budget referral was brought forward.

This budget request is for a slightly increased amount of \$7,000 each year for the next two years. These funds will be leveraged by volunteer labor and donations, guaranteeing the continuance of the City's program through 2026.

According to ADL data, antisemitic incidents have increased 360 percent in the United States in the aftermath of the October 7, 2023 attack in Israel. It is critical that Berkeley's Holocaust Remembrance Day Program continues annually. The history of the Holocaust needs to be remembered for the purpose of educating and keeping the memory alive for generations to come in order to safeguard the future.

ENVIRONMENTAL SUSTAINABILITY

In compliance with City's environmental sustainability goals.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160



Susan Wengraf
Vice Mayor and Councilmember District 6

CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council
From: Vice Mayor Wengraf (Author)
Subject: Budget Referral: Crossing Guard for Cragmont School

RECOMMENDATION

Refer to the Fiscal Year 2025/2026 Budget Process an annual allocation of \$22,000 to fund a Crossing Guard for Cragmont Elementary School at the intersection of Regal Rd. and Spruce Street.

FINANCIAL IMPLICATIONS

Total of \$44,000 for one Crossing Guard for two academic years: 2024-2025 & 2025-2026. This is for a half-time position, 10-months a year.

CURRENT SITUATION AND ITS EFFECTS

Cragmont Elementary School can be accessed on either side of the school. One side, on Marin Avenue, where traffic is dangerous and fast moving, crossing guards at Spruce Street and at Cragmont Avenue help students and parents cross safely. The other side, at Regal Road and Spruce Street remains problematic.

The Alameda County *Safe Routes to Schools* Program conducted a School Safety Assessment of Cragmont Elementary in Fall 2022. Participants in the October 25, 2022 assessment included members of *Safe Routes to Schools*, Berkeley Public Works, BUSD, Cragmont Elementary staff and parents. Denise Turner, *Safe Routes to School* Program Manager, submitted the assessment report to Cragmont Principal Candy Cannon in September 2023.

Some of the problematic findings at the Regal Rd./Spruce St. intersection were as follows:

1. Southbound drivers on Spruce St. have a blind, downhill turn as they approach the crosswalk at Regal Rd.
 - a. Participants observed drivers crossing the double yellow centerline to pass stopped garbage and delivery trucks around this blind turn, with limited sightlines to the crosswalk across Spruce St.

- b. The crosswalk across Spruce St. ends in a driveway on the western side of the street.
2. The large curb radii and width of the Regal Rd. approach allow for faster vehicle turns and make it easier to block crosswalks at the corners.
3. Crosswalk across Regal Rd. at Spruce St. is extremely long (65 feet) & without pedestrian protection.
4. Bicyclists traveling in both directions add to the symphony of modes of transportation pedestrians must navigate to cross safely.

Additionally, Berkeley's [Vision Zero Action Plan](#) identifies Spruce St. and Marin Ave as High-Injury Streets for people walking and riding bikes.



*Left: Crosswalk across Spruce Street at Regal Rd looking uphill (north) at the blind turn.
Right: Crosswalk across Regal Rd at Spruce St is extremely long (65 feet) and without protection for pedestrians.*

Given the complexity of the traffic situation at this location, a crossing guard at this intersection would be a proactive step to ensuring safety for our children.

Ana Vasudeo, BUSD Board Member, strongly supports the position of a Crossing Guard at Spruce St. and Regal Rd. Sheila Collier, BUSD Transportation Manager, agrees that a Crossing Guard at Spruce and Regal would enhance safety for students and their families.

BACKGROUND

Situated in a dense residential neighborhood, adjacent to two of the City's *High Injury Streets* (Marin Ave & Spruce St), the daily weekday process of finding legal parking and crossing a busy and dangerous intersection to and from school in the morning and again in the afternoon is nerve-racking for parents, caregivers and students. A Crossing Guard positioned at the intersection of Regal and Spruce would ease this strain and create safe passages to Cragmont Elementary.

Half-time Crossing Guard Pay Rate for 12 months:

Pay Amounts		
		Recurring Pay
FTE %	.4750	
Hourly Rate	26.6762	26.6762
Daily Rate	101.3700	101.3700
Period Pay	1,013.70	1,013.70
Annual Pay	26,356.20	26,356.20
Remaining	.00	
Reference	26,356.20	

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Providing safe, enjoyable paths for young people to walk to their destination inspires a lifelong use of pedestrian modes of transportation.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160



Susan Wengraf
Vice Mayor and Councilmember District 6

CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council
From: Vice Mayor Wengraf (Author)
Subject: Budget Referral: Equipment for Hybrid Commission Meetings

RECOMMENDATION

Refer to the Fiscal Year 2025/2026 Budget Process an allocation of \$110,000 for infrastructure costs to conduct hybrid city commission meetings.

FINANCIAL IMPLICATIONS

\$110,000

CURRENT SITUATION AND ITS EFFECTS

One silver-lining of the COVID-19 pandemic was the utilization of virtual technology to conduct City Council Meetings. The Zoom format allowed Councilmembers to continue their work and the public to remain, or become, civically engaged at a time when in-person meetings could put them at risk. Four years later, Council Meetings remain in hybrid format because of the multitude of benefits, most especially, that residents can watch and participate from their homes. Councilmembers have also benefited, within the limits prescribed by the Brown Act. Hybrid meetings also reduce our carbon footprint. Cars that would likely bring the public to and from evening meetings can remain unused.

Berkeley residents would benefit from shifting the City’s 32 commission meetings to a Hybrid format as well. However, Ethernet ports and AV equipment must be purchased and installed at the 11 unique locations where Commissions meet, besides Council Chambers.

The City Clerk, in collaboration with the IT Department, has worked out the feasibility of the shift and the infrastructure costs:

<i>Equipment</i>	<i>Cost per Location</i>	<i>Cost for All 11 Locations</i>
Ethernet Port	\$1,500	\$16,500
AV Equipment	\$8,400	\$92,400

Total: \$108,900

If approved, this \$110,000 budget referral will enable all of the City's Commission Meetings to be conducted in hybrid format in FY 2025. Once the equipment has been purchased and installed, Commission Secretaries will be trained to use the equipment and to manage hybrid meetings.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Hybrid meetings reduce the number of miles driven and reduce the spread of illness.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160

Attachments:

1: City of Berkeley Boards & Commissions Meeting Information (Location Legend)

Attachment 1: Boards & Commissions Meeting Information (Location Legend)

LEGEND

Location	
1900 Sixth Street	West Berkeley Family Wellness Center, 1900 Sixth Street
1901 Russoll	South Branch Library
1947 Center	1947 Center, Basement Multi-Purpose Room
1301 Shattuck Ave	Live Oak Cmty Ctr, 1301 Shattuck Ave
Chambers	BUSD Board Room, 1231 Addison Street
Contact Rec.	Meeting daytime/location varies - Contact secretary
F.A.C.C.	Francis Aoner Community Center, 2800 Park Street
F.D.T.F.	Fire Department Training Facility, 997 Cedar Street
N.B.S.C.	North Berkeley Senior Center, 1901 Hearst Ave
Ratchliff	1326 Allston Way, Corp. Yard, Willow Room
S.B.S.C.	South Berkeley Senior Center, 2939 Ellis Street
Shelter	Berkeley Animal Shelter, 1 Bolivar Drive
Youth Center	Martin Luther King, Jr. Youth Center, 1730 Oregon Street

Department/Agency	
CAO	City Attorney
CC	City Clerk
CMO	City Manager
ELS	Fire and Emergency Services
HHCS	Health, Housing and Community Services
HR	Human Resources
LIB	Library
OED	Office of Economic Development
ODPA	Office of the Director of Police Accountability
PLD	Planning and Development
P&W	Parks, Recreation and Waterfront
PW	Public Works

E-Mail

To email secretaries (e-mail address)@berkeleyca.gov

CITY OF BERKELEY

BOARDS

COMMISSIONS

MEETING

INFORMATION

This material is available in alternative formats upon request. Alternative formats include audio, braille, large print, electronic text, etc. Please contact the Disability Services Specialist and allow 7-10 days for production of the material in an alternative format

Disability Services Specialist
Email: ada@berkeleyca.gov
Phone: 1-510-981-6400 TTY: 1-510-981-6347

Updated: March 14, 2024



Susan Wengraf
Vice Mayor and Councilmember District 6

CONSENT CALENDAR
05/07/2024

To: Honorable Mayor and Members of the City Council
From: Vice Mayor Wengraf (Author), Councilmember Taplin (Co-Sponsor),
Councilmember Hahn (Co-Sponsor)
Subject: Budget Referral: \$70,000 to Evaluate Pedestrian Safety and Implement Solutions
on Euclid Avenue between Eunice Street and Bay View Place

RECOMMENDATION

Refer to the Fiscal Year 2025-2026 Budget Process an allocation of \$70,000 to Evaluate Pedestrian Safety and Implement solutions on the short stretch of Euclid Ave between Eunice Ave and Bay View Place, including the crossings at Eunice and between Codornices Park and the Jane Hammond Field and the Berkeley Rose Garden and west side of Euclid.

FINANCIAL IMPLICATIONS

\$70,000

CURRENT SITUATION AND ITS EFFECTS

Tens of thousands of people visit Berkeley’s renowned Rose Garden and Codornices Park annually. The Rose Garden is a regional destination for visitors and a venue for weddings and prom photos as well as rose lovers. Codornices Park, across the street, is used by all ages for recreation including picnics, children’s play, basketball, softball and summer camps. The new tennis courts at the Rose Garden are in constant use. This block is a hub of high activity and although the City has invested in improvements to the recreational facilities, no investment has been made to ensuring that pedestrians are safe as they use them.

In addition, the AC Transit bus runs along Euclid with a stop in each direction at the corner of Eunice Ave. Buses for private schools also use Euclid for pick up and drop off.

This narrow block of Euclid Ave between Eunice Ave and Bay View Place is 870 feet long and 36 feet wide, with cars parked on both sides of the street. Eager passengers, young and old, and drivers open car doors into oncoming traffic, causing cars to swerve into the oncoming lane and creating a very dangerous situation. Young children run across the street with limited sightlines of approaching vehicles. Drivers pay no attention to the crosswalks. Cars make turns onto Eunice without noticing pedestrians in the crosswalks. In the past nine months, three traffic calls have been reported to BPD about this block: a pedestrian was hit and sent to the hospital, a close call with a vehicle failing to yield to a pedestrian, and reckless driving. Pro-active measures must be taken to ensure the safety of the children and adults who frequent this area.

[Title of Report]

CONSENT CALENDAR
05/07/2024

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Safe access to public spaces, especially parks, is healthy for Berkeley residents, visitors and the environment.

CONTACT PERSON

Vice Mayor Wengraf Council District 6 510-981-7160



Susan Wengraf
Vice Mayor and Councilmember District 6

CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council
From: Vice Mayor Wengraf (Author)
Subject: Budget Referral: Civic Center Plan Phase III – Advancing Pre-Design & Construction Activities for Berkeley’s Maudelle Shirek and Veterans Buildings

RECOMMENDATION

Refer to the Fiscal Year 2025/2026 Budget Process an allocation of \$300,000 for the Civic Center Plan Phase III.

FINANCIAL IMPLICATIONS

\$300,000

CURRENT SITUATION AND ITS EFFECTS

The Civic Center Plan is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities. Our Veterans Memorial Building, and the Maudelle Shirek Building (“Old City Hall”) are not built to current seismic code and show signs of disrepair and deferred maintenance and are therefore underutilized. These beautiful, historical buildings in the center of our community will collapse unless we progress with the work of the Civic Center Vision Plan. Started in 2019, the Civic Center Vision Plan, which includes Martin Luther King Jr. Civic Center Park (“Civic Center Park”) and the Veterans Memorial Building, and the Maudelle Shirek Building, is guided by the following Vision Statement:

Civic Center will be the heart of Berkeley’s community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city’s diverse identities, celebrate its history, and contribute to shaping its future. A place of shared resources and a platform for free expression accessible to all, Civic Center aims to manifest the city’s values, advance social justice, and demonstrate the power of true public space.

Phase I and Phase II of the Civic Center Vision Plan have been successfully completed. Phase III: Advancing Pre-Design & Construction Activities needs funding in order to proceed. During this Phase, the tentative scope includes hiring a consultant team, with support of city staff, to a achieve the following outcomes for Berkeley’s Civic Center:

1. **Existing Conditions Documentation** - on the city-owned and occupied Civic Center buildings (Maudelle Shirek and Veterans): topographic survey, Building

Information Models (BIM) including, if desired, 3-D modeling, hazardous materials study, utility assessments, building system assessments. Explore the possibility of moving the Council Chambers back to the Maudelle Shirek building when construction is completed. Explore and consider constructing and attaching a new structure to the back of the Shirek building in order to retrofit the original landmark, as recommended in one the earthquake studies. This could include a new Council Chamber (and possibly additional office space if new space is identified as a need.).

2. **Tenant Identification** - in close collaboration with all city departments Phase III of the Civic Center project will further identify and refine who the future tenants of the structures will be, with a focus on the Maudelle Shirek Building as the Veterans building has been identified already for arts and cultural uses, in the Phase II Design Concept Plan. This effort will utilize and/or update the City's existing space needs study (if available), and generate a companion inventory of city-owned space along with any existing conditions documentation as needed to develop a design concept for the Courthouse building (city owned, leased to Alameda County until potentially 2057, if the County uses all of their extension options) that integrates it into the larger Civic Center Design Concept given its prime location at 2120 MLK Jr Way in between the Public Safety and Maudelle Shirek Buildings. The Building Inventory should include all City owned and leased space, including rental costs and insurance costs of leased space and termination dates for existing leases.

As a refresher, the Maudelle Shirek Building (“Old City Hall”), located at 2134 MLK Jr. Way project is a remodel and rehabilitation of an approximately 27,500 square foot structure and a 15,000 square foot addition for new council chambers and meeting space, resulting in a 42,500 square foot building providing city meeting spaces, hearing rooms, and office spaces for mission-aligned non-profit organizations. Construction costs are assumed at \$68,860,000. The Veterans Memorial Building project is a remodel and rehabilitation of an approximately 28,000 square foot structure and a 6,000 square foot addition, resulting in a 34,000 square Community Arts Center, providing performance, teaching, exhibit and practice spaces accessible to all members of the community. Construction costs are assumed at \$40,590,000.

BACKGROUND

Council approved Berkeley's Civic Center Vision and Implementation Plan (Phase I) on September 22, 2020 and approved the Berkeley Civic Center Design Concept (Phase II) on July 25, 2023 (Attachments 1&2). Phase III is awaiting funding. Project details and reports to date can be accessed online at the [Civic Center Vision Plan webpage](#). A summary of the approved Civic Center vision-aligned design concept is also included as Attachment 3. The resolution approving the design concept in July 2023, highlights the “highest priority of the Council is the seismic retrofit and best use of the historic buildings...in the approved plan.”

Costs and funding mechanisms for the Civic Center Plan are as follows:

Phase I: Vision Plan – \$350,000, funded from T-1 Bond Measure, Adopted September 2020.

Phase II: Design Concept - \$200,000, funded via a General Fund budget referral approved in the City Council's adoption of the FY 2022 Budget, Adopted July 2023.

Phase III: Advancing Pre-Design and Construction Activities - \$300,000

- REQUEST funding via a General Fund budget referral to the City Council's FY 2025-2026 Budget Process

A funded Phase III for Civic Center would allow for the city to *embark upon the start of the design and construction phase* which would take the project from the design concept included in the 2023 Berkeley Civic Center Design Concept Plan through construction. The project design team would include an architect, civil engineer, landscape architect, mechanical engineering plumbing (MEP) engineers, required specialty consultants, and cost estimator. In addition, the City will need to provide overall project management, procure existing conditions documentation, complete an environmental review and permitting process, and manage the construction bid. A fulfilled \$300,000 request would allow for the first part of this phase by completing the following elements:

1. **Pre-Design Existing Conditions Documentation** – these pre-design drawing and documents would be completed for the city-owned and occupied Civic Center buildings (Maudelle Shirek and Veterans) and could include topographic survey, Building Information Models (BIM) including, if desired, 3-D modeling, hazardous materials study, utility assessments, and building system assessments.
2. **Identify Building Tenants** – this effort would identify which City Departments are best suited to move into a retrofitted and rehabbed Maudelle Shirek Building and which additional community-serving agencies should also occupy the space. Similar defining will take place with arts agencies and community organizations that are to become tenants of the Veterans Memorial Building. The results will inform subsequent Pre-Design steps for each building. This effort will rely on the generation of two reports; a *space needs assessment* which identifies the city departments' space needs for staff and operations, including growth projections, and a *city-owned space inventory* that catalogues the current City-owned buildings and spaces, their size, use, and general condition. The Space Inventory (or space / building audit) task would yield a map and list of all city properties, including use, area, size, and condition of the building at 2120 MLK Jr. Way that is currently leased to Alameda County for county court related uses and sits between the city's Public Safety Building and the Maudelle Shirek Building.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Funding Phase III of the Civic Center Plan supports rehabilitation of existing city owned buildings. Rehabilitation is in alignment with the City's Environmental Sustainability Goals.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160

Attachments:

- 1: Resolution No. 69,579-N.S. Approving Berkeley's Civic Center Vision and Implementation Plan (Phase I)
- 2: Resolution No. 70,964-N.S. Approving Berkeley's Vision-Aligned Civic Center Design Concept (Phase II).
- 3: Presentation to Council on July 25, 2023: Berkeley Civic Center Design Concept (Phase II)

Budget Referral: Civic Center Plan Phase III

Attachment 1: Resolution No. 69,579-N.S. Approving Berkeley's Civic Center Vision and Implementation Plan, September 2020

RESOLUTION NO. 69,579-N.S.

APPROVING BERKELEY'S CIVIC CENTER VISION AND IMPLEMENTATION PLAN

WHEREAS, the Berkeley voters passed *Measure 11 Bond Funding for Infrastructure and Facilities*, to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including important City facilities and buildings; and

WHEREAS, the Veterans Memorial Building and Old City Hall were slated for structural analysis and visioning of possible conceptual design alternatives, in concert with Civic Center Park, to help determine a direction for future capital improvements to restore and secure these facilities to maximize their community benefit; and

WHEREAS, on January 22, 2019 City Council approved this solicitation at its regular meeting and approved the engagement of a qualified project consultant team to assist in the completion of this project at its regular July 16, 2019 meeting; and

WHEREAS, the City of Berkeley's project team has conducted an inclusive and transparent community process, engaged meaningfully with stakeholders, and provided a compelling and shared vision for the Civic Center area that supports current and future community needs while respecting and celebrating the area's rich past and historically significant structures; and

WHEREAS, *Berkeley's Civic Center Vision and Implementation Plan* determines a direction for future capital improvements to restore and secure these facilities to maximize their community benefit.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council approves and adopts *Berkeley's Civic Center Vision and Implementation Plan* (Exhibit A) and declares its intent to support the vision articulated in the plan.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to further the implementation of the plan and its ambitious vision for the future of Berkeley's Civic Center:

"Civic Center will be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city's diverse identities, celebrating its history, and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, Civic Center aims to manifest the city's values, advance social justice, and demonstrate the power of true public space."

Budget Referral: Civic Center Plan Phase III


CONSENT CALENDAR
May 7, 2024

The foregoing Resolution was adopted by the Berkeley City Council on September 22, 2020 by the following vote:


Ayos: Bartlett, Droste, Fahh, Harrison, Kesarwani, Robinson, and Arreguin.

Noes: None.

Absent: Davila and Wengraf.



Jesse Arreguin, Mayor

Attest: 

Mark Numairville, City Clerk

Budget Referral: Civic Center Plan Phase III

CONSENT CALENDAR
May 7, 2024

Attachment 2: Resolution N.S. 70,946, Approving Berkeley's Vision-Aligned Civic Center Design Concept, July 2023

RESOLUTION NO. 70,964-N.S.

BERKELEY'S VISION-ALIGNED CIVIC CENTER DESIGN CONCEPT

WHEREAS, in September 2020, the Berkeley City Council adopted a Vision for Berkeley's Civic Center to, *"be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city's diverse identities, celebrating its history, and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, Civic Center aims to manifest the city's values, advance social justice, and demonstrate the power of true public space."*; and

WHEREAS, the development of the Civic Center Vision Plan (2019-2020) was underwritten by the *T1 Bond Funding for Infrastructure and Facilities*, to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including the Veterans Memorial Building, the Maudelle Shirek Building, and Civic Center Park, to help determine a direction for future capital improvements to restore and secure these facilities to maximize their community benefit; and

WHEREAS, in August of 2022, the city engaged a qualified project consultant team underwritten by general fund dollars to assist in the completion of Phase II, the development of a consensus design concept aligned with the adopted vision for Civic Center; and

WHEREAS, the City of Berkeley's project team has conducted an inclusive and transparent community process, engaged meaningfully with stakeholders, and provided a compelling and shared design concept for the Civic Center area that supports current and future community needs while respecting and celebrating the area's rich past and historically significant structures; and

WHEREAS, *Berkeley's Civic Center Design Concept Plan* describes a direction for future capital improvements to restore and secure these facilities, park, and surrounding area to maximize their community benefit; and

WHEREAS, the Council provided direction to the City Manager to 1) explore full and partial creek restoration; 2) Ensure a home for the Farmers Market in the Civic Center; and 3) develop cost and feasibility information on building out additional spaces in the Veterans' Building courtyard for arts and cultural uses.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council approves and adopts *Berkeley's Civic Center Design Concept Plan* (Exhibit A) and directs staff to pursue the next steps identified in the Plan, including any necessary environmental review.

Budget Referral: Civic Center Plan Phase III

CONSENT CALENDAR
May 7, 2024

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Council retains full discretion to mitigate environmental impacts, select other feasible alternatives that will avoid environmental impacts, balance the benefits of any future actions against the environmental impacts, or decline to carry out any of the design concept elements, all based upon information generated by the environmental review process.

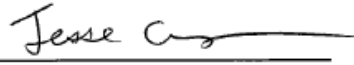
BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the highest priority of the Council is the seismic retrofit and best use of the historic buildings in accordance with the Council's direction in the approved plan.

The foregoing Resolution was adopted by the Berkeley City Council on July 25, 2023 by the following vote:

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

Noes: None.

Absent: Harrison.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk

Budget Referral: Civic Center Plan Phase III

CONSENT CALENDAR
May 7, 2024

Attachment 3: Berkeley's Civic Center Design Concept, Presentation to City Council,
July 25, 2023.

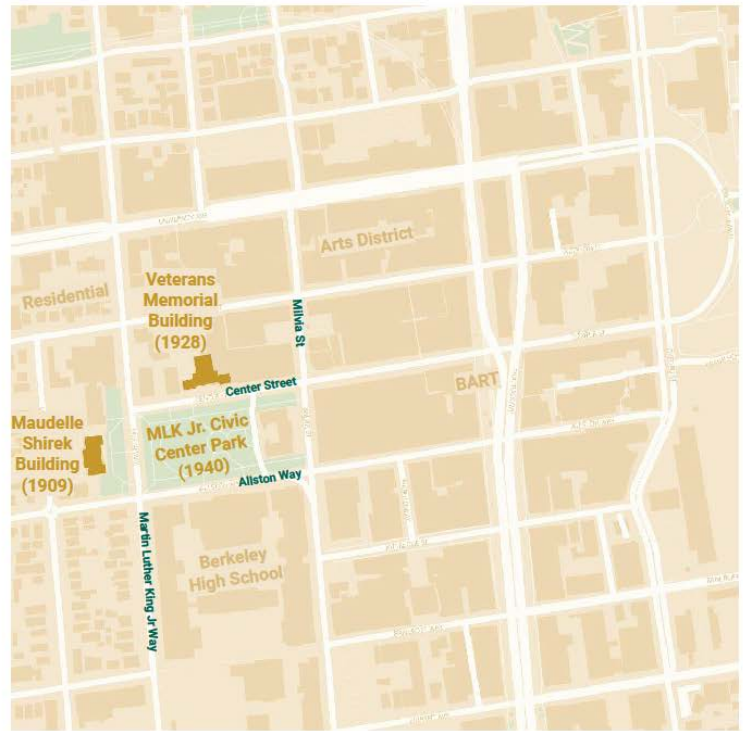


Project Background

July 2023

Civic Center Planning Area

- **Martin Luther King Jr. Civic Center Park**
- **Surrounding Streets**
 - MLK Jr. Way
 - Center Street
 - Allston Way
- **Maudelle Shirek Building**
- **Veterans Memorial Building**



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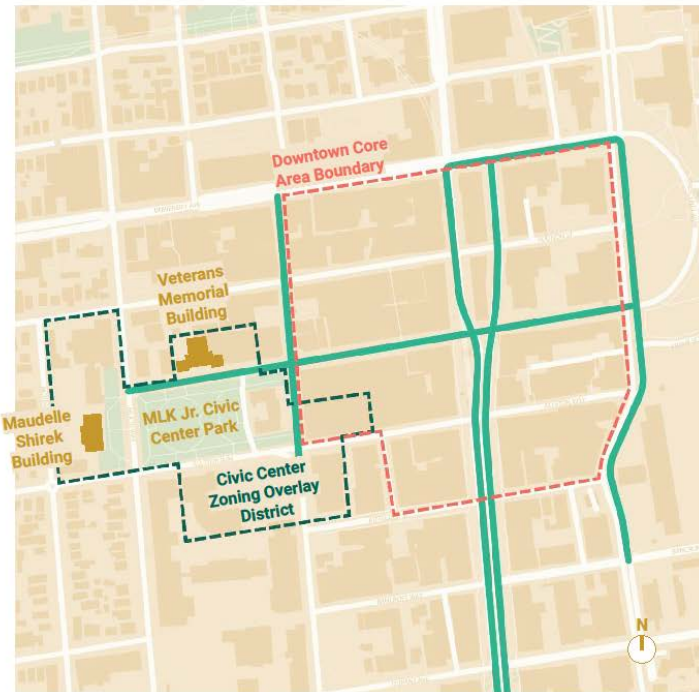
Berkeley Civic Center Design Concept 2

July 2023

Downtown Berkeley & the Civic Center



City of Berkeley | Siegel & Strain Architects + Gehl + ECB



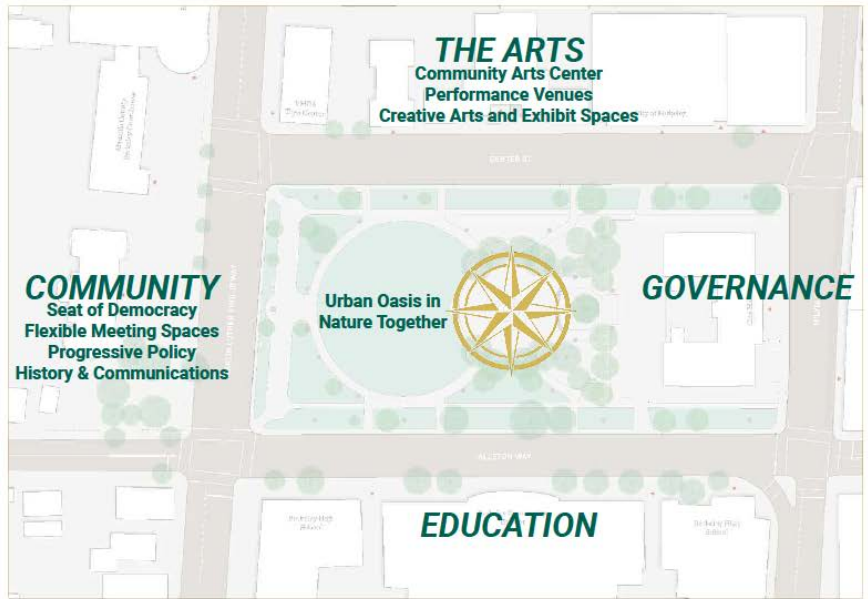
Berkeley Civic Center Design Concept 3

A Vision for Berkeley's Civic Center

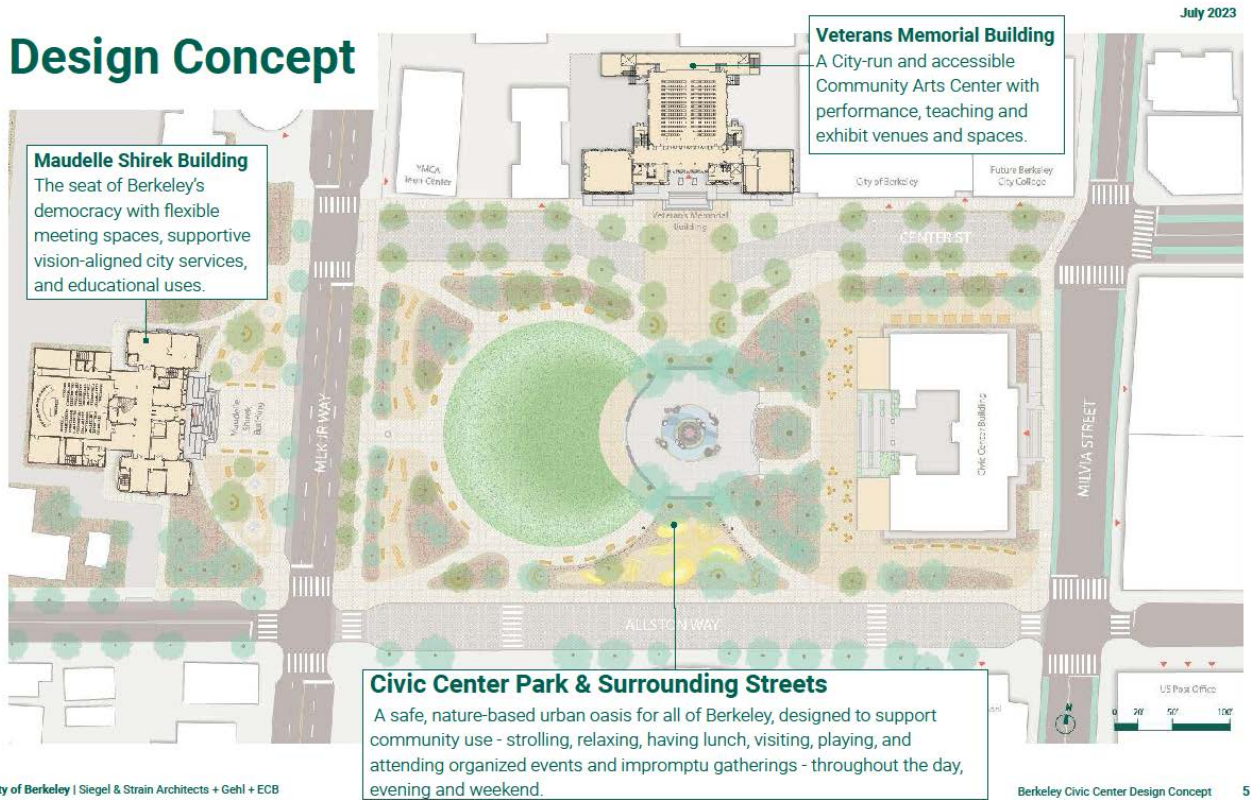
Civic Center will be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts.

It will reflect the city's diverse identities, celebrating its history and contributing to shaping its future.

A place of shared resources and a platform for free expression accessible to all, the Civic Center aims to manifest the City's values, advance social justice, and demonstrate the power of true public space.

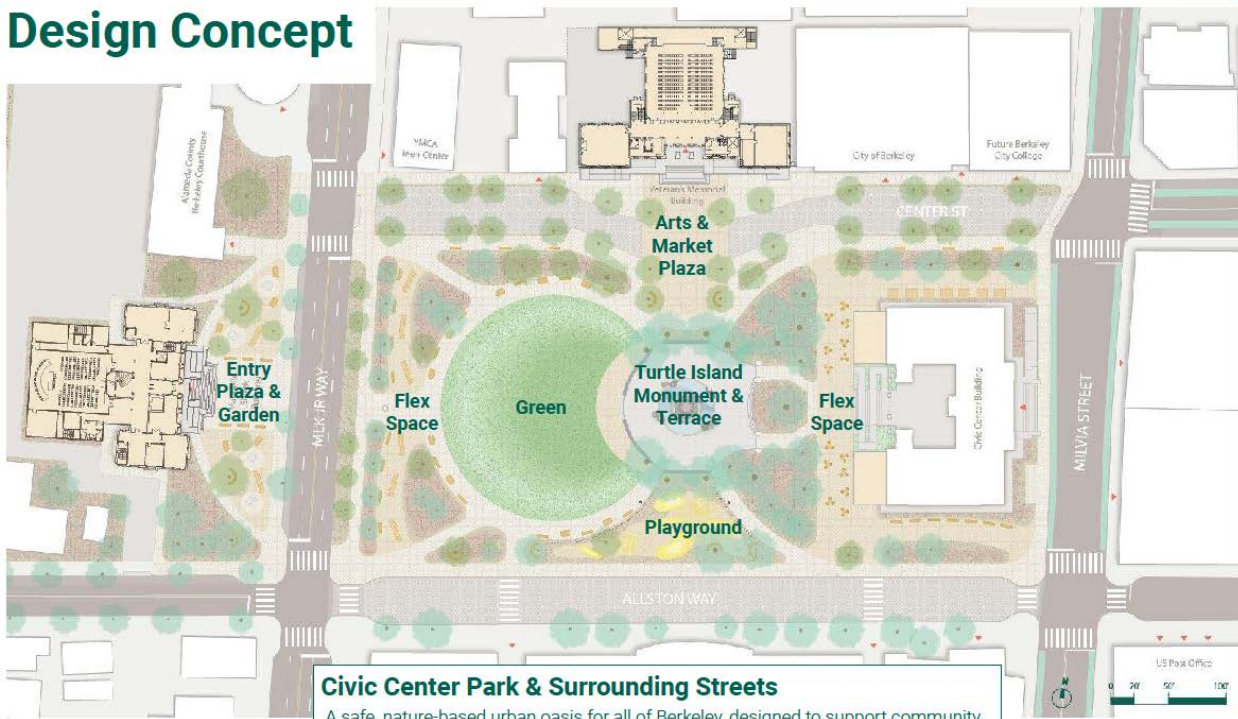


From Berkeley Civic Center Vision & Implementation Plan dated July 10, 2020 and adopted by Berkeley City Council on September 22, 2020



July 2023

Design Concept



Civic Center Park & Surrounding Streets

A safe, nature-based urban oasis for all of Berkeley, designed to support community use - strolling, relaxing, having lunch, visiting, playing, and attending organized events and impromptu gatherings - throughout the day, evening and weekend.

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Berkeley Civic Center Design Concept 6

July 2023

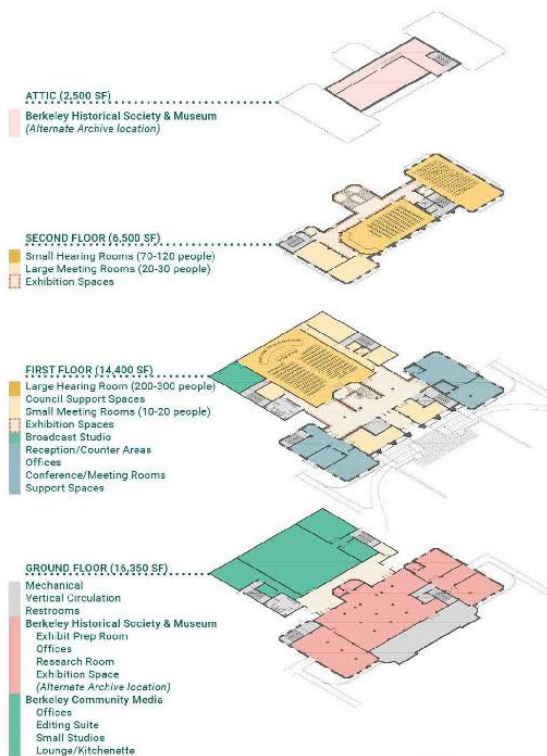
Design Concept

Maudelle Shirek Building

Seat of Berkeley's democracy with flexible meeting spaces and supportive and vision-aligned city services and educational uses.



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Berkeley Civic Center Design Concept 7

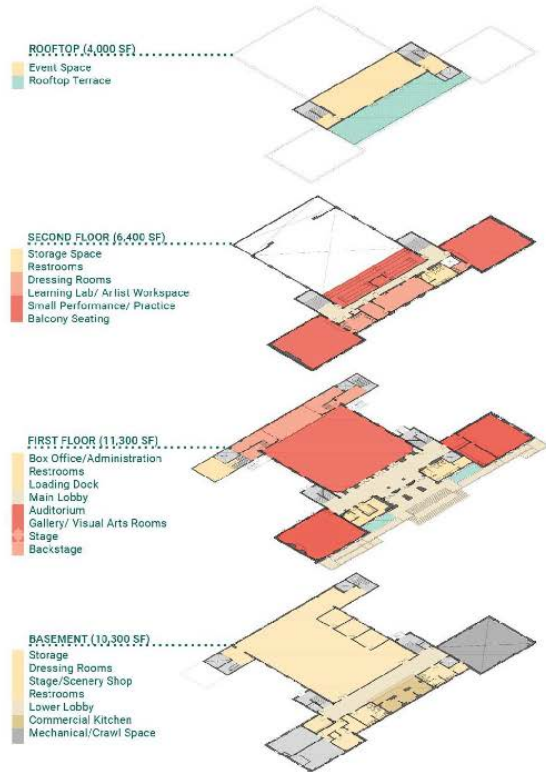
Design Concept

Veterans Memorial Building

A Community Arts Center, run by the city, with performance venues, teaching and exhibit space, accessible by all in the community.

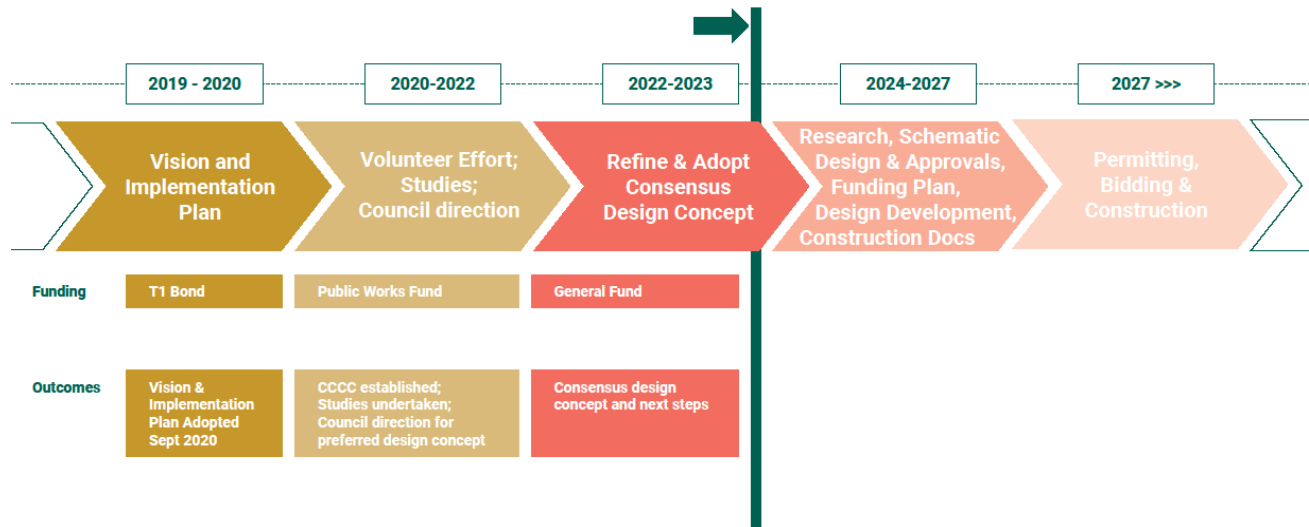


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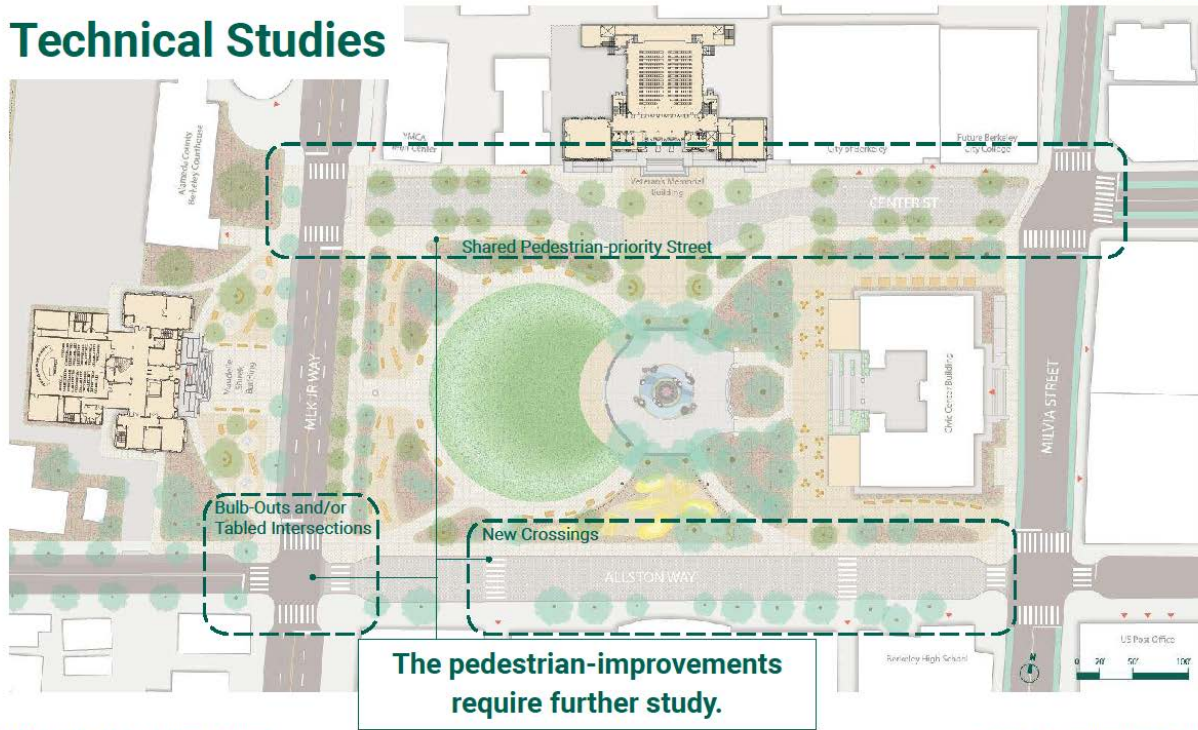
July 2023

Overall Project Schedule



July 2023

Technical Studies

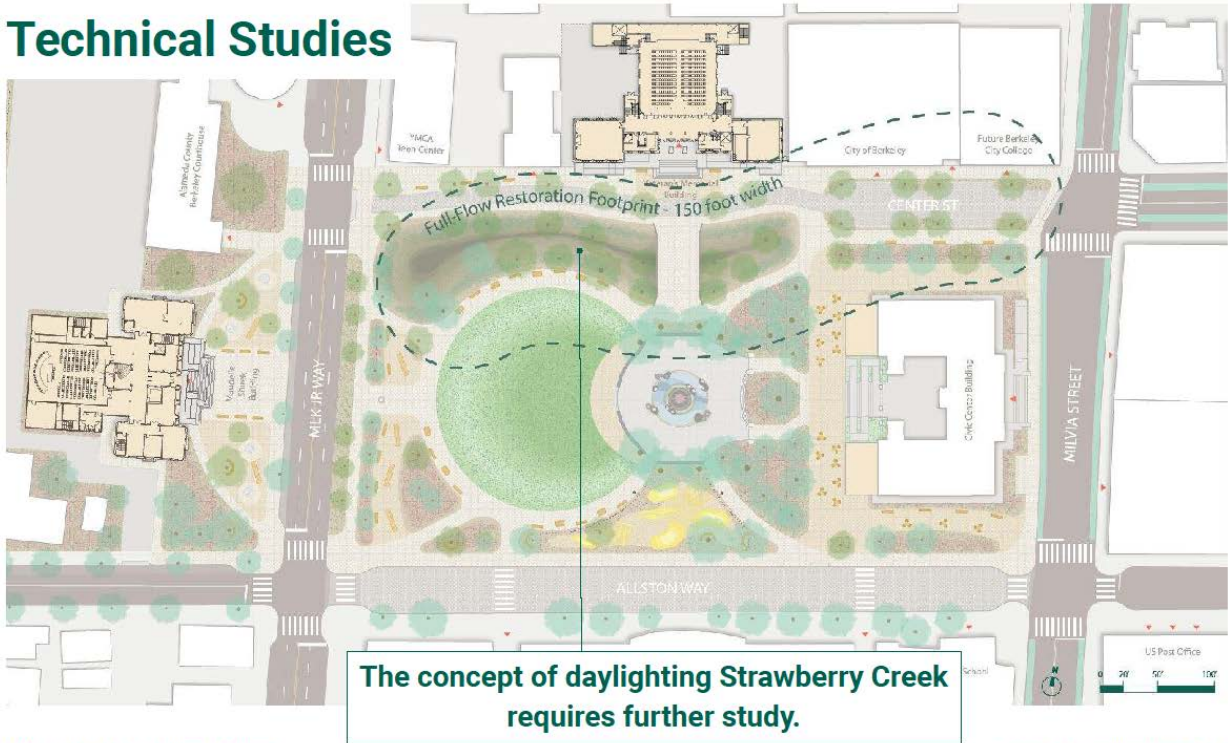


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Berkeley Civic Center Design Concept 10

July 2023

Technical Studies



City of Berkeley | Siegel & Strain Architects + Gehl + ECB

Berkeley Civic Center Design Concept 11

Preliminary Cost Ranges

Construction Costs

Preliminary construction cost ranges provided in this report are based on the March 2023 Draft Berkeley Civic Center Design Concept Report, the 2021 Civic Center Buildings Study by Tipping Structural Engineers, and guidance from the City of Berkeley Public Works Department. See Appendix A for a full list of exclusions.

	Low (x \$1,000)	High (x \$1,000)
Maudelle Shirek Building - 27,500 GSF Existing + 15,000 GSF Addition	\$ 51,200	\$ 62,600
Seismic Retrofit - Damage Control+ to near Immediate Occupancy	\$ 13,400	\$ 16,400
Envelope & Systems (Electrification, Accessibility, upgrades, finishes)	\$ 15,500	\$ 18,900
Two-story addition on West side	\$ 19,000	\$ 23,200
PVs at new addition, panels & infrastructure	\$ 600	\$ 800
Site Improvement & Utilities	\$ 2,700	\$ 3,300
Veterans Memorial Building - 29,000 GSF Existing + 5,950 GSF Addition	\$ 26,300	\$ 36,900
Seismic Retrofit - Building Performance Objective for New Buildings	\$ 4,300	\$ 7,700
Envelope & Systems (Electrification, Accessibility, upgrades, finishes)	\$ 15,800	\$ 19,400
New Addition at Stage	\$ 2,900	\$ 3,500
Roof Terrace (in high range only)	(excluded)	\$ 4,600
PVs at new addition, panels & infrastructure	\$ 500	\$ 700
Site Improvement & Utilities	\$ 800	\$ 1,000
Martin Luther King Jr. Civic Center Park & Streets	\$ 16,470	\$ 20,130
Paths/paving, planting/irrigation, new trees/tree protection, utilities	\$ 14,670	\$ 17,930
Site Improvements to 2180 Milvia entry, VMB entry, restrooms	\$ 1,800	\$ 2,200
ESTIMATED CONSTRUCTION COSTS	\$ 93,970	\$119,630
+ Construction Contingency (10%)	\$ 9,783	\$ 11,957
TOTAL ESTIMATED CONSTRUCTION COSTS	\$103,753	\$131,587
DRAFT ESTIMATED CONSTRUCTION COSTS	\$101,000	\$129,000

Other City Costs

Leading up to and during construction, the City will incur costs related to technical studies, existing conditions, design, planning approvals, permitting and management, to name a few. These costs will be further refined in future efforts as more is defined about review process, design requirements and parameters, funding and financing, and timeline.

	Low (x \$1,000)	High (x \$1,000)
Other City Costs (estimated at 20% of construction costs)	\$ 21,523	\$ 26,305
TOTAL ESTIMATED CONSTRUCTION COSTS + OTHER CITY COSTS	\$125,276	\$157,892

Operations & Maintenance Costs

Utilizing the 2023 annual Operations & Maintenance budget from the 1947 Center Street building, a \$/SF annual cost was determined for O&M at the common and occupied spaces in city-owned buildings. That was applied to the areas of the Maudelle Shirek and Veterans Memorial Building to arrive at the following annual Operations & Maintenance budgets:

Maudelle Shirek Building	\$1,234,389
Occupied Space -	\$1,167,938
Common Space -	\$ 66,453
Veterans Memorial Building	\$1,069,860
Occupied Space -	\$1,012,900
Common Space -	\$ 56,690

Funding Strategies

With an approved design concept, this project would move into its next phase of additional recommended studies, environmental reviews, and initiating specific design projects. This work is estimated to cost ~\$10 million and take 2-3 years.

A variety of funding sources could contribute to the City's approach to funding. The first approach would involve many different sources of funding all leading to one large project, phased in over the course of years. The following funding sources might contribute to the project:

- **Congressionally Directed Spending Requests** (aka earmarks). These are typically in the range of \$750,000-\$1.5 million. The City has submitted a request to our federal legislators for this project and should learn in the fall whether the earmark is successful. If so, funding would commence in calendar year 2024. There is no match requirement.

- **Federal Infrastructure Funding.** staff and consultants have not yet been able to find a category within the current funding stream that is a strong fit for this project, but that may change as future opportunities arise. Grant match requirements vary.
- **FEMA/Cal OES Hazard Mitigation Grants.** These grants require a cost/benefit calculation that makes the BPCON+ standard more likely to qualify for a grant. For that reason, the Veteran's Building is more likely to benefit. Grants require a 25% match.
- **Sustainability/Resiliency Grants:** the state and federal government offer grants that might help fund the electric conversion, green infrastructure, permeable paving, etc. Grant match requirements vary.
- **Urban Greening Grant/Coastal Conservancy Grant:** these grants may fund a feasibility study of daylighting the creek. Grant match requirements vary.

- **City Funding.** The City's General Fund, a future tax measure, or Certificate of Participation could contribute to the project. In addition, traffic safety and stormwater elements of the project might get contributions from Measure BB, Gas Tax, and/or the City's Storm Fund.
- **Foundations and/or Private Individuals.** Given the Civic Center's history and importance, private foundations and individuals might be a component to the overall funding strategy.
- **Bonding Capacity/Debt Service** - Using early construction costs estimates, and the general fund as collateral, assuming the Maudelle Shirek Building has a project cost of ~\$54M, the annual debt service would be ~\$3,900,000/year (30 year amortization). A ~\$71M project cost would have debt service of ~\$4,900,000/year. For the Veterans Memorial Building, a project cost of ~\$34M would have annual debt

service of ~\$2,400,000 and a project cost of ~\$41M would have annual debt service of ~\$2,900,000. There would be a reduction in annual debt service of approximately \$50,000/year if both projects were financed together.

An alternative, more opportunistic approach would be to identify specific project components that would be good fits for available grants, and when successful in gaining grants, move those elements forward, e.g., the project's raised sidewalks and bulbouts. This approach would likely take more time, involve more project cost overall (less efficiencies of scale), but might be more realistic.

Regardless, this project will be significantly more attractive for funding with an adopted design concept. Recognizing that strong plans need funding, and funding is attracted to strong plans, and staff are excited to work with City Council on moving this project forward.

A Design Concept for Berkeley's Civic Center

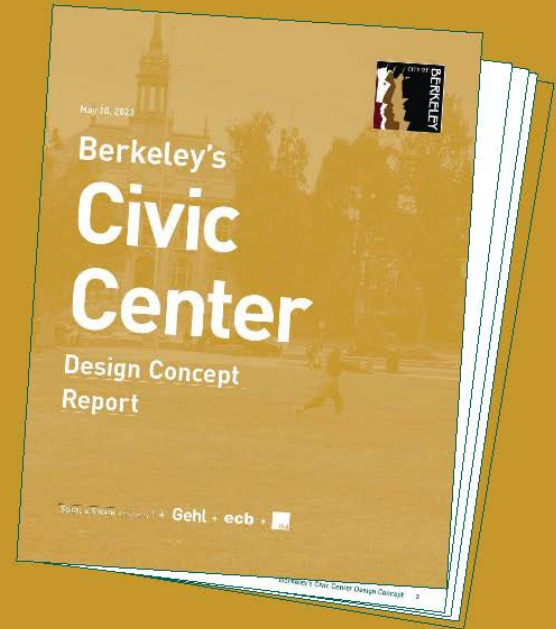


Bay Area Book Festival - May 7, 2023, Berkeley Civic Center

Civic Center will be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city's diverse identities, celebrating its history and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, the Civic Center aims to manifest the city's values, advance social justice, and demonstrate the power of true public space.

From Berkeley Civic Center Vision & Implementation Plan dated July 10, 2020 and adopted by Berkeley City Council on September 22, 2020

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Berkeley Civic Center Design Concept 14



Commission on Aging

ACTION CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council
 From: Commission on Aging
 Submitted by: Margot Smith, Chair, Commission on Aging
 Subject: Achieving Goals of 2018 Berkeley Age-Friendly Action Plan

RECOMMENDATION

Refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

While recommendations are too numerous to list here, the Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan:

1. **HOUSING AND ECONOMIC SECURITY:** Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.
2. **TRANSPORTATION AND MOBILITY:** Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.
3. **HEALTH AND WELLNESS:** Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.
4. **SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT:** Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

In the short term, the Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

These plans should at a *minimum* take into account and address the following:

1. It is important that we continue to track Berkeley's aging population (the original plan was based on earlier data that should be re-evaluated based on the 2020 United States Census, and later American Community Surveys). Berkeley must consider how to increase funding for aging services while our population continues to age (See Attachment 9 Highlights of Census Data on Aging in Berkeley). Also compare the rate of expenditure on services for this population in the Department of Health, Housing and Community Services to the overall size of the City's budget during the same period and to its growth or lack of growth in relation to the growth in the aging population (See Attachment 2 City Departmental Budgets; Attachment 3 HHCS Departmental Summary; Attachment 4 HHCS Division Summary and Attachment 9 Highlights of Census Data on Aging in Berkeley).

2. An examination and evaluation of staffing challenges and key needs in the Division of Aging Services as shown in the agency budget line items and staffing levels, as well as Berkeley's unique way of structuring aging services under the mantle of the Health, Housing and Community Services (one of only three cities in the state to do so), rather than the way most cities do, which is to put it under Parks and Recreation (See Attachment 5 Berkeley's Unique Structure for Aging Services).

There is an immediate need to expand the division from its current level of 21 full-time, and 5 part-time, career positions and 15 hourly positions by making 2 of the part-time positions full-time and adding 1 part-time, bringing the total to 23 full-time and 4 part-time. (The hourly workers assist with many of the face-to-face services offered at the two senior centers, including lunch service, front desk operations, Meals on Wheels deliveries, and facility rentals on nights and weekends. They supplement the work of 5 permanent staff, only 1 of whom is full-time; the Meals on Wheels program currently has no full-time program manager or case manager; they are currently 80% and 75% respectively. The program also needs another full-time senior center staff person; currently it is budgeted for a 50% position, but that is vacant; in order to fulfill the responsibilities of the position and to attract qualified candidates, this position, ideally, would be 100% and permanent.)

3. The dire need for increased outreach. Berkeley residents over 60 currently number approximately 20,000— or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. Given this explosive growth, it is important that all Berkeley households and residences are made aware of the breadth of services available to individuals, their families, and their caregivers. At this time only a very small fraction of those over 60 years of age are receiving materials from the Berkeley

Senior Centers and the Division of Aging Services, due to staff and budgetary shortages that have made it difficult to upgrade outreach: for instance, the main communication is via a print newsletter that is mailed to several hundred people, with no way of tracking whether it has been received. We recommend that the City invest in outreach to this growing demographic group.

This could include:

- a city-wide mailing, similar to the citywide mailings by the City Parks and Recreation Department about activities,
- updating and keeping relevant websites current,
- investing in collecting email addresses and disseminating information by email,
- reaching out to civic institutions and groups to seek their help with outreach to the aging community and their families.

SUMMARY

The Commission on Aging recommends that City Council refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

The Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan:

1. **HOUSING AND ECONOMIC SECURITY:** Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.
2. **TRANSPORTATION AND MOBILITY:** Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.
3. **HEALTH AND WELLNESS:** Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.
4. **SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT:** Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

The Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

FISCAL IMPACTS OF RECOMMENDATION

Increased General Fund for to meet staffing needs of the Aging Services Division due to increased community need.

CURRENT SITUATION AND ITS EFFECTS

In December 2018, the Mayor presented the Age-Friendly Berkeley Action Plan. This three-year plan was the result of two years of extensive outreach and engagement. It sought to ensure that older adults remain at the heart of our community and recognized them as a vital part of the fabric of our neighborhoods and civic life.

Among the motivations for the plan was the recognition of our city's rapidly changing demographics: at the time it was written—2017—it projected that by 2030 over 1 in 5 people in Berkeley would be over 65 years of age. (For the purposes of the City of Berkeley's Aging Services programs, the generally accepted age cut-off for determining that someone is a senior is 60 and above. That is the figure used in the rest of this report.) The number of older Berkeley residents was expected to double from 2018, when the plan was finalized. Those numbers have since been validated and expanded on by the 2020 Census and subsequent American Community Surveys. Berkeley residents over 60 currently number approximately 20,000—or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. On behalf of the Commission on Aging, we would call on the Mayor, City Council and all agencies to consider how our aging city should ensure that residents 60 and older can remain a vital and active part of our community. (See Attachment 10 Understanding California's Middle-Income Older Adult Population and Attachment 11 Percent of Households with Seniors Age 65+, 2000 & 2021)

We would be remiss if we didn't seek to build on the investment that the city made in the Age-Friendly Berkeley Report, and allowed the Action Plan to languish. We call on our city's leadership to consider how we move forward and implement the many recommendations in the plan.

The issues of concern identified in the report—high cost of living, lack of affordable housing, limited reliability, coordination, and options for transportation, problems with sidewalks, poor lighting, lack of benches and limited parking, crime, widespread homelessness, insufficient number of affordable, desirable settings for out-of-home assisted living, limited options for subsidized services for moderate-income individuals, and lack of “human touch” for information, referral and system navigation assistance—are recognizable to many of us who live in Berkeley, and we need to ask ourselves whether we have made progress in addressing these issues.

BACKGROUND

At a regular Commission meeting on February 21, 2024, the Commission on Aging voted as follows:

Approve Council report that recommends Council refer to the City Manager steps to develop plans to revisit and act on the recommendations in the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps, by increasing funding for personnel and other services currently being offered as well as others identified in the Age-Friendly Plan.

M/S/C: Chisholm, Cochran, Collins, Evans, Lavault, Orrick, Porter, Smith, Yamaguchi
Noes: None
Abstain: None
Absent: None

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

In December 2018, the Mayor presented the Age-Friendly Berkeley Action Plan. This three-year plan was the result of two years of extensive outreach and engagement. It sought to ensure that older adults remain at the heart of our community and recognized them as a vital part of the fabric of our neighborhoods and civic life.

Among the motivations for the plan was the recognition of our city's rapidly changing demographics: Berkeley residents over 60 currently number approximately 20,000—or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. On behalf of the Commission on Aging, we would call on. We have identified a handful of small steps in increasing staffing and spending, but these are only the start of this long march toward fulfilling what was promised in the 2018 Plan.

We would be remiss if we didn't seek to build on the investment that the city made in the Age-Friendly Berkeley Report, and allowed the Action Plan to languish. We call on our city's leadership to consider how we move forward and implement the many recommendations in the plan.

ALTERNATIVE ACTIONS CONSIDERED

To leave the situation as is would not provide needed services in support of Berkeley's rapidly expanding over-60 population and fall short of the commitment it made when applying for and being awarded the designation of an Age-Friendly City in 2018.

CITY MANAGER

The City Manager refers to the budget process, the content and recommendations of the Commission's Report. See companion report.

CONTACT PERSON

Darlene Bronson, Commission Secretary, HHCS, 510-981-5194

Attachments:

Attachment 1 2018 Berkeley Age-Friendly Action Plan

Attachment 2 City Departmental Budgets

Attachment 3 HHCS Departmental Summary

Attachment 4 HHCS Division Summary

Attachment 5 Berkeley's Unique Structure for Aging Services & Division Activities Summary

Attachment 6 Aging in Alameda County: A Changing Landscape July 2022

Attachment 7 Breakdown of Alameda Area on Aging Funds for Berkeley

Attachment 8 Highlights of Census Data on Aging in Berkeley


Attachment 9 Understanding California's Middle-Income Older Adult Population

Attachment 10 Percent of Households with Seniors Age 65+, 2000 & 2021

Age-Friendly Berkeley Action Plan



Mayor's Letter

 On behalf of Berkeley, California and its residents, I am proud to present this three-year Age-Friendly Berkeley Action Plan. This roadmap, developed by residents, community organizations, and the city, demonstrates our commitment to a livable community where all generations are included and are able to thrive.

Older adults are at the heart of our community and a vital part of the fabric of our neighborhoods and civic life. Rapidly changing demographics drive the timing of this effort, with the number of residents 65 and older expected to more than double by 2030 to over 1 in 5 people in the city.

In 2016 under former Mayor Tom Bates, Berkeley was accepted into the World Health Organization and AARP's network of Age-Friendly Communities, which now includes over 300 US cities and 37 countries. This Action Plan addresses several areas identified by the World Health Organization as key to ensuring an aging-friendly environment.

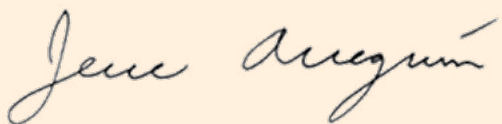
Planning was driven by the community through surveys, focus groups and discussions with community non profits and city departments. Three objectives emerged from this work that inform the recommendations. The action plan is designed to:

- Enable people to remain in their homes and communities as they navigate the transitions of aging
- Maintain and enhance the ethnic and economic diversity of Berkeley
- Ensure that people of all ages and abilities can enjoy the social and cultural assets Berkeley has to offer.

We look forward to forming broad partnerships across all sectors of our community including residents, nonprofit organizations, business leaders, faith communities and others as we move forward with these recommendations. Because services and supports cross city and regional boundaries, we will continue to work with neighboring cities and counties to address common goals.

Berkeley is uniquely positioned to address the needs of our rapidly growing older adult population and maximize the benefits of creating a more inclusive, equitable and accessible city. An extensive 2 year planning process has engaged residents, city officials and staff, nonprofits and community partners. Continued collaboration will be vital as we move forward with our next steps.

Age-Friendly communities benefit all of us and this Action Plan is part of an evolving community process for generations to come. For questions or additional information see agefriendlyberkeley.org or contact Aging Services at (510) 981-5200.



Jesse Arreguin
Mayor, City of Berkeley

Executive Summary

Background and Context

The population of older adults in Berkeley will double in the next 10 years, resulting in 1 in 5 adults being over 65 years of age. According to a study by AARP and the Age-Friendly Berkeley community survey, the vast majority of older adults want to age in their homes and communities.¹ With this shift in demographics and the desire of people to stay and thrive in their communities, policy makers need to look at how our neighborhoods are designed, including the affordability of places to live, the inclusivity of social activities, the accessibility of infrastructure, and the availability of jobs for older people. This Action Plan builds on the work of the World Health Organization’s (WHO) Age-Friendly Cities and Communities Initiative, launched in 2005 in partnership with AARP in the United States. This network has expanded to over 37 countries around the world and to over 300 cities in the United States.

The Age-Friendly Berkeley initiative helps prepare Berkeley for its rapidly aging population by gathering input from the community and pulling together public and private leaders, resources, ideas, and strategies to address the issues raised. Age-Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy, and engaged in their environments. Planning for Age-Friendly Berkeley was guided by a Leadership Team of individuals and organization representatives who have been key voices in community conversations about aging. It has members from the city, the health sector, and the nonprofit sector (See Appendix A) who worked together to ensure that the recommendations are relevant and feasible.

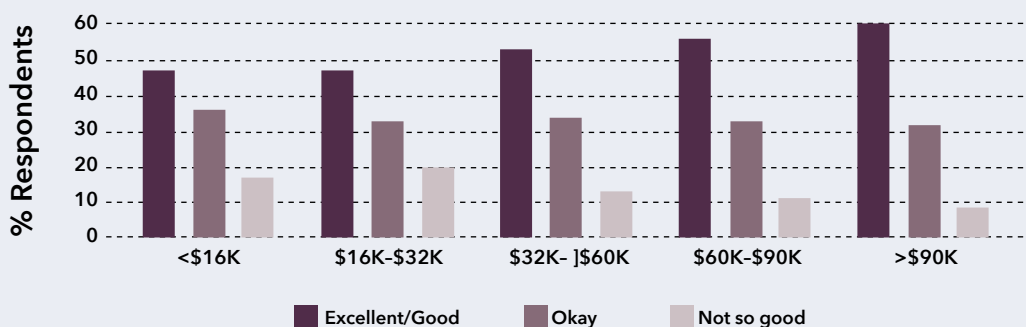
The Age-Friendly Communities movement focuses largely on collaborations with city and county governments to anticipate the wants and needs of their older populations, as well as on the growing demand for and cost of medical and social services. With Berkeley anticipating a doubling of its older adult population and with the support of former Mayor Tom Bates in 2016, the City of Berkeley completed an initial assessment, applied to and was accepted into the World Health Organization (WHO) and AARP’s Global Network of Age-Friendly Cities and Communities.

Needs Assessment

Thus began a needs assessment and a 2- year process using the WHO framework to support Age-Friendly planning. The needs assessment included a review of related research and plans from other cities, a survey of over 1400 Berkeley seniors, 5 focus groups, and interviews with 18 city staff and numerous community partners. The findings are summarized in Appendix B and indicate that the needs of older adults in Berkeley are representative of findings across international, national and local studies and surveys. The community responses indicate that residents appreciate the service/activity rich environment of Berkeley, as well its walkability and its diverse people. Strikingly, residents’ feelings on whether Berkeley is a good place to age varied significantly depending on income. Those earning less than \$32,000 annually were more than twice as likely to rate Berkeley poorly when compared to top earners.

¹ AARP, 2012 and Age-Friendly Community Survey 2018

Rating of Berkeley as a place to age by income group



Common issues raised by community responses included:

- The high cost of living
- Lack of affordable housing, including affordable home modification and in-home supports
- Limited reliability, coordination, and options of transportation
- Problems with sidewalks, poor lighting, lack of benches, and limited parking
- Crime
- Widespread homelessness
- Insufficient number of affordable, desirable settings for out-of-home assisted living
- Limited options for subsidized services for moderate income individuals
- Lack of “human touch” for information, referral and system navigation assistance.

The Age-Friendly planning process also leveraged and incorporated community feedback gathered as part of the city’s strategic planning process and the 2018 Health Status Report. The City’s strategic planning process includes a focus on affordable housing, improving ADA compatibility, investing in infrastructure and improving access to information. The Health Status Report found many strengths in Berkeley related to life expectancy, but troubling disparities for African Americans and other people of color. This Age-Friendly Plan is presented as a complementary, consistent and collaborative set of recommendations focused on creating a city that is inclusive, equitable, and accessible for people of all ages.



Approach

Several themes cut across the plan’s recommendations and actions. These include the need to:

- **create complete neighborhoods** that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy foods, schools, retail, employment, community services, parks and recreation options
- **foster ongoing collaborations** within large organizations, such as municipal entities, and across sectors and community organizations, as these are key to implementing policy and programs
- **leverage existing resources** to support, expand and coordinate a system of services and supports for aging in community
- **capture emergent opportunities** and leverage innovations in both technology and care/service delivery to support community-based living
- **strengthen intergenerational relationships** because while programs abound, they are mostly age-specific
- **work with other regional jurisdictions** and Age-Friendly cities to address overlapping issues and services and to find solutions to common challenges.

“Housing is not affordable.”

“It is a lively city with active people.”

“Does not have a welcoming downtown.”

Recommendations

The recommendations in this Action Plan are designed to build on what is already occurring in the community, improve impact, and address gaps. While recommendations are too numerous to list in the executive summary (see Appendix B), the leadership team reviewed local results using the 8 domains in the WHO framework and identified 4 priority areas and goals for the Action Plan: ²

HOUSING AND ECONOMIC SECURITY:

Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

TRANSPORTATION AND MOBILITY:

Advance a network of public and private transportation that equitably serves residents and connects them to services, social activities, and employment opportunities.

HEALTH AND WELLNESS:

Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.

SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT:

Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

² Detailed information for all 8 domains is included in Appendix B where each domain includes relevant resources, current efforts that are in process, survey results and information from focus groups, GIS maps, and information from the 2016 Alameda County Plan for Older Adults and the Berkeley Age-Friendly Continuum needs assessment.

Implementation of the 3-year Action Plan

The prime objective of the Age-Friendly planning process was to develop a 3-year action plan to serve as a road map for collective action. Activities below are paced from Year 1 through Years 2-3, including evaluation and recommendations for continued improvement.

Year 1

- Designate Health, Housing and Community Services as the lead city department and the Aging Services division as the backbone agency to coordinate the initiatives
- Form a leadership team from relevant sectors of the community to work with the city
- Solidify action teams for the priority areas; prioritize recommendations
- Finalize budget and Identify funding opportunities
- Develop shared metrics and begin data collection
- Implement internal and external communication plans, set up a dashboard on the Age-Friendly website
- Catalogue and track efforts already in development.

Years 2-3

- Clarify desired outcomes and implement Year 2-3 recommendations
- Monitor progress and evaluate results using a Results Based Accountability framework
- Use the dashboard on the Age-Friendly website to track progress
- Integrate focus on aging into ongoing operations and partnerships
- Report back to the community on the status of all recommendations and begin to assess the next steps.

Community Profile

Berkeley is located on the east shore of the San Francisco Bay in northern Alameda County, California. The current population is estimated to be 117,385.³ Berkeley was recently named one of the most livable cities in America based on AARP's Livability Index. Health, Transportation/ Walkability, and access to activities, work and play are among the assets identified in Berkeley.

Cost of living and cost of housing present some of the greatest barriers to livability. Median home sale prices remain dramatically higher than the rest of the nation, now at \$1,200,000,⁴ fueled by spillover from the San Francisco housing shortage, a local tech boom, and population growth. Local parcel taxes, approved by voters to support important local programs like the public schools, are generous but add to pressures on low and moderate income homeowners and renters. The high cost of living in the Bay Area was raised as a major challenge by older adults in all surveys and focus groups.

Historically, Berkeley has been a city of unexpected diversity and activity in social policy, such as fair housing legislation, voluntary school desegregation, and the independent living movement. However, current challenges threaten the economic and cultural diversity that make Berkeley a vibrant city. Recent gentrification has contributed to a 37% decline in the African American population,⁵ especially in some historically African American neighborhoods in South

and West Berkeley. The mortality rate for African Americans remains twice as high as the mortality rate of Whites. Berkeley has the highest per capita rate of homelessness in Alameda County.⁶ Low and moderate income individuals are finding it difficult to afford to live and work here and there is an increasing divide between income levels. Estimates in 2014 indicated that 23% of those 60+ in Berkeley were living under 200% of the Federal Poverty Level.⁷ Significant policy changes are needed locally and regionally as Berkeley continues to tackle these challenges.

Berkeley has a number of assets to support an active, healthy and engaged community. Berkeley is one of three cities in the state of California with its own Public Health Jurisdiction. This distinction enables public health services and initiatives to be focused on and dedicated to a discrete population. Berkeley is also home to a number of educational institutions, including the University of California, Berkeley campus, the Lawrence Berkeley National Laboratory, Berkeley City College, and the Graduate Theological Union. These institutions enhance Berkeley's reputation as an intellectual mecca and are also an economic engine for the City. Thirty percent of local jobs are in education.⁸ Berkeley's international reputation plus its active arts and culture scene and a dynamic social center contribute to making it a magnet for inventive people, an incubator for business start-ups, and a science and technology hub.

³ Population number from the City of Berkeley based on projections from the 2010 census

⁴ Median housing price based on information from Zillow.

⁵ Summary of Our Beloved Community Proposal: Alameda County Anti-Displacement Funding Policy Plan, January 6, 2017 (unpublished), The Dellums Institute using census analysis 2010-2015.

⁶ City of Berkeley Health Status Report, 2018

⁷ American Community Survey 2010-2014, US Census Bureau

⁸ From the City of Berkeley's Economic Profile.



Nancy Rubin

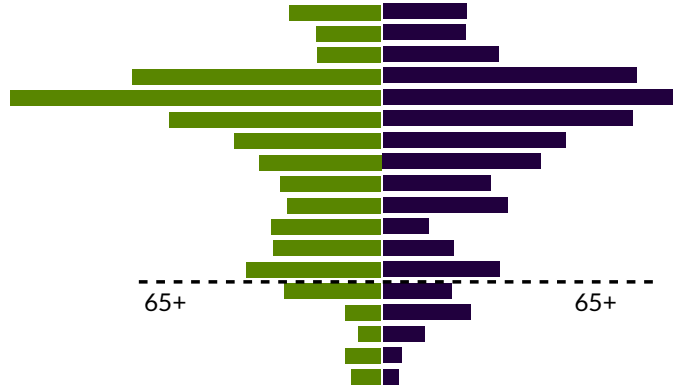
City Demographics

Gender & Age

From American Community Survey 2016 5-year estimates Table S0101

Female

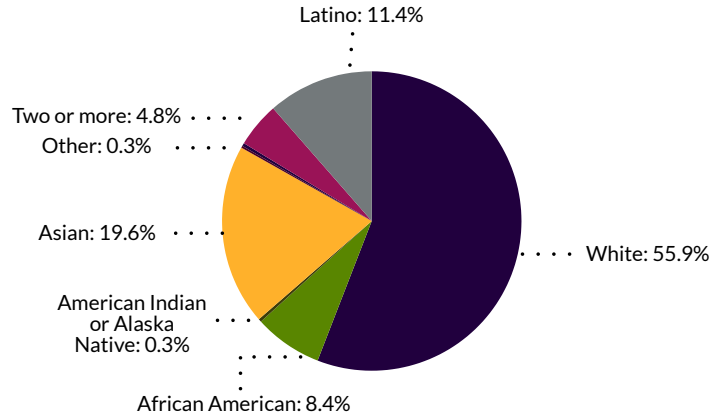
Under 5 years	2,641
5 to 9 years	1,856
10 to 14 years	1,828
15 to 19 years	7,202
20 to 24 years	10,712
25 to 29 years	6,108
30 to 34 years	4,231
35 to 39 years	3,532
40 to 44 years	2,903
45 to 49 years	2,693
50 to 54 years	3,159
55 to 59 years	3,114
60 to 64 years	2,931
65 to 69 years	3,903
70 to 74 years	2,799
75 to 79 years	1,036
80 to 84 years	658
85 years +	847



Male

Under 5 years	2,365
5 to 9 years	2,339
10 to 14 years	3,285
15 to 19 years	7,200
20 to 24 years	8,424
25 to 29 years	7,072
30 to 34 years	5,188
35 to 39 years	4,488
40 to 44 years	3,057
45 to 49 years	3,544
50 to 54 years	1,300
55 to 59 years	2,011
60 to 64 years	3,300
65 to 69 years	1,952
70 to 74 years	2,486
75 to 79 years	1,187
80 to 84 years	531
85 years +	452

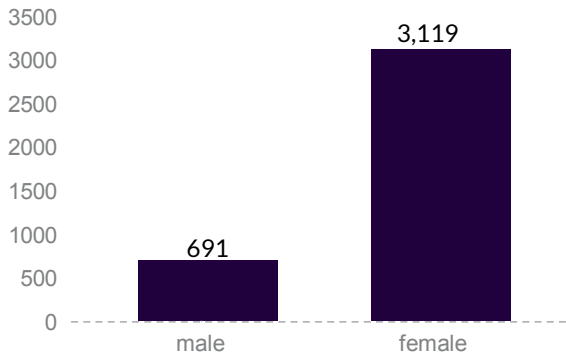
Race & Ethnicity



Race & Ethnicity data from:
American Community Survey
2011-2015 5-year estimates
Table B03002

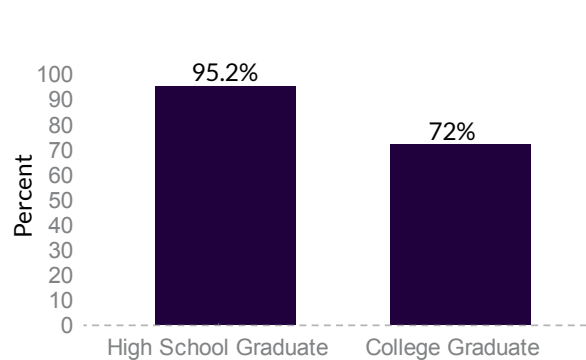
Adults Over 65 Living Alone

From American Community Survey 2017
1-year estimate Table B09020



Education of Population 65+

From American Community Survey 2017
1-year estimate Table S1501



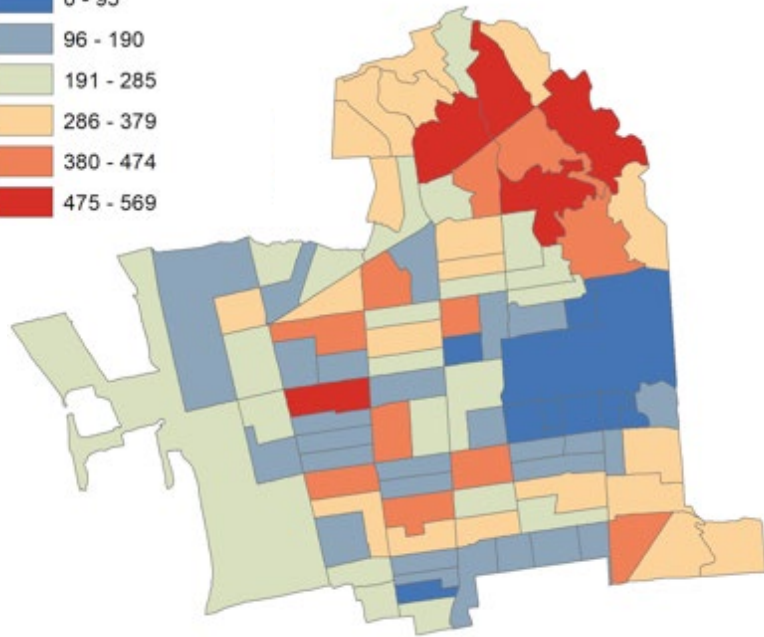
Where do older adults live?

Many older adults live in the Berkeley hills in the north eastern part of the city.⁹

These raw estimates are of people over age 60 living in each block group. Some blocks near the center of the city have high numbers because of the location of high-density affordable senior apartments.

Legend

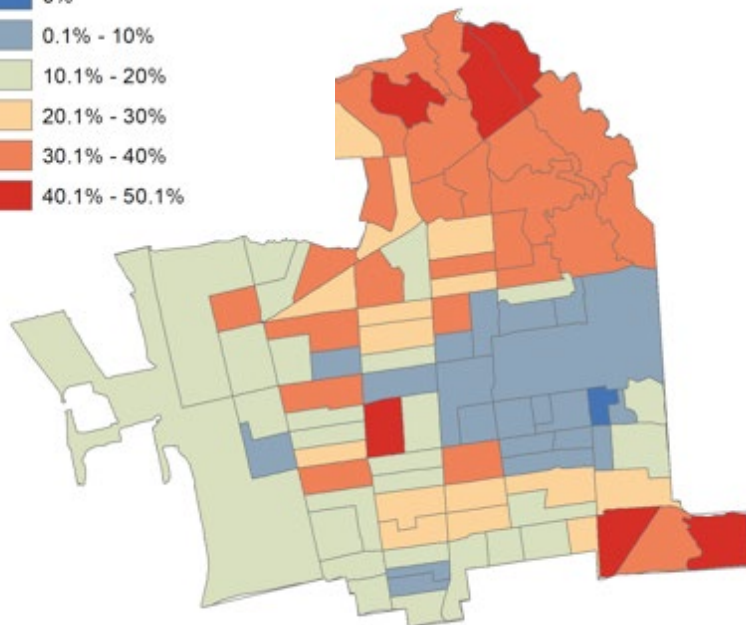
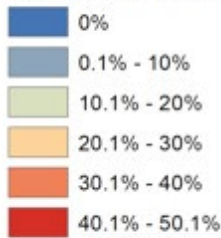
adults age 60+



The high concentration of older adults living in the hills becomes even more apparent when looking at the percent of people over age 60 compared to the total population living in each block group.

Legend

% of total population age 60+



⁹ Data are from the 2017 American Community Survey 5-year estimates table B01001 and were mapped using ArcGIS 10.5.1

Why Now?

The Census Bureau projects 2030 to be a transformative decade for the US population. Advancements in medicine and public health have led to more people living longer. The Census Bureau estimates that by 2035, older adults will outnumber children for the first time in US history. This rapid increase has major implications and will place un-precedented demands on cities and communities. In response, the World Health Organization's (WHO) Age-Friendly Cities and Communities Initiative was launched in 2005 in partnership with AARP in the United States. This network has expanded to over 37 countries around the world and to over 300 cities in the United States.

The demographic shifts projected nationally will be mirrored in Berkeley. The population of older adults in Berkeley will double in the next 10 years, resulting in 1 in 5 adults being over 65 years of age. Life expectancy in Berkeley is 86.7 years for women and 83 years for men, compared to 78.8 years nationally and 80.8 years in California. Mortality rates in Berkeley are lower than those of surrounding Alameda County and California—reflecting the city's long life expectancy.¹⁰ As with health status, there are great disparities in longevity based on race and class.

According to a study by AARP and the Age-Friendly Berkeley community survey, the vast majority of older adults want to age in their homes and communities. An Age-Friendly community promotes policies, enhances services, and creates a built environment that enables a growing population of older adults to age in their community while supporting a more inclusive, equitable and accessible city for all.

Toward an Age-Friendly Berkeley

Age Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy and engaged in their environments. Enhanc-

¹⁰ Health Status Report, City of Berkeley, 2018

ing the affordability of places to live, the inclusivity of social activities, the accessibility of infrastructure, the safety of our public spaces and improving communication and access to information are activities that will make Berkeley a better place to grow up and grow old. Addressing the needs of our older population benefits people of all ages.

To realize this vision, the Age-Friendly Berkeley initiative pulls together public and private leadership, resources, ideas, and strategies; it builds on information gleaned from the community. The leadership team for this project has local residents and members from the city, the health sector, and the nonprofit sector (see Appendix A) who have helped build partnerships to ensure the recommendations are relevant and feasible.

The World Health Organization's (WHO) Age-Friendly Cities and Communities Initiative provided a framework and network of similar efforts that supported the development of this Action Plan.



Natalie OrNSTein, BerkeleySide

The Age-Friendly Framework

The World Health Organization and AARP's Global Network of Age-Friendly Cities and Communities fosters the exchange of experiences and initiatives as cities strive to better meet the needs of their older residents. The Age-Friendly Cities Initiative provides guidance for assessing local conditions and identifying areas for change. The Initiative uses a framework with eight domains which identify social and environmental factors that influence how well we age and how long we live. These domains align closely with the social determinants of health as defined in Healthy People 2020.¹¹ Based on the information gleaned from the local needs assessment, the domains in this report include:

1. Housing:

Public and private housing options, home maintenance, home modification, safety and comfort, proximity to services and community life

2. Health and Community Services:

Promote, maintain and restore health, provide home care services, coordinate service delivery and emergency planning

3. Transportation:

Public and private transit options, reliability, specialized services for people with disabilities, priority seating, traffic flow, roads, driver education, parking

4. Outdoor Spaces and Buildings:

Public areas, green spaces, outdoor and indoor seating, walkways, bike paths, lighting, customer service arrangements, public toilets

5. Social and Civic Participation:

Venues, timing, affordability, events and activities, inclusion on decision-making bodies, fostering diversity and inclusion; combating social isolation

6. Employment and Economic Security:

Volunteer and employment options, job training, age discrimination, entrepreneurship, elder fraud abuse, cost of living

7. Respect and Social Inclusion:

Programs to support cultural and ethnic diversity, public images of aging, intergenerational and family dialogue, public education, recognition of contributions to past and present, economic inclusion

8. Communication and Information:

Distribution of information, person-to-person communication, printed information, media, access to and use of technology and the Internet

¹¹ <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>

Our Planning Process¹²

2016

- ✓ Convened leadership team and worked with the Mayor to launch the initiative
- ✓ Completed assessment and was accepted into the national and international Network of Age-Friendly Cities
- ✓ Included “Age-Friendly” planning in the City of Berkeley’s strategic plan

2016-2018: Action Planning cycle

- ✓ Researched background information
 - Reviewed WHO guidelines and other cities’ Age-Friendly Action Plans
 - Researched Age-Friendly assets and resources in Berkeley.
 - Reviewed Berkeley results from the 2016 Alameda County Plan for Older Adults
 - Collected relevant information from the 2017 Berkeley Age-Friendly Continuum Needs Assessment¹³
- ✓ Collected data from the community using WHO’s Global Age-Friendly framework
 - Conducted a community survey both online and by utilizing local organizations to distribute hard copies in English and Spanish
 - Interviewed City staff from all departments to assess how their work could align with Age-Friendly goals, and to assess resources and potential recommendations
 - Evaluated results
- ✓ Gathered additional community feedback from public sessions
 - Added two additional focus groups to the 3 focus groups¹⁴ from the 2017 Berkeley Continuum needs assessment
 - Held several meetings and a public forum with the Commission on Aging
 - Presented progress report and solicited feedback from the Berkeley City Council
- ✓ Synthesized community data and worked with partners to frame recommendations.

December 2018 -January 2021

- Finalize report and submit to AARP and WHO
- Implement Action Plan (see page 21)
 - Year 1 Set up action framework, convene work teams and begin data collection
 - Years 2-3: Execute, coordinate, and track progress of action items
 - Conduct an evaluation of the implementation process
 - Determine future needs
 - Update Action Plan

¹² The Age-Friendly planning process coincides and aligns with the city’s Strategic Planning process, including a focus on affordable housing, improving ADA compatibility, investing in infrastructure and improving access to information.

¹³ For the detailed Needs Assessment and Strategic Plan of the Berkeley Age-Friendly Continuum’s 2017 report, with reference to Alameda County and national trends, go to www.berkeleycontinuum.org.

¹⁴ Thank you to Beatrice Leyva-Cutler and Faye Combs, community volunteers who organized the focus groups.

Findings and Priority Areas

There are many programs and services in Berkeley that support an active and healthy community for people of all ages. The recommendations from this Action Plan are designed to build on what is already occurring, improve impact, and address gaps. Given the rapidly changing landscape and the pace of developing technology, we see this action plan as a living document, open to enhancement.

Several themes cut across the plan's recommendations and actions. These include the need to:

- **create complete neighborhoods** that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy foods, schools, retail, employment, community services, parks and recreation options
- **foster ongoing collaborations** within large organizations, such as municipal entities, and across sectors and community organizations, as these are key to implementing policy and programs
- **leverage existing resources** to support, expand and coordinate a system of services and supports for aging in community
- **capture emergent opportunities** and leverage innovations in both technology and care/service delivery to support community-based living
- **strengthen intergenerational relationships** because while programs abound, they are mostly age-specific
- **work with other regional jurisdictions** and Age-Friendly cities to address overlapping issues and services and to find solutions to common challenges.

After reviewing community responses and promising local efforts already underway, this Action Plan identified four priority areas:¹⁵

Housing and Economic Security

Transportation and Mobility

Health and Wellness

Social Participation and Civic Engagement

Within each of these 4 areas, recommendations fell into 3 categories:

Equity and Inclusion

Information

Infrastructure and Policy

These priority areas and recommendations are summarized in the following pages along with local programs and policies already in development. Detailed information for all 8 domains can be found in *Appendix B*.

¹⁵ Detailed information for all 8 domains is included in Appendix B where each domain includes relevant resources, current efforts that are in process, survey results and information from focus groups, GIS maps, and information from the 2016 Alameda County Plan for Older Adults and the Berkeley Age-Friendly Continuum needs assessment.

HOUSING AND ECONOMIC SECURITY

Financial and housing worries topped the list of concerns across all income levels. Given housing costs in the San Francisco Bay Area, most housing is no longer affordable; nor, is there a continuum of housing options (including assisted living) available in Berkeley as we age. More affordable housing is needed to prevent further displacement. Should older adults remain in their homes, they need affordable options for safety and accessibility home modifications. While there are several housing programs in Berkeley, and some programs specifically designed to help low income seniors, they are disconnected and it is clear from focus groups that people are unaware of them. Berkeley also needs to work with neighboring communities to expand eligibility criteria for those just above income guidelines who struggle without subsidized programs. Additionally, many residents believed that there are not enough flexible jobs with accommodations for older workers to stay employed. 20% of those who reported that they are retired are, in fact, "gigging" to make ends meet. The scale of these problems requires broad, often regional, policy solutions.

Already In Development

- ✓ Senior and disabled home loan program
- ✓ Accessory Dwelling Unit (ADU) policies
- ✓ Expanded home safety inspection program
- ✓ Several pilot programs: Homeless Coordinated Entry, Berkeley Home Match and the development of a Service Linked Senior Housing/ Community Center model
- ✓ Business Succession Planning

Goal and Recommendations

Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

→ Equity and Inclusion:

- Include targets for the older adult population in the City Housing Element.
- Address the need for affordable, accessible housing at all levels of need; expand eligibility criteria for subsidized services to raise access levels to moderate income individuals.
- Expand access to supportive housing for vulnerable populations.

→ Information:

- Provide an online resource and educational workshops at Senior Centers about renters' rights and strategies to qualify for access to both market and below market rate housing.
- Offer workshops and education on financial planning and elder fraud abuse.
- Assess and map housing options for the public via written materials and the internet.
- Provide broader communication of assistance with local taxes for low income residents.

→ Infrastructure and Policy:

- Develop a program for housing cost relief for moderate income seniors who do not qualify for income restricted housing.
- Incorporate mixed zoning in all neighborhoods, increasing walkability and access to services and commercial areas.
- Pursue affordable settings for out-of-home assisted living (e.g., CCRC and alternatives).
- Enable increased development of accessory dwelling units (ADU) by streamlining the construction approval process.

HEALTH AND WELLNESS ¹⁶

Berkeley and surrounding cities have abundant healthcare and community service resources; however, most programs do not have the capacity to meet the increasing demand from seniors. Care navigation for accessing resources, affordable in-home care, and memory care are gaps in local resources. Participants in the Berkeley Continuum, Age-Friendly Berkeley and Alameda County planning consistently voiced a desire to bring services and supports to them in their home rather than requiring institutional care. Residents need access to providers and other health and wellness services such as venues for fitness, especially in South and West Berkeley. Berkeley is unique in having its own public health jurisdiction, however, there needs to be more coordination with the County Public Health Department and neighboring cities' Age-Friendly efforts to address and prevent common health issues.

Already In Development

- ✓ Emergency preparedness and resiliency planning
- ✓ Healthy food access and cooking programs
- ✓ Whole Person Care pilot, an Alameda County wrap around program for the homeless
- ✓ Alameda County's Senior Injury Prevention Program (SIPP)

Goal and Recommendations

Develop a more integrated system of services and supports that are person-centered and ensure that all residents have the opportunity to engage in health promoting activities.

→ Equity and Inclusion:

- Implement additional health related programs around nutrition and exercise, with special outreach to underserved groups.
- Broaden outreach for dental care to low income and vulnerable seniors.
- Expand eligibility criteria for subsidized services to raise access levels to moderate income individuals.

→ Information:

- Provide affordable, local navigators to help address basic systems navigation needs, e.g., public benefits, housing, and service referrals.

→ Infrastructure and policy:

- Obtain funding for additional geriatric case managers and navigators.
- Convene a summit on memory care to plan a community response to dementia and related diseases.
- Improve the workforce pipeline of home care workers and create a centralized source of vetted referrals.
- Champion lower costs for in-home services, while ensuring a living wage for home health care workers.

¹⁶ In this context "wellness" refers to the social determinants of health, defined by the World Health Organization as "the conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life." <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>

TRANSPORTATION AND MOBILITY

Transportation is a major concern for older residents, especially those in isolated areas such as the Berkeley Hills and low-income residents in other areas of the city. Many older adults are unfamiliar with public transportation or do not trust its reliability. Uneven sidewalks and pedestrian safety concerns are also barriers for accessing transportation options. Public transit issues such as the absence of benches or shelter at station stops and inadequate lighting, often prevent people from using services. Better public transportation options can help seniors access needed services and combat feelings of isolation. Safe driving refresher courses are also needed but there are few local options.

Already In Development

- ✓ New street policy and design approaches being used as streets are repaired and developed
- ✓ Master Pedestrian Plan being developed in commercial areas
- ✓ City sidewalks being assessed for repairs
- ✓ Mobility management and travel training being offered to seniors

Goal and Recommendations

Advance a network of public and private transportation that equitably serves residents and connects them to services, social activities, and employment opportunities.

→ Equity and Inclusion:

- Ensure that popular destinations are accessible via various transportation modes, particularly for those in outlying neighborhoods or with mobility challenges.

→ Information:

- Extend education programs about transit options.
- Promote older driver safety by linking seniors to low-cost defensive driving workshops.

→ Infrastructure and policy:

- Continue to develop 'complete streets' design to ensure safe travel and access for users of all ages and abilities regardless of their mode of transportation.
- Collaborate to advance affordability, availability, and reliability of public transportation.
- Improve transportation infrastructure (benches, pavement, shelters).
- Create well marked 'safe routes' to common destinations with smooth sidewalks, large print signs, and good lighting.

"Good public transportation."

"Walkability in 'the flats' "

"Convenient parking in downtown is not easy to find."

"Poor transportation options"

SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT

While many Berkeley residents participate in local activities, organizers need to outreach broadly across race, immigration status, sexual identity and orientation, income level, and housing status. The population of isolated seniors needs to also be considered. Although there are various websites and newsletters indicating what is available in Berkeley, most residents are unaware of the offerings. Multiple modes of communication need to be used to ensure that older adults stay informed and engaged. The city website is difficult to navigate and needs to be regularly updated to be useful. In addition, many people call the county 2-1-1 information line, but data about why people call and how they manage referrals is not tracked. Being the home of the independent living movement, Berkeley was ahead of other cities in terms of accessibility. However, public buildings and parks need to continue to be updated with evolving standards to ensure residents with mobility challenges can participate. For the same reason, amenities to make parks safer and more accessible, like public bathrooms, lighting, and benches, are needed.

Already In Development

- ✓ Development of a home visit program to isolated seniors
- ✓ Inclusion of older people in public images
- ✓ Intergenerational programming in the schools and community (e.g., active volunteers)
- ✓ Redesign of the city website to make it more accessible and easier to navigate
- ✓ Plans to increase access to broadband internet, up-to-date devices, and training, in partnership with nonprofit organizations
- ✓ Redevelopment of Berkeley's 3-1-1 line, an online service center
- ✓ Improved access to information about the options for social engagement in Berkeley
- ✓ Older adult inclusion in concept planning for the North Berkeley Senior Center
- ✓ Addition of older adult programs in parks and recreation venues and consideration of increased hours at public parks

Goal and Recommendations

Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

→ Equity and Inclusion:

- Re-frame senior centers and outreach to attract a broader community.
- Promote Age-Friendly business practices through an Age-Friendly Business Certification program.
- Seek older adult input into current municipal planning around resiliency and infrastructure.

→ Information:

- Create an easier to access and navigate directory of Age-Friendly organizations, activities and engagement opportunities.
- Add a link to activities for older adults to the City of Berkeley website.

→ Infrastructure and policy:

- Create safe routes to common destinations.
- Improve park bathrooms and facilities.
- Re-open Willard Pool to improve public access to swimming in South-East Berkeley.

Implementation Plan

Year 1

Infrastructure
Designate the City of Berkeley Health, Housing, and Community Services, Aging Services Division as the Backbone Agency and obtain funding to support the Aging Services Manager in coordinating the initiatives

Solidify Action Teams
Use the potential partners list (page 22) to identify regional, city, and community based team members for each priority area

Form a Leadership Team
consisting of 5-7 champions from relevant sectors (the City, local residents, health, transportation, business, etc.) to guide implementation of the action plan

Create Communication Network
Identify City staff to be contacts for work within the City. All City Departments will be responsible for the Action Plan recommendations.



Commit to the Action Plan & Work on Year 1 Goals
Community partners and city staff coordinate Year 1 activities for each priority area
Leadership team finalizes funding needs and plans strategies to support year 2-3 recommendations



Develop Shared Metrics
Action and Leadership team members Identify and agree on high level indicators and set up a framework using Results Based Accountability to measure progress in years 2-3



Communicate Results of Year 1
Develop an online dashboard using the Age Friendly website to inform the public and track progress
Ensure that the Commission on Aging is continually updated and consulted



Prioritize and begin work
the remaining recommendations in collaboration with City and community partners



Work on Year 2-3 Initiatives
Community partners and City staff work toward Year 2-3 targets



Monitor & Improve
Monitor progress and continually improve processes using the Results Based Accountability framework



Communicate Results of Year 2-3
Use the online dashboard on the Age-Friendly Berkeley website to inform the public and track progress

Year 2-3

Potential City & Community Partnerships

A critical goal for Year 1 Implementation (see Plan on page 21) will be to solidify the teams that will address goals in each priority area. Partners come from City of Berkeley departments, local community organizations, county and regional entities, as well as other cities with Age Friendly initiatives. Below is a table with city departments, a partial list of relevant local organizations, and some regional linkages that can help address broad areas such as housing, health and transportation.

	Regional	City of Berkeley	Local Community
Housing & Economic Security	<ul style="list-style-type: none"> Housing Authority of Alameda County BACS (Bay Area Community Services) SAHA (Satellite Affordable Housing Associates) RCD (Resources for Community Development) Covia Rebuilding Together Habitat for Humanity ASSETS Encore, Inc. East Bay Works 	<p>Health Housing & Community Services: Housing Services</p> <p>City Manager's Office: Office of Economic Development</p> <p>Health, Housing, & Community Services: Community Services & Administration</p> <p>Planning & Development</p>	<ul style="list-style-type: none"> Ashby Village BOSS (Building Opportunities for Self Sufficiency) UC Retirement Center Legal Assistance for Seniors Berkeley Chamber of Commerce
Transportation & Mobility	<ul style="list-style-type: none"> AC Transit BART East Bay Paratransit 	<p>Health, Housing and Community Services Aging Services Division</p> <p>Public Works: Transportation Division</p>	<ul style="list-style-type: none"> Senior Center Shuttles CIL Shuttles CEI Shuttles UC Berkeley: SafeTREC Ride share companies
Health & Wellness	<ul style="list-style-type: none"> Alameda County Health Care Services Agency IHSS (In-Home Supportive Services) LifeLong Medical Care CEI (Center for Elders' Independence) Alzheimer's Services of the East Bay Alta Bates Medical Center Sutter Health Kaiser Permanente Alameda County IHSS Program CIL (Center for Independent Living) Legal assistance for seniors 	<p>Health, Housing, & Community Services: Public Health Division Community Services & Administration Aging Services Division</p> <p>CARE Team</p> <p>Berkeley Fire Department</p>	<ul style="list-style-type: none"> SIPP (Senior Injury Prevention Program) Lifelong Over 60 Health Center YMCA Jewish Family Services Berkeley Continuum
Social Participation & Civic Engagement	<ul style="list-style-type: none"> California Department of Aging CEI (Center for Elders' Independence) CIL (Center for Independent Living) Covia: Well Connected Jewish Community Center of the East Bay University of California Retirement Center Forget Me Not Lavender Seniors Gray Panthers East Bay Regional Park District BORP (Bay Area Outreach and Recreation Program) Eden I & R (2-1-1) 	<p>Health, Housing & Community Services: Aging Services Division</p> <p>Public Works: Disability Compliance Program</p> <p>Parks, Recreation, & Waterfront Department</p> <p>Information Technology</p> <p>Planning & Development</p>	<ul style="list-style-type: none"> Ashby Village Alta Bates Tele-Care UC Botanical Garden Tilden Regional Park UC Berkeley: Center for Technology & Aging Berkeleyside Berkeley Public Libraries J-Sei UC Berkeley Osher LifeLong Learning Institute UC Berkeley Bears for Elder Welfare Berkeley Student Co-op Elder Action



Health & Community Services

Berkeley has numerous health care resources, including Alta Bates Summit Medical Center, part of the Sutter system, and LifeLong Medical Care, a network of community health centers. The ratio of primary care doctors to residents is well above the national average. Berkeley is located between Stanford and UCSF medical schools. Stanford Health Care and John Muir Health recently expanded to Berkeley. However, there remain stark health inequalities across ethnicity, income, and neighborhood that several community programs are addressing. These include access to dental care, especially for vulnerable and underserved populations. Additional care navigation and programs that de-stigmatize seeking help for mental health and other basic needs are necessary to improve the well-being of all residents.

AGE FRIENDLY RESOURCES

Public

<p>Senior Center Programs</p>	<p>City Senior Centers provide recreation, affordable hot meals, health & wellness education and other supportive services.</p>	<p>Case Management</p>	<p>Targeted case management for Medi-Cal beneficiaries is available through the city; referrals are also available through City Aging Services, Jewish Family Services, LifeLong Medical Care, and the Public Health clinic.</p>
<p>In-Home Supportive Services (IHHS)</p>	<p>Alameda County, with federal, state, and local funding, provides personal care services that help seniors on Medi-Cal stay safely in their homes as long as possible.</p>	<p>Senior Injury Prevention</p>	<p>City injury prevention workshops and education about geriatric health concerns are available from the Berkeley Fire Department that often responds to 9-1-1 calls from seniors.</p>
<p>City Public Health Department</p>	<p>The city has its own public health department, allowing a focus on local health issues residents face.</p>	<p>GMOL</p>	<p>Getting the Most Out of Life is an Alameda County Health Care Services Agency program that promotes planning for end-of-life and hospice care before a medical emergency occurs.</p>
<p>AC Care Connect</p>	<p>AC Care is a county program that provides complete services for those experiencing homelessness, including behavioral and physical health, housing, and legal services.</p>	<p>Food Assistance</p>	<p>There is meal delivery and food assistance available through Meals on Wheels, CalFresh, Food Bank, and the Area Agency on Aging</p>
<p>MSSP</p>	<p>The CA Dept. of Aging Multipurpose Senior Services Program (MSSP) provides healthcare management for seniors who qualify for nursing home care and prefer to remain in their home.</p>	<p>CARE Team</p>	<p>Community Accessing Resources Effectively (CARE) is a cross disciplinary team that looks at improving care for high utilizers of emergency services.</p>
<p>Heart to Heart</p>	<p>A mobile van run by the City and LifeLong Medical Care helps address inequities in treatment for hypertension and heart disease in South Berkeley by connecting residents with programs, resources, and services.</p>	<p>Health Status Report</p>	<p>The Health Status report is a regular City report that provides information about residents' health status.</p>
<p>Adult Immunization</p>	<p>Free flu shots and low-cost immunizations are available at the Ann Chandler Public Health Center.</p>	<p>Peer-to-Peer</p>	<p>City community health advocates visit churches, parks, and community centers to let people know about programs.</p>

AGE-FRIENDLY BERKELEY

AGE FRIENDLY RESOURCES

Public



Nurse of the Day

A City public health nurse provides free health information, referrals, and education.



CERT

A Community Emergency Response Team provides education in disaster preparedness and training in basic emergency skills (Fire Department).



Fire Dept. Collaboration

Berkeley Fire refers 'at-risk' seniors to City Aging Services; emergency forms posted in seniors' homes notify EMS of critical health information.



Ombudsman Program

This Alameda County program, with funding from the Older Americans Act through the Area Agency on Aging, ensures residents of long-term care facilities are receiving safe, quality services.



County Veterans Services

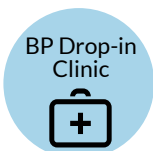
This county program helps inform people about veteran services and assists people with claiming and maintaining benefits for which they are eligible.

Nonprofit



Over 60 Health Center

Lifelong Medical Care's Over 60 Health Clinic offers primary care, chronic disease management, social services, and health education specifically for seniors.



BP Drop-in Clinic

There is a drop-in clinic for checking blood pressure at LifeLong's Over 60 Health Center to address health disparity in monitoring hypertension.



Living Well With A Disability

Free peer workshops are organized by CIL and designed for seniors (55+) who have a newly acquired disability.



YMCA classes

The YMCA in Berkeley offers Healthy Living Programs to help manage chronic diseases, as well as several senior aquatics, aerobics, chair exercise, and gentle yoga classes.



Alzheimer's Services of the East Bay

Alzheimer Services is a nonprofit organization that provides care services to people with dementia, support for caregivers, and education about dementia care.



LAS

Legal Assistance for Seniors (LAS), located in Oakland and serving all of Alameda County, is a nonprofit that provides legal advice, representation, and education to residents over 60.



CEI PACE Program

The Center for Elders' Independence is the only wrap-around service provider in Berkeley, offering medical care, transportation, adult day care, exercise classes, nutrition support, and social activities.



Transitions Program

Lifelong Medical Care manages a support program for patients following hospital discharge.



ICR Personal Assistance

Inclusive Community Resources provides mobility training, personal assistance, and attendant management services for adults with developmental disabilities.



Ethiopian Community & Cultural Center

This center is a nonprofit organization that, along with cultural, advocacy, and social activities, offers family caregiver support for Ethiopian-American elders.



Cooking Matters

LifeLong Medical Care offers Cooking Matters classes for patients in West Berkeley along with fresh produce giveaways.















LifeLong Geriatric Dental Program

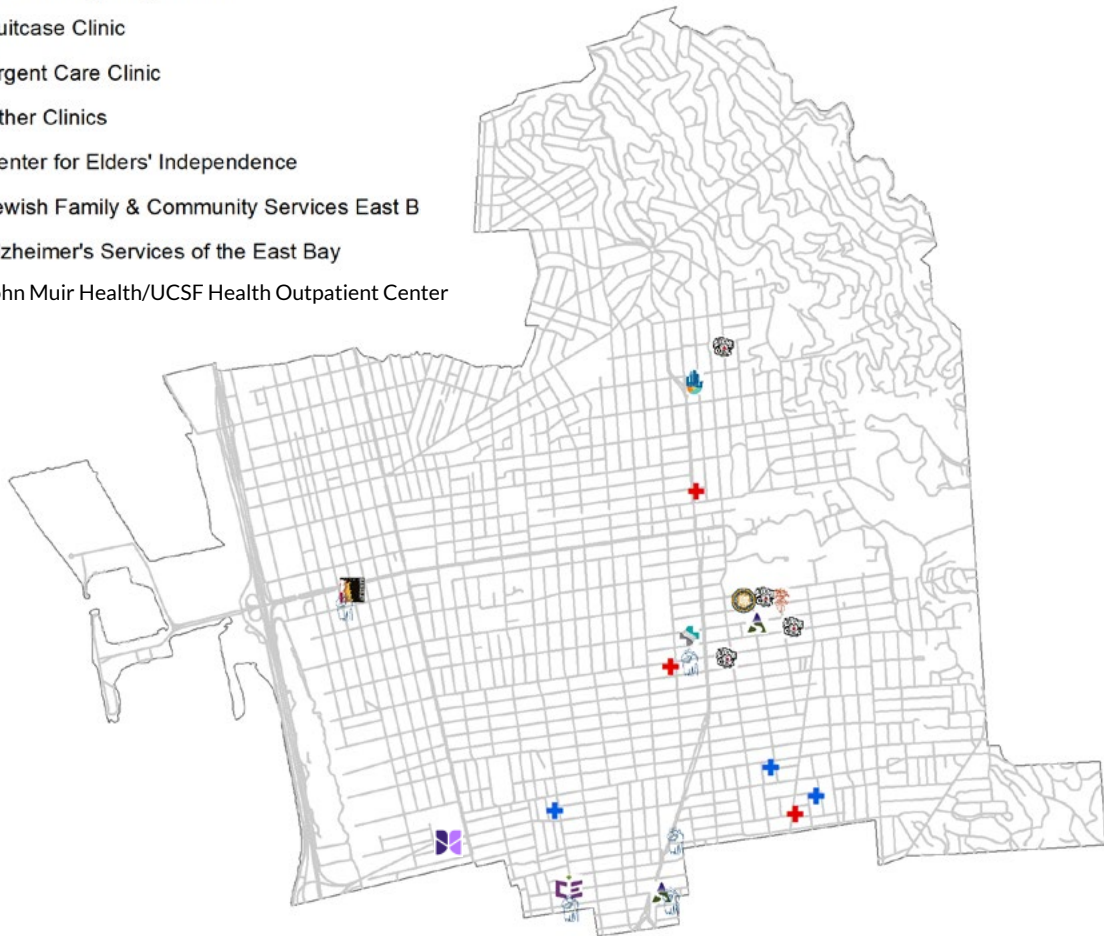
LifeLong Medical Care offers a Geriatric Dental Program at several locations and with a mobile van.

HEALTH CARE MAP

Legend

-  Alta Bates Summit Medical Center
-  LifeLong Medical Care
-  Ann Chandler Public Health Center
-  Berkeley Free Clinic
-  UC Berkeley Tang Center
-  Suitcase Clinic
-  Urgent Care Clinic
-  Other Clinics
-  Center for Elders' Independence
-  Jewish Family & Community Services East B
-  Alzheimer's Services of the East Bay
-  John Muir Health/UCSF Health Outpatient Center

Alameda County is above the 90th percentile for the ratio of primary care doctors to population

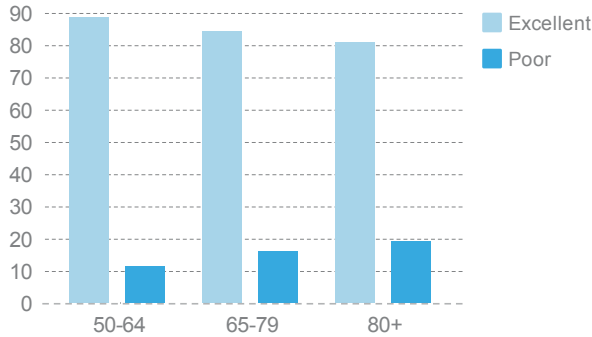


There are many healthcare options along the main city corridor which runs through downtown. Stanford and John Muir Health care have both moved into South Berkeley, but there are few options available in West Berkeley. Several service providers such as Alzheimer's Services of the East Bay, CEI, and Jewish Family & Community Services are also concentrated near downtown.



COMMUNITY SURVEY RESULTS

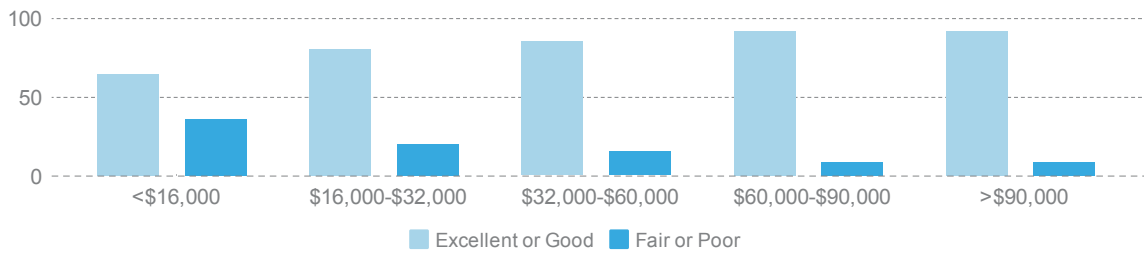
Health by Age Group



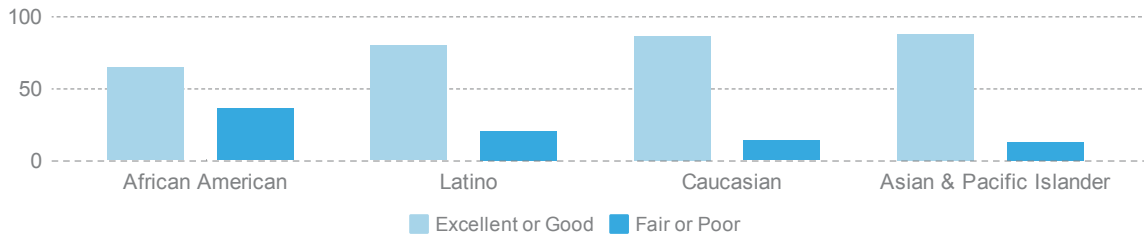
Overall, subjective reports of health are good among older adults in Berkeley who responded to our survey.

However, there are predictable disparities in self-reported health across income and race. The graph below shows a trend similar to what is found in most studies nationally of the relationship between health, race, and financial resources. Berkeley is continuing its work on eliminating disparities.

Health by income



Health by Race



According to the Alameda County Plan for Older Adults 2016-2017,

15.7% of Berkeley residents over 60 have MediCal

48% of Alameda County older residents have avoided needed medical care because of cost

39% of older, low-income Alameda County residents are "very concerned" about being able to prepare healthy food as they get older

TAKE AWAYS



Equity and Inclusion: Most subjective health reports from residents are good to excellent; however, disparities are apparent in Berkeley along socioeconomic and racial lines. Addressing this is a priority of the City and County Public Health Departments, and more is being done. However, this may require expanding current programs, adding new ones, and implementing policy changes.



Information: Even though there are abundant healthcare resources in Berkeley and surrounding cities, care navigation, in-home care and memory care are three areas where there is a gap. Seniors who need support to stay at home often need help finding service providers but may not be able to afford services unless they qualify for Medi-Cal. Those who are just above income guidelines struggle to find affordable services. A clear source of information about these services and their affordability is needed.



Infrastructure and Policy: While Berkeley has many excellent health and community service programs, most are not large or well-funded enough to meet the increasing demand for services. Also, with the planned closure of the local hospital scheduled for 2030, the city will need to continue to work on ensuring residents have access to emergency care.

ACTION PLAN

In Process

Measure GG



The City continues to work on Measure GG, which focuses on Emergency Preparedness, resilience, & community response capacity. One focus is on utilizing nurses who have relationships with vulnerable community members.

Geriatric Housecalls



LfeLong Medical Care provides in-home primary care for homebound seniors and they are expanding this program into Berkeley.

Cooking Classes



The schools continue to explore creating an inter-generational program that teaches children to cook healthy food at school so they can bring those skills home.

Gateway Program



The Berkeley Continuum is piloting a prevention/intervention program that helps older adults proactively plan for their aging experience.

Year 1

CalFresh Restaurants



Encourage Berkeley restaurants to participate in CalFresh so those who are not able to cook can buy prepared meals as an alternative to the grocery program.

Exercise & Nutrition



Implement additional health related programs in senior centers and in the community, e.g., around nutrition and exercise, and walking groups. with targeted outreach to under served groups.

SIPP



Increase awareness of Alameda County's Senior Injury Prevention Program (SIPP) by educating seniors, healthcare providers, case managers, and emergency responders about fall prevention. Ensure there is equitable access to the program.

Memory Care Planning



Convene a summit on memory care to plan a community response to dementia and related diseases

Year 2-3

Case Managers



Identify funding for additional geriatric case managers and community health workers for the general population and for people experiencing homelessness.

In-home Service Providers



Develop and implement a plan, including new funding streams, to lower costs and expand access to in-home services.

Affordable Navigators



Launch a program of affordable navigators (as opposed to comprehensive care managers) to help older adults address basic system navigation needs (public benefits, housing, service referral).

Trusted Referrals








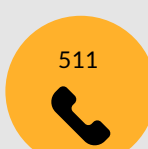





Focus efforts to recruit, train, and retain a quality workforce of home care workers and develop a centralized, easily accessible source for vetted referrals for in-home care



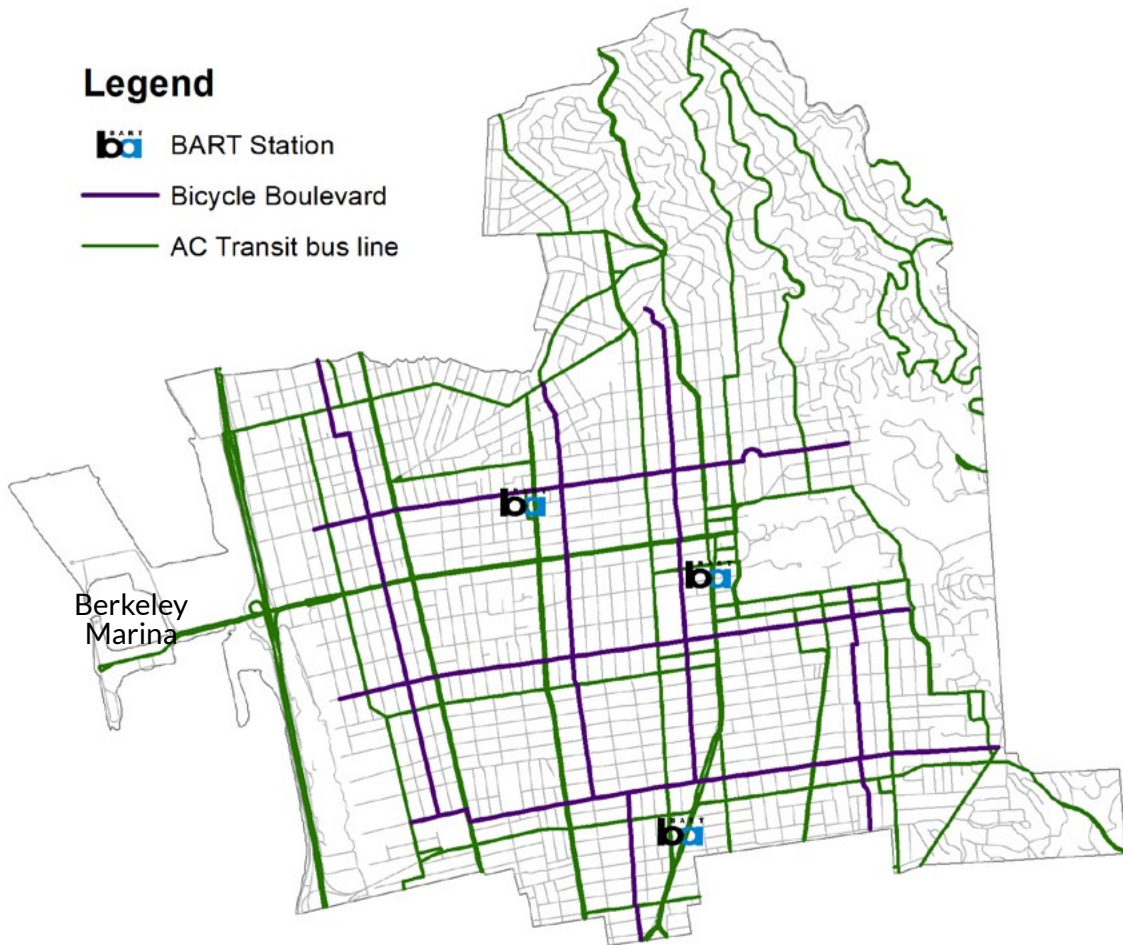
Transportation

Berkeley is connected to the Bay Area by way of several public transportation options. Bay Area Rapid Transit (BART) has three stations in Berkeley and AC Transit, the bus line for the county, has 155 bus lines throughout the region. Currently, the city is working to improve transportation options with strategic plans that address barriers to walkability and transit safety. There need to be additional resources for addressing driving safety and improved collaboration between transportation, technology, and aging organizations in the county to ensure that the public's needs are met across neighborhoods and all modes of transit.

AGE FRIENDLY RESOURCES

Public		AC Transit and BART have a senior discount and have priority seating for seniors.		City Planning & Development department is addressing transportation and street safety to ensure comfortable, safe environments.
		App ride hailing vouchers and taxi script services are available through the City.		East Bay Paratransit is available for door-to-door transportation services for people with disabilities.
		The Senior Center shuttle is available to bring people to the center and for organized outings.		511 is the phone number and website to plan travel on fixed-route public transportation throughout the Bay Area.
		Bicycle Boulevards are streets with slower, lower traffic volume. Large painted street markers and street signs on each block clearly mark the designated bicycle areas.		
Nonprofit		Free CIL travel training for people age 55+ and/or with disabilities: One-on-one instruction for accessing fixed route transit, mastering specific trips, and use of mobility device on transit.		This American Cancer Society program provides transportation to appointments for cancer patients.
		The Center for Elders' Independence runs a PACE center in Berkeley and has vans that provide transit for their elders to the center, medical appointments, and field trips.		
Private		Bay Area companies like Uber, Lyft, SilverRide, and Chariot offer ride sharing services, including new programs that doctors can use to order rides for their patients.		

TRANSIT MAP



With three BART stations and major AC Transit bus lines, most of Berkeley is well connected by public transportation. However, residents who live in the Berkeley hills have less frequent buses and not all station stops throughout the city are covered or well lit.

Bicycle Boulevards help make cyclists and pedestrians safer. Plans for additional improvements are underway.

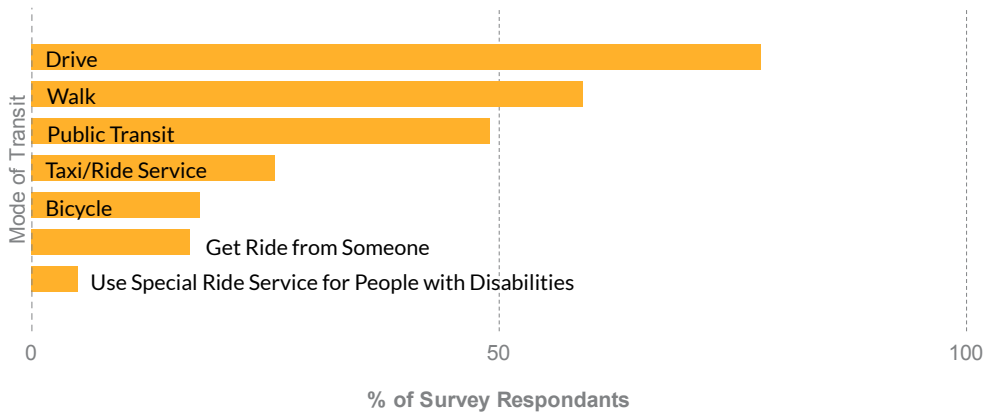
A new ferry boat, Tideline, connects the Berkeley Marina to downtown San Francisco for commuters.



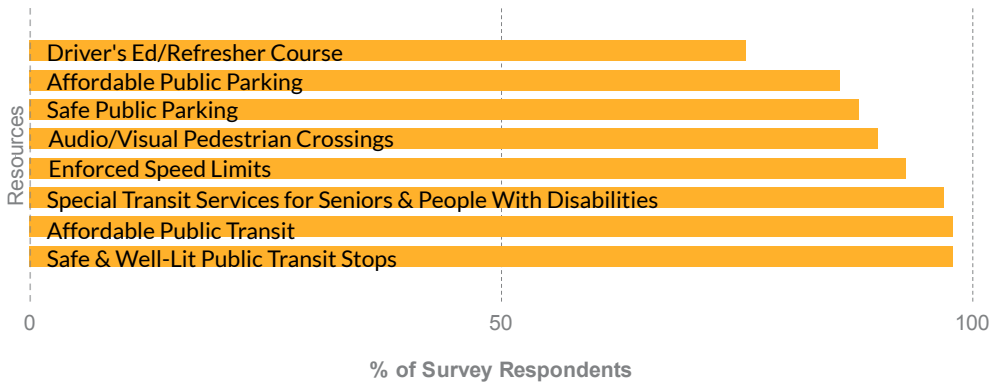
DATA

One of the main reasons Berkeley was rated positively by survey respondents as a place to age was **walkability**. However, sidewalk disrepair and traffic safety are issues raised by many residents. While Berkeley has made an effort to be accessible (curb cuts, etc.), trees often cause sidewalks to become uneven and some survey respondents also reported feeling unsafe crossing the street. Most people who responded to the survey said they drive to get around town, and highlighted parking as a problem. Many people thought driver education for seniors would be an important resource to have.

How Seniors Get Around Berkeley



Top Very or Somewhat Important Transportation Resources



According to focus groups conducted by the Berkeley Continuum

- Participants felt that the City's taxi voucher system is useful but is too limited by the number of times it can be used and the purposes for which it can be used. In addition, many people did not know that vouchers were available. Ride sharing apps can be helpful, but they are still too expensive for many people to use regularly.
- Participants said they want public transit to be more frequent and more flexible.

TAKE AWAYS



Infrastructure and Policy: Many survey respondents felt that one of Berkeley's best traits is its walkability. However, sidewalk disrepair and pedestrian safety concerns can be a barrier. The Bicycle Boulevards and some new protected bike lanes are a safety improvement, but there is still more work to do.



Equity and Inclusion: Social activities, volunteer opportunities, and jobs are important, but without thoughtful infrastructure and transit programs that help seniors get where they need to go, these resources will not be utilized to their fullest extent. BART and AC Transit help connect Berkeley to the rest of the Bay Area, but issues like the "last mile," not having benches at station stops, and inadequate lighting can be a problem for some older people and prevent them from using these services.



Information: Even with abundant public transportation options, many people want to maintain the freedom of driving, and want to do so safely. Many people are interested in safe driving refresher courses, but there are limited local options for these courses. Stigma may be an issue and classes should be advertised carefully to prevent promoting stereotypes and to make sure people feel comfortable attending.

ACTION PLAN

In Process



Master Pedestrian Plan

A plan considering safety, walkability, lighting, etc., is in development for commercial areas.



Senior Shuttle

The City is in the early planning stages for a new senior shuttle, funded with County Measure BB funds, that will address some current public transportation limitations



Sidewalk Review

The City is developing a plan to address broken sidewalks throughout the city and working to prevent future problems.



BeST Plan

Berkeley's Strategic Transportation (BeST) plan strives to allow residents, students, and visitors of any age, background, and ability to have equal access to move throughout the city.



Senior Transit Coordinator

A new Aging Services Transportation Coordinator will oversee paratransit and senior center shuttles, will expand the senior shopper shuttle, and will expand mobility management and travel training.

Year 1



Support Safe Driving

Promote older driver safety by linking them to defensive driving classes, such as those offered by AARP and the Safe Driver program promoted in the Berkeley Senior Center.



Transit Training

Help individuals learn how to use public transportation options with educational programs and a pool of volunteers willing to be companions on public transportation trips.

Year 2-3



Partnering & Planning

Improve collaborative planning between City Planning, Aging Services, and local transportation companies to increase public transit access for older adults; partner with carpool and private transportation services.



Transit Infrastructure

Improve citizen experience of transportation infrastructure, e.g., benches, shelters, traffic signals, and pavement on pedestrian sidewalks.



Transit

Advance the reliability, frequency, and local travel destinations for transit, especially in such areas as the Berkeley hills that have limited access.



Utilize Shuttles

Partner with community agencies to increase transportation options by better utilizing and organizing shuttles during off-hours



Outdoor Spaces & Buildings

Berkeley values its green space, with many city parks, parklets, and miles of walking trails. Thanks to Ed Roberts, who led the disability rights movement as a student at UC Berkeley in the 1960's, accessibility of outdoor spaces and public buildings was advanced with nearly universal curb cuts, accessible city-owned buildings, and a robust set of non-profit organizations dedicated to ensuring that the needs of all residents and visitors are considered in the built environment. Improvements that go beyond ADA compliance and additional programs for older adults with varied physical abilities will make the city even more livable for everyone.

AGE FRIENDLY RESOURCES

Public



Parks & Rec Adult Classes

City Parks & Recreation programs include adult classes such as painting, yoga, and Tai Chi.



Accessible Streets

Sidewalks, curb cuts, street lighting, benches, and traffic calming devices are developed in most areas.



ADA Compliant Buildings

New businesses, housing developments and redevelopments are required by the City to be ADA compliant.



Senior Aquatics

City Parks & Recreation organizes several aquatics classes specifically for older adults and people with disabilities.



Parklets

A city ordinance has allowed several 'parklets' to be built, which provide outdoor seating and tables in commercial areas; at least six more are planned.



Customer Service Center

The City's Customer Service Center has been renovated to be more accessible with lower counters, better lighting, and large screens.



EBRPD

East Bay Regional Park District, the largest urban regional park district in the US with about 120,000 acres, has a variety of free and affordable outdoor activities and volunteer opportunities.

Nonprofit & University



Bay Area Outreach & Recreation

BORP provides opportunities for people with disabilities to enjoy the outdoors, including special programs for veterans.



Berkeley Walks

Berkeley Walks organizes 30 minute walks 3 days a week for all levels of UC Berkeley faculty and staff.









UC Botanical Garden

The UC Botanical Garden is 34-acres with over 10,000 different plant species. With paved paths throughout the garden, it is an accessible place to enjoy nature and learn about conservation.

PARK MAP

Legend

-  James Kenney Community Center
-  UC Berkeley Botanical Garden
-  Francis Albrier Community Center
-  Public Pools
-  East Bay Regional Park District
-  City Park



With parks spread out across the city, there are many opportunities to enjoy the outdoors. However, the quality and availability of amenities such as bathrooms, benches, and lighting vary across parks. There is a bus from downtown directly to the Marina and the Botanical garden, but public transit access to some other parks is limited. It may be necessary to drive to some parks, especially for those traveling from destinations other than downtown.

DATA

One of the top reasons survey respondents rated Berkeley positively as a place to age was walkability.

59% said they walk **18%** said they bike

...as a form of transportation for errands and appointments

However, sidewalk disrepair and traffic safety are issues raised by the community. While Berkeley has made an effort to be accessible (e.g., curb cuts), trees often cause sidewalks to become uneven and some survey respondents reported feeling unsafe crossing the street.

TAKE AWAYS



Infrastructure and Policy: While there are many green spaces around the city, amenities to make spaces safer and accessible, like public bathrooms, lighting, and benches, are variable. In addition, while some areas of the city, such as downtown, have various public transportation options, accessing parks from other areas requires a car or multiple bus lines.



Equity and Inclusion: The city started implementing accessibility standards ahead of many other places, but improvements to sidewalks, bus stations, and other outdoor spaces have not continued with the same momentum. The city is aware of these problems and assessing where to invest in additional accessibility efforts.



Information: There are many wonderful parks throughout Berkeley, but information about these parks, their programs, and the accessibility of activities are not easy to find and the city website is not always up to date with information.

ACTION PLAN

In Process



More Classes

City Parks & Recreation staff are considering additional classes and programs for older adults.



ADA Self-Evaluation

The Public Works department is implementing a self-evaluation to review the built environment for ADA compliance, inviting comments from older adults



CPTED

The City Planning Department is using 'Crime Prevention Through Environmental Design' (CPTED) to address safety issues and uncomfortable spaces.



T1 Funds

Funds from local Measure T1 will be used to improve existing infrastructure and facilities in the city.

Year 1



Age-Friendly Parks

Assess needs and secure funding to improve park bathrooms, lighting, parking, and other facilities for the older population; identify and advertise parks that are already Age-Friendly.



Park Access

Ensure that green spaces are accessible by various transportation modes and to those with mobility challenges, including shuttle access, smooth pathways, and room for wheelchairs next to benches.



Signage

Encourage large, easily visible street numbers on businesses and houses.



Web Information

Add a link on the City of Berkeley website to outdoor recreation activities for older adults.

Year 2-3



Extend Park Hours

Open public park exercise areas (James Kenney & Live Oak Parks) during the day in addition to the current 3 nights/week.



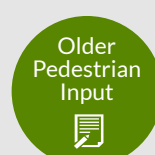
Re-Open Pool

Re-open the Willard Pool to improve public access to recreational swimming in South-East Berkeley



Safe Routes

Create safe routes to common destinations that have well maintained sidewalks, large signs, and good lighting.; create safe route maps.



Older Pedestrian Input

Ensure that older adults have opportunities for input into the development of the Master Pedestrian Plan by reviewing meeting times and consulting the Commission on Aging.



Social Participation & Civic Engagement

A variety of social opportunities are available for older adults in Berkeley. These include fitness, art, education, political and and cultural activities. While the vast majority of survey respondents indicated that they participate in social activities at least a few times a week, transportation and affordability of activities were raised as barriers. Making activities more affordable, accessible, and widely advertised would help residents, particularly isolated seniors, participate.

AGE FRIENDLY RESOURCES

Public



Senior Centers
Senior Centers serve hundreds of people daily with group classes and activities including meals, foreign language, memoir writing, music, field trips, dance, and birding. They also have voter registration materials.



City Boards & Commissions
The City's 43 Boards & Commissions attract numerous seniors from across the city, including to the Commission on Aging.

Nonprofit & University



OLLI @ Berkeley
UC Berkeley Osher Lifelong Learning Institute offers a wide variety of classes for adults 50 and older.



J-Sei Activities
J-Sei is a community center that offers a space for inter-generational activities and services that pass on Nikkei values and traditions.



JCC
The Jewish Community Center organizes group "Trips Around Town" for seniors and has adult classes, lunches, clubs, and events.



CEI Social Activities
The Center for Elders' Independence organizes social activities and has an adult day health center as part of their PACE program.



CIL
The Center for Independent Living advocates with and for people of all ages with disabilities and offers organized social activities.



Ashby Village
Ashby Village members organize events, volunteer activities and various interest groups that meet regularly including advocacy, poetry, bridge, movies, and technology.



Lavender Seniors Group
A support and advocacy group for LGBTQ seniors, Lavender Seniors has a 'Friendly Visitor' program and monthly lunches to keep members connected.



UC Retirement Center
As a major local employer, the UC Berkeley retirement center connects 2,245 UC retirees in Berkeley and Albany with volunteer opportunities, book clubs, workshops, and Retirees' Associations.



BLBC
The Berkeley Lawn Bowling Club is a nonprofit outdoor sport club that has been active since 1928. Members offer free classes to the public.



Gray Panthers
The East Bay Gray Panthers are an intergenerational advocacy group fighting for social justice and combating ageism.



Elder-Action Group
A new advocacy and social justice interest group growing out of Ashby Village meets to discuss and plan advocacy efforts.



Berkeley Continuum
The Berkeley Continuum is a non-profit group that is working to ensure that a continuum of services and supports are available for older people to age in their communities.

DATA

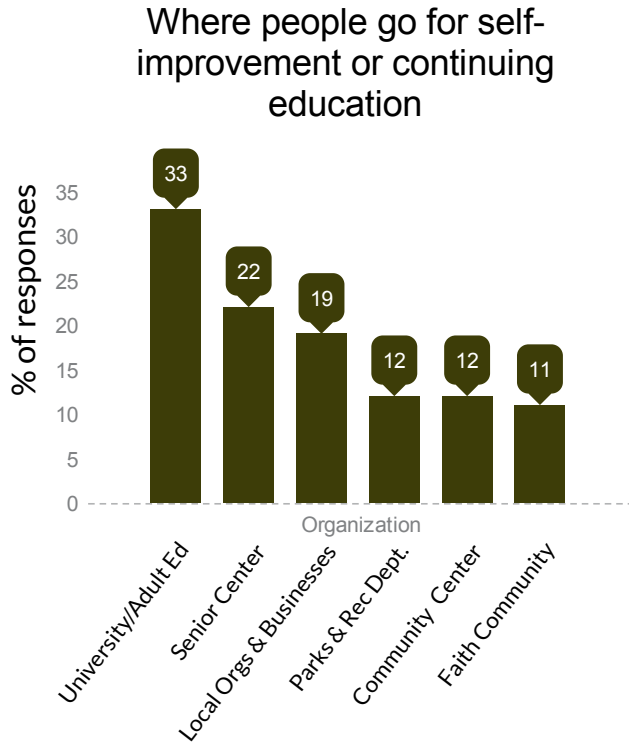
One of the top reasons Berkeley was rated positively by survey respondents as a place to age was the availability of many different services and activities. The vast majority of survey respondents said they are actively participating in social activities. However, various surveys indicate that 6-11% of Berkeley seniors socialize less than once a week and follow up is needed to identify the needs of these isolated seniors.

89% said they socialize at least a few times a week

60% said they participate in continuing education or self-improvement classes

91% said it is important for them to have a range of opportunities to volunteer

31% said they have transportation to and from volunteer activities



According to focus groups moderated by the Berkeley Continuum

- Some people had been to the senior centers and liked them. However, a few people said they did not like the senior center, with some adding that it seemed "depressing".
- Participants who lived in multi-unit housing indicated that they needed more information about what activities were happening in the community.
- Those living in single family homes showed more interest in finding ways to be connected to social activities.

Berkeley has a long history of being at the center of social movements. Older adults in the community are heavily involved in local politics.

54% said it is very important to have opportunities to participate in local government and decision making

>75%

said their community has volunteer and civic engagement opportunities

80% said it is important for them to have opportunities to participate in local councils and committees

78.1%

of registered Berkeley voters participated in the 2016 election, higher than the county turnout (75.42%)

TAKE AWAYS



Infrastructure and Policy: Transportation to activities, language accommodations, and making activities accessible is especially important for seniors who are at risk of isolation and are not typically included in community events. Reducing barriers to participation with infrastructure and policy improvements will make community events and activities more inclusive.



Equity and Inclusion: Active civic engagement has been a prominent part of Berkeley's history and continues to be important to residents of all ages. Opportunities for older adults with a variety of physical abilities, cultural backgrounds, and languages will help foster a stronger sense of community, both intergenerationally and among older adults in Berkeley.



Information: Having activities available will not be enough to ensure that everyone has a way to participate. We want to also ensure that there are various modes of communicating information about the programs so that those without computer access or who are more isolated will have information about services and activities they can participate in. This will also require communicating information in multiple languages and in written and audio formats.

ACTION PLAN

In Process



Older adults are included in Measure GG (emergency preparedness) outreach and workshops, especially to consider isolated and low-income seniors.



The North Berkeley Senior Center building is being upgraded with \$5.8 million in local T1 funds to accommodate additional community programs. Input from older adults who use the senior centers was used in developing the plan.

Year 1



Reframe "senior centers" and modify programming to attract "younger" seniors.



Plan additional intergenerational community activities that encourage participation of different ages and cultures.



When possible, schedule public meetings when it is convenient for older adults and offer transportation options for people who may not feel comfortable traveling alone at night.



Consider older adult comments and public input to T1 infrastructure expenditures to ensure public spaces are developed with the needs of older adults in mind.

Year 2-3



Help neighborhood associations, formal and informal groups, and city agencies focus on providing opportunities for older people to participate, especially low-income, isolated and disabled seniors.



Create an easy to access directory of Age-Friendly organizations, activities and engagement opportunities for older adults.



Employment & Economic Security

Our community survey and focus groups found that the cost of living throughout the Bay Area is a prominent concern among older adults. Many older people are worried they won't be able to afford their property taxes or rent, and the cost of transportation and food continue to rise. Retiring may be a financial impossibility for many people in Berkeley. It is critical to ensure there are local job opportunities for people of all ages and abilities and adequate financial support and advice for those who can no longer work.

AGE FRIENDLY RESOURCES

Public



Minimum Wage
In October 2018, Berkeley adopted a \$15 minimum wage which will help all those who work in Berkeley make a basic wage.



Clean City Program
The Clean City Program, managed by BOSS, hires people experiencing homelessness for temporary jobs cleaning sidewalks in the City while BOSS helps them navigate their housing and health services.



Very Low Income Tax Refund
For seniors 65+ who have a household income less than \$46,500, certain city taxes can be refunded, such as Sanitary Sewer fees and the School Maintenance tax.

Nonprofit & University



ASSETS
ASSETS Senior Employment Program provides job training and job search assistance for Alameda County residents age 55+.



East Bay Works
The Berkeley Adult School & Career Center offers workshops, career fairs, computer access for job searching, and one-on-one assistance to help adult job seekers.



Legal Assistance for Seniors
LAS is a nonprofit legal assistance organization that helps senior clients with legal problems such as changes to public benefit payments and elder abuse cases including financial abuse.



Encore
Encore is a Bay Area company that helps adults 50+ find impactful work in the social sector, mentor younger adults, and participate in advocacy for older adults.

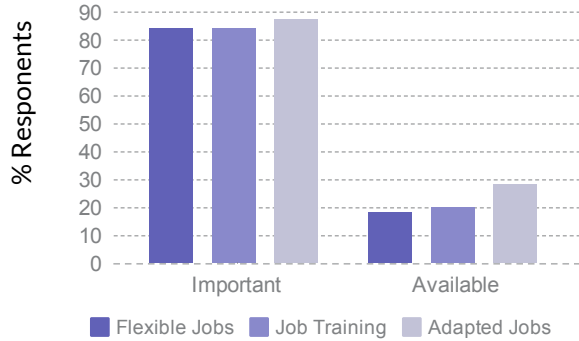


UC Retirement Center
The UC Berkeley Retirement Center gathers information about resources for retirees who are looking for part-time work or volunteer opportunities.

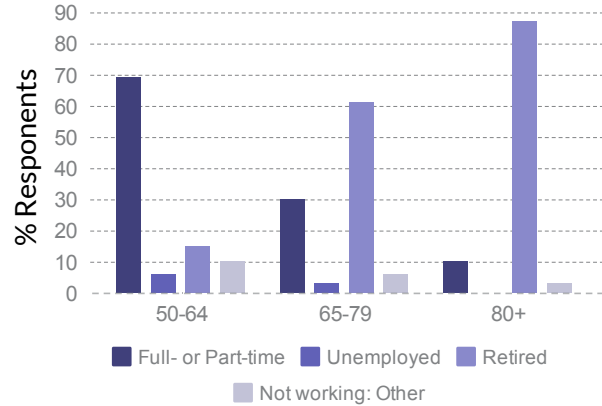
DATA

While many older adults expressed interest in job training, flexible jobs for older people, and jobs that are adapted for older people, few thought these resources were available.

Important and available employment resources

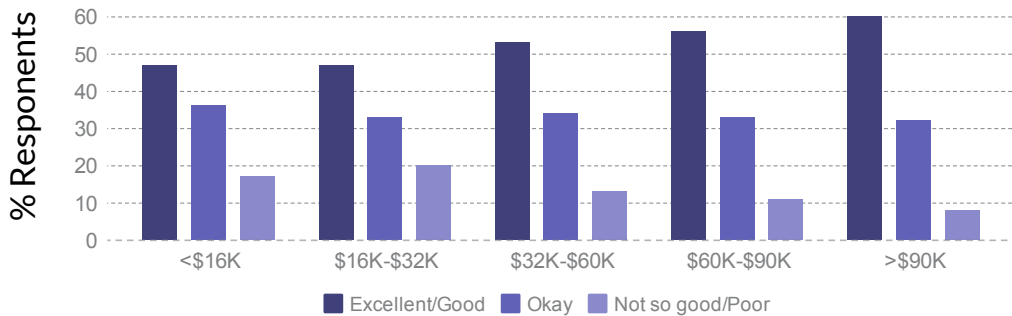


Work Status



Focus groups and survey respondents consistently named financial security and the cost of living in the Bay Area as their top issues. When looking at how older adults rated Berkeley as a place to age on the survey, answers vary by income group, with higher income groups more likely to rate Berkeley as "Excellent/Good" and less likely to rate it as "Not so Good/Poor"

Rating of Berkeley as a place to age by income group



According to the Alameda County Plan for Older Adults 2016-2017,

51%

of Berkeley residents age 60+ said they were "concerned" or "very concerned" about having enough income to meet their basic needs

"Income for basic needs"

was the top concern among older adults county-wide and in Berkeley

TAKE AWAYS



Infrastructure and Policy: Financial stress is common among older adults in Berkeley. There is a wide range of incomes that are creating a disparity in how residents view the city as a place where they can stay as they age. To prevent further displacement, there needs to be more affordable housing units and other programs to help people stay in their communities.



Equity and Inclusion: There are not enough jobs that offer the flexibility and accommodations that some older workers are looking for. This is a major issue for those who are choosing to work longer and those who need to because of financial concerns. Access to jobs needs to be addressed through policy and business incentives.



Information: Though the city has a number of programs designed to help low-income seniors, it is clear from focus groups that not everyone is aware of these programs. Additionally, there is a need to expand these programs beyond what is considered "low-income" for the purposes of federal benefit programs because the cost of living in the Bay Area is so much higher than the national average.

ACTION PLAN

In Process

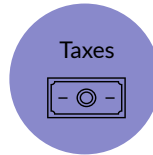


The City Economic Development department is working on outreach and a small business forum regarding succession planning and how to help older adults plan for their next phase.

Year 1



Offer workshops and education on financial planning and elder fraud abuse.



Broaden communication of assistance with local taxes for low income residents.

Year 2-3



Consider a program of Elder Friendly business certification (Elders in Action provides this in Portland) which would indicate businesses that accommodate both older workers and customers.



Respect & Social Inclusion

The students at UC Berkeley are an excellent example of a volunteer resource, from student groups specifically created to improve the welfare of older adults to individuals who sign up to volunteer, for example at the Senior Centers, Meals on Wheels and Ashby Village. Seniors in Berkeley are diverse and may have many intersecting identities that make them more or less vulnerable to agism and other forms of discrimination. Volunteer and service programs keep these issues in mind when engaging with local residents.

AGE FRIENDLY RESOURCES

Public

Accessible Documents



Large print materials of public documents are available through the City Clerk's office.

Accessible Customer Service



Counters in all city public service areas are accessible and staff are trained to assist people with disabilities.

Meals on Wheels



Volunteers in the community bring hot meals to isolated and frail seniors and socialize with them.

Nonprofit & University

Bears for Elder Welfare



Bears for Elder Welfare is a student organization at UC Berkeley intended to help improve the well-being of local older adults and to foster respect for elders among Berkeley students.

Berkeley Student Co-Op



Members of UC Berkeley's student Co-Op volunteer to assist Berkeley seniors to remain in their homes as long as possible.

CIL Wellness Program



CIL runs 10 week workshops for older adults with new limitations that helps them gain skills they need to overcome barriers to independent living and so they can continue to participate in their communities.

Forget Me Not



Forget me Not is a phone call program that partners socially isolated older adults with compassionate high school volunteers for conversation and to forge social bonds.

AV Volunteers



Volunteers of all ages help facilitate Ashby Village activities, including support groups.

Lavender Seniors



Lavender Seniors give service providers who are LGBTQ allies "The Emblem" which is a marker that states "Safe, Visible and Celebrated."

AltaBates Tele-Care



AltaBates Medical Center runs a program where volunteers call daily to check-in on people who opt-in to the program and alert emergency contacts if unable to reach someone.

Well connected

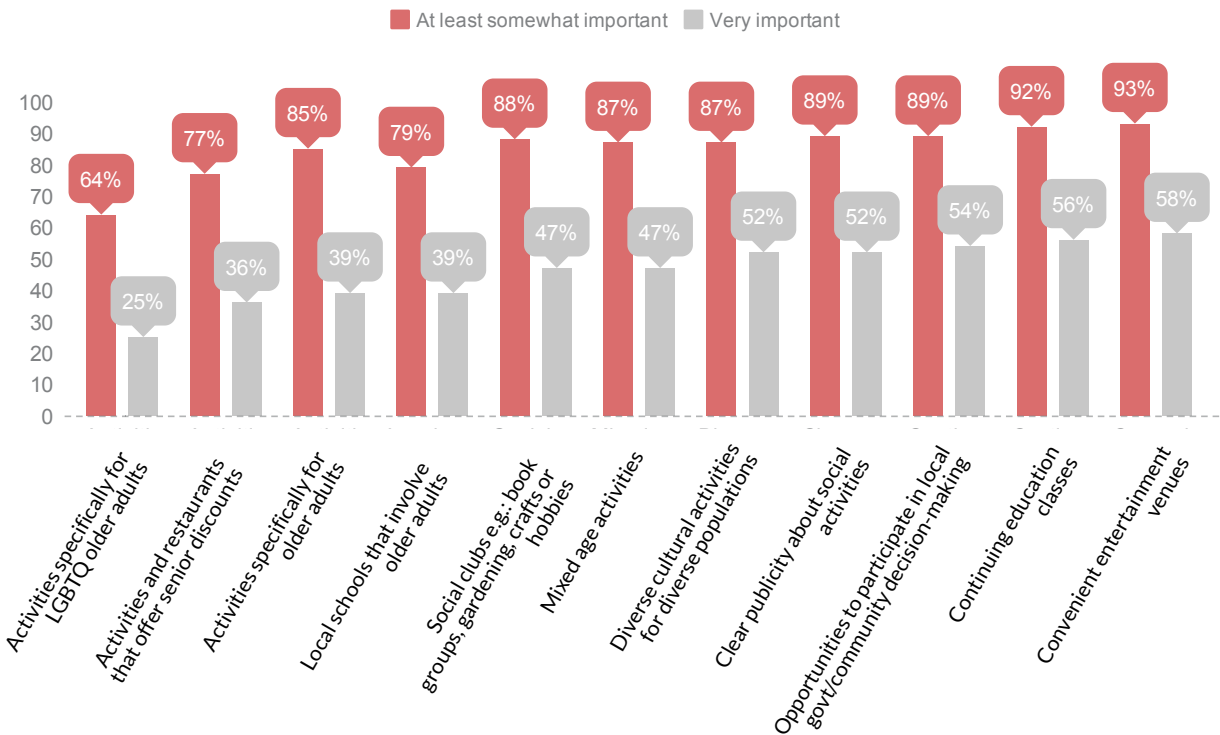


Covia manages Well Connected, an online and over the phone support for individuals and social groups.

COMMUNITY SURVEY RESULTS

As a "college town", there are many activities and organizations in Berkeley that are focused on attracting the younger generations. Older adults are also active in the community and identified a wide variety of social resources they consider important.

Top Responses for Important Social Resources



The vast majority of our survey respondents have someone to socialize with at least weekly and have friends or family to turn to when they need help. At least 6% of the respondents, however, socialize less than once a week and the survey did not capture some of the more isolated seniors.

94%

of survey respondents socialize at least once a week

68%

of survey respondents would turn to family, a friend, or a neighbor if they needed information about services

TAKE AWAYS



Equity and Inclusion: Seniors in Berkeley are a diverse group, some with many intersecting identities. Language, race, immigration status, sexual orientation, gender, income level, housing status, and other factors all play a role in the way seniors experience life in Berkeley and it is important for volunteers and service providers to keep this in mind.



Information: The people who filled out our survey are involved in activities in the community and most are socially connected. However, we know this is not representative of the larger community because our survey relied on community organizations and social networks for distribution. Some of the reasons people don't participate in the community is because they are isolated and/or don't know about the activities or resources that could help them participate. The City and organizations need to communicate information clearly and reach out to people who may be more isolated.

ACTION PLAN

In Process



Prevent Isolation

Working with the Berkeley Continuum and established student groups, home visits are being offered to socially isolated seniors.



Media Campaign

Older adults are included in public imagery of local media campaigns, positively and without stereotypes; community members are consulted as to how best to portray older people.



Public Schools

Inter-generational programming is continuing to be fostered in schools and in the community, such as student interns and volunteers .



Public meetings

Communication devices are available to ensure that seniors with hearing difficulty are able to participate in public meetings.

Year 1



Part of the Family

When "family" events or activities are organized by the City or other organizations, include older adults as part of the target audience, not only children and families.

Year 2-3



Inter-generational Event

Organize an annual inter-generational event that celebrates the value of people of different ages and fosters understanding across generations

Richard Bernack



Communication & Information

While there are a myriad of programs, events, and activities throughout Berkeley, it is often difficult for older adults to find what they want or need. Many older adults have internet access either through their mobile phone or at home, but websites are not intuitive or easy to navigate. Input from older adults about their needs and how they are currently getting information will help tailor existing communication to better meet their needs.

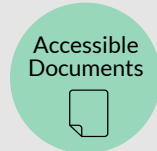
AGE FRIENDLY RESOURCES

Public



3-1-1

3-1-1 is a non-emergency single point of contact for the City that helps direct people to the appropriate department for information or services.



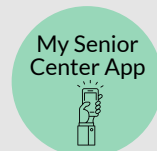
Accessible Documents

Large text and alternate formats of public records are available.



Eden I&R 2-1-1

Alameda County residents have access to a 2-1-1 phone line, managed by the nonprofit Eden I&R, for information and referral services.



My Senior Center App

This App is available in senior centers for information about daily activities and for internal tracking.



The Nugget

The monthly newsletter for Berkeley's senior centers is distributed to 200 seniors via email and is available in hard copy at the centers. It announces class schedules and events.



Public Libraries

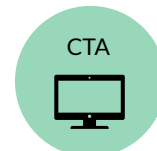
There are 5 public libraries in Berkeley. They host the Berkeley Information Network, an online database of local resources that can be accessed on their website and that has a specific section for seniors.

Nonprofit & University



CIL I&R

The Center for Independent Living's (CIL) Information and Referral (I&R) is a program that provides information on free disability-relevant community resources.



CTA

The Center for Technology & Aging (CTA) at UC Berkeley is designed specifically to encourage and enhance the development of new technologies for the aging population.

Private



Berkeleyside

Berkeleyside is a local independent news site for Berkeley residents reporting on local events and issues that has an average of 270,000 unique users each month.



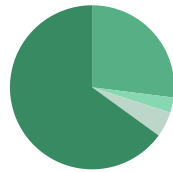
Nextdoor

The NextDoor website helps neighbors communicate. Individuals need to verify their address through the mail to use it. Many older people in Berkeley accessed our survey through announcements on this site.

DATA

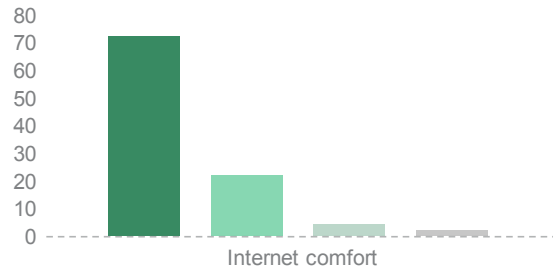
Some information regarding internet use among seniors emerged from the community survey. Many residents who submitted the survey did so online, making the sample slightly skewed towards more internet savvy people. Even though the majority of respondents said that they were comfortable using the internet, almost half indicated they would be interested in internet/technology classes if they were available.

Internet Access



■ Home (27%) ■ Phone (3%) ■ None (5%)
■ Both (65%)

Comfort Using Internet



■ Very Comfortable ■ Somewhat Comfortable
■ Not Very Comfortable ■ Not at All Comfortable

An independent needs assessment contracted by the city as part of their Digital Divide project found that some of the barriers for older adults in using technology include:

Basic Training

Quality Devices

Reliable Internet

46%

of survey respondents would be at least somewhat likely to use Internet/Technology training if it was free or low-cost

270,000

people on average read Berkeleyside each month

3,492

2-1-1 calls were made by Berkeley residents between January and August 2018

5,211

2-1-1 referrals were made between January and August 2018

According to focus groups done by the Berkeley Continuum and the Age-Friendly Berkeley Initiative

- Many older people are concerned about how to navigate different systems in the city, including resources for transportation, housing, and healthcare
- Most people want to be able to call someone or go somewhere to find information about services, but they don't know of any "one stop shop" for different kinds of information.
- While people who are members of an organization like Ashby Village or who live in affordable housing with a service coordinator know where to go for help, this situation does not exist for most people.
- Most people said they prefer getting information from a person, either over the phone or face-to-face, rather than online. However, the number of people who can find information online if they need it is increasing.

TAKE AWAYS



Infrastructure and Policy: The city website is difficult to navigate and needs to be updated more regularly in order to be a useful source of information for residents with varying degrees of comfort using the internet.



Equity and Inclusion: While most survey respondents said they use the internet, this may be a skewed sample because of the many surveys completed online. Focus groups indicated that older people also get information from schools, their children, or their neighbors. Multiple modes of communication, including paper and online formats, should be used to ensure that older adults are able to stay informed, particularly those who are isolated.



Information: While 2-1-1 receives hundreds of calls each month from Berkeley residents and makes referrals to services, it is not clear how many older people use this service and follow through on referrals (the system does not collect this data). This site is also difficult to navigate and does not contain information regarding activities and opportunities for social engagement.

ACTION PLAN

In Process



The City website is being redesigned to reduce the number of pages (now 18,000 pages), make it more searchable, and address ADA compliance throughout.



The 311 line is being redeveloped with a new online solution; expected to roll out in 18 months.



A Master Plan is being created that includes improvement to infrastructure for high speed broadband internet access and technology for seniors; and that includes a collaboration with non-profit groups.

Year 1



Look at the frequency of 311 calls for different services from older residents in order to better understand and support the resources they are seeking.



As part of the City's IT strategic plan, gather input from older adults about how content can be best presented to them .



Create an Age Friendly website that provides updates on services, news, projects, and activities.

Year 2-3



Consider developing a City of Berkeley Mobile app, to facilitate how people in the field triage incidents involving older adults.



Piggyback on the popularity of local newspapers with a Senior Newsletter, similar to the one in Fremont, California, or an Age-Friendly page or link in local newspapers.

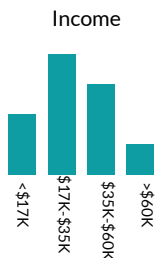
Appendix C: Data Collection

- A. Survey: The AARP Age-Friendly Community Survey was used with a few minor adjustments
1. Circulation: The survey was available between March 1st and April 10
 - A link to the online version of the survey was posted on NextDoor and sent as an email blast through the following organizations:
 - o The Mayor and City Council Member's websites
 - o A City website news announcement
 - o Ashby Village
 - o University of California Retirement Center Newsletter
 - o AARP mailing to local members
 - o Member organizations of the Senior Services Coalition of Alameda County
 - A press release announcing the survey was sent out by the local paper, Berkeleyside,
 - Hard copies were made available at organizations:
 - o All 5 Berkeley Public Library Locations
 - o 2 Resources for Community Development senior housing locations
 - o 6 Satellite Affordable Housing Associate senior housing locations
 - o Both Senior Centers
 - o J-Sei
 - o Ashby Village
 - o Meals on Wheels
 - o LifeLong Medical Care Over 60 Health Center
 - o Jewish Community Center of the East Bay
 2. 1402 residents responded. Analysis provided by Nancy Frank & Associates, Piedmont, CA
- B. Supplemental local reports:
- See www.berkeleycontinuum.org 2017 needs assessment and focus group information used in this report
 - See Alameda County Plan for older adults, May 2016 https://alamedasocialservices.org/public/services/elders_and_disabled_adults/docs/planning_committee/5.2016_County_Area_Plan.pdf
- C Interviews with 18 city staff in 9 City of Berkeley departments: April-May 2018
- D Additional Focus Groups, Public Forum, City Council Presentation and meetings with the Commission on Aging
- City Council Presentation and Workshop: July 17, 2018
 - Additional Focus Groups: September 22, 2018, October 24, 2018
 - Public Forum co-hosted with the Commission on Aging: October 27, 2018
 - Several meetings with the Commission on Aging throughout project

FOCUS GROUPS SUMMARY

Latinx Focus Group

Location: Bahia, inc.
Group size: 10
Average age: 59.4
All lived in Berkeley >20 years



- What is working well?**
- Good Schools
 - Living close to work
 - Latinx community
 - Cultural diversity
 - Advocacy for rights & equality
 - Neighborhood is safe

- What is NOT working well?**
- Not informed about resources
 - Feel like we're being pushed out
 - Growing homelessness issue
 - Cost of living; children can't afford to live nearby
 - "Low-income" program cut-off doesn't match cost of living
 - Neighborhood permit parking
 - Homeowner sidewalk responsibility
 - High taxes
 - Disruption in church community; congregation spread out

Top Concerns

1. Affordable housing
2. Cost of living
3. Affordable health insurance
4. Accessible places to get services

Some Recommendations

- Linguistically/Culturally appropriate assisted living options
- Affordable dental care resources

African American (faith-based) Focus Group

Location: St. Paul's AME Church
Group size: 9
Average age: 59.4

- What is working well?**
- Feel safe, not threatened: Berkeley is like a "Garden of Eden"
 - Diversity
 - Church as support system
 - Taxi scrip resource through Senior Centers

- What is NOT working well?**
- Vandalism
 - Not enough senior housing
 - Lack of community cohesion, support
 - Maintaining diversity; many are leaving for more affordable communities
 - Cost of living, pressure to sell home
 - Family/children live far away

Top Concerns

1. Cost of living
2. Affordable housing
3. Pressure to move out

Some Recommendations

- Centralized information in a senior resource guide
- Fill gaps in public transportation (more bus lines and stops)

Berkeley Continuum Focus Groups

Group size: 57 across 3 groups
Age range: 48-93
53% lived in Berkeley >10 years

See *Berkeley Continuum Needs Assessment for details*
www.berkeleycontinuum.org

Main concerns:

- Housing cost is too high, fear of having to leave Berkeley, affordable housing waitlists too long
- People want in-home supports, but are worried about where to find them, who to trust, and affordability
- Need more access to face-to-face or personalized over the phone systems for navigation support
- Need more frequent and flexible public transport
- Concerns about sidewalk safety



Berkeley Commission on Aging Forum (2)

Location: St. Paul's AME Church
Group size: 36
Age range: 48-93
53% lived in Berkeley >10 years

Concerns were similar to those heard elsewhere and focused on:

- how older adults can learn about what goes on in the community [housing health care and transportation were mentioned] and needing online and in-person ways to learn that);
- need for affordable housing
- need for sidewalk safety

Location: North Berkeley Senior Center
Group size: 18

Concerns and needs were similar to those heard elsewhere and focused on:

- more employment opportunities
- affordable meals
- community navigators/advocates
- transportation in the hills
- more housing for seniors with different levels of care
- more help for those just above "low-income" level
- access to and knowledge of community events (not just for parents and children)

Focus Group Question Guide

Question 1: Imagine that you are describing to people the experience you are having in Berkeley as you grow older. What do you like best about it? What is working well for you? What has been most challenging for you? What are the "age friendly" characteristics that are most important to you?

Question 2: Which of the characteristics we just mentioned are strongest or currently lacking in Berkeley?

Question 3: Of all the things we've listed here, what do think are the priorities? Where should we start if we are going to develop new services, supports or conditions?

As time allows and depending on focus of discussion:

Question 5: Do you have concerns about whether you will be able to live out your years in Berkeley? If so, why? Where would you go?

Question 6: How many of you have access to a computer and the internet in your home or building? Do you ever skype? Other uses?

Question 7: How do you want to be able to learn about resources that are available to you as your health and/or everyday needs change? A place (like a center?), a person (like a navigator?) the internet ?

Question 8: If someone offered to come to your home to check it out for fall hazards, talk to you about what is available in the community, needs you might have, help you plan and provide you with referrals and linkages, would that be attractive to you?

Question 9: If you had to move out of your home because you need more help day-to-day than you can get at home, where would you go? What would be your fears about living in assisted living or nursing situation?

Focus Group Survey

1. How old are you? _____
2. What is your zip code? _____
3. Did you participate in any recent survey about aging either from Berkeley or Alameda County?
4. Are you on Medicare or MediCal?
5. Where do you get your medical care?
6. Income: What would you estimate was your income last year from ALL sources (social security, retirement, pension, savings, employment, tenants, other)

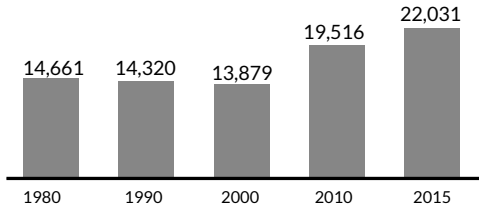
Does that income support: Only you, Yourself and a partner/spouse with no other income, Yourself and a partner/spouse with additional income from them, Includes another dependent

8. What are the biggest challenges you are facing (or anticipating) as you age in Berkeley:

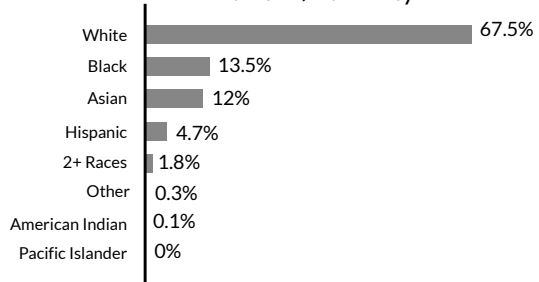
Is there anything else you would like to tell us?

**Berkeley Results from the
ALAMEDA COUNTY PLAN FOR OLDER ADULTS
2016-2017**

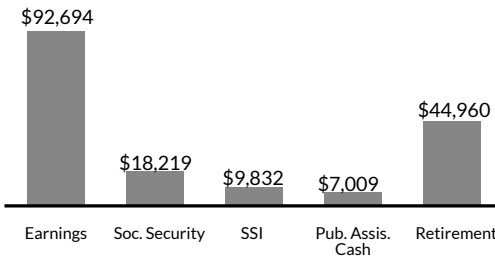
Growth of 60+ population



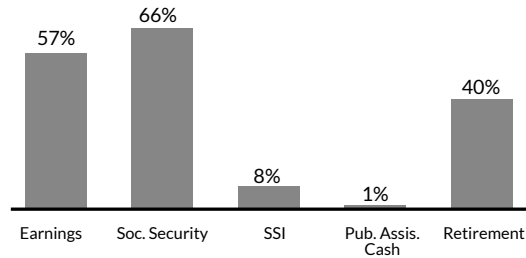
% Race/Ethnicity



Household avg. income by source



% Households with income source



Survey Top 10 Concerns

1. Income for Basic Needs
2. Inclusion in Decisions
3. Housing Affordable
4. Income for Future
5. Stay in Home
6. Maintain Home
7. Falling
8. Prepare Healthy Food
9. Anxiety of Stress
10. Confusion or Memory

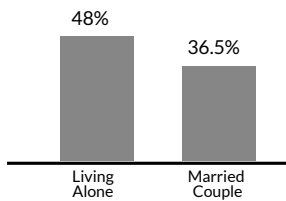
Rating

- | | |
|---------------------------|-----|
| 1. Income for Basic Needs | 3.4 |
| 2. Inclusion in Decisions | 3.3 |
| 3. Housing Affordable | 3.3 |
| 4. Income for Future | 3.3 |
| 5. Stay in Home | 3.3 |
| 6. Maintain Home | 3.3 |
| 7. Falling | 3.2 |
| 8. Prepare Healthy Food | 3.0 |
| 9. Anxiety of Stress | 2.9 |
| 10. Confusion or Memory | 2.7 |

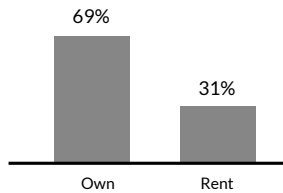
Survey Top 10 Resources Lacking

- | Resource Lacking | % Without |
|---|-----------|
| 1. Job Opportunities | 31.9% |
| 2. Clean & Well-kept Sidewalks | 21.3% |
| 3. Affordable Housing | 19.9% |
| 4. Safe & Well-lit Streets | 16.9% |
| 5. A Computer You Feel Comfortable Using | 16.1% |
| 6. Housing Suited to Your Needs | 15.3% |
| 7. Resources to Feel Safe | 14.9% |
| 8. Fresh Vegetables & Fruit I Can Afford | 12.2% |
| 9. A Trusted Source to Go for Needs | 11.8% |
| 10. Health Services Culturally/Language Appropriate | 11.2% |

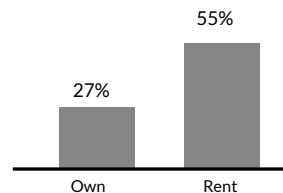
Living Arrangements



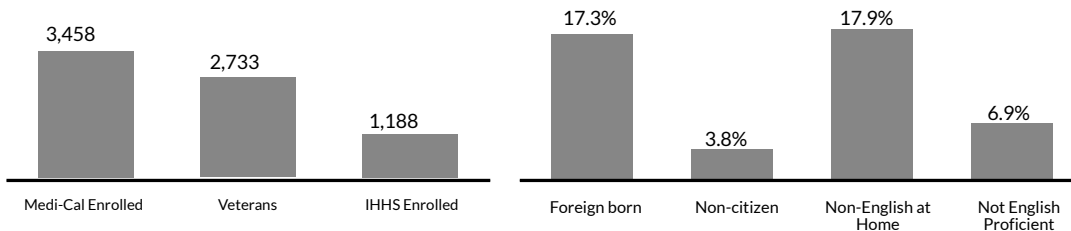
Own vs Rent



>30% Income on Housing



English Proficiency & Citizenship



Notes: Older Adults=60+; Survey Results from AC Older Adults Survey 2015; Concerns rated from high (5) to low (1) with the average of all ratings shown; Bar graphs from the US Census, ACS 2010-2014 Table S0102 and ESRI 2015

This page was copied from the Alameda County Plan for Older Adults 2016-2017 Appendix D

Appendix D: Useful References

AARP Livable Communities

<http://www.aarp.org/livable-communities/network-age-friendly-communities/>

AARP Livable Communities: Great Places to Age

<https://states.aarp.org/aarp-livable-communities-great-places-for-all-ages/>

Age-Friendly Business Certification Programs

<http://www.programsforelderly.com/awareness-elders-in-action-age-friendly-business-certification.php>

Age-Friendly Communities,

Grantmakers in Aging <https://www.giaging.org/issues/community-development/>

Scharlach, Andrew E.; Amanda Lehning, "Creating aging-friendly communities," *Generations*, vol. 33, no. 2

Aging Survey-*The United States of Aging*; American Association of Retired Persons [AARP] (2012).

<https://www.aarp.org/livable-communities/learn/research-trends/info-12-2012/the-united-states-of-aging-2012.html>

Alameda County Plan for Older Adults

https://alamedasocialservices.org/public/services/elders_and_disabled_adults/docs/planning_committee/5.2016_County_Area_Plan.pdf

American Community Survey

<https://www.census.gov/programs-surveys/acs/>

Berkeley Reports

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www.berkeleycontinuum.org

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<https://cal.streetsblog.org/2018/06/21/san-francisco-berkeley-on-aarp-list-of-top-ten-livable-cities/>

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Alta Bates Summit Medical Center Community Health Needs Assessment 2016 <https://www.sutterhealth.org/pdf/for-patients/chna/absmc-2016-chna.pdf>

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<http://www.cdc.gov/homeandrecreationalafety/falls/adultfalls.html>

<https://www.ncoa.org/healthy-aging/falls-prevention/preventing-falls-tips-for-older-adults-and-caregivers/>

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http://www.alamedasocialservices.org/public/services/food_assistance/index.cfm

Global Age-Friendly Cities: A Guide

http://www.who.int/ageing/publications/Global_age_friendly_cities_Guide_English.pdf

Poverty

Kushel, MD, Margot. "Growing Older, Getting Poor." New American Media, April, 2015, San Francisco

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<https://www.aarp.org/livable-communities/act/civic-community/info-12-2012/transforming-senior-center-into-21st-century-wellness-centers.html>

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<http://www.seniorcenterwithoutwalls.org/about/>

Social Determinants of Health

<https://www.kff.org/disparities-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/>

<https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>

Technology, David Lindeman, MPH

<https://citris-uc.org/technology-older-adults-new-era-connected-aging/>

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<https://www.aarp.org/livable-communities/learn/transportation-mobility/info-12-2012/meeting-transportation-needs-in-an-aging-friendly-community.html>

City Departmental Budgets

SUMMARY OF EXPENDITURES BY DEPARTMENTS – ALL FUNDS

SUMMARY OF EXPENDITURES BY DEPARTMENTS – ALL FUNDS						
	FY 2020 Actual	FY 2021 Actual	FY 2022 Adopted	FY 2022 Est Actual	FY 2023 Adopted	FY 2024 Adopted
Mayor & Council	2,525,920	2,708,844	3,096,559	3,334,707	4,785,155	4,835,380
Auditor	2,527,125	2,526,081	2,805,883	2,688,657	3,101,376	3,124,862
Police Review Commission ^(a)	775,701	744,950				
Office of the Director of Police Accountability	-	-	1,114,235	815,258	1,422,432	1,374,911
City Manager	8,104,984	8,432,572	8,770,554	9,733,300	11,732,034	11,763,275
Office of Economic Development	8,951,152	4,966,525	5,082,163	8,668,166	7,555,553	6,380,895
Information Technology	15,495,905	16,552,132	20,423,888	16,448,551	22,287,156	22,500,474
City Attorney	4,555,976	6,214,367	7,278,096	6,200,455	8,562,688	8,553,021
City Clerk	2,069,740	3,194,204	2,901,739	2,402,842	3,501,282	3,190,547
Finance	8,362,334	8,146,012	9,431,102	8,722,333	11,444,157	11,669,774
Human Resources	3,924,687	4,078,091	4,438,053	3,711,625	5,009,883	5,124,741
Health, Housing & Community Services	60,608,060	81,811,330	84,514,926	91,734,085	95,182,974	93,913,527
Police	79,762,713	79,395,632	77,807,443	82,704,040	87,444,720	88,658,439
Fire	48,213,947	49,891,701	60,351,430	58,014,192	63,377,259	63,450,868
Public Works	140,021,855	125,907,423	147,438,656	140,757,036	203,608,562	190,276,318
Parks, Recreation & Waterfront	43,593,445	60,795,051	52,979,556	63,569,334	53,378,913	53,954,977
Planning	21,595,429	21,687,691	25,252,729	22,485,141	29,022,035	27,993,361
Library	18,865,464	20,255,244	25,566,341	18,476,577	24,918,604	25,182,279
Rent Board	5,755,222	5,517,190	6,825,535	5,803,127	7,247,755	7,406,431
Non-Departmental ^(b)	60,402,889	95,581,042	127,522,399	106,147,842	110,594,086	96,618,910
Total All Funds	536,112,550	598,406,081	673,601,287	652,417,270	754,176,624	725,972,990

(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.

HHCS Departmental Summary

...
 DEPARTMENT OF HEALTH, HOUSING AND COMMUNITY
 SERVICES FINANCIAL SUMMARY

	FY 2020 Actual	FY 2021 Actual	FY 2022 Adopted	FY 2022 Est. Actual	FY 2023 Adopted	FY 2024 Adopted
EXPENDITURES						
By Type:						
Salaries and Benefits	29,297,601	29,612,569	38,009,426	31,488,654	43,694,077	44,664,508
Services and Materials	27,154,559	48,761,541	42,113,206	56,211,016	44,814,001	42,713,357
Capital Outlay	665,935	20,652	247,062	63,054	137,062	247,062
Internal Services	3,471,744	3,380,540	3,956,417	3,917,790	3,851,576	4,001,576
Indirect Cost Transfer	18,221	36,028	188,815	53,571	51,882	52,648
Adopted Tier 1 Funding *	-	-	-	-	2,634,376	2,234,376
	60,608,059	81,811,330	84,514,926	91,734,085	95,182,974	93,913,527
By Division:						
Office of the Director	4,785,842	7,149,835	8,386,513	10,242,281	10,224,323	10,716,725
Aging Services	4,019,360	3,935,411	5,246,576	4,121,581	5,708,535	5,768,626
Environmental Health	1,804,421	1,845,027	2,423,328	1,980,543	2,634,129	2,659,881
Housing & Community Services	19,528,452	39,861,365	38,447,750	46,486,427	39,149,783	39,356,464
Mental Health	14,579,581	15,441,645	19,746,135	14,949,664	23,438,326	22,821,837
Public Health	7,859,736	6,550,238	10,264,624	7,603,083	11,393,502	10,355,619
Community Funding	8,030,668	7,027,809	-	6,350,507	-	-
Adopted Tier 1 Funding *	-	-	-	-	2,634,376	2,234,376
	60,608,060	81,811,330	84,514,926	91,734,085	95,182,974	93,913,527
By Fund:						
General Fund	27,809,295	25,566,360	23,455,690	32,520,546	27,130,179	27,412,701
U1 - Housing	1,071	1,181,981	5,510,572	3,860,232	5,781,330	5,501,451
Capital Improv. Fund	74,145	80,887	74,170	80,769	75,424	76,240
Federal Funds	7,877,758	14,062,593	12,422,667	14,741,039	12,553,811	12,388,043
State Funds	14,793,788	17,935,905	23,002,415	19,116,703	27,963,550	26,817,359
County Grants	1,845,459	1,975,663	2,587,122	2,406,856	2,910,438	2,959,842
Local and Foundation Grants	4,148,734	3,104,535	3,275,813	3,178,294	3,797,526	4,138,539
Rental Housing Safety	-	-	-	57	-	-
Measure E Disabled Tax	1,297,768	1,341,961	1,432,011	1,482,011	1,569,911	1,601,060
Measure B Paratransit	455,244	527,845	525,433	370,307	36,797	36,797
Measure BB Paratransit	142,168	49,074	447,741	296,138	934,031	940,629
Measure GG Fire Prep	137,856	204,136	242,527	78,912	256,28	260,632
Measure O	0	14,923,810	6,445,567	9,683,661	6,445,567	6,445,567
Sewer Fund	184,481	343,797	437,189	235,598	503,102	509,045
Other Funds	1,840,293	512,783	4,656,009	3,682,963	5,225,020	4,825,622

HHCS Division Summary

	FY 2020 Actual	FY 2021 Actual	FY 2022 Adopted	FY 2022 Est Actual	FY 2023 Adopted	FY 2024 Adopted
DIVISION/ACTIVITY SUMMARY						
Office of the Director						
Administration	3,690,597	3,792,938	3,421,380	4,603,860	4,054,641	3,462,354
Fiscal & Administration	1,083,552	1,163,556	1,483,505	1,412,982	1,787,464	1,822,239
Health Officer Unit	11,694	2,193,340	3,481,628	4,225,439	4,382,218	5,432,132
Division Total	4,785,842	7,149,835	8,386,513	10,242,281	10,224,323	10,716,725
Environmental Health						
Admin	1,607,288	956,478	2,099,820	417,107	887,854	944,893
Health Protection	196,001	858,707	323,508	1,545,322	1,746,274	1,714,987
Policy Development	1,132	29,843	-	18,114	-	-
Division Total	1,804,421	1,845,027	2,423,328	1,980,543	2,634,129	2,659,881
Mental Health						
Administration	2,590,957	2,175,382	2,680,054	2,254,541	2,717,965	2,751,871
Adult Services	4,833,608	4,820,148	7,343,041	2,848,316	7,017,024	7,137,623
Medical	1,113,480	721,094	2,036,694	423,638	923,427	934,216
Family & Youth Services	207,236	783,936	97,787	1,173,048	1,067,770	1,098,405
Access	1,370,356	1,131,770	1,583,108	903,406	1,451,534	1,625,284
Crisis Services	2,396,419	926,332	4,769,438	102,077	2,610,183	2,611,707
MHSA	2,067,525	4,577,114	-	6,241,976	6,173,375	5,480,862
Homeless Services	-	305,868	1,236,013	1,002,661	1,477,048	1,181,868
Division Total	14,579,581	15,441,645	19,746,135	14,949,664	23,438,326	22,821,837
Housing & Community Services						
Administration	4,786,372	8,522,191	6,227,155	11,125,863	6,084,232	6,159,656
Community Services	112,146	1,306,734	1,245,846	386,157	1,280,903	1,286,011
Employment Services	1,130,033	421,451	63,734	61,502	123,727	129,955
Housing Development & Rehabilitation	4,248,745	19,855,131	18,016,647	22,839,516	18,786,949	18,849,692
Homeless Services	9,251,157	9,755,858	12,894,368	12,073,389	12,873,972	12,931,150
Division Total	19,528,452	39,861,365	38,447,750	46,486,427	39,149,783	39,356,464
Aging Services						
Administration	555,462	456,293	450,368	463,354	455,029	453,220
North BSC**	740,300	682,381	990,399	647,703	913,211	919,455
North BSC – Transportation**	685,594	698,955	1,129,864	751,677	1,125,731	1,129,609
South BSC**	411,481	396,519	471,750	399,782	534,844	547,747
West BS - Case Management**	1,005,102	1,024,535	1,220,913	1,143,840	1,690,341	1,734,436
West BSC – Nutrition**	577,080	638,383	805,613	649,233	809,216	802,551
Division Total	4,019,360	3,935,411	5,246,576	4,121,581	5,708,535	5,768,626

**Berkeley Senior
Center (BSC)

Berkeley's Unique Structure for Aging Services

The Mission of the Health, Housing, and Community Services Department is to enhance community life and support housing, health, and wellness for all.

ORGANIZATIONAL CHART



HEALTH, HOUSING & COMMUNITY SERVICES OVERVIEW

The Department of Health, Housing and Community Services (HHCS) is organized in an Office of the Director and five divisions which support the Department's mission: Aging Services, Housing and Community Services, Environmental Health, Mental Health, and Public Health. Together these divisions provide a wide array of services to the community, including Meals on Wheels for seniors, affordable housing development loans for nonprofit organizations, restaurant health inspections, mental health services for people with high level needs, health services at Berkeley High School, and much more. In addition, the Department currently staffs seven commissions, and also works closely with the Homeless Services Panel of Experts, now staffed in the City Manager's Office. Baseline activities of each division are described in more detail below.

Aging Division Activities Summary

- Aging Services:** The Aging Services Division enhances the well-being and independence of older adults by offering social connections, activities, and lifelong learning. The Division operates two vibrant senior centers that offer thousands of classes, events, workshops and day trips as well as a nutritious weekday lunch for older community members. The Meals on Wheels program provides nutritious meals to home-bound seniors. Case managers provide consultation, referral, and linkage to community resources. Additionally, Aging Services provides taxi and van trips for older adults and disabled Berkeley residents to improve quality of life and access to community resources.



SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Aging in Alameda County: A Changing Landscape

July 2022

1



SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

The Senior Services Coalition represents 45 nonprofit and public community-based organizations that provide health and supportive services to over 85,000 older adults in Alameda County.

Our Mission is to strengthen and improve the network of support for older people in Alameda County, especially those disproportionately impacted or at risk because of fragile health, cognitive impairment, disability, language, culture, race, financial status, sexual orientation or gender identity.

We do that by advancing county and state policy change and facilitating collaborative solutions that bridge silos and sectors.

2



SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

The Shifting Landscape of Needs and the Ecosystem of Supports...

- We are aging
- Increasing economic insecurity
- Medical and LTC increasingly out of reach
- High preventable use of ER and hospital
- Social isolation
- The pandemic toll
- From housing insecurity to homelessness

3



SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

We are Aging

- Older adults are the fastest growing segment in Alameda County
- By 2030, older adults will make up 20% of the population
- Number of people with Alzheimer's Disease and Related Dementias (ADRD) is expected to triple among Alameda County residents over the age of 65, from 26,480 in 2020 to 89,792 in 2060

<https://agefriendly.acgov.org/aging-in-ac/aging-in-ac-overview.page>

4

SENIOR SERVICES COALITION OF ALAMEDA COUNTY

Population Over Age 65 (Count)

County: Alameda Measurement Period: 2016-2020

County: Alameda

231,186

people

Source: American Community Survey
Measurement period: 2016-2020
Maintained by: Conduent Healthy Communities Institute
Last update: April 2022
Filter(s) for this location: State: California

Elder Index (Elderly Household Below Income Threshold)

County: Alameda Measurement Period: 2019-2020

County: Alameda

36.2%

Source: California Health Interview Survey
Measurement period: 2019-2020
Maintained by: Conduent Healthy Communities Institute
Last update: December 2021
Filter(s) for this location: State: California

https://www.healthyalamedacounty.org/

5

group due to increased physical limitations, medical needs, and social isolation. Seniors often live on a fixed income from pensions or other retirement plans and social security. If this income is insufficient in the face of increasing prescription costs and other costs of living, most seniors have no way to supplement their income. Retirement plans may be vulnerable to fluctuations in the stock market as well; the increasing reliance of retirees on stock market based retirement plans may explain why more seniors nationwide are now slipping into

People 65+ Living Below Poverty Level

County: Alameda Measurement Period: 2016-2020

Filter: none (all Counties)

9.8%

Source: American Community Survey
Measurement period: 2016-2020
Maintained by: Conduent Healthy Communities Institute
Last update: April 2022
Filter(s) for this location: State: California

Graph Selections

INDICATOR VALUES

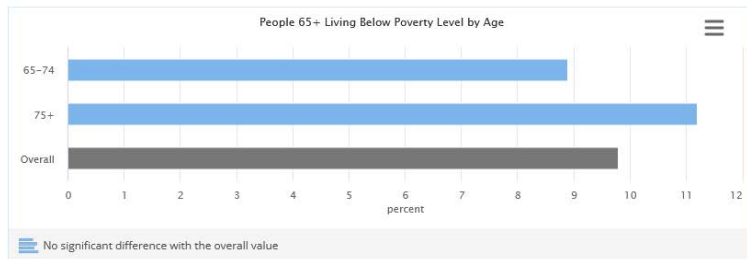
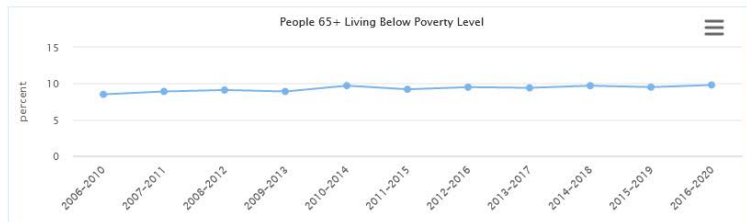
Change over Time

VIEW BY SUBGROUP

- Age
Gender
Race/Ethnicity

COMPARED TO

Comparison icons for CA Counties, U.S. Counties, CA Value (10.3%), US Value (9.3%), Prior Value (9.5%), and Trend.



6

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Increasing Economic Insecurity

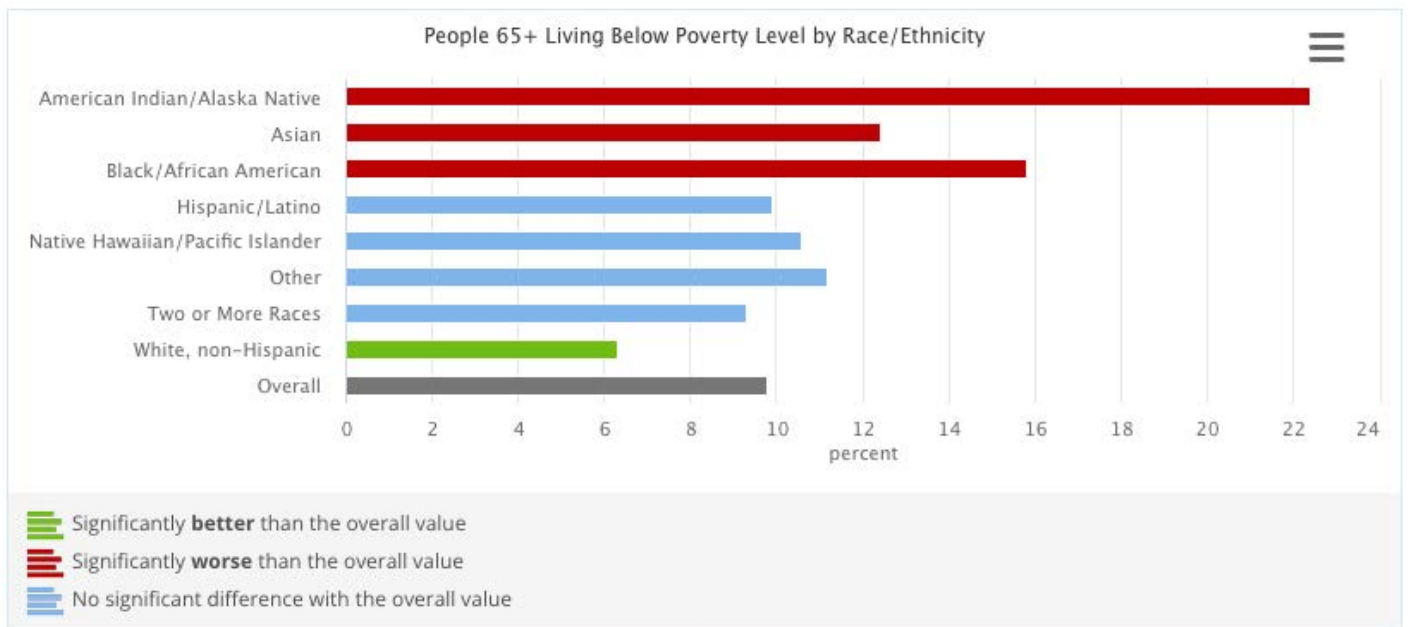
- Cost of Living & Inflation are outpacing income
- Half of single older adults in Alameda County can't cover basic living expenses
- One in six older adults in California lacks reliable access to enough affordable, nutritious food
- Income, wealth & savings at retirement all characterized by disparities

“There is a disproportionate burden on people of color, women and LGBTQ individuals. These groups have less retirement savings and face a greater likelihood of aging into poverty.”

- Report on Employment & Older Adults in Alameda County; Kakama, Chaudhuri; Alameda County Age-Friendly Council, July 27, 2020

7

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY



8

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Medical & Long-Term Care Increasingly out of Reach

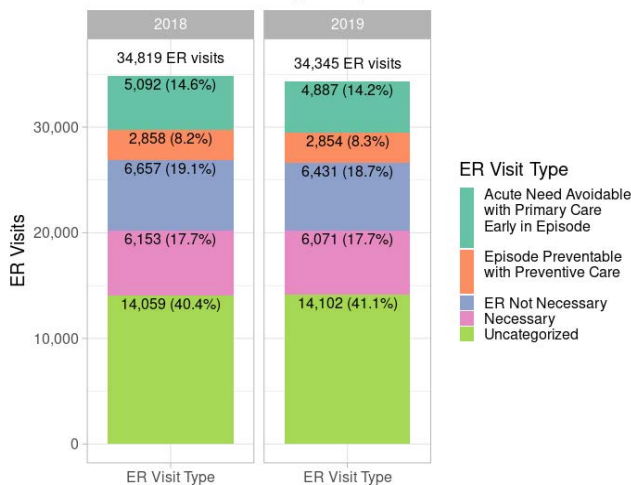
- For those of modest income who have Medicare coverage:
 - Out-of-pocket costs (copays & deductible) are unaffordable for many
 - Nursing Home covered first 90 days but a qualifying hospital stay is the entry point and copays apply after day 20
 - Assisted Living, Board & Care, and Adult Day Care are not covered
 - In-home support and care are not covered by Medicare
 - Those who are immigrants or who didn't work enough quarters may have to pay for Part A as well as Part B and D
- Medi-Cal Share of Cost
 - Older adults might be \$1 over the threshold to qualify for full-scope (free) Medi-Cal, and if so they must pay more than half their income towards health care in order to access Medi-Cal coverage in any given month
- Long-term care is unaffordable for the 83,000 seniors in the county with incomes below the Elder Index (Insight Center, 2017 HCBS LTC Costs).

9

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Preventable is the Theme in ER & Hospital use

County ER Visits Among Analyzed Patients in Medicare FFS & Age 65+, 2018-19



Of the total 34,819 people age 65 visiting ERs in 2018:

- 25.9% (9,017) had two or more ADL deficits;
- 34.2% (11,897 people) had both two or more ADL deficits and cognitive impairment.
- A very small percentage (1.87% had cognitive impairment but no ADL deficits

https://eldercare.shinyapps.io/eldercaredata_shinyapps/ 10

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Living Alone at Risk of Social Isolation

Population Over Age 65 (Count)

County: Alameda Measurement Period: 2016-2020

County: Alameda

231,186

people

Source: [American Community Survey](#)

Measurement period: 2016-2020

Maintained by: Conduent Healthy Communities Institute

Last update: April 2022

Filter(s) for this location: State: California

People 65+ Living Alone (Count)

County: Alameda Measurement Period: 2016-2020

County: Alameda

52,635

people

Source: [American Community Survey](#)

Measurement period: 2016-2020

Maintained by: Conduent Healthy Communities Institute

Last update: April 2022

Filter(s) for this location: State: California

Individuals 65 and older have the highest rate of suicide deaths: 1 in 4 older adults who attempt suicide die, versus 1 in 200 younger persons

11

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

The Pandemic Toll

- Social and Health Impacts
 - Social Isolation
 - Deconditioning
 - Deferred health care
 - Family support networks destabilized
- Stark disproportionate impacts reflect historic disparities and structures of racism
 - Infection and death rates
 - Vaccination rates
 - Economic impacts
 - Need for and access to government aid
 - Use of virtual/telemedicine opportunities

12

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

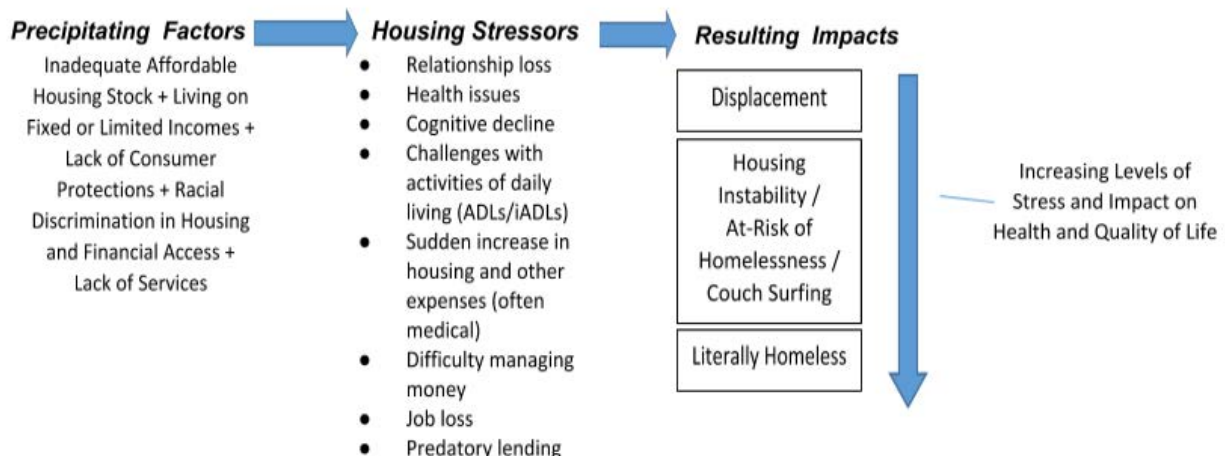
From Housing Insecurity to Homelessness

- In 2019, 47.6% of senior renters in Alameda County are “housing cost burdened” (over 30% of their income goes to housing); 30% spend over half their income on housing.
- Of the 4,209 complete applications for COVID Rent Relief (2021/22 ERAP) from Oaklanders, 9.64% were from people between age 61 and 80; 71.2% were from people of color
- Financial, medical or other emergencies later in life can push those who were already struggling to make ends meet into homelessness.
- People over 50 now account for over half of the unhoused population in Oakland; People 65+ were over 10% of homeless Point In Time count.
- 2022 Point In Time count - Oakland’s unhoused population increased by 25% from 2019 (data re older adult component not yet available)

13

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

HOUSING STRESS = LIFE STRESS



<https://agefriendly.acgov.org/aging-in-ac/housing.page?>

14



The shifting ecosystem of supports:

- Capacity is not adequate across the continuum
- Workforce needs to grow
- Caregivers need support

18



State and Local Funding for Older Adults and Aging Services:

- State funding opportunities
- Potential state funding opportunities
- Local funding

21



SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Questions?

Wendy Peterson
wendy@seniorservicescoalition.org
(510) 332-4669

Breakdown of Alameda Area on Aging Funds for Berkeley

Amounts below indicate FY2024 amounts; the percentages indicate the general breakdown overall, every year:

- Congregate Nutrition (dine-in lunch service): \$73,381 (15%)
- Home-Delivered Meals: \$140,192 (25%)
- Family Caregiver Support: \$99,528 (20%)
- Information Assistance: \$156,803 (30%)
- Senior Center Activities: \$47,363 (10%)

Highlights of Census Data on Aging in Berkeley

Changes in >60 Population 2010 and 2020

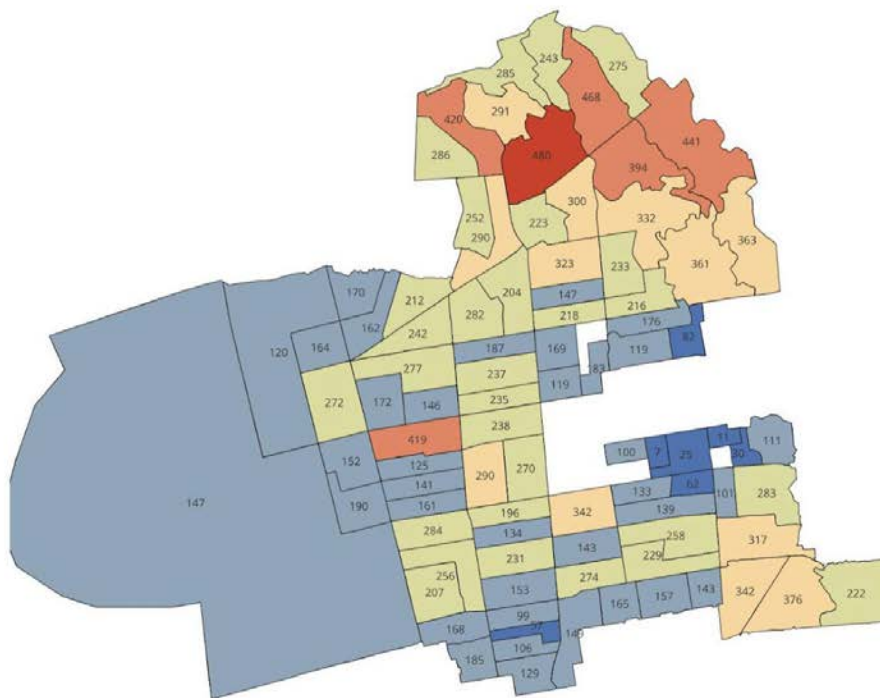
Red-orange high; blue low.

First two figures show absolute numbers. Second two are percentages of population.

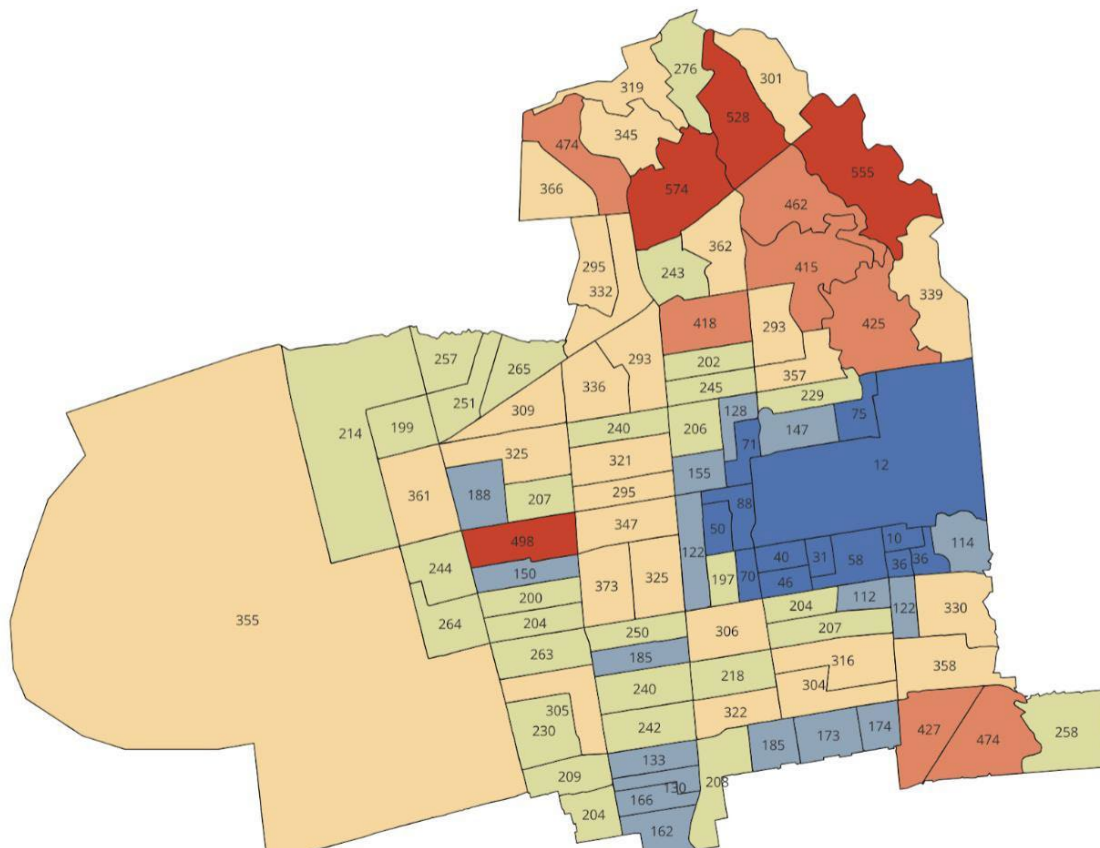
✓ Change In Senior Population ↶ ↷

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2010 Age 60+ Population By Block Group



2020 Age 60+ Population By Block Group



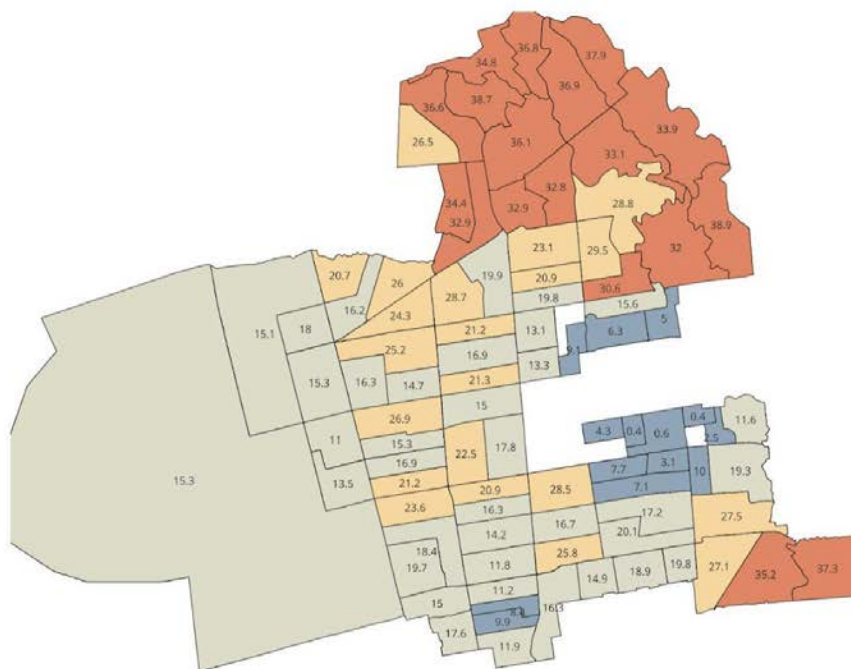
◀ Gmail 11:34 AM Fri Jan 12



✓ Change In Senior Population



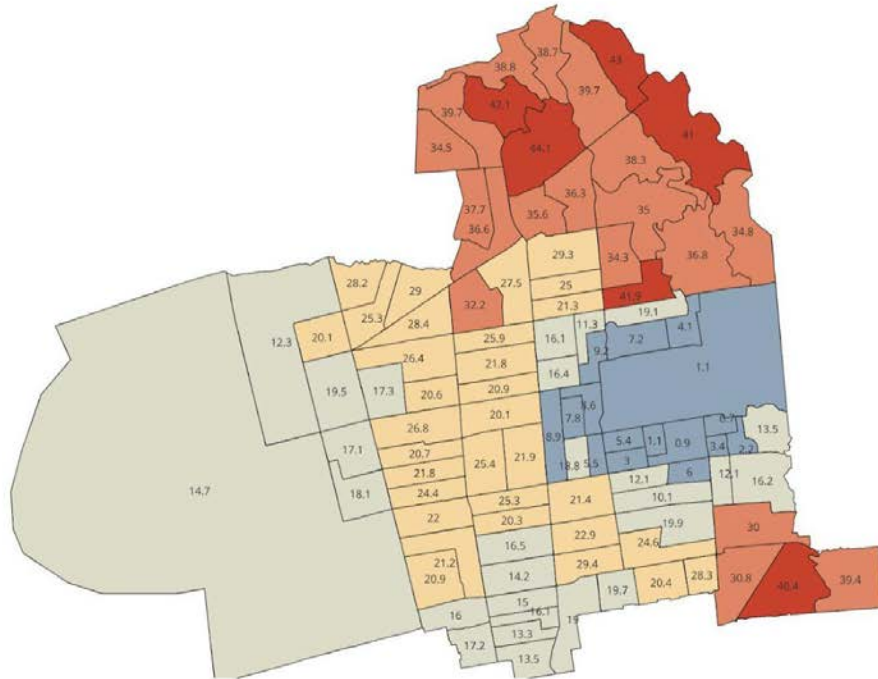
2010 60+ Population As A Percent Of Population



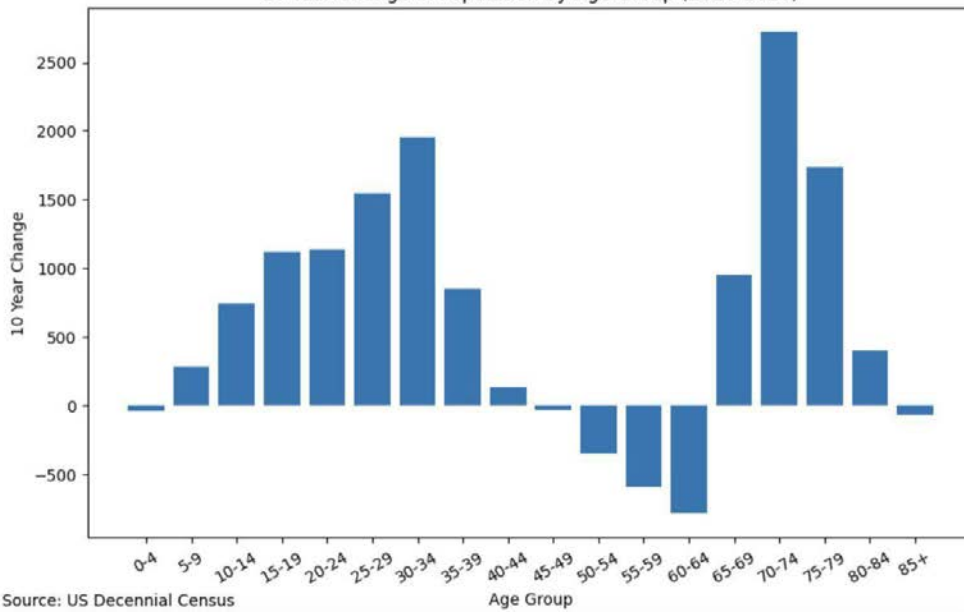
Change In Senior Population

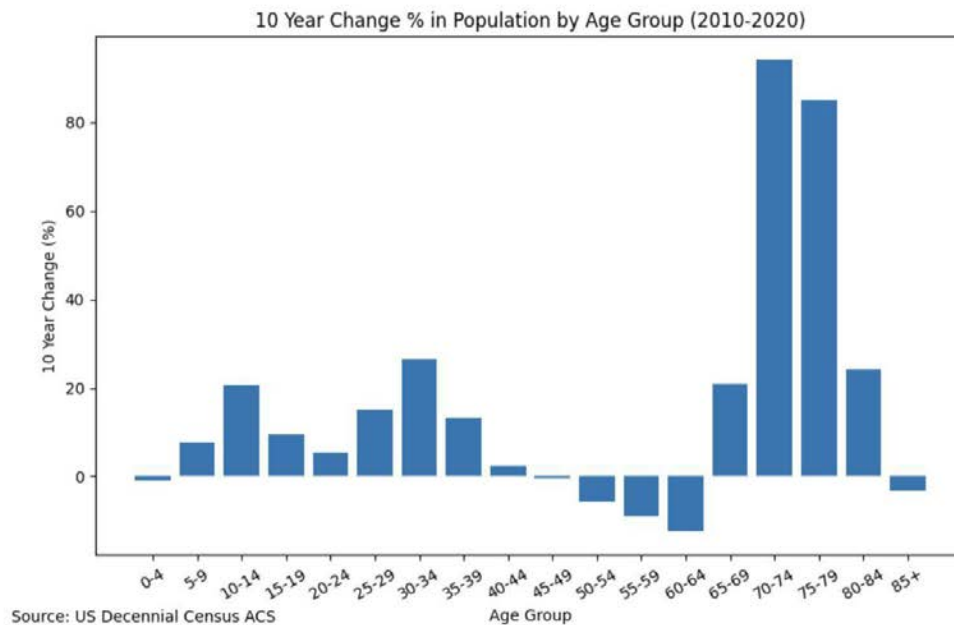


2020 60+ Population As A Percent Of Population



10 Year Change in Population by Age Group (2010-2020)





Some narratives about the figures:

- About 8% of residents > 65 years either without a computer at home or internet access, ~1500 people
- About 2000 people > 60 below the poverty line in the last 12 months
- About 4000 people 65 years and older below 200% of the poverty line, ~20% of Berkeley's seniors
- About 700 kids living with "a grandparent householder" which I take to mean being raised by their grandparent
- About 5500 people over 65 who live alone
- About 4500 people > 65 work. Only 1900ish drive alone. 400 take transit, 200 carpool, 350 walk, 1500 work from home. Only 150 take a taxicab, motorcycle, bicycle, or other means
- Median household income in \$93,000
- About 2000 are on medicaid or other means tested public health insurance
- About 3000 > 65 with an ambulatory difficulty
- About 1200 with a cognitive difficulty

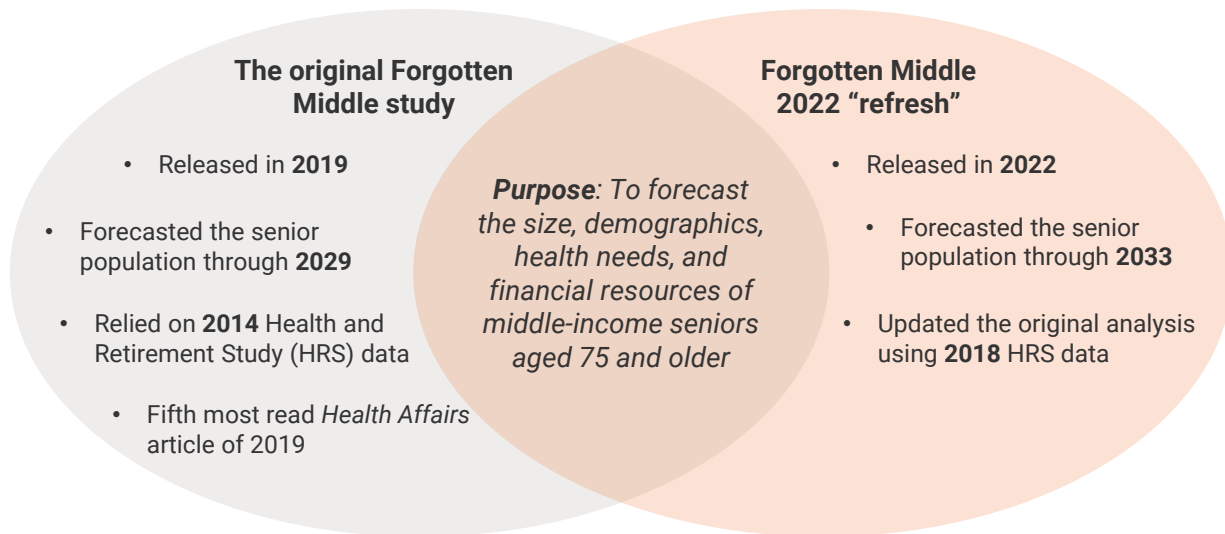
Margins of error on all these estimates are around 10-20%

Understanding California's Middle-Income Older Adult Population

NORC | The SCAN Foundation | West Health Institute

October 3, 2022

The first Forgotten Middle studies brought national attention to the unmet needs of future middle-income seniors



Within California’s near duals group, 57% will have mobility limitations and nearly half will have 3+ chronic conditions in 2033

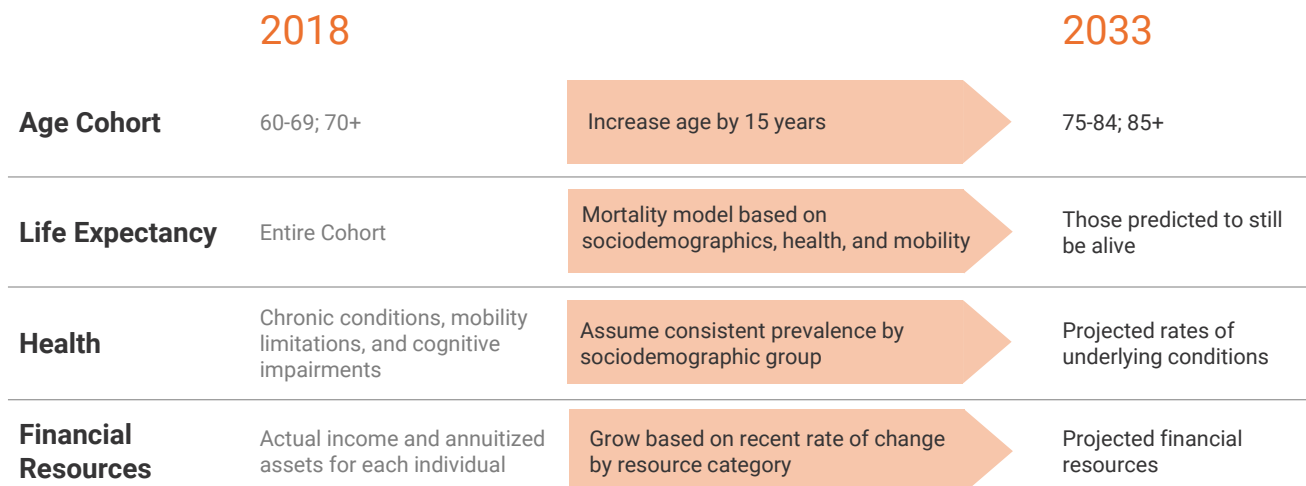
Health or Functional Limitations	All Seniors 75+	75-84	85+
3+ Chronic Conditions	48%	49%	47%
3+ Limits in Activities of Daily Living	11%	7%	16%
High Needs*	16%	12%	22%
Cognitive Impairment	31%	20%	46%
Mobility Limitations	57%	50%	67%

*High-needs is defined as those with three or more chronic conditions and one or more limitations in ADLs. Not mutually exclusive with other categories.



Over two-thirds of near duals over the age of 85 will have mobility limitations in 2033

The 2022 Forgotten Middle model uses the 2018 HRS to forecast characteristics of seniors in 2033



Summary of findings from the 2022 Forgotten Middle update



Over the next decade, the number of middle-income seniors will almost double by 2033—reaching 16M adults ages 75+ by 2033

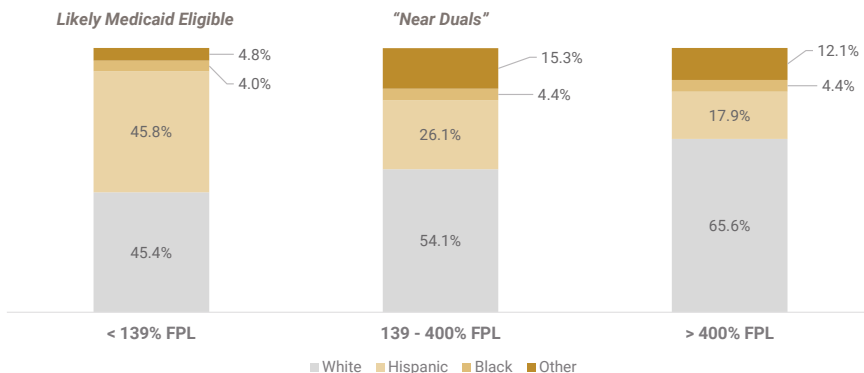
Many older adults will have health needs, like mobility limitations and cognitive impairments, that make it hard to live independently



Without selling their homes, three-quarters (11.5M) of middle-income seniors have insufficient resources to pay for private assisted living

Nearly 46% of California’s near duals cohort will consist of people of color in 2033

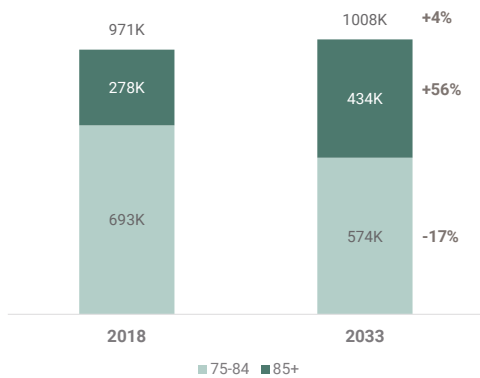
California Lower-Middle Income Seniors by Race & Ethnicity and FPL, 2033



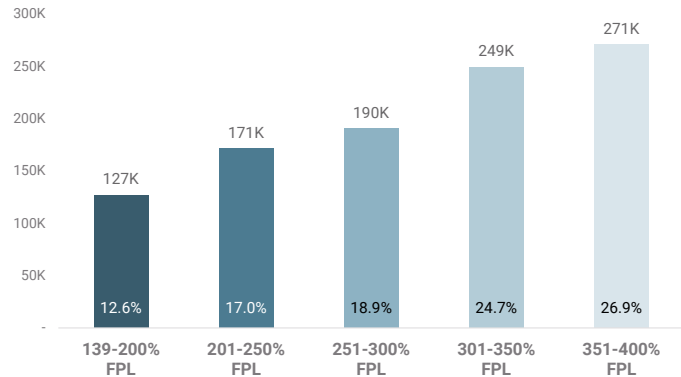
The lower-middle income cohort in California will have the highest percentage of “Other” races and ethnicities, compared to the <139% FPL and >400% FPL groups

By 2033, over 1M seniors in California are projected to have incomes within 139% to 400% of FPL

California's Lower-Middle Income Population by Age Group, 2018 & 2033



Projected Distribution of Low-Middle Income Seniors in California by FPL Range, 2033



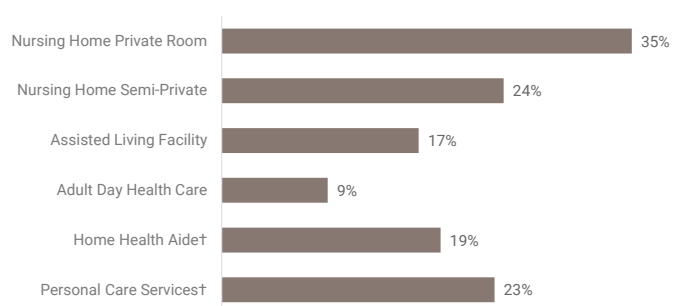
Why create a California-specific model?

The sociodemographics and senior housing costs in California are meaningfully different from national averages

- Significantly more racially and ethnically diverse than the U.S. overall
- Higher percentage of individuals with less than a high school education and those with a college degree
- More likely to not have children living within 10 miles
- Average assisted living cost is 17% more expensive in California

Senior housing and care costs are higher in California.

Percent Difference in California Housing and Care Costs Compared to the U.S. Average, 2018*



* Utilizes the 2021 Genworth Cost of Care Survey data converted to 2018 dollars
 † Based on 44 hours of care per week

Key Findings from California



NORC also examined California’s “near duals” cohort, which includes seniors with income-only resources close to Medicaid eligibility

- NORC’s national “Forgotten Middle” was designed to focus on individuals who are unlikely to qualify for Medicaid
- To understand the population at risk of spending down to Medicaid eligibility, NORC took an additional step to analyze the size California’s “near dual eligible” seniors in 2033
- Income thresholds for California’s near duals:



Lower: 139% FPL – Ineligible for Medi-Cal Aged & Disabled Program (138% FPL)



Upper: 400% FPL – Eligibility cutoff for federal marketplace exchange subsidies

To align with Medi-Cal rules, this analysis only considers sources of income, not other assets or housing equity.

California Near Dual Eligibles



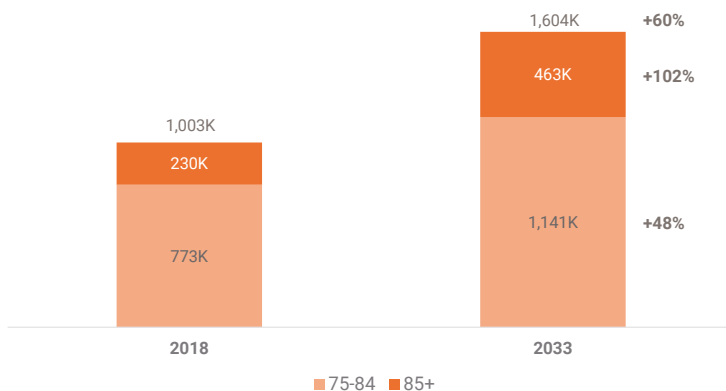
KEY FINDINGS : POPULATION SIZE



10

California is estimated to have 1.6M middle-income seniors age 75 and above in 2033

Number of California's Middle-Income Seniors by Age Group, 2018 and 2033

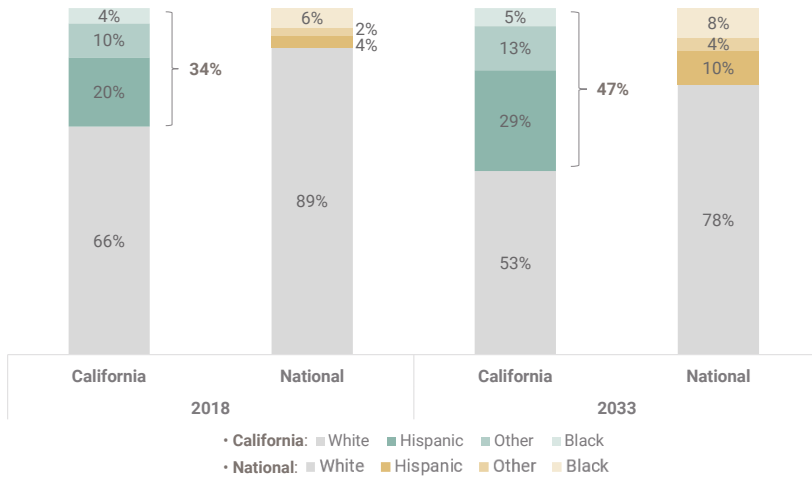


The size of California's middle-income senior population will increase by 60% (601K) by 2033

The number of California's middle-income seniors aged 85+ is expected to more than double (increasing by 233K)

California's middle-income seniors will be more diverse in 2033, with people of color making up 47% of the population

Middle-Income Seniors 75+ by Race and Ethnicity, California vs. National, 2018 and 2033

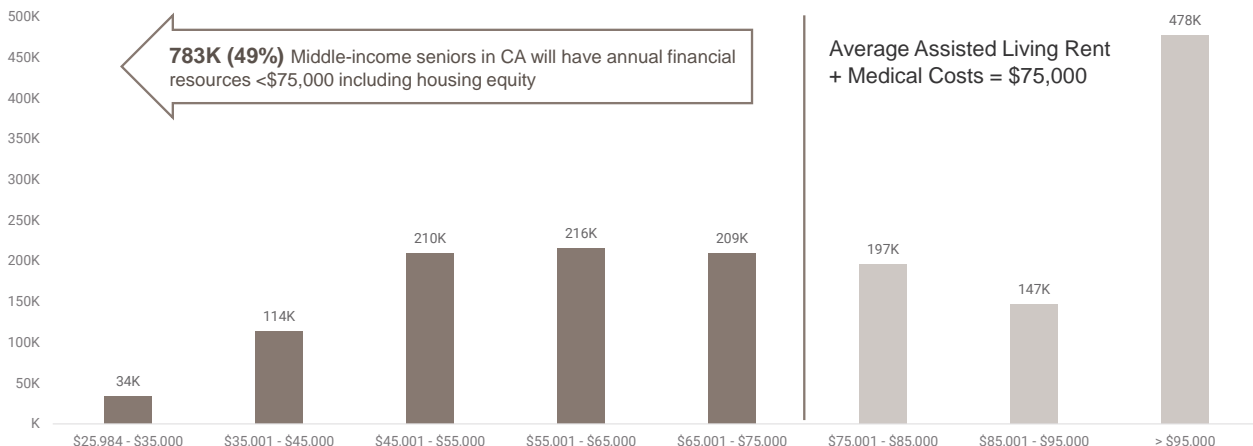


California remains significantly more racially and ethnically diverse than the U.S. overall

Policymaking will require high levels of cultural sensitivity to meet the needs of all older adults

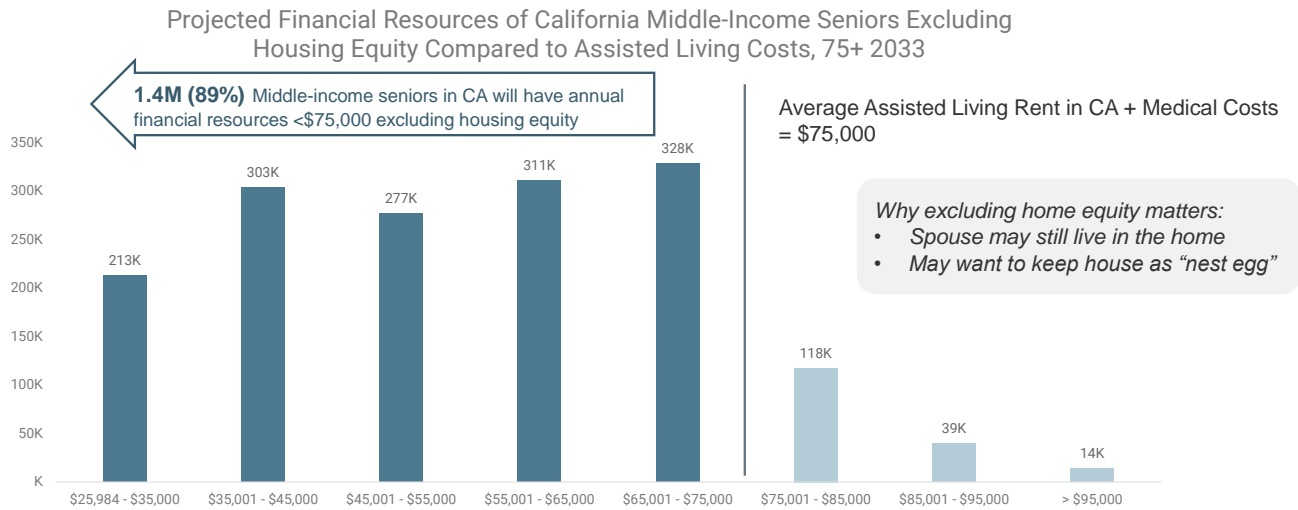
Even if they sold their homes, half of California's middle-income seniors still will not have sufficient resources to pay for private assisted living

Projected Financial Resources of California Middle-Income Seniors Including Housing Equity Compared to Assisted Living Costs, 75+ 2033



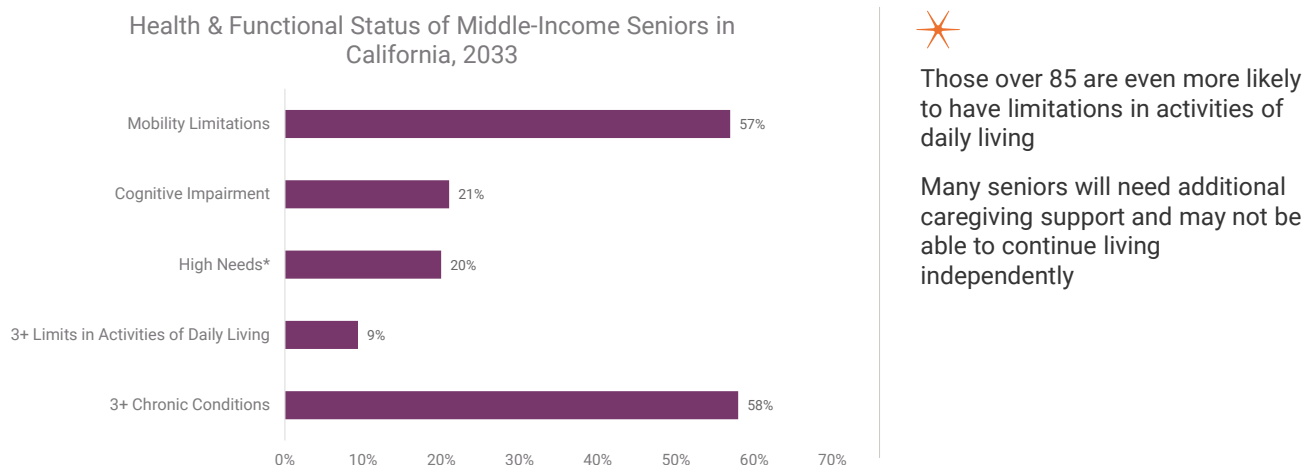
Average private-pay assisted living rent for California generated by applying the percent difference between national and California costs of assisted living in the 2021 Genworth Cost of Care Survey (17%) to the 2018 average cost of assisted living provided by the National Investment Center for Seniors Housing & Care. Average out-of-pocket medical costs and premiums from Kaiser Family Foundation.

Excluding home equity, 89% of California’s middle-income seniors will have insufficient resources for private-pay assisted living



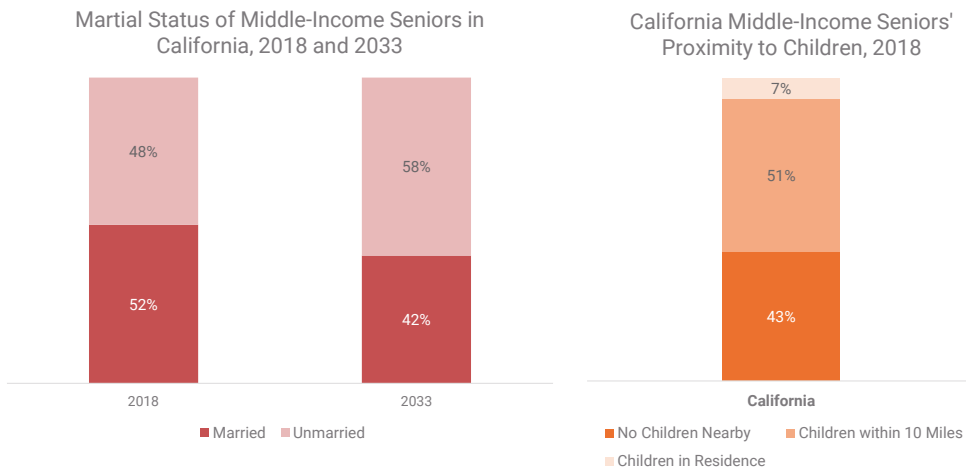
Average private-pay assisted living rent for California generated by applying the percent difference between national and California costs of assisted living in the 2021 Genworth Cost of Care Survey (17%) to the 2018 average cost of assisted living provided by the National Investment Center for Seniors Housing & Care. Average out-of-pocket medical costs and premiums from Kaiser Family Foundation.

By 2033, the majority of California middle-income seniors 75+ will have 3+ chronic conditions and mobility limitations



High-needs is defined as those with three or more chronic conditions and one or more limitations in ADLs. Not mutually exclusive with other categories.

Nearly 60% of California’s middle-income seniors will be unmarried in 2033 and 43% may not have children living within 10 miles



Family members, including spouses and adult children, provide most caregiving for older adults

Seniors who are unmarried (divorced or widowed) and those without children nearby may not have unpaid sources of care

For California’s forgotten middle, income is the most important financial resource; 1 in 5 have significant housing equity

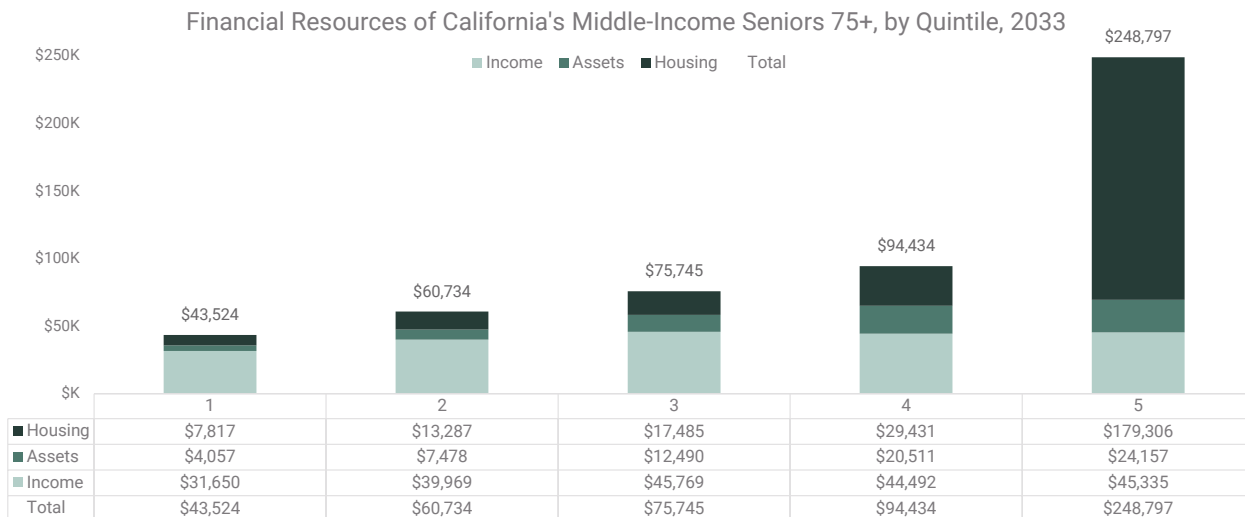
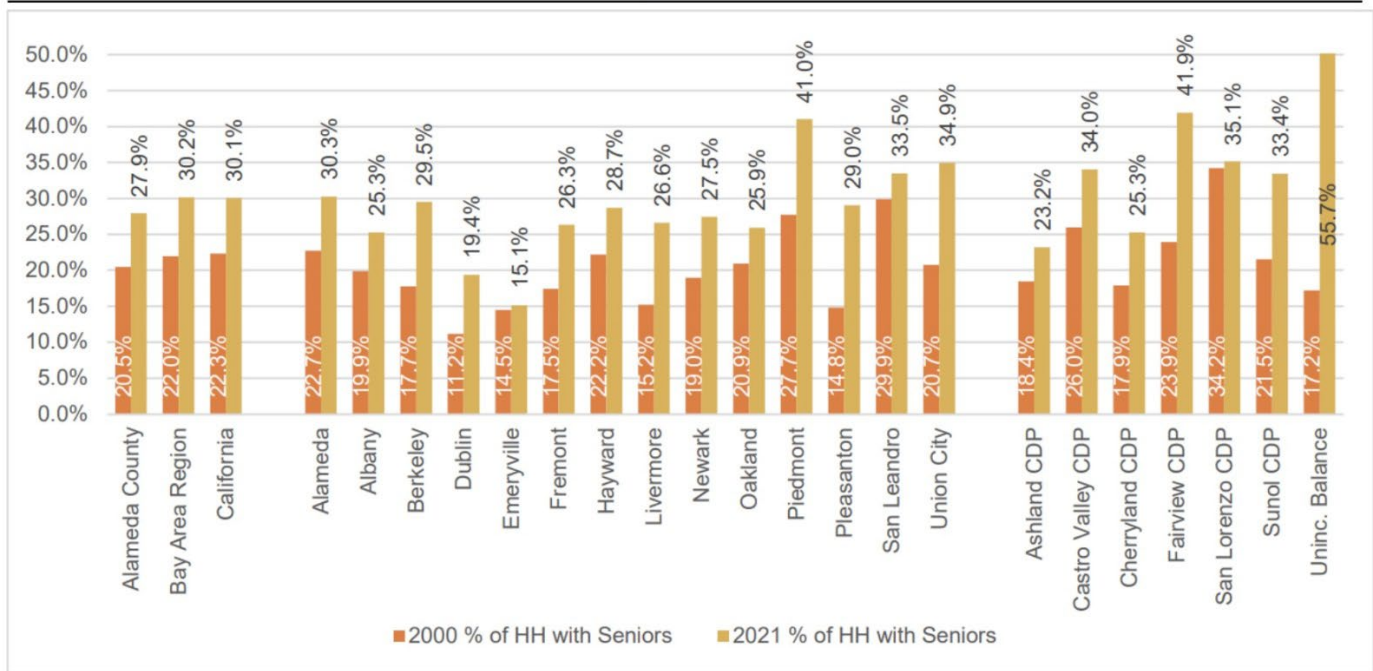


Figure 10: Percent of Households with Seniors Age 65+, 2000 & 2021



Sources: US Census 2000 Summary File 1 (SFQ1), US Census 2010 Summary File 1 (SF1), American Community Survey 2017-2021; The Housing Workshop 2023.



Disaster and Fire Safety Commission

ACTION CALENDAR
May 7, 2024

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: Recommendation Regarding Panoramic Hill Secondary Evacuation

RECOMMENDATION

Adopt a Resolution approving the development of a plan that includes a feasibility study and identification of funding sources for the construction of an emergency secondary egress road on Panoramic Hill. Such a plan could include discussions between the City of Berkeley, the City of Oakland, UC Berkeley, East Bay Regional Parks District and Alameda County and should also provide for continued contact with the Disaster and Fire Safety Commission (DFSC) as well as other related Berkeley Commissions as the Council determines.

FISCAL IMPACTS OF RECOMMENDATION

The full fiscal impacts of constructing a secondary access/egress route are yet unknown and will need to be researched following the completion of a feasibility study. The Fire Chief has indicated that Berkeley's portion of a feasibility study should be able to be funded through existing Department funds.

CURRENT SITUATION AND ITS EFFECTS

The difficulty of providing both fire/emergency services to Panoramic Hill and evacuation of residents has been well known for more than 70 years. In 1959, an emergency secondary access road was constructed which allowed only emergency vehicle access into the area, but not emergency secondary egress for residents to evacuate. In the meantime, development in Berkeley and Oakland has continued and the situation for residents has become increasingly serious. The neighborhood is surrounded by wildlands on three sites and by recent Southside upzoning and Memorial Stadium (capacity 63,000) and the Hayward Earthquake Fault at its base. The Panoramic Hill neighborhood is zoned ES – R (Environmental Safety – Residential) the only area in Berkeley so designated. Information regarding the ES – R zone can be found in the Berkeley Municipal Code, Title 23, section 23.202.070. The stated General Purpose of the ES-R District is as follows:

Because of its substandard vehicular access, steep slopes, inadequate water pressure and proximity to the Hayward Fault and vegetated wildlands, the Panoramic Hill area is exceptionally vulnerable to severe damage or destruction from fire and earthquake hazards. Panoramic Hill also includes one of Berkeley's most architecturally significant residential districts, which is listed in the National Register of Historic Places because of its association with the Arts and Crafts movement of the Bay Area Tradition

BACKGROUND

This is an urgent matter as all current information indicates that wildfires have become more frequent and intense than in previous years. Additionally, we also are hearing that the likelihood of a major earthquake along the Hayward Fault is long overdue. The ES-R zoning of Panoramic Hill officially recognizes the area as having residential development with only one way in and one way out. While the city has recognized this for years, the area's evacuation problems have not been addressed. Today, Berkeley is the second most dense city on a list of 51 largest cities in the State of California. Berkeley is exceeded only by San Francisco. We are denser than Los Angeles and San Diego, and further we are uniquely bisected by a major earthquake fault, and have numerous officially designated landside areas and liquefaction zones within a tiny 10 square mile area.

First Reading Vote: Vote: Ayes – Katz, Wilson, Kinosian, Dean, Murphy, Bradstreet; Noes – None; Abstain – None

RATIONALE FOR RECOMMENDATION

There is no public transportation, nor is there likely to be any in the future of Panoramic Hill. The problem of evacuation has been recognized in part by enacting street parking restrictions in the area. However, street parking enforcement has always been a problem and enacting further restrictions is not the answer as buildings have been constructed over the years without on-site parking and street parking restrictions have already been enacted. Recently, in response to comments from the State Department of Community Development, new regulations have been approved which allow construction of both an ADU and JADU on each parcel in all High Severity Fire Areas which includes Panoramic Hill. This may change when an evacuation study is completed sometime next year, but if it does, it cannot be undone by retroactively requiring that existing buildings install on-site parking. Consideration of adding more street parking restrictions currently simply ignores the serious problems that already exist.

While an emergency apparatus *only* access road (the Jordon Trail) was constructed many years ago, it is past time to also recognize that no secondary emergency egress road for residents to evacuate the area when needed is a matter of basic public safety. Such an escape road does not need to be paved with asphalt and have sidewalks and

curbs like a city street, Construction of a secondary emergency egress road that saves lives by providing an escape route combined with the existing secondary access road for emergency vehicles benefits not only residents of Panoramic Way, but also all residents of the city by slowing the expansion of potentially catastrophic events and saving lives. For the sake of public safety, we must take action now.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CITY MANAGER

See Companion Report

CONTACT PERSON

Weldon Bradstreet, Chairperson, Disaster and Fire Safety Commission

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

RECOMMENDATION REGARDING PANAROMIC HILL SECONDARY EVACUATION

WHEREAS, because of its substandard vehicular access, steep slopes, inadequate water pressure and proximity to the Hayward Fault and vegetated wildlands, the Panoramic Hill area is exceptionally vulnerable to severe damage or destruction from fire and earthquake, and

WHEREAS, Panoramic Hill also includes one of Berkeley's most architecturally significant residential districts, which is listed in the National Register of Historic Places because of its association with the Arts and Crafts movement of the Bay Area Tradition, and

WHEREAS, the difficulty of providing both fire/emergency services to Panoramic Hill and evacuation of residents has been well known for more than 70 years. In 1959, an emergency secondary access road was constructed which allowed only emergency vehicle access into the area, but not emergency secondary egress for residents to evacuate.

WHEREAS, the ES-R zoning of Panoramic Hill officially recognizes the area as having residential development with only one way in and one way out. While the city has recognized this for years, the area's evacuation problems have not been addressed. Today, Berkeley is the second most dense city on a list of 51 largest cities in the State of California. Berkeley is exceeded only by San Francisco. We are denser than Los Angeles and San Diego, and further we are uniquely bisected by a major earthquake fault, and have numerous officially designated landside areas and liquefaction zones within a tiny 10 square mile area.; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that approves the development of a plan that includes a feasibility study and identification of funding sources for the construction of an emergency secondary egress road on Panoramic Hill. Such a plan could include discussions between the City of Berkeley, the City of Oakland, UC Berkeley, East Bay Regional Parks District and Alameda County and should also provide for continued contact with the Disaster and Fire Safety Commission (DFSC) as well as other related Berkeley Commissions as the Council determines.

ACTION CALENDAR

May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor),
Councilmember Humbert (Co-Sponsor)

Subject: Relationship Nondiscrimination Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance amending the Berkeley Municipal Code to include non-discrimination protections based on family and relationship structure.

SUMMARY

This ordinance aims to extend legal protections to a diverse array of family configurations and relationship structures, including polyamorous relationships, multi-parent families, step-families, and other non-nuclear family structures. It is a significant step towards recognizing and safeguarding the rights and dignity of all residents, reflecting the city's commitment to inclusivity and equality.

CURRENT SITUATION AND ITS EFFECTS

In today's diverse society, a significant portion of households diverge from the traditional nuclear family model. Research indicates that only a minority of American households fit this normative structure, showcasing a variety of configurations including multi-partner/multi-parent families, step-families, and multi-generational households. Concurrently, consensual non-monogamy (CNM) is practiced by an estimated 5% of American adults.¹

Despite this prevalence, diverse family and relationship structures lack explicit protection under current laws, leading to widespread stigma and discrimination. Nearly two-thirds of non-monogamous individuals report experiencing discrimination in critical areas such as housing, healthcare, and business services, underscoring the urgent need for legal recognition and protection.² Single parents and people who identify as asexual and/or aromantic also face legal difficulties and discrimination in many aspects of public life.³

¹ Scoats, R., & Campbell, C. (2022). What do we know about consensual non-monogamy?. *Current Opinion in Psychology*, 101468. Retrieved Feb. 13, 2024 from <https://www.sciencedirect.com/science/article/pii/S2352250X22001890>

² Sheff, E. A. (2017). Polyamory at Work. *Psychology Today*. Retrieved April 27, 2023, from <https://www.psychologytoday.com/us/blog/the-polyamorists-next-door/201710/polyamory-at-work>

³ European Database of Asylum Law. (2018). Netherlands: Council of State rules that asexual applicants do not fall under the exception for LGBTI people in the application of the "safe country of origin" concept. *EDAL*. Retrieved April 27, 2023 from:

The proposed ordinance in Berkeley, aiming to prohibit discrimination based on family and relationship structure, addresses this gap. By acknowledging the complexity of modern relationships and the inherent dignity of all family structures, this ordinance seeks to foster a more inclusive and empathetic community. It is a necessary step towards ensuring that all residents can live authentically without fear of discrimination, reflecting Berkeley's longstanding commitment to diversity and inclusion.

Establishing anti-discrimination protections based on family and relationship structure is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

BACKGROUND

A group of citizens of Berkeley originally drafted a proposal for additional language to Chapter 13.31 of Berkeley's Municipal Code in 2017. The City Council approved an item with the proposed language introduced by Councilmember Linda Maio and cosponsored by Councilmember Ben Bartlett on the December 19, 2017 Consent Calendar (see Attachment 2). However, this language was never formally adopted as an ordinance. This revised and expanded ordinance includes protections for both 'family structure' and 'relationship structure,' reflecting a comprehensive approach to safeguarding the rights of all citizens regardless of their familial or relational configurations.

Review of Existing Laws

The Berkeley Municipal Code, as it currently stands, enumerates various protected categories under its nondiscrimination ordinances, safeguarding individuals from discrimination based on race, color, national origin, religion, sex, gender, sexual orientation, and disability, among others.⁴ However, it lacks specific mention of "family and relationship structure" as protected categories. This omission leaves individuals who do not conform to traditional nuclear family models or who are part of non-monogamous relationships vulnerable to various forms of discrimination and bias.

In addressing this gap, the proposed ordinances draw upon the foundational principles of equity and inclusivity that guide the City of Berkeley's approach to civil rights. By proposing the inclusion of "family and relationship structure" within the ambit of protected categories, these ordinances seek to extend these protections to encompass the full spectrum of family and relationship dynamics present within the community.

<https://www.asylumlawdatabase.eu/en/content/netherlands-council-state-rules-asexual-applicants-do-not-fall-under-exception-lgbti-people>

⁴ e.g. BMC 13.20.030, 13.28.020, 13.09.020

Alternative Actions Considered

In considering how best to protect diverse families and relationships from discrimination, the option of revising the Berkeley Municipal Code to explicitly include "family and relationship structure" as protected categories was identified as the most effective and direct approach. This decision was made in light of the fact that there are no existing legal remedies or alternative measures within the city's current legal framework that adequately address the discrimination experienced by individuals in non-traditional family configurations or non-monogamous relationships.

Other alternatives, such as relying on broader state or federal anti-discrimination laws, were deemed insufficient due to their lack of specificity regarding the unique challenges faced by these groups. Similarly, the development of separate programs or policies outside the legal framework was considered less effective, as they would not provide the same level of enforceable protections against discrimination.

Therefore, the proposed ordinances represent a necessary and appropriate step towards ensuring that all residents, regardless of their family or relationship structure, are afforded equal protection under the law. This action underscores Berkeley's commitment to inclusivity and civil rights, ensuring that the city's legal protections evolve to reflect the diversity of its community.

Consultation/Outreach Overview and Results

These draft ordinances were informed by extensive consultation and collaboration with key stakeholders dedicated to advancing the rights and acceptance of non-monogamous families and relationships, including:

- The Polyamory Legal Advocacy Coalition (PLAC): This multi-disciplinary coalition of academic and legal professionals, including notable figures such as Alexander Chen, Founding Director of the Harvard Law School LGBTQ+ Advocacy Clinic; Diana Adams, Esq., founder of the Chosen Family Law Center; and Heath Schechinger, M.Ed., Ph.D., Co-Founder of PLAC and Executive Director of the Modern Family Institute. Their collective expertise in legal support, policy advocacy, and academic research on diverse family and relationship forms significantly contributed to the bill's development.
- OPEN (Organization for Polyamory and Ethical Non-monogamy): A California-based nonprofit, OPEN brought to the table its advocacy experience and extensive network, including Berkeley residents who are active in advocating for non-monogamous relationship protections. OPEN's involvement highlights the grassroots support for the ordinance and the organization's role in representing the community's voice.

- PolyActive: This Berkeley-based grassroots advocacy group played a pivotal role in the advocacy for the initial 2017 bill and continued to support the current efforts. Their local insight and community mobilization efforts underscored the immediate need for legal protections within Berkeley.
- The Berkeley City Attorney's office was consulted to ensure the proposed ordinances align with existing legal frameworks and municipal code requirements, facilitating a legally sound approach to extending protections based on family and relationship structure.

These consultations resulted in a robust and inclusive legislative proposal, reflecting a collaborative effort among legal experts, community advocates, and local government representatives. This process underscores the collective commitment to fostering a more inclusive society through meaningful legal change.

RATIONALE FOR RECOMMENDATION

Berkeley's commitment to inclusivity, equity, and justice demands that we recognize and protect all forms of family and relationships. The proposed ordinance responds to the evolving nature of our community by prohibiting discrimination based on family and relationship structure, ensuring that every resident, regardless of how they define family, is afforded equal rights and protections.

The initiative to safeguard diverse family and relationship structures is not new to Berkeley. In 2017, efforts began with Consent Item 27, aiming to address these very issues. Today's proposed ordinance, developed with the City Attorney's Office, builds on that work, offering broader protections that reflect our community's values.

Adopting this ordinance will make Berkeley a leader on the West Coast in recognizing the rights of non-traditional families and relationships, aligning with our city's long-standing commitment to human rights. It is a clear statement of our community's dedication to fostering an inclusive and equitable society for all residents.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

This ordinance provides a comprehensive framework for enforcement, ensuring that any person aggrieved by violations of its provisions has the right to seek civil action. It empowers individuals, the City Attorney, and the district attorney to take legal action against any entity that contravenes the ordinance, thereby safeguarding the interests of protected classes. Additionally, it stipulates that violators are liable for damages and legal costs, reinforcing the ordinance's deterrent effect against discrimination based on family or relationship structure. The ordinance also outlines a limitation period for actions, ensuring timely justice, and specifies its applicability in alignment with broader state and federal legal standards. Set to be effective from January 1, 2025, this

ordinance represents a significant step towards inclusive and equitable treatment for all Berkeley residents, regardless of their family or relationship structure.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

FISCAL IMPACTS OF RECOMMENDATION

This ordinance is not expected to require additional Full-Time Employees (FTEs) for its implementation. The enforcement mechanism leverages current city attorney and district attorney resources without necessitating new personnel or additional General Fund impacts.

OUTCOMES AND EVALUATION

The primary outcome of implementing this ordinance is to provide legal protections for diverse families and relationships in Berkeley, ensuring they are not subject to discrimination based on their family or relationship structure. While the city may not actively monitor the number of civil suits brought forward under these protections, advocacy organizations such as the Polyamory Legal Advocacy Coalition (PLAC) and OPEN (Organization for Polyamory and Ethical Non-monogamy) are committed to tracking and evaluating the impact of these measures. By collaborating with these organizations and remaining attuned to community feedback, the city can assess the effectiveness of the ordinance in safeguarding the rights of its residents and identify any areas for improvement in enforcement or outreach efforts.

CONTACT PERSON

Terry Taplin, Councilmember, District 2, 510-981-7120

Attachments:

- 1: Ordinance
- 2: Prohibiting Discrimination on the Basis of Relationship Structure (12/19/2017)

ORDINANCE NO. ####-N.S.

ADDING CHAPTER 13.22 TO THE BERKELEY MUNICIPAL CODE TO PROHIBIT
DISCRIMINATION ON THE BASIS OF FAMILY OR RELATIONSHIP STRUCTURE

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

Section 1. That Berkeley Municipal Code 13.22 is hereby added to read as follows:

Chapter 13.22

**DISCRIMINATION ON THE BASIS OF FAMILY OR RELATIONSHIP STRUCTURE
PROHIBITED**

13.22.010 Purpose

It is the policy of the City to eliminate all forms of discrimination within the City, particularly discrimination against individuals who are a part of families or relationships that fall outside the nuclear family norm. These include single parents, multi-partner/multi-parent families and relationships, multi-generational households, consensually non-monogamous relationships, and asexual and aromantic relationships. It is the intent of the City to eliminate discrimination against individuals in such family or relationship structures in housing, public accommodations, educational institutions, and business establishments.

13.22.020 Findings

The City Council of the City of Berkeley finds and determines as follows:

A. Diverse family structures, including relationship structures involving more than two adults engaged in a loving and consensual relationship, are becoming increasingly common.

B. The perpetuation of nuclear definitions of "family" excludes a significant segment of the Berkeley population, such as multi-partner/multi-parent families and relationships, single parents, multi-generational households, consensually non-monogamous relationships, and consensual intimate relationships, including asexual and aromantic relationships. Individuals should not face discrimination on the basis of whom they share their homes, their hearts, and their lives.

C. People in interpersonal relationships between two or more adult individuals that involve romantic, physical, and/or emotional intimacy face discrimination in many aspects of public life due to prejudicial misunderstandings related to the validity and moral fitness of such relationships.

D. Single parents and people who identify as asexual and/or aromantic also face discrimination in many aspects of public life.

13.22.030 Definitions

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

A. "Family or relationship structure" means the actual or perceived involvement or uninvolvement of an individual in an "intimate personal relationship" or relationships, as defined

in BMC Section 13.22.030(B). "Family or relationship structure" includes an individual's actual or perceived affinity, or lack thereof, for any given type of intimate personal relationship, regardless of whether the individual is currently in any intimate personal relationship(s).

B. "Intimate personal relationship" means any interpersonal relationship between two or more adult individuals that involves romantic, physical, and/or emotional intimacy, irrespective of the marital status of these individuals as defined in Part 11053 of Title 2 of the California Code of Regulations. "Intimate personal relationship" includes, but is not limited to, multi-partner/multi-parent families and relationships, and multi-generational households.

C. "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (a) consist only of payment of fees; (b) consist of requirements under which a substantial portion of the residents of this City could qualify; or (c) consist of an otherwise unlawful business practice.

D. "Individual" means the same as the term "person."

E. "Person" means any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.

13.22.040 Unlawful Activities

A. In General. It shall be unlawful for any person or agent or employee thereof to discriminate against an individual on the basis of that individual's family or relationship structure, with respect to any of the following activities:

1. *Housing*. Any real estate transaction including but not limited to the rental thereof and/or any related terms, conditions, advertisements, communications, insurance, maintenance, rehabilitation, repairs, improvements, use or availability of facilities, or financing including loans and guarantees;

2. *Business Establishments*. The use or availability of goods, services, facilities, privileges, advantages, or accommodations from any business establishment, and/or any related terms, conditions, advertisements or communications;

4. *Educational Institutions*. Admission and the use or availability of any services, programs and facilities, and/or any related terms, conditions, advertisements or communications;

5. *City Facilities and Services*. The use or availability of any municipal service or facility.

6. *City Supported Services and Facilities*. The use or availability of any service or facility wholly or partially funded or otherwise supported by the City.

B. Exceptions.

1. *Housing*. Nothing in this chapter shall be (a) construed to apply to the rental or leasing of any housing unit in which the owner or any member of the owner's family occupies the same living unit in common with the prospective tenant; (b) deemed to permit any rental

or occupancy of any dwelling unit or commercial space otherwise prohibited by law; or
(c) override any just cause for eviction set forth in the rental stabilization ordinance.

2. *Education.* It shall not be an unlawful discriminatory practice for a religious or denominational educational institution to limit admission to applicants of the same religion.

C. Pretext. It shall be unlawful to do any of the actions mentioned in subsections (A)(1) through (A)(6) for any reason that would not have been asserted but for an individual's family or relationship structure.

13.22.050 Enforcement

A. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.

B. Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by a court of competent jurisdiction.

C. Action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, by the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

13.23.060 Liability for costs and damages

Any person who violates the provisions of this chapter shall be liable to each person injured by such violation for reasonable attorney's fees and costs as determined by the court, plus damages equaling three times the amount of actual damages or a minimum of one thousand dollars.

13.23.070 Limitation on action

Actions under this chapter must be filed within one year of the alleged discriminatory acts.

13.23.080 Waiver

The provisions of this Chapter do not apply where their application would violate or be inconsistent with state or federal laws, rules, or regulations.

13.23.090 Effective date

The effective date of this ordinance shall be January 1, 2025.

Section 2. Severability

If any section, subsection, sentence, clause, phrase, or word of this Ordinance, 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 Ordinance. The Council of the City of Berkeley hereby declares that it would have passed this Ordinance 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 Ordinance or application thereof would be subsequently declared invalid or unconstitutional.

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.



COUNCILMEMBER LINDA MAIO
City of Berkeley

CONSENT CALENDAR
December 19, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Linda Maio

SUBJECT: Prohibiting Discrimination on the Basis of Relationship Structure

RECOMMENDATION:

That the Council refer the proposed language to the City Manager requesting that the City amend Chapter 13.31 as proposed to prohibit discrimination on the basis of relationship structure in regard to Employment, Real Estate Transactions, Business Practices, City Facilities and Services or Education on the Basis of Relationship Structure.

BACKGROUND:

A group of citizens of Berkeley drafted the proposed additional language to Chapter 13.31 of Berkeley's Municipal Code with a great deal of care and thoroughness. The existing laws within the City of Berkeley presently protect people against discrimination on the basis of a large number of characteristics. Local laws currently prohibit discrimination not only on the basis of ethnicity, religion, and age, but also on the basis of sexual orientation. However, the current local laws do not specifically provide protection from discrimination for polyamorous people or others involved in consensually non-monogamous relationships. This proposed addition to the existing legal code seeks to remedy this situation by extending all the protections currently provided against discrimination on the basis of sexual orientation to polyamorous people. It is proposed that this be accomplished by adding a new chapter to the existing City of Berkeley law code.

The addition to Chapter 13.31 would prohibit discrimination in employment, housing, business practices, city facilities and services, or education on the basis of relationship structure. This would apply to the City of Berkeley as well as private entities. The prohibitions on discrimination in business practices and education would not apply to religious institutions.

The addition would define "relationship structure" as "the number of consenting adults involved in an intimate relationship and/or the number of intimate personal relationships in which each consenting adult is simultaneously involved." "Relationship structure" would also include an individual's "disposition" or desire for a certain relationship structure, regardless of whether that person is in that type of relationship, or any relationship. The addition would also prohibit advertising that expresses the intent to discriminate, or practice of discriminating, on the basis of relationship structure.

The addition would give any person whose rights under the measure are violated the right to sue for compensatory and punitive damages, attorneys' fees, plus not less than \$200 or more than \$400 in addition. Individuals, may also seek injunctions on behalf of themselves or others to prevent or remedy violations of the measure. The District Attorney may also seek injunctions to prevent or remedy violations of the measure.

See attachment for proposed language.

ATTACHMENTS

BMC Chapter 13.31 Proposed language.

ENVIRONMENTAL SUSTAINABILITY

No environmental sustainability impact.

FINANCIAL IMPLICATIONS

Staff time.

CONTACT

Councilmember Linda Maio, District 1, 510-981-7110

DISCRIMINATION ON THE BASIS OF RELATIONSHIP STRUCTURE

Section 13.31.010: Policy.

It is the policy of the City to eliminate discrimination based on relationship structure within the City.

Section 13.31.020: Finding--Definitions.

A. Findings. Discrimination based on relationship structure poses a substantial threat to the health, safety and general welfare of this community. Such discrimination deprives the City of the fullest utilization of its capacities for development and advancement. Further, existing state and federal restraints on arbitrary discrimination are not adequate to meet the particular problems of discrimination based on relationship structure in this community, so that it is necessary and proper to enact local regulations adapted to the circumstances which exist in this City.

B. Definitions. As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

1. "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (a) consist only of payment of fees; (b) consist of requirements under which a substantial portion of the residents of this City could qualify; or (c) consist of an otherwise unlawful business practice.
2. "Individual" means the same as the term "person." Wherever this chapter refers to the relationship structure of any individual, or the relationship structure of any group, the phrase shall mean the relationship structure of any member of the group.
3. "Person" means any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.
4. "Relationship structure" refers to the number of consenting adults involved in an intimate personal relationship and/or the number of intimate personal relationships in which each consenting adult is simultaneously involved. It also includes an individual's disposition or desire for a certain relationship structure, regardless of whether the individual is currently in that type of, or in any, relationship.
5. Discrimination on the basis of relationship structure shall include both discrimination based on actual knowledge of relationship structure and

discrimination based on supposition or assumption of relationship structure or desired structure.

Section 13.31.030: Employment.

A. Unlawful Employment Practices.

1. **Employers--Discrimination.** It shall be an unlawful employment practice for an employer to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment on the basis of such individual's relationship structure.
2. **Employers--Segregation.** It shall be an unlawful employment practice for an employer to limit, segregate or classify employees or applicants for employment in any manner which would deprive or tend to deprive any individual of employment opportunities, or adversely affect his or her employment status on the basis of such individual's relationship structure.
3. **Employment Agencies.** It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment any individual, or otherwise to discriminate against any individual on the basis of such individual's relationship structure.
4. **Labor Organizations.** It shall be an unlawful employment practice for a labor organization to fail or refuse to include in its membership or to otherwise discriminate against any individual; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of employment opportunities, or otherwise adversely affect her or his status as an employee or as an applicant for employment on the basis of such individual's relationship structure.
5. **Job Training.** It shall be an unlawful employment practice for an employer, an employment agency or a labor organization to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program on the basis of such individual's relationship structure.
6. **Advertising.** It shall be an unlawful employment practice for an employer, employment agency or a labor organization to print, publish, advertise or disseminate in any way, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training by any such organization, which expresses an intent to discriminate based on relationship structure.

B. Pretext. It shall be unlawful to do any of the acts mentioned in subdivisions (A)(1) through (A)(6) of this section for any reason that would not have been asserted but for the relationship structure of any individual. Bona Fide Occupational Qualification not Prohibited--Affirmative Defense.

1. Bona Fide Occupational Qualification. Nothing contained in this section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification.
2. Affirmative Defense. In any action brought under Section 13.31.090 of this chapter (enforcement), if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, that party shall have the burden of proving: (a) that the job requires a bona fide occupational qualification of a certain relationship structure based on business necessity; and (b) that there exists no less discriminatory means of satisfying the occupational qualification.
3. Exceptions. It shall not be unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system, provided such systems or plans are not a pretext to evade the purposes of this chapter; provided, further, that no such system shall provide an excuse for failure to hire any individual because of relationship structure.

C. Notices.

1. Requirements. Every employer with fifteen or more employees, every labor organization with fifteen or more members, and every employment agency shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment and members are customarily posted, the following notice: "Discrimination on the basis of relationship structure is prohibited by law. Berkeley Municipal Code, Sections 13.31.010-13.31.100."
2. Alternate Compliance. Notwithstanding the above, the provisions of this subsection may be complied with by adding the words "relationship structure" to all notices required by federal or state law, and indicating on the notice that discrimination on the basis of relationship structure is prohibited by the Berkeley Municipal Code, Sections 13.31.010 through 13.31.100.
3. Penalty for Noncompliance. Willful violations of this subsection shall be punishable by a fine of not more than fifty dollars for each offense. This is the exclusive penalty for violations of this subsection, except that individuals and organizations may also seek relief as described in **Section 13.31.080**

Section 13.31.040: Housing and other real estate transactions.

A. Unlawful Real Estate Practices.

1. Transactions. Generally, it shall be an unlawful real estate practice for any person to interrupt, terminate or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof; to require different and less favorable terms for such transaction; to include in the terms or conditions of a transaction in real property any clause, condition or restriction; or falsely to represent that an interest in real property is not available for transaction, on the basis of any individual's relationship structure.
2. Credit and Insurance. It shall be an unlawful real estate practice for any person to refuse to lend money, guarantee the loan, accept a deed of trust or mortgage, or otherwise refuse to make available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different and less favorable conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property, on the basis of any individual's relationship structure.
3. Tenant's Services. It shall be an unlawful real estate practice for any person to refuse or restrict facilities, services, repairs or improvements for any tenant or lessee on the basis of any individual's relationship structure.
4. Advertising. It shall be an unlawful real estate practice for any person to make, print, publish, advertise or disseminate in any way, any notice, statement or advertisement with respect to a transaction or proposed transaction in real property, or with respect to financing related to any such transaction, which expressed an intent to discriminate based on relationship structure or any other prohibited basis.

B. Pretext. It shall be unlawful to do any of the actions mentioned in subdivisions (A)(1) through (A)(4) for any reason that would not have been asserted but for the relationship structure of any individual.

C. Exceptions.

1. Owner Occupied Dwellings. Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or lessor resides within the living unit and it is necessary for the owner or lessor to use either a bathroom or kitchen facility in common with the prospective tenant(s).
2. Effect on Other Laws. Nothing in this chapter shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

Section 13.31.050: Business establishments.

A. Unlawful Business Practice.

1. Business Practices Generally. It shall be an unlawful business practice for any person to deny any individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment based on such individual's relationship structure.
2. Advertising. It shall be an unlawful business practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any business establishment which expresses the establishment's intent to or practice of discriminating based on relationship structure or any other prohibited basis.

B. Pretext. It shall be unlawful to do any of the acts mentioned in subdivisions (A)(1) or (A)(2) of this section for any reason that would not have been asserted but for the relationship structure of any individual.

Section: 13.31.060: City facilities and services.

A. Unlawful Service Practices.

1. City Facilities. It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to place different terms and conditions on the availability of, the use of any City facility on the basis of such individual's relationship structure.
2. City Services. It shall be an unlawful service practice for any person to deny any individual the full and actual enjoyment of, or to impose different terms or conditions on the availability of, any City service on the basis of such individual's relationship structure.
 - a. Supported Facilities and Services. It shall be an unlawful service practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms and conditions upon the availability of, any service, program or facility wholly or partially funded or otherwise supported by the City on the basis of such individual's relationship structure. This subsection shall not apply to any facility, service or program which does not receive any assistance from the City or which is not provided to the public generally.
 - b. Advertising. It shall be an unlawful service practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any service or facility provided by either the City or an organization described in (A)(2a) of this section which expresses the City's or organizations intent to or practice of discriminating based on relationship structure or on any other prohibited basis.

B. Pretext. It shall be an unlawful discriminatory practice to do any of the acts mentioned in subdivisions (A)(1) through (A)(2) for any reason which would not have been asserted but for the relationship structure of any individual.

Section 13.31.070: Educational institutions.

A. Unlawful Educational Practices.

1. Admission. It shall be an unlawful educational practice for any person to deny admission, or to impose different and less favorable terms or conditions on admission, on the basis of an individual's relationship structure.
2. Services. It shall be an unlawful educational practice for any person to deny any individual the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any service or program offered by an educational institution on the basis of such individual's relationship structure.
3. Facilities. It shall be an unlawful educational practice for any person to deny any individual the full and equal enjoyment of, or to impose different and less favorable terms or conditions upon the access to any facility owned or operated by an educational institution on the basis of such individual's relationship structure.
4. Advertising. It shall be an unlawful educational practice for any person to make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to an educational institution which expresses the educational institution's intent to or practice of discriminating based on relationship structure or on any other prohibited basis.

B. Pretext. It shall be an unlawful discriminatory practice to do any of the acts mentioned in subdivisions (A)(1) through (A)(4) of this section for any reason which would not have been asserted but for the relationship structure of any individual.

C. Exception. It shall not be an unlawful discriminatory practice for a religious or denominational institution to limit admission, or give other preferences to applicants of the same religion.

Section 13.31.080: Liability.

Any person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter shall be liable for, and the court must award to the individual whose rights are violated, actual damages, costs, reasonable attorney's fees, and not less than two hundred dollars but not more than four hundred dollars in addition thereto. In addition, the court may award punitive damages in a proper case.

Section 13.31.090: Enforcement.

- A. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.
- B. Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction.
- C. Action for injunction under this subsection may be brought by any aggrieved person, by the district attorney, or by any person or entity who has standing and who will fairly and adequately represent the interests of the protected class.

Section 13.31.100: Limitation on action.

Actions under this chapter must be filed within one year of the alleged discriminatory act(s).

02a.55



Agenda and Rules Committee

ACTION CALENDAR
May 7, 2024

To: Members of the City Council
From: Agenda and Rules Committee
Subject: Council Referral - Proposed Changes to Public Comment

RECOMMENDATION

Refer to the City Manager to review and implement recommendations by the Open Government Commission to improve public access, transparency, meeting procedures and public comment at City Council and commission meetings.

Direct the City Manager to return back to Council with amendments to the City Council Rules of Procedure and Order to implement these recommendations.

POLICY COMMITTEE RECOMMENDATION

On March 4, 2024, the Agenda and Rules Committee adopted the following action:

M/S/C (Arreguin/Hahn) that the Agenda and Rules Committee makes a Qualified Positive Recommendation on the Open Government Commission’s proposal “Proposed Changes to Public Comment” with the following amendments/comments:

A. For immediate implementation:

1. Continue to allow the public to participate remotely via videoconference.

Comment: Approve as recommended by OGC

2. Enable live transcription at all committee, board, and commission meetings with a videoconference component. Configure Zoom to permit saving of the transcription by the public.

Comment: Partially approve this recommendation with the clarification that this would only apply to all Committee, Board and Commission meetings which conduct their meetings through videoconference. Also refer to the City Manager to record all other board and commission meetings, and post recordings to the city webpage. In deploying the recording of meetings start first with quasi-judicial meetings, and then move to commissions with a specific statutory charge, followed by all others.

3. Limit councilmember initial comments on consent and action items to 5 minutes/person and enforce this rule.

Comment: Approve as recommended by OGC but also apply to consent calendar items

4. Start the Consent Calendar with an acknowledgement that consent items are important but should be ready to pass without prolonged discussion. Minimize discussion of items on the Consent Calendar.

Comment: Approve as recommended by OGC

5. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph to add "If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action."

Comment: Approve as recommended by OGC, with addition that the Mayor or Councilmember must register their abstention or no vote before the vote on the Consent Calendar.

6. Acknowledge and verbally summarize comments received via email.

Comment: Reject

7. Use Berkeley Considers more frequently, especially for controversial issues.

Comment: Approve as recommended by OGC

8. Endeavor to inform attendees of approximate time for high interest items, e.g. "Item 32 will not be heard before 9:30."

Comment: Approve as recommended by OGC

9. Endeavor to determine early if an item will be postponed, e.g. at 9:30 move to continue an item, instead of waiting until 10:50.

Comment: Approve as recommended by OGC

10. Require that City Manager and staff publish supporting materials for Agenda items in advance of the Agenda Committee meeting.

Comment: Reject

11. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph as follows: Consent Calendar items will be moved to the Action Calendar if requested by three or more councilmembers. ~~by the Council~~. Action items may be reordered at the discretion of the Chair ~~with the consent of the Council~~.

Comment: Approve as recommended by OGC

B. For further consideration and/or research:

1. Schedule more meetings with fewer items on the agenda at each meeting

Comment: Endeavor to schedule multiple meetings with fewer items as recommended by OGC.

2. Schedule separate meetings for items that are controversial or attract especially high public interest.

Comment: Endeavor to schedule separate meetings for items that are controversial or attract especially high public interest

3. Have separate meetings for City department reports and/or informational items that will take longer than 20 minutes .

Comment: Endeavor to meet this standard as needed

4. Limit to 20 minutes any City department reports included within a regular meeting.

Comment: Take no action

5. Have Special Meetings on a different day from Regular Meetings.

OR

Schedule Special Meetings to have a hard stop fifteen minutes before the posted time of a Regular Meeting.

Comment: For staff presentations where no action is requested, limit Council comments to 5 minutes to enable the meeting to adjourn on time. Also approve of an adjournment of 15 minutes before the posted time of a regular Council meeting, with the option to extend by a 2/3 vote.

6. Strongly urge that supplemental materials be submitted earlier.

Comment: Refer to Agenda and Rules Committee for further discussion

7. Change the minimum amount of time for a public comment to 90 seconds, with more time if ceded by others.

Comment: Reject

8. After the meeting, provide a webpage link for transcriptions created by the captioners for any Council, Committee, Board or Commission meetings for which captioners were employed.

Comment: Take no action

9. Provide virtual access to Board and Commission meetings which are now held in person.

Comment: Establish a goal and work towards making all Board and Commission meetings hybrid (in person/virtual), dependent on technology and implementation.

Additional Hahn recommendation:

ACTION CALENDAR
May 7, 2024

To have Councilmembers submit any announcements (e.g. upcoming community events) to the Mayor the day of the meeting, to be announced by the Mayor during the Ceremonial Calendar. Limit Council comment on Consent Calendar to Consent items.

Add an agenda item at the foot of the agenda to allow for up to 2 minutes of general comments per Mayor and Councilmember prior to adjournment.

Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At the March 14, 2023 City Council meeting, the Council passed a resolution to allow two periods of public comment on Action Items and voted to “Refer the suggestions regarding improvements to the meeting process to the Agenda & Rules Committee and the Open Government Commission for consideration.” The OGC reviewed the recording of this meeting, comments sent in prior to the meeting, and comments submitted by email or in person at Commission meetings and adopted the following recommendations at its September 21, 2023 meeting.

Action: M/S/C (Blome/O'Donnell) Motion to approve report to City Council with non-substantive edits

Vote: Ayes: O'Donnell, Saginor, Blome, Isselbacher, Hernandez; Noes: none; Abstain: none; Absent: Ching, Hynes.

The Agenda and Rules Committee referred the OGC item for further committee review. At its February 26, 2024 meeting, the Committee received a presentation from representatives of the OGC and engaged in a robust discussion with them on their recommendations. The Mayor prepared a motion reflecting committee comments and the Committee passed a Qualified Positive Recommendation on March 4, 2024 to recommend most of the OGC proposals with some modifications.

BACKGROUND

The City Council asked the Open Government Commission (OGC) to explore improvements to the way City Council meetings offer opportunities for public comment. The OGC agrees with the resolution passed by City Council on March 14, 2023 that added an opportunity for public comment at the start of the Action Calendar and also maintained the opportunity to comment at the time each Action Item is discussed as this allows the public to hear comments, questions, and proposed changes from City

Councilmembers before making public comment. In addition to this change, the OGC and Agenda and Rules Committee proposes the following:

A. For immediate implementation:

OGC Suggested Change	Agenda Committee Recommendation	Intended Result
1. Continue to allow the public to participate remotely via videoconference.	<i>Approve as recommended by OGC</i>	Removes barriers to participation, especially for those with disabilities.
2. Enable live transcription at all committee, board, and commission meetings with a videoconference component. Configure Zoom to permit saving of the transcription by the public.	<i>Partially approve this recommendation with the clarification that this would only apply to all Committee, Board and Commission meetings which conduct their meetings through videoconference. Also refer to the City Manager to record all other board and commission meetings, and post recordings to the city webpage. In deploying the recording of meetings start first with quasi-judicial meetings, and then move to commissions with a specific statutory charge, followed by all others.</i>	People joining remotely can better understand what is being said.
3. Limit councilmember initial comments on action items to 5 minutes/person and enforce this rule.	<i>Approve as recommended by OGC but also apply to consent calendar items</i>	Bring practice more into alignment with City Council Rules of Procedure, Sec. V, Procedural Matters, Sub. G, Debate Limited, limits debate on any item to 20 minutes.
4. Start the Consent Calendar with an acknowledgement that consent items are important but should be ready to pass without prolonged discussion. Minimize discussion of items on the Consent Calendar.	<i>Approve as recommended by OGC</i>	Bring practice into alignment with City Council Rules of Procedure, Sec. IV, Conduct of Meeting, Sub. B, Consent Calendar, "It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for

ACTION CALENDAR
May 7, 2024

		discussion of consent calendar items can be minimized.”
5. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph to add “If three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.”	<i>Approve as recommended by OGC, with addition that the Mayor or Councilmember must register their abstention or no vote before the vote on the Consent Calendar.</i>	An item that is not going to pass does not fit the plain English definition of “consent.” Such items properly belong in the Action calendar where members of the public may advocate for them and where Councilmembers may discuss their views.
6. Acknowledge and verbally summarize comments received via email.	<i>Reject</i>	
7. Use Berkeley Considers more frequently, especially for controversial issues.	<i>Approve as recommended by OGC</i>	Provides transparency in gauging public opinion.
8. Endeavor to inform attendees of approximate time for high interest items, e.g. “Item 32 will not be heard before 9:30.”	<i>Approve as recommended by OGC</i>	Members of the public can determine when to join, stay, or leave in person or via zoom.
9. Endeavor to determine early if an item will be postponed, e.g. at 9:30 move to continue an item, instead of waiting until 10:50.	<i>Approve as recommended by OGC</i>	Members of the public can determine whether to stay or leave in person or via zoom.
10. Require that City Manager and staff publish supporting materials for Agenda items in advance of the Agenda Committee meeting.	<i>Reject</i>	

ACTION CALENDAR
May 7, 2024

<p>11. Amend City Council Rules of Procedure Section IV Conduct of Meeting, Sub B, Consent Calendar, last paragraph as follows: Consent Calendar items will be moved to the Action Calendar if requested by three councilmembers. by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.</p>	<p><i>Approve as recommended by OGC</i></p>	<p>Reflect and formalize current practice. Allows councilmembers to respond to public requests for further consideration of an item.</p>
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B. For further consideration and/or research:

Suggested Change	Agenda Committee Recommendation	Intended Result
<p>1. Schedule more meetings with fewer items on the agenda at each meeting</p>	<p><i>Endeavor to schedule multiple meetings with fewer items as recommended by OGC.</i></p>	<p>Members of the public would wait less long to speak on an item.</p>
<p>2. Schedule separate meetings for items that are controversial or attract especially high public interest.</p>	<p><i>Endeavor to schedule separate meetings for items that are controversial or attract especially high public interest</i></p>	<p>Avoid running overtime or having to continue long items.</p>
<p>3. Have separate meetings for City department reports and/or informational items that will take longer than 20 minutes.</p>	<p><i>Endeavor to meet this standard as needed</i></p>	<p>Agenda items at these meetings would be at a prescribed time.</p>
<p>4. Limit to 20 minutes any City department reports included within a regular meeting.</p>	<p><i>Take no action</i></p>	
<p>5. Have Special Meetings on a different day from Regular Meetings. OR</p>	<p><i>For staff presentations where no action is requested, limit Council comments to 5 minutes to enable the meeting to adjourn on time. Also approve of an adjournment of 15 minutes before the posted time of a regular Council meeting, with the option to extend by a 2/3 vote.</i></p>	<p>Regular Meetings can start on time and end earlier.</p>

<p>Schedule Special Meetings to have a hard stop fifteen minutes before the posted time of a Regular Meeting.</p>		
<p>6. Strongly urge that supplemental materials be submitted earlier.</p>	<p><i>Refer to Agenda and Rules Committee for further discussion</i></p>	<p>Allows councilmembers and the public to review materials before the meeting.</p>

ACTION CALENDAR
May 7, 2024

7. Change the minimum amount of time for a public comment to 90 seconds, with more time if ceded by others.	<i>Reject</i>	
8. After the meeting, provide a webpage link for transcriptions created by the captioners for any Council, Committee, Board or Commission meetings for which captioners were employed.	<i>Take no action</i>	Improve access for members of the public to meetings they were unable to attend. Improves access for persons with hearing disabilities and allows keyword searching of meeting content.
9. Provide virtual access to Board and Commission meetings which are now held in person.	<i>Establish a goal and work towards making all Board and Commission meetings hybrid (in person/virtual), dependent on technology and implementation.</i>	Improve public access to these meetings.
Additional Hahn Recommendation:	<p><i>To have Councilmembers submit any announcements (e.g. upcoming community events) to the Mayor the day of the meeting, to be announced by the Mayor during the Ceremonial Calendar. Limit Council comment on Consent Calendar to Consent items.</i></p> <p><i>Add an agenda item at the foot of the agenda to allow for up to 2 minutes of general comments per Mayor and Councilmember prior to adjournment.</i></p>	

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

The two main problems these recommendations aim to address are 1) that meetings run long, often ending late at night; and 2) long wait times make it difficult for members of the public to comment on issues being discussed, especially when substantive changes are proposed at the last minute.

The OGC plans to continue monitoring the situation to evaluate whether these changes produce the desired outcome of shorter meetings and shorter wait times for the public to speak.

The Agenda and Rules Committee is also currently engaged work around redesigning the City Council’s legislative process. This will include further review of Council meeting rules and procedures which may result in additional recommendations for Council action.

CONTACT PERSON

Jesse Arreguin, Mayor (510) 981-7100



CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Budget Referral: Berkeley Junior Jackets Capacity-Building Grant

RECOMMENDATION

Refer to the Fiscal Year 2025-2026 biennial budget process \$300,000 to provide Young Lives Matter Foundation, Inc. with funding for two years of operating costs for the Berkeley Junior Jackets Football and Cheer youth sports program, and to develop longer-term strategic planning, sustainability and growth plans for the organization.

Direct the City Manager to evaluate organizational capacity and strategic planning supported by this funding on a rolling basis, developing and tracking Key Performance Indicators (KPIs) consistent with Reimagining Public Safety and Gun Violence Prevention program implementation, including but not limited to: program participation, violence prevention training, and staff retention.

FINANCIAL IMPLICATIONS

\$150,000 in annual General Fund impact.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Junior Jackets youth sports programs remain entirely volunteer-run, relying on personal donations from the community and participating families, and City support for field rental expenses. According to the Young Lives Matter Foundation, the households participating in Berkeley Junior Jackets programs—many of whom are on opposite sides of local gang rivalries—agree to peace because of their involvement with the youth in these programs.

Lorenzo Grayson, in his role as President of the Young Lives Matter Foundation, has requested funding from the City of Berkeley to support Berkeley Jr. Jackets Football and Cheer (BJJ) in the amount of \$150,000 per year. The organization's mission is to support underserved youth with life skills, culturally attuned relationships, conflict resolution skills, and leadership development to promote prosocial engagement and positive youth development. The program has five football teams and two cheerleading squads, serving 150 African-American youth per year. Program participants include community members who are at highest risk for involvement with ongoing violence.

\$150,000 would enable the organization to:

- Compensate coaches with stipends.
- Bring in additional training and support for coaches, such as the Positive Coaching Alliance.
- Offer enrollment at low or zero cost to all participating youth and families
- Cover the cost of team annual banquet and awards dinner; offer a coaches' dinner, and quarterly staff retreats.
- Begin to develop longer term sustainability and growth plans for the organization.

BACKGROUND

The Berkeley City Council approved a \$6,000 allocation for Berkeley Junior Jackets in November 2022, and a \$7,000 allocation in late 2023 to defray the full rental costs for the season's games and practices, in addition to equipment and uniforms.

Since 2017, the nonprofit Young Lives Matter Foundation has operated the Berkeley Junior Jackets athletics program to build community through leadership, wellness, academic, and sports programming for Berkeley's young people. As an all-volunteer organization, Junior Jackets is doing invaluable work for Berkeley's families and children with intensely limited resources, and is continuously fundraising to maintain operations. Their programs are of particular importance to the Black families that call South and West Berkeley home, as well as those displaced from Berkeley. The Berkeley Jr Jackets mission of encouraging positive life choices while dealing with academic achievement, personal nutrition, social acceptance, domestic violence, homelessness, and bullying is critically important for Berkeley's lower-income neighborhoods that have experienced increases in violent crime and property crimes.

Nonprofit community-based services such as Berkeley Jr Jackets need active support from local government so that they can pursue their mission at full capacity. Supporting community-based organizations and services that have already built trusting bonds with local residents has been consistently raised as a key strategy for implementing a successful Gun Violence Prevention program, colloquially known as Ceasefire, in Berkeley and jurisdictions across the nation. While this item proposes a one-time allocation, the organization's central role in community violence prevention calls for evaluation and accountability practices consistent with ongoing program implementation overseen by the City's Reimagining Public Safety Project Coordinator. Thus, while this presents an additional cost to the City in the short term, the investment would also enable the organization to build internal capacity to seek and retain other funding sources such that it can continue providing vital programming at a sustainable lower cost to taxpayers in the future.

Supporting free youth sports programming and mentorship in the community advances our Strategic Plan's goal to champion and demonstrate social and racial equity.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

1: Budget Referral: Berkeley Junior Jackets Facilities Expenses (November 2023)



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
 DISTRICT 2

CONSENT CALENDAR
 Nov. 14, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Hahn (co-sponsor), Councilmember Harrison (co-sponsor)

Subject: Budget Referral: Berkeley Junior Jackets Facilities Expenses

RECOMMENDATION

Refer to the Annual Appropriations Ordinance #2 process \$7,000 to provide Young Lives Matter Foundation, Inc. the necessary funds for the Berkeley Junior Jackets youth sports program's operating expenses associated with the use of Berkeley Unified School District facilities.

FINANCIAL IMPLICATIONS

\$7,000.

BACKGROUND

Since 2017, the nonprofit Young Lives Matter Foundation has operated the Berkeley Junior Jackets athletics program to build community through leadership, wellness, academic, and sports programming for Berkeley's young people. As an all-volunteer organization, Junior Jackets is doing invaluable work for Berkeley's families and children with intensely limited resources, and is continuously fundraising to maintain operations. Their programs are of particular importance to the Black families that call South and West Berkeley home, as well as those displaced from Berkeley. The Berkeley Jr Jackets mission of encouraging positive life choices while dealing with academic achievement, personal nutrition, social acceptance, domestic violence, homelessness, and bullying is of immeasurable importance at a time when violence has escalated in South and West Berkeley. Nonprofit community-based services such as Berkeley Jr Jackets need active support from local government so that they can pursue their mission at full capacity.

The Berkeley City Council approved a \$6,000 allocation for Berkeley Junior Jackets in November 2022. A \$7,000 allocation would defray the full rental costs for the season's games and practices, with an additional \$200 left over for equipment and uniforms.

Supporting free youth sports programming and mentorship in the community advances our Strategic Plan's goal to champion and demonstrate social and racial equity.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

- 1: Berkeley Unified School District Property Management Invoice and Permit: Jacket Stadium (7/19/23)
- 2: Berkeley Unified School District Property Management Invoice and Permit: Jacket Field and the Wrestling Room (8/22/23)
- 3: Urgent Item: Budget Referral: Berkeley Junior Jackets (November 2022)



Berkeley Unified School District

**Berkeley Unified School District
PROPERTY MANAGEMENT INVOICE and PERMIT**

Date: 7/19/23

Permit #24-0003

Invoice # 24-0003

To: Berkeley Jr Jackets

Facility: Jacket Stadium

Date of use: 8/20, 8/26, 9/9, 9/23 & 10/6

Hours of use: 7a-6p

Custodial fees: \$546 per game

Rental fees: \$396 per game

TOTAL DUE: \$4710

Certificate of insurance on file expires .

Payment is due 10 days before the date of use. If payment is not received by due date this permit will be canceled.

Please make cashier's check or money order payable to: Berkeley Unified School District and refer to your permit number on all correspondence and payments. Send payment to:

**Jeff Snow
Facility Manager
C/O Berkeley High School
1980 Allston way
Berkeley, CA 94704**

Jeffrey Snow
Berkeley High School Facility Manager
(510) 644-4567



Berkeley Unified School District

**Berkeley Unified School District
PROPERTY MANAGEMENT INVOICE and PERMIT**

Date: 8/22/23

Permit #24-0007

Invoice # 24-0007

To: Berkeley Jr Jackets Practices

Facility: Jacket Field and the Wrestling Room

Date of use: 8/21-9/1 (5 days a week) 9/4-10/20 (3 days a week)

Hours of use: 7:30-9:00p

Custodial fees: 0

Rental fees: \$2090

TOTAL DUE: \$2090

Certificate of insurance on file expires .

Payment is due 10 days before the date of use. If payment is not received by due date this permit will be canceled.

Please make cashier's check or money order payable to: Berkeley Unified School District and refer to your permit number on all correspondence and payments. Send payment to:

**Jeff Snow
Facility Manager
C/O Berkeley High School
1980 Allston way
Berkeley, CA 94704**

Jeffrey Snow
Berkeley High School Facility Manager
(510) 644-4567



URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)
Rules of Procedure Chapter III.C.5

**THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE
ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE
CITY COUNCIL’S DISCRETION ACCORDING TO BROWN ACT RULES**

Meeting Date: November 15, 2022

Item Description: Budget Referral: Berkeley Junior Jackets Field Use Expenses

This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)
Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.
- X Immediate Action Required (54954.2(b)(2) - two-thirds vote required)
There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:

Berkeley Junior Jackets is an all-volunteer non-profit that has led youth sports and education programming alongside the organization Youth Lives Matter since 2017. In recent years, the organization has paid Berkeley Unified School District for the use of the fields at Berkeley High School for many of their games. The costs for using these fields are incredibly burdensome for an organization running without profit. The City of Berkeley must do what it can to support programs like the Jr Jackets, which primarily serves Berkeley’s Black youth, with funding when opportunities such as this one arise. A budget allocation at this time is necessary in order to allow Jr Jackets to plan for its next year of programming.



CONSENT CALENDAR

November 15, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Berkeley Junior Jackets Field Use Expenses

RECOMMENDATION

That the City Council refers \$6000 to the November Annual Appropriations Ordinance to provide Berkeley Junior Jackets' the necessary funds to cover expenses associated with the use of Berkeley Unified School District facilities in the operation of their youth sports program.

FISCAL IMPACTS

An estimated \$6,000 for the use of Berkeley High School's field during the 2023-2024 school year.

BACKGROUND

Since 2017, Berkeley Junior Jackets has worked in conjunction with Youth Lives Matter to build community through leadership, wellness, academic, and sports programming for Berkeley's young people. As an all-volunteer agency, Junior Jackets is doing invaluable work for Berkeley's families and children with intensely limited resources. Their programs are of particular importance to the Black families that call South and West Berkeley home, as well as those displaced from Berkeley. The Berkeley Jr Jackets mission of encouraging positive life choices while dealing with academic achievement, personal nutrition, social acceptance, domestic violence, homelessness, and bullying is of immeasurable importance at a time when violence continues to wreak havoc on West Berkeley communities. Organizations such as Jr Jackets, which runs without profit and is limited in its resources, require active support from local government so that they can pursue their mission at the height of their ability.

ENVIRONMENTAL IMPACTS

None.

CONTACT

Terry Taplin, Councilmember, District 2, (510) 981-7120



CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council
 From: Councilmember Taplin, Councilmember Humbert (co-sponsor)
 Subject: Budget Referral: Vision Zero Rapid Response on Bicycle Boulevards

RECOMMENDATION

1. Direct the City Manager to incorporate the City of Oakland's Neighborhood Bike Route Implementation Guide for all Bicycle Boulevards designated in the City of Berkeley's Bicycle Plan, pursuant to the City's Vision Zero Action Plan, Complete Streets Policy, and other applicable policies and plans; and to prioritize proactive and retroactive implementation of standards on Bicycle Boulevards in response to recent traffic collisions, with consideration for quick-build interventions that can be removed, modified or made permanent to advance Vision Zero Action Plan goals.
2. Refer to the Fiscal Year 2025-2026 biennial budget process \$200,000 for a Pilot implementation of Neighborhood Bikeway standards and Complete Streets interventions on Heinz Avenue and the intersection with Seventh Street, and prioritizing implementation on Bicycle Boulevards on High Injury Streets and/or the Equity Priority Area, considering any and all possible interventions to eliminate the risk of severe and fatal collisions such as: centerline hardening, quick-build pedestrian safety zones, curb extensions, raised crosswalks, ADA accessibility improvements at AC Transit bus stops, and protected left-hand turns.

FINANCIAL IMPLICATIONS

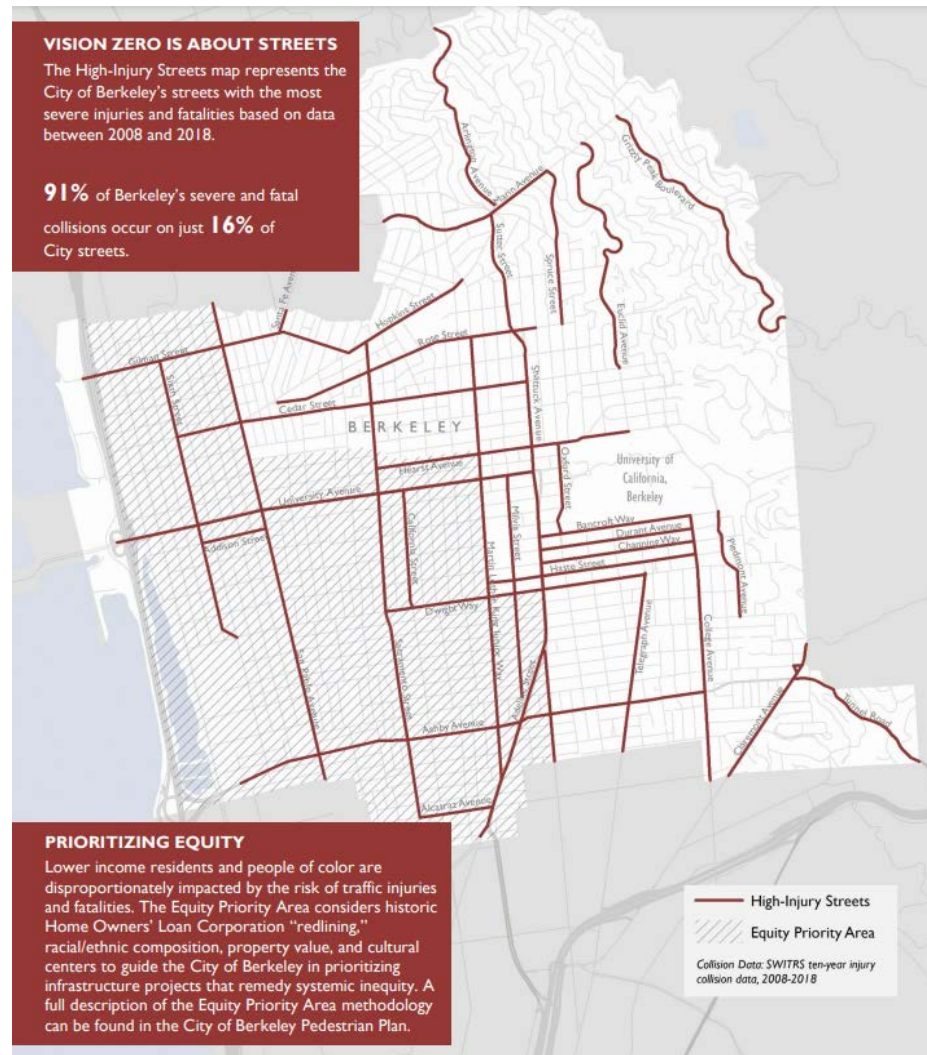
\$200,000 in one-time General Fund impact. While the cost of permanent curb bulb-outs has been estimated at \$160,000¹ in previous budget referrals, \$200,000 is requested in recognition of the wide variety of possible interventions, timelines, and costs associated with them, some of which may already be addressed by currently-budgeted allocations.

CURRENT SITUATION AND ITS EFFECTS

Rapid Vision Zero implementation on Bicycle Boulevards is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

¹ Budget Referral: George Florence Traffic Calming (Mar. 9, 2021).
<https://berkeleyca.gov/sites/default/files/documents/2021-03-09%20Item%2016%20Budget%20Referral%20George%20Florence%20-%20Supp%20Taplin.pdf>

The City of Berkeley is currently not on track to meet its goal “to eliminate fatal and severe traffic crashes by 2028,” as established under the Vision Zero Action Plan in 2019. Most recently, there were two serious collisions at the intersection of Seventh St and Heinz Ave within one month in 2024: on February 13, resident Adam Moss was struck by a motorist on his e-bike while carrying his toddler;² on February 28, an unnamed pedestrian was sent to the Intensive Care Unit with critical injuries after being struck by a motorist.³ This intersection is a half-mile from three High Injury Streets identified in the Vision Zero Action Plan (San Pablo Avenue, Ashby Avenue, Sixth Street) and is within the City’s Equity Priority Area.



² Raguso, E. (2024, Feb. 18). Berkeley father and toddler hit by driver during bike commute *Berkeley Scanner*. Retrieved Apr. 5, 2024 from <https://www.berkeleyscanner.com/2024/02/13/traffic-safety/berkeley-father-toddler-struck-by-driver-bike-commute/>

³ Gecan, A. C. (2024, Feb. 29). Motorist hits pedestrian with car in West Berkeley, sending her to ICU. *Berkeleyside*. Retrieved Apr. 5, 2024 from: <https://www.berkeleyside.org/2024/02/29/seventh-heinz-pedestrian-struck>

As illustrated in a February 2024 report by the Disaster and Fire Safety Commission with the chart below, road safety continues to be a critical issue for pedestrians, cyclists, and motorists in Berkeley.⁴ In the first quarter of 2024, Berkeley saw a 20% increase in collision injuries from Q1 2023, according to the Berkeley Police Department.⁵

Figure 2. Annual average collisions causing injuries to vehicle occupants, cyclists and pedestrians, 2017—2022, Berkeley, CA.

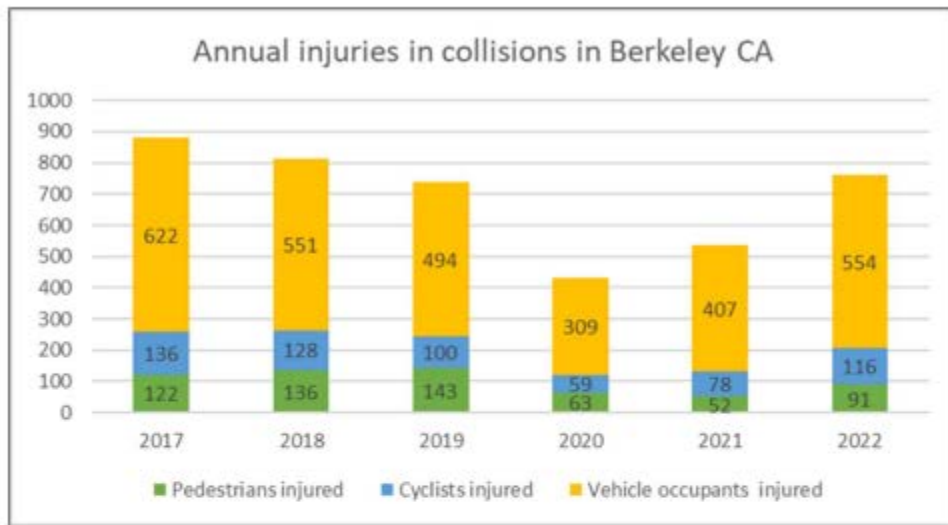
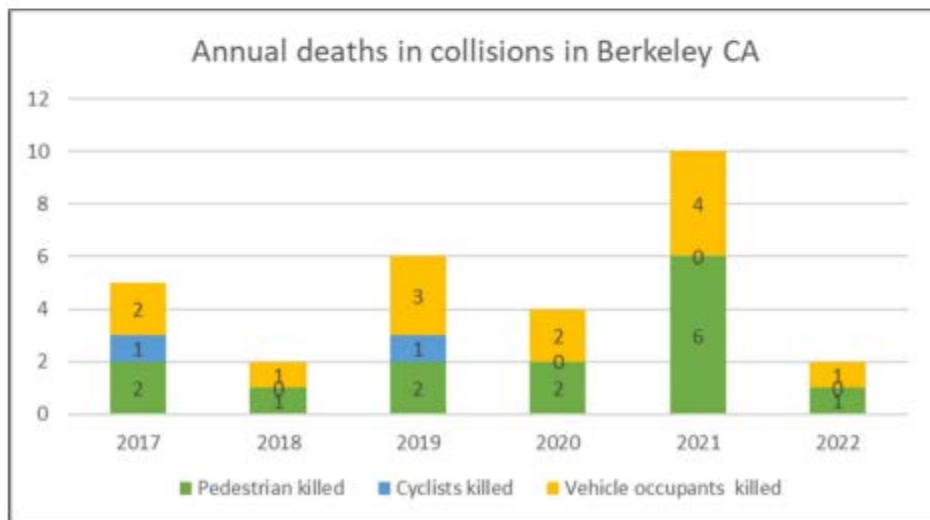


Figure 3. Annual average collisions causing fatal injuries to vehicle occupants, cyclists and pedestrians, 2017—2022, Berkeley, CA.



⁴ <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/DFSC%20Agenda%20Packet%2024-02-08.pdf#page=19>

⁵ <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/traffic-safety>

BACKGROUND

The City of Berkeley first adopted a Complete Streets Policy in 2012 (Resolution 65,978-N.S.). Complete Streets are defined in the Berkeley Bicycle Plan as “a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including people walking, people bicycling, persons with disabilities, people driving motor vehicles, movers of commercial goods, users and operators of public transportation, emergency responders, seniors, youth, and families.”

Adopted in 2017, the Berkeley Bicycle Plan has three overarching goals, the first being Safety First: “Zero bicycle-involved fatalities by 2025 [emphasis added]...Zero bicycle-involved severe injuries by 2035.” The plan established policies to design a Low Stress Bikeway Network “suitable for the ‘Interested but Concerned [potential cyclists],’ to include people [of] all ages and ability levels riding bicycles in Berkeley.”

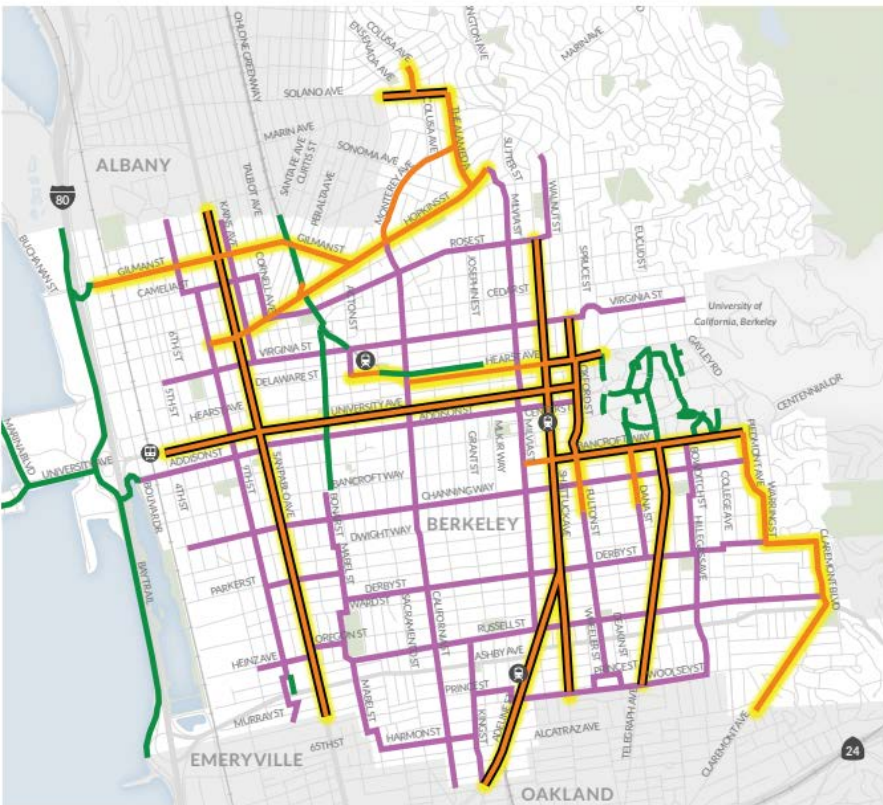


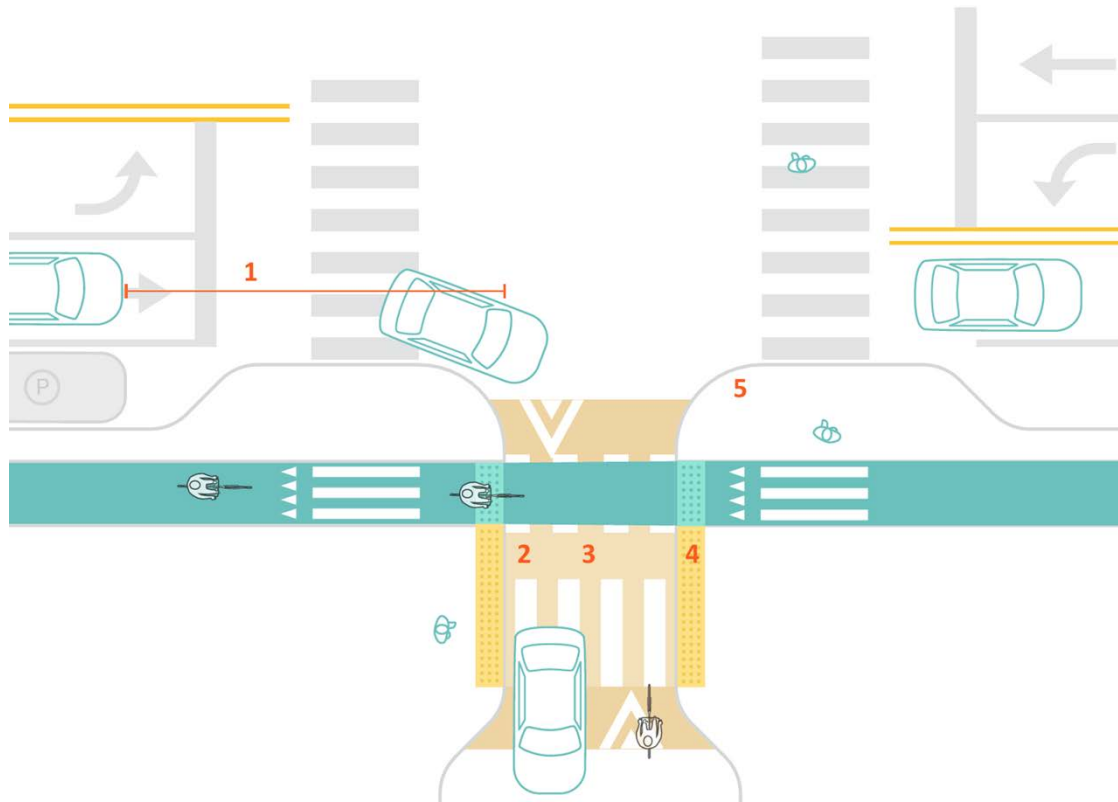
FIGURE 5-1: LOW-STRESS BIKEWAY NETWORK VISION

	PAVED PATH		COMPLETE STREET CORRIDOR STUDIES - LOW STRESS BIKEWAY RECOMMENDATION
	BIKEWAY BOULEVARD NETWORK		STUDY CYCLETRACK [4]*
	CYCLETRACK [4]		PRIMARY TRANSIT ROUTE - STUDY CYCLETRACK [4]*

The Bikeway Network policies included direction to “adopt the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide as the primary design guide for citywide bicycle facility design.” NACTO’s Urban Bikeway Design

Guide contains best practices for designing Bicycle Boulevards under various conditions, stating: “Bicycle Boulevards use signs, pavement markings, and speed and volume management measures to discourage through trips by motor vehicles and create safe, convenient bicycle crossings of busy arterial streets.”

In 2017, NACTO expanded the Urban Bikeway Design Guide with *Don't Give Up at the Intersection*, providing more detailed guidance for intersections. This publication recommends the following elements for Minor Street Crossings:⁶



1. Clear Sight Distance

A clear approach sightline gives drivers time to see and yield to people in the crossbike, and gives people on bike or on foot time to see and react to turning cars.

2. Crossbike & Crosswalk Markings

Crossbike and crosswalk markings provide conspicuity to people on bike or on foot. High-visibility markings provide the formal crosswalk and crossbike.

3. Raised Crossing

Raised crossings improve bicyclists' visibility and reduce the speed at which vehicles turn by bringing the vehicle crossing up to (or near) the sidewalk level. In addition, the

⁶ NACTO. (2017). “Minor Street Crossings.” *Don't Give Up at the Intersection*. Retrieved from: <https://nacto.org/publication/dont-give-up-at-the-intersection/minor-street-crossings/>

raised crossing is a signal to turning cars that through-moving bikes and pedestrians have the right of way.

4. Detectable Warning Surfaces

Detectable warning surfaces alert people who are blind or have low vision that they are entering an intersection.

5. Compact Corners

Small turn radii force turning drivers to slow down. If there is no raised crossing, the corner radius is the primary method to reduce turn speed.

Other types of street crossings, including Designated and Protected Intersections, contain even more design elements to slow motor vehicle traffic and decrease turning radii.

More broadly, NACTO recommends various design principles for “Intersections of Major and Minor Streets” in its Urban Street Design Guide.⁷ These primarily consist of “gateway” treatments to “limit turning speeds from the major to the minor street” such as curb extensions, raised crosswalks, bollards, and median refuge islands.



Illustration from NACTO Urban Street Design Guide

Vision Zero and Bicycle Plan Developments to Date

The City of Berkeley adopted its Vision Zero Action Plan in 2019, setting the goal of eliminating serious and fatal traffic collisions by 2028. The plan acknowledges that unsafe street design enables unsafe driving behavior, which disproportionately impacts cyclists, pedestrians, and other vulnerable groups including the elderly, young children, people with disabilities, people of color and low-income households.

⁷ NACTO Urban Street Design Guide: Intersections of Major and Minor Streets: <https://nacto.org/publication/urban-street-design-guide/intersections/intersections-of-major-and-minor-streets/>

The Vision Zero Action Plan contains the following among its guiding principles, the importance of which cannot be understated: “People make mistakes. We will design our streets so that mistakes do not result in death or severe injury.”

To advance this goal, the City Council has periodically and repeatedly advanced policies to strategically align street infrastructure planning and maintenance with Complete Streets designs to *eliminate* the risk of severe and fatal collisions. Notably, reducing motor vehicle speeds to 20 miles per hour eliminates the majority of this risk, as illustrated below:

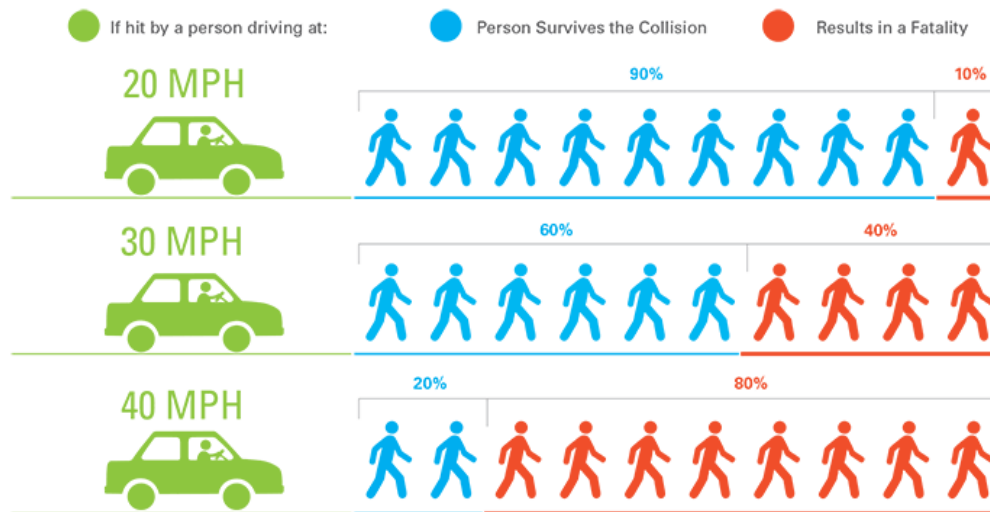


Illustration: Institute of Transportation Engineers⁸

On November 14, 2023, the Berkeley City Council adopted Resolution No. 71,097–N.S. as amended, to approve the Alameda County Transportation Commission’s San Pablo Avenue Multimodal Corridor Program: Safety Enhancements and Parallel Bike Improvements Projects, with the additional authorization for the City Manager “to direct staff to implement traffic calming measures on parallel bike routes as consistent as possible with the City of Oakland’s Neighborhood Bike Route (NBR) design standards.” Oakland’s NBR Implementation Guide is consistent with the City of Berkeley and NACTO’s design standards, with the inclusion of speed humps on every block to the extent feasible.

On December 5, 2023, the City Council passed a budget referral to allocate FY 2024 TNC tax revenues, including in part:

3. \$325,000 to increase the citywide Traffic Calming Budget on a one-time basis to \$400,000 (up from the current \$75,000); and
4. \$450,000 to citywide to fund:

⁸ <https://www.ite.org/technical-resources/topics/speed-management-for-safety/speed-as-a-safety-problem/>

- a. tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and*
- b. priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and*
- c. priority quick-build public transit projects under the Street Repair Program; and ... to consider establishing an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. [sic] a-c.*

In both the Vision Zero Action Plan and the 2020 Pedestrian Plan, Sixth Street is identified as a High Injury Street with a high proportion of severe and fatal collisions. However, Sixth Street merges into Seventh Street south of Dwight Way via Dwight Crescent. Given the methodology used for identifying High Injury Streets, it is conceivable that the southern portion of Seventh Street would qualify if it were considered as a continuous extension of Sixth Street, as it is often used:

...each street received a cumulative score based on the number and severity of collisions that took place. Street lengths were normalized to ensure that the high-injury analysis captured streets with higher densities of collisions. Then, streets that were more than 1.2 standard deviations away from the normalized mean were identified as a High Injury Street.⁹

Thus, it is unclear if the December 2023 budget referral is sufficient in scope to provide additional resources for a rapid traffic calming response to the Heinz Avenue Bicycle Boulevard. This budget referral proposes to preclude any uncertainty or hesitation with respect to immediate action on Heinz.

Examples of Quick-Build Projects

The City of Oakland has recently implemented “quick-build” projects—implemented within one year of planning—for street safety improvements.¹⁰ AC Transit is currently also partnering with the City of Berkeley for a quick-build transit priority lane project on Durant Avenue.

Below are several examples of quick-build projects implemented in Oakland to prevent fatal traffic collisions. Oakland’s Department of Transportation cautions that the speed of implementation cannot account for the lack of national standards and potentially rising maintenance costs; however, the possibility of permanent improvements in the

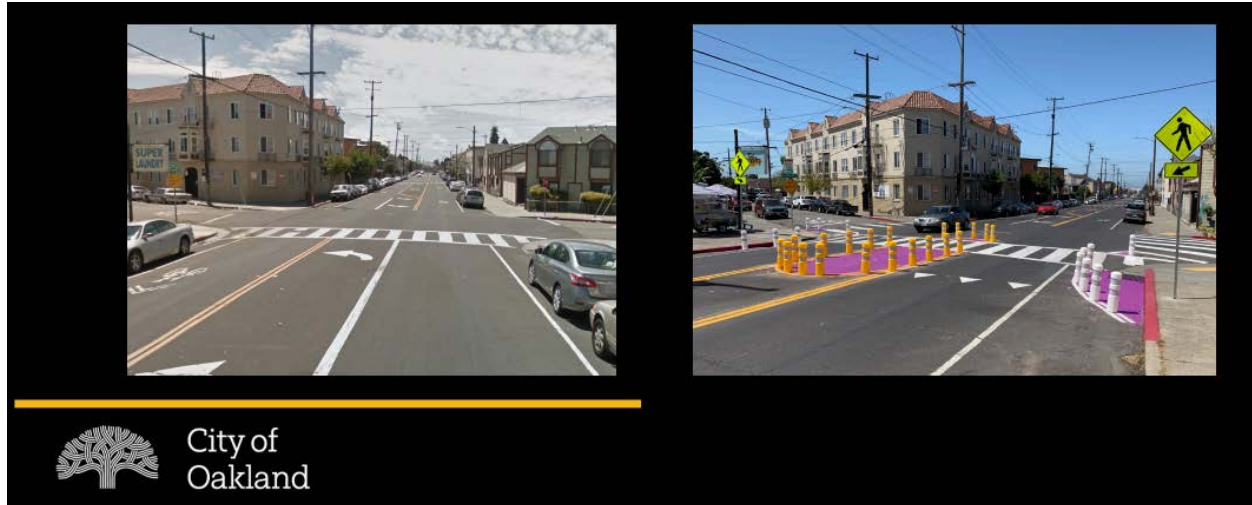
⁹ Berkeley Pedestrian Plan. (2020). Appendix C:

<https://berkeleyca.gov/sites/default/files/documents/2020%20Pedestrian%20Plan%20Appendix%20C%20%28adopted%29.pdf#page=24>

¹⁰ Oakland Department of Transportation presentation (2023):

https://mtc.ca.gov/sites/default/files/documents/2023-04/1b-OakDOT_Quick_Build_Projects.pdf

long-term can mitigate maintenance costs (e.g. replacing plastic bollards with concrete barriers).



City of
Oakland

“Painted Safety Zones” with flex posts and paint (curb bulb-outs and median refuge islands)



City of
Oakland

“Hardened Centerline” with flex posts and speed bumps for left turn hardening

In communications with the City Manager’s Office and the District 2 Council Office, Public Works staff has indicated that centerline hardening may be an appropriate response to the recent collisions at Seventh and Heinz.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City of Berkeley’s Climate Action Plan, adopted in 2009, includes the following recommendation: “Accelerate implementation of the City’s Bicycle and Pedestrian Plans

and continue efforts to make walking and cycling safe, healthy, and enjoyable alternatives to driving.”¹¹

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

- 1: City of Oakland Neighborhood Bike Route Implementation Guide
- 2: City of Berkeley Vision Zero Action Plan

¹¹ Berkeley Climate Action Plan: <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>



City of Oakland Neighborhood Bike Route Implementation Guide



Introduction

This Guide provides direction on implementing the City of Oakland’s Bike Plan (2019) recommendations for “neighborhood bike routes” (NBRs) also known as “bicycle boulevards.” The Bike Plan proposes over 75 centerline miles of NBRs (see Figure 1, Neighborhood Bike Route Map, next page) which are defined as:

- Calm local streets where bicyclists have priority but share roadway space with automobiles.
- Include shared roadway bicycle markings on pavement and additional traffic calming measures like speed humps or traffic diverters to keep streets comfortable for bicyclists.
- Comfortable for bicyclists with wider range of comfort levels.

The Bike Plan outlines four actions for streets to be designated as NBRs:

1. Improving Major Street Crossings;
2. Reducing or Preventing Speeding;
3. Preventing High Car Volumes; and
4. Increasing Pavement Quality.

This Guide describes implementation in the following five subject areas: Scoping & Monitoring, Route Establishment, Traffic Calming, Traffic Control, and Public Notification & Comment.



Some of the proposed NBRs in the Bike Plan are beyond the scope of this document. These include streets with significant AC Transit service and streets that are designated as thoroughfares for motor vehicles (i.e., arterials and collectors). Some collectors are residential streets with modest traffic volumes, and this guide is intended for these streets. However, other collectors and arterials have significantly higher traffic volumes and provide key connections in the street network. This guide does not provide all of the resources necessary for determining the feasibility and desirability of these more ambitious proposals. For a preliminary assessment of all NBRs, see the screening analysis at <https://tinyurl.com/OaklandNBR> and accompanying map at <https://arcg.is/OLXmbK>.

1. Scoping & Monitoring

To evaluate the level of traffic calming required, average daily traffic counts, speeds, and five-year crash data should be consulted. (Note: If 311 data is found to be accessible and helpful, this should be included as well.) If access restrictions or stop sign modifications are proposed, other data will be required (see Sections 2 and 3).

OakDOT sets target traffic speeds and volumes for NBRs based on NACTO’s Contextual Guidance for Selecting All Ages and Abilities Bikeways, March 2014¹ as follows:

- Speeds less than or equal to 20 mph (95th percentile), less than or equal to 2,000 average vehicles per day, and less than 50 vehicles per hour per direction at peak hour; or
- Speeds less than or equal to 25 mph (95th percentile), less than or equal to 1,500 average vehicles per day, and less than 50 vehicles per hour per direction at peak hour.

¹ nacto.org/publication/urban-bikeway-design-guide/designing-ages-abilities-new/choosing-ages-abilities-bicycle-facility

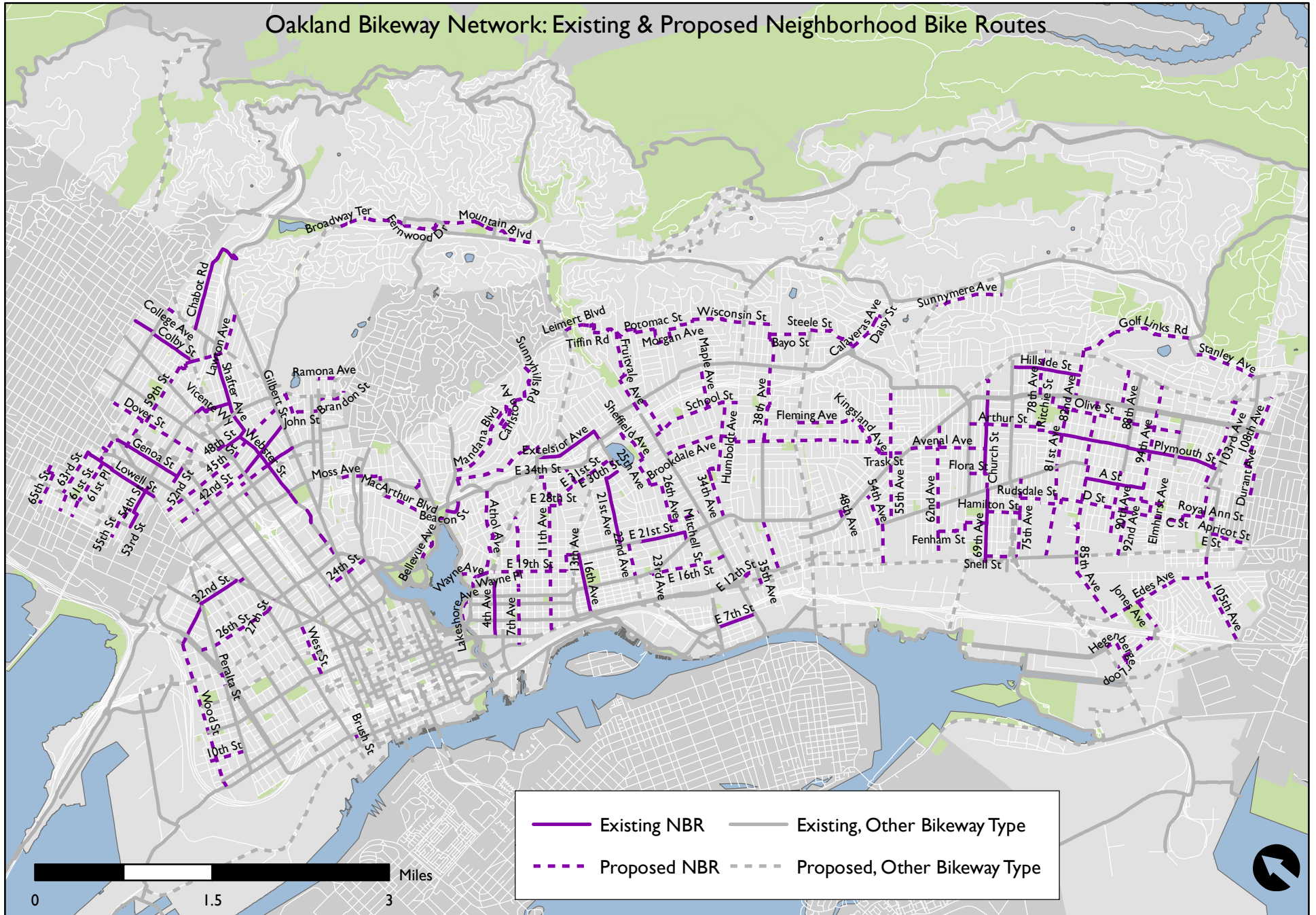


Figure 1: Neighborhood Bike Routes Map

Projects implementing NBRs on streets with traffic speeds and volumes above these thresholds should strive to reduce speeds and volumes to below these targets. Existing bike-ways that exceed these targets will be classified as bike routes, not as NBRs.

Some proposed NBRs may need ongoing monitoring if the existing traffic calming is insufficient to achieve the targets, or if traffic patterns change. If the route is not meeting those targets, additional traffic calming should be considered. This new monitoring system can be incorporated into Oakland's annual counts program.

2. Route Establishment

An NBR includes pavement markings, bike route signs, traffic calming (typically a minimum of one speed hump/table/cushion per block as feasible), and consideration of pavement quality.

Mid-Block Bicycle Pavement Markings

Install sharrows per current City standards (Figure 2). (Also see Issues for Further Discussion, page 11.)

Intersection Bicycle Pavement Markings

No markings are needed at unsignalized rectilinear local/local intersections, where both streets are 40' wide or less. At other intersections apply the following:

Use chevrons (Figure 3, and see OakDOT Design Detail RM-10) at:

- Signalized and/or skewed intersections with four or fewer approaches;
- In large traffic circles;
- Transitions to/from bike lanes; and
- Where one or more streets are wider than 40'.

Use green-backed sharrows (Figure 4) at:

- Offset intersections;
- Intersections where a bikeway turns;
- Complex multi-legged intersections; and
- Across divided roadways.



Figure 2: Oakland sharrow

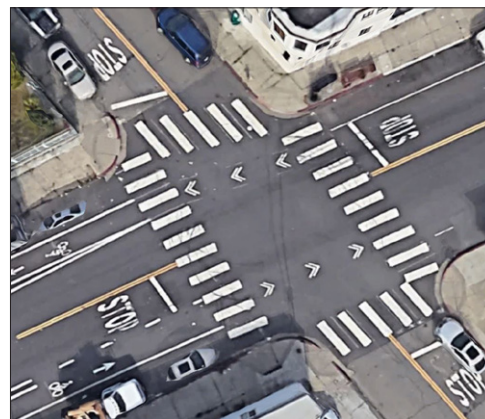


Figure 3: Intersection chevron markings, 38th Ave and Brookdale Ave



Figure 4: Green-backed sharrows, Waller St and Pierce St, San Francisco



Figure 5: 50 ft double centerline

Other Pavement Markings

Include speed hump markings, stop stencils (as needed), and centerlines (50 LF) approaching controlled intersections (Figure 5). Avoid the use of edge line stripes and continuous center lines. (Per CA MUTCD Section 3B.01, centerlines are not required on local streets. On urban collectors and arterials, centerlines are required on roads that are at least 20' wide and have ADTs of 6,000 vehicles per day or greater.)

Bicyclist Guide Signs

Install bicycle guide signs per current City standards (Figure 6)². In areas with few supported destinations (per City standards) and where an NBR does not connect to other signed bikeways, guide signs and decision signs may be sufficient. Where the new NBR does not connect to another signed bikeway, signs can be deferred. Also see Issues for Future Discussion, below.

Pavement Considerations

Projects implementing new NBRs should consider the pavement quality on the proposed route in determining the feasibility of the project. If resurfacing would be beneficial but is cost-prohibitive, consider spot pavement repairs or paving only the travel lanes and not the parking lanes. Where possible, work should be coordinated with the City Council-adopted paving prioritization plan.

If the paving plan (or another project) will pave only part of a proposed NBR, the new route should only be implemented in the following situations:

- where the new segment connects to another existing bikeway (example: 45th St, Linden St to Market St);
- where the pavement quality of adjacent segments allows the installation of a longer bikeway; or
- if additional resources for paving have been secured for the adjacent segments.

If one of these three criteria is not met, the new NBR should not yet be designated. However, speed humps and/or other traffic calming should be considered.

3. Traffic Calming

All NBRs should include traffic calming with a minimum of one speed hump per block (as feasible). Additional traffic calming may be necessary to achieve the targeted speeds and volumes specified above.

Volume and Speed Management

Discourage through traffic and reduce motor vehicle volumes and speeds through the implementation of traffic calming measures, such as vertical deflection (speed humps/cushions/tables), traffic circles (Figure 7), islands (Figure 8), and diverters (Figure 9). At minimum, an NBR should include one speed hump per block as feasible.



Figure 6: Oakland bike route sign

² <https://tinyurl.com/OakDOTBikeWayfinding>



Figure 7: Traffic circle (Shafter Ave, Oakland)



Figure 8: Island cut-through (Channing St, Berkeley)

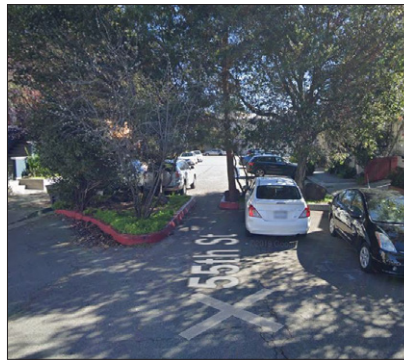


Figure 9: Diverters (left to right, Milvia St, Berkeley; 55th St east of Telegraph Ave, Oakland; Russell St, Berkeley)

Speed humps may not be feasible on all blocks due to block length, street grade, or conflicts with utilities or driveways³. Additional speed humps and/or other calming measures should be applied when traffic volumes and/or speeds exceed OakDOT's guidelines.

Daylighting

Parking may be removed up to 20 feet from the curb return on intersection approaches (standard best practice for all streets).

Traffic Restrictions

Current City policy governing street closures is in City Council Resolution 71056 C.M.S. (1994) "Resolution Adopting Rules and Regulations Governing the Prohibition of Entry To, or Exit From, or Both From City Streets." To close a street, the following conditions must be met:

1. the street's functional classification designates it as a local street;
2. where unwarranted through traffic is using the street;
3. 67% or more of residents support the change; and
4. a determination that the health and safety of the residents of the street and of neighboring streets will not be adversely affected.

³ www.oaklandca.gov/services/apply-for-a-speed-bump

Access restrictions (Figures 8 and 9) should be considered where the volume of cut-through traffic is incompatible with a street's designation as an NBR. Access restrictions should be designed to reduce or eliminate through traffic while allowing local access (e.g., right-in/right-out only at collectors and arterials). Proposals for traffic restrictions require basic study and outreach (per Resolution 71056) and may need an area-wide traffic study to determine where the traffic would be diverted to help communicate the diversion to affected residents, and, potentially, to determine if additional traffic calming is needed to address impacts created by that diversion.

Resolution 71056 does not allow partial or full closures to streets classified as collectors or arterials. Such streets could be reclassified as local streets to allow for access restrictions. This reclassification process is managed by Caltrans, as designated by the Federal Highway Administration to oversee the functional classification of California's roadways. The request process requires a City Council resolution, concurrence by the Metropolitan Transportation Commission, and approval by Caltrans.

4. Traffic Control

Through and cross-traffic on NBRs should be controlled to give bicyclists priority and create safe crossings.

Stop Control at Local Streets

Minimize the number of intersections along NBRs where cross traffic does not stop.

- Intersections of NBRs and local streets should be either: (1) stop-controlled on the local approaches only (preferred); or (2) all-way stop-controlled.
- Intersections of two NBRs should be all-way stop-controlled.
- Where stops remain on the NBR, install the supplemental stop sign placards (Figure 10), "ALL WAY" or "CROSS TRAFFIC DOES NOT STOP" as applicable.
- When stops are eliminated on an NBR, monitor post-project traffic volumes and speeds to determine if changes in stop control should be accompanied by traffic calming (if not already included).

Figure 10: Stop Sign Supplemental Placards



Prior to the removal of stop signs:

- Review traffic volumes (vehicle, bicyclist, pedestrian) to ensure the volumes are lower than the thresholds that typically warrant stop signs.
- Conduct a visibility study including sight triangle analysis and approach speed data collection.
- If visibility is limited, can obstructions be removed or approach speeds reduced? If not, do not remove stop signs. Existing speed data must show speeds that do not create sight distance triangle limitations prior to stop sign removal. (Speed data should not be inferred based on future installation of traffic calming features.)
- Review crash history to ensure there are no crash trends that would be exacerbated by stop sign removal.

Figure 11: Treatments for Uncontrolled Crossings of Arterials and Collectors



Bicycle warning sign (Market St/61st St, Oakland)



RRFBs (Broadway/23rd St, Oakland)



High-visibility crosswalk (Lowell St/Stanford Ave, Oakland)



Curb extension (Virginia St/Shattuck Ave, Berkeley)



Median island (source: NACTO Guide)



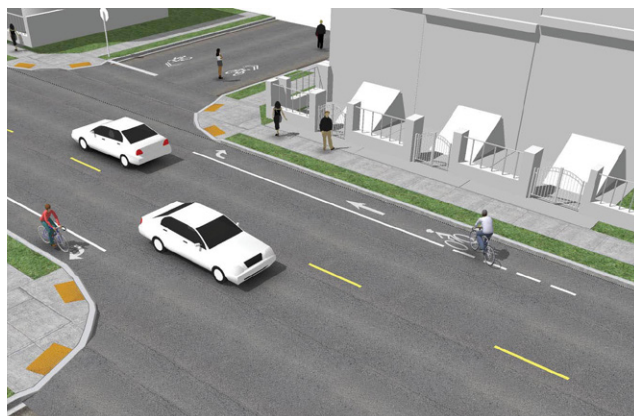
Passive bike detection (Hillegass Ave/Ashby Ave, Berkeley)

Uncontrolled Crossings of Collectors and Arterials

Work to eliminate such crossings. Where they cannot be eliminated, install treatments that support bicyclists at uncontrolled crossings of collectors and arterials. Possible treatments (see Figure 11, previous page), from low to high intensity and cost, include:

- Bicycle warning signs;
- “BIKE XING AHEAD” pavement legends;
- High-visibility crosswalks;
- Bikeway markings through the intersection;
- Stop signs;
- Median islands;
- Rectangular rapid flashing beacons (RRFBs) with bicyclist-accessible push button actuation;
- Curb extensions;
- Pedestrian hybrid beacons (PHBs) with passive bicyclist detection; and
- Traffic signals.

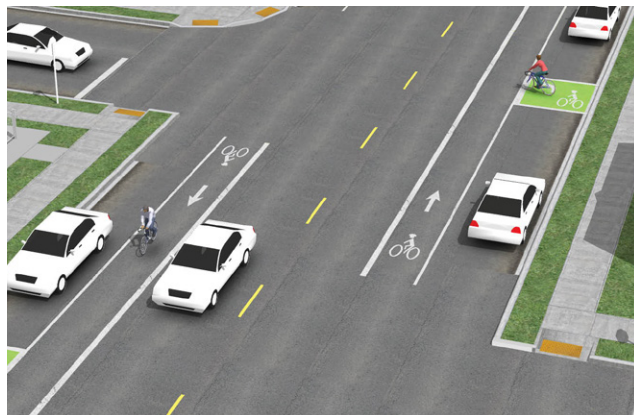
Figure 12: Treatments for Offset Intersection Crossings of Arterials and Collectors (source: NACTO Guide)



Bike lanes



Bicycle turn pockets



Two-stage turn queue boxes



Two-way cycle track

Offset Intersections at Collectors and Arterials

NBRs should avoid shared-lane situations on the major street wherever possible. Possible offset intersection treatments (Figure 12, previous page) may include:

- Bike lanes;
- Bicycle turn pockets;
- Two-stage turn queue boxes;
- Two-way cycle tracks;
- Pedestrian hybrid beacons with passive bicyclist detection; and
- Traffic signals.

Treatments are context-sensitive and respond to available width, traffic volumes, and the presence of a center turn lane, bike lanes, and/or a traffic signal.

5. Public Notification and Comment

Residents on and near proposed NBRs should be notified early in the project development process when public comments can be addressed. Typically, the City will send a project mailer to addresses within 400' of the proposed bikeway describing the project and providing an opportunity to weigh in and, optionally, to provide supporting comments. For NBR projects, an additional notification should be sent to addresses immediately adjacent to the locations of proposed traffic calming. Projects that restrict traffic (e.g., street closures, turn restrictions) may involve a broader process to address neighborhood concerns associated with diverted traffic.

Whether from mailers, surveys, meetings, or other contacts, the City should strive to resolve concerns as feasible within the scope of the project and with the design tools available to OakDOT. Possible solutions include expanding the scope of work to address the concerns of neighbors on nearby streets; or reducing the scope of work to eliminate traffic calming elements proposed in particular locations. General concerns regarding the project's goals (e.g., slowing traffic) may not lead to changing the project but may entail additional outreach. Conversely, a proposed speed hump may be deleted or relocated, for example, in response to a resident with a physical disability who benefits from a level parking space in front of their home. The purpose of public notification and comment is to achieve the OakDOT Strategic Plan goal on Responsive Trustworthy Government by "providing Oaklanders with an open, accessible and efficient transportation agency."

Issues for Future Discussion

Type of Pavement Marking

These guidelines assume that low stress bike routes are going to be referred to as Neighborhood Bike Routes in maps and communications materials, and thus recommend the use of sharrows per current City standards (Figure 1). However, some favor City of Berkeley style BIKE BLVD pavement markings (Figure 12) which are larger and convey an understandable “brand.” However, BIKE BLVD markings would not be consistent with the NBR naming. Further, concerns have been raised that local residents may perceive such markings as a harbinger of unwanted gentrification. Some favor an enlarged sharrow marking. Concerns include the ability of contractors to procure and use custom pavement legends.

Additional Placemaking Signs

To address the following recommendation from the Bike Plan: “OakDOT will engage communities in a collaborative design process to develop placemaking signage for Neighborhood Bike Routes. The signs will complement bicycle wayfinding signage by depicting neighborhood identities.” (p.121)

Modified Street Name Sign

In addition to placemaking signs, and to complement guide signs, modified street name signs, similar in purpose to those used to mark bike boulevards in Emeryville and Berkeley (Figure 13) could be considered. The advantage of a modified street name sign is that NBRs would be easier to identify—particularly at intersections. A preliminary estimate indicates that 50 street name signs would be required per centerline mile of NBR. To meet this standard along the 14 centerline miles of existing NBRs, it is estimated that 700 street name signs would need to be replaced or modified. (This estimate is based on Cavour St which is 0.2 miles long, with five intersections, and two street name signs per intersection.)

The “Idaho Rule”

When approaching STOP controlled intersections on local streets, most bicyclists yield and do not come to a complete stop. In recognition of this, the state of Idaho passed a law in 1982 allowing bicyclists to treat STOP signs as yield signs. Similar rules have since been adopted in Delaware, Colorado, Oregon, and Washington (https://en.wikipedia.org/wiki/Idaho_stop). Various attempts have been made to pass this law in California, but to date, they have not been successful. With such a law this typical behavior by bicyclists would become legal behavior, thus reducing the impetus for removing STOP signs on NBRs. A possible disadvantage is that bicyclists could exercise less caution at STOP signs than they do today.

Emergency Response Classification Map

OakDOT should consider partnering with OFD, OPD, and other stakeholders to develop a map of emergency vehicle stations and routes and seek review and vetting when proposing traffic calming on major emergency vehicle routes.



Figure 13: Bicycle boulevard marking



Figure 14: Street name signs

A photograph of a road sign with a white border and a white grid overlay. The sign is white with red text that reads "DRIVE LIKE YOUR FRIEND DIED HERE". The sign is mounted on a wooden post. The background is a blurred outdoor setting with trees and a road. The entire image has a reddish-orange tint.

DRIVE
LIKE
YOUR
FRIEND
DIED
HERE

CITY OF BERKELEY VISION ZERO ACTION PLAN

Approved March 10, 2019
by the Berkeley City Council

ACKNOWLEDGEMENTS

Thank you to the Task Force and Advisory Committee for helping to shape this plan.

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TABLE OF CONTENTS

Introduction	1
Accountability	3
Equity	3
Priority Actions	4
Glossary	6
Why We Need Vision Zero	7
Berkeley Needs Vision Zero	9
Vision Zero is about the 4%	9
Vision Zero is about mode	9
Vision Zero is about Traffic Violations	10
Locations of Severe and Fatal Collisions	12
Map of High-injury Streets	13
Vision and Guiding Principles	15
Taking Action	19
The Vision Zero Program	21
Safer Streets for Everyone	21
Safer Streets By Everyone	21
1.1 The Vision Zero Program: Collaboration	22
1.2 The Vision Zero Program: Capacity	23
1.3 The Vision Zero Program: Transparency and Equity	24
2.1 Safer Streets for Everyone: Project Planning and Development	25
2.2 Safer Streets for Everyone: Project Design.....	26
2.3 Safer Streets for Everyone: Project Delivery.....	27
3.1 Safer Streets by Everyone: Public Awareness	28
3.2 Safer Streets by Everyone: Enforcement	29
Appendices	31
Appendix A: Vision Zero Action Plan Timeline & Process Diagram	
Appendix B: Prioritized Vision Zero Actions Matrix	
Appendix C: SWITRS Violation Code Data Tables	



ABOUT VISION ZERO

Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all. Vision Zero is, first and foremost, an *engineering* strategy that aims to design and build our streets to eliminate all severe and fatal traffic injuries. These engineering efforts are supported by public awareness education and traffic enforcement. Equity-driven Vision Zero traffic enforcement utilizes the best possible data and is focused on areas of Berkeley where engineering and education efforts have already been implemented.



INTRODUCTION



CAPTURING SITES OF FATAL AND SEVERE COLLISIONS

All photos in this plan were taken at locations in Berkeley where someone lost their life or sustained a severe injury in a traffic collision. The images demonstrate that there is rarely any way for someone passing by to know a tragedy took place, since things often continue as they did before. Vision Zero challenges this status quo and strips away the societal acceptance that fatal and severe traffic collisions are a necessary byproduct of mobility. As part of this plan, rapid-response communications and safety project protocols will be established to help tell victims' stories and deliver quick-build projects where engineering countermeasures may effectively improve safety.

Every year, an average of two people die and 21 people are severely injured in Berkeley due to traffic violence. Vision Zero is about recognizing that these deaths and severe injuries are preventable and unacceptable – no one should lose their life or experience a life-altering injury while traveling on Berkeley streets, no matter who they are or how they travel.

We began our commitment to Vision Zero in 2018 through the adoption of a Vision Zero resolution to end all traffic-related deaths and severe injuries on City streets by 2028. Since then, we have established two working groups: a Task Force, comprised of key City staff, elected officials, and partner agencies; and an Advisory Committee, comprised of representatives from advocacy groups, the public, Berkeley Unified School District, and City of Berkeley Commissions. The Task Force and Advisory Committee have worked together to craft the Vision, Guiding Principles, and Actions presented in this plan. To learn more about the process, see **Appendix A: Vision Zero Action Plan Development**.

While every action item introduced in this plan is fundamental to the success of Vision Zero, the priority actions presented on the next page are the near-term focus of Vision Zero in Berkeley, based on feedback from the Task Force and Advisory Committee on existing resources, and staff and community priority. The full list of actions for the City of Berkeley is introduced later in this plan, in “Taking Action.”

Throughout the development of this plan, two key themes were frequently discussed: this plan must be accountable, and this plan must be crafted through an equity lens.

ACCOUNTABILITY

This plan takes strategic and pointed actions to keep Vision Zero front and center in the City of Berkeley – calling for continuous plan updates to remain in line with best practices and trends; an audit conducted by the City Auditor to make sure Vision Zero has the appropriate level of staff and resources to be effective; and building redundancy by integrating Vision Zero actions into other guiding documents, including the Berkeley Strategic Plan and departmental work plans.

EQUITY

This plan is equity-driven, starting with recognizing that we do not understand the full magnitude of inequities today due to gaps in key safety datasets. The plan recommends that we utilize Berkeley Police Department collision report data to better understand who are the victims of traffic collisions; perform a robust assessment of other key gaps in safety datasets as part of the first update to this plan; and elevate community voices to understand the perception of safety and personal security in our most vulnerable communities. This plan also includes actions to create a traffic ticket diversion program for bicyclists and pedestrians, and calls for partnerships with community-based organizations and culturally-relevant and context-specific outreach and educational campaigns. The plan emphasizes engineering and education actions first, supported by equity- and data-driven traffic enforcement conducted consistent with the City of Berkeley’s Fair and Impartial Policing Policy.

PRIORITY ACTIONS

- **Establish a standing Vision Zero Coordinating Committee** consisting of City staff, Commissioners, partner institutions, members of the community, advocacy groups, and community-based organizations who have a role in advancing Vision Zero action items with quarterly meetings organized around a predetermined annual agenda. Seek to establish a funding source to compensate members of the community and community-based organizations to enable their participation.
- **Conduct a citywide Vision Zero Action Plan assessment** of existing staffing and funding capacity to complete Vision Zero action items.
 - **Create a staffing matrix** of existing and proposed staff for the delivery of high-priority Vision Zero action items. New or realigned staff needs are anticipated in Public Works safety project team; Public Works Vision Zero Program support staff; Public Information Officers in key Vision Zero departments, including Police and Health, Housing, and Community Services; Berkeley Police Department Vision Zero collision data analysis; Health, Housing, and Community Service Vision Zero data analysis and public awareness programs.
 - **Establish a milestone staffing and funding schedule** to complete high-priority Vision Zero action items, including City and grant funds.
- **Proactively build capital-intensive and quick-build safety projects** on all Vision Zero High-Injury Streets on a schedule to complete such projects by 2028.

PRIORITIZATION APPROACH

This plan prioritizes engineering, education, and public awareness before enforcement to achieve Vision Zero in Berkeley. Each action item is prioritized based on feedback from the Task Force and Advisory Committee on existing resources, and staff and community priority, as well as the potential transformative impact of each item:

- **Existing Resources:** Actions are prioritized that likely already have the needed resources, both staff and funding, to deliver.
- **Staff Priority:** Actions are prioritized that are of interest and priority to the Task Force and Vision Zero Program staff.
- **Community Priority:** Actions are prioritized that are of interest and priority to the Advisory Committee.
- **Transformative/High Impact:** Actions are prioritized that would have major positive impacts on safety or City collaboration, based on the Institute of Transportation Engineer's *Core Elements of Vision Zero* and ongoing City efforts.

The actions introduced here are the near-term focus for the City of Berkeley. The full list of actions in priority order can be reviewed in **Appendix B: Prioritized Actions Matrix**.

- **Request a Vision Zero Performance Audit** to be performed during the FY21 audit period to evaluate the implementation of the Action Plan and make any additional needed recommendations, including additional and/or realigned staffing and funding, for effective Vision Zero Action Plan implementation. Provide required six-month updates to City Council.
- **Establish a Vision Zero Rapid Response Safety Communication Protocol.** Employ a communication strategy in response to recent severe and fatal collisions aimed at the human element of traffic safety, including health and prevention messaging to the Berkeley community.
- **Support statewide traffic safety legislation** allowing automated speed enforcement by local agencies, designation of speed limits on local streets based on desired safety outcomes rather than the existing prevailing speed, and the reduction of local residential street speed limits to below 25 MPH, which would allow for 20 MPH speed limit on local residential streets, consistent with “20 Is Plenty” campaigns. Utilize existing legislated automated enforcement strategies, such as red light cameras.
- **Establish a Complete Streets Repaving and Development Project Checklist** to ensure proactive and reactive Vision Zero safety infrastructure for people of all ages and abilities are included with each repaving project and in the conditions of approval for development projects. With the Vision Zero Coordinating Committee, consider establishing an equity-driven approach to prioritizing repaving projects.
- **Develop and proactively deliver a Vision Zero branding, promotional, and educational campaign** to increase awareness about Vision Zero and the top traffic violations for severe and fatal injuries in Berkeley, elevating victims’ stories. Regularly update the campaign to ensure it is context-specific, accessible, and culturally relevant. Collaborate with community-based organizations to distribute material and promote messages and public events that normalize active transportation and transit as healthy and responsible transportation choices.
- **Develop a publicly accessible matrix and map to prioritize and track projects.** Prioritize both new/existing requests/referrals and delivery of established infrastructure project lists (e.g., Five Year Repaving Program, BeST Plan, etc.) according to the Vision Zero High-Injury Streets map and equity-driven prioritization from City Council adopted plans such as the Bicycle Plan and forthcoming Pedestrian Plan.
- **Utilize the Berkeley Police Department’s collision report data on parties involved,** such as housing status or whether parties involved are disabled, to help address equity gaps in Statewide Integrated Traffic Records System (SWITRS) collision data. Confirm that Berkeley Police Department report training emphasizes consistent use of these collision report data fields and, if needed, provides training resources for avoiding transportation mode bias in collision reporting. When necessary, update the collision report form to be consistent with emerging mobility modes.
- **Focus traffic enforcement efforts proportionately on the most significant traffic violations for severe and fatal collisions by party at fault.** Focus enforcement efforts on areas of Berkeley where engineering and education efforts have already been implemented. Conduct traffic enforcement consistent with the City of Berkeley’s Fair and Impartial Policing Policy.

GLOSSARY

Equity

Race, ethnicity, gender, age, socioeconomic status, or physical or mental ability can no longer be used to predict access to safe transportation, and safety and access for all groups are improved.

This definition is adapted from the Government Alliance on Race & Equity's *Racial Equity Toolkit*. The City of Berkeley is a core member of the Government Alliance on Race & Equity (GARE).

Severe Injury

A severe injury is based on the reporting police officer's visual assessment of a victim at the scene of the collision. The California Highway Patrol's *Collision Investigation Manual* defines a severe injury as an injury other than a fatal injury which results in broken bones, dislocated or distorted limbs, severe lacerations, or unconsciousness at or when taken from the collision scene. It does not include minor lacerations. Some severe injuries may not be classified as such by the reporting officer if they are not visible or otherwise apparent.

Vulnerable Users

Users of the roadway that are more vulnerable to traffic-related death or injury due to their demographic, socioeconomic status, physical or mental ability, or mode of travel. This may include people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, seniors, people with disabilities, and people who walk and bike.





WHY WE NEED VISION ZERO?

BERKELEY NEEDS VISION ZERO

Every year, on average two people die and 21 people sustain severe injuries on Berkeley streets due to traffic violence. This is unacceptable and preventable – no one should lose their life or suffer a life-altering injury when traveling in our city. All statistics presented on this page are based on data between 2013 and 2017 - the most recent five years of collision data available through the Statewide Integrated Traffic Records System (SWITRS).

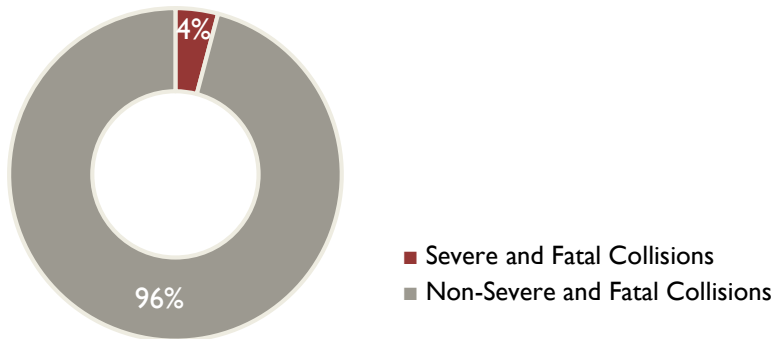
DISPROPORTIONATE BURDEN

We know that people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, seniors, and people with disabilities are over-represented in fatal and severe injury collisions, but we currently have limited data within SWITRS collision reports to understand the magnitude of the disproportionate burden. This plan addresses those data gaps head-on and establishes strategies to start collecting and utilizing more meaningful data to understand inequities on our streets. We also are not waiting for more data to take an equity-driven approach to Vision Zero. Read more about our proposed strategies in “Taking Action.”

VISION ZERO IS ABOUT THE 4%

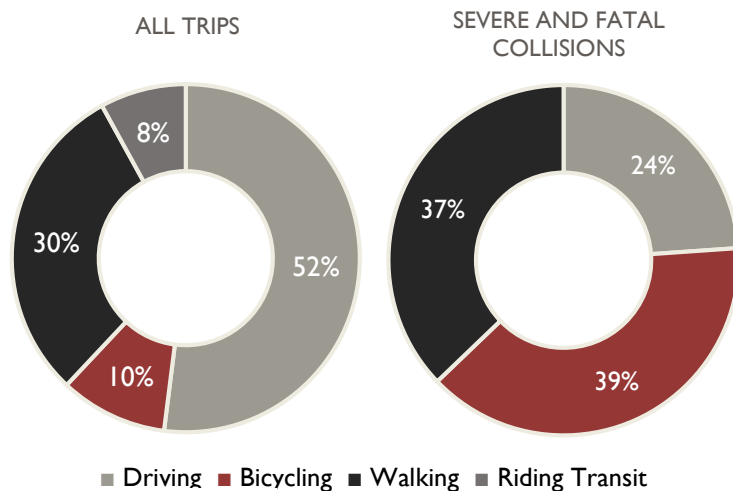
On average, 4% of collisions on Berkeley streets result in a fatality or severe injury.

That is 4% too many.



VISION ZERO IS ABOUT MODE

Collisions disproportionately impact people riding bicycles and people walking. The numbers are stark – collisions involving someone riding a bicycle or walking make up almost **80%** of collisions that result in death or severe injury, despite making up just **40%** of trips in Berkeley.



Collision Data: SWITRS five-year injury collision data, 2013-2017

Mode Data: California Household Travel Survey for the City of Berkeley, 2012

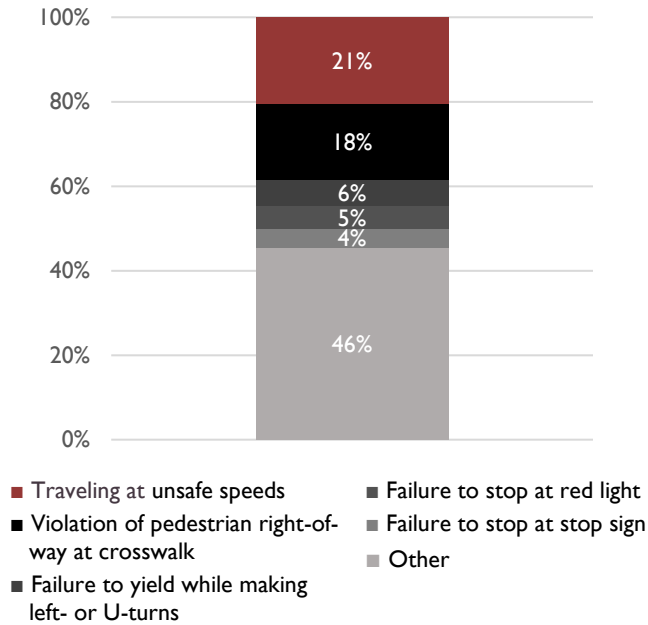
VISION ZERO IS ABOUT TRAFFIC VIOLATIONS

Every collision involves multiple factors. The top traffic violations reported during the years 2013 to 2017 for collisions in Berkeley that resulted in death or severe injury were **traveling at unsafe speeds, violation of pedestrian right-of-way at a crosswalk, failure to yield while making left or U-turns, failure to stop at a red light, and failure to stop at a stop sign**. Vision Zero focuses on the most significant factors associated with severe and fatal traffic collisions in order to make the greatest impact.

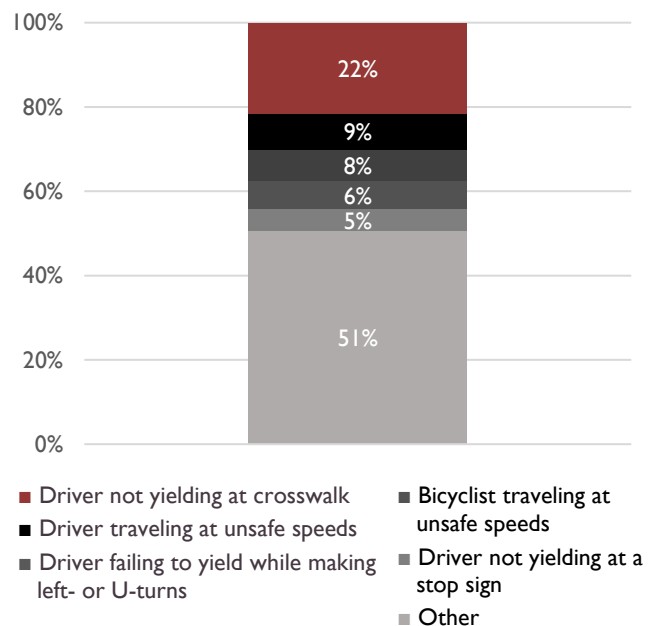
Safety is also about how we share public space and how we interact on our streets. When we consider the primary party at fault, the top traffic violations for severe and fatal vehicle-involved collisions in Berkeley were **drivers not yielding at crosswalks; drivers traveling at unsafe speeds; drivers failing to yield to oncoming traffic when making a left- or U-turn; bicyclists traveling at unsafe speeds; and drivers not yielding at stop signs**. While party at fault data is subjective and may not include the victim’s perspective, it can add to our understanding of the unsafe behaviors that result in severe and fatal collisions.

Violation data tables are provided in **Appendix C: SWITRS Violation Code Data Tables**.

TOP VIOLATIONS IN SEVERE AND FATAL COLLISIONS



TOP VIOLATIONS BY PARTY AT FAULT IN SEVERE AND FATAL COLLISIONS



Collision Data: SWITRS five-year injury collision data, 2013-2017

**WHY DO WE FOCUS ON SPEED?
BECAUSE SPEED KILLS.**

HIT BY A VEHICLE TRAVELING AT:

**20
MPH**



9 out of 10 pedestrians survive

HIT BY A VEHICLE TRAVELING AT:

**30
MPH**



5 out of 10 pedestrians survive

HIT BY A VEHICLE TRAVELING AT:

**40
MPH**



1 out of 10 pedestrians survive

Source: US Department of Transportation, Literature Review on Vehicle Travel Speeds and Pedestrian Injuries March 2000



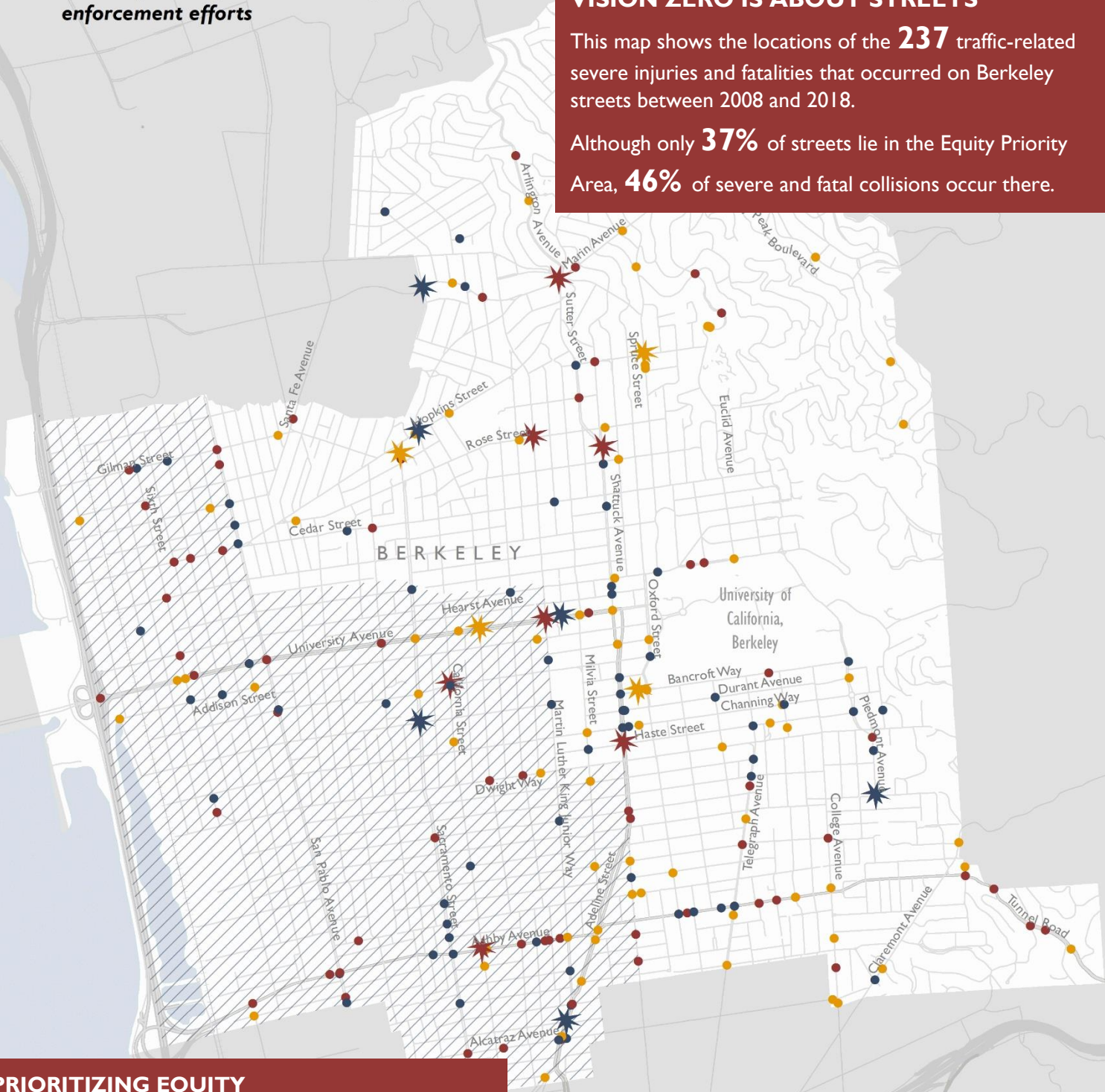
LOCATIONS OF SEVERE AND FATAL COLLISIONS

This map is not for use in developing focused enforcement efforts

VISION ZERO IS ABOUT STREETS

This map shows the locations of the **237** traffic-related severe injuries and fatalities that occurred on Berkeley streets between 2008 and 2018.

Although only **37%** of streets lie in the Equity Priority Area, **46%** of severe and fatal collisions occur there.



PRIORITIZING EQUITY

Lower income residents and people of color are disproportionately impacted by the risk of traffic injuries and fatalities. The Equity Priority Area considers historic Home Owners' Loan Corporation "redlining," racial/ethnic composition, property value, and cultural centers to guide the City of Berkeley in prioritizing infrastructure projects that remedy systemic inequity. A full description of the Equity Priority Area methodology can be found in the City of Berkeley Pedestrian Plan.

/// Equity Priority Area

Collision Type

- ★ Bicycle - Fatal
- ★ Pedestrian - Fatal
- ★ Driver - Fatal
- Bicycle - Severe Injury
- Pedestrian - Severe Injury
- Driver - Severe Injury

Collision Data: SWITRS ten-year injury collision data, 2008-2018

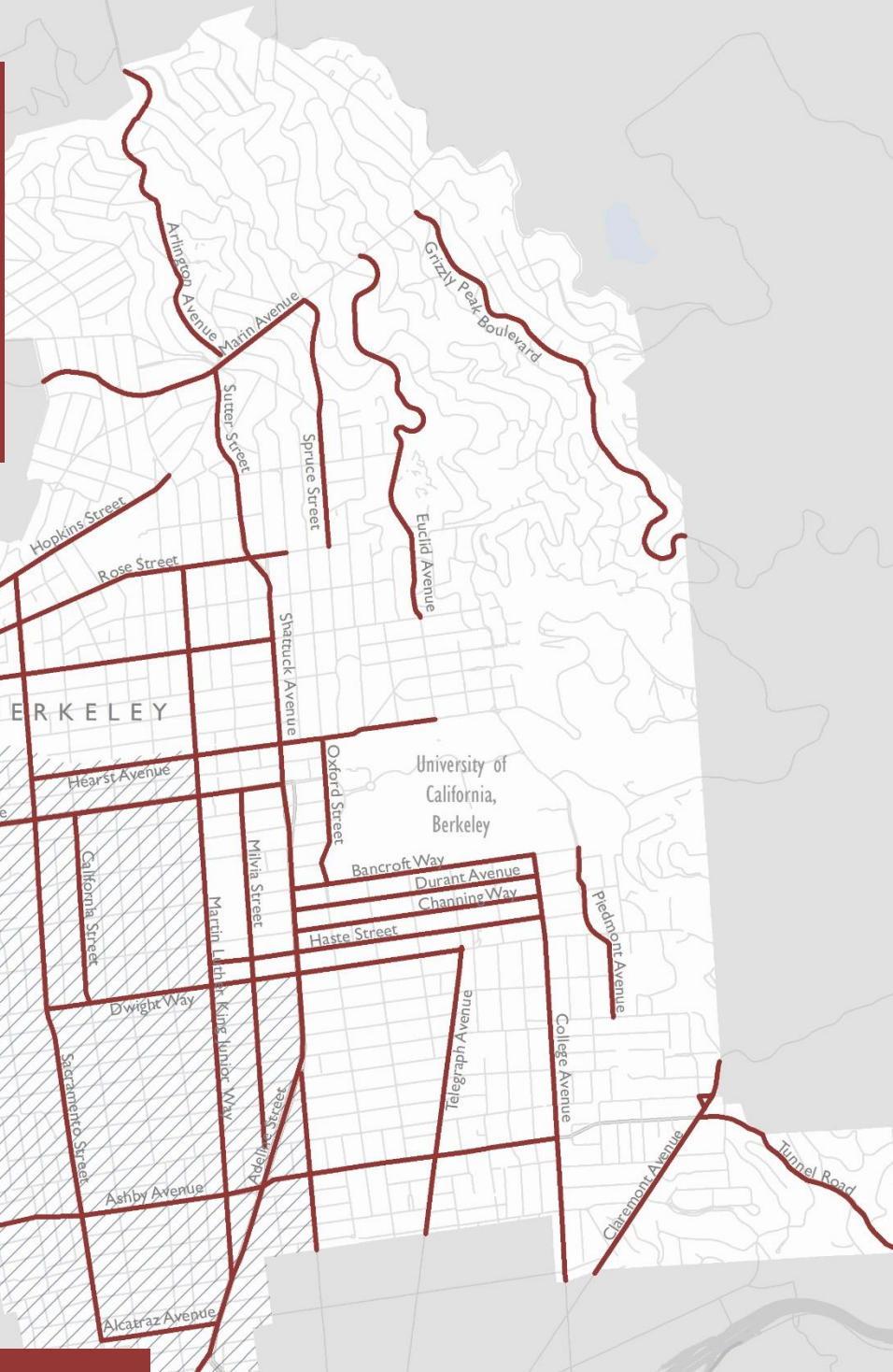
HIGH-INJURY STREETS

This map is not for use in developing focused enforcement efforts

VISION ZERO IS ABOUT STREETS

The High-Injury Streets map represents the City of Berkeley's streets with the most severe injuries and fatalities based on data between 2008 and 2018.

91% of Berkeley's severe and fatal collisions occur on just **16%** of City streets.



PRIORITIZING EQUITY

Lower income residents and people of color are disproportionately impacted by the risk of traffic injuries and fatalities. The Equity Priority Area considers historic Home Owners' Loan Corporation "redlining," racial/ethnic composition, property value, and cultural centers to guide the City of Berkeley in prioritizing infrastructure projects that remedy systemic inequity. A full description of the Equity Priority Area methodology can be found in the City of Berkeley Pedestrian Plan.

- High-Injury Streets
- Equity Priority Area

Collision Data: SWITRS ten-year injury collision data, 2008-2018



VISION AND GUIDING PRINCIPLES

The City of Berkeley is committed to an equity-focused, data-driven effort to eliminate traffic deaths and severe injuries on our city streets by 2028.

1. **Safety is our highest priority.** Human life is more important than speed, convenience, or property. We will evaluate trade-offs and make both proactive and reactive engineering decisions about street design based on this value.
2. **Traffic deaths and severe injuries are preventable and unacceptable.** Using a holistic, data-driven, systems-level approach to street design, we will treat fatal and severe collisions as preventable and unacceptable incidents that can and must be addressed.
3. **People make mistakes.** We will design our streets so that mistakes do not result in death or severe injury.
4. **Slower streets are safer streets.** We will design, construct, and operate our streets for slower speeds with the goal of eliminating all fatal and severe collisions, and protecting our most vulnerable street users.
5. **We will create safer transportation options for people who walk, bike, and take transit.** Creating safer and more comfortable transportation options for people to walk, bike, and take transit can make these modes more attractive and reduce the number of car trips in Berkeley. Fewer car trips can mean fewer severe and fatal collisions.





6. **Street safety must be achieved equitably.** We will respond to the disproportionate burden of traffic deaths and severe injuries on people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, seniors, people with disabilities, and people who walk and bike. Enforcement strategies recommended as part of this plan will be designed to minimize racial profiling. Further, this plan emphasizes engineering and education actions first, supported by equity- and data-driven enforcement in an effort to conduct equitable traffic enforcement consistent with the City of Berkeley's Fair and Impartial Policing Policy.

7. **Vision Zero will be accountable, transparent, and data-driven.** Actions will be data-driven to respond to the causal factors of deaths and severe injuries on Berkeley streets. This response will utilize both proven methods and innovative strategies. We will perform annual monitoring, reporting, and evaluation through an equity lens. We will communicate clearly what resources are necessary to achieve Vision Zero, why street design modifications are proposed, and the basis for prioritizing competing improvements.



TAKING ACTION

The City of Berkeley's Vision Zero action items described on the following pages demonstrate a **comprehensive, integrated approach** to get the City to zero. They rest on three pillars: 1) The Vision Zero Program, 2) Safer Streets for Everyone, and 3) Safer Streets by Everyone. This plan prioritizes engineering, education, and public awareness before enforcement strategies to achieve Vision Zero in Berkeley.



THE VISION ZERO PROGRAM

1.1 Collaboration

Collaborate with City departments, regional and community partners, and mobility providers to achieve Vision Zero goals. Continue commitment from Berkeley elected officials.

1.2 Capacity

Build sustainable funding and staffing to complete Vision Zero action items, including program management, data analysis, infrastructure projects, and education, engagement, and enforcement.

1.3 Transparency and Equity

Establish a milestone reporting schedule. Incorporate equity into data collection, analytics, evaluation, engagement, and reporting.



SAFER STREETS FOR EVERYONE

2.1 Project Planning and Development

Prioritize high-injury streets and the most vulnerable street users.

ACTION ITEM DEVELOPMENT

These actions represent months of collaboration and coordination between the Task Force and Advisory Committee and build on opportunity areas established through a comprehensive review of best practices and Berkeley's current safety efforts.

2.2 Project Design

Design for vulnerable users of the transportation network, including people of all ages and abilities.

2.3 Project Delivery

Deliver Vision Zero traffic safety infrastructure improvements both reactively and proactively.



SAFER STREETS BY EVERYONE

3.1 Public Awareness

Create a culture of traffic safety by promoting awareness through public information programs and campaigns.

3.2 Enforcement

Transition from a request-based to an equitable and data-driven enforcement strategy focused on the most significant safety violations resulting in fatalities and severe injuries.

I.I THE VISION ZERO PROGRAM: COLLABORATION

Priority	Action	Lead Department	Timeline
☆	Establish a standing Vision Zero Coordinating Committee consisting of City staff, Commissioners, partner institutions, members of the community, advocacy groups, and community-based organizations who have a role in advancing Vision Zero action items with quarterly meetings organized around a predetermined annual agenda. Seek to establish a funding source to compensate members of the community and community-based organizations to enable their participation.	City Manager's Office	
	Incorporate Vision Zero goals and actions into plan and policy updates of all departments and partner institutions, including the upcoming City of Berkeley Zoning Ordinance update and General Plan Update, UC Berkeley's Long-Range Development Plan, Berkeley Unified School District's Sustainability Plan, the City's Strategic Plan, Departmental Priority Projects Lists, and departmental and individual staff work plans.	City Manager's Office	
	With the Metropolitan Transportation Commission, Alameda County Transportation Commission, and Alameda County Department of Public Health, establish a peer-to-peer Bay Area Vision Zero Network for information-sharing and collaboration on countywide and regional initiatives such as a public health analysis of collision victim hospital data.	Mayor's Office	
	Develop a focused, strategic Vision Zero staff training plan to send key staff responsible for implementing the Vision Zero Action Plan, such as Public Works, Police, Health, Housing, and Community Services, and City Manager's Office and elected officials, to Vision Zero-related conferences and trainings.	City Manager's Office	

I.2 THE VISION ZERO PROGRAM: CAPACITY

Priority	Action	Lead Department	Timeline
☆	<p>Conduct a citywide Vision Zero Action Plan assessment of existing staffing and funding capacity to complete Vision Zero action items.</p> <ul style="list-style-type: none"> • Create a staffing matrix of existing and proposed staff for the delivery of high-priority Vision Zero action items. New or realigned staff needs are anticipated in the areas listed below: <ul style="list-style-type: none"> ○ Public Works safety project team ○ Public Works Vision Zero Program support staff ○ Public Information Officers in key Vision Zero departments including Police and Health, Housing, and Community Services ○ Berkeley Police Department Vision Zero collision data analysis ○ Health, Housing, and Community Services Vision Zero data analysis and public awareness programs • Establish a milestone staffing and funding schedule to complete high-priority Vision Zero action items, including City and grant funds. 	City Manager's Office; Public Works	
☆	<p>Request a Vision Zero Performance Audit to be conducted during the FY21 audit period to evaluate the implementation of the Action Plan and make any needed recommendations, including additional and/or realigned staffing and funding, for effective Vision Zero Action Plan implementation. Provide required six-month updates to City Council.</p>	Public Works	

I.3 THE VISION ZERO PROGRAM: TRANSPARENCY AND EQUITY

Priority	Action	Lead Department	Timeline
☆	<p>Utilize the Berkeley Police Department's collision report data on parties involved, such as housing status or whether parties involved are disabled, to help address equity gaps in Statewide Integrated Traffic Records System (SWITRS) collision data. Confirm that Berkeley Police Department report training emphasizes consistent use of these collision report data fields and, if needed, provides training resources for avoiding transportation mode bias in collision reporting. When necessary, update the police collision report form to be consistent with emerging mobility modes.</p>	Public Works; Police	
	<p>Provide an annual Vision Zero Progress Report, reviewed by the City Auditor, to City Council, City Department Directors, Vision Zero Coordinating Committee, and Transportation Commission, on progress reducing fatal and severe collisions, including in historically underserved neighborhoods, equity in traffic enforcement, and on meeting the funding, staffing, and Vision Zero program delivery schedules. Include an updated Vision Zero High-Injury Streets map. Utilize Berkeley Police Department collision data to supplement the Statewide Integrated Traffic Records System dataset to avoid lag in data availability.</p>	Public Works	
	<p>Complete a full update of the Vision Zero Action Plan every three years to ensure continued relevancy of the Action Plan by integrating advancements in best practices and technologies. The first update will include an equity evaluation to identify gaps in safety and collision datasets and develop milestones to address inequities, as well as identify strategies to include hospital data provided by Alameda County Department of Public Health, linked to emergency medical services data and police reports, in Vision Zero analyses and maps.</p>	Public Works	
	<p>Maintain an understanding of the Berkeley community's perception of safety and personal security. Focus direct public engagement to residents of Berkeley's historically underserved neighborhoods and other vulnerable users.</p>	Health, Housing, and Community Services	

2.1 SAFER STREETS FOR EVERYONE: PROJECT PLANNING AND DEVELOPMENT

Priority	Action	Lead Department	Timeline
☆	Develop a publicly accessible matrix and map to prioritize and track projects. Prioritize both new/existing requests/referrals and delivery of established infrastructure project lists (e.g., Five Year Repaving Program, BeST Plan, etc.) according to the Vision Zero High-Injury Streets map and equity-driven prioritization from City Council adopted plans such as the Bicycle Plan and forthcoming Pedestrian Plan.	City Manager's Office	
☆	Establish a Complete Streets Repaving and Development Project Checklist to ensure proactive and reactive Vision Zero safety infrastructure for people of all ages and abilities are included with each repaving project and in the conditions of approval for development projects. With the Vision Zero Coordinating Committee, consider establishing an equity-driven approach to prioritizing repaving projects.	Public Works	
	Establish a Vision Zero Rapid Response Safety Project Protocol that utilizes data from the renamed Fatal Accident Investigation Team (FAIT), to identify quick-build projects if engineering countermeasures may effectively improve safety. The protocol should outline a path forward for Public Works staff to be a part of the immediate on-the-ground response to an investigation of severe and fatal collisions.	Public Works; Police	
	Conduct before and after studies of a sample of Vision Zero quick-build projects to evaluate countermeasure effectiveness where existing understanding is insufficient.	Public Works	
	Undertake a Standards of Coverage/Response Time Study to provide a data-driven understanding of how safety improvements impact emergency response times.	Fire	
	Establish a pre-approved toolbox of traffic safety infrastructure design treatment improvements with the Vision Zero Coordinating Committee to streamline the implementation of projects.	Public Works	

2.2 SAFER STREETS FOR EVERYONE: PROJECT DESIGN

Priority	Action	Lead Department	Timeline
	Establish Vision Zero Design Guidelines that consolidate policies and design guidelines from Council-adopted plans such as the Pedestrian Plan, Bicycle Plan, and Complete Streets Policy to guide Berkeley's street design, traffic, and parking procedures in order to prioritize safety and reduce the incidence of severe and fatal collisions. Ensure revisions and updates are reviewed by the Vision Zero Coordinating Committee to maintain accessibility for people of all ages and abilities.	Public Works	
	Develop Curbside Management Guidelines and incorporate them into the Vision Zero Guidelines to ensure Berkeley addresses safety concerns at the curb due to existing and emerging mobility options.	Public Works	
	Update the Berkeley Municipal Code to be consistent with the Vision Zero Design Guidelines.	Public Works	
	Refine the existing traffic calming toolbox to include design guidelines for all street types, utilizing Council-adopted plans where applicable. Ensure the traffic calming toolbox is reviewed by the Vision Zero Coordinating Committee to streamline the implementation of projects.	Public Works	

2.3 SAFER STREETS FOR EVERYONE: PROJECT DELIVERY

Priority	Action	Lead Department	Timeline
☆	Proactively build capital-intensive and quick-build safety projects on all Vision Zero High-Injury Streets on a schedule to complete such projects by 2028.	Public Works	
	Reactively build newly identified quick-build projects at locations with recent severe and fatal collisions if engineering countermeasures may effectively improve safety, based on Rapid Response Safety Project Protocol.	Public Works	
	Continue to deliver traffic calming projects. Utilize the traffic calming toolbox and evaluate requests based on an equity- and data-driven approach to implementation for both residential and Vision Zero High-Injury Streets. Increase public awareness of the traffic calming program.	Public Works	

3.1 SAFER STREETS BY EVERYONE: PUBLIC AWARENESS

Priority	Action	Lead Department	Timeline
☆	Develop and proactively deliver a Vision Zero branding, promotional, and educational campaign to increase awareness about Vision Zero and the top traffic violations for severe and fatal injuries in Berkeley, elevating victims' stories. Regularly update the campaign to ensure it is context-specific, accessible, and culturally relevant. Collaborate with community-based organizations to distribute material and promote messages and public events that normalize active transportation and transit as healthy and responsible transportation choices.	Health, Housing, and Community Services	
☆	Establish a Vision Zero Rapid Response Safety Communication Protocol. Employ a communication strategy in response to recent severe and fatal collisions aimed at the human element of traffic safety, including health and prevention messaging to the Berkeley community.	Public Works	
	Partner with UC Berkeley, Berkeley City College, and Berkeley Unified School District to distribute targeted Vision Zero messaging for students.	Public Works	
	Integrate Vision Zero traffic safety awareness and education into training for City employees who drive City vehicles or drive while on City business, including Police, Fire, Public Works, and all City departments and divisions.	City Manager's Office	

3.2 SAFER STREETS BY EVERYONE: ENFORCEMENT

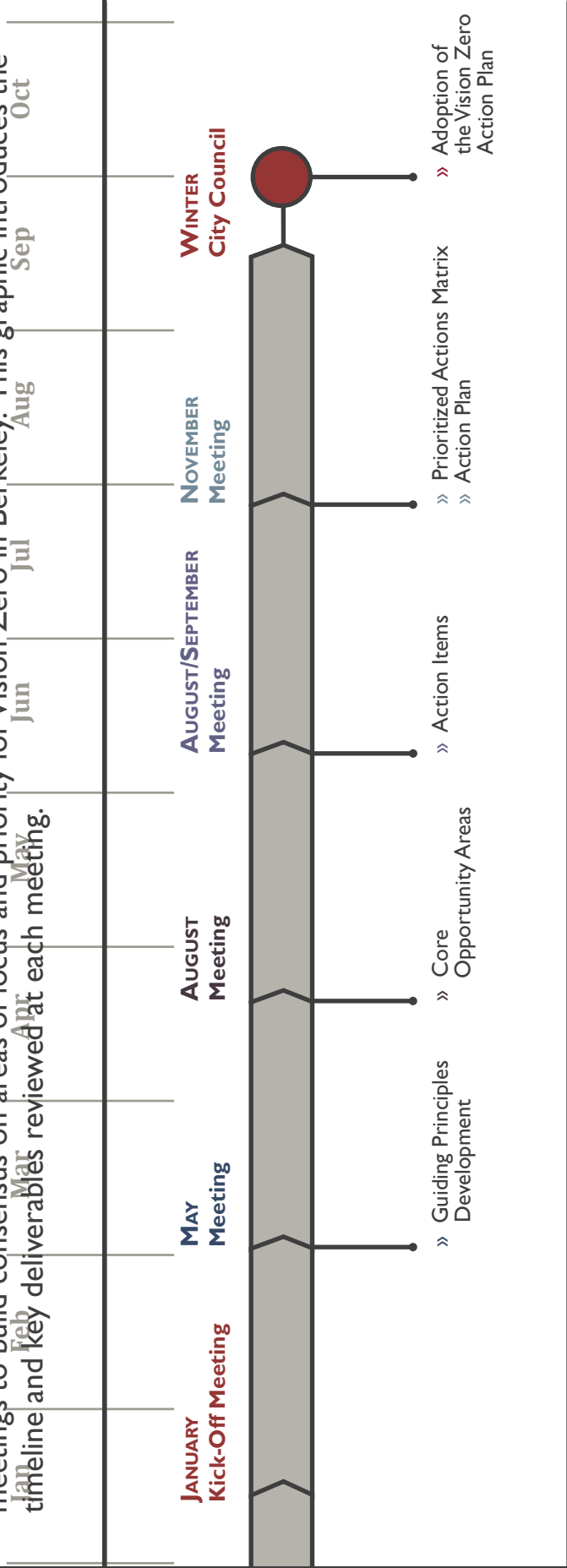
Priority	Action	Lead Department	Timeline
☆	Focus traffic enforcement efforts proportionately on the most significant traffic violations for severe and fatal collisions by party at fault. Focus enforcement efforts on areas of Berkeley where engineering and education efforts have already been implemented. Conduct traffic enforcement consistent with the City of Berkeley's Fair and Impartial Policing Policy.	Police	
☆	Support state-wide traffic safety legislation allowing automated speed enforcement by local agencies, designation of speed limits on local streets based on desired safety outcomes rather than the existing prevailing speed, and the reduction of local residential street speed limits to below 25 MPH, which would allow for 20 MPH speed limit on local residential streets, consistent with "20 Is Plenty" campaigns. Utilize existing legislated automated enforcement strategies, such as red light cameras.	City Manager's Office	
	Rename the Fatal Accident Investigation Team to replace the word "accident" with "collision" and include reference to near-fatal and major collisions, to acknowledge that most collisions are preventable, and to be in line with Vision Zero philosophies.	Police	
	Continue and regularly update a collision data-driven enforcement strategy focusing on collision reports from the renamed Fatal Accident Investigation Team (FAIT) to supplement collision data from SWITRS. Focus on areas of Berkeley where engineering and education efforts have already been implemented. Conduct traffic enforcement consistent with the City of Berkeley's Fair and Impartial Policing policy.	Police	
	Seek opportunities to educate before issuing citations during traffic enforcement.	Police	
	Develop a traffic ticket diversion program for bicycle and pedestrian traffic tickets to promote access to bicycle and pedestrian safety courses and programs.	Police	



APPENDICES

APPENDIX A: VISION ZERO: ACTION PLAN TIMELINE & PROCESS DIAGRAM

The Vision Zero Action Plan development was facilitated by a series of five Task Force and Advisory Committee meetings to build consensus on areas of focus and priority for Vision Zero in Berkeley. This graphic introduces the timeline and key deliverables reviewed at each meeting.



GUIDING PRINCIPLES DEVELOPMENT

An introduction to key Vision Zero concepts that resonate in the City of Berkeley. Meetings included a group exercise to develop Guiding Principles for the Vision Zero Action Plan.

CORE OPPORTUNITY AREAS

A best practices review and benchmarking assessment summarized as core opportunity areas for Berkeley Vision Zero. The best practices review focused on systemic safety strategies from other U.S. cities, while the benchmarking assessment provided an understanding of baseline safety conditions and practices in the City of Berkeley.

ACTION ITEMS

A list of actions to address the identified safety needs, as documented in the Core Opportunity Areas memo.

PRIORITIZED ACTIONS MATRIX

A matrix of prioritized Vision Zero actions for the City of Berkeley, based on input provided throughout the Task Force and Advisory Committee meeting series.

ACTION PLAN

The final summarizing document, documenting the significance of Vision Zero in Berkeley and introducing the City's Vision Zero action items.

APPENDIX B: PRIORITIZED VISION ZERO ACTIONS MATRIX

This matrix documents the action item prioritization for Berkeley's Vision Zero Action Plan. The intention of this prioritization is to help the City determine the list of near-term, immediate actions the City should embark on to achieve Vision Zero. The matrix is not intended to be static – it can be used for each Vision Zero Action Plan update to re-evaluate the near-term focus of Vision Zero for the City. The criteria the prioritization utilizes are:

- **Transformative/High Impact:** Actions are prioritized that would have major positive impacts on safety or City collaboration, based on the Institute of Transportation Engineer's Core Elements of Vision Zero and ongoing City efforts.
- **Existing Resources:** Actions are prioritized that likely already have the needed resources, both staff and funding, to deliver.
- **Staff Priority:** Actions are prioritized that are of interest and priority to the Task Force.
- **Community Priority:** Actions are prioritized that are of interest and priority to the Advisory Committee.

These criteria are based on the existing priorities of the City of Berkeley. The criteria are meant to be fluid and re-evaluated with each new Vision Zero Action Plan update. Each action item will receive a point for each criterion it fulfills. The top performing actions should be the near-term focus of Vision Zero efforts.

PRIORITIZATION RUBRIC

All actions that have a score of 3.5 or greater are considered near-term priorities for the City of Berkeley.

Metric	1	0.5	0
Transformative/ High Impact	Action directly correlates to an ITE Vision Zero Core Element <i>and</i> is an item the City is not currently doing	A Core Element, but lesser transformative impact because the City is already undertaking this effort	Not a Core Element
Existing Resources	High existing staff availability (based on Task Force and Vision Zero Program staff feedback)	Medium existing staff availability	Low existing staff availability
Staff Priority	High priority item (based on Task Force and Vision Zero Program staff feedback)	Medium priority item	Low priority item
Community Priority	High priority item (based on Advisory Committee feedback)	Medium priority item	Low priority item

Berkeley Vision Zero Action Plan

Pillar	Opportunity Area	Action	Transformative/ High Impact	Existing Resources	Staff Priority	Community Priority	Score
VZ Program	Collaboration	Establish a standing Vision Zero Coordinating Committee	1	1	1	1	4
VZ Program	Capacity	Conduct a citywide Vision Zero Action Plan assessment	1	1	1	1	4
Safe Streets for Everyone	Project Delivery	Proactively build capital-intensive and quick-build safety projects	1	0.5	1	1	3.5
VZ Program	Capacity	Request a Vision Zero Performance Audit	1	1	0.5	1	3.5
Safe Streets by Everyone	Public Awareness	Establish a Vision Zero Rapid Response Safety Communication Protocol	1	0.5	1	1	3.5
Safe Streets by Everyone	Enforcement	Support state-wide traffic safety legislation	1	0.5	1	1	3.5
Safe Streets for Everyone	Project Planning & Development	Establish a Complete Streets Repaving and Development Project Checklist	1	0.5	1	1	3.5
Safe Streets by Everyone	Public Awareness	Develop and proactively deliver a Vision Zero branding, promotional, and educational campaign	1	0.5	1	1	3.5
Safe Streets for Everyone	Project Planning & Development	Develop a publicly accessible matrix and map to prioritize and track projects	1	0.5	1	1	3.5
VZ Program	Transparency & Equity	Utilize the Berkeley Police Department's collision report data on parties involved	1	0.5	1	1	3.5
Safe Streets by Everyone	Enforcement	Focus traffic enforcement efforts proportionately on the most significant traffic violations for severe and fatal collisions by party at fault.	1	1	1	0.5	3.5
VZ Program	Collaboration	Incorporate Vision Zero goals and actions into near-term plan and policy updates	1	1	0	1	3
Safe Streets for Everyone	Project Delivery	Reactively build newly identified quick-build projects	1	0.5	0.5	1	3
Safe Streets for Everyone	Project Planning & Development	Establish a Vision Zero Rapid Response Safety Project Protocol	1	0.5	0.5	1	3
Safe Streets for Everyone	Project Design	Establish Vision Zero Design Guidelines that consolidate policies and design guidelines from Council-adopted plans	0.5	0.5	1	1	3
VZ Program	Transparency & Equity	Provide an annual Vision Zero Progress Report	0.5	1	0.5	1	3
VZ Program	Transparency & Equity	Complete a full update of the Vision Zero Action Plan every three years	0.5	1	0.5	1	3
VZ Program	Collaboration	Develop a focused, strategic Vision Zero staff training plan	0.5	0.5	1	1	3
Safe Streets by Everyone	Enforcement	Continue and regularly update a collision data-driven enforcement strategy	0.5	0.5	1	1	3
Safe Streets for Everyone	Project Planning & Development	Conduct before and after studies	1	0.5	1	0.5	3
Safe Streets by Everyone	Enforcement	Seek opportunities to educate before issuing citations	0.5	0.5	0.5	1	2.5

Pillar	Opportunity Area	Action	Transformative/ High Impact	Existing Resources	Staff Priority	Community Priority	Score
Safe Streets by Everyone	Enforcement	<i>Rename the Fatal Accident Investigation Team</i>	0.5	1	0.5	0.5	2.5
VZ Program	Transparency & Equity	<i>Maintain an understanding of the Berkeley community's perception of safety and personal security</i>	1	0	0.5	1	2.5
Safe Streets by Everyone	Public Awareness	<i>Partner with UC Berkeley, Berkeley City College, and Berkeley Unified School District</i>	0.5	0.5	0.5	1	2.5
Safe Streets for Everyone	Project Delivery	<i>Continue to deliver traffic calming projects</i>	1	0.5	0.5	0.5	2.5
Safe Streets by Everyone	Public Awareness	<i>Integrate Vision Zero traffic safety awareness and education into training for City employees</i>	0.5	0.5	0.5	1	2.5
Safe Streets for Everyone	Project Design	<i>Update the Berkeley Municipal Code</i>	0.5	0.5	0.5	0.5	2
Safe Streets for Everyone	Project Planning & Development	<i>Undertake a Standards of Coverage/Response Time Study</i>	0	0.5	0.5	0.5	1.5
Safe Streets by Everyone	Enforcement	<i>Develop a traffic ticket diversion program</i>	0	0	0.5	1	1.5
VZ Program	Collaboration	<i>With the Metropolitan Transportation Commission, Alameda County Transportation Commission, and Alameda County Department of Public Health, establish a peer-to-peer Bay Area Vision Zero Network</i>	0	1	0	0.5	1.5
Safe Streets for Everyone	Project Design	<i>Refine the existing traffic calming toolbox</i>	0.5	0	0.5	0.5	1.5
Safe Streets for Everyone	Project Planning & Development	<i>Establish a pre-approved toolbox of traffic safety infrastructure design treatments</i>	0	0.5	0	0.5	1
Safe Streets for Everyone	Project Design	<i>Develop Curbside Management Guidelines</i>	0	0	0.5	0.5	1

Berkeley Vision Zero Action Plan

APPENDIX C: SWITRS VIOLATION CODE DATA TABLES

Table I: Cited California Vehicle Code Violation by Party at Fault¹

Cited California Vehicle Code Violation	Party Cited as at Fault						Total
	Driver	Ped	Parked Vehicle	Bicyclist	Other	None Cited	
Traveling at unsafe speeds	11			12			23
Failure to yield at crosswalk	20						20
Failure to yield to oncoming traffic when making a left turn or U-turn	7						7
Failure to stop at a red light	3			3			6
Failure to yield at a stop sign	5						5
Opening door in unsafe conditions	3		1			1	5
Failure to signal	2			2			4
Crossing outside crosswalk or legal crossing	1	3					4
Pedestrian suddenly leaving curb		4					4
Failure to yield to oncoming traffic when entering or crossing road from property or alley	2			1			3
Pedestrian had flashing DON'T WALK		3					3
Passing unsafely	2						2
Driving with 0.04% or more alcohol in blood with a passenger for hire in the vehicle	2						2
Failure to proceed straight or yield properly	1						1
Driving on the wrong side of the road	1						1
Driver passes bicyclist unsafely	1						1
Disobeying traffic control device	1						1
Reckless driving causing bodily injury	1						1
Driving under the influence	1						1
Driving under the influence and driving unlawfully, leading to bodily injury to any person other than the driver	1						1
Driving a vehicle in an unsafe condition or not safely loaded	1						1
Bicyclist has same rights and subject to same rules as motor vehicles				1			1
Driver not yielding to pedestrians during right turn on red		1					1
Pedestrian crossing between signalized intersections		1					1
Failure to stop at stop bar				1			1
No violation cited	1	1		4		6	12
<i>Total</i>	<i>67</i>	<i>13</i>	<i>1</i>	<i>24</i>	<i>1</i>	<i>6</i>	<i>112</i>

Notes:

1. SWITRS five-year severe and fatal injury collision data, 2013-2017

Table 2: Cited CA Vehicle Code Violations by Parties Involved in Severe and Fatal Collisions¹

Violation by Party at Fault for Severe or Fatal Collisions		# of Severe or Fatal Collisions ³	Other Parties Involved ²					Solo Collisions
Cited Party at Fault	California Vehicle Code Summary		Driver	Pedestrian	Parked Vehicle	Bicyclist	Other	
Driver	Failure to yield at crosswalk	20	1	21	0	0	0	0
Driver	Traveling at unsafe speeds	8	3	3	3	1	0	3
Driver	Failure to yield to oncoming traffic when making a left turn or U-turn	7	5	0	0	2	0	0
Bicyclist	Traveling at unsafe speeds	6	5	0	0	1	0	6
Driver	Failure to yield at a stop sign	5	3	0	0	2	0	0
Pedestrian	Pedestrian suddenly leaving curb	4	4	0	0	0	0	0
Driver	Opening door in unsafe conditions	3	0	0	0	3	0	0
Pedestrian	Crossing outside crosswalk or legal crossing	3	3	0	0	0	0	0
Pedestrian	Pedestrian had flashing DON'T WALK	3	3	0	0	0	0	0
Bicyclist	Failure to stop at a red light	3	2	0	0	0	1	0
Driver	Failure to stop at a red light	3	1	1	0	1	0	0
Driver	Driving with 0.04% or more alcohol in blood with a passenger for hire in the vehicle	2	0	1	0	1	0	0
Driver	Failure to signal	2	1	0	0	1	0	0
Driver	Failure to yield to oncoming traffic when entering or crossing road from property or alley	2	1	0	0	1	0	0
Bicyclist	Failure to signal	1	0	0	1	0	0	1
Driver	Passing unsafely	1	1	0	0	0	0	1
Driver	Driving under the influence and driving unlawfully, leading to bodily injury to any person other than the driver	1	0	1	0	0	0	0
Driver	Reckless driving causing bodily injury	1	1	1	0	0	0	0
Other	Opening door in unsafe conditions	1	0	0	0	1	0	0
Parked Vehicle	Opening door in unsafe conditions	1	0	0	0	1	0	0
Bicyclist	Failure to stop at stop bar	1	1	0	0	0	0	0
Driver	Disobeying traffic control device	1	1	0	0	0	0	0
Pedestrian	Pedestrian crossing between signalized intersections	1	1	0	0	0	0	0
Driver	Crossing outside crosswalk or legal crossing	1	0	1	0	0	0	0

Berkeley Vision Zero Action Plan

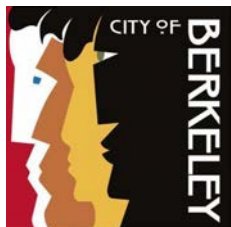
Violation by Party at Fault for Severe or Fatal Collisions		# of Severe or Fatal Collisions ³	Other Parties Involved ²					Solo Collisions
Cited Party at Fault	California Vehicle Code Summary		Driver	Pedestrian	Parked Vehicle	Bicyclist	Other	
Bicyclist	Failure to yield to oncoming traffic when entering or crossing road from property or alley	1	1	0	0	0	0	0
Driver	Driver passes bicyclist unsafely	1	0	0	0	1	0	0
Pedestrian	Driver not yielding to pedestrians during right turn on red	1	0	0	0	1	0	0
Driver	Failure to proceed straight or yield properly	1	1	0	0	0	0	0
Bicyclist	Bicyclist has same rights and subject to same rules as motor vehicles	1	1	0	0	0	0	0
Driver	Driving a vehicle in an unsafe condition or not safely loaded	0	0	0	0	0	0	1
Driver	Driving under the influence	0	0	0	0	0	0	1
Driver	Driving on the wrong side of the road	0	0	0	0	0	0	1
	No Violation Cited	7	7	1	0	4	0	5
	<i>Total</i>	<i>93</i>	<i>47</i>	<i>30</i>	<i>4</i>	<i>21</i>	<i>1</i>	<i>19</i>

Notes:

1. SWITRS five-year severe and fatal injury collision data, 2013-2017

2. Parties involved will not sum to total number of collisions

3. This number excludes solo collisions. To understand the total number of severe or fatal collisions, sum this column with the number of solo collisions.



Ben Bartlett
Councilmember District 3

CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council
From: Councilmember Bartlett (Author)
Subject: EVITP (Electric Vehicle Infrastructure Training Program) Ordinance

RECOMMENDATION

That the Berkeley Mayor and Members of City Council establish an EVITP (Electric Vehicle Infrastructure Training Program) ordinance to address increasing safety and fire concerns. The ordinance would require 50% of electricians per job installing and maintaining city-funded EVSE (Electric Vehicle Supply Equipment) equipment and infrastructure to be certified by EVITP.

CURRENT SITUATION -

There have been increasing safety concerns with electric vehicle charging stations and electric vehicle supply equipment (EVSE), mainly fires attributed to larger batteries and charging needs. These batteries put stress on existing electrical systems, whose capacities, if surpassed or not properly addressed in EV installation, could cause large, damaging home or industrial fires.¹

Many car makers including Chevrolet, General Motors, Audi, and Hyundai have recalled their electric vehicles. Chevrolet recalled over 60,000 Bolt EVs due to possible spontaneous combustions.² Electric, battery-powered vehicles and gasoline cars have similar risks for fire incidents. However, EV fires last longer, are more intense, and burn hotter due to the lithium-ion batteries, which exacerbate the fire.³

To address this safety concern, an EVITP ordinance would require all electricians installing EVSE contracted or funded by city-funds to be certified by EVITP (Electric Vehicle Infrastructure Training Program). The program requires electricians to complete the 20 hour course and pass a proctored exam.

¹ "The Future of EV Charging Station Safety". *HSE Network*. 13 April 2023. <https://www.hse-network.com/the-future-of-ev-charging-station-safety/>.

² Siddiqui, Faiz. "While they were asleep, their Teslas burned in the garage. It's a risk many automakers are taking seriously". *The Washington Post*. 4 April 2021. <https://www.washingtonpost.com/technology/2021/08/04/tesla-fire/>

³ Siddiqui, Faiz. "While they were asleep, their Teslas burned in the garage. It's a risk many automakers are taking seriously". *The Washington Post*. 4 April 2021. <https://www.washingtonpost.com/technology/2021/08/04/tesla-fire/>

To ensure fires do not start due to overheating, electricians need to ensure buildings' electric systems can handle the power and charging needs demanded by electric vehicles' large batteries. This can be taught with the proper training such as site assessment and load calculations including counting all electrical loads, adding a margin of safety, and looking at equipment conditions. These techniques, steps, and knowledge are all taught in the EVITP program. This course ensures the safety of the EV users as well as the safety of electricians installing the charging stations.

BACKGROUND

EVTIP is a non-profit, volunteer, brand neutral, national EV industry collaborative training and certification program launched in 2012 to address the technical requirements, safety imperatives, and performance integrity of industry partners and stakeholders of the EV industry. This training program is open to certified electricians providing the knowledge to safely install Electric Vehicle Supply Equipment (EVSE), which supplies electricity to an electric vehicle (EV). The curriculum includes training for Residential, Commercial, Industrial Charging Infrastructure. The modules cover vehicle, EV supply equipment, National Electrical Code (NEC), site assessment, load calculations based on NEC, commissioning and working with municipalities and utilities/customer interface, troubleshooting/maintenance, and a comprehensive proctored exam. EVTIP's course is a total of 20 hours and open only to certified electricians. The program is designed to provide the advanced knowledge and experience that electricians need for safe EVSE and installation. The program costs an electrician a total of \$275, which includes the instruction, quizzes, exam proctoring, certification, record keeping, website, certification verification, maintenance and administration.⁴ This is comparably lower due to the volunteer basis of the organization and low administrative costs. The program requires you to renew your certification every 3 years to account for the updates and changes in the industry and curriculum.

A number of counties and cities have implemented similar policies or safety practices including Maywood,⁵ Petaluma,⁶ Rohnert Park,⁷ and Carson.⁸

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

⁴ "Apply for Training". Electric Vehicle Infrastructure Training Program (EVITP). <https://evitp.org/training/>

⁵ "Resolution NO. 6174". City Council of the City of Maywood. 2021. <https://www.cityofmaywood.com/DocumentCenter/View/838/Reso-No-6174---Adopting-an-Electric-Vehicle-Infrastructure-Training-Program-Policy>

⁶ "17.12.060 Electric vehicle charging station installation requirements". City of Petaluma. <https://petaluma.municipal.codes/Code/17.12.060>

⁷ [https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_3037789/File/City%20Clerk/Other%20Notices/Ordinance%20968%20For%20Website%20\(Pre-adoption\).pdf](https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_3037789/File/City%20Clerk/Other%20Notices/Ordinance%20968%20For%20Website%20(Pre-adoption).pdf)

⁸ "CONSIDER ELECTRICAL VEHICLE INFRASTRUCTURE TRAINING PROGRAM (EVITP) CERTIFICATION REQUIREMENT FOR CITY PROJECTS (CITY COUNCIL)". City of Carson, California. 2020. <https://carson.legistar.com/LegislationDetail.aspx?ID=4669964&GUID=8A8147FE-247E-4956-8340-10DC3E76C09A&Options=&Search=>

There are currently laws and policies in place, primarily at a state level, that relate to the topic of EVSE installation and infrastructure. First, Assembly Bill 841 added section 740.20 to the California Public Utilities Code requiring that all EV charging stations funded or authorized by the California Public Utilities Commission (CPUC), the California Energy Commission (CEC), or the state board, must be installed by a licensed contractor. Additionally, each installation must have an electrician with an EVITP certification.⁹

Secondly, California Assembly Bill 1236 requires cities and counties to create and adopt an ordinance that creates a streamlined and expedited process to approve and permit EV charge stations.¹⁰

Lastly, the National Electric Vehicle Infrastructure (NEVI) Formula Program¹¹, funded by the Department of Energy and the Department of Transportation, requires all electricians installing, maintaining, and operating EVSE to be EVITP certified.¹²

RATIONALE FOR RECOMMENDATION

Both the State of California and the City of Berkeley are pursuing electrification as a response to the climate emergency. The California State Senate passed Assembly Bill 841, which established that “widespread transportation electrification is needed to achieve the goals of the Charge Ahead California Initiative.”¹³

Berkeley has also prioritized EVSE access and electrification through agreements and licenses to build more EV Charging Stations¹⁴ and networks.¹⁵

⁹ “Electric Vehicle (EV) Charging Station Certification and Training Requirements”. U.S. Department of Energy. 2020. <https://afdc.energy.gov/laws/12726>

¹⁰ “Permitting Electric Vehicle Charging Stations: Best Practices”. California Governor’s Office of Business And Economic Development. <https://business.ca.gov/industries/zero-emission-vehicles/plug-in-readiness/permitting-electric-vehicle-charging-stations-best-practices/>

¹¹ “FACT SHEET: Biden-Harris Administration Announces New Standards and Major Progress for a Made-in-America National Network of Electric Vehicle Chargers”. The White House. 15 February 2023. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/>

¹² “National Electric Vehicle Infrastructure Formula Program”. Federal Register The Daily Journal of the United States Government. 22 June 2022. <https://www.federalregister.gov/documents/2022/06/22/2022-12704/national-electric-vehicle-infrastructure-formula-program>

¹³ “AB-841 Energy: transportation electrification: energy efficiency programs: School Energy Efficiency Stimulus Program”. California Legislative Information. 2 October 2020. https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB841

¹⁴ Resolution; City Council; 66189; License Agreement: City CarShare for Electric Vehicle Charging in City Parking Garages and Lots- berkeley

¹⁵ Williams-Ridley. “Contract No. 9893B Amendment: ABM Industries for Expanding Electric Vehicle Charging Station Operations and Extended Maintenance Program”. City of Berkeley. 10 December 2019. <https://berkeleyca.gov/sites/default/files/documents/2019-12-10%20Item%2018%20Contract%20No.%209893B%20Amendment.pdf>

This policy would help address the climate emergency by promoting safe, accessible electrification and EVSE access.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

An EVITP ordinance for the installation or maintenance of city-funded EVSE equipment requires low administrative costs. Confirming whether electricians are EVITP certified can be easily done on the EVITP website.

ENVIRONMENTAL SUSTAINABILITY

This policy would decrease carbon emissions and pollution by promoting the safety and social acceptance of electrical vehicles through safe EV charging stations.

FISCAL IMPACTS

The ordinance could prevent fires that would possibly require significant damage and repair costs.

CONTACT PERSON

Councilmember Ben Bartlett:	510-981-7130
James Chang	510-981-7131

ATTACHMENTS AND MATERIALS

1. Draft Ordinance

A ORDINANCE OF THE CITY OF BERKLEY CITY COUNCIL ADOPTING AN ELECTRIC VEHICLE INFRASTRUCTURE TRAINING PROGRAM (EVITP) POLICY FOR THE INSTALLATION AND MAINTENANCE OF CITY-FUNDED ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

WHEREAS, the City of Berkeley would like to promote safety and pursue electrification to combat the climate emergency; and

WHEREAS, the Electric Vehicle Infrastructure Training Program (EVITP) is a non-profit, industry wide, brand neutral, volunteer staffed collaborative; and

WHEREAS, EVITP provides the training and certification for state-certified electricians to safely install electric vehicle (EV) charging infrastructure; and

WHEREAS, California State Assembly Bill 841 requires each EV charging station installation to have an EVITP certified electrician; and

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

SECTION 1. The above recitals are hereby declared to be true and correct and are incorporated into this ordinance as findings of the City Council.

SECTION 2. The City hereby adopts the policy that all of the installation, commissioning, and maintenance of electric vehicle charging stations, equipment and related infrastructure (the "EV work") which are constructed with funds provided in whole or in part by the City of Berkeley, or are constructed with funds in whole or in part which are approved and or administered by the City of Berkeley shall be performed in accordance with the following requirements

- a. The contractor shall have an active California C-10 electrical contractor's license, be approved with the EVITP program
- b. At a minimum, one job-site supervisor or job-site foreman supervising the EV work at each job site shall hold EVITP certification and be a licensed electrician
- c. A minimum of fifty percent of the licensed electricians performing the EV work on each job site shall hold EVITP certification

SECTION 3. Contractors performing EV Work shall maintain a written or electronic record of all EV Work including the names of all EVITP electrician(s) who performed the EV Work. Said record shall be made available to EVITP, and/or City of Berkeley upon request.

SECTION 4. This Ordinance shall become effective immediately upon its adoption

SECTION 5. The City Clerk is directed to certify the adoption of this Ordinance.



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To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author)
Councilmember Wengraf (Co-Sponsor)
Subject: Co-Sponsorship and Budget Referral for the Solano Avenue Stroll

RECOMMENDATION

1. Adopt a Resolution for the City of Berkeley to Co-Sponsor the Solano Avenue Association's September 2024 and September 2025 Solano Avenue Stroll events taking place on Solano Avenue in both Berkeley and Albany; and
2. Resolve to provide in-kind City services previously provided at no cost to the Solano Stroll, including but not limited to police, fire, zero waste, and public works, at no cost to the September 2024 and 2025 Solano Stroll events, and allocate \$10,000 per year for FY 2025 and 2026 (\$20,000 total) for the Solano Avenue Stroll, to support the September 2024 and 2025 events.

SUMMARY STATEMENT

The Solano Avenue Stroll (the "Stroll" or the "Solano Stroll"), is an annual, multicultural event that draws visitors of all ages, backgrounds, and abilities from Berkeley and neighboring communities. The event is an inclusive, no-barrier, family-friendly, outdoor celebration that is and always has been free to the public.

The Solano Stroll is the largest street fair in the East Bay, drawing crowds of up to 250,000 people and spans both Berkeley and Albany. The scale and importance of this free public event is unique in Berkeley and the region, and requires a singular level of support and partnership from the cities of Berkeley and Albany. For these reasons, the Stroll has for decades received in-kind and direct monetary support from both cities.

Internal

Producing the Stroll is a uniquely complex and time-consuming undertaking. The Solano Avenue Association, with a board of 15 volunteers – who also own and run their own local businesses – works diligently to produce the Stroll on an exceptionally frugal "shoestring" budget.

Following a two-year break due to the COVID-19 pandemic, the City, as it always has, provided in-kind City services such as police and public works. In addition, the City provided annual grants of \$20,000 per year to support the North Berkeley Bart shuttle, marketing, and other out-of-pocket expenses. This higher-than-usual level of grant was provided to help the Stroll regain participation of both vendors and members of the public after a two-year hiatus and drop-off in participation related to the pandemic.

With enhanced funds provided by the City of Berkeley for the September 2022 and 2023 events, and a surge of interest in outdoor social events that materialized after several years of caution, the 2023 Solano Stroll drew the highest attendance for any Stroll to date.

The Solano Avenue Association has repeatedly expressed its gratitude to Berkeley and Albany for providing additional funds to continue producing this event in the face of pandemic-related losses. Because of the Stroll's renewed success, the Solano Avenue Association has determined that in-kind services plus \$10,000 per year from the City of Berkeley (reduced from \$20,000 per year that were provided in FY 2023 and 2024) will be sufficient to support the event's success over the next two years.

To facilitate continuity of planning and support for this important annual event, this item seeks to commit City sponsorship, in-kind services, and a reduced grant of \$10,000 per year for each of the September 2024 and September 2025 events.

BACKGROUND

The Solano Avenue Association was formed in 1974 and achieved nonprofit status in 1983. The Association's signature annual event, the Solano Avenue Stroll, draws approximately 250,000 people over the course of a free, outdoor, closed-street, family-friendly, smoke- and alcohol-free one-day event which spans 26 blocks and more than a full mile of Solano Avenue, from The Alameda to San Pablo Avenue, in both Berkeley and Albany. In 2000, the Solano Avenue Stroll became an official "Local Legacy," installed into the United States Library of Congress with the help of Congresswoman Barbara Lee, and was recognized as celebrating "America's rich diverse culture."

Now in its 48th year, the Solano Avenue Stroll has been sponsored with both services and funds by the Cities of Berkeley and Albany for longer than the Solano Avenue Association has records; meaning at least 20 years.

The Stroll draws both locals and visitors. In 2013, a zip code survey was taken from 453 event goers and recorded 139 different zip codes from across the Bay Area. On the east end, the Stroll is referred to as “Berkeley’s Reunion,” and on the west end much of Albany turns out. Both ends are united by the festive Parade that kicks-off the event, starting at the top of the street with dancers, bands, floats and youth and families from many schools and organizations.

The Solano Avenue Association works actively to minimize the environmental impact of the Stroll. In addition to regular AC Transit service, free event-day shuttles provide rides from 10AM to 7PM to and from the North Berkeley Bart Station and up and down the length of Marin Avenue, making stops at intersections with stop lights on Marin. Free valet bicycle parking, provided by the Albany High School Cougars mountain biking team and the Albany Strollers & Rollers, will be available at 1275 Solano Ave.

Recycling and composting are part of the zero waste ethos of the event. In 2022, the Solano Avenue Association began requiring all vendors to provide only compostable bags and foodware, unless items are not available due to supply chain challenges, or for health and safety reasons (to avoid spilling of hot liquids, for example). Recycling and composting bins have and will continue to be provided along the entire route of the event.

The Solano Stroll typically features over 500 vendors, including 50 entertainers representing a wide variety of cultures, food from 50 booths and local restaurants representing cuisines from all the continents, 150 government and non-profit agencies, 150 juried handcrafters, a 75- participant parade with local bands, performers, schools, and organizations, safe mechanical rides for children, and more.

The Stroll gives people from near and far a rare opportunity to see, experience and learn about everything our unique community has to offer. The event is family friendly and supported by diverse not-for-profit and government organizations. Approximately 75% of participating nonprofits use Berkeley booth locations to broadcast their mission to the public. The event allows for meaningful outreach and direct contact with the populations that these vital community organizations serve, including low-income clients who may have few other free and public opportunities to learn of available programs and services, and offers a unique opportunity to recruit volunteers and donors.

There is a “green zone” for environmental organizations, an area for health and wellness organizations, affordable housing and homeless services providers, libraries, police, fire and other city and county departments, schools, sports teams, transit providers, student and neighborhood associations, faith institutions, and political parties and associations, among others. Many elected officials from the State, County, region and local cities and school districts also participate, to connect in person with the hundreds of thousands of constituents who attend the Stroll. All of these groups and individuals rely on the unique exposure the Solano Stroll provides and consider participation a key annual activity to connect with stakeholders and potential clients. 92% of participating organizations and vendors return each year.

A list of recent Stroll business, arts, and organizational participants is attached hereto.

Due to the popularity and reputation of the Solano Avenue Stroll, both the cities of Berkeley and Albany, as well as the community at large, have benefitted from the exposure the event has garnered. Many local businesses and organizations have gained a loyal following by first participating as a vendor at the event, and some have found permanent store-front homes along Solano Avenue and now contribute to the local economy with community-oriented goods and services. The Stroll draws significant traffic to local restaurants, retail businesses, and arts and culture venues who participate in the event. Most recently, there are a number of businesses that have made Solano home during the pandemic, risking an investment in our local economy at a very challenging time, and the Stroll will provide a great opportunity for the community to discover and welcome them to the neighborhood.

Solano Avenue merchants, longstanding and newly arrived, benefit from the exposure to approximately 250,000 potential customers who see Solano’s products and services. While not every business registers a boost in sales the day of the Stroll, positive economic activity generated by the event continues for months.¹

The Stroll also raises revenues and enhances the City’s reputation locally and regionally, engendering significant goodwill. The event is well-known and beloved by the community and an opportunity for people beyond Berkeley and Albany to discover these communities, and has been a source of pride for both Berkeley and Albany for five decades.

¹“A Brief History of the Solano Avenue Stroll,” Solano Avenue Association.
<https://www.solanoavenueassn.org/wordpress/wp-content/uploads/2014/04/solanoavenuestrollhistory.pdf>

Internal

It takes about 600 staff-hours to produce the Solano Stroll, plus thousands of additional volunteer hours, and the event is one of only four in the United States and Canada that operates in two municipalities simultaneously. The scale and complexity of the Solano Stroll is unique and requires coordination among municipalities and with the Solano Avenue Association to ensure security, zero waste, toilet facilities, parade staging, set-up and take-down of performance, commerce, and event spaces, electricity, barricades, and other services and elements. Despite the magnitude of the Stroll, Solano Avenue is virtually spotless and fully restored to normal operations within 24 hours of the close of the event.

This item asks the City of Berkeley to register its official sponsorship of the September 2024 and 2025 Stroll events (taking place in FY 2025 and 2026) with a resolution, a commitment to continue providing services traditionally offered to the Stroll at no cost, and a budget allocation of \$10,000 in sponsorship for each of the two years (for a total of \$20,000 from the FY 2025/2026 Budget).

In sponsoring the Stroll in all these ways, Berkeley joins the City of Albany and businesses like Albany Subaru, Mechanics Bank, Belmont Village, East Bay Community Energy, Andronico's, L.J. Kruse, Sun Light & Power, Northeastern University, WM, and Total Health Dental Care, and acknowledges the thousands of volunteer hours donated by the Solano Avenue Association Board of Directors and other volunteers.

The Solano Avenue Association looks forward to working more closely than ever with the City of Berkeley, its Councilmembers, Visit Berkeley, and the Berkeley Chamber, among others, to ensure everyone in Berkeley knows they are cordially invited to upcoming Stroll events.

ENVIRONMENTAL SUSTAINABILITY

The Stroll minimizes climate impacts by operating on a street easily accessed by numerous AC Transit bus routes, and offering a popular no-cost shuttle to and from the Berkeley Bart Station, plus free valet bike parking. Ample additional bike parking is available throughout the area of the Stroll, and many participants simply walk from home to participate. In addition, the Solano Stroll provides compost and recycling facilities throughout the event, and will prohibit the use of non-compostable bags and throw-away foodware items by all vendors, except where necessary for health and safety or due to supply chain constraints.

Internal

FISCAL IMPACTS

As noted above, the Solano Avenue Stroll provides day-of and residual income to local businesses, and generates significant regional exposure and goodwill, contributing to the local tax base and economy. The item requests \$20,000 in sponsorships over two years (\$10,000 per year) and donation of in-kind services associated with the Solano Stroll event.

CONTACT

Councilmember Sophie Hahn, (510) 981-7166

Attachments:

1. Resolution
2. Photos
3. Recent Booth and Parade Participants List

RESOLUTION #####-N.S.
CITY OF BERKELEY CO-SPONSORSHIP AND SUPPORT FOR THE 2024 AND 2025
SOLANO AVENUE STROLL EVENTS

WHEREAS, The annual Solano Avenue Stroll is a public event which brings together the expression, enjoyment, and diversity of our community in an inclusive, no-barrier, family friendly, outdoor celebration that is and always has been free to the public; and

WHEREAS, the Solano Avenue Stroll is the largest street fair in the East Bay, drawing crowds of up to 250,000 people over the course of a single day and spanning two cities: Berkeley and Albany; and

WHEREAS, The scale and importance of this free public celebration is unique in Berkeley and the region, and requires a singular level of support and partnership from both the cities of Berkeley and Albany; and

WHEREAS, The Solano Avenue Stroll, now in its 48th year, has been sponsored with both in-kind services and funds by the cities of Berkeley and Albany for longer than the Solano Avenue Association has records; at least 20 years; and

WHEREAS, The Solano Stroll typically features over 500 vendors, including 50 entertainers representing a wide variety of cultures, food from 50 booths and local restaurants representing cuisines from all the continents, 150 government and non-profit agencies, 150 juried handcrafters, a 75-participant parade with local bands, performers, schools, and organizations, safe mechanical rides for children, and more; and

WHEREAS, The Solano Stroll is well-known and beloved by the community and has been a source of pride for both Berkeley and Albany for almost five decades; and

WHEREAS, The Solano Stroll raises revenues and enhances the City's reputation locally and regionally, engendering significant goodwill; and

WHEREAS, The Solano Avenue Association, producer of the Stroll event, works actively to minimize the environmental impact of the Stroll, providing a free Shuttle to and from North Berkeley Bart station, free valet bike parking, and will require vendors to offer only compostable bags and foodware; and

Internal

WHEREAS, in recognition of the diversity and reach of the event, the Solano Avenue Stroll has had the honor of being selected by Congresswoman Barbara Lee for inclusion at the Library of Congress in Washington D.C. as a “National Local Legacy”; and

WHEREAS, the City of Berkeley has a longstanding practice of providing annual support for the Solano Avenue Stroll through cash grants and the provision of in-kind services at no cost to the Solano Avenue Association; and

WHEREAS, Berkeley’s increased grants over the two years immediately following the pandemic, which allowed for extended marketing, BART shuttles, and other enhancements, have resulted in rebuilding the success of pre-pandemic Strolls;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley shall be an official Co-Sponsor of the Solano Avenue Association’s 2024 and 2025 Solano Avenue Stroll events, currently scheduled for Sunday, September 8, 2024 and Sunday, September 14, 2025, taking place on Solano Avenue in both Berkeley and Albany; and

BE IT FURTHER RESOLVED THAT the City of Berkeley shall provide in-kind City services to the Solano Stroll, including but not limited to police, fire, zero waste, and public works services, at no cost to the September 2024 and 2025 Solano Avenue Stroll events, and shall further support the 2024 and 2025 Stroll events with grants of \$10,000 for each event, for a total of \$20,000 over Fiscal Years 2025 and 2026.

Solano Stroll Booth and Parade Participants 2023

19 Hands Jewelry
A Walk With Phil
Aaron Eminger Watercolors
ADES
AFS-USA
After the Gold Rush
Alameda County Auditor-Controller/Clerk-Recorder Agency
Alameda County Behavioral Health Director's Executive Team
Alameda County Democratic Party
Alameda County District Attorney
Alameda County Law Library
Alameda County Mosquito Abatement District
Alameda County Probation
Alameda County Public Health Department
Alameda County Social Services Agency
Alameda County Supervisor Keith Carson's Office
Alameda County Transportation Commission
Alameda-Contra Costa Transit District
Albany Berkeley Soccer Club
Albany CERT Inc
Albany Democratic Club
Albany Fire Department
Albany High School Dance Department
Albany High School Jazz
Albany High School Mountain Biking Team
Albany Jazz Big Band
Albany Police Department
Albany Property Rights Advocates
Albany Sauna, Massage Therapy & Hot Tubs
Albany Strollers & Rollers
Albany Subaru
Albany Thrives Together
Albany Unified School District
Aloha Pediatric Dentistry
Alpineer Club
Altar Ceramics
Aly Maky

Alzheimer's Association
Amy's Face Painting
Andronico's Community Markets
Anime Island
Antiques on Solano
Art Corner Academy
As You Wish Frozen Yogurt
Ashby Lumber
Ashby Village
Ashkenaz Music & Dance Community Center
Asian Art Foundation
Aunt Betty's Gourmet Corn Dogs
Aurora Theatre Company
Back Pages
Barberella Beauty Lounge
Bay Area Alternative Press
Bay Area Brain Spa
Bay Area Experience – Mark Otis
BAYCO
Belmont Village
Berkeley Albany Girl Scouts
Berkeley Architectural Heritage Association
Berkeley Buddhist Priory
Berkeley Camera Club
Berkeley City Auditor
Berkeley Democratic Club
Berkeley Disaster Preparedness Neighborhood Network
Berkeley Fire Department – Office of Emergency Services
Berkeley Fire Department – Wildland Urban Interface Division
Berkeley Folk Dancers
Berkeley Food Network
Berkeley High Robotics Team 5419 Berkelium
Berkeley High School Jazz
Berkeley Historical Society & Museum
Berkeley Lab
Berkeley Lacrosse Club
Berkeley Morris
Berkeley Path Wanderers Association
Berkeley Playhouse

Berkeley Police Department
Berkeley Public Schools Fund
Berkeley School
Berkeley Unified School District
Berkeley YMCA U-Jam
Berkeleyside
Best Gay Ever Tattoo
Beyond the Spell
Big Bubble People
Black Pine Circle School
Black Pine Circle School Band
Blade & Arrow
Bottle of Clouds
Boy Scouts of America GGAC
Breedloves & Friends
Brenda's Ceramics and Jewelry
By Three Bears
Cactus Taqueria
California Council of the Blind
California Section of the American Chemical Society
California Tarot
Catholic Funeral and Cemetery Services
Cazadero Music Camp
Center for Early Childhood Connections
Chabad of El Cerrito
Chain Two Collective
Charlie Frank Pies
Child Therapy Institute of Marin
Chris Kindness Award
Church of Divine Man dba Berkeley Psychic Institute
Church on the Corner
Citizens Climate Lobby, Alameda County
Citizens for East Shore Parks
City of Albany
City of Berkeley Office of Economic Development
City of Berkeley Public Works
City of Berkeley Recreation Division
City of Berkeley Rent Board
CJ's Barbeque & Fish

Classroom Matters
ClimateChangeEducation.org
Congregation Beth El
Consilience
Corn Bread Willie
Craftup
Crowden Music Center
Cruising Cones 6
Cumbia Paradiso
Cutie Pop Nail Shop
Dan Kalb for State Senate 2024
Del Mars
Delicious Kettle Corn
Delightful Foods
Demby Co
Derek's co (Crazy Copy Hats)
Diana Yoshida
Didi Jewelry Project
District Homes
DJ boyof\$summer
DoctorofBeauty, Christine Brozowski
Domino's
Don Velez Woodturner
DOWNTOWNRHYTHM Band
Dreaming in Paradise
Dusty Rose Designs
EarthCapades
East Bay Center for the Blind
East Bay Community Energy
East Bay German International School
East Bay Heritage Quilters
East Bay Municipal Utility District
East Bay PEMA Specialists
East Bay Rose Society
East Bay School for Boys
East Bay Youth Rugby
Eastshore Alliance Futbol Club
Easy Does it Emergency Services
Eckankar of the East Bay

Ecole Bilingue de Berkeley
El Cerrito Trail Trekkers
Emeryville Taiko
Enjoyus
Epworth UMC Berkeley
Escuela Bilingue Internacional
Evolution Hot Sauce
Fern's Garden
Fillgood
FIT4MOM 510
Folke
Fraternal Order of Eagles – Bayview Aerie
Freight & Salvage
Friends of Albany Library
Friends of the Albany Twin
Game On
Gamelan Sekar Jaya
Gangchen Gifts
Gaucho Dance Company/ECHS Dance
GenX Fitness LLC
God's Creations
Golden Gate Sotheby's International Realty
Golden Lion Martial Arts Academy
Golestan School
Good Research
Good Trubble
Gourmet Faire
Grape Craft Leather
Gray Panthers of Berkeley and the East Bay
Great Diamond Press, LLC
Green Party of Alameda County
Griffin Performance Judo
Grizzly Peak Fly Fishers
Groove Portal
Half Price Books
Hanabi Judo
Handmade by Renee
Happy Day Montessori School
Harvest Land

Hazel's California Confections
Himalayan Tandoori Curry House
Himalayan Tribes
Holistic Life Skills
Honey Drop Gems
House of Hara
I Flip Gymnastics LLC
IBX Fitness
Idlewild West
lyoba
Jack Justice and the Peace
Jamba Juice
Jane's Homemade
Jay Scott Insurance & Financial Services, Inc.
Jewish Voices for Peace-Bay Area
Jimmy Becker
John Muir Trout Unlimited
Jovanka Beckles for State Senate 2024
JoyousJoyfulJoyness
K&J Eats LLC dba Dippin Dots
Kai Real Estate
Kalimba King (Carl Winters)
Karaoke, Hosted by Mel-o-dee Cocktails
Kathmandu
Kathmandu Gift School
Kathryn for State Senate
Katie's Dance Studio & Company
Kennedy24.com
Kenny the Clown
Kensington Symphony Orchestra
Kirk McCarthy Designs
Kolo's Finds
L.J. Kruse Company
Le Jazu
League of Women Voters Berkeley Albany Emeryville
Leopold Chiropractic
LifeLong Medical Care
Light and Breezy Paper
Linked & Co Permanent Jewelry

Lions Club of Albany
Little Shed Crafts
Little Tibet Gift Shop
Liz Patton Design
Los Nadies
Love the Bulb
Low Keys
Luna Bags
Ma's Trading Company
MacLean Custom Screen Printing
Magical Face Paint by Gina
Main Street Food Concessions
Malaya Botanicals
Maoli Shave Ice
Marxo Lazo
Maru Hair Salon
Matsu Japanese Gifts
Mayor of Berkeley – Jesse Arreguin
Mechanics Bank
Medical Center of Marin – Albany
Mehfil Enterprise
The Menagerie Oddities Market
Mercy Kit
Metalsouls LLC
Mickaboo Companion Bird Rescue
Midnight Kitchen
Mills College / Northeastern University
Moonsprouts
MoritaArts
Mountain Music
NALCO Northern Alameda County Emergency Amateur Radio
Nanas Bracelets
NARI San Francisco Bay Area Chapter
New York Life
Nomad Tibetan Restaurant
Norcal Sabeel
North Berkeley Wealth Management
Nourish Osteo & Wellness
Oakland Ski Club

Oaktown Spice Shop
Oasis Pro
Office of Assemblymember Buffy Wicks
Office of Congresswoman Barbara Lee
One Generation Camp
Orca Water Polo Club
Orchid Florist
Organic Attire
Osher Lifelong Learning Institute (OLLI) at UC Berkeley
Oz+Otz
Pacific Boychoir
Palomacy Pigeon & Dove Adoptions
Pamana Plantas
Papa Seahorse
Paper for Keeps
Paper Sweetly
Pegasus Books
Peki Peki
Pet Adoptions and Street Boutique
Petite Jewel Box
Photopia
Pineapple Express
Pizza Twist
Pop Nation
Rad Power Bikes Berkeley
Raised on TV
RandomTechnology Design
Read-Aloud Volunteer Program
Renner Screen Printing
Ring Around the Toezees
Rock-It-Man Stoneworks
Rolling Hills Memorial Park
Ross Luna's Sculptures
Rotation Community Services
Royal Scottish Country Dancers
Salvage Flows
Sam's Toys
Sandre Swanson for State Senate
Saraba African Arts

Sari-Sari Shop
Save the Historic UA Theater
Schmidt's Tobacco and Trading Co
School of the Madeleine
Seacology
Shoes on Solano
Shumei San Francisco
Signal Coffee Roasters
Silverado Memory Care
Simply Salma's Treasures
Sisters of the Holy Names
Sites Show
Solano Ave Barber Shop
Solano Avenue B.I.D.
Solano Center for Psychological Services
Solano Cleaning Center
Solano COmmunity Church
Soneha
Sophie Hahn for Mayor 2024
StandWithUs
State Farm Insurance – Sonny Randhawa
STBY
Stone Room
Stratospheres
Strawberry Creek Quilts
Style by Illana
Sue Johnson: Custom Lamps & Shades
Suitcase Ron's Kettle-korn
Sun Light and Power
Sundhari Spa
Sweet Basil Thai Cuisine
Tante's LLC
Temple Beth Hillel
Tenzing Collections
Tha Siam Thai Bistro
Tibetan Golden Lotus
Tilden Preparatory School
Total Health Dental Care
Treats by the Bay

Treve Johnson Photography
Troupe Tangiers and Sharifa's Habibis
Umani Home and Gift
Uncommon Poppy Shop
United Nations Association – East Bay Chapter
United State Coast Guard
Unlimited Fashions
USDA FSIS Western Laboratory
Vagabond Empire
Waste Management
Wilson Glass Co
Wind & Brass
Winkler Real Estate Group
Wilfe, Inc
Women's Daytime Drop-In Center
Xocolate Bar
YMCA Youth and Government
Yosemite Flower Farm
Young People's Symphony Orchestra
Youth Musical Theater Company









Upcoming Worksessions and Special Meetings

start time is 6:00 p.m. unless otherwise noted

Scheduled Dates	
May 7 (4:00pm)	1. Community Agency Allocation Process
May 14 (4:30pm)	1. Annual Report: Police Accountability Board and Office of the Director of Police Accountability
May 21 (4:00pm)	1. Inclusionary Housing In-Lieu Fee Feasibility Study
Sept 17	Open
Oct 22	1. Draft Waterfront Specific Plan

Unscheduled Workshops and Special Meetings

1. Adopt the Results of the April 16 Special Election (5:45pm on May 7)
2. Ballot Measures for November 2024 (May Special Meeting – 5/23 or 5/28)
3. Ballot Measures for November 2024 (June Special Meeting – 6/6 or 6/13)
4. Ashby BART Transit Oriented Development & Berkeley – El Cerrito Corridor Access Plan

Unscheduled Presentations (City Manager)

1. BINDEX Update (May 7 City Manager Comments)
2. Dispatch Needs Assessment Presentation
3. Presentation on Homelessness/Re-Housing/Thousand-Person Plan (TBD regular agenda)

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
1.	Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls <i>(Referred from the March 26, 2024 meeting)</i> From: City Manager Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance regarding amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Control Ordinance. Financial Implications: See report Contact: Jordan Klein, Planning and Development, (510) 981-7400

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
2113-15 Kittredge Street (California Theater)	ZAB		6/4/2024
3000 Shattuck Avenue (construct 10-story mixed-use building)	ZAB		TBD
Remanded to ZAB or LPC			
Notes			

4/17/2024

Local City Rules of Order to prevent disruptions at their Council Meetings

Berkeley Council *Rules of Order and Procedure* and are similarly strong, or stronger, than several surrounding municipalities in defining rules of decorum, disruption, and enforcement of decorum. Berkeley also refers to those guidelines in the front of its agenda.

The Cities studied: El Cerrito, Walnut Creek, Santa Monica, Santa Cruz, Concord, and San Francisco, though not necessarily stronger in their guidelines, do have a few practices worth Berkeley could consider borrowing. Highlights of those guidelines are in the following paragraph. Specifics follow on the next page.

Highlights

El Cerrito does not allow Councilmembers or the public to make personal, slanderous, or profane remarks to any member of the Council, staff or the general public. They also suspended public comment via Zoom in Sept 2023. Walnut Creek does not allow speakers to cede their unused time to other speakers. Santa Monica lists on the first page of their agenda, the Standards of Behavior that Promote Civility at All Public Meetings. They also prohibit applause, vocally or clapping, except for ceremonial items, or when invited by presiding officer. They include blocking the audience or camera view of the proceedings as disruptions. Santa Cruz includes in their Rules of Procedure, guidelines for Councilmember interactions with each other. Concord does not allow public comment via Zoom unless a Councilmember is attending remotely. San Francisco does not permit audible support or opposition to statements by elected or those testifying and does not permit bringing in or displaying signs.

Specifics

Rules & Protocols from other Cities re: What they do at their Council Meetings

BERKELEY

On Agenda

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Council Rules of Procedure

V. Procedural Matters

B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules

of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease. If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

EL CERRITO

Agenda

Conduct: This meeting shall be conducted pursuant to the El Cerrito City Council Rules of Order and Procedure, including adjourning by 11:00 PM unless extended to a specific time determined by a majority of the Council

Council Rules of Order and Procedure

XI. PROCEDURAL MATTERS

Y. Decorum

... No person shall disrupt the orderly conduct of the City Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, approaching the City Council dais or speaker podium without consent, or refusing to obey the orders of the Mayor or Council. Any message to or contact with any member of the City Council while the City Council is in session shall be through the City Clerk. Neither Councilmembers nor any persons addressing the City Council shall make personal, slanderous, or profane remarks to any member of the Council, staff or the general public. Noise emanating from the audience within the City Council Chamber or lobby area

which disrupts meetings shall not be permitted. All cellular phones and other consumer devices shall be muted while in the Chamber. Refusal shall be grounds for removal.

Z. Enforcement of Decorum

The Mayor may call a recess if a speaker or group of speakers become unruly and/or interferes with the orderly conduct of the meeting. Any law enforcement officers on duty or whose services are commanded by the Mayor shall be Sergeant-at-Arms of the City Council meetings. They shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the City Council meetings. Upon instructions of the Mayor or a majority of the City Council, it shall be the duty of the Sergeant-of-Arms, or any officer present, to escort outside or place under arrest any person who violates the order and decorum of the meeting, and cause them as necessary, to be prosecuted under the provisions of applicable law.

Instructions for Submitting Public Comments – For Hybrid City Council Meetings

El Cerrito has suspended public comment via Zoom (per 9/28/2023 revision)

WALNUT CREEK

Agenda

Nothing about Rules and Procedures or Decorum on their agenda.

Council Handbook

9.5. Public Comment

1. Opportunity to Speak

... Speakers may not assign unused time to other speakers.

9.7. Additional Protocol and Decorum

5. Warnings. The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the City Council to

regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order him or her to leave the City Council meeting. If the person does not depart the City Council Chamber of his or her own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the City Council to escort that person from the City Council Chamber.

The Mayor shall deliver the requisite warning in substantially the following form:

You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to City Council Chamber for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?

6. Misdemeanor. Any person who willfully disturbs or breaks up a City Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code Section 403.

MOUNTAIN VIEW

Agenda

Nothing about Rules and Procedures or Decorum on their agendas.

Council Code of Conduct

6.8 Decorum

6.8.1 While the City Council is in session, all persons shall conduct themselves with reasonable decorum.

6.8.2 The presiding officer may remove or cause the removal of any individual(s) for disrupting a meeting in accordance with California Government Code Section CLK/6/Council Code of Conduct 428-03-14-23CoC -34- 54957.95, as may be amended from time to time. The presiding officer shall call a recess until such time as the individual(s) have been removed and the meeting can resume without disruption.

6.8.3 In accordance with California Government Code Section 54957.9, as may be amended from time to time, the Council may order a meeting room cleared and continue in session in the event a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting impossible and order cannot be restored by the removal of individuals who are disrupting the meeting.

6.8.4 The Police Chief or authorized representative shall be sergeant at arms of the Council meeting. The sergeant at arms shall carry out all orders and all instructions of the presiding officer for the purpose of maintaining order and decorum at Council meetings.

SANTA MONICA

Agenda

The following is listed on the first page of the downloaded agenda, but not the on-line agenda:

STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS:

- Treat everyone courteously;
- Listen to others respectfully;
- Exercise self-control;
- Give open-minded consideration to all viewpoints;
- Focus on the issues and avoid personalizing debate;
- Embrace respectful disagreement and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions
- Hate has no place in Santa Monica. The City opposes abusive or threatening hate speech, intolerance, or dehumanization, and supports basic civil respect and human decency.

[Amended Rules of Order and Procedure for the Conduct of City Council Meetings, Resolution No. 11547 \(09/26/2023\)](#)

RULE 16. RULES OF CONDUCT AND SAFETY.

2/29/2024

1st paragraph: Applause, vocally or clapping, is prohibited, except for ceremonial items, or as may be invited by the Presiding Officer.

2nd paragraph: Any person who disrupts the meeting shall be called to order by the Presiding Officer. Disruption shall include but not be limited to, blocking the audience or camera view of the proceedings.

SANTA CRUZ

Agenda

Nothing about Rules and Procedures or Decorum on their agendas.

Councilmembers' Handbook

RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS

COUNCIL INTERACTIONS

In interactions with each other, Councilmembers will abide by the following principles:

- Be Respectful: Treat each other with respect, even when/especially when there is disagreement.
- Engage in Open and Honest Communication: Be direct, straightforward, and transparent with each other.
- Be Honest and Truthful: Act with integrity and authenticity; be ethical.
- Address Difficult Issues: Confront challenging topics directly; avoid talking around them or not talking about them at all.
- Find Areas of Common Ground: Seek areas of agreement; identify shared interests, values, and positions.
- Be Open to Different Perspectives: Keep an open mind; be willing to change your views with new information, data, etc.
- Give the Benefit of the Doubt: Freely give credit for good intentions; avoid ascribing bad intentions.
- Role Model Good Leadership: Be professional; adhere to standards of civility; demonstrate effective leadership for the community.

- Be Considerate of Each Other's Time: Manage expectations about responsiveness and availability, recognize the time limitations and constraints of your colleagues.

DECORUM IN COUNCIL MEETINGS

3. While the Council is in session, all persons shall preserve order and decorum. Any person who causes a disruption at the Council meeting shall be removed from the meeting and barred from further attendance at said meeting by the presiding officer unless permission for continued attendance is granted by a majority vote of the Council. Disruption is defined as behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. An individual may cause a disruption by failing to comply with reasonable meeting rules, using force or threatening to use force, or causing other disruptions.

CONCORD

Agenda

Please note the following change to the City's public comment procedures: Unless a Councilmember is participating in the meeting remotely pursuant to AB 2449, remote public comment will not be accepted. Public comment may be provided in-person or via email, as set forth below.

Rules and Procedures

Didn't find one.

SAN FRANCISCO

Agenda

Board procedures do not permit: 1) vocal or audible support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones or electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Rules of Order

1. Public Participation

1.3.1. Actions Prohibited during Board of Supervisors' Meetings. 1. Applause or vocal expression of support or opposition 2. Standing in meetings 3. Eating or drinking in the public gallery 4. Use of electronic devices, unless they are in silent mode 5. Handheld signs in the Legislative Chamber or in the committee room (although small signs may be worn on clothing)

1.7. Disorderly Conduct. The presiding officer shall order removed from the meeting room any person who commits the following acts in respect to a meeting of the Board or of a standing or special committee:

1.7.1. Disorderly, contemptuous or insolent behavior toward the Board or committee or any member thereof, tending to interrupt the due and orderly course of said meeting;

1.7.2. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

1.7.3. Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the Board or committee;

1.7.4. Usage and ringing of cell phones and pagers, not in silent mode in Board and committee meetings;

1.7.5. Any other interference with the due and orderly course of said meeting.

Agenda Committee 1/16/2024

Item 10 - City Council Legislative Systems Redesign

Discussion Items - Part 1

Background:

The Agenda Committee presented materials and solicited input from the City Council during fall of 2023 regarding possible Legislative Systems Redesign options. The goal of Systems Redesign is to improve processes for developing, introducing, vetting, passing, funding, and implementation of Major Council Items and initiatives. Based on City Council input, the Agenda Committee has been tasked with proposing a new set of improvements to:

1. Consider possible refinements to the definition of Major Items
2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as "Policy Track Items")
3. Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle
4. Strengthen the Committee System to provide more in-depth review and vetting of Major Items
5. Clarify levels of input from Staff and City Attorney at all stages, from development to implementation
6. Clarify processes and timelines for implementation of items once passed and funded
7. Establish protocols for one-time vetting/disposition of currently backlogged items
8. Consider yearly prioritization processes in light of the intended outcome of fewer, more fully considered Major Items in the queue

To facilitate focused discussion, this memo only addresses proposals related to items 1, 2, and 3, above. Additional considerations will be discussed at subsequent meetings.

1. **Consider possible refinements to the definition of Major Items**

"Major Items" are items meeting the current definition of *Policy Committee Track Items*:

"Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts."

Some Councilmembers expressed that the definition might be further clarified. After discussing a variety of options, and considering times when the definition might have

proved problematic, it was decided that no changes should be proposed; the definition appears to provide good guidance to members of the Agenda & Rules Committee and has not been a source of controversy to date.

Consideration was given to potentially require all Ordinance changes to be labeled Major Items, but on further discussion, it was concluded that only Ordinance changes/new Ordinances with “moderate to significant administrative, operations, budgetary, resources, or programmatic impacts” would be worthy of being considered as Major Items - thus reinforcing the appropriateness of the existing definition.

One possible improvement could be to add examples of items that may be considered Major Items, rather than to amend the rule:

“Examples may include, but are not limited to Items that:

- *Clarify or extend existing Plans, Programs, Policies and Laws in moderate to significantly impactful ways*
- *Change/Amend existing Plans, Programs, Policies and Laws in moderate to major ways*
- *Create a new and meaningful exception to existing Plans, Programs, Policies and Laws*
- *Reverse/change existing Plans, Programs, Policies and Laws in moderate to significant ways*
- *May require moderate to significant increases in funding or additional FTE for start-up and/or ongoing operations”*

Recommendation: Keep existing definition, add examples, and revisit should controversies occur.

2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as “Policy Track Items”)

In discussing this seemingly straightforward concept, a number of considerations arose that are addressed in the following proposed path forward.

The Council Rules of Procedure and Order already include an outline of what is “required” for Council items, in Section XXX of the Rules. The Guidelines – suggested but not required and included in an Appendix to the Rules – were built from the Rules, providing more elaboration and specificity.

As suggested but not required, the Guidelines have not been “in conflict” with the Rules. However, adopting the Guidelines as requirements changes this equation; *the existing Rules and the Guidelines cannot both be simultaneously required*. The proposed path forward addresses the potential conflict that arises when the Guidelines are adopted as mandatory for Major Items.

In addition, if the Guidelines are mandatory only for Major Items, we must consider what will be mandatory for “all other” items – hereinafter referred to as “Standard Items.” The proposed path forward thus addresses both Major Item and Standard Item requirements.

Another consideration is how the Agenda Committee will evaluate whether an item - Major or Standard - is in compliance with mandatory requirements, and what the Agenda Committee must or may do if it finds an item falls short of the requirements. The following proposal addresses these issues as well.

Finally, the Guidelines were reviewed to identify any possible edits that might be suggested prior to adoption of the Guidelines as mandatory.

Proposal:

1. Make Edits to Guidelines:
 - a. Remove “preamble” language
 - b. Make light changes to the Guidelines and expand illustrative examples
 - c. *See Edited Version of the Guidelines*

2. Remove/eliminate existing Rules about how to present/write Items and adopt a two-tiered set of Rules for **Standard Items** and **Major Items**, based on the Guidelines.
 - a. For **Major Items**, make the full Guidelines MANDATORY
 - b. For **Standard Items**, make elements **1, 2, 3, 4, 5, 14 and 15** of the Guidelines MANDATORY, with other elements RECOMMENDED.
 - c. **Drafting Consideration** - Keep the Guidelines as an Appendix – incorporated by reference into the Rules – rather than “pasting” the full Guidelines directly into the Rules.

- d. **Clerk Templates** - the Clerk's Office will create updated, more user-friendly and easily accessible templates for Major and Standard Items, as well as for Supplemental, Late, and other Submissions.
 - e. For "**Speciality Items**" such as D13 Account grants, letters and resolutions in support of State or Federal Legislation, and other "special" Item types, the Clerk's Office will provide updated RECOMMENDED templates.
3. **For MANDATORY elements of both Major and Standard Items**, suggest adopting the following (or similar) standard for review by the Agenda Committee:

If a Major or Standard Item, as submitted by the Primary Author, does not substantially and materially meet reasonably applicable Mandatory Elements of the Guidelines, the Agenda & Rules Committee shall request, and may require, that the Primary Author provide additional analysis and/or consultation to fulfill Guideline requirements.

If the Agenda & Rules Committee requests or requires the Primary Author to provide additional analysis or consultation, the Item may or shall be referred back to the Primary Author and may be resubmitted for a future Agenda.

4. **For RECOMMENDED elements of Standard Items and Speciality Items**, authorize the Agenda Committee to do what it currently has the power to do under Rules Section (C)(1) (with some edits):

Refer the item back to the Primary Author for adherence to ~~required~~ recommended form or for additional analysis as ~~required~~ recommended in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).

5. **For Emergency/Time Sensitive Items**, Items can bypass mandatory Guidelines requirements if the Agenda Committee makes the findings for a Time Critical Track Item (existing definition).

Proposed Standard for allowing Emergency/Time Sensitive Items to go forward without fulfilling the Mandatory Guidelines:

The Agenda Committee may make an exception to Mandatory Guidelines requirements for a Major or Standard Item if the Item meets the definition of a Time Critical Track Item, as provided in Section (3)(g)(1) of the Rules, in which case the Item may go forward as submitted on the Action Calendar for the Agenda under consideration with a notation, added by the Clerk's Office, that additional materials have been requested by the Agenda Committee. The Primary Author shall submit such additional materials as a Supplemental 1 filing.

Time Critical Track Item Definition (existing, Section (3)(g)(1)):

A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council.

6. Appeals - provide a mechanism to appeal Agenda Committee decisions to the full Council?

May be advisable to have a bypass mechanism - or not?

3. Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle

The Council did not support a single, yearly cycle for submitting Council items, but expressed a desire for clear deadlines to be established for submission/consideration of items for various budget processes. In addition, questions have arisen regarding what kinds of requests can/should be submitted for consideration at various junctures in the yearly/biennial budget cycle.

Overall, it was determined that *the Agenda Committee should formally ask the Budget Committee for guidance on these questions*, as they fall more squarely into the Budget Committee's purview.

- By when should Standard and Major Items with budgetary considerations be passed out from Council to be considered in the June budget adoption/update?
- Working back from that date, by when should a Major Item or Standard Item be submitted, to allow time for consideration by the appropriate

Policy Committee and/or the City Council? (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)

- What kinds of budget requests are allowed/appropriate for the June budget?
- Consider establishing deadlines for the City Manager to bring Budget Updates (Fall and Spring) to the City Council.
- With established deadlines for Budget Updates, work back to establish deadlines for Major and Standard items to be submitted for consideration at each Budget Update. (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)
- What kinds of budget requests will be considered at Fall and Spring updates - from both Council and from the City Manager/Staff?
- If only emergency/time sensitive requests will be considered (or, for example, expansions of existing programs but not new programs, etc.), how will excess funds, if any, be rolled over and made available for Council priorities at the next June budget?

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

~~These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."~~

~~These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. These Guidelines are mandatory for all Major Items and strongly recommended for all other council reports Standard Items. While not all elements ~~would be~~ are applicable to every type of A ~~Agenda~~ item, the Guidelines ~~are intended to~~ prompt Authors to consider important elements of a complete item and to present ~~presenting~~ items with as much relevant information and analysis as possible.~~

~~Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:~~

- ~~2. Agenda items shall contain all relevant documentation, including the following as Applicable:~~
 - ~~a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~
 - ~~b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~
 - ~~c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~
 - ~~d. Fiscal impacts of the recommendation;~~
 - ~~e. A description of the current situation and its effects;~~
 - ~~f. Background information as needed;~~
 - ~~g. Rationale for recommendation;~~
 - ~~h. Alternative actions considered;~~
 - ~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~
 - ~~j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be~~

~~duplicate. In such case the agenda item distributed with the packet shall so indicate.~~

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal ~~Impacts~~ Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options, that can be presented singularly or in combination with others, include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, ~~it is not placed on any referral list~~)
- Referral to a Commission, ~~or to a Standing or Ad Hoc~~ Council Policy Committee, or other Legislative Body

- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement/“Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted, as relevant.
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
 - **Commissions:** what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws

- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. ~~Plus~~In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts Considerations

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

13. Outcomes and Evaluation

State the specific outcomes expected, if any.

- ~~(i.e., Example: “it is expected that 100-300 homeless people will be referred to housing every year able to access dry and warm shelter during the 3-month extension of the winter shelter program”)~~

Also state and what reporting or evaluation is recommended. _

- Example: The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).

14. Contact Information

15. Attachments/Supporting Materials

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These Guidelines are mandatory for all Major Items and strongly recommended for Standard Items. While not all elements are applicable to every type of agenda item, the Guidelines prompt Authors to consider important elements of a complete item and to present items with as much relevant information and analysis as possible.

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options, that can be presented singularly or in combination with others, include:

- Adopt first reading of ordinance
- Adopt a resolution

- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away; it is not placed on any referral list)
- Referral to a Commission, Council Policy Committee, or other Legislative Body
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted, as relevant.
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
 - **Commissions:** what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
- What reports, articles, books, websites and other materials were consulted?

- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- *Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Considerations

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City

Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

13. Outcomes and Evaluation

State the specific outcomes expected, if any.

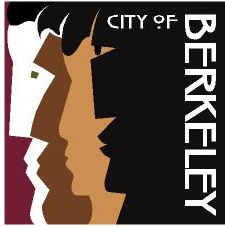
- Example: *“It is expected that 300 homeless people will be able to access dry and warm shelter during the 3-month extension of the winter shelter program.”*

Also state what reporting or evaluation is recommended.

- Example: *“The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).”*

14. Contact Information

15. Attachments/Supporting Materials



Kate Harrison
Councilmember District 4

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet

Meeting Date: **October 10, 2023**

Item Number: **1**

Item Description: **City Council Legislative Systems Redesign**

Submitted by: **Councilmembers Harrison, Robinson, and Taplin**

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described in the background section.



Kate Harrison
Councilmember District 4

ACTION CALENDAR
October 10, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Taplin (Co-Sponsor)

Subject: Alternative Council Legislative Process

RECOMMENDATION

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described below in the background section:

1. Incorporate positive elements of the Councilmember Hahn proposal, including mandatory Council memo guidelines, a formal process for City staff to provide conceptual input to authors, re-evaluating backlogged items for potential removal, and policy committees’ using a checklist to guide their analysis;¹
2. Establish objective definitions and provide for comprehensive consideration of significant items;
3. Require referrals and budget requests over a given threshold to be considered first by a policy committee.
4. Preserve and formalize rolling deadlines for significant item submission;
5. Retain policy/budget judgement and prioritization to Council as a whole rather than policy committees, while tasking committees with role of ensuring items are drafted to form and sufficiently inform Council and the public’s consideration.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

At the October 2019 Council retreat, the Council and the City Manager discussed approaches to better align the legislative process to the budget and ensure implementation was feasible. In particular, many referrals to the City Manager were not well drafted and were not reviewed by policy committees before being referred. Many budget referrals were also not considered by policy committees despite their potential to have outsized impacts on staff and budgetary resources. Even with the referral ranking system, there remain a sizeable backlog of items that are not necessarily funded or considerate of staff resources. Councilmembers have not identified a sufficient number of lower-ranked items for removal from the list and may remain there for years.

¹ Councilmember Hahn, Draft Proposal, p. 44., <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-09-18%20Agenda%20Packet%20-%20Agenda%20Committee.pdf>
2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7140 • TDD: (510) 981-6903 • Fax: (510) 981-6903 E-Mail: KHarrison@cityofberkeley.info

Alternative Council Legislative Process

These considerations merit Council consideration and possible action. At the same time, proposals dictating how often Council can submit legislation and overly complex rules for policy committees risks veering into limiting councilmembers' legislative authority, fails to respond to emerging circumstances, is unprecedented in comparable cities and risks violating the spirit if not the letter of the City Charter. This item finds that (1) policy committee system created in 2018 is fundamentally sound with certain enhancements, and (2) that the problem that needs to be addressed is ending the practice of allowing significant policy and budget referrals to bypass the policy committee system.

Before Council could consider the issue in depth, the COVID-19 pandemic occurred. During the first year of the COVID-19 pandemic, the Mayor and Council briefly suspended consideration of nearly all non-emergency Council legislation and meetings of committees and commissions. As the pandemic wore on, the reality of governing and the needs of the people, including the pressing need for street improvements, responses to our affordable housing crisis, the murder of George Floyd and socio-economic factors – some related and some not to the pandemic – made introducing no new policy infeasible, and Council began legislating anew.

On June 15, 2021 City Management proffered its "Systems Alignment Proposal" proposal to Council. The proposal recommended restricting the time period for submitting Council items (exempting Departments and the City Manager) to only four months per year, among other details, citing the need for more in depth budgetary and implementation analysis. However, the Council's policy committees, created shortly before this time, were tasked with vetting items for any staffing impacts in light of vacancies and considering budget impacts Current rules provide that the policy committees are to:

- review items for completeness and alignment with Strategic Plan goals;
- ensure Council items include adequate discussion of budget implications, administrative feasibility, basic legal concerns, and staff resource demands to allow for informed consideration by the full Council;
- include a positive, qualified, or negative "Committee recommendation" based on these criteria.²

Many items improved significantly through the committee process.

Questions about the impact of the city management proposal on the City Charter were outlined in an alternative Council item submitted by Councilmember Harrison in June 2021.³ Ultimately the City Manager's proposal was not adopted by Council, and was

² Berkeley City Council Rules of Procedure, <https://berkeleyca.gov/sites/default/files/documents/City%20Council%20Rules%20of%20Procedure%20-%20July%2011%202023%20-%20FINAL.pdf>.

³ Councilmember Harrison, "Comments and Alternative Systems Alignment Proposal," June 15, 2021, <https://records.cityofberkeley.info/PublicAccess/api/Document/AemaKwyWOMW%C3%89OLzGWGj2m%C3%81pnQxBkfMC7W2S7PsoYWkE%C3%81c3kNbNXoWpsj%C3%891iLPosUUUV90e0sL0rH3HFNV2BEtmCo%3D/>.

Alternative Council Legislative Process

instead referred to the Agenda Committee for consideration alongside alternative proposals. The City Manager has indicated that it would be inappropriate for the City Manager under the Charter to be recommending or determining how the Council makes policy decisions. Indeed, the policy and legislative function is firmly lodged under the Council per the Charter as was noted in Councilmember Harrison's 2021 alternative item.

Some of the elements of the City Manager's 2021 proposal have reemerged as part of a new proposal led by Councilmember Hahn through the Agenda Committee. According to the Agenda Committee record, Councilmember Hahn indicated that her proposal represents an understanding between the City Manager and City Clerk's office. The City Manager noted that "there are characteristics of my [the City Manager's] proposal woven into what you [Councilmember Hahn] will be providing [the Council]" but has indicated this is clearly a matter for Council to determine.

The Council's process is not fundamentally flawed, and does not require measures such as a nearly 300-day legislative process for "major items." The Council's Policy Committee and budget process systems are sound, and among other updates the main task before Council is to close outstanding loopholes to the committee process.

This alternative item builds upon the proposal submitted by Councilmember Harrison in 2021, comments directly to the positive and less positive elements of Councilmember Hahn's proposal, and offers an updated alternative proposal that better aligns the legislative process to the budget and staff implementation process without sacrificing Berkeley's democratic process, and directly deals with referrals and budget requests submitted without sufficient budget and implementation analysis.

Certain elements of the legislative processes that have largely bypassed the policy committee process include: (1) referrals to the City Manager, (2) departmental, City Manager, including some major policy items, and (3) departmental, City Manager and Council budget referrals. All of these can have an outsized impact on limited budget resources and staff time and should be incorporated in the policy committee process ahead of the respective budget process. The policy committees are where—before passing out an item—significant budgetary impacts and feasibility, in addition to the proposals merits, ought to be determined.

We can fix the process without stripping the people's representatives of their Charter responsibility to respond to the public's needs and of due process to propose, debate, and consider legislation.

BACKGROUND

Positive Aspects of the Councilmember Hahn Proposal

Alternative Council Legislative Process

- Council items are required to follow the guidelines already promulgated rather than leaving these guidelines as recommended only;⁴
- Formal process for City staff to provide high level conceptual input to authors before they submit proposals;⁵
- Process for addressing or re-prioritizing the “backlog” of unfunded items;⁶
- Major Items passed by Council but not funded are automatically rolled-over to future funding opportunities (this has already been implemented to a certain extent).⁷
- Policy Committees’ analysis is enhanced using a checklist (excluding Hahn proposal to rate items).⁸

Concerns about the Councilmember Hahn Proposal

- Does not clearly articulate the specific legislative problems it is trying to solve, or provide examples of how the current system is “[in]consistent[],” how it “overwhelm[s]” City staff, and how the current system fails to “[s]uccessfully implement state of the art and/or innovative programs and policies.”⁹
- Severely limits the public’s access to the democratic process and extends the legislative process for “Major Items” to nearly 300-days (September to July and beyond). This compares to the current expected 120-day timeline. Items can that quickly become stale or inadequate by the time they are finally implemented.¹⁰ The proposal does not appreciate the September deadline artificially circumscribes Council’s ability to be responsive to public.¹¹ For example, if a Councilmember develops a non-time critical but nonetheless important piece of major legislation in October, the public will have to wait 11 months until September plus another nine months (July of the next year) before the item can be budgeted and implemented.
- Does not align with the fall budget process in which “excess equity” is considered and most council budget referrals are funded.
- Does not subject City Management’s “Major Items” to the same review. Neighboring cities such as Oakland require all non-time critical staff policy items to be routed through Policy Committees so all budgetary decisions (the purview of Council) are made against the same criteria.¹²
- Provides Agenda Committee with too much power to determine pick ‘winners and losers’ as to what constitutes a “Major Item” or time critical. Existing and proposed definition of “Major Item” and “Time Critical” are overly subjective.¹³
- Provides Policy Committees inappropriate authority to prioritize/score items they review. Currently, Policy Committees provide recommendations about individual

⁴ Councilmember Hahn Draft Proposal, p. 44.

⁵ Id., p. 43.

⁶ Id., p. 47.

⁷ Id., p. 44.

⁸ Id., p. 36.

⁹ Id., p. 24.

¹⁰ Id., p. 43.

¹¹ Id. p. 27.

¹² Oakland City Council Rules of Procedure, March 8, 2023, <https://www.oaklandcityattorney.org/wp-content/city-council/89588%20CMS.pdf>. See also Councilmember Hahn Draft Proposal, p. 27.

¹³ Id., p. 44.

Alternative Council Legislative Process

policies, and Council as a whole is rightly tasked with prioritizing and scoring items in terms of approval and budgeting.¹⁴

- Asserts that Policy Committees are a burden on staff and the Council, when in fact they have been shown to benefit the legislative process and reduce discussion at full Council. The Council's policy committees would only be allowed to meet to consider major legislation during less than six months of the year (down from the current nine months).¹⁵
- Requires Council to score items as part of the budget process through opaque and non-public processes, rather than through the current deliberative Council meeting process, Budget Committee, and Mayoral budget process provided for in Charter.¹⁶
- Creates an implementation team that includes the Councilmember author after it is passed by a policy committee. The stated goal is to "establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc." These are functions that the policy committees are tasked to do. The role for the Councilmember should be circumscribed as to prevent inappropriate meddling in administrative matters that are assigned to the City Manager under the Charter.¹⁷

Alternative Council Legislation Alignment Proposal

From the perspective of the authors of this item, a workable and sensible democratic process proposal should include the following:

Incorporate Positive Elements of Councilmember Hahn Proposal

- The positive elements listed above under "Positive Aspects of the Councilmember Hahn Proposal."

Establish Objective Definitions and Comprehensive Consideration of Significant Items

- Establish *objective* definitions for items with "significant" or "insignificant" budgetary or staffing implications, e.g., a dollar figure threshold, number of FTE needed, or requirement for consultant work. The current system fails to define "moderate to significant" and leaves subjective discretion to the Agenda Committee. This would ensure fairness amongst all Councilmembers. Alternatively, items could be referred directly to Policy Committees for such determination bypassing the Agenda Committee, unless deemed time critical.

Under this proposal, significant items would be subject to the normal maximum 120-day Policy Committee review timeline and include some of the enhancements offered by Councilmember Hahn. Items with insignificant impacts could be routed directly to Council or be provided a more streamlined maximum 90-day timeline and a less intensive review. In the case that items referred under

¹⁴ Id.

¹⁵ Id., p. 26.

¹⁶ Id.

¹⁷ Id., p. 45

Alternative Council Legislative Process

the 90-day timeline are found by the Policy Committee to have more significant impacts, a committee would be empowered to extend the item to 120 days for enhanced review.

- Ensure that all items submitted as referrals to the City Manager or budget referrals over the threshold are thoroughly vetted by Policy Committees and include estimates of all budget and staffing implications before coming out of the committee process so that they can be properly routed to the budget process.
- Ensure that policy items from City Management and Departments (other than time critical contracts and strictly administrative matters) are routed to policy committees as in Oakland and San Francisco.

Preserve and Formalizing Rolling Deadlines for Significant Item Submission

- Provide rolling submission deadlines ahead of applicable biennial (July), annual adjustment (July), and annual appropriation ordinance budget processes (fall/spring). The Council and City Manager may strive to encourage Councilmembers to submit the bulk of their items to the biennial and AAO #1 processes, but circumstances and community demands may warrant submission and consideration at other budget process periods. The Council, Mayor, and Budget Committee should, as in the past, continue to defer items or not fund items with significant budgetary or staffing implications as appropriate. There does not need to be an artificial deadline imposed on items.

Retain Policy/Budget Judgement and Prioritization to Council as a Body, While Tasking Committees with Ensuring Items Are Drafted to Form and Sufficiently Inform Council and Public Consideration

- Pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not Committees.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter and the public's right to representative democracy.

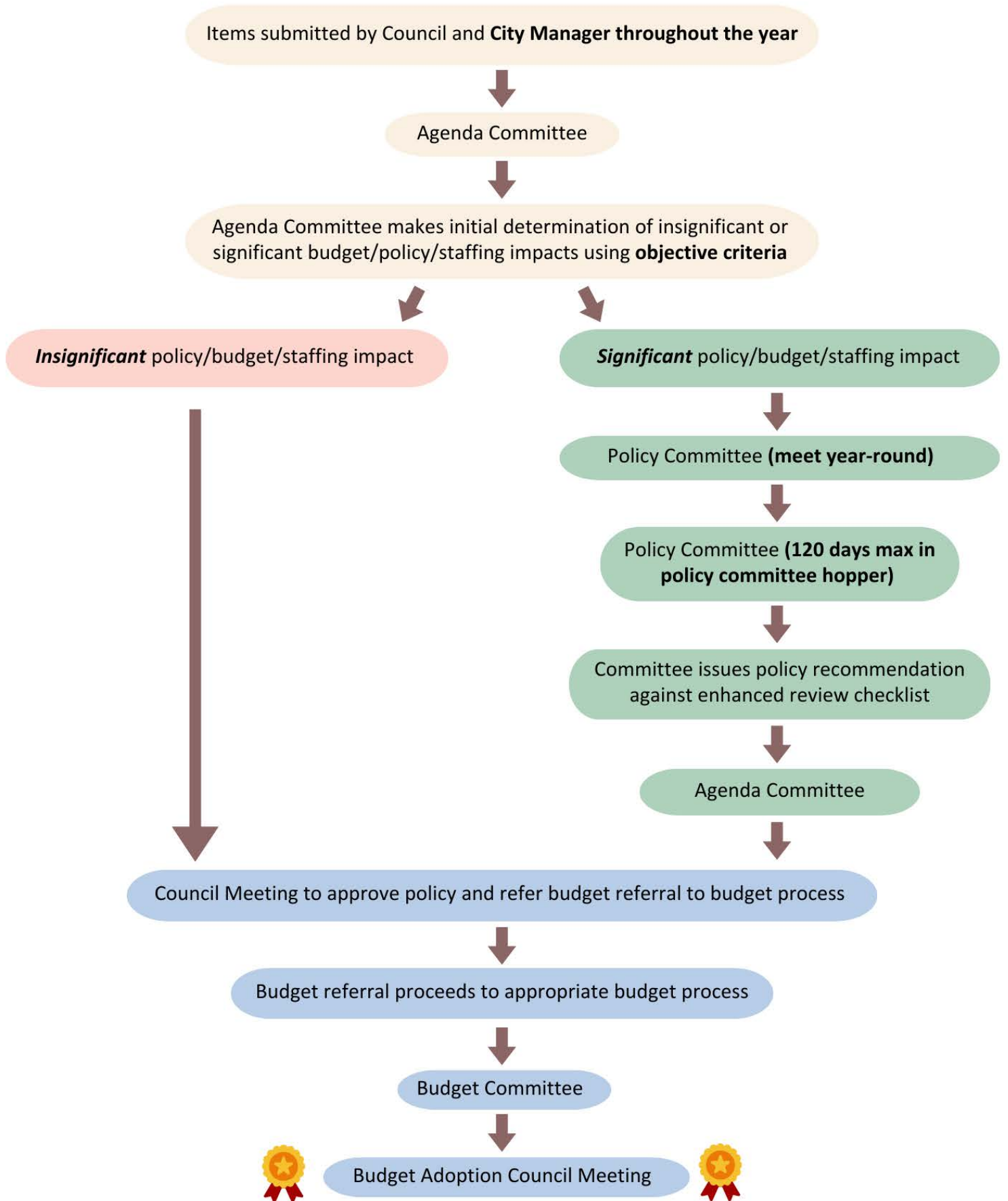
CONTACT

Councilmember Kate Harrison
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

Alternative Council Legislative Process Proposal





Office of the Mayor

WORKSESSION
October 10, 2023

To: Honorable Members of the City Council
From: Mayor Jesse Arreguín
Subject: City Council Legislative Systems Redesign

BACKGROUND

On February 8, 2021, at the direction of City Council during a retreat, the City Manager presented a Systems Alignment Proposal to the Agenda and Rules Committee. Following discussion, the Systems Alignment proposal was calendared for a future Council meeting.

On April 26, 2021 the Systems Alignment proposal was presented to All Council.

Councilmember Droste submitted a response to the Systems Alignment proposal at the May 18, 2021 meeting followed by Councilmembers Hahn and Harrison at the June 15, 2021 meeting. During the June 15, 2023 Council engaged in discussion and referred the Systems Alignment proposal to the Agenda and Rules Committee for further consideration.

On March 14, 2023, Councilmembers Robinson and Wengraf presented Reforms to Public Comment Procedures at meetings of the City Council for discussion and action.

At the Agenda & Rules Committee Councilmember Hahn, in collaboration with the City Clerk and other staff, presented "Major Item Legislative, Budgeting & Implementation Systems Redesign". Upon deliberation, the Agenda & Rules Committee set a worksession for full council discussion on October 10, 2023.

In order to assist Council in understanding the various recommendations from previous meetings, Mayor Arreguin directed his staff, with assistance from Councilmember Wengraf's staff, to create a matrix of all the proposals and responses from City Councilmembers at the relevant meetings which was reviewed at the September 26, 2023 Agenda and Rules Committee meeting.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

City Council Legislative Systems Redesign

WORKSESSION
October 10, 2023

Attachments:

- 1: PowerPoint Presentation
- 2: Council Rules of Procedure – Appendix B
- 3: Comparison Matrix
- 4: Background Materials

MAJOR ITEM

Submission, Review, Approval, Funding, & Implementation

PROCESS SKETCH FOR DISCUSSION

Presented to Berkeley City Council
by the Agenda & Rules Committee

October ##, 2023

TERMINOLOGY

MAJOR ITEM

Is an Item meeting the current/existing definition of a **Policy Committee Track Item**:

Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts

BIG IDEAS

COUNCIL/MAYOR - Successfully develop and implement State of The Art/ Innovative Programs and Policies to serve Berkeley, and to model best practices

CITY CLERK - Consistency in process for Major Item Development, Budgeting and implementation

CITY ATTORNEY – Ensure legal and drafting compliance

CITY MANAGER - Help the Organization deliver without overwhelm; help staff be successful in their work

YEARLY CYCLE

Built around **JUNE 30** Budget Adoption/Update

July – September

COUNCIL

Finalize Y2 Items

CITY MANAGER

Implement Y1 Items

October – March

**COMMITTEE
SEASON**

April – June

**COUNCIL + BUDGET
SEASON**

LEGISLATIVE SESSION

One Cycle - Benefits

- **Every Year, opportunity to submit** and have Council review/vote on and fund Major Items
- **Four Subject Matter Committees** only meet during a Committee Season (except if emergency or special circumstance)
- Staff can **focus on implementation** during the “off season,” and Councilmembers can finalize the next year’s items
- Significantly **reduce gap between approval and implementation**

MAJOR ITEM DEVELOPMENT & SUBMISSION

All Year → *End of September*

- Must use **Major Item Guidelines** format
(Appendix B to Council Rules of Procedure & Order)
- September 30 **Submission Deadline**
- Major Items **can be submitted prior** to September 30 and reviewed by Agenda & Rules for **compliance with guidelines**
- Timeline allows for Councilmembers to **work all year** on items, with **concentrated opportunity** July-September
- **Staff input** at Pre-submission = high level/conceptual; early vetting of concepts with **City Attorney** to identify legal & drafting inputs

AGENDA COMMITTEE

OCTOBER

Review & Assign Major Items to Committees

- Early October **Special Meeting(s)**
- Review Major Items for **compliance with Guidelines**
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

POLICY COMMITTEES

OCTOBER - MARCH

- Organizing Meeting(s) Mid-October – Plan Committee Session/Schedule Hearings
- Major Items reviewed by Committee and move out on Rolling Basis, November - March
- [Committees may also prioritize/score items they review]
- All Major Items OUT of Policy Committees by March 30

CITY COUNCIL

APRIL

- Vote on all Major Items by **April 30**
- May require special meeting(s) in April
- **City Attorney** sign-off on **drafting and legal conformity** of Ordinances, Resolutions, and Formal Policies
- Approved items sent to **Budget Committee**

PRIORITIZATION OF MAJOR ITEMS* EARLY MAY

- All **Major Items** that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due Second Friday in May (process TBD)

** Not the same as All-Item prioritization*

BUDGET COMMITTEE

MAY - JUNE

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but **not binding**
- Budget Committee makes **Recommendations** to Full Council
- Budget passed; Major Items funded move forward to **Implementation**
- ROLLOVER: Major Items passed by Council but not funded get **automatically rolled-over** to future funding opportunities

IMPLEMENTATION

JULY +

- **Implementation Lead** assigned by **City Manager**
- **Implementation Team** assembled by **Lead + CM**
- Meet with **Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- **Implementation Team** prepares
 - **Launch Plan**
 - **Operating Plan**
- Program/Policy is **Launched + Implemented**

OVERRIDE

for Time Critical Items

SPECIAL TOPIC # 1

- Rules of Procedure and Order already provide Override:
An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item
- Time Critical definition - may need to be reviewed/amended
- May still go to a Policy Committee or directly to Council, per A&R
- [**Possible Add:** Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].

PRE-SUBMISSION DETAILS

SPECIAL TOPIC # 2

- **Guidelines Format Mandatory** for all Major Items
- **Only Authors (no Co-Sponsors) allowed** at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: **Pre-Submission Consult with City Manager** to recommend internal subject matter experts for high-level input
- Required: **Pre-Submission Consult with City Attorney** to identify legal and drafting considerations
- *Consider role for **COMMISSIONS** in Pre-Submission Phase*

STRENGTHEN COMMITTEE REVIEW

SPECIAL TOPIC # 3

DEVELOP STANDARDS for review of Major Items:

- Relevance to Strategic Priorities or current needs/events
- Added value of program/policy
- Potential benefits/costs of program/policy to Community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/Metrics/Enforcement
- [Rate/Rank Major Items at end of Committee Session?]
- [Increase options re: positive and negative recommendations?]
- Other?

STRENGTHEN COMMITTEE REVIEW

SPECIAL TOPIC # 3

Public, Staff, City Attorney, Commission Inputs

- Active Outreach to all identifiable Stakeholders
- Multiple Hearings to allow for robust community, Staff, and City Attorney inputs + Discussion
- ENHANCE/EMPOWER City Attorney & Staff participation to ensure meaningful input, without requirement for formal reports
- Committee Schedule (set early October) will help ensure the right staff/attorneys are present for each item
- *Consider how to obtain/integrate input from Commissions*

PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

Need a one-time process to “clear the backlog” of Major Items *currently* in queue. Suggest sending all pending (but not initiated) items to Policy Committees for review to suggest:

- Merging items and/or Updating Referrals
- Re-approval of items “as is”
- Recommendation to Sunset/Remove moot items
- Recommend disposition of all items, ranked By Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also include consideration of an RRV- or other kind of prioritization by full Council, organized by Lead Department and/or holistically

PRIORITIZATION – REGULAR

YEARLY QUEUE

- Enhanced Committee process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- Prioritization becomes less of a BIG ISSUE

Prioritization in a rationalized system:

- More fully conceived and vetted items
- Committee scoring and/or ranking of items at end of Committee Season
- Council Ranking of items by Lead Department and Overall

Need Process & Criteria for funding Items at AA01 and AA02

High Level Suggestions – need input from Budget & Finance

- Only Time Critical and Rollover (previously approved but unfunded) items considered - *same rule for Council and City Manager items*
- Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives going through yearly legislative process
- AA01 and 02 only for one-time and/or time sensitive needs, except special circumstances

IMPLEMENTATION

SPECIAL TOPIC # 7

Once Major Item is passed + funded, move to Implementation

- **Implementation Lead** is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- **Implementation Team** assembled by Lead + City Manager
- **Consult with Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
 - **LAUNCH** elements + Timeline
 - **OPERATING** Plan
- Long term/ongoing operation of program/policy

DISCUSSION + QUESTIONS

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
 - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d. Fiscal impacts of the recommendation;
 - e. A description of the current situation and its effects;
 - f. Background information as needed;
 - g. Rationale for recommendation;
 - h. Alternative actions considered;
 - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
 - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
 2. Consent/Action/Information Calendar
 3. Recommendation
 4. Summary Statement/Current situation and its effects
 5. Background
 6. Review of Existing Plans, Programs, Policies and Laws
 7. Actions/Alternatives Considered
 8. Consultation/Outreach Overview and Results
 9. Rationale for Recommendation
 10. Implementation, Administration and Enforcement
 11. Environmental Sustainability
 12. Fiscal Impacts
 13. Outcomes and Evaluation
 14. Contact Information
 15. Attachments/Supporting Materials
-

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
 - Adopt a resolution
 - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
 - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
 - Referral to a Commission or to a Standing or Ad Hoc Council Committee
 - Referral to the budget process
 - Send letter of support
 - Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
 - Designate members of the Council to perform some action
-

4. Summary Statement/ “Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

Systems Realignment Matrix - Updated 10-3-2023

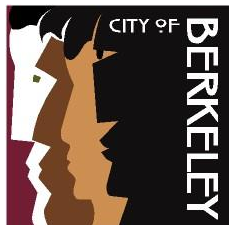
Item Date	JM	LM	LM	JM	LM	LM	JM	JM
	City Manager's System's Realignment Proposal 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 10/10/2023
Item Summary				Thesis: Legislative process should support Council in passing legislation of important local concerns and value-based issues with impact locally and more broadly. New legislation should be thoroughly researched, revised and vetted with input from stakeholders, the public, City Staff and Council colleagues. City staff contribute with increased levels of input and participation as the legislation moves forward.	Thesis: Council recommendation was to review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption. Sent back to A&R to prepare a new proposal and Council voices. No Councilmembers commented on the Consent Item during the meeting.			Thesis: Align with budget process, create consistency in process and proposal writing; ramp-up staff engagement as proposal moves through process. Create "seasons" (specific annual timeframes for development, policy committee, council and budget approval)
Decisions/ Actions Taken	Thesis: Councilmembers to return with thoughts/proposals	Thesis: Supports CM Proposal. Recommends template adjustments to increase effectiveness and clarify reason for proposal and its recommendations and increase effectiveness.	Thesis: Mayor proposed and Council approved continuing the item to the June 15, 2021 regular meeting to allow Councilmembers to submit written comments for the public record.					
Process for Council Items	A & R determines if Major Item If not major, agendaized for Council meeting	Council Agenda Item Template recommended adjustments: - add: Define the Problem -Include Criteria Considered & -Rationale for Recommendation -Make Equity its own category Sample red-lined template in item	Some Councilmembers expressed concern about the yearly April deadline for Major items because it would create stale items and/or limit ability to respond to the concerns of the moment. CM reminded public and Council that this process is just for the 15 -20 Major items drafted each year.	Guideline Format drives development of Council, City Manager or Commission proposals All Major Items, regardless of where originated follow the prescribed process Council is encouraged to consult with staff during proposal development but may wait until during the Committee process CAO must provide preliminary review prior to initial submittal	Council Streamlines Existing Backlog of staff involved items through Policy Committees' review and recommendations to Council.	N/A		Built around June Budget Adoption Divided into Seasons with deadlines for each phase
Major Item Definition	- Cannot be operationalized over time with existing resources - Displaces an existing prioritized item - Not implementable with existing resources - Unable to sustain enforcement activities - Subject to legal challenge and/or pre-emption - Additional/new FTE on a temporary or permanent basis - Additional or new infrastructure or technology costs			Any law, program, or policy that represents a significant change or addition to existing law, program, or policy and/or is likely to call for or elicit significant study, analysis, or input from the community, staff or Council colleagues, and/or is likely to require significant new resources or staffing to implement.		N/A		Definition required
Major Item Determination	A & R in consultation with CM EXCEPTIONS: - Grant deadlines - Public Safety Issues - Declared local emergencies If exceptions granted, projects "in process" must be identified and delayed	Major Item Determination Checklist recommended adjustments: Define "smaller" and "less impactful" and state how that is determined.		(see definition above) Can originate from Councilmembers, City Manager (often as referral responses) or Commissions A & R makes determination if a submittal is a Major Item - can be sent back to originator for more information and compliance with Guidelines	Should be determined by Policy Committees, not Agenda Committee, via objective determination. No determination criteria given.	N/A	N/A	Submission Season: Year round submittal September 30 cut off for consideration through process Submittals reviewed by A & R for Major Item Determination and compliance with Guidelines
Major Item Deadline	A & R agenda prior to April 30 to be considered in legislative year Agendaized at A & R on rolling basis	none provided		none provided	120 days maximum, which includes the Implementation Conference.	N/A	LIMITS NUMBER OF MAYOR ITEM SUBMITTALS Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr DEADLINE TBD	September 30 for next fiscal year consideration

Systems Realignment Matrix - Updated 10-3-2023

Item Date	JM	LM	LM	JM	LM	LM	JM	JM
	City Manager's System's Realignment Proposal 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 10/10/2023
Policy Committee Review	Referred by A & R Reviewed for completeness and alignment with Strategic Plan goals. Commission review. Once approved for consideration moves to Implementation Conference	Policy Committee Ranking Form recommended adjustments: -Use score rather than rank NOTE: CM presentation no longer recommends using the Ranking Form	See Implementation Conference	A & R makes determination if a proposal meets information in Guidelines prior to sending on to Committees - Author has right to appeal Committees plan a timeline for hearing over multiple meetings and identify stakeholders and experts to provide input. Committee meetings to discuss proposal should be taken in order of the required components of the Guidelines Staff agendized to engage in every discussion and provides budget resources needs for Launch and	Policy Committees send their recommendation and finalized Implementation report to A & R for scheduling at Council.	N/A	N/A	Committee Season: October 1 - March 1 A & R - October: will require special meetings. determines completeness based on Major Items Guidelines edits must be completed by 3rd Friday in October in order to move to Committees Committees determine order of hearings, create calendar, group like items together, understand staffing impacts, follow Enhanced Review Process
Implementation Conference	CM or designee, CAO, Department Head or designee Collaborate with author to detail fiscal and operational impacts. Implementation Conference outcomes to be incorporated into Concil Report (see detail in 4.26.21 proposal, p3)	Implementation Conference Worksheet recommended adjustments: -Reduce amount of redundant components and specify what impact means. -Include similar additions as Council Item Template. -See sample redlined template in the item	Timing for conference: Earlier timing, perhaps just after referred to policy committee, before the Committee takes it up. Staff analysis: Former Auditor in her 2018 presentation talked about importance of Council needing a staff analysis, resource analysis and opportunity costs in their items. Councilmember noted incredible importance for Council to have this info before passing items. At the same time, don't want staff to spend too much time on an item that doesn't pass. Tension here. Definitions: Council needs to be comfortable with them.		The Policy Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report. This happens during the Policy Committee Review.	N/A	N/A	N/A
Implementation Conference Deadline	August 31	No calendar deadline		No calendar deadline	No calendar deadline. Rolling basis.	N/A	N/A	N/A
Initial Prioritization	July 31. Policy Committees make recs Submitted to City Council	Sunset current RRV process Committee to "score" each proposal			Prioritized on rolling basis. Upon Council adoption, the budget aspect of the item would proceed to either the June or November budget process.	N/A	N/A	ONE TIME clearing of backlog on current list of projects
Council Approval and Final Prioritization	October Council Calendar Council approval, prioritization, assign fiscal year for implementation, identify removal of items that new initiatives will replace If Council does not approve, item can be reintroduced the following year November 30 deadline for all major item actions	Sunset current RRV process Committee to "score" each proposal		Author revises proposal to include required changes/clarifications and resources required for Launch and Implementation	Council approves before item goes through budget process.	N/A	Council prioritizes all new legislative submittals through RRV process. Year 1 ONLY: Combine new legislative submittals and outstanding/incomplete items for prioritization through RRV process. Council and staff should determine what can be reasonably accomplished by staff based on RRV outcome and delete those projects that did not rise to top of priorities and cannot be accomplished. Year 2 and ongoing: Only new legislative submittals will be prioritized	Council Season: Feb 1 - April 30 CAO must confirm compliance with Ordinances Prioritization: Council and Committee prioritize and send to Budget Committee

Systems Realignment Matrix - Updated 10-3-2023

Item Date	JM	LM	LM	JM	LM	LM	JM	JM
	City Manager's System's Realignment Proposal 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 10/10/2023
Budget & Strategic Planning	December/January Staff to incorporate approved items into Budget/workplan ranked by priority January - March Council and Staff revise the budget based on department presentations to BC May/June Budget hearings, adjustments and adoption			Budget Implementation Conference: approves moving toward implementation or implementation is declined to proceed	Council approved items go through the next budget process.	N/A	(see note above) Budget referrals and allocations must be explicitly tied to previously established or approved policy program, planning/strategy document and/or external funding opportunity related to one of these. No budget referral can directly fund a specific organization or event. Organizations receiving City funding must submit application that includes civic goals/purposes, previous funding history and quantitative/qualitative results/outcomes. Funding greater than \$20,000 must include data on number of persons served and other outcomes.	Budget Season: May 1 - June 30 Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council Funded Council approved items move to Implementation Unfunded Council approved items rollover to future funding opportunities
Implementation						N/A		July (Month 1 of new fiscal year) Implementation Lead and Team assigned Meeting with Authors for clarity, timelines, challenges Implementation Team prepared Launch and Operational Plans
Tools	Council Item template outlining required information Major Item checklist Implementation Conference Worksheet Major Item Deadline: April 30	Major Item Determination Checklist	Policy Committee Ranking Form	Guidelines for Proposals/Council Items	Alternate Systems Alignment Proposal flowchart.	N/A		Major Items Guidelines Format Enhanced Review Process
Consolidated Yearly Cycle	Implementation Conference Deadline: August 31 Council Prioritization Deadline: July 31 Council Approval Deadline: November 30 Budget Cycle: January -	none addressed	N/A	none addressed	Rolling basis rather than yearly cycle.	N/A	Based on "to be established" deadline to align with RRV process	Submission Season: Year round with August 1 deadline for next fiscal year consideration Committee Season: Sept 1 - January 30 A & R and council committee review Council Season: Feb 1 - April 30 Budget Season: May 1 - June 30
Recommendations	1 - Staff input in legislative drafting is important							
Consensus	1 - Different timelines for different types of items (some staggered, some ongoing)							
Variable Differences	1 - What impact does this have on the RPP process? What needs to change? What limits revisions to a systems redesign process?							
Outstanding Questions								



Office of the City Manager

BACKGROUND MATERIAL

The following documents were previously submitted to the City Council for consideration, and are being provided with this item as background material.

The City Manager has removed staff's Systems Alignment Proposal from consideration. It is included in this attachment for reference and context.

Attachments:

March 14, 2023 Council Meeting

1. Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)
 - a. Report – Submitted by Councilmember Droste

June 15, 2021 Council Meeting

2. Systems Alignment Proposal
 - a. Supplemental Material – Submitted by Councilmember Hahn
 - b. Supplemental Material – Submitted by Councilmember Harrison
 - c. Report – Submitted by City Manager

May 18, 2021 Council Meeting

3. Systems Alignment Proposal
 - a. Supplemental Material – Submitted by Councilmember Droste
 - b. Presentation – Submitted by City Manager
 - c. Report – Submitted by City Manager



Lori Droste
Councilmember, District 8

25

Action Calendar
March 14, 2023

To: Honorable Mayor Jesse Arreguín and Members of the City Council

From: Councilmember Lori Droste

Subject: Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

Recommendation

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

Policy Committee Recommendation

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

Current Situation and Its Effects

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

Background and Rationale

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

Best Practices

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

Santa Clara

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

Concord

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

Sunnyvale

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).

Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

Status Quo and Its Effects

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

Fiscal Impacts

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

Alternatives Considered

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

All-Council determination

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

Councilmember parameters

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

Status Quo Sans Short-Term Referrals

The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

Contact Person

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Attachments

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council
 From: *DWR* Dee Williams-Ridley, City Manager
 Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

Performance Measures

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

Top Goals and Projects

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

Page 2

November 15, 2022

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2nd, 3rd, and 4th quarter results will be posted at the same location.

Challenge

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,¹ and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager
 LaTanya Bellow, Deputy City Manager
 Jenny Wong, City Auditor
 Mark Numainville, City Clerk
 Matthai Chakko, Assistant to the City Manager

¹ Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

Project and Program Impacts

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

Prior Direction Deferred or Delayed

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)

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SUPPLEMENTAL AGENDA MATERIAL

for Supplemental Packet 2

Meeting Date: June 15, 2021

Item Number: 3

Item Description: Systems Alignment Proposal

Submitted by: Councilmember Sophie Hahn

This Supplemental offers suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.



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CONSENT CALENDAR

June 15, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author)
Subject: Systems Alignment Proposal

COMMENTS ON SYSTEMS REALIGNMENT

My Frame for Systems Realignment: *Systems Aligned to Support Change*

We are in a time of rapid change both locally and globally. The impacts of climate change, globalization, and inequality; growing threats to democracy; and the rise of a new generation of leaders illustrate that change is both a fact and an imperative.

Berkeley has been and should continue to be on the cutting edge of that change, and our legislative processes as well as our City organization must be designed to do more than just manage the status quo, with change viewed as a threat, cost, or nuisance. *Our systems must be aligned to stimulate, support, and implement meaningful change across all sectors - quickly.*

With that framing in mind, I believe the legislative process in Berkeley should be designed to support Councilmembers and the Mayor in producing and passing legislation that addresses important local concerns as well as value-based issues with both local and broader impact. Some legislation may simply strengthen the City of Berkeley as an organization - improving the basic functions and services we provide to our community. Other legislation is designed to address city, community, regional, national, and sometimes global needs, values and priorities.

Because of the City's commitment to progressive and democratic principles and its role as a leader and innovator across many sectors, legislation will often push the envelope, which I believe requires a nimble, can-do City organization. While logistics, staffing, costs and other elements of feasibility and implementation are key to the ultimate success of any new policy or program, I view the exploration of these questions as a supporting rather than driving force for legislation; internal feasibility under the status quo should not be an end unto itself.

Systems Aligned to Support Excellence and Effectiveness in Change:

While I believe change is an imperative and innovation should be core to our City systems, I also know that not every idea brought forward is ultimately optimal, relevant, or feasible. We are much more than an incubator for ideas and concepts - we serve a real community and must balance a wide variety of needs and viewpoints with every decision we make. I believe our systems must therefore be aligned to ensure new programs and policies are thoroughly researched, revised, and vetted for Berkeley - to meet the needs of our community without overwhelming the City organization. If the Council has priorities for which funds or capacity are not currently available, we must identify resources to build capacity.

To achieve these goals in this frame, I envision a process wherein major items of legislation that begin with the well-researched and articulated proposals of one or a few councilmember/mayor-authors are progressively reviewed and improved with input from stakeholders, members of the public, City staff and Council colleagues.

The end result should be high quality, relevant, thoughtfully tailored and right-sized programs and policies accompanied by realistic assessments of the resources required for successful launch and implementation. City staff, with their subject matter expertise and knowledge of operations play a uniquely important role in contributing to legislative success, and should actively partner throughout the process, *with progressively increased levels of input and participation as legislation is moved forward.*

The adoption of Guidelines for legislative items and the implementation of the Committee system provide a good foundation. By clarifying expectations and improving the value we derive from our existing processes we can avoid bogging things down with too many steps.

The following are my suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

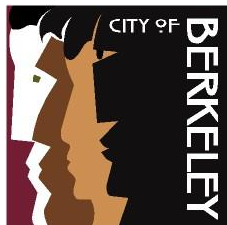
Proposed Systems Alignment Improvements for Major Items:

PROCESS ELEMENT	CONTENT	NOTES
MAJOR ITEM SUBMISSION	<i>Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation</i>	
Define Major Item	Any law, program, or policy that represents a significant change or addition to existing law, program, or policy, and/or is likely to call for or elicit significant study, analysis, or input from the community, staff, or Council colleagues, and/or is likely to require significant new resources or staffing to implement .	Major items are, essentially, “Policy Committee Track” items (see Rules) that are routed to a Policy Committee because they are substantial. <i>The adoption of a definition for Major Items clarifies a practice that is already in place.</i> Some items are not “Major” because they propose less significant changes or additions to existing law, programs or policies. In addition, some Major Items may be routed directly to the City Council due to urgency (“Time Critical Track”). <i>All of this is already reflected in the Rules governing Policy Committees.</i>
Major Item Routing	Major items may originate with Councilmembers, the City Manager (often as referral responses), or Commissions. Major Items generally should be routed to a Committee to be reviewed by Committee members and, if necessary, revised, with input from stakeholders, the public, and City staff.	Currently, only Councilmember/Mayor items are subject to review by Policy Committees. <i>The Rules should be amended to require all Major Items, regardless of where they originated, to be reviewed in Committee</i> unless they fall under the Time Critical Track or another exception.
Make Guidelines Mandatory for presentation of Major Items for review	Council/Mayor and Commission authors of Major Items should present their items in accordance with the Guidelines at Appendix B of the City Council Rules of Procedure and Order. Authors should make a good faith effort to undertake the research, analysis and consultation necessary to complete all sections in substance.	Need to specify format for “non-Major” items.
Staff Consultation is encouraged, but not required at the initial	Councilmembers and the Mayor are encouraged to consult with Staff before presenting Major Items, but may choose to engage with staff later, through the Committee process.	Staff should keep confidential and seek to support the positive development of ideas and initiatives of electeds who reach out for initial

development of a legislative item.		input. Concerns, if any, should be addressed with a problem-solving lens.
City Attorney Consultation	Authors should submit Major Items for preliminary review by the City Attorney to determine if there are any legal implications - which may need to be addressed before the item is submitted or could be developed/addressed later. The author should state in the section on consultation that the City Attorney has been consulted.	Not all items have legal implications. The City Attorney's role at this juncture would be to identify whether there are legal considerations, or not. If there are, the Author can work with the City Attorney's office to determine if the issues can be avoided/addressed, or if the legislation may not be possible/advisable.
Agenda Committee makes an initial determination of whether an Item is "Major" and will be referred to a Committee, with input from the Author(s).	<i>This tracks the current practice</i> - except that with an adopted definition of a Major Item the determination to send an item to Committee will be made according to more clearly articulated, objective standards.	Per the existing rules, proclamations, sponsorships, ceremonial and similar items; Time Critical Items; and "Policy Track" items that are complete and have minimal impacts are currently <i>not</i> referred to Committees. <i>This practice will be unchanged.</i>
The Agenda Committee may require a Major Item not presented and/or fully rendered according to the Guidelines to be more amply developed before being sent to Committee.	<p>Authors of Major Items should do substantial research, analysis, and consultation before sending them to a Committee for further input and development.</p> <p>The Agenda Committee should be authorized to request that a major item not presented according to the Guidelines, or not substantially meeting the requirements, be further developed by the Author(s) before being sent to Committee.</p>	Analysis should go beyond diagnosing the problem to be solved and focus on explaining and understanding the specific solutions/policies/programs being proposed, as well as alternatives considered.
Appeal/Override of Agenda Committee recommendation to revise Major Item before submission to a Committee	Authors should be offered the opportunity to discuss an Agenda Committee recommendation to rework a Major Item at the time the recommendation is made. If, after discussion, the lead author disagrees with the Agenda Committee's request for further elaboration according to the Guidelines, the item may be referred to a Committee "as is" with a note that the Agenda Committee had requested the item be revised.	Authors should have a means to appeal a decision of the Agenda Committee to send an item back to the author for revision/expanded research, analysis or consultation and still move their items forward if they disagree with the request.
Major Items that are Complete go to Committee (or items that are incomplete but subject to an override)	<i>Per existing rules</i> , Major Items will be routed to a policy committee unless an exception applies.	Exceptions are already listed in the Rules.

MAJOR ITEM COMMITTEE REVIEW	<i>Clarify and significantly improve process and substance of Major Item review @ Committee, including development of a preliminary launch and implementation plan and associated costs</i>	
Committee hears Major Item more than once - First hearing includes development of a plan for review	As a general matter, Committees should plan to schedule Major Items to be heard more than once. At the first hearing, the Committee should discuss the level of analysis and consultation envisioned, identify specific stakeholders and questions Committee members would like to explore, and sketch a process for moving the item forward over several Committee meetings.	Depending on how complex and significant the Major Item appears to be, the Committee can plan out its process of review and consultation.
Committee reviews specific elements of the proposed Major Item	The Guidelines require, under bullets 5-9, (5) full background on the problem/issue to be addressed, (6) the existing regulatory/legal framework, (7) potential alternative solutions to address the identified concern, (8) consultation with stakeholders, and (9) a rationale for the recommendation. Each of these sections should be specifically agendized for discussion (can all be same day, but should be individually considered) to ensure robust consideration of the legislation as proposed.	By requiring the Committee to focus on each of these elements as a baseline review, Committee members are encouraged to do a deep dive into the basis, rationales and alternatives for the Major Item.
Committee identifies and does specific outreach to Stakeholders and Experts	The “public” is always welcome at Committee Meetings. In addition to general public notice, the Committee in its first meeting to review a Major Item should identify stakeholders and experts who may have valuable input. If needed, those individuals/groups should be invited by the Committee to share their perspectives. Staff can support outreach to ensure identified stakeholders and experts are aware of the opportunity to comment.	Sectors/individuals that are supported or otherwise impacted by new policies and programs are well positioned to provide useful comments and input for the Committee. Subject matter experts may also be helpful to hear from.
Staff input is agendized and includes preliminary review of Launch and Implementation	Staff is encouraged to provide input and answer questions throughout the Committee process. Staff should be encouraged to volunteer comments and Committee Chairs should call on staff to ensure time is provided for their comments throughout the process. <i>In addition, a specific time for staff input should be agendized.</i> The Staff presentation should include <i>preliminary review of staffing and budget/resource needs for both Launch and Implementation.</i>	Launching a new program or policy and running it are two different undertakings. Staff should specify what will need to be in place to LAUNCH (development of regulations, preparation of informational mailings, website updates, back-end systems, funding, etc.) and to RUN/IMPLEMENT new programs and policies over the long run.

<p>Manage/reduce Staffing of Committees</p>	<p>With a better articulated “plan” for Committee review of Major Items, staffing of meetings can be more closely managed to reduce waiting time for staff members/City Attorney when not needed for one or another matter.</p>	<p>Only need Clerk + Staff Lead - Chair can work with Staff Lead to bring other Staff into discussions on as-needed basis. The City Attorney may be able to be on standby for advice when presence is not required.</p>
<p>Major Item moves forward to Council (all recommendations)</p>	<p>Lead Author must revise/update item to include information about resources required for Launch and Implementation of the Major Item, and to reflect any other changes, before submission to City Council.</p>	
<p>Major Item gets passed by Council</p>	<p>Goes to Budget Implementation Conference, or vote no and it's over</p>	



Kate Harrison
Councilmember District 4

REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: June 15, 2021

Item Number: 3

Item Description: Systems Alignment Proposal

Submitted by: Councilmember Harrison

The attached item includes Councilmember Harrison's comments about the proposed Systems Alignment Proposal as well as an alternative proposal.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.



Kate Harrison
Councilmember District 4

CONSENT CALENDAR

June 15, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Comments and Alternative Systems Alignment Proposal

COMMENTS AND ALTERNATIVE PROPOSAL

At the October 2019 Council retreat, the Council and the City Manager discussed various approaches to better align the legislative process to budget and implementation resources. These considerations are important and merit Council consideration and possible action. However, the proposed solution from the City Manager would also limit the voice of the public and the Council by restricting the time period for Council referrals to only four months per year.

At a Worksession on May 18, 2021 dedicated to the Systems Alignment proposal, the Council heard overwhelming public comment strongly opposed to such an approach.

A better solution lies in reexamining and modifying certain elements of the Policy Committee process as opposed to overhauling fundamental elements of Council duties.

This Supplemental discusses the shortcomings of the proposal in greater detail and advances an alternative and simpler approach to “Systems Alignment” achieving the original objective of the October 2019 retreat without sacrificing and abdicating fundamental values and responsibilities.

A. The Proposed Systems Alignment Proposal Unduly Limits Council Duties and Responsibilities Under the City Charter

The City Charter provides that the City Council is the “governing body of the municipality” and “shall exercise the corporate powers of the City, and... be vested with all powers of legislation in municipal affairs adequate to a complete system of local government.”

However, the proposal subjects “new significant legislation” to a labyrinth of new bureaucratic processes that will invariably and unduly limit the democratic organ of city government—the City Council—which is directly answerable to the will of the people.

Comments and Alternative Systems Alignment Proposal

The following list provides a non-comprehensive overview/discussion of the ways the current Systems Alignment Proposal could violate the letter and spirit of the Charter:

- The proposal limits Council from submitting “new significant legislation” to four months out of the year, effectively making the Council only responsive to the people’s “significant” needs on a part-time basis as any legislation that misses the deadline is inactive for the remainder of the year. Not only does this violate the necessity of providing the Council with “all powers of legislation in municipal affairs,” but it appears to contradict the voter’s will pursuant to Measure JJ, wherein they reaffirmed the scope and appropriate remuneration of Council’s myriad legislative and oversight responsibilities.
- The determination of which legislation will be subject to additional scrutiny and processes is based on *subjective* findings by the Agenda Committee in consultation with the City Manager. This is in contrast to alternative approaches, such as those adopted in other cities, which rely upon *objective* measures such as the consideration of a piece of legislation’s budgetary or staffing implications informed by thorough discussion and investigation by Policy Committees. Furthermore, pursuant to the Council’s historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not subcommittees. The current proposal adopts an inherently conservative and subjective framework that judges all legislation by whether it “represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff.” Legislation meeting that definition is then subjected to lengthy bureaucratic processes of more than a year.

In short, the proposed framework stands in contrast to the current Policy Committee system, whereby subcommittees are tasked with improving the quality, thoroughness and comprehension of legislation, as opposed to a subjective consideration and determination of whether a given policy change is merited largely within the narrow confines of considering limited budget and staff resources.

- Under the Charter, the Council is responsible for adopting a biannual budget. However, the proposal limits Council’s ability to adopt significant new legislation with budget implications at only one of the two primary budget processes per year.
- Legislative consultation with City staff is absolutely necessary. But the proposal encourages authors to “initially consult[] with the City Manager or city staff regarding their proposed Major Item and [note] the substance of those conversations, and initial staff input” before the item is even introduced. This system could potentially create an inappropriate layer of staff power over Council legislative prerogative, a division that the Charter is very clear about.
- The proposal requires that items align with Strategic Plan goals. While these goals are important and represent a snapshot of Council and City Staff’s vision for the city, they do not necessarily represent the totality of the people’s will as expressed

through their elected representatives at any given time.

- The Council is artificially constrained from acting upon legislation receiving an unfavorable review at the Policy Committee level. Council is reduced to a choice between proceeding through the next phase, or to vetoing a matter for the remainder of the legislative calendar if a policy committee forwards a negative recommendation. Currently, under the committee system, items not acted upon in committee within 120 days are forwarded to the Council. In this way, the proposal violates the Charter by imposing unreasonable hurdles to the exercise of “all powers of legislation in municipal affairs adequate to a complete system of local government.”
- The proposal states that all significant legislation must be submitted by April 30, and City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year. This raises the question of what the Council is engaged in for the majority of the year?
- Implementation Conferences, while a good idea, are currently crafted in a way that they will delay items unnecessarily and remove discussion of budgetary impacts from the substantive discussion by policy committees. Furthermore, the proposal imposes an artificial limit with respect to holding Implementation Conferences to once per year, which will further constrain the Council’s legislative obligations.
- After the implementation conference, Policy Committees are required to provide an additional subjective consideration of major items through prioritization. This is late in the life of an item. Additionally, under this proposal, the Council is expected to once again rank significant items as part of the RRV process (behind closed doors), despite the items having already endured the lengthy Systems Alignment process and final Council approval.
- When an item fails to receive Council approval, the author is barred from resubmitting it until the following year.

B. Alternative Systems Alignment Proposal

This item presents a simpler and less disruptive Systems Alignment proposal that conforms to the existing Council and Policy Committee processes and prioritizes research and investigation of items with significant budgetary and staff implications in order to better inform Council’s decision-making process as opposed to hard limits on legislation:

1. To address the backlog of outstanding items that may impact staff resources and availability to implement Council and other citywide priorities, the Council should immediately direct Policy Committees to review all such referrals and items in staff’s queue for which implementation work has not yet begun.

Comments and Alternative Systems Alignment Proposal

Upon this review, Policy Committees would be tasked with making a recommendation to the full Council to modify or reconsider certain items in the queue.

Next, the Council should schedule worksessions (outside of the RRV process) to consider Policy Committee recommendations in a public forum and prepare a Resolution potentially dispensing with and/or reprioritizing items in the queue.

In totality, this process would contribute to streamlining the existing queue, and facilitate staff resources for implementation and development of other new and existing legislative items. In sum, through revisiting the existing queue, Council can continue to conduct substantial legislative work throughout the year.

2. The Council should revise Policy Committee process with respect to the budget and legislative implementation.

Specifically, to address potential incongruity between Council items with significant budget implications, the Council should modify its Rules of Procedure to task Policy Committees (not the Agenda Committee) with making an initial and objective determination of whether a prospective item has significant budget and/or staffing impacts (**See Attachment 1** for a detailed flowchart of the Alternative Proposal):

- Upon an insignificant budget determination, the item and any related budget referral would proceed through the normal Policy Committee track process on a maximum 90-day timeline.
- Upon a significant determination, the item would be placed on a different Policy Committee track such that the Policy Committee would have a maximum of 120 days to research and investigate the budget and staffing implications of the item, any related budget referral, and policy implications, in order to *inform* Council's ultimate consideration. As part of the 120 day process, the Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report.
- Once the Committee has made its policy recommendation and finalized its Implementation Report, the item would proceed to the Agenda Committee for scheduling at Council.
- Upon Council adoption of items with either significant or insignificant budget/staffing implications, the budget aspect of the item would proceed to either the June or November budget process pursuant to Council-established deadlines for consideration of budget items. For example, the

Comments and Alternative Systems Alignment Proposal

Council could establish deadlines of May and October for the respective budget processes. Therefore, the Budget Committee would only consider budget items that were passed ahead of the respective deadlines. Those that miss the deadline or are ultimately unfunded would be automatically carried over to the next budget process.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

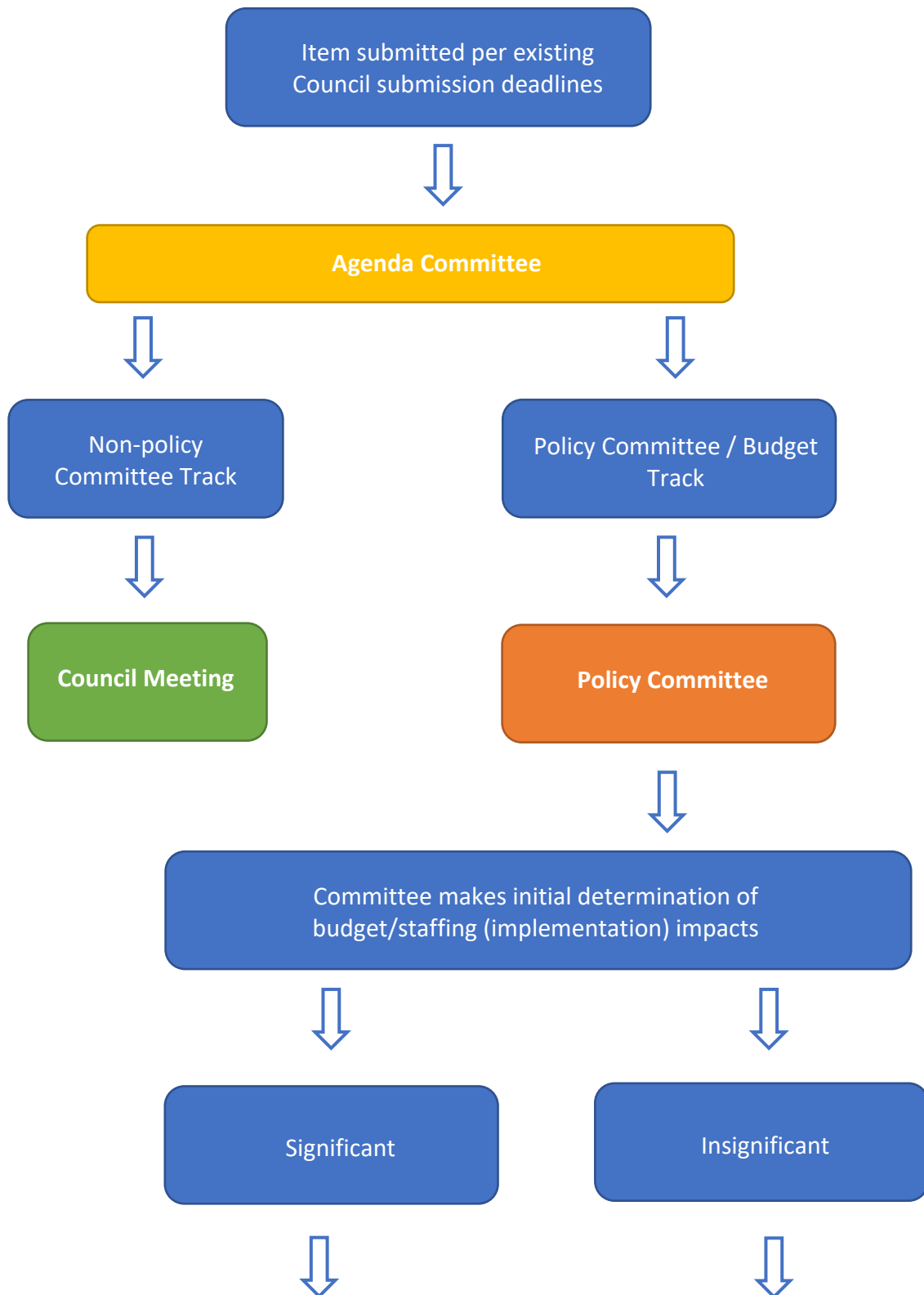
CONTACT

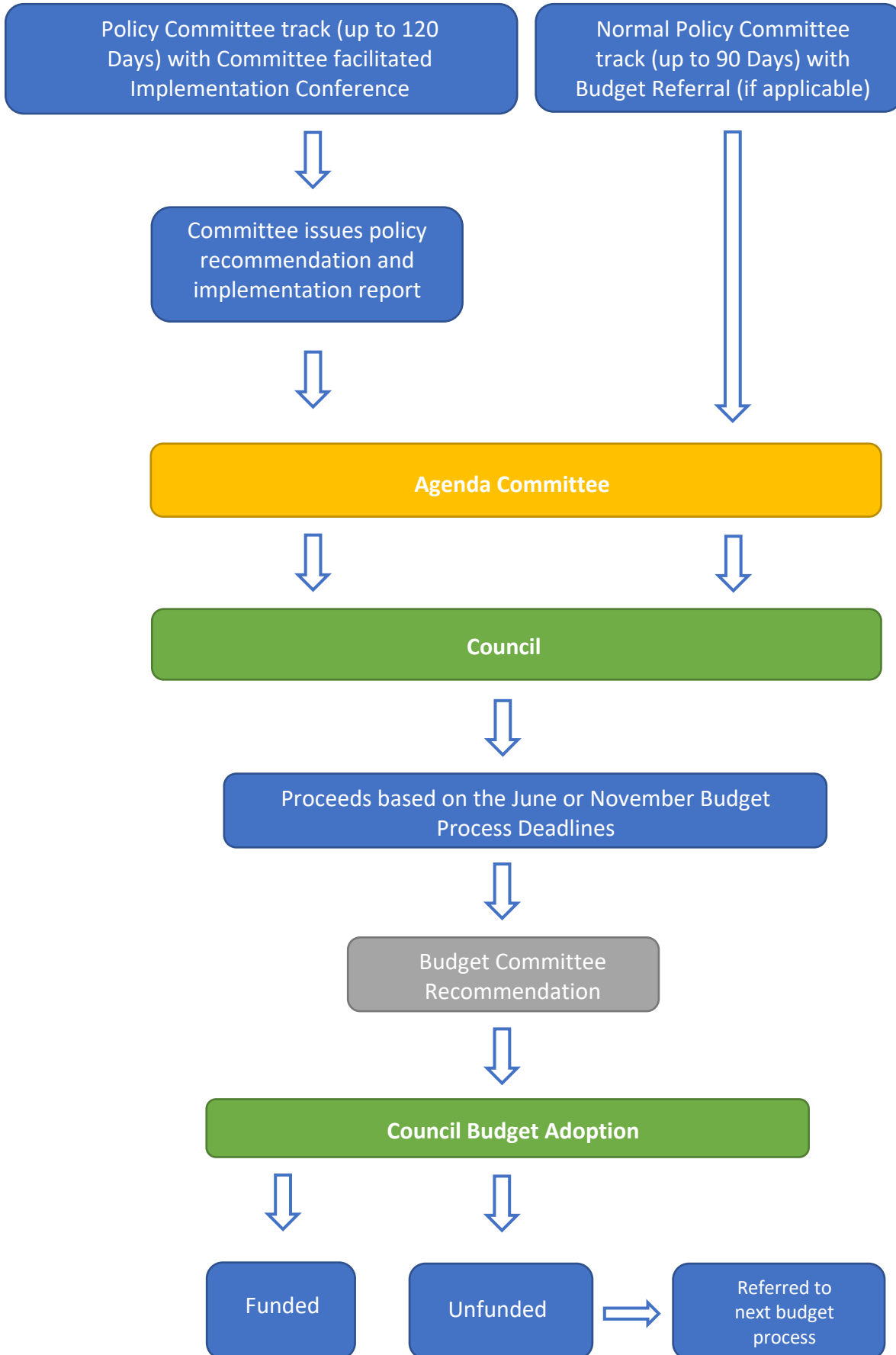
Councilmember Kate Harrison
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

Alternative Systems Alignment Proposal







Office of the City Manager

CONSENT CALENDAR

June 15, 2021

(continued from May 18, 2021)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.

SUMMARY

The City Council discussed the Systems Alignment proposal at a Worksession on May 18, 2021. The item was continued to June 15 to allow Councilmembers to submit suggestions and changes to the original plan. The Mayor will consolidate the input from the Council and the public and return with a revised proposal for discussion and adoption at a later date.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation¹ (Major Item).

CURRENT SITUATION AND ITS EFFECTS

This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve

¹ New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf.

vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

Defined in Council Rules of Procedure

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response², including but not limited to health and

² If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

Required Conformance and Consultation

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

Required Submission Date

A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

Step 2: Policy Committee Review

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [*Council Rules of Procedure*](#),³ the Policy

³ https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf

Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

Step 3: Implementation Conference (Vetting and Costing)

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

Identifying Fiscal, Operational and Implementation Impacts

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
 - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
 - Summarizes and confirms what was learned from consultation,
 - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,⁴
- *Implementation, Administration, and Enforcement*, which
 - Identifies internal and external benefits and impacts, and

⁴ While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
 - Summarizes any operational impacts,
 - Identifies necessary resources, including specific staff resources needed and costs.⁵

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

Revising the Major Item

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

Step 4: Initial Prioritization

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

Step 5: City Council Approval and Final Prioritization

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular or special Council meeting in October for approval and inclusion in the RRV process.

⁵ Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.⁶ This ensures that staff is able to develop the budget starting from and based on Council priorities.

Step 6: Budget & Strategic Plan Process

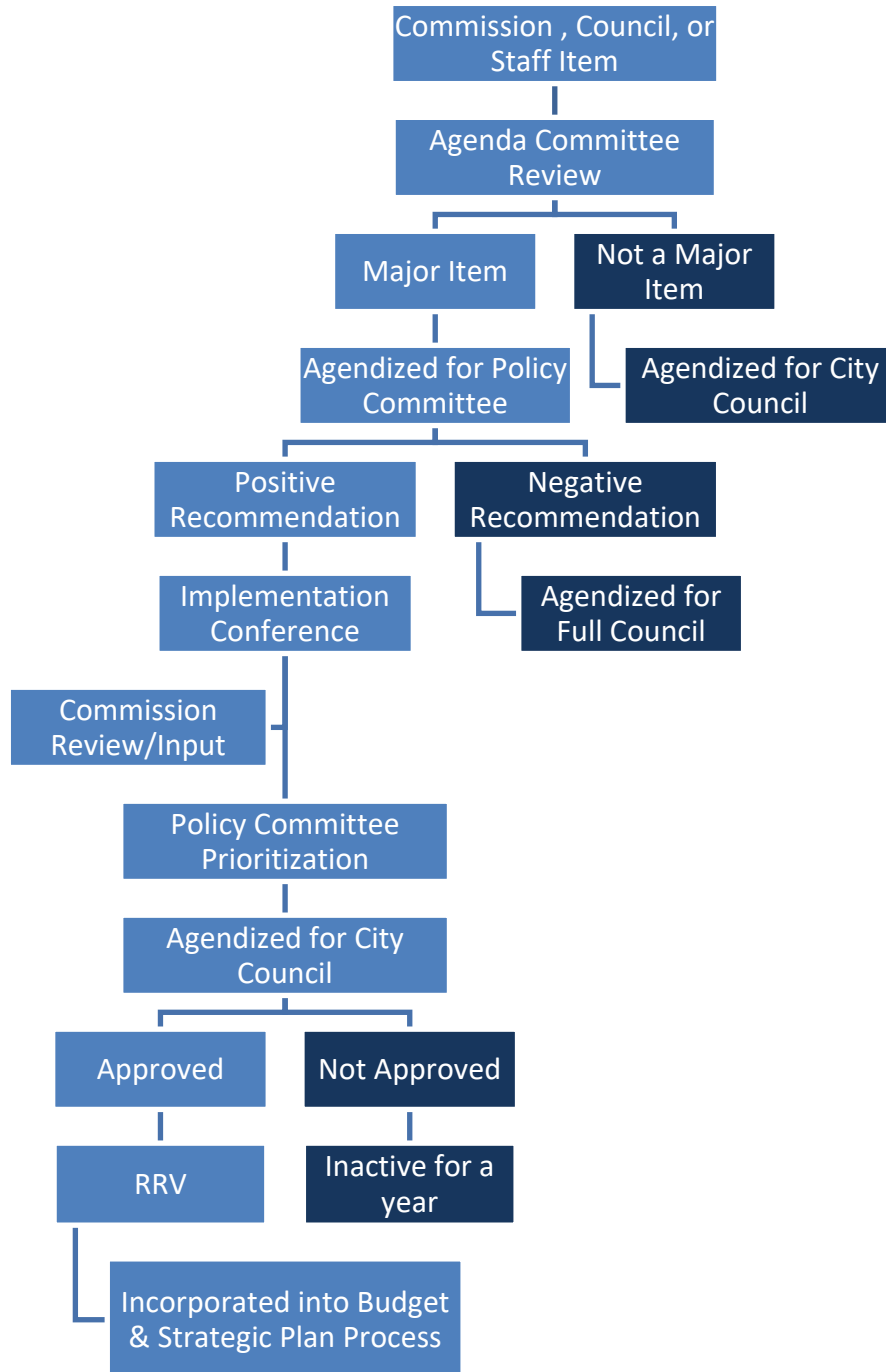
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennial. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

⁶ Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

Figure 1, Proposed Process⁷

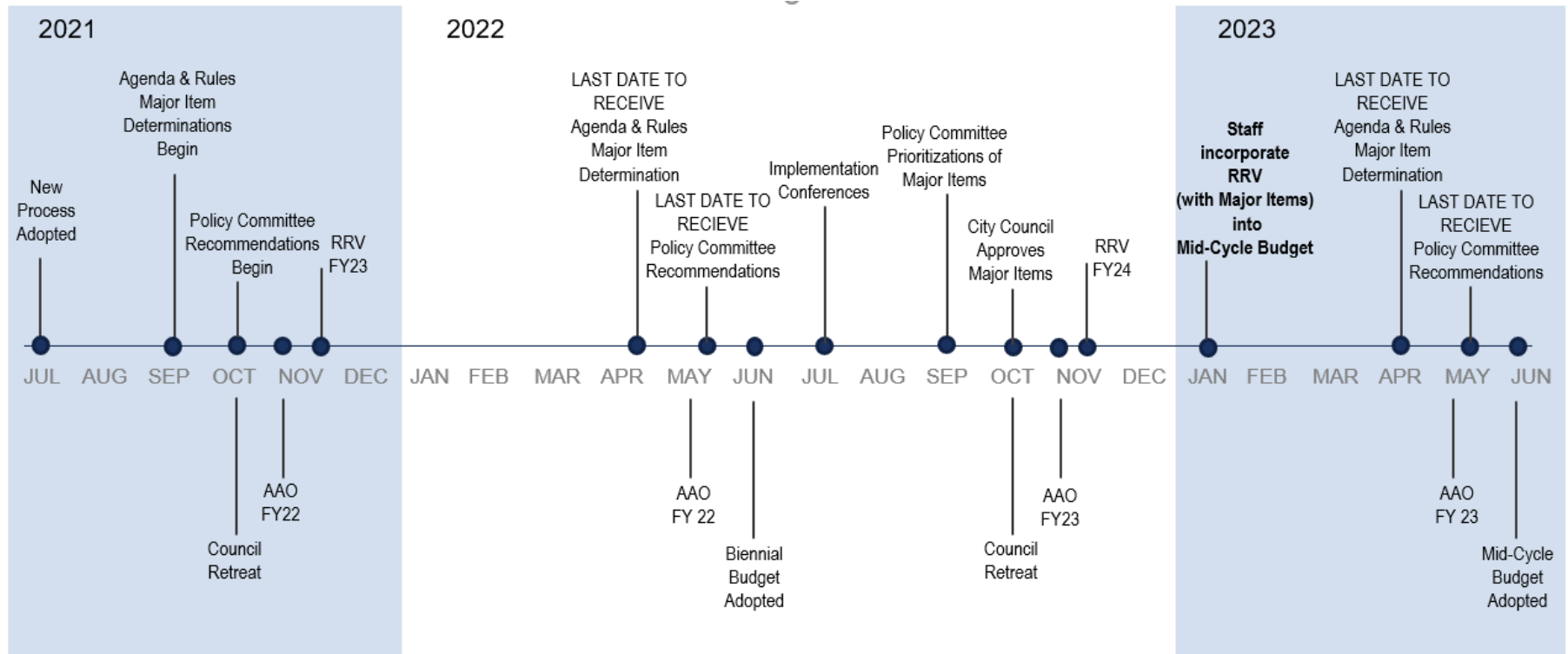


⁷ Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON

David White, Deputy City Manager, (510) 981-7012

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form
- 4: Vice Mayor Droste Supplemental



Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

- | | | |
|--------------------------|--------------------------|--|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

Is this eligible for an Exemption?

- | | | |
|--------------------------|--------------------------|---|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful. |

Agenda Committee Determination:

Major Item Exempted

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____

Policy Committee Confirmation:

Determination Confirmed Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____



[First Lastname]
Councilmember District [District No.]

[CONSENT OR ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...
or Support ...
or write a letter to ___ in support of _____...
or other recommendation....

FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

 Exhibit A: [Title or Description of Exhibit]

 Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

RESOLUTION NO. ##,###-N.S.

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and concerns to be addressed by the item):
Plans, programs, policies and/or laws were taken into consideration:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to for input:
List of external stakeholders consulted:

Summary of what was learned from consulting stakeholders:
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations:
Launch and Implementation Milestones (see staff section)
Environmental Impacts:
Operational Impacts:
Staff Resources Needed: Number of FTE/hours: Type of staff resource needed:
Costs: Amount(s): Funding Source:

STAFF SECTION

Staff may complete section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>
Estimated Administration Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>

Legal Consultation:

Confirmed

Name/Date _____

Staff Consultation:

Confirmed

Name(s)/Date(s) _____



Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be “1”, the next highest “2” and so on.

Priority 1 is highest	Major Item Name	Major Item Author	Considerations H high M medium L low		
			Staff Resources	Cost	Benefits/ Savings

Policy Committee Determination:

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____



Lori Droste
Vice Mayor District 8

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3

Meeting Date: May 18, 2021

Item Number: 2

Item Description: Systems Realignment

Submitted by: Vice Mayor Lori Droste

Subject: Comments on Systems Realignment



Lori Droste
Vice Mayor District 8

To: Mayor and Council
From: Vice Mayor Lori Droste
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

- 1) Recommendation
- 2) Problem Statement
- 3) Background and Consultation
- 4) Current Situation and Its Effects
- 5) Criteria Considered (*new heading*)
 - a) Benefit or Effectiveness (*new*)
 - b) Fiscal Considerations
 - c) Strategic Plan Alignment (pick a goal)
 - d) Environmental Sustainability
 - e) Equity
 - f) Operational and Administrative Considerations (*moved operational considerations to a separate category*)
- 6) Rationale for Recommendation (*new*)

P. 15 Implementation Conference Worksheet

I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.

P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.

[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution... or Support ... or write a letter to ___ in support of _____... or other recommendation....

PROBLEM STATEMENT

This section should identify the problem with specifics and enough context to explain why it merits public amelioration.

(Background and Evidence Should be Provided At the Beginning)

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

CURRENT SITUATION AND ITS EFFECTS

This section should explain the status quo and how it attempts to address the defined problem.

CRITERIA CONSIDERED

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented. Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations~~

- ~~CURRENT SITUATION AND ITS EFFECTS~~ For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section: [Insert project name] is a Strategic Plan **Alignment** Priority Project, advancing our goal to [pick one:]
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 - provide an efficient and financially-health City government.
 - foster a dynamic, sustainable, and locally-based economy.
 - create affordable housing and housing support service for our most vulnerable community members.
 - create a resilient, safe, connected, and prepared city.
 - champion and demonstrate social and racial equity.

- 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.
- attract and retain a talented and diverse City government workforce.
- ENVIRONMENTAL SUSTAINABILITY

RATIONALE FOR RECOMMENDATION

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

CONTACT PERSON

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

Implementation Conference Worksheet

Descriptive Title
Consent Action or Information
Recommendation
<u>Problem Statement</u>
Background, etc
Plans, etc.
<u>Current Situation and Its Effects</u>
Actions/Alternatives Considered
<u>Stakeholders Consultation and Results</u>
Internal Stakeholders Consulted
Name/date of Commission(s) item submitted to for input
List of external stakeholders consulted
Summary of what was learned from consulting stakeholders
Rationale for Recommendation <i>should go at the end after evaluative criteria</i>
<u>Policy Benefit</u>
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations
Environmental Considerations
Operational Impacts
<u>Strategic Plan Goal Alignment</u>
Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):
Costs (Amount(s), Funding Source):
<u>Rationale for Recommendation</u> <i>(after analysis)</i>



Lori Droste
Vice Mayor District 8

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3

Meeting Date: May 18, 2021

Item Number: 2

Item Description: Systems Realignment

Submitted by: Vice Mayor Lori Droste

Subject: Comments on Systems Realignment



Lori Droste
Vice Mayor District 8

To: Mayor and Council
From: Vice Mayor Lori Droste
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

- 1) Recommendation
- 2) Problem Statement
- 3) Background and Consultation
- 4) Current Situation and Its Effects
- 5) Criteria Considered (*new heading*)
 - a) Benefit or Effectiveness (*new*)
 - b) Fiscal Considerations
 - c) Strategic Plan Alignment (pick a goal)
 - d) Environmental Sustainability
 - e) Equity
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Subject: [Brief Report Title (No underline and not all caps.)]

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CRITERIA CONSIDERED

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- ENVIRONMENTAL SUSTAINABILITY

RATIONALE FOR RECOMMENDATION

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CONTACT PERSON

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

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Implementation Conference Worksheet

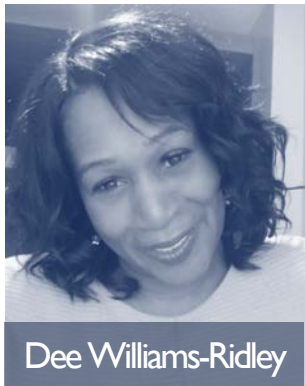
Descriptive Title
Consent Action or Information
Recommendation
<u>Problem Statement</u>
Background, etc
Plans, etc.
<u>Current Situation and Its Effects</u>
Actions/Alternatives Considered
<u>Stakeholders Consultation and Results</u>
Internal Stakeholders Consulted
Name/date of Commission(s) item submitted to for input
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<u>Policy Benefit</u>
Internal Benefits of Implementation:
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External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations
Environmental Considerations
Operational Impacts
<u>Strategic Plan Goal Alignment</u>
Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):
Costs (Amount(s), Funding Source):
<u>Rationale for Recommendation</u> <i>(after analysis)</i>

SYSTEMS ALIGNMENT

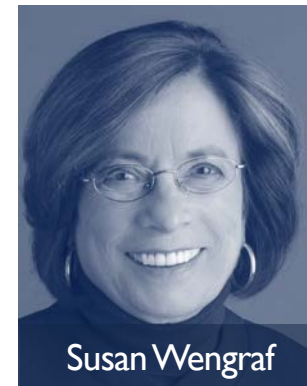
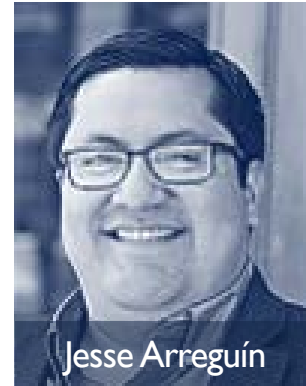
PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS



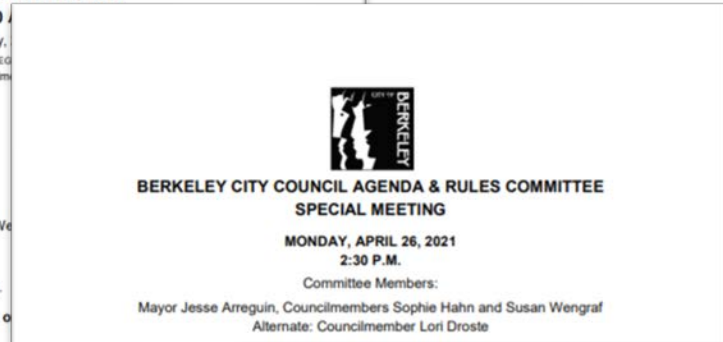
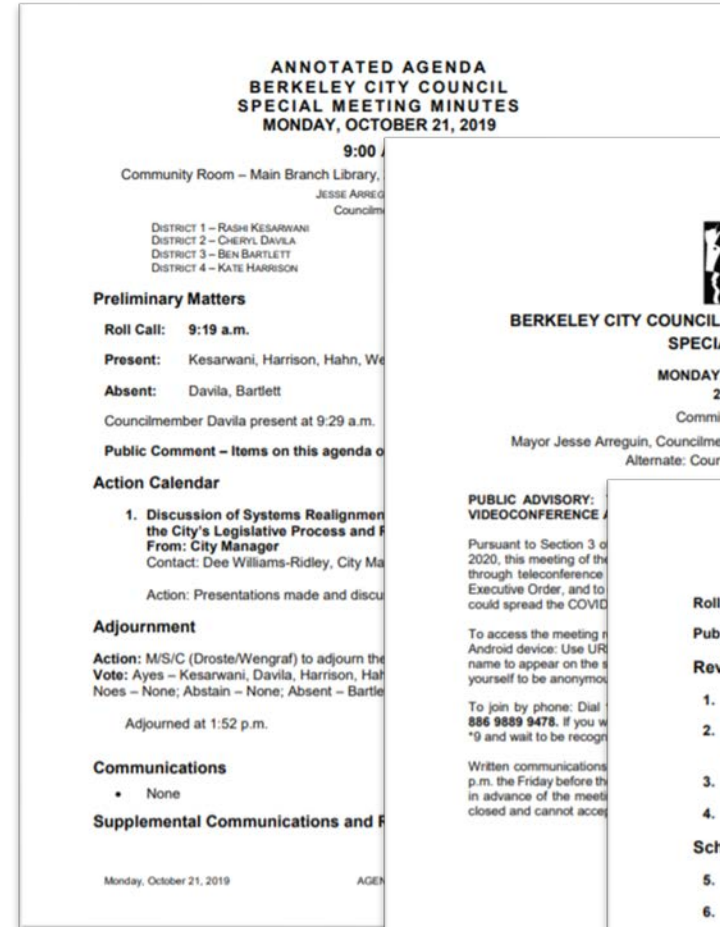
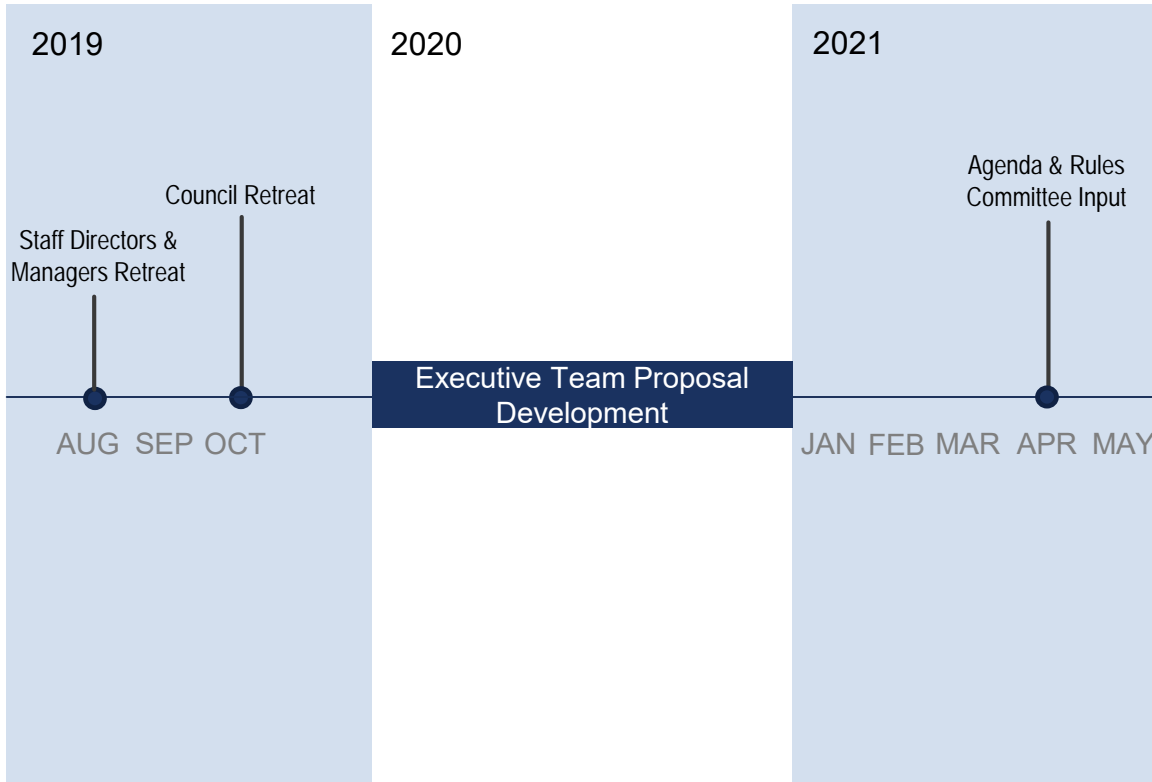
THE TEAM



AGENDA & RULES COMMITTEE



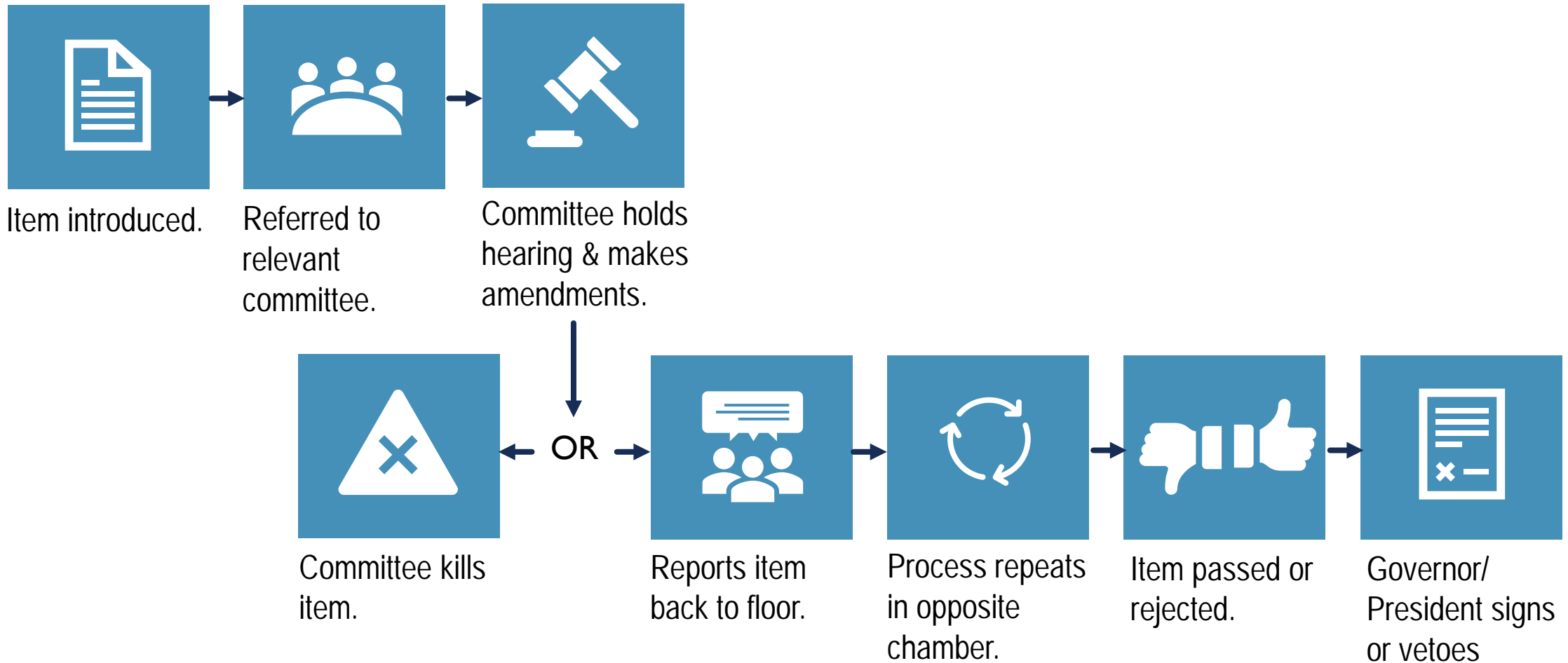
BACKGROUND



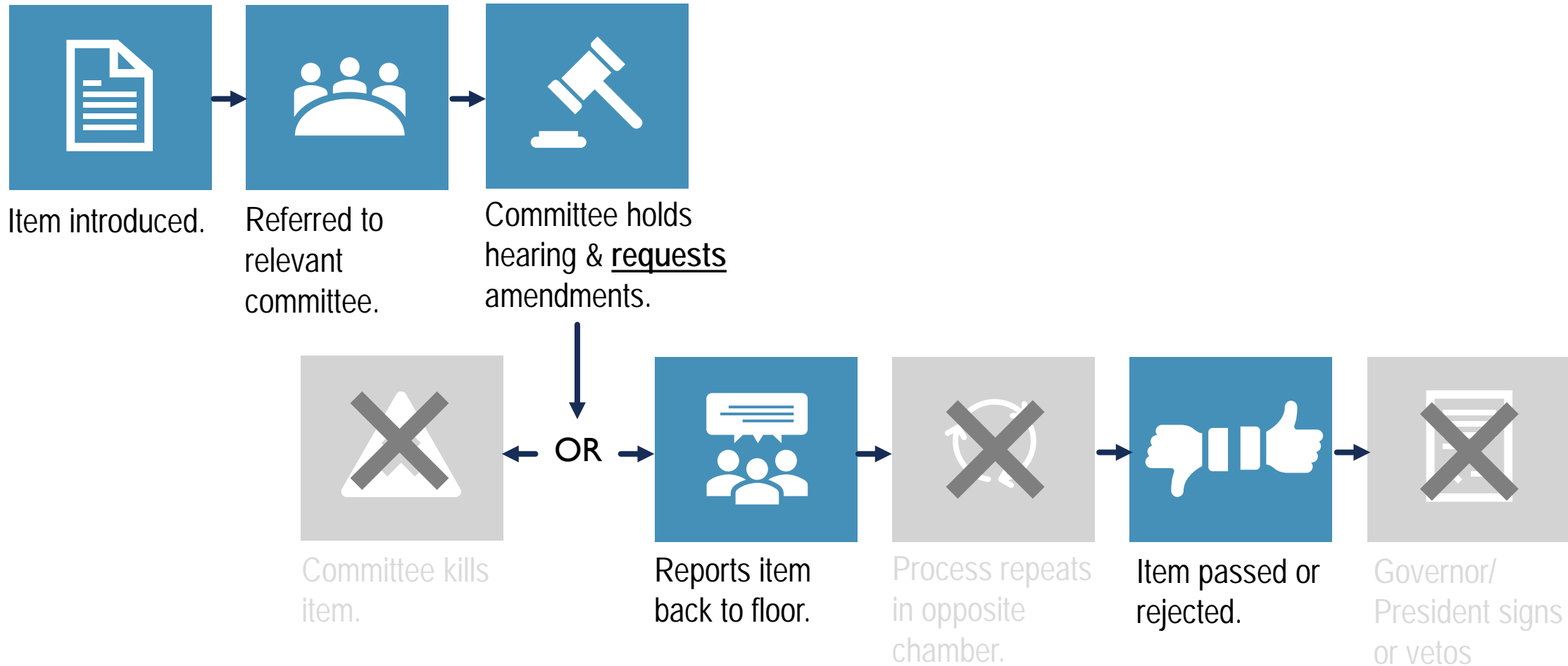
OBJECTIVES

- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

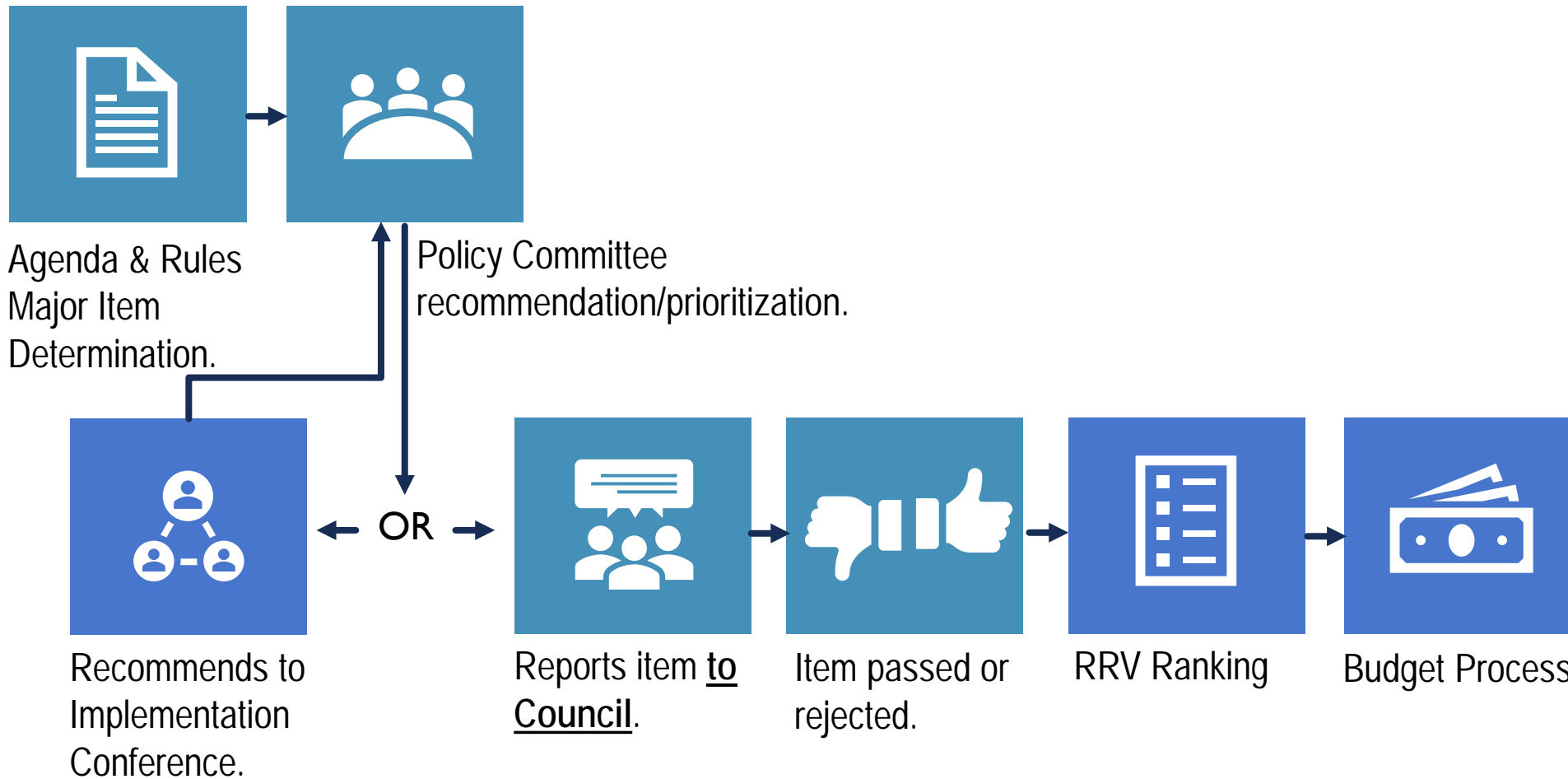
STATE OR FEDERAL MODEL



HYBRID MODEL



PROPOSED MODEL



IMPLEMENTATION CONFERENCE?

- What: Strong analysis and collaborative consultation
 - Identify costs\benefits
 - Identify resource needs
 - Outline high level work plan
- Who:
 - Commission Input (e.g, Chair or Vice Chair)
 - Staff & Legal
 - External Stakeholders
- How:
 - Ensure you've done your due diligence with the above
 - Meet with staff/legal



VETTING IS TIME WELL SPENT!

Cousin Janice

- Researched online, in magazines
- Talked to friends, designer, contractor
- Obtained supplies
- Contractor starts work
- Moved out for **weeks**
- **Loves** the result

Friend Cathy

- Talked to contractor
- Contractor starts work
- Waited for supplies → Contractor stops work
- Supplies arrive → Contractor restarts work
- Moved out for **months**
- **Still refining** the result

WHY PRIORITIZE AT POLICY COMMITTEE

NOT RECOMMENDED

- Agenda & Rules Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)
- Sophie Hahn, [Councilmember, District 5](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Lori Droste, [Councilmember, District 7](#)

- Budget & Finance Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)
- Kate Harrison, [Councilmember, District 4](#)
- Rigel Robinson, [Councilmember, District 7](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Public Safety, Transportation, Environment & Sustainability Committee

- Appointees:

- Terry Taplin, [Councilmember, District 2](#)
- Kate Harrison, [Councilmember, District 4](#)
- Rigel Robinson, [Councilmember, District 7](#)

- Alternate: Sophie Hahn, [Councilmember, District 5](#)

- Government, Equity & Community Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)
- Terry Taplin, [Councilmember, District 2](#)
- Ben Bartlett, [Councilmember, District 3](#)

- Alternate: Rigel Robinson, [Councilmember, District 7](#)

- Land Use, Housing & Economic Development Committee

- Appointees:

- Sophie Hahn, [Councilmember, District 5](#)
- Rigel Robinson, [Councilmember, District 7](#)
- Lori Droste, [Councilmember, District 8](#)

- Alternate: Ben Bartlett, [Councilmember, District 3](#)

- Public Safety Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)
- Ben Bartlett, [Councilmember, District 3](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Terry Taplin, [Councilmember, District 2](#)

A QUICK NOTE ON FORMS

- Major Item Determination Checklist
- Implementation Conference Worksheet
- Policy Committee Ranking Form
- Revised Report Template



Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

Yes No

- Item represents a significant change to existing law, program, or policy.
- Item represents a significant addition to existing law, program, or policy.
- Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

Is this eligible for an Exemption?

Yes No

- Item is related the City's COVID-19 response.
- Item is related to the City Budget process.
- Item is related to essential or ongoing City processes or business.
- Item is urgent.
- Item is time-sensitive.
- Item is smaller.
- Item is less impactful.

Agenda Committee Determination:

Major Item Exempted

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____

Policy Committee Confirmation:

Determination Confirmed Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____



Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

Use this section to help record required information

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and context):
Plans, programs, policies and/or laws were taken into account:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to:
List of external stakeholders consulted:

Summary of what was learned from consultation:

Rationale for recommendation:

Internal Benefits of Implementation:

Internal Impacts of Implementation:

External Benefits of Implementation:

External Impacts of Implementation:

Launch and Implementation Milestones (see Environmental Impacts):

Operational Impacts:

Staff Resources Needed:

STAFF SECTION

Use this section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>
Estimated Administration Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>

Legal Consultation:

Confirmed

Name/Date _____

Staff Consultation:

Confirmed



[First Lastname]
Councilmember District [District No.]

[CONSENT OR ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council
From: [Councilmember (lastname)]
Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...
or Support ...
or write a letter to ___ in support of _____...
of other recommendation....

FISCAL IMPACTS

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

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- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental

[Title of Report]

CALENDAR

- attract and retain a talented and diverse City government workforce.

BACKGROUND

CONSULTATION OVERVIEW

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

- 1: Resolution
 - Exhibit A: [Title or Description of Exhibit]
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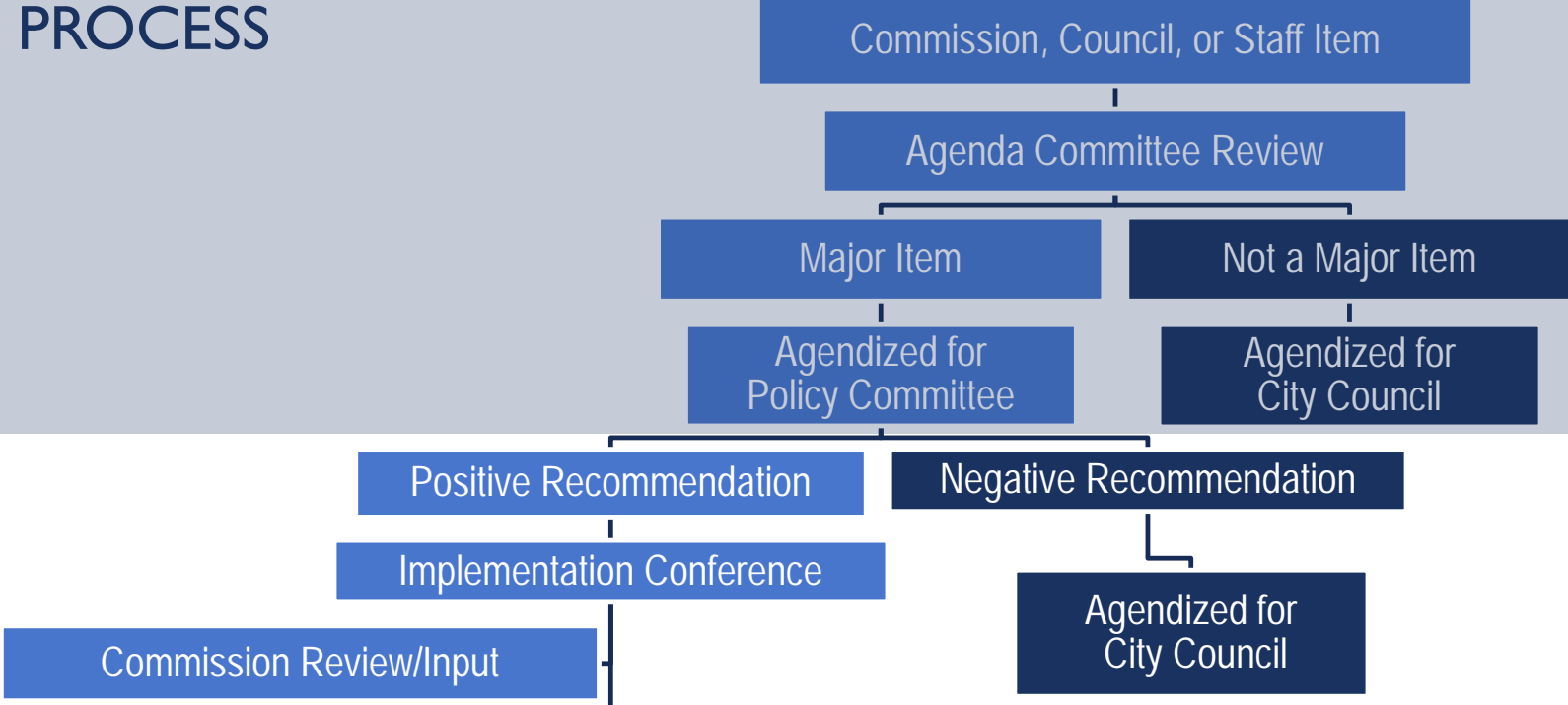
PROPOSED PROCESS

FLOW CHART



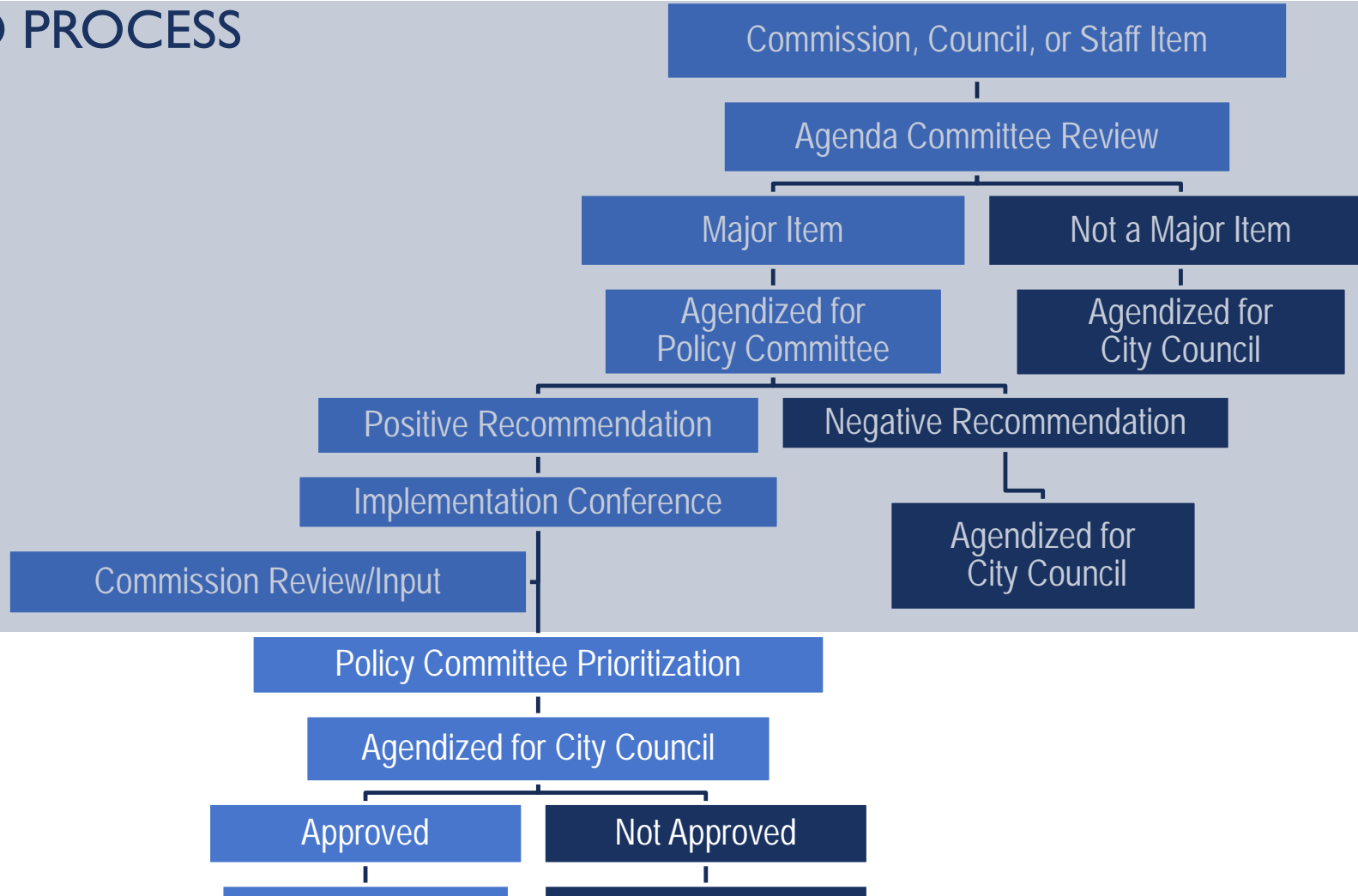
PROPOSED PROCESS

FLOW CHART



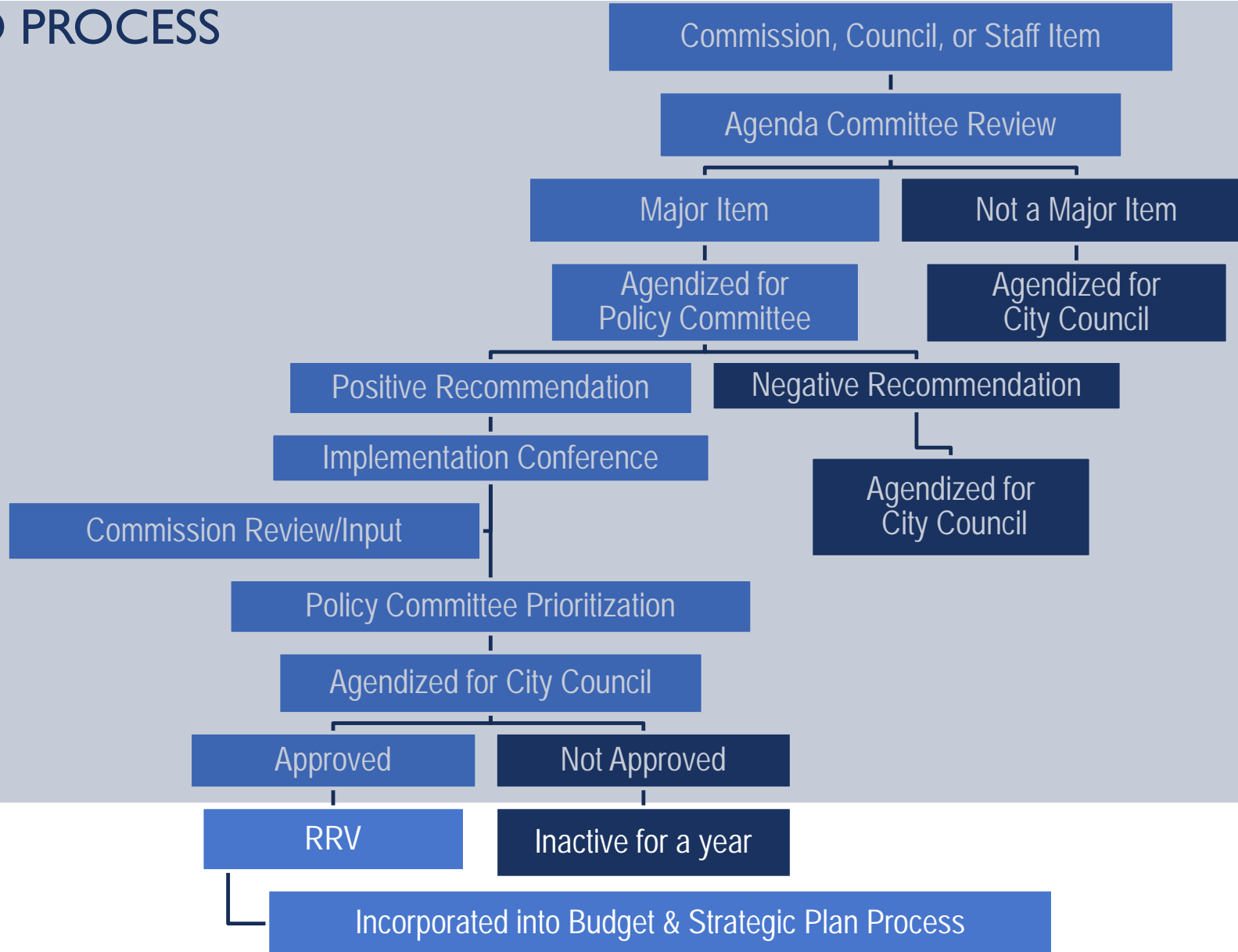
PROPOSED PROCESS

FLOW CHART



PROPOSED PROCESS

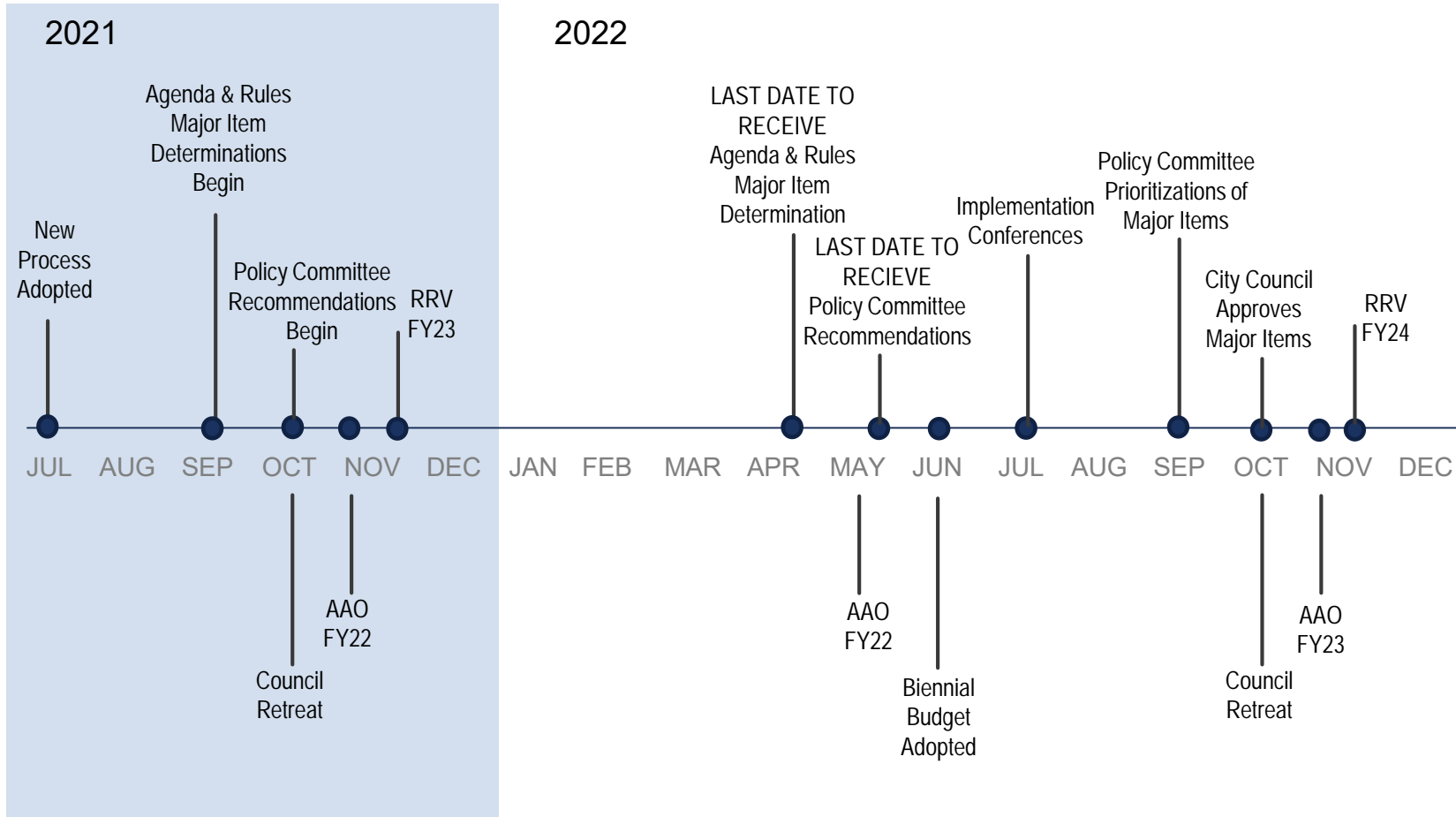
FLOW CHART





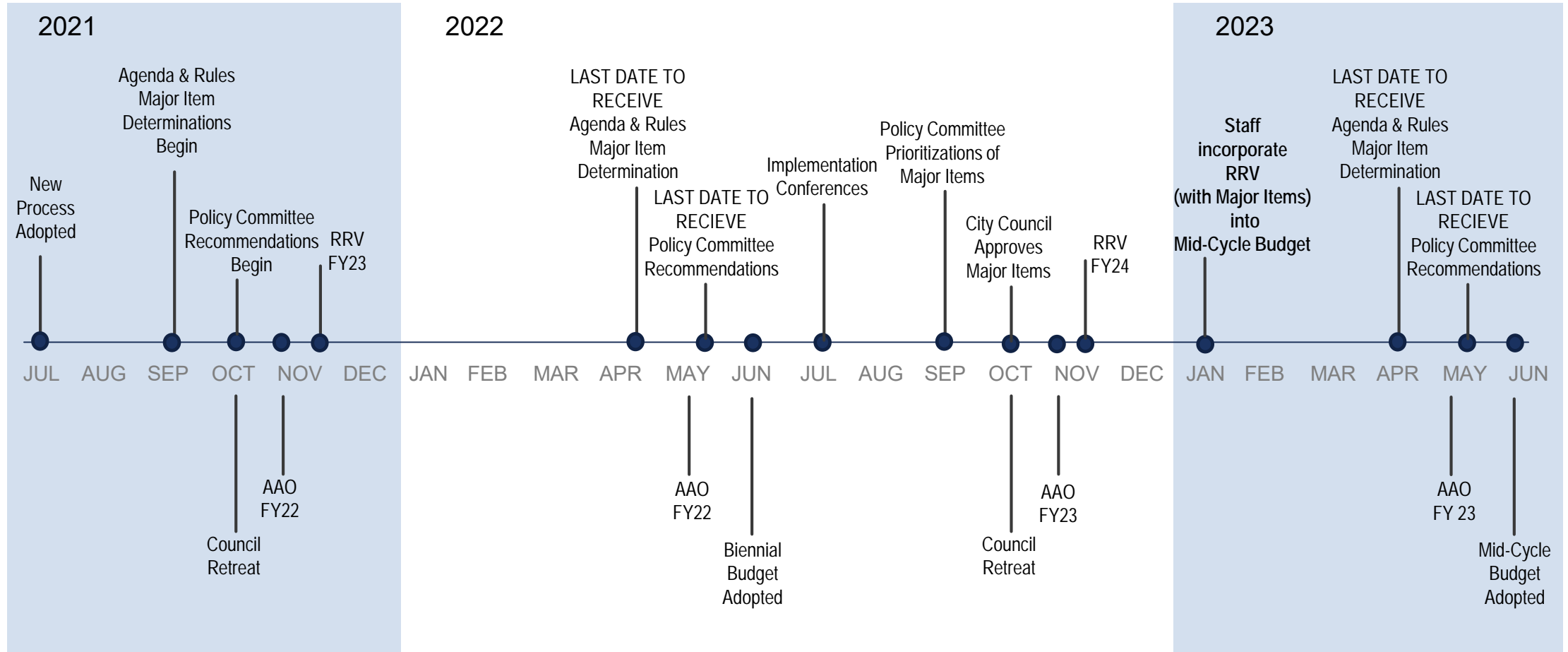
PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT

SEQUENCING & TIMING

Existing

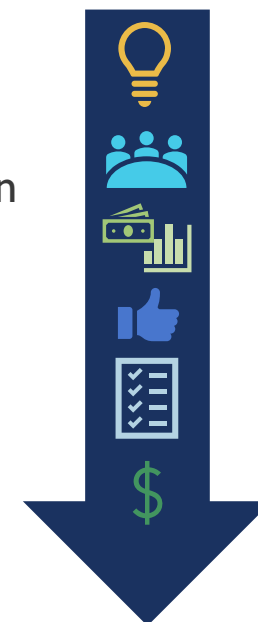
1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV



Uncertain Timeline

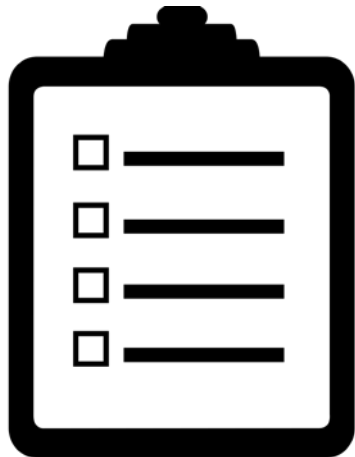
Proposed

1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development



Certain Timeline

WHAT'S DIFFERENT



Mandatory Guidelines

Implementation Conferences

Policy Committee Prioritization

Moving the RRV process

New required forms and processes

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
 - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d. Fiscal impacts of the recommendation;
 - e. A description of the current situation and its effects;
 - f. Background information as needed;
 - g. Rationale for recommendation;
 - h. Alternative actions considered;
 - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
 - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

SO, HOW DO WE MAKE THIS HAPPEN?

- Adopting aligned timeline and new process
 - Incorporating vetting and costing (i.e., implementation conferences)
 - Prioritizing vetted Major Items (prioritize, assign fiscal year, identify projects to remove to accommodate new Major Items)
 - Revising City Council Rules of Procedure and Order
- Making Appendix B guidelines mandatory
- Addressing adopted, open referrals
- Addressing Council items under consideration

BENEFITS



Ensures **continuous improvements**



Provides adequate context and impacts of items to **enhance Council decision-making**



Identifies appropriate and necessary resources so that **adopted items are adequately resourced**

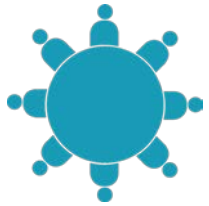


Aligns processes to **ensure efficient implementation/realization of Council items**



Increases collaboration among and between stakeholders

NEXT STEPS



Legislative aide roundtable



City Manager and Councilmember One-on-Ones



Revise and return item in July

THANK YOU.



Office of the City Manager

01

Worksession Item

WORKSESSION

May 18, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Direct the City Manager to bring back a resolution for adoption of the Systems Alignment proposal as described in this document and incorporating direction and input received from City Council during the worksession.

SUMMARY

This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation¹ (Major Item).

CURRENT SITUATION AND ITS EFFECTS

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and

¹ New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf.

full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

Defined in Council Rules of Procedure

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response², including but not limited to health and economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

² If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

Required Conformance and Consultation

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

Required Submission Date

A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

Step 2: Policy Committee Review

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure](#),³ the Policy Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

³ https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

Step 3: Implementation Conference (Vetting and Costing)

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

Identifying Fiscal, Operational and Implementation Impacts

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
 - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
 - Summarizes and confirms what was learned from consultation,
 - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,⁴
- *Implementation, Administration, and Enforcement*, which
 - Identifies internal and external benefits and impacts, and
 - Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
 - Summarizes any operational impacts,

⁴ While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- o Identifies necessary resources, including specific staff resources needed and costs.⁵

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

Revising the Major Item

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

Step 4: Initial Prioritization

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

Step 5: City Council Approval and Final Prioritization

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular or special Council meeting in October for approval and inclusion in the RRV process.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and

⁵ Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.⁶ This ensures that staff is able to develop the budget starting from and based on Council priorities.

Step 6: Budget & Strategic Plan Process

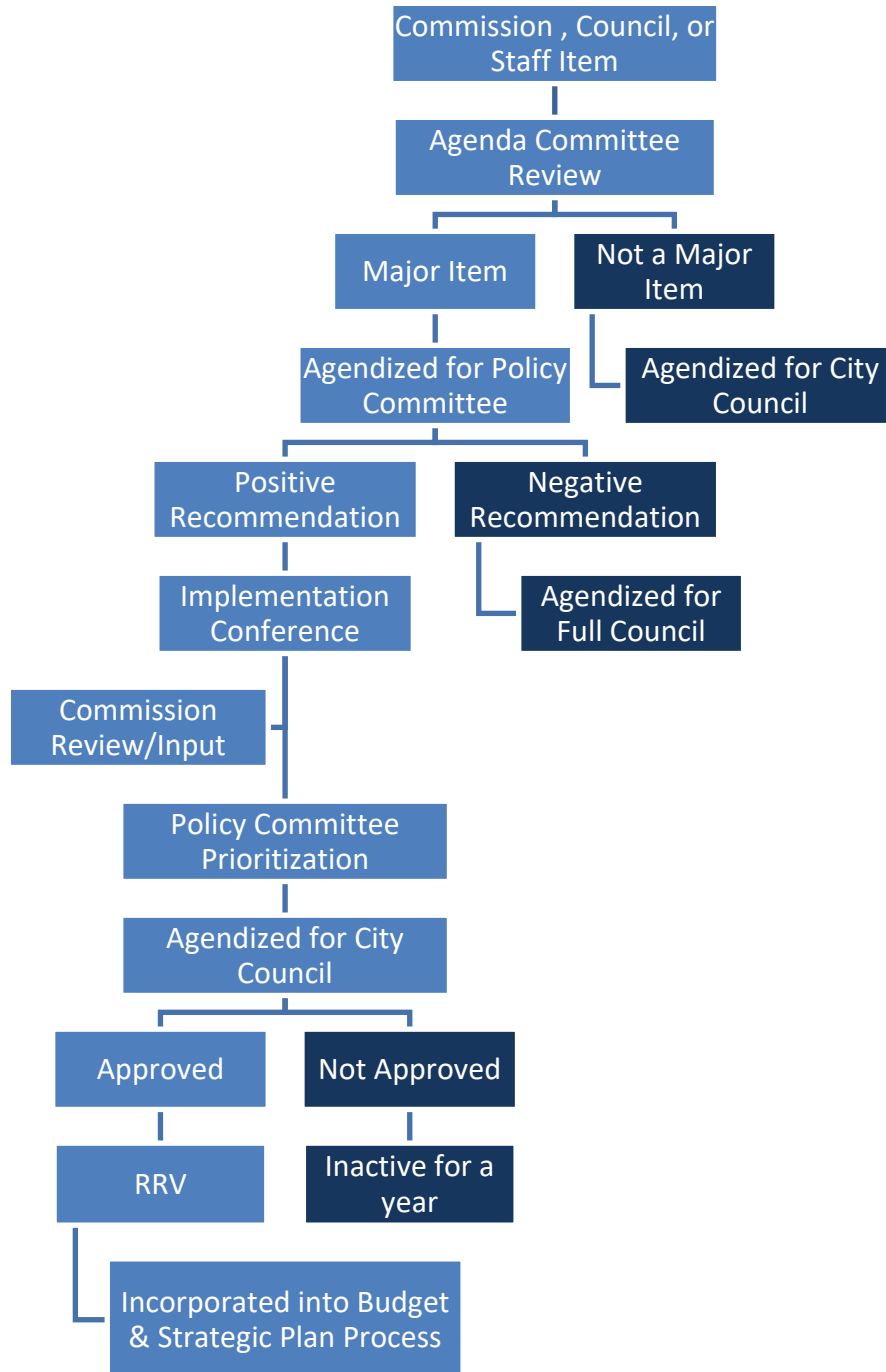
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennial. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

⁶ Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

Figure 1, Proposed Process⁷

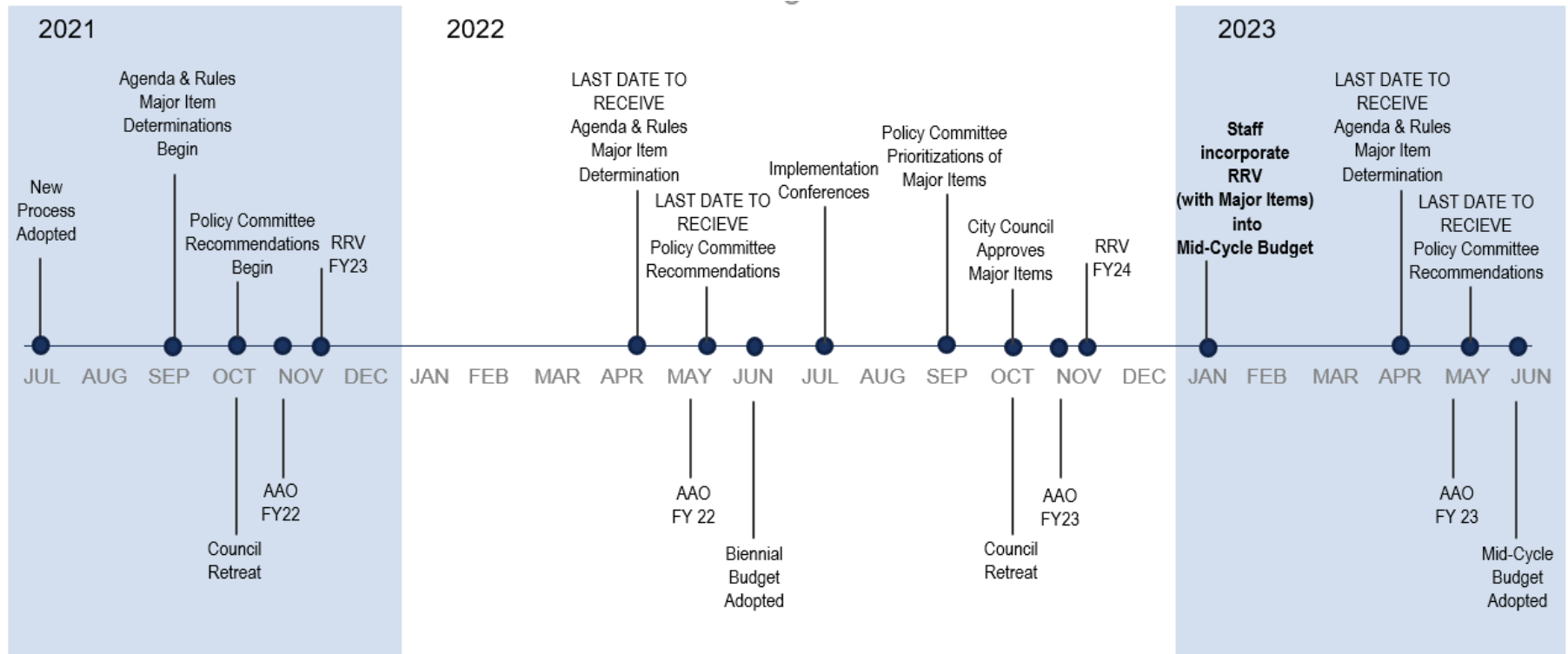


⁷ Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON

David White, Deputy City Manager, 510-981-7012

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form



Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

- | | | |
|--------------------------|--------------------------|--|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

Is this eligible for an Exemption?

- | | | |
|--------------------------|--------------------------|---|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful. |

Agenda Committee Determination:

Major Item Exempted

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____

Policy Committee Confirmation:

Determination Confirmed Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____



[First Lastname]
Councilmember District [District No.]

[CONSENT OR ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...
or Support ...
or write a letter to ___ in support of _____...
or other recommendation....

FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

Exhibit A: [Title or Description of Exhibit]

Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

RESOLUTION NO. ##,###-N.S.

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and concerns to be addressed by the item):
Plans, programs, policies and/or laws were taken into consideration:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to for input:
List of external stakeholders consulted:

Summary of what was learned from consulting stakeholders:
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations:
Launch and Implementation Milestones (see staff section)
Environmental Impacts:
Operational Impacts:
Staff Resources Needed: Number of FTE/hours: Type of staff resource needed:
Costs: Amount(s): Funding Source:

STAFF SECTION

Staff may complete section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>
Estimated Administration Deliverables/Dates:	
<i>Month/Year</i>	<i>Deliverable</i>

Legal Consultation:

Confirmed

Name/Date _____

Staff Consultation:

Confirmed

Name(s)/Date(s) _____



Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be “1”, the next highest “2” and so on.

Priority 1 is highest	Major Item Name	Major Item Author	Considerations H high M medium L low		
			Staff Resources	Cost	Benefits/ Savings

Policy Committee Determination:

Indicate name and date below.

Per Committee Member _____

Per Committee Member _____

Per Committee Member _____

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BERKELEY SPECIAL MEETING

TUESDAY, OCTOBER 10, 2023

Unofficial Text File

>> GOOD AFTERNOON.

THANK YOU FOR WAITING PAITENTLY.

I WOULD NOW LIKE TO CALL TO ORDER THE SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL FOR TUESDAY, OCTOBER 10TH, 2023 AT 4 P.M..

IF THE CITY CLERK CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> CLERK: COUNCILMEMBER KESARWANI.

>> R. KESARWANI: HERE.

>> CLERK: TAPLIN.

>> T. TAPLIN: PRESENT.

>> CLERK: BARTLETT.

>> B. BARTLETT: HERE.

>> CLERK: HARRISON.

>> K HARRISON: HERE.

>> CLERK: HAHN.

>> S. HAHN: PRESENT.

>> CLERK: WENGRAF.

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>> S. WENGRAF: PRESENT.

>> CLERK: ROBINSON.

>> R. ROBINSON: PRESENT.

>> CLERK: HUMBERT.

>> M. HUMBERT: PRESENT.

>> CLERK: AND MAYOR ARREGUIN.

>> MAYOR J. ARREGUIN: PRESENT.

>> CLERK: OKAY.

>> MAYOR J. ARREGUIN: OKAY.

ALL MEMBERS ARE PRESENT.

THANK YOU VERY MUCH.

SO THIS IS A SPECIAL CITY COUNCIL MEETING TO HOLD A WORK SESSION TO POTENTIAL PROPOSALS FOR THE REDESIGN OF OUR CITY COUNCIL'S LEGISLATIVE PROCESS.

AND I JUST WANT TO PROVIDE SOME INTRODUCTORY COMMENTS AND THEN TURN IT OVER TO COUNCILMEMBER HAHN, WHO IS GOING TO GO THROUGH PRESENTING THE PROPOSED FRAMEWORK THAT WE WANTED COUNCIL INPUT ON.

AND THEN, I'LL GIVE COUNCILMEMBER HARRISON AN OPPORTUNITY TO PRESENT ON HER CONCEPTS AS WELL.

SO AS THE COUNCIL KNOWS, WE HAVE BEEN DISCUSSING A REDESIGN OF OUR LEGISLATIVE SYSTEM FOR SEVERAL YEARS NOW.

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ADD OUR RETREAT IN OCTOBER, 2019, WE HAD I THINK A VERY EXCELLENT DISCUSSION AROUND POTENTIAL CHANGES TO THE PROCESS IN WHICH WE INTRODUCE AND REVIEW AND APPROVE LEGISLATION AT THE CITY COUNCIL LEVEL.

AND THERE WERE SEVERAL GOALS WE WANTED TO ACHIEVE. ONE, WE WANTED TO MAKE SURE THAT THERE WAS ALIGNMENT OF OUR LEGISLATIVE PROCESS WITH THE BUDGET PROCESS.

BECAUSE WHILE WE MAY ADOPT LAWS OR PROPOSED COUNCIL REFERRALS, IF THOSE LAWS OR PROGRAMS ARE NOT FUNDED, AND WE DON'T HAVE STAFF RESOURCES OR FUNDING ALLOCATED, THEN THEIR IMPLEMENTATION WILL NOT BE EFFECTUATED, IT WILL BE DELAYED.

IN ORDER TO FULLY REALIZE THE IMPACT OF THE LEGISLATION WE ADOPT WE WANTED TO ALIGN THE ADOPTION OF MAJOR ITEMS IN LEGISLATION WITH OUR BUDGET PROCESS TO MAKE SURE WE CAN CONSIDER THE BUDGET NEEDS, TO MAKE SURE WE CAN SET ASIDE FUNDING IN THE BUDGET FOR CITY STAFF AND IMPLEMENTATION.

ANOTHER AREA WAS LOOKING AT HOW CAN WE ENSURE MORE THOROUGH REVIEW OF ITEMS.

TO MAKE SURE THAT THEY HAVE COMPLETE INFORMATION AND ARE LOOKING AT PHYSICAL IMPACTS.

ANOTHER ISSUE WAS LOOKING AT WHAT WOULD BE AN EFFECTIVE PROCESS FOR THESE ITEMS IT BE CONSIDERED TO ALIGN WITH OUR BUDGET PROCESS, TO ALIGN WITH THE A.A.O.

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AND ON TOP OF THAT WE HAD A PRIORITIZATION PROCESS.

WHAT IS THE RELATIONSHIP TO THE PRIORITIZATION PROCESS AND THIS PROCESS.

SO WE HAD A LOT OF GOOD DISCUSSION WITH THE CITY MANAGER CAME FORWARD AFTER THAT WITH A PROPOSAL THAT WE DISCUSSED IN 2021.

AND/OR THE CITY MANAGER PUT THAT FORWARD TO STIMULATE DISCUSSION.

SHE SAID TO THE AGENDA COMMITTEE SHE HAS WITHDRAWN THAT PROPOSAL.

SO THAT IS NOT, SHE'S NOT PRESENTING THAT FOR ACTION AT THE PRESENT TIME BY COUNCIL.

BUT THAT DID SPARK A LOT OF REALLY GOOD IDEAS THAT HAD BEEN BROUGHT FORWARD THE LAST SEVERAL YEARS, ALL OF WHICH WERE INCLUDED IN THE PACKET.

WE WANT TODAY MAKE SURE THE PROPOSALS AND IDEAS THAT COUNCILMEMBERS CURRENTLY PROPOSED AROUND HOW TO IMPROVE AND STREAMLINE THE LEGISLATIVE PROCESS.

THOSE WERE INCLUDED SO WE CAN LOOK AT THE COMPREHENSIVE RECORD.

AND SO, THE AGENDA RULES COMMITTEE TASKED BY THE CITY COUNCIL TO NOT JUST APPROVE THE DRAFT AGENDA BUT TO ALSO REVIEW AND MAKE RECOMMENDATIONS ON CHANGES TO OUR COUNCIL RULES.

HAS BEEN DISCUSSING FOR SEVERAL YEARS NOW THE CHANGES TO OUR LEGISLATIVE PROCESS.

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AND OUT OF THAT, COUNCILMEMBER HAHN HAS BEEN WORKING WITH, I THINK THE CITY CLERK DEPARTMENT, THE CITY MANAGER'S OFFICE AND OTHERS TO COME UP WITH A CONCEPTUAL FRAMEWORK TO PRESENT SOME IDEAS FOR COUNCIL CONSIDERATION.

SO THAT WE CAN GATHER INPUT AND COME BACK WITH A PROPOSAL SO WE CAN FINALLY MOVE THIS CONVERSATION FORWARD.

THE PURPOSE OF TONIGHT'S WORK SESSION IS NOT TO TAKE ACTION BUT TO HEAR THE WHOLE COUNCIL'S INPUT.

BECAUSE THE AGENDA AND RULES COMMITTEE THERE ARE ONLY THREE MEMBERS THAT SIT ON THAT COMMITTEE, WE CANNOT ASK FOR YOUR IDEAS, UNFORTUNATELY.

SO REALLY, THIS IS WE'RE THE AGENDA RULES COMMITTEE PUTTING THIS FORWARD TO HEAR THE WHOLE COUNCIL'S IDEAS, SO WE CAN TAKE BACK THAT INPUT AND COME FORWARD WITH A RECOMMENDATION IN THE COMING MONTHS.

SO I REALLY APPRECIATE COUNCILMEMBER HAHN COMING FORWARD WITH A CONCEPTUAL, THOUGHTFUL FAKE WORK.

THE COMMITTEE DID NOT APPROVE THIS, I WANT TO CLARIFY.

WE WANT TO SEND IT FORWARD TO ALL COUNCIL, SO THE WHOLE COUNCIL CAN PROVIDE ITS FEEDBACK AND WE CAN TAKE THAT INTO CONSIDERATION AS WE'RE DELIBERATING ON IT.

I APPRECIATE COUNCILMEMBER HARRISON AND ROBINSON AND TAPLIN'S INPUT.

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THERE MAY BE OTHER IDEAS WE HEAR TONIGHT.

THIS IS INTENDED TO BE A DISCUSSION, AN OPPORTUNITY FOR COUNCIL INPUT AND OUR GOAL IS TO TAKE ALL THESE GOOD IDEAS, AND TO COME BACK WITH A PROCESS THAT WORKS FOR OUR CITY COUNCIL, OUR STAFF AND COMMUNITY, FOR OUR COMMISSIONS.

AND SO, WITH THE GOAL OF TRYING TO HAVE A PROCESS THAT HELPS REALIZE THE IMPACTS OF THE LEGISLATION WE'RE ADOPTED FOR THE BENEFIT OF THE PEOPLE OF BERKELEY.

AND I THINK AN IMPORTANT PART IS OUR BOARDS AND COMMISSIONS AND THE ROLE THEY PLAY ALSO IN REVIEWING A MAJOR LEGISLATION.

SO WITH THAT INTRODUCTION IN MIND, WITH THE UNDERSTANDING WE'RE NOT TAKING ACTION TONIGHT BUT INTENDED FOR DISCUSSION.

I WANT TO TURN IT OVER TO COUNCILMEMBER HAHN WHO WILL PRESENT ON THE SORT OF THE PROPOSED FRAMEWORK THAT WAS PRESENTED AT THE AGENDA RULES COMMITTEE AND THEN COUNCILMEMBER HARRISON THEREAFTER.

>> S. HAHN: THANK YOU SO MUCH, MAYOR.

SOME PRELIMINARY REMARKS.

AND I'LL ASK THE CITY CLERK IF THEY CAN GO AHEAD AND PUT UP THE FIRST PAGE.

FIRST OF ALL, I WANT TO CLARIFY THAT THE AGENDA COMMITTEE WAS WE WERE DELEGATED THE TASK OF COMING BACK TO COUNCIL WITH SOMETHING.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND AS YOU ALL KNOW FROM YOUR OWN COMMITTEES YOU CANNOT WORK TWO PEOPLE ON A COMMITTEE CANNOT WORK TOGETHER BEHIND THE SCENES. I WAS DESIGNATED AS A PERSON WHO WOULD WORK ON BRINGING SOMETHING FORWARD.

AND I DID I WAS ABLE TO WORK WITH THE CITY MANAGER AND THE CITY CLERK'S OFFICE, NOT JUST TO GET THEIR INPUT BUT BECAUSE I NEEDED BUDDIES TO HELP DEVELOP THIS AND HAD NO OPPORTUNITY TO WORK WITH MY COLLEAGUES.

I ALSO JUST WANT TO BE REALLY CLEAR, I'M EXTREMELY PROUD OF THE WORK PRODUCT BEING BROUGHT FORWARD AS A THOUGHT EXERCISE HERE TODAY.

BUT THIS IS NOT MY PROPOSAL.

THE PACKET HAS MY PROPOSAL.

MY PROPOSAL IS ON PAGE 43 OF THE PACKET.

AND IF ANYONE WANTS TO KNOW WHAT MY PROPOSAL IS, THAT IS IT.

I AM HAPPY TO TAKE CREDIT FOR HAVING LISTENED TO MANY DIFFERENT STAKEHOLDERS AND LOOKED AT MANY DIFFERENT PROPOSALS THAT ARE HERE IN THE RECORD.

AND TO HAVE WORKED, TO PUT SOMETHING TOGETHER THAT HOPEFULLY REFLECTS AN AMALGAMATION OF MANY DIFFERENT IDEAS AND THAT PROVIDES A CONVERSATION OPPORTUNITY FOR THE WHOLE COUNCIL, WHICH IS WHAT WAS ALWAYS INTENDED.

SO I JUST, I DO THINK THERE HAS BEEN A LITTLE CONFUSION.

This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.

AND I WANTED TO CLARIFY WHILE I'M PROUD TO HAVE DONE WORK ON THIS, THIS IS NOT MY PROPOSAL.

MY PROPOSAL IS ELSEWHERE IN THE PACKET.

I ALSO WANTED TO JUST BRING YOUR ATTENTION TO THIS FIRST PAGE. PROCESS SKETCH FOR DISCUSSION.

WE NAMED IT THAT FOR A REASON.

IT'S ACTUALLY NOT A PROPOSAL.

IT IS A SKETCH OF A POTENTIAL PROCESS.

THAT IS INTENDED TO SPARK CONVERSATION.

IT'S NOT A PROPOSAL.

I WANTED TO MAKE THAT CLEAR AS WELL.

GIVEN THE VARIETY OF WORK PRODUCT THAT WE HAD TO GO BACK AND LOOK AT, AND TO KIND OF DIGEST AND PULL TOGETHER, IT'S NOT POSSIBLE FOR A SINGLE SKETCH TO INCLUDE ABSOLUTELY ALL THE IDEAS AT ONCE.

AND I THINK AS THE REASON WHY WE AS THE AGENDA COMMITTEE DID NOT APPROVE THIS AS A BODY IS BECAUSE WE WANT YOUR INPUT.

WHAT WE MIGHT FINALLY BRING FORWARD MAYBE VERY DIFFERENT FROM THIS.

BUT YOU HAVE TO START SOMEWHERE WITH A CONVERSATION.

AND I REALLY WANT TO MAKE SURE THAT ANY MISCHARACTERIZATION OF WHAT IS HERE IS CLEARED UP.

ALL RIGHT.

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SO LET'S GO THROUGH THIS SKETCH.

AND THE PURPOSE TODAY IS FOR US TO GET ALL YOUR IDEAS AND INPUT.

AND THERE IS NO DECISION POINT TODAY.

I ALSO WANT TO SAY THAT AS WE WERE GOING THROUGH THIS, IT'S ACTUALLY VERY COMPLEX.

AND THERE IS A LOT OF MOVING PIECES AND THERE IS A LOT OF PLACES WHERE YOU WANT TO STEP INTO A MORE COMPLICATED CORNER AND GO DOWN THAT LITTLE RABBIT HOLE.

THE WAY IT'S ORGANIZED THERE IS KIND OF AN OVERVIEW AND WE ACTUALLY DID A LITTLE WAYS DOWN A FEW RABBIT HOLES TO SORT OF SUGGEST SOME OF THE CONSIDERATIONS IN EACH OF THOSE SPECIAL TOPICS.

BUT IT IS OUR INTENT THAT WITH AN OVER-- CLEAR WITH THE OVERVIEW WE WOULD THEN TOGETHER DEVELOP AND REFINE SOME OF THE SPECIAL TOPICS.

>> MAYOR J. ARREGUIN: CAN I ADD ONE THING, COUNCILMEMBER HAHN, IF I MAY.

I FORGOT TO MENTION THAT WHAT WE INCLUDED IN THE PACKETS WAS A MATRIX, WHICH SUMMARIZED ALL THE DIFFERENT PROPOSALS THAT HAVE BEEN PUT FORWARD IN THE LAST WHAT THREE OR FOUR YEARS, INCLUDING THE MOST RECENT PROPOSAL THAT COUNCILMEMBER HAHN IS ABOUT TO PRESENT.

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AND KIND OF REALLY BROKE IT DOWN BY SORT OF ISSUE AREA, MAJOR ITEM DEFINITION PROCESS.

SO YOU CAN SEE ACROSS WHERE EACH PROPOSAL HAPPENED AND -- LANDED AND THE EVOLUTION THAT LED TO THIS PROPOSAL THAT COUNCILMEMBER HAHN WILL PRESENT.

I WANT TO THANK MY STAFF, JACQUELINE MCCORMICK AND LAURIE, AND COUNCILMEMBER WENGRAF'S OFFICE WHO WORKED QUICKLY TO PUT THIS TOGETHER SO WE HAD SOMETHING TO LOOK AT FOR COMPARATIVE PURPOSES.

BACK TO YOU.

>> S. HAHN: THANK YOU.

I ALSO WANT TO ACKNOWLEDGE AND THAT CAN THEM.

AS YOU CAN SEE BY LOOKING AT THE MATRIX, IT WAS VERY FORGET COMPLICATED.

AND THERE WERE A LOT OF DIFFERENT IDEAS THAT HAD BEEN FLOATED OVER TIME.

AND AGAIN, THIS SKETCH IS ONE OF MANY POTENTIAL PATHS FORWARD.

LET'S GO AHEAD AND WALK DOWN THE SKETCH PATH.

HOPEFULLY, THAT WILL TRIGGER MANY IDEAS AND INPUTS.

SO FIRST OF ALL, LET'S GO TO THE -- WELL, LET ME START HERE BY SAYING THIS IS BY MAJOR ITEMS.

SO VERY QUICKLY, YOU HAVE TO IMAGINE THAT THERE IS LOTS OF ITEMS THAT ARE NOT INCLUDED THAT ARE NOT BEING DISCUSSED.

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WHAT IS A MAJOR ITEM?

CURRENTLY, WE HAVE A DEFINITION.

SO IT'S NOT -- WE CALL IT A POLICY COMMITTEE TRACK ITEM.

THAT WAS TOO MUCH A MOUTHFUL.

WE'LL CALL THEM MAJOR ITEMS.

BUT IT IS THE SAME DEFINITION THAT WE HAVE CURRENTLY.

THIS IS NOT A NEW DEFINITION.

THIS IS THE OPERATIVE DEFINITION IN OUR COUNCIL RULES AND PROCEDURE AND ORDER, AND I HAVE NOT HEARD ANY CONCERNS ABOUT THE DEFINITION TO DATE.

IT IS THE ONE WE'VE BEEN USING FOR A COUPLE OF YEARS.

HOWEVER, AS WITH EVERYTHING THAT WE'RE LOOKING AT TODAY, IT'S ENTIRELY POSSIBLE FOR US TO ADJUST THE DEFINITION.

SO THAT'S NOT SET IN STONE.

IT'S JUST TO EXPLAIN WHERE WE GOT THAT TERMINOLOGY FROM.

WE CAN GO TO THE NEXT SLIDE.

THESE BIG IDEAS YOU CAN EACH BRING YOUR OWN TO THIS.

THIS WAS SORT OF THE BIG IDEAS, AGAIN, I WASN'T ABLE TO WORK TOGETHER WITH ANY OTHER COMMITTEE MEMBERS.

SO THE BIG IDEA FOR COUNCIL THAT CAME FROM MYSELF, SUCCESSFULLY DEVELOP AND IMPLEMENT STATE OF THE ART AND INNOVATIVE PROGRAM AND POLICIES TO SERVE BERKELEY AND MODEL BEST PRACTICES FOR OTHER JURISDICTIONS.

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THE CITY CLERK'S BIG IDEA WAS CONSISTENCY IN PROCESS FOR MAJOR ITEM DEVELOPMENT, BUDGETING AND IMPLEMENTATION.

OBVIOUSLY, CITY ATTORNEY IS INTERESTED IN ENSURING LEGAL AND DRAFTING COMPLIANCE.

AND THE CITY MANAGER'S BIG IDEA WAS TO HELP THE ORGANIZATION DELIVER WITHOUT OVERWHELM, AND HELP STAFF BE SUCCESSFUL IN THEIR WORK.

AND I THINK THAT EVEN THOUGH THOSE ARE COME FROM ONE INDIVIDUAL EACH, I THINK THEY ACTUALLY REALLY REFLECT WHAT THESE DIFFERENT ROLES MIGHT HAVE TOP OF MIND.

BUT OBVIOUSLY, YOU ALL MAY HAVE YOUR OWN RENDITIONS OF THIS AS WELL.

GOING TO THE NEXT SLIDE.

SO OBVIOUSLY, THIS IS A BIG POTENTIAL CHANGE.

BUT NOT AT ALL NECESSARY.

BUT THE IDEA OF YEARLY CYCLE REALLY I WOULD SAY IS BUILT BACKWARDS FROM THE IDEA THAT WE WANT TO GET TO A PLACE WHERE WE DON'T HAVE BACKLOGS, WHERE ITEMS WE PASS AND EVEN THAT WE FUND DON'T GET IMPLEMENTED FOR YEARS.

AND WE'RE -- THERE IS KIND OF A TIGHTER AND LOGICAL PROGRESSION FROM PROPOSALS TO BEING VET, TO BEING ELIGIBLE FOR FUNDING, TO RECEIVING FUNDING, TO HOPEFULLY BEING IMPLEMENTED PRETTY MUCH IMMEDIATELY AFTER.

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SO THAT THE CONVERSATION ABOUT IMPLEMENTATION BEGINS ESSENTIALLY AFTER THE ITEM IS FUNDED.

SO WHILE IT COULD ENTAIL A LONGER TIMELINE BEFORE AN ITEM IS PASSED AND BUDGETED, IT IS INTENDED TO SIGNIFICANTLY REDUCE THE AMOUNT OF TIME THAT IT TAKES FROM APPROVAL OR BUDGET TO IMPLEMENTATION.

AND THERE ARE OTHER WAYS TO ACHIEVE THIS.

AND PEOPLE MAY WISH TO FRONT LOAD THE WEIGHT OR BACK LOAD THE WEIGHT OR DISTRIBUTE IT DIFFERENTLY.

BUT -- I DID WANT TO EXPLAIN WHY THE IDEA OF A YEARLY CYCLE SEEMED LIKE SOMETHING WE MIGHT WANT TO PUT FORWARD.

SO, IF THERE WAS A YEARLY CYCLE, AGAIN ALL OF THESE DATES CAN BE CHANGED.

LOOKING AT IT WITH THE CITY MANAGER AND THE CITY CLERK, AND TRYING TO UNDERSTAND SORT OF THE DEADLINES BY WHICH THE BUDGET COMMITTEE NEEDS THINGS AND OTHER CONSIDERATIONS, WE CAME TO THE IDEA THAT JULY THROUGH SEPTEMBER COUNCIL WOULD BE FINALIZING ITEMS, NOW JUST TO BE CLEAR, THEY COULD DEVELOP AND SUBMIT THEM AT ANY TIME DURING THE YEAR.

BUT THERE WOULD BE FOUR MONTHS WHERE -- THREE MONTHS WHERE YOU COULD REALLY FOCUS ON THAT.

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DURING THAT TIME, THE CITY MANAGER WOULD BE FOCUSED ON STARTING TO IMPLEMENT ITEMS FROM THE PREVIOUS YEAR THAT HAD JUST BEEN FUNDED.

OCTOBER TO MARCH WOULD BE COMMITTEE SEASON.

RECOGNIZING THAT THERE IS PROBABLY A PRETTY BIG GAP IN DECEMBER.

AND THERE MIGHT BE QUITE A FEW ITEMS AND THE COMMITTEES WOULD BE DOING ROBUST REVIEWS AND WOULD NEED TO HEAR ITEMS MORE THAN ONCE.

AND THEN, APRIL THROUGH JUNE WOULD BE THE TIME WHEN COUNCIL WOULD REVIEW AND APPROVE ITEMS AND THE BUDGET WOULD FUND THOSE ITEMS THAT COUNCIL DEEMED READY TO FUND THAT YEAR.

SO IT'S BUILT BACK FROM THAT JUNE 30 BUDGET ADOPTION.

THE NEXT SLIDE.

SO SOME OF THE BENEFITS WERE WRITTEN HERE.

OBVIOUSLY, THERE IS DOWN SIDES AS WELL.

EVERYTHING CHOICE WE ME, INCLUDING THE CHOICE WE HAVE RIGHT NOW HAS UP SIDES AND DOWN SIDES.

BUT IN INTRODUCING A NEW IDEA, WE THOUGHT WE WOULD SHARE WHAT SOME OF THE BENEFITS MIGHT BE.

A YEARLY OPPORTUNITY.

THE FOUR SUBJECT MATTER COMMITTEES WOULD HAVE MORE OF A SEASON.

ALTHOUGH, THEY ABSOLUTELY COULD MEET AT ANY TIME.

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STAFF WOULD HAVE A PERIOD OF TIME WHEN THEY COULD FOCUS IN A MUCH MORE ROBUST WAY THAN THEY DO NOW.

ON IMPLEMENTATION AND COUNCILMEMBER SAID DURING THAT TIME WOULD ALSO HAVE SORT OF MORE FREE TIME, QUOTE/UNQUOTE, WITHOUT COMMITTEE MEETINGS TO FINALIZE ITEMS THEY WANTED TO SUBMIT BY THE DEADLINE.

AND AGAIN, THE IDEA BEING TO REDUCE THE GAP BETWEEN APPROVAL AND IMPLEMENTATION.

AND JUST TO BE CLEAR, WE DON'T REALLY HAVE EXPLICIT DEADLINES FOR ITEMS.

BULT BECAUSE WE HAVE A BUDGET CYCLE, THERE IS A DEADLINE, THERE IS A DATE AFTER WHICH AN ITEM CAN NO LONGER BE CONSIDERED FOR THAT BUDGET CYCLE.

EXACTLY.

SO WE DON'T HAVE THOSE DEADLINES DELINEATED VERY CLEARLY RIGHT NOW.

AND I THINK THAT CAN BE A PROBLEM.

BECAUSE PEOPLE DON'T REALLY KNOW HOW MUCH TIME THEY HAVE TO SUBMIT AN ITEM THAT MIGHT HAVE TO GO TO COUNCIL.

AND THEY DON'T KNOW IF THEY WILL MISS BEING CONSIDERED FOR ONE OR ANOTHER BUDGET CYCLE.

BY CLARIFYING, IT WOULD BE VERY FAIR AND EVERYONE WOULD BE ON NOTICE.

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THIS IS THE DATE BY WHICH YOUR ITEMS HAVE BEEN TO BE IN IN ORDER
TO BE CONSIDERED FOR THIS CYCLE.

THERE IS OBVIOUSLY DOWN SIDES AS WELL, TRADEOFFS.

AND I THINK IT'S SOMETHING FOR EVERYONE HERE TO CONSIDER.

SO LET'S GO TO THE NEXT SLIDE.

MAJOR ITEM DEVELOPMENT AND SUBMISSION.

AGAIN, YOU WOULD HAVE ALL YEAR TO SUBMIT.

IT'S NOT THAT YOU WOULD ONLY BE ABLE TO SUBMIT DURING A THREE-
MONTH PERIOD.

BUT THAT YOU WOULD HAVE LESS OTHER RESPONSIBILITIES DURING THAT
TIME AND YOU COULD FOCUS MORE.

SO FIRST THE MAJOR ITEM GUIDELINES WOULD BECOME MANDATORY.

RIGHT NOW THEY ARE RECOMMENDED AND I THINK A LOT OF PEOPLE DON'T
REALIZE THEY ARE RECOMMENDED.

AND THE AGENDA COMMITTEE HAS NOT NECESSARILY BEEN CONSISTENT AND
APPLYING THAT.

FIRST IDEA WOULD BE MAJOR ITEM GUIDELINES.

WHY?

BECAUSE THEY REQUIRE ROBUST RESEARCH AND CONSULTATION.

AND THAT WOULD MEAN THAT ITEMS CAME TO US AS A COUNCIL MORE
FULLY FORMED.

THEN THE SEPTEMBER 30 SUBMISSION DEADLINE.

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BUT ITEMS CAN BE SUBMITTED PRIOR AND THEY COULD BE REVIEWED BY THE AGENDA AND RULES COMMITTEE JUST FOR THE QUESTION OF DO THEY COMPLY WITH THE GUIDELINES.

TIMELINE ALLOWS FOR COUNCILMEMBERS TO WORK ALL YEAR WITH CONCENTRATED OPPORTUNITY JULY THROUGH SEPTEMBER.

AND ALSO STAFF INPUT AT THE PRESUBMISSION LEVEL AND INPUT FROM THE CITY ATTORNEY WOULD BE MORE FORMALIZED.

RATHER THAN SORT OF CATCH US IF YOU CAN AND SOMETIMES A DEPARTMENT HEAD HAS TIME TO WORK WITH YOU AND SOMETIMES THEY DON'T.

IT WOULD BE EXPLICIT, THE LEVEL OF INPUT AND CONSULTATION AVAILABLE TO COUNCILMEMBERS AS THEY ARE DEVELOPING THEIR ITEMS.

WE CAN GO TO THE NEXT SLIDE.

SO IN OCTOBER, AGAIN, MAYBE OCTOBER, IT'S ALL UP TO YOUR COMMENT.

WE WOULD HAVE THE AGENDA COMMITTEE WOULD REVIEW ALL MAJOR ITEMS THAT CAME IN TOWARDS THE DEADLINE FOR COMPLIANCE WITH THE GUIDELINES.

COMPLIANT MAJOR ITEMS WOULD GO TO COMMITTEES.

IF AN ITEM WAS NONCOMPLIANT THERE WOULD BE AN OPPORTUNITY FOR THE AUTHOR TO RESUBMIT AND STILL CATCH THAT CYCLE.

NEXT SLIDE.

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OCTOBER THROUGH MARCH, THE POLICY COMMITTEES WOULD ORGANIZE THEMSELVES.

MID OCTOBER THEY WOULD PLAN THEIR SESSION.

MAYBE THERE ARE SEVERAL ITEMS ON A SIMILAR TOPIC AND IT MAKES MORE SENSE TO HEAR THEM TOGETHER.

MAYBE THERE ARE ITEMS THAT THEY FEEL ARE GOING TO REQUIRE VERY SIGNIFICANT OUTREACH AND THEY WANT TO SCHEDULE THEM IN THAT WAY. AND THIS OF COURSE IS HOW IT IS DONE IN COMMITTEES, COMMITTEE SYSTEMS THAT HAVE AN ANNUAL CYCLE AT THE STATE LEVEL AND IN OTHER CITIES.

AND IT'S NOT UNCOMMON THAT THERE IS A TIME WHEN THE COMMITTEE IS ESSENTIALLY PLANS OUT THEIR HEARINGS.

THE MAJOR ITEMS WOULD BE REVIEWED ON A ROLLING BASIS.

AND ALL THE ITEMS WOULD BE OUT OF THE POLICY COMMITTEE BY MARCH 30.

THIS BULLET POINT WITH COMMITTEES MAY PRIORITIZE OR SCORE ITEMS THEY REVIEW.

THE REASON IT'S IN BRACKETS BECAUSE IT'S A BIG QUESTION MARK.

SO MAYBE THEY WOULD MAYBE THEY WOULDN'T.

BUT THAT IS IN BRACKETS BECAUSE IT'S REALLY A QUESTION MARK HERE.

NEXT SLIDE.

SO, IN APRIL ALL MAJOR ITEMS WOULD HAVE BEEN VOTED ON.

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THEY ARE NOT ALL VOTED ON IN APRIL.

BUT THEY WOULD ALL BE VOTED ON BY APRIL 30.

MAY MIGHT REQUIRE US, IT MIGHT REQUIRE A SPECIAL MEETING IN APRIL.

THERE WERE A WHOLE LOT OF THEM.

THE CITY ATTORNEY WOULD SIGN OFF ON THE DRAFTING AND LEGAL CONFORMITY OF THE ORDINANCE AS RESOLUTIONS AND FORMAL POLICIES. AND APPROVE ITEMS WOULD GO TO THE BUDGET COMMITTEE.

AND THEN NEXT SLIDE.

AND THEN, POSSIBLY, AGAIN, POSSIBLY MAJOR ITEMS.

AND JUST TO BE CLEAR, THAT'S NOT THE SAME AS ALL ITEMS PRIORITIZATION, BUT POSSIBLY THERE WOULD BE A PROCESS OF TAKING ALL THOSE MAJOR ITEMS FROM THAT CYCLE AND HAVING A PRIORITIZATION OF THEM.

AND SENDING THAT IN BY THE MIDDLE OF MAY.

AND THAT WOULD BE GOING TO THE BUDGET COMMITTEE.

BUT NOT BE BINDING.

IT WOULD BE A NONBINDING PRIORITIZATION.

AND NEXT SLIDE.

THEN THE BUDGET COMMITTEE WOULD HAVE ALL THESE.

THE PRIORITIZATIONS AGAIN IN BRACKETS AND COMMITTEE WITH A QUESTION MARK WOULD GO TO THE BUDGET COMMITTEE AS GUIDES BUT NOT BE BINDING.

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BUT THE BUDGET COMMITTEE WOULD ALREADY HAVE AN IDEA OF WHAT THE COUNCIL THOUGHT WHERE THE PRIORITIZATIONS.

THE BUDGET COMMITTEE WOULD DO NORMAL RECOMMENDATION TO THE FULL COUNCIL.

THE BUDGET WOULD GET PASSED.

MAJOR ITEMS THAT WERE FUNDED WOULD MOVE FORWARD TO IMPLEMENTATION.

THAT MEANS IMMEDIATE IMPLEMENTATION.

AND THAT IS ONE OF THE BIG CHANGES THAT THIS KIND OF A SET UP HOPEFULLY WOULD ALLOW.

AS WE ALL KNOW, RIGHT NOW MAJOR ITEMS THAT ARE PASSED AND FUNDED GO INTO A BIG BUCKET AND OFTEN TIMES ARE NOT BROUGHT FORWARD TO FRUITION FOR MANY YEARS, SOMETIMES 10 YEARS.

WE HAVE SEEN THINGS LIKE THAT.

ITEMS PASSED BY COUNCIL BUT NOT FUNDED WOULD GET AN AUTOMATIC ROLL OVER TO BE CONSIDERED AT FUTURE FUNDING OPPORTUNITIES.

TO BE CLEAR, THAT ISN'T THE NEXT YEAR.

THAT'S NOT 12 MONTHS LATER.

IT WOULD BE A FUTURE FUNDING OPPORTUNITIES THROUGHOUT THE YEAR.

NEXT SLIDE.

THIS IS REALLY, I THINK REALLY THE DOMAIN OF THE CITY MANAGER.

AND THIS SLIDE REFLECTS I THINK AND CITY MANAGER PLEASE STEP IN IF I DON'T PRESENT THIS CORRECTLY.

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BUT THIS REFLECTS HER THINKING.

AND I THINK WE ALL KNOW THAT SHE HAS BEEN VERY FOCUSED ON IMPLEMENTATION.

SHE WANTS THE WORK THAT WE DO TO BE SUCCESSFUL.

AND IT IS HER DREAM THAT WE ARE ABLE TO CLEAR OUR BACKLOGS AND THAT WE ACTUALLY START IMPLEMENTING RIGHT AWAY.

AND THAT THESE PROGRAMS AND POLICIES SEE THE LIGHT OF DAY SOON AFTER THEY ARE APPROVED AND FUNDED.

SO THE IDEA WOULD BE THAT THE CITY MANAGER WOULD ASSIGN A SINGLE IMPLEMENTATION LEAD, THAT THE LEAD AND CITY MANAGER WOULD ASSEMBLE THEIR TEAM, THAT MIGHT BE A COUPLE OF DIFFERENT DEPARTMENT HEADS.

THAT THEY MIGHT MEET WITH THE AUTHORS TO CLARIFY ANY INTENTIONS OR TO SKETCH TIMELINES OR DISCUSS OPPORTUNITIES, IDEAS OR CHALLENGES.

AND LET ME BE CLEAR, THOSE ARE AROUND IMPLEMENTATION.

NOT CHALLENGES WITH THE LEGISLATION ITSELF.

WHEN YOU SIT DOWN TO ACTUALLY DO AN IMPLEMENTATION PLAN, IT'S VERY DIFFERENT FROM KIND OF THE HIGH LEVEL THINKING ABOUT IMPLEMENTATION THAT OBVIOUSLY HAS TO HAPPEN BEFORE THE ITEM IS APPROVED.

THE IMPLEMENTATION TEAM HAS PREPARED TWO SEPARATE THINGS.

ONE IS A LAUNCH PLAN AND ONE IS AN OPERATING PLAN.

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AND THAT IS THE CITY MANAGER REALLY RECOGNIZING THAT LAUNCHING SOMETHING AND RUNNING IT ARE TWO DIFFERENT THINGS.

BUILDING A STRUCTURE AND KEEPING IT FUNCTIONING OVER TIME ARE DIFFERENT THINGS.

PUTTING IN A GARDEN AND KEEPING IT GOING OVER TIME ARE TWO DIFFERENT THINGS.

AND SO BOTH OF THOSE WOULD BE DEVELOPED AND THEN AS SOON AS POSSIBLE, THE PROGRAM OR POLICY WOULD BE LAUNCHED AND IMPLEMENTED.

SO LET'S GO TO THE NEXT SLIDE.

SO THAT IS, THAT WAS IT FOR THE OVERVIEW OF WHAT A WHOLE CYCLE MIGHT LOOK LIKE.

NOW, WE'RE GOING INTO WHAT I CALL SPECIAL TOPICS.

THESE ARE SOME OF THOSE THINGS THAT WE CAME UPON AS WE WERE THINKING THESE THINGS THROUGH.

THAT WOULD BE QUESTIONS WE PROBABLY WOULD WANT TO MAKE SURE WE HAD COVERED.

AND BY THE WAY, OUR SPECIAL TOPICS ARE NOT DEFINITIVE.

THERE ARE MANY MORE.

WE CHOOSE TO JUST GIVE YOU A LITTLE BIT OF A NIBBLE AND HAVE YOU UNDERSTAND THAT WE DIDN'T NOT THINK ABOUT THESE THINGS.

SO THE FIRST OBVIOUSLY IMPORTANT THING IS WHAT DID YOU DO IF THERE ARE A TIME CRITICAL MAJOR ITEM?

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IF WE'RE STUCK IN A CYCLE WHAT DO WE DO IF THERE IS AN URGENT NEED AND WHAT COMES TO MIND FOR ME IS AFTER GEORGE FLOYD WAS MURDERED, THERE WAS A VERY, VERY INTENSE DESIRE ON THE PART OF THE COMMUNITY AND OUR COUNCIL TO BE ABLE TO BE RESPONSIVE VERY QUICKLY WITH PRETTY COMPREHENSIVE IDEAS THAT WERE PUT FORWARD. I DON'T THINK ANY OF US WOULD WANT SOMETHING LIKE THAT TO HAVE TO SIT AND WAIT FOR SEVERAL MONTHS TO BE SENT TO A COMMITTEE OR TO BE CONSIDERED.

SO THE OVERRIDE FOR TIME CRITICAL ITEMS IS A CRITICAL COMPONENT OF THIS.

WE ALREADY HAVE SOME TERMS FOR OVERRIDE IN OUR COUNCIL RULES AND PROCEDURE AND ORDER.

AN ITEM THAT WOULD OTHERWISE BE ASSIGNED TO A POLICY COMMITTEE MAY BY-PASS, IF IT'S DEEMED TIME CRITICAL.

AND THE AGENDA AND RULES COMMITTEE DETERMINES WHETHER IT IS TIME CRITICAL.

LIKE EVERY THING WE COULD EXPAND THIS, WE COULD REWRITE IT, WE COULD MAKE IT HAVE MORE SPECIFICITY.

BUT THE IDEA THAT WE WOULD HAVE A SAFETY VALVE FOR TIME CRITICAL ITEMS IS VERY IMPORTANT.

AND I THINK BECOMES MORE IMPORTANT IF WE'RE GOING TO HAVE A PROCESS THAT IS A YEARLY PROCESS.

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ANOTHER IDEA THAT I THINK IS IMPORTANT FOR US TO CONSIDER, IS THAT IF THE AGENDA COMMITTEE GETS TO MAKE THESE DECISIONS WE MAY ACTUALLY WANT TO HAVE AN OVER RIDE THAT TAKES THAT DETERMINATION TO THE FULL COUNCIL.

SO LET'S SAY A COUNCILMEMBER BRINGS SOMETHING FORWARD, THEY THINK IT'S TIME CRITICAL, THE AGENDA AND RULES COMMITTEE DOESN'T AGREE.

THEY COULD THEN BRING THAT DECISION TO THE FULL COUNCIL AND THE FULL COUNCIL WOULD BE ABLE TO WEIGH IN ON WHETHER THAT ITEM WAS TIME CRITICAL.

ALL RIGHTY.

NEXT TOPIC.

MOVING TO ANOTHER SPECIAL TOPIC.

THE DETAILS OF PRE SUBMISSION.

THE GUIDELINES FORMAT WOULD BE MANDATORY.

ANOTHER SUGGESTION IS THAT AT THIS STAGE THERE WOULD ONLY BE AUTHORS AND NO CO-SPONSORS AND THAT WOULD HELP WITH BROWN ACT ISSUES AS THINGS MOVE THROUGH COMMITTEE.

THAT A PRE-SUBMISSION CONSULTATION WITH THE CITY MANAGER WOULD BE AVAILABLE.

EXPLICITLY AVAILABLE SO THAT PEOPLE DON'T FEEL LIKE THEY ARE KIND OF BUGGING SOMEBODY BY REACHING OUT AND ASKING FOR HELP OR ADVICE ON SOMETHING THEY ARE THINKING OF DEVELOPING.

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AND THEN A REQUIRED PRE-SUBMISSION CONSULTATION WITH THE CITY ATTORNEY SO HER OFFICE HAS THE OPPORTUNITY TO IDENTIFY POTENTIAL LEGAL AND DRAFTING CONSIDERATIONS VERY EARLY IN THE PROCESS. I THINK IT'S PROBABLY A GOOD IDEA FOR THE CITY ATTORNEY TO DECIDE IF THERE ARE ISSUES.

AND THIS WOULD PROVIDE NOT JUST OPPORTUNITY BUT A REQUIREMENT TO RUN THINGS BY THE CITY ATTORNEY'S OFFICE.

THE LAST BULLET POINT IS VERY IMPORTANT.

HOW DO WE FOLD IN COMMISSIONS.

THIS IS SOMETHING BIG THAT THE AGENDA AND RULES COMMITTEE MEMBERS FELT VERY STRONGLY ABOUT.

I HAVE TO SAY THAT JUST TRYING TO HARNESS A SKETCH FOR THE COUNCIL PROCESS WAS A LOT.

BUT WE'RE VERY CLEAR THAT WHATEVER PROCESS WE STICK WITH OR MOVE TOWARDS, WE HAVE TO HAVE MORE EXPLICIT ABOUT HOW OUR COMMISSIONS ARE CONSULTED AND HOW WE GET THEIR IMPORTANT ADVICE AND REVIEW AND HOW THAT GETS WOVEN IN.

WE THOUGHT THERE MIGHT BE AN IMPORTANT ROLE FOR THAT IN THE PRE SUBMISSION PHASE.

LET'S SAY YOU START DEVELOPING SOMETHING EARLY IN THE CYCLE, IT'S POSSIBLE THAT IT COULD GO TO A COMMISSION BEFORE YOU EVEN SUBMIT IT.

THERE MIGHT BE OTHER WAYS AND OTHER TIMES IN THE PROCESS.

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BUT I REALLY WANT TO HIGHLIGHT THAT AS WE GO THROUGH THIS, THE AGENDA AND RULES COMMITTEE WAS VERY CONCERNED THAT THE COMMISSIONS NOT BE SIDE LINED AND ON THE CONTRARY, THAT WE FIND EXPLICIT WAYS FOR THEIR CONTRIBUTIONS AND THOUGHTS AND OPINIONS TO BE INTEGRAL TO THE PROCESS OF MOVING LEGISLATION FORWARD.

OKAY.

NEXT SLIDE.

STRENGTHENING THE COMMITTEE REVIEW.

LOTS OF IDEAS FOR HOW TO DO THAT.

AND I'M SURE THERE IS GOING TO BE A LOT MORE.

BUT SOME OF THE IDEAS OBVIOUSLY WOULD BE THAT FOR EVERY ITEM THERE IS A WHOLE SERIES OF QUESTIONS, A CHECKLIST IF YOU WANT TO CALL IT.

BUT A SERIES OF INQUIRIES THE COMMITTEE IS REQUIRED TO MAKE SO EVERY ITEM OF LEGISLATION IN COMMITTEE AND ACROSS COMMITTEES IS GETTING THE SAME SCRUTINY AND SAME OPPORTUNITY FOR INPUT.

ONE IDEA IS RELEVANCE TO STRATEGIC PRIORITIES.

ADDED VALUE OF THE PROGRAM OR POLICY.

BENEFITS AND COSTS OF THE PROGRAM OR POLICY TO THE COMMUNITY AND THE CITY.

POTENTIAL ALTERNATIVE MEANS TO ACHIEVE THE SAME OR SIMILAR GOALS THAT MIGHT BE MORE FRUITFUL OR MORE QUICK OR LESS EXPENSIVE.

PHASING IN TIMELINES FOR IMPLEMENTATION.

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STAFFING AND RESOURCES NEEDED.

HOW THE PROGRAM OR POLICY WOULD BE EVALUATED.

HOW IT WILL BE ENFORCED.

AND THEN AGAIN, IN BRACKETS ARE THINGS WITH A REAL QUESTION MARK.

WOULD THE COMMITTEE DO SOME KIND OF RATING OR RANKING, YES OR NO, POSSIBLY.

SHOULD WE INCREASE THE OPTIONS AROUND THE POSITIVE AND NEGATIVE RECOMMENDATIONS.

I THINK YOU ARE ALL FAMILIAR.

WE HAVE ONLY FOUR OPTIONS.

WHEN WE SEND SOMETHING TO CITY COUNCIL, MAYBE THERE IS SOME ROOM TO CHANGE OR REFINE THINGS THERE.

OTHER WITH A QUESTION MARK.

THIS QUESTION OF STRENGTHENING COMMITTEES REGARDLESS OF OUR OVERALL PROGRAM IS A SPECIAL TOPIC THAT WE ARE GOING TO HAVE TO ADDRESS AS A COUNCIL.

GOING TO THE NEXT SLIDE.

CONTINUING ON THE STRENGTHENING COMMITTEES IDEA, WE WOULD ALSO NEED TO CONSIDER HOW ARE WE GOING TO GET THE INPUTS WE NEED FROM THE PUBLIC, FROM STAFF, FROM CITY ATTORNEY.

THE COMMITTEES WOULD NEED TO DO ACTIVE OUTREACH WITH STAFF SUPPORT.

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ACTUALLY IDENTIFY STAKEHOLDERS THAT WOULD EITHER BE IMPACTED OR WOULD NEED TO TAKE ACTION ON ONE OR ANOTHER PRIORITY AND DO ACTIVE OUTREACH, NOT JUST HOPE THAT THEY MIGHT HAPPEN UPON AN AGENDA SOMEWHERE.

MULTIPLE HEARINGS TO ALLOW FOR A BEST COMMUNITY STAFF AND CITY ATTORNEY INPUTS AND DISCUSSION.

ENHANCE AND EMPOWER THE CITY ATTORNEY AND STAFF PARTICIPATION. SO THAT THEY COULD GIVE MEANINGFUL VERBAL INPUT WITHOUT THE REQUIREMENT FOR A FORMAL REPORT.

AND I KNOW THAT BOTH THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER ARE VERY HESITANT TO GIVE US AND HAVE THEIR STAFF GIVE US SORT OF PRELIMINARY ADVICE THAT DOES NOT REFLECT FULL AND DEEP CONSIDERATION.

AND I THINK THIS WILL BE SOMETHING FOR THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER'S OFFICE TO THINK ABOUT WHAT KIND OF INPUT THEIR STAFF COULD PROVIDE THEY WOULD FEEL COMFORTABLE WITH THAT WOULD BE SUBSTANTIAL AND MOVE THINGS ALONG.

THE COMMITTEE SCHEDULE.

HAVING A SCHEDULE AHEAD OF TIME COULD HELP THE CITY ATTORNEY AND THE CITY MANAGER SEND THE RIGHT PEOPLE TO EACH MEETING.

KNOWING AHEAD OF TIME WHAT ITEMS ARE GOING TO BE CONSIDERED AT DIFFERENT TIMES, I THINK COULD ALLOW US TO HAVE THE RIGHT PEOPLE THERE AND MORE ROBUST INPUT FROM OUR IMPORTANT PARTNERS.

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AND THEN, AGAIN CONSIDER HOW TO ATTAIN AND INTEGRATE INPUT FROM COMMISSIONS.

AGAIN, WE DID NOT GO DEEP THERE.

BUT WE IDENTIFIED IT AS SOMETHING CRITICALLY IMPORTANT.

NEXT SLIDE.

SO ANOTHER SPECIAL TOPIC.

PRIORITIZATION.

AND WHEN WE TALKED ABOUT THIS A LOT, BUT IN DISCUSSING THIS WITH THE CITY MANAGER, I THINK WE CAME TO UNDERSTAND THAT THERE IS KIND OF TWO ISSUES.

ONE IS THAT WE WHILE REDUCED, WE STILL HAVE THE BACKLOG NOW.

WE HAVE A BIG BACK LOG.

AND SO WE NEED TO FIGURE OUT SORT OF AN END GAME FOR HOW WE'RE GOING TO DEAL WITH THOSE BACKLOG ITEMS.

AND THE END GAME MIGHT BE THAT WE SORT OF FIGURE OUT WHAT TO DO.

THE SECOND TOPIC AROUND PRIORITIZATION IS ASSUMING THE DREAM OF A SYSTEM THAT HAS NO BACKLOGS, WE STILL WOULD HAVE TO DO

PRIORITIZATION.

SO LOOKING AT THE BACKLOG QUEUE, ONE IDEA WAS A ONE TIME PROCESS FOR MAJOR ITEMS THAT ARE CURRENTLY IN THE QUEUE THAT ALL PENDING BUT NOT INITIATED ITEMS EXPONENTIALLY WOULD GO BACK TO THE POLICY COMMITTEES FOR LIKE A REREVIEW.

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AND THE POLICY COMMITTEES WOULD LOOK AT THEM AND CONSIDER
MERGING ITEMS OR UPDATING REFERRALS IN CASE THEY ARE STALE OR
OTHER INITIATIVES THAT COME FORWARD THAT MAYBE MAKE THEM, MAKE
IT WORTH CHANGING THEM A LITTLE BIT.
REAPPROVAL OF ITEMS AS IS.
RECOMMENDATIONS TO SUNSET OR REMOVE ITEMS THAT HAVE BEEN
SUPERSEDED MAYBE BY STATE LAW, MAYBE BY SOMETHING ELSE THE CITY
HAS DONE.
RECOMMEND DISPOSITION OF ALL THE ITEMS.
POTENTIALLY RANKED BY LEAD DEPARTMENT.
AND BRING ALL THOSE RECOMMENDATIONS FROM EACH COMMITTEE TO THE
COUNCIL FOR US TO DECIDE WHAT WE WANT TO CONSOLIDATE, WHAT WE
WANT TO REMOVE, WHAT DO WE WANT TO RESTATE AND WHAT DO WE WANT
TO RESUPPORT.
WE MIGHT NEED SOME CRITERIA.
WE MIGHT NEED SOME KIND OF R.R.V.
THE POINT HERE IS WE WOULD HAVE TO DEAL WITH A BACKLOG IN ORDER
TO GET TO THAT BEAUTIFUL DAY WHERE EVERY YEAR, THE ITEMS THAT
WERE APPROVED AND FUNDED COULD BE IMPLEMENTED OR THE
IMPLEMENTATION COULD BEGIN RIGHT AWAY.
SO NEXT SPECIAL TOPIC.
IS THE PRIORITIZATION ON AN ONGOING BASIS OF A YEARLY QUEUE WITH
THE DREAM OF THE BACKLOG HAVING BEEN CLEARED.

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FIRST OF ALL, IT IS HOPED THE ENHANCED COMMITTEE PROCESS WOULD RESULT IN FEWER BACKLOGS, AND THAT ITEMS WOULD BE IMPLEMENTED IN A REASONABLE TIMEFRAME.

AND THEREFORE, PRIORITIZATION WOULD BECOME LESS OF AN ISSUE. OBVIOUSLY WHEN YOU HAVE 150 ITEMS YOU HAVE TO PRIORITIZE.

IF YOU HAVE 10 OR 15, IT'S MUCH LESS OF A CHALLENGE.

BUT IN A RATIONALIZED SYSTEM, ONE, YOU WOULD HAVE MORE FULLY CONCEIVED AND VETTED ITEMS.

MAYBE YOU WOULD HAVE COMMITTEE SCORING AND/OR RANKING.

AND THEN, COUNCIL RANKING.

AND IT IS SUGGESTED THAT WOULD BE EITHER BY LEAD DEPARTMENT OR OVERALL.

I THINK WE'VE ALL SEEN A SITUATION WHERE WE RANK EVERYTHING TOGETHER.

AND IT TURNS OUT THE FIRST 15 ITEMS ARE FOR PUBLIC WORKS OR PLANNING.

AND THEN OTHER DEPARTMENTS THEIR ITEMS ARE SPRINKLED IN THE QUEUE.

WE MAY WANT TO LOOK AT RANKING BY DEPARTMENT RATHER THAN JUST DOING THE UNIVERSAL RANKING.

AND AGAIN, THESE ARE ALL IDEAS.

IT'S BIG.

THERE WAS A LOT FOR US TO COVER.

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ALL RIGHT.

NEXT SPECIAL TOPIC.

WE WOULD NEED A PROCESS AT THE MIDYEAR BUDGET OPPORTUNITIES.

HERE YOU SEE IN BLUE VERY HIGH-LEVEL SUGGESTIONS.

WE'LL FELT THIS WOULD BE A TOPIC THAT WOULD HAVE TO GO TO

BUDGET AND FINANCE.

ONE IDEA WAS THAT ONLY TIME CRITICAL AND ROLL OVER ITEMS

PREVIOUSLY APPROVED BUT UNFUNDED WOULD BE CONSIDERED.

NOT JUST FOR COUNCIL ITEMS BUT ALSO FOR CITY MANAGER ITEMS.

ANOTHER WOULD BE THAT NOT ALL THE EXTRA FUNDS WOULD GET

ALLOCATED AND MORE FUNDS WOULD BE AVAILABLE FOR THE ANNUAL

BUDGET PROCESS FOR COUNCIL INITIATIVE SAID THAT GO THROUGH THE

YEAR PROCESS.

AND POSSIBLY THAT A.A.O.1 AND 2 ARE ONE TIME OR SENSITIVE NEEDS,

EXCEPT IN SPECIAL CIRCUMSTANCES.

REALLY WE FELT THIS SHOULD GO TO BUDGET AND FINANCE TO THINK

ABOUT SHOULD WE ADOPT SOMETHING LIKE A YEARLY PROCESS.

BUT WITH ANY PROCESS, THESE THINGS WOULD NEED TO BE CLARIFIED.

ALL RIGHT, NEXT SPECIAL TOPIC.

IMPLEMENTATION.

WE ALREADY SAW WHAT THAT LOOKS LIKE.

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BUT I THINK THE CITY MANAGER REALLY WOULD WANT TO WORK ON FILLING OUT WITH MORE DETAIL WHAT THE IMPLEMENTATION PROCESS WOULD LOOK LIKE.

AND I KNOW SHE'S VERY COMMITTED TO HAVING A LEAD SO THAT EVERYBODY KNOWS WHO SAID RESPONSIBLE FOR MAKING SOMETHING HAPPEN.

BUT ALSO, HAVING A TEAM AND ALSO MAKING SURE THAT THERE IS CLARITY ABOUT INTENTIONS AND OFTEN TIMES AN AUTHOR WILL HAVE THOUGHT ABOUT IMPLEMENTATION.

AND HAVE SOME GOOD IDEAS.

WE'LL HAVE CONSULTED WITH STAKEHOLDERS AND THE COMMUNITY AND MAY HAVE SOME ADDITIONAL HELPFUL IDEAS BUT ULTIMATELY, IT'S UP TO THE CITY MANAGER TO DETERMINE IMPLEMENTATION, THAT CONSULTATION IS OBVIOUSLY A COURTESY, WHICH I THINK SHE IS VERY GENEROUSLY INTERESTED IN EXTENDING.

AND I CAN'T REMEMBER DO WE HAVE ONE MORE SPECIAL TOPIC?

NO.

WE DON'T.

THAT'S IT.

SO THANK YOU VERY MUCH.

>> MAYOR J. ARREGUIN: THE LAST PIECE ON IMPLEMENTS, THAT HAS BEEN HOW WE HAVE DONE -- IMPLEMENTATION, IMPLEMENTATION OF MAJOR NEW LAWS.

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IS AFTER WE WHILE WE'RE DEVELOPING IT AND WE GET INPUT ON OPERATIONAL IMPACTS, IMPLEMENTATION, THEN WE REFER TO THE CITY MANAGER DEVELOP IMPLEMENTATION PLAN, RESOURCE THAT AND THEN IMPLEMENTATION.

SO I THINK IT'S OPERATIONALIZING THE KIND OF AD HOC PRACTICE THAT WE'VE IMPLEMENTED.

I WANT TO TURN IT OVER TO COUNCILMEMBER HARRISON.

>> K HARRISON: FIRST OF ALL, I WANT TO THANK YOU COUNCILMEMBER HAHN FOR HER HARD WORK.

IT IS NOT EASY TO TACKLE SUCH A BROAD TOPICKISM SOMEONE HAS TO START.

IF YOU DON'T START YOU NEVER GET ANYWHERE.

SO THANK YOU VERY MUCH FOR THAT.

I REALLY COMMEND YOU FOR LEADING THIS EFFORT.

SINCE WE FIRST DISCUSSED IT IN 2021, AND THE CITY MANAGER CONTRIBUTION AND DEFERRING TO COUNCIL FOR THE SHAPE ANY CHANGES TAKE.

I HEARD HER SAY A COUPLE OF TIMES, IT IS NOT HER PROPOSAL.

I WANT TO MAKE THAT STATEMENT.

I'M NOT ON THE AGENDA COMMITTEE.

AND AS YOU NOTED, I WASN'T ABLE TO WORK WITH YOU, BUT I WORKED WITH COUNCILMEMBERS ROBINSON AND TAPLIN.

THANK YOU TO BOTH.

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AND I THINK COUNCILMEMBER BARTLETT IS INTERESTED IN THE PROPOSAL ABOUT TO DISCUSS, TO UPDATE AND BUILD ON IT.

I SUBMITTED AN ALTERNATIVE.

THIS IS NOT AN ALTERNATIVE TO COUNCIL HAHN, IT WAS AN ALTERNATIVE TO THEN COUNCILMEMBER DROSTE'S PROPOSAL IN 2021.

WHICH WAS MUCH MORE CONVEIN STRAINING OF US.

CONSTRAINING OF US.

I UPDATED TO RESPOND TO COUNCILMEMBER HAHN.

IT'S MEANT TO BE TAKEN CONSIDERATION HERE AND THE PUBLIC AND COUNCIL AND THE AGENDA COMMITTEE.

THERE IS REALLY POSITIVE ASPECTS OF COUNCILMEMBER HAHN'S PROPOSAL I WANT TO HIGHLIGHT.

AND I THINK WE SHOULD MOVE AHEAD.

COUNCIL ITEMS SHOULD FOLLOW THE GUIDELINES ALREADY PROMULGATED RATHER THAN USING THEM AS RECOMMENDATIONS.

WE GET THINGS IN VERY DIFFERENT FORMAT SAID IN COMMITTEES.

AND IT MEANS WE DON'T HAVE FAIR CRITERIA AGAINST WHICH THINGS ARE EVALUATED.

I THINK WE NEED TO ADOPT THESE AS BEING MANDATORY.

I LIKE THE IDEA OF A FORMAL PROCESS FOR CITY STAFF TO PROVIDE HIGH LEVEL CONCEPTUAL INPUT TO AUTHORS BEFORE SUBMITTING PROPOSALS.

I ALWAYS DO THAT.

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I PROBABLY NEVER SUBMIT ANYTHING WITHOUT FIRST TALKING TO THE DEPARTMENTS AND THE CITY ATTORNEY'S OFFICE.

I THINK THIS IS GOOD PRACTICE AND WE'RE PROBABLY ALL DOING IT.

I LIKE THE PROCESS FOR ADDRESSING THE BACKLOG OF UNFUNDED ITEMS.

I DON'T THINK IT SHOULD BE IN THE POLICY COMMITTEE.

I'LL EXPLAIN MORE IN A MINUTE.

I LIKE THE ENHANCED CHECKLIST FOR THE POLICY COMMITTEE.

I THINK WE NEED THAT.

WE OFTEN STRUGGLING, AS CHAIR OF ONE OF THEM.

EXCLUDING THE PROPOSAL THAT WE RATE ITEMS.

I DON'T WANT TO RANK ITEMS.

I'M IN A THREE PERSON COMMITTEE.

WE ALL BRING THINGS FORWARD.

I DON'T WANT TO SAY, I'M GOING TO RANK MINE AHEAD OF

COUNCILMEMBER TAPLIN.

THAT IS AWKWARD.

IT'S THE JOB OF THE FULL COUNCIL TO DO THE RANKING.

AND I DO LIKE THE IDEA OF SOMEHOW GETTING BETTER INPUT FROM

COMMISSIONS.

BUT I DON'T WANT TO DO BEFORE AN ITEM GOES BEFORE COUNCIL.

WE DON'T WORK FOR THE COMMISSION.

THAT STRUCK ME AS A LITTLE ODD, THERE ARE TIMES I HAVE WRITTEN

LEGISLATION, ASKED THEM TO HOLD HEARINGS, WHICH IS SOMETHING WE

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CAN CONSIDER DOING IF IT'S COMPLICATED AND WE BENEFIT FROM A LOT OF MORE HEARINGS THAN WE'RE ABLE TO HAVE.

BUT I DON'T WANT IT TO BE MANDATORY ANYWAY.

AND I GUESS MY MAJOR CONCERN ABOUT PROPOSALS, I'M A REALLY STRONG SUPPORTER OF THE POLICY COMMITTEE SYSTEM.

THAT COUNCILMEMBER HAHN ACTUALLY PROPOSED.

AND I DON'T BELIEVE OUR CENTRAL PROCESS IS FUNDAMENTALLY FLAWED ON MAJOR ITEMS.

I THINK WE'RE DOING A GOOD JOB ON THAT.

I'M GOING TO DESCRIBE IN A MINUTE WHY THE PROCESS WILL GO THROUGH A LENGTHY PROCESS AND DELAY US GETTING THINGS DONE.

I THINK THE MAIN THINGS WE'RE NOT DOING AS GOOD A JOB ON ARE REFERRALS AND BUDGET REQUESTS.

AND WHAT I SEE EMBEDDED IN BUDGET REQUESTS, BEING ON THE BUDGET COMMITTEE IS A LOT OF POLICY QUESTIONS NOBODY ANSWERED YET.

AND THAT REALLY CONCERNED ME.

IF WE CAN'T REALLY DISCUSS THE MONEY UNTIL WE KNOW HOW IT WILL WORK.

I'M HOPING YOUR INTENTION WAS TO INCLUDE IN THE GROUP OF ITEMS ORDINANCES WE WRITE NOW, REFERRALS, AND BUDGET REQUESTS OVER A CERTAIN DOLLAR AMOUNT.

I'M GOING TO MAKE A PROPOSAL HOW TO DO THAT.

I DON'T WANT TO SEE BUDGET REFERRALS JUST GO THROUGH.

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I THINK THAT'S NOT GOOD EITHER WHEN THEY ENTAIL A LOT OF BUDGETARY, POLICY ASPECTS.

A COUNTER EXAMPLE.

RECENTLY COUNCILMEMBER KESARWANI RECOMMENDED PUTTING MORE MONEY IN PAVING.

THAT DIDN'T NEED TO GO TO A POLICY COMMITTEE BECAUSE IT WASN'T CHANGING THE PAVING PLAN ANY WAY.

IT WAS SAYING PUT MORE MONEY IN.

IT WAS STRICTLY A BUDGET THING.

I'M NOT SURE WHY WE HAD IT AT OUR COMMITTEE.

OTHER TIMES WE HAVE THINGS THAT HAVE A LOT OF POLICY IMPLICATIONS BUT NOT MUCH MONEY AND GOING STRAIGHT TO BUDGET AND WE'RE LEFT AT BUDGET SAYING HOW ARE WE GOING TO DO THIS.

I THINK THAT IS THE WRONG PLACE TO ASK THOSE QUESTIONS.

I THINK THAT SHOULD GET WORKED OUT IN ADVANCE.

SOME OF THE MY CONCERNS ABOUT THE PROPOSAL I HAVE I AM GRATEFUL FOR, I THINK IT'S SIGNIFICANTLY LIMITS ACCESS TO THE LEGISLATIVE PROCESS BY EXTENDING TIMELINES.

RIGHT NOW, MAJOR ITEMS CAN BE SUBJECT TO NEARLY 300 DAYS.

THIS COMPARES THE CURRENT 120 DAYS IN COMMITTEE.

THAT HAPPENS BECAUSE OF THE SEPTEMBER DEADLINE.

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IF YOU TURN SOMETHING IN IN OCTOBER THAT IS NOT TIME CRITICAL BUT NONETHELESS IMPORTANT TO THE COMMUNITY IT WILL SIT THERE UNTIL NEXT YEAR.

AND THEN IT WILL SIT THERE UNTIL THE JUNE BUDGET PROCESS, THE WAY I READ IT NOW.

WE COULD BE LOOKING AT 18 MONTHS.

I DON'T THINK WE NEED TO BUILD IN EXTRA TIME.

SO I'M GOING TO SUGGEST WAYS TO NOT DO THAT.

IT ALSO DOESN'T ALIGN TIMELY LEGISLATIVE ITEMS WITH THE FALL BUDGET PROCESS.

THIS HAS BEEN A HUGE CONFUSION.

I HEARD THIS IN TWO DIFFERENT DIRECTIONS FROM THE CITY MANAGER.

ONE, SHE WOULD LIKE US TO GET ALL OF OUR PROPOSALS IN BEFORE THE JUNE BUDGET.

BUT TWO, ALSO SHE WOULD LIKE US TO NOT SUBMIT ANYTHING EXCEPT FOR THE A.A.O.

THAT'S WHEN WE KNOW MORE ABOUT REVENUES.

WE NEED A DEFINITIVE ANSWER ABOUT THE BEST PROCESS.

BUT I DO NOT WANT TO ASSUME THE BUDGET PROCESS.

I PERSONALLY THINK WE CAN HAVE TWO CYCLES.

ONE OF WHICH IS TO JUNE AND ONE OF WHICH IS TO A.A.O.

I THINK I'M RECOMMENDING WE DO THAT.

THAT WILL GET THINGS THROUGH MORE QUICKLY.

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I REALLY DON'T WANT POLICY COMMITTEES TO PRIORITIZE AS I'VE
ALREADY DISCUSSED.

AND I THINK THAT IS REALLY A COUNCIL JOB.

ALSO, THERE IS SOMEWHERE IN HERE AN IMPLICATION THE POLICY
COMMITTEES ARE A TIME COMMITMENT BURDEN. ON STAFF AND THE
COUNCIL.

I THINK IT'S THE OPPOSITE.

PERSONALLY FOR ME THE STUFF WE GET AT COUNCIL IS SO MUCH BETTER
BECAUSE OF YOUR SYSTEM, COUNCILMEMBER HAHN, OF SETTING OF THESE
COMMITTEES AND REVIEW IT GOES THROUGH THAT I THINK THE STAFF
BURDEN IS LESS.

AND SO THE BURDEN ON THE PUBLIC VERY CONFUSING PROPOSALS IS
LESS.

THINGS ARE BETTER BECAUSE THEY HAVE GONE THROUGH THESE
COMMITTEES.

SO I REALLY DON'T THINK WE SHOULD BE LIMITING THE COMMITTEES TO
OPERATING SIX MONTHS OF THE YEAR.

WHEN WE DON'T HAVE SOMETHING TO DO.

I THINK IT'S OKAY TO KEEP THEM OPERATING DURING THE ENTIRE TIME
THE COUNCILMEMBER IS MEETING AND TAKE THINGS UP AS THEY COME
ALONG.

I'M GOING TO PROPOSE THAT.

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AND THEN FINALLY, I DON'T LIKE THE IMPLEMENTATION TEAM AT THE
END AFTER THE ITEM HAS GONE OUT OF THE COMMITTEE, INCLUDING THE
COUNCILMEMBER.

IT FEELS LIKE, BECAUSE IT INDICATES THEY WOULD BE ESTABLISHING
CLARITY OF INTENTIONS, TIMELINES, OPPORTUNITIES, IDEAS AND
CHALLENGES.

THAT SHOULD ALL HAPPEN AT THE COMMITTEE PROCESS.

IF WE HAVEN'T FIGURED OUT TIMELINES AND OPPORTUNITIES THEN, I
DON'T THINK I'M COMFORTABLE WITH ONE COUNCILMEMBER BEING IN
CHARGE OF THAT.

EVEN WHEN IT'S MINE, I DON'T THINK I LIKE THAT.

THAT I'M NOW I'M NEEDING TO FIGURE OUT HOW WE'RE REALLY GOING TO
DO IT.

THAT SHOULD HAVE ALL BEEN TALKED ABOUT UP FRONT IN A COMMITTEE
PROCESS.

SO I HAVE A FLOW CHART THAT TRIES TO SHOW WHERE THE DIFFERENCES
ARE.

BUILDING OCOUNCILMEMBER HAHN'S EXCELLENT WORK.

GIVE ME ONE SECOND.

I'M ALWAYS TERRIBLE AT THIS.

I DON'T KNOW HOW TO SHARE A SCREEN.

HOLD ON A MINUTE PLEASE.

YOU WILL LAUGH AT ME BECAUSE I'M NOT GOOD AT THIS.

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I JUST FOUND IT.

THANK YOU, MR. MAYOR.

I SO APPRECIATE THAT.

HERE'S MY FLOW CHART, WHICH TRIES TO SHOW WHERE THERE ARE DIFFERENCES BETWEEN THE TWO PROPOSALS.

I'M PROPOSING THAT WE STILL SUBMIT ITEMS THROUGHOUT THE YEAR.

I THINK YOU SAID YOU WERE INTENDING FOR THE COUNCIL TO DO THAT.

A BIG DISTINCTION FOR ME IS ANOTHER THING THAT DOESN'T GO THROUGH THIS RIGOROUS ANALYSIS YOU ARE CALLING FOR ARE CITY MANAGER ITEMS.

AND I WOULD LIKE THOSE TO ALL GO THE COMMITTEE PROCESS.

THAT'S HOW THEY DO IT IN ON THE GROUND AND SAN FRANCISCO.

MY STAFF SPEND TIME LOOKING AT THOSE RULES.

IF IT'S A SIGNIFICANT THING, IT SHOULD BE USING THE SAME PROCESS THAT WE USE FOR OUR THINGS.

WE ARE THE BODY, WE APPROVE THE BUDGET AND THE ITEMS.

SO I WANT MAJOR ITEMS FROM THE CITY MANAGER TO ALSO GO TO THESE COMMITTEES.

AND I WANT TO DO IT ALL YEAR.

I ALSO WANT SOME OBJECTIVE CRITERIA FOR DETERMINING FROM THE AGENDA COMMITTEE, WHAT IS MAJOR.

I THINK RIGHT NOW THE LANGUAGE NEEDS TO BE TIGHTENED UP BUT IT IS A GOOD START.

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I THINK WE NEED TO IS SAY BUDGET ITEMS MORE THAN "X" DOLLAR.

BUDGET ITEMS THE DOLLARS THAT CAUSE OPERATIONAL DIFFERENCES OR SOMETHING.

BUT WE NEED SOME CRITERIA IN THERE.

AND I WOULD HAVE THE POLICY COMMITTEES CONTINUE TO MEET DURING THE ENTIRE PERIOD.

AND AGAIN, KEEP THINGS FOR 120 DAYS MAXIMUM IN THE POLICY COMMITTEE HOPPER.

ALTHOUGH I THINK THE MAYOR WAS THINKING WE WANT TO EXTEND THAT TIME.

I THINK WE START WITH THE 120 AND IF WE NEED TO EXTEND, WE CAN ALWAYS GET ACCOMMODATIONS FROM OUR COLLEAGUES ON THAT.

ISSUING THE POLICY RECOMMENDATIONS AGAINST THE ENHANCED REVIEW CHECKLIST, WHICH IS I THINK IS REALLY CRITICAL.

GOES BACK TO THE AGENDA COMMITTEE.

THEN IT GOES TO COUNCIL MEETING.

THEN IT GOES TO ONE OR THE OTHER OF THE BUDGET PROCESSES

DEPENDING ON WHAT TIME OF YEAR YOU ARE IN THROUGH THE BUDGET COMMITTEE.

AND THEN IT'S ADOPTED AS PART OF THE BUDGET.

A COUPLE OF OTHER COMMENTS I WANTED TO MAKE.

I'M NOT CERTAIN I THINK ALL BUDGET PROPOSALS SHOULD AUTOMATICALLY ROLL TO THE NEXT PERIOD.

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THE MAYOR HAS A UNIQUE AND DIFFERENT ROLE IN OUR GOVERNMENT.

WE DO HAVE A STRONG CITY MANAGER FORM OF GOVERNMENT.

AND WE DO HAVE A COLLABORATIVE COUNCIL IN WHICH HE SITS.

BUT THE CHARTER IS REALLY CLEAR THE MAYOR PRESENTS A BUDGET.

IF HE DOESN'T LIKE SOMETHING OR THINKS IT SHOULD NEVER BE

BUDGETED, I WANT HIM TO HAVE THAT OPPORTUNITY.

I'VE ACTUALLY NEVER SEEN YOU DO THAT.

BUT THERE COULD COME A TIME WHEN IT COULD HAPPEN.

AND SO I THINK THAT TAKING THAT AWAY FROM YOU IS NOT A GOOD

THING.

I DON'T THINK EVERYTHING SHOULD ROLL.

I THINK WE CAN HAVE A WORKING EXPECTATION THINGS WILL ROLL OVER

BUT I DON'T WANT EVERYTHING TO ROLL.

BECAUSE YOU MIGHT HAVE SOMETHING THAT ISN'T YOU THINK IS NOT A

GREAT IDEA OR THE CITY MANAGER MIGHT SAY THAT IS NEVER GOING TO

WORK BUDGETARILY SO DON'T DO THAT.

AND WE WANT TO MOVE ON WITH IT.

I ALSO FEEL WE HAVE TO VERY CLEARLY ESTABLISH THESE CRITERIA FOR

WHAT IS A SIGNIFICANT ITEM.

AND AGAIN IT SHOULD APPLY TO EVERYTHING FROM THE CITY MANAGER

AND FROM US.

AND ORDINANCES, REFERRALS AND BUDGET REQUESTS.

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MOST OF THE PROBLEMS I'VE SEEN IN MY COMMITTEE ARE NOT
ORDINANCES.

WE ALREADY HAVE A GOOD PROCESS ON ORDINANCES.

THE PROBLEM ARE REFERRALS.

AND I WOULD BE PANICKED IF I WERE YOU I SAW THAT LONG LIST LIKE
OH, MY GOD.

I JUST CAN'T GET THROUGH IT.

SO WE DO NEED, AND I SHOULD HAVE SAID THIS IN A POSITIVE ASPECT
PARTS.

WE NEED AN ACTIVE PROCESS FOR GETTING RID OF REFERRALS.

AND I'M GOING TO SAY ON MY OWN BEHALF, I'M THE ONLY ONE IN THE
LAST THREE CYCLES THAT HAS IDENTIFIED OTHER PEOPLE'S REFERRALS
TO GET RID OF OTHER THAN MY OWN OR MY PREDECESSORS.

AND YOU KNOW WHAT, WE'VE SEEN THE ENEMY, AND IT IS US.

WE KEEP PUSH STUFF FORWARD.

WE DON'T WANT TO SAY NO TO EACH OTHER.

OUR PROBLEM IS US.

AND I THINK WE HAVE TO BE BRAVER IN SAYING I DON'T WANT TO
PRIORITIZE THIS AT ALL.

I DON'T CARE IF IT COMES IN 43.

I REALLY DON'T THINK WE SHOULD BE DOING THIS THING OR 43 FITS
WITH 22.

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BECAUSE NOW I'M "D" AND I HAVE 43 ITEMS AND I'M NEVER GOING TO DO 43.

OKAY. IT'S NEVER GOING TO HAPPEN BUT IT IS STILL THERE.

SOMEBODY IS STILL GOING TO CALL AND SAY WHAT THE HECK HAPPENED TO THAT THING WITH THE REFRIGERATORS FOR THE HOMELESS, WHICH I NOTICED WAS STILL ON THE LIST LAST YEAR.

SO YOU KNOW, WE SHOULD KILL IT.

IF WE DON'T LIKE IT, LET'S GET RID OF IT.

LET'S BE BRAVE HERE, PEOPLE.

LET'S DO OUR JOB SO DEE CAN DO HERS.

I THINK THAT'S KIND OF ONE OF MY BASIC PREMISES HERE.

I WANT US TO BE A LOT OF MORE SYSTEMATIC ABOUT THAT REFERRAL LIST.

AND I THINK WITH THOSE CHANGES, I THINK THAT I LIKE THIS GENERAL FLOW.

AGAIN, A FEW THINGS I DON'T WANT POLICY COMMITTEES DOING A COUPLE THINGS I WANT BETTER DEFINED.

AND I DON'T WANT THIS LONG TIMELINE.

I THINK IT'S WAY TOO LONG.

WE CAN DO MORE WORK THAN THIS.

WE'VE BEEN DOING MORE WORK THAN THIS.

AND I THINK WOULD BE KEEP IT UP WITH SOME BETTER STANDARDS AND FORMS.

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SO THANK YOU, COUNCILMEMBER HAHN.

>> MAYOR J. ARREGUIN: OKAY, THANK YOU VERY MUCH.

WE'LL GO TO COUNCILMEMBER HUMBERT.

>> M. HUMBERT: YES, THANK YOU, MR. MAYOR.

THOSE TWO PRESENTATIONS ARE HARD ACTS TO FOLLOW CERTAINLY.

I WANT TO SAY HOW MUCH I APPRECIATE ALL OF THE WORK THAT AGENDA AND RULES COMMITTEE DID TO REVIEW AND SUMMARIZE THE PROPOSALS CURRENTLY ON THE TABLE.

AND TO ESPECIALLY THANK THE MAYOR, COUNCILMEMBER WENGRAF AND THEIR STAFF FOR THE WORK THEY DID TO CREATE THE MATRIX.

IT WAS A LOT OF MATERIAL.

THE MATRIX TO ME WAS REALLY HELPFUL IN BEING ABLE TO DO A MORE APPLES TO APPLE COMPARISON BETWEEN THE PROPOSALS THAT HAVE COME DOWN DURING A SIGNIFICANT PERIOD OF HISTORY.

AND HOW THEY WOULD POTENTIALLY IMPACT VARIOUS COMPONENTS OF THE LEGISLATIVE PROCESS.

I ALSO WANT TO DEEPLY THANK COUNCILMEMBER HAHN FOR HER WORK IN PRESENTING A MORE STRUCTURED PROCESS THAT IMPLEMENTED WOULD CERTAINLY HELP ENSURE THE DETAILS AND POLICIES AND PROPOSALS ARE DRILLED INTO WELL BEFORE THEY REACH THE COUNCIL STAGE.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON, ALONG WITH COUNCILMEMBERS TAPLIN AND ROBINSON FOR THEIR WORK TO PUT FORWARD AN ALTERNATIVE LEGISLATIVE CYCLE APPROACH.

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I APPRECIATE HAVING DIFFERENT OPTIONS TO CONSIDER.

AND I THINK THIS ALTERNATIVE HAS SOME ADDITIONAL POSITIVE CHARACTERISTICS.

INCLUDING SIMPLICITY THAT MERIT STRONG CONSIDERATION.

OVERALL THOUGH I HAVE TO AGREE, ALTHOUGH I AGREE THAT PROPOSALS SOMETIMES NEED MORE WORK BEFORE COMING TO COUNCIL, BASED ON MY LIMITED EXPERIENCE ON COUNCIL, I DON'T NECESSARILY FEEL THAT A LACK OF COMPLETENESS IS THE BIGGEST PROBLEM WE FACE IN TERMS OF COUNCIL'S APPROACH TO MAJOR ITEMS.

I THINK THAT OUR EXISTING COMMITTEE APPROACH AND EXTREMELY CAPABLE STAFF ALREADY DO A PRETTY GOOD JOB OF ENSURING ITEMS EITHER GET TO COUNCIL OR COME OUT OF COUNCIL IN DESCENT SHAPE. AND THERE IS ALSO THE FACT THAT COUNCIL WAS A POLICY SETTING BODY WITH IMPLEMENTATION AND OPERATIONS BEING THE PROVINCE OF STAFF.

I DON'T KNOW THAT COUNCIL AND COUNCIL COMMITTEES GETTING EVEN MORE INTO THE WEEDS ON MINUTE DETAILS IS NECESSARILY GOING TO HELP STAFF DO THEIR JOBS.

IT MIGHT EVEN HAVE THE OPPOSITE EFFECT FOR POLICIES AND PROGRAMS AND HAVE LESS FLEXIBILITY.

THIS BRINGS ME TO WHAT I THINK IS THE FUNDAMENTAL PROBLEM WITH OUR APPROACH TO LEGISLATING, WE DO TOO MUCH OF IT.

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I THINK THE CITY MANAGER HAS BEEN JUST ABOUT AS CLEAR AS SHE CAN BE IN TELLING US WE NEED TO SLOW OUR GENERATION OF REFERRALS WHEN IT COMES TO THE MAJOR POLICIES AND PROGRAMS COMING OFF OF THIS DAIS.

AND I JUST DON'T FEEL A LEGISLATIVE SEASON APPROACH REALLY TACKLES THE FUNDAMENTAL ISSUE.

THAT'S WHY I LEAN STRONGLY TOWARD USING MY PREDECESSOR FORMER COUNCILMEMBER DROSTE BE RIGHT PROPOSAL AS A STARTING POINT WORKING OUT FROM THERE.

IN GENERAL, I'M RELUCTANT TO SUPPORT A LEGISLATIVE OVER HAUL WITHOUT LIMITS ON COUNCIL ITEMS OR TIME OUR REWEIGHTED RANGE VOTING PRIORITIZATION EXERCISE TO TAKE PLACE BEFORE STAFF AND COMMITTEES REALLY DIVE INTO THE DETAILS OF PROPOSALS THAT COULD CLEAR OUT SOME OF THE ITEMS EFFICIENTLY.

THIS LEGISLATIVE SEASON APPROACH SEEMS POISED TO RESEARCH OUTREACH AND NATIONAL BURDENS ASSOCIATED WITH ANY GIVEN ITEM, BOTH FOR COUNCIL STAFF AND POTENTIALLY OTHER CITY STAFF.

WITHOUT SOME LIMITS ON COUNCIL ITEMS THIS PROPOSAL SEEMS LIKELY TO INCREASE THE COMPLEXITY AND WORKLOAD ASSOCIATED WITH ITEMS COMING FROM COUNCIL.

IN ADDITION, BECAUSE ALL MAJOR ITEMS WOULD BE HELD TO THE SAME TIMELINE OR SAME TIMELINES THESE INCREASED NEEDS FOR REVIEW

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HEARINGS, AND ANALYSIS SEEM LIBEL TO EXACERBATE CRUNCH TIMES DURING THE YEAR AND POSSIBLY EVEN CREATE NEW ONES.

I THINK THAT THE HARRISON, TAPLIN, ROBINSON PROPOSAL IS BETTER THAT WOULD REDUCE STAFF EFFORTS AND AVOID GIVING COMMITTEES AN APPROPRIATE VETO POWER OVER COUNCIL REFERRALS.

AGAIN, THAT SAID, I STILL THINK THIS ALTERNATIVE ALSO GIVES SHORT SHIFT TO THE FUNDAMENTAL ISSUE, THE SHEER VOLUME OF COMPLEX AND WORK INTENSIVE POLICY AND PROGRAMS COMING OUT OF COUNCIL.

THIS REMAINS THE NUMBER ONE ISSUE TO ME.

AND THIS FEELS CONSISTENT WITH WHAT WE HEARD FROM THE CITY MANAGER.

I'M NOT GOING TO SUGGEST A MORATORIUM ON NEW MAJOR NONEMERGENCY ITEMS WOULD BE IN ORDER.

I'M SURE I WOULDN'T FIND SUPPORT AND MAYBE IT DOESN'T MAKE SENSE BUT A CAP OF SOME SORTED AND PERHAPS A TEMPORARY NUMERICAL CAP IS WHAT WE SHOULD AIM FOR.

I DON'T FEEL LIKE IN SUPPORT ANY PROPOSAL THAT DOESN'T SET A FIRM LIMIT ON MAJOR COUNCIL ITEMS.

BUT I DO WANT TO THANK EVERYBODY FOR ALL THE REALLY COMPLICATED AND HARD WORK THAT THEY PUT IN ON THIS.

AND I'VE SPENT A LOT OF TIME LOOKING AT THESE PROPOSALS.

AND THANK YOU SO MUCH.

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>> MAYOR J. ARREGUIN: OKAY.

COUNCILMEMBER HAHN WANT TO MAKE A CLARIFYING COMMENT.

AND THEN, ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

WE NEED TO TAKE PUBLIC COMMENTS AS WELL.

>> S. HAHN: THANK YOU.

COUNCILMEMBER HARRISON, I WANT TO BETTER UNDERSTAND.

I COMPLETELY AGREE WITH YOU THAT CITY MANAGER ITEMS WOULD ALSO BENEFIT FROM THE SAME REVIEW.

BUT I'M TRYING TO UNDERSTAND WHERE THAT COMES UP, BECAUSE MOST OF WHAT THEY BRING TO US ARE REFERRAL RESPONSES.

AND I WAS TRYING TO REMEMBER A TIME WHEN THE CITY MANAGER SORT OF BROUGHT US SOMETHING NEW THAT HADN'T BEEN REFERRED BY THE CITY COUNCIL.

THE ONLY THING I CAN THINK OF WAS THE KIOSKS IS WHEN THE REFERRAL RESPONSE COMES BACK THAT RESPONSE SHOULD THEN BE VETTED BY A COMMITTEE?

IF YOU COULD CLARIFY WHAT YOU MEAN BY THAT.

>> K HARRISON: YES, MANY PAST REFERRALS WERE SO VAGUE THAT WE, AND WE HAD COMPLETELY DIFFERENT PEOPLE ON COUNCIL THAT I WOULD HOPE THEY WOULD COME BACK TO US.

IF WE START DOING A BETTER JOB OF REFERRALS, THE WON'T BE AS BIG AN ISSUE.

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I THINK SOMETIMES STAFFING IN THE DARK TO FIGURE OUT HOW TO RESPOND.

IT MIGHT NOT BE ON POINT WITH WHAT WE WERE THINKING.

I CAN'T THINK OF AN EXAMPLE.

THERE HAVE BEEN EXAMPLES ABOUT HOMELESS POLICY, SHE'S TRYING TO DO SOMETHING REASONABLE BUT MANY THINGS HAVE CHANGED IN THE LEGAL LANDSCAPE THAT HAVE CHANGED WHAT WE MIGHT BE ABLE TO DO OR NOT DO.

FOR EXAMPLE, WE HAD CERTAIN POLICIES ABOUT SLEEPING IN CARS AND THAT CHANGED AS YOU RECALL, THEN IT CAME BACK.

I THINK IF THAT'S GOING TO BE SOMETHING WITH A LOT OF IMPLICATIONS, IT SHOULD GO TO COMMITTEE.

>> S. HAHN: NOT NECESSARILY SOMETHING WRITTEN, A CHANGE IN POLICY.

>> K HARRISON: I THINK SHE WAS COMING BACK WITH CHANGE IN WRITTEN POLICY BASED ON CHANGE IN THE LAW.

>> S. HAHN: I SEE.

>> K HARRISON: SO I THINK AT THAT POINT DEPENDING ON HOW COMPLEX IT IS, CRITERIA, IT WOULD GO TO A COMMITTEE.

MANY THINGS AREN'T THAT COMPLEX.

SO OBUT AND STILL THINK THERE ARE ITEMS --

>> S. HAHN: YEAH.

>> K HARRISON: -- [MULTIPLE SPEAKERS]

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>> S. HAHN: I WAS TRYING TO UNDERSTAND EXACTLY WHAT YOU WERE REFERRING TO.

WE'RE JUST TAKING NOTES AND WE'LL TAKE IT BACK TO THE AGENDA AND RULES COMMITTEE.

BUT I WONDERED, I THINK THE CITY MANAGER MIGHT HAVE HAD, MAYOR, IF I MAY, I THOUGHT IT LOOKED THE CITY MANAGER MIGHT HAVE A COMMENT ON THAT.

>> I JUST WANTED TO ECHO YOUR CONCERNS, COUNCILMEMBER HAHN, THAT WE RARELY IN EVER BRING FORWARD OUR OWN MAJOR, I DON'T BRING FORWARD POLICY.

I'M RESPONDING TO THIS BODY'S POLICY.

BUT IF THAT'S THE ROUTE THAT IS BEING RECOMMENDED WE BRING IT BACK TO A POLICY COMMITTEE BEFORE BRINGING IT TO THE FULL COUNCIL FOR ADOPTION, WE'RE OPEN TO THAT AS WELL.

>> S. HAHN: OKAY.

ANYTHING ELSE COUNCILMEMBER HARRISON, FOR US TO FULLY UNDERSTAND YOUR VISION ON THIS?

>> K HARRISON: AS AN EXAMPLE.

I THINK THE RESPONSE TO A.L.P.R.'S IS A GOOD EXAMPLE.

WE HAD A REFERRAL A LONG TIME AGO.

WE HAVE SO MUCH COMPLICATION, THE PARKING L.P.R.'S, THE OTHER CAMERAS THAT DID FINALLY GO TO PUBLIC SAFETY BUT IT WENT TO BUDGET FIRST.

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AND THAT WAS ODD.

SO IT'S REALLY NEED THAT NEEDED THAT PUBLIC SAFETY COMMITTEE
REVIEW.

AND YOU GUYS DID A GREAT JOB BUT THAT WAS A BIG DEAL.
IT IS THINGS LIKE THAT.

I DON'T THINK IT WILL COME UP EVERY DAY.

BUT WE'RE DEALING, YOU ARE DEALING WITH A LOT NOW, CITY MANAGER,
MADAM CITY ATTORNEY, COMPLICATED ITEMS, AND I THINK SOMETIMES
THEY BENEFIT FROM THAT FORUM.

THE COMMITTEES ARE BETTER FOR HAVING PUBLIC INPUT.

ONE REASON I LOVE THEM, WE REDUCED CONFUSION AT THE COUNCIL
ABOUT WHAT THINGS ARE.

IT'S BEEN VERY HELPFUL.

>> THANK YOU.

VERY HELPFUL FOR US TO BETTER UNDERSTAND THE VISION ON THAT.

>> MAYOR J. ARREGUIN: COUNCILMEMBER ROBINSON.

>> R. ROBINSON: SURE.

GOOD AFTERNOON, I'LL TAKE THIS OPPORTUNITY TO JUMP IN.

AND FIRST, THANK YOU TO THE AGENDA COMMITTEE WHO HAVE BEEN
ENGAGING WITH THE DISCUSSION AND INCREDIBLY DEEP LEVEL.

THE REST ARE STUCK OUTSIDE WITH OUR FACES PUSHED AGAINST THE
WINDOW EAVESDROPPING AND UNABLE TO PARTICIPATE.

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COUNCILMEMBER HAHN, IT IS SO MUCH EASIER FOR THE REST OF US TO
POKE AT PROPOSALS AND IDENTIFY THINGS WE'RE CRITICAL OF TO
ASSEMBLE FOR CONSIDERATION.

THANK FOR THE HEAVY LIFTING.

MY FEEDBACK IS LARGELY REFLECTED IN THE SERIES OF NOTES WITH
COUNCILMEMBER HARRISON.

I'M GLAD THE COMMITTEE WILL BE ABLE TO WEIGH THAT AND CONSIDER
ALL PATHS AVAILABLE TO US.

REALLY I THINK COUNCILMEMBER HARRISON, TAPLIN, AND I, IT'S NOT
REALLY A PROPOSAL.

IT'S A STRING OF IDEAS AND PRIORITIES REALLY FOR THE PROPOSAL
THAT I THINK WILL BE SHAPED BY THE AGENDA COMMITTEE.

I'LL FOCUS MY COMMENTS ON THE TINY HANDFUL OF THOUGHTS IN MY
TIME SITTING HERE.

ONE, WHICH I THINK COUNCILMEMBER HUMBERT ALLUDED TO, BUT WE
HAVEN'T TALKED TO SUPER DIRECTLY.

THE IDEA OF QUANTITATIVE LIMITS ON THE NUMBER OF PIECES OF LIMITED
LEGISLATION THAT COUNCILMEMBERS AND INTRODUCE, THIS HAS BEEN
FLOATED BEFORE AND IT'S SOMETHING I THINK CANDIDLY INITIALLY I
HAD A BIT MORE HOSTILE OF A REACTION TO.

I THINK IT FELT A LITTLE UNDEMOCRATIC IF YOU WILL.

WE'RE REPRESENTATIVES OF OUR DISTRICTS.

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I THINK WE SHOULD BE ABLE TO INTRODUCE THE VOLUME OF LEGISLATION THAT OUR RESIDENTS EMPOWER US TO.

BUT THAT SAID, WE HAVE A REAL ISSUE HERE.

AND I THINK IF I'M A LITTLE HONEST WITH MYSELF, I THINK THERE IS PROBABLY NUMBERS OUT THERE, MAYBE IT'S FIVE.

A NUMBER OF MAJOR ITEMS THAT ONE COUNCIL MEMBER COULD INTRODUCE THAT IS HIGHER THAN THE NUMBER OF MAJOR ITEMS I OR SOMEONE WAS GOING TO INTRODUCE ANYWAY BUT COULD HAVE AN INTERESTING SELECTIVE AFFECT IN OUR DECISION-MAKING PROCESS, TO EXERCISE JUST A LITTLE BIT MORE HESITATION TO VET AN IDEA JUST A LITTLE BIT MORE BECAUSE YOU KNOW THERE IS AN OPPORTUNITY COST TO INTRODUCING IT.

THAT LEVEL OF ANALYSIS, THAT LEVEL OF PATIENCE, REALLY THAT LEVEL OF HESITATION I THINK IS VALUABLE.

AND COUNCILMEMBER HARRISON, AS YOU SAID, IF THE PROBLEM IS US, IT'S REALLY HARD TO DEFINE RULES THAT WILL SHAPE THAT.

BUT I THINK THERE IS PROMISE THERE.

I THINK THERE ARE LIMITS SO WE COULD PUT IN PLACE THAT REALLY DON'T MEANINGFULLY CURTAIL THE EXTENT TOO MUCH WE CAN BE INNOVATIVE AND PUT THINGS ON THE TABLE AND FORCE US TO ASK OURSELVES BEFORE WE THROW SOMETHING ON THE HOPPER IF IT'S THE HILL WE WANT TO DIE ON.

I'M RUMINATING ON THAT.

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OPEN TO POSSIBILITY SAID THERE.

A LOT OF OTHER THINGS I LIKE THAT ARE IN THE MIX ACROSS PROPOSALS, I THINK REQUIRING THE ITEM GUIDELINES WE HAVE BE IN PLACE WOULD BE VALUABLE.

I'M CERTAINLY NOT ALWAYS THE BEST AT FOLLOWING THEM.

I THINK EXPLICIT CLARITY ABOUT ITEM DEADLINES FOR BUDGETING/IMPLEMENTATION WILL BE VALUABLE.

I THINK IT WILL BE GOOD, REALLY WE'RE DOING THIS CYCLE I THINK IT'S A GOOD PRACTICE TO MAKE PERMANENT TO BE CLEAR ABOUT WHAT THE ROLE OF BUDGET REFERRALS FOR A.A.O. ONE AND TWO SHOULD BE. AS ONE TIME OR SENSITIVE NEEDS.

THAT I THINK WOULD BE REALLY POSITIVE.

AND I CALLED TOGETHER A LIST OF THINGS I WOULDN'T EVEN SAY I'M OPPOSED TO BUT THINGS I WORRY A LITTLE ABOUT.

IN CONTEMPLATING SORT OF THE IDEA OF A SESSION.

OBVIOUSLY THAT WORKS AT A LOT OF OTHER LEVELS OF GOVERNMENTS.

I FIND MYSELF BEING ANXIOUS THE SURGES OF CERTAIN TYPES OF WORKLOAD AT CERTAIN TIMES MIGHT BE UNTENABLE.

I THINK OF THE WORK THAT OUR COMMITTEES ARE DOING RIGHT NOW SOMETIMES THEY EBB AND FLOW, SOMETIMES THEY HAVE SWELLS, SOMETIMES A LITTLE BACK LOG THAT TAKES MONTHS, SOMETIMES I GO FOUR MONTHS WITHOUT A LAND USE MEETING.

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TO DO THAT AT ONCE, TO HAVE PACKED AGENDAS FOR THAT COMMITTEE, WE HAVE A HARD TIME GETTING TO TWO AGENDA ITEMS AT THE COMMITTEE LEVEL.

I THINK AT OUR TUESDAY EVENING COUNCIL MEETINGS THERE IS OFTEN A LOT ON THE AGENDA AND WE HAVE AN INCENTIVE TO BE BRISK AND MAKE SURE WE GET TO WHATEVER ELSE WE HAVE.

I THINK THE BEAUTIFUL THING ABOUT THE POLICY COMMITTEE, WE CAN RUN IN CIRCLES AND ASK ALL SORTS TECHNICAL SMALL QUESTIONS TO REALLY VET SOMETHING AND SPEND THREE HOURS WITH ONE ITEM WORKSHOPPING IT.

AND SO I THINK I HAVE LOGISTICAL WORRIES ABOUT WHAT IT WOULD LOOK LIKE TO PACK THAT STAGE TO HAVE THE POLICY VETTING PROCESS FOR THE WHOLE CYCLE INTO A FEW MONTHS.

I SHARE AND WANT TO RESONATE WITH COMMENTS MADE ABOUT A ROLE FOR COMMITTEES PRIORITIZING OR SCORING ITEMS.

I THINK IT'S VERY VALUABLE THAT IS COMING FROM THE FULL COUNCIL. AND ALSO, WANTS US TO STIR AWAY FROM BEING LIMITED TO ONLY HAVING AUTHORS NOT CO-SPONSORS AT THE PRE-SUBMISSION STAGE.

I FLOAT AROUND A LOT OF IDEAS WITH COLLEAGUES AND I THINK HAVING THE OPPORTUNITY TO BRAINSTORM AND VET SOMETHING WITH OTHER COUNCILMEMBERS BEFORE I BRING IT FORWARD IS VALUABLE AND OFTEN RESULTS IN ME NOT INTRODUCING THINGS BECAUSE THERE IS A BETTER WAY TO GO ABOUT IT OR SOMETHING I DIDN'T KNOW.

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THAT IS VALUABLE AND I DON'T WANT TO MAKE THAT HARDER TO DO.

IN SUMMATION, THANK YOU TO EVERYONE WHO PUT ITEMS ON THE TABLE.

I DO NOT ENVY THE COMMITTEE TO FIGURE OUT A PATH FORWARD.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCIL WENGRAF.

>> S. WENGRAF: YEAH, THANK YOU VERY MUCH.

FIRST, I WANT TO THANK COUNCILMEMBER HAHN FOR DOING ALL OF THE HARD WORK.

AND TAKING ON THE BURDEN OF FORMULATING THIS WITH THE CLERK, CITY MANAGER AND PRESENTING IT TO US.

I THINK IT WAS A HUGE TASK.

AND I'M VERY GRATEFUL TO HER FOR DOING IT.

AND AS SHE EXPLAINED, THE MAYOR AND I COULD NOT PARTICIPATE BECAUSE OF THE BROWN ACT.

SO THANK YOU VERY MUCH, COUNCILMEMBER HAHN.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON FOR PUTTING FORWARD AN ALTERNATIVE.

BUT THESE ARE NOT THE ONLY TWO THINGS THAT ARE BEFORE US.

WE CAN, BOTH OF THESE THINGS I CONSIDER JUMPING OFF POINTS FOR THE DISCUSSION.

AND I WOULD LIKE TO SUGGEST WE TAKE A STEP BACK AND THINK ABOUT WHAT OUR GOAL IS.

IT'S BEEN YEARS YOU KNOW, WE'VE HAD SO MANY PROPOSALS.

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WHAT IS THE PROBLEM WE'RE TRYING TO SOLVE.

AND BOTH PROPOSALS BEFORE US ARE PRETTY COMPLEX.

I'M NOT SURE THAT LEVEL OF COMPLEXITY IS NECESSARY.

I THINK IT WAS COUNCIL HUMBERT WHO BROUGHT UP THE IDEA OF
LIMITING THE NUMBER OF ITEMS.

ORIGINALLY, YOU KNOW, I REMEMBER THE CITY MANAGER COMING TO US
AND BASICALLY BEGGING US TO STOP DOING MAJOR ITEMS BECAUSE STAFF
WAS SO OVERWHELMED.

AND I THINK THERE IS STILL A BACKLOG.

I DON'T KNOW WHAT IT IS.

BUT MAYBE 90 ITEMS OR SOMETHING LIKE THAT.

YOU KNOW, GIVEN THE STAFFING SITUATION MAYBE WHAT WE DECIDE TO
DO WILL BE TEMPORARY.

MAYBE WE CAN LINK IT TO STAFFING.

BUT I THINK THERE IS AN URGENCY IN US DOING SOMETHING RIGHT NOW
TO ALLEVIATE THE PROBLEM THAT STAFF IS FACING, WHICH IS THAT
THEY JUST CAN'T DEAL WITH EVERYTHING WE'RE GIVING THEM.

SO I WOULD LIKE TO AT OUR NEXT, WHEN WE DISCUSS THIS AGAIN, I
DON'T THINK WE'RE GOING TO BE ABLE TO MAKE A DECISION TONIGHT,
ARE WE MAYOR?

>> MAYOR J. ARREGUIN: WE'RE NOT MAKING A DECISION TONIGHT.

>> S. WENGRAF: YEAH, OKAY.

SO I WOULD LIKE TO REVISIT THE GOAL.

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AND REVISIT THE PROBLEM THAT WE'RE TRYING TO SOLVE.

BECAUSE I CERTAINLY DON'T WANT TO REPLACE A NEW BUNCH OF BUREAUCRATIC AND VERY COMPLICATED PROCEDURES WITH WHAT WE HAVE NOW.

I'M NOT SURE THAT IS GOING TO FIX ANYTHING.

SO THAT'S MY SUGGESTION FOR TONIGHT.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

VICE MAYOR BARTLETT.

>> B. BARTLETT: THANK YOU, MR. MAYOR.

I WANT TO THANK COUNCILMEMBER HAHN FOR YOUR DILIGENT WORK.

DEEP, DEEP WORK HERE.

SCHEMATICS OF A MICROCHIP.

[LAUGHTER]

>> B. BARTLETT: AND THANK YOU, AS WELL, COUNCILMEMBER HARRISON FOR YOUR APPROACH, COUNCILMEMBER ROBINSON, COAUTHORING.

WE TALKED ABOUT THIS THROUGH THERE YEARS.

AND YOU KNOW, A COUPLE OF THINGS COME TO MIND.

ONE, YOU KNOW, I THINK JUST A KNEE JERK I HAVE A KNEE JERK

RESPONSE WHEN I FUNDAMENTALLY TEND NOT TO SUPPORT LIMITATIONS ON DEMOCRACY AND REPRESENTATION.

BUT YOU HAVE ANSWERS SOME OF THE ISSUES WITH THE EXCEPTIONS YOU PROVIDE TO TIME CRITICAL MEASURES.

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BUT I GUESS THE REAL QUESTION IS, AND IT'S THIS KIND OF HARKENS TO WHAT COUNCILMEMBER WENGRAF JUST MENTIONED.

DOES ANYONE KNOW HOW MANY MAJOR ITEMS THE COUNCIL PRODUCED IN THE LAST YEAR?

I CAN'T THINK OF TOO MANY.

THERE ANY DATA ON THAT?

>> I'LL SAY I THINK JUST GOING OFF OF THE FLOW THROUGH THE AGENDA COMMITTEE, OBVIOUSLY NOTHING SCIENTIFIC, BUT I THINK DURING THE PANDEMIC WE SORT OF HAD A UNSPOKEN AGREEMENT.

THAT WE WERE GOING TO LEAVE THE

>> S. HAHN: CITY MANAGER TO ADDRESS THE PANDEMIC.

SO THE FLOW WENT DOWN.

AND SINCE THAT IS LIFTED I WOULD SAY THE FLOW OF MAJOR ITEMS IS LOWER THAN IT WAS BEFORE THE PANDEMIC.

MAYOR, WOULD THAT?

I MEAN, IF YOU LOOK AT FOR EXAMPLE OUR AGENDA TONIGHT, I THINK IT'S THE FIRST TIME IN MY TIME ON THE AGENDA COMMITTEE THAT WE ACTUALLY DON'T HAVE AN ACTION ITEM EITHER FROM STAFF OR FROM THE COUNCIL --

I THINK PEOPLE ARE BEING MORE I DON'T KNOW, RESTRAINED.

>> B. BARTLETT: THAT WAS MY ANECDOTAL OBSERVATION AS WELL.

IT SEEMS WE UNDERSTAND THE STAFF IS OVERWHELMED.

WE LOST MANY MEMBERS OF OUR TRANSPORTATION DIVISION.

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I SEE US WITHHOLDING AND WAITING FOR THINGS TO NORMALIZE.

I FOR ONE HAVE TAKEN MUCH TIME TO WORK WITH CITY STAFF ON MAJOR ITEMS THAT ARE IN DEVELOPMENT.

AND MAYBE DO ONE THIS YEAR.

WHICH SHOULD BE AMAZING TOO.

I CAN'T WAIT TO SHARE WITH YOU ALL.

[LAUGHTER]

>> B. BARTLETT: YOU KNOW, BUT THE YOU KNOW, THE LEANING INTO LEGISLATION THAT IS, AND THIS IS WHAT WE DO THROUGH THE PROCESS, THROUGH THE COMMITTEE PROCESS, WHICH I'M A FAN OF, IT HELPS YOU THINK IT THROUGH.

WE HELP OTHERS COME WITH THEIR -- WE LEND OUR EXPERTISE AND GROUP KNOWLEDGE AND HELP AUTHOR REFINE THEIR WORK.

WE HELP THEM SIMPLIFY THEIR WORK.

AND SO I THINK THIS MEASURE WE'RE TALKING ABOUT TO UNDERSTAND IS PRIORITIZATIONS, THEY KIND OF NEED THE SAME PROCESS, THEY NEED TO BECOME SIMPLIFIED.

THIS IS TOO COMPLEX.

THERE IS A MORE ELEGANT WAY.

PARTICULARLY IN THE LIGHT OF THE FACT THAT THE COUNCIL APPEARS TO BE RESPONSIVE TO THE NEEDS OF THE BUREAUCRACY.

BUT NOT GIVING THEM ANYTHING TO DO.

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IT SEEMS LIKE WE MAY NOT NEED TO OVERLAY THIS MUCH BUREAUCRATIC TO SOMETHING THAT IS NOT EXISTING RIGHT NOW.

WITH ALSO ANOTHER QUESTION, DOES THIS KEEP THE R.V. V. PROCESS AS WELL OR SUPPLANT IT?

>> S. HAHN: I THINK THE IDEA WAS THAT WHEN YOU DON'T HAVE A BIG BACK LOG OF OLD ITEMS THAT HAVEN'T BEEN IMPLEMENTED AND YOU HAVE A RESTRICTED FLOW BASICALLY MORE BASED ON QUALITY THEN ON QUOTAS, BY RAISING OUR STANDARDS, THE IDEA WOULD BE THAT LESS WOULD BE GOING FORWARD.

THEN THE PRIORITIZATION BECOMES MUCH EASIER.

YOU ARE NOT PRIORITIZING 100 ITEMS, MAYBE 15 OR 20.

AND MAYBE YOU USE R.R.V. OR MAYBE THERE IS ANOTHER PROCESS.

IT DEFINITELY DID NOT RECOMMEND GETTING RID OF IT.

BUT THE IDEA WAS THAT IT WOULD ESSENTIALLY BECOME LARGELY MOOT.

>> B. BARTLETT: IF UNDER THIS PROPOSAL YOU HAVE TO WAIT 16 MONTHS TO SUBMIT SOMETHING OR THEN YOU GET R.R.V.ED TO THE BOTTOM OF THE LIST, YOU EFFECTIVELY DENIED THE RESIDENTS WHO PAY EXORBITANT PROPERTY TAXES AND RENTED, THE OPPORTUNITY TO HAVE SOMETHING THEY CARE ABOUT SEEN BY THE COUNCIL.

FOR NEXT, THAT PERSON IS OUT OF OFFICE.

IT'S OVER.

YOU ARE TALKING SEVEN YEARS LATER.

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AND TRUST ME, I LIVED HERE SEVEN YEARS CYCLES OF LEGISLATION AND IT TAKES DILIGENCE TO SEE IT THROUGH.

AGAIN, I DON'T THINK -- I DON'T SEE THE NEED TO KEEP ADDING SO MUCH TIME AND DISTANCE BETWEEN PEOPLE AND THEIR ASPIRATIONS.

AND THEN, THE CO-SPONSOR'S MEASURE, COUNCILMEMBER ROBINSON BROUGHT IT UP.

I THINK IT'S IMPORTANT FOR COLLEAGUES AND COUNCILMEMBERS TO THINK THROUGH THE STRATEGIES AND YOU KNOW, IT'S PART OF THE KEY TO SUCCESS.

YOU KNOW, NEWER COUNCILMEMBERS COME ON AND TEAM UP WITH OTHERS AND FIGURE OUT HOW TO WIN THE RIGHT COMBINATIONS, I THINK IT'S A GOOD PROVING GROUND FOR LEGISLATION BECAUSE IN THE DAY THE AUTHORS GOAL IS TO GET IT PASSED ON BEHALF OF THE CONSTITUENTS WHO REQUESTED IT OR BENEFIT FROM THEM.

SO I THINK WE NEED TO BAN THEIR ABILITY TO STRATEGIZE ESSENTIALLY.

RIGHT?

AND GET HELP TOO. RIGHT?

AND THEN, LASTLY, I DO SUPPORT ATTACKING THE BACKLOG QUEUE.

SPECIAL TOPIC NUMBER FOUR.

I THINK THAT'S IMPORTANT.

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SITTING ON THIS DEEP BENCH OF MATERIALS THAT IS RAPIDLY TURNING FROM COAL INTO DIAMONDS AS IT SITS THE TECTONIC PRESSURE OF BUREAUCRATIC TIME, RIGHT?

YES, ABSOLUTELY, I THINK THAT'S IMPORTANT.

WE SHOULD GO THROUGH THIS AND GET THESE THINGS DEALT WITH.

THOSE ARE MY POINTS.

THAT'S ALL.

I THINK ULTIMATELY, I DON'T THINK ANY OF THIS IS NECESSARY.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, AGAIN.

>> K HARRISON: I WANT TO ANSWER COUNCILMEMBER BARTLETT'S

QUESTION ABOUT MY PROPOSAL DOES NOT GET RID OF R.R.V.

IT'S STILL THERE.

I DON'T THINK WE SHOULD DO IT AT THE COMMITTEE LEVEL.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU.

ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

COUNCILMEMBER WENGRAF?

>> S. WENGRAF: YES.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

>> S. WENGRAF: YEAH, I JUST WANT TO SAY THAT YOU KNOW, THE STAFF ISN'T JUST WORKING ON OUR ITEMS.

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I MEAN, THEY HAVE TO WORK ON ALL KINDS OF OTHER STUFF AS WELL.
AND THEY HAVE PARTNERS, THE SCHOOL BOARD, THE RENT BOARD, YOU
KNOW, ALL OF THESE STATE AGENCIES THAT THEY HAVE TO WORK WITH.
SO I THINK WE'RE BEING A LITTLE NEAR SIGHTED WHEN WE THINK THAT
STAFF ONLY WORKS WITH OUR ITEMS.

I THINK THEIR WORKLOAD IS HUGE.

AND WE'RE ONLY THINKING OF A LITTLE PART OF IT.

SO MAYBE IT WOULD BE ACTUALLY HELPFUL FOR US TO KNOW MORE ABOUT
WHAT THE DEMANDS ARE ON THE DEPARTMENTS FROM ALL OF OUR
PARTNERING AGENCIES.

SO THAT WE WOULD HAVE A BETTER UNDERSTANDING AND A BETTER
PERSPECTIVE ON THE WORKLOAD.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU.

SO FOLLOWING UP ON THAT POINT, I RECALL I THINK IT WAS THE LAST
BIENNIAL BUDGET PROCESS, WE GOT A COMPREHENSIVE LIST OF
OUTSTANDING COUNCIL REFERRALS THAT HAD NOT BEEN PRIORITIZED I
BELIEVE.

AND WE DO GET STATUS UPDATES FROM THE CITY MANAGER ON THE
IMPLEMENTATION OF COUNCIL REFERRALS, SHORT TERM AND LONG TERM.
AND WE HAD THAT DATABASE.

BUT I DO THINK, YOU KNOW, AT SOME POINT YOU KNOW PROBABLY
LEADING UP TO THE NEXT BUDGET DEVELOPMENT, I THINK GOING OVER

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THAT LIST AGAIN WOULD BE HELPFUL BECAUSE THINGS MAYBE OBSOLETE OR REDUNDANT.

I SEEM TO RECALL MULTIPLE REFERRALS ABOUT ADU POLICY OR HOUSING POLICY, MULTIPLE FIRE SAFETY RECOMMENDATIONS.

AND YOU KNOW, WE MAY BE ABLE TO FIND A WAY TO CONSOLIDATE OR ELIMINATE REDUNDANT OR OBSOLETE COUNCIL REFERS SO WE CAN FOCUS ON THE THINGS WE THINK ARE RELEVANT AND WE WANT TO HAVE STAFF DEDICATE TIME TO ADDRESS.

SO I HEAR THAT AS AN OVERARCHING AGREEMENT AMONGST COUNCIL WE NEED TO LOOK AT DEALING WITH THE QUOTE, BACK LOG.

I HOPE WE CAN WHETHER IT'S THROUGH NEW PROCESS OR JUST LEADING UP TO THE BUDGET ADOPTION, WE CAN DO THAT.

I THOUGHT THAT WAS VERY HELPFUL.

SO MAYBE IN ALIGNMENT WITH THE R.R.V. PROCESS THAT MAYBE ONE WAY TO DO IT BEFORE THE R.R.V. PROCESS.

I'M SURE ASSOCIATION WITH THE APPRECIATE IF WE CAN CLARIFY AND REDUCE THE OUTSTANDING NUMBER OF ITEMS.

SO WITH THAT, WHY DON'T WE PROCEED TO PUBLIC COMMENT.

ANY MEMBER HERE THAT WOULD LIKE TO SPEAK TO THE ITEM ON OUR 4:00 P.M. SPECIAL CITY COUNCIL MEETING AGENDA, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

YES, MISS MOROSOVIC.

>> THANK YOU.

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I ATTENDED THE JUNE 29TH RETREAT.

AND I HEARD THE CITY MANAGER'S FRUSTRATION, AND TOTALLY UNDERSTOOD IT.

HOW THERE WERE TOO MANY ITEMS THAT WERE POSSIBLE FOR STAFF TO POSSIBLY IMPLEMENT PROPERLY.

AND IT SEEMED AS IF SOME ITEMS COULD BE CONSOLIDATED AS THE MAYOR JUST MENTIONED AND SOME COULD BE FOLDED INTO ONE ANOTHER.

I UNDERSTAND THAT'S CHANGED THAT THERE AROUND AS MANY ITEMS COMING BEFORE COUNCIL BUT THERE ARE STILL OUTSTANDING ITEMS THAT ARE OUT THERE.

THERE IS A NEED FOR TIME CRITICAL ITEMS FOR OBVIOUS REASONS, STATE LAWS CHANGE, FEDERAL LAWS CHANGE, AND FUNDING CHANGES THAT COMES IN.

AND SO YOU ARE GOING TO HAVE TO HAVE TIME CRITICAL ITEMS THAT CANNOT BE LIMITED IN NUMBER IF THEY ARE GENERALLY TIME CRITICAL ITEMS.

THERE IS A NEED TO WORK WITH COMMISSIONS.

NOT ONLY HAS TO REFERRALS TO THEM, BUT ALSO REFERRALS FROM THEM.

NOW, THIS IS PERHAPS A SEPARATE ITEM.

BUT I BELIEVE IT'S IMPORTANT TO HAVE TRANSPARENCY TO THE PUBLIC SO THE PUBLIC NEEDS TO SEE WHAT STAFF IS DOING.

OR RATHER WHAT COUNCIL IS DOING, BUT ALSO WHAT STAFF IS DOING IN TERMS OF IMPLEMENTATION OF THE ITEMS THAT PASSED BEFORE YOU.

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I'M GOING TO RAISE THAT THE AGENDA, HOMELESS COMMISSION BROUGHT AN ITEM BEFORE THE AGENDA COMMITTEE THAT WAS PASSED IN EARLY 2020.

AND IT SOMEHOW STAYED AT THE AGENDA COMMITTEE LEVEL.

AND THAT WAS THAT ALL THE COMMISSION RECOMMENDATIONS FROM

VARIOUS COMMISSIONS BECOME COMPILED ONLINE AND IN A BINDER SO THEY COULD BE TRACKED HOW THEY GO TO COUNCIL.

AND ALSO, IN TERMS OF IMPLEMENTATION.

AND THIS IS IMPORTANT, NOT ONLY FOR INFORMATION SHARING BETWEEN COMMISSIONS BUT ALSO FOR COUNCIL TO KNOW WHAT COMMISSIONS IS DOING, FOR STAFF TO FOLLOW IT, AND ALSO FOR TRANSPARENCY TO THE PUBLIC.

AND I HOPE THAT THIS IS ACTED ON.

EDIS GOING TO GIVE ME HIS TWO MINUTES, RIGHT?

THANK YOU. SO LET ME GIVE YOU AN EXAMPLE HOW DIFFICULT IT IS TO RESEARCH AN ITEM.

AND I THINK THE SAME THING HAPPENS WITH COUNCIL ITEMS THAT, AGAIN, THERE HAS TO BE THIS TRANSPARENCY TO THE PUBLIC.

ON THE COMMISSION OF STATUS OF WOMEN, I WANTED TO RESEARCH WHAT IS HAPPENING WITH PREVIOUS ITEMS THAT I WOULD NOT HAVE EVEN KNOWN THESE ITEMS EXISTED EXCEPT I'VE BEEN ATTENDING COUNCIL MEETINGS GENERALLY FOR THE LAST 17 YEARS.

SO I RECALLED SOMETHING ABOUT SMALL BUSINESSES AND WOMEN.

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I RECALLED IT PASSED BEFORE COUNCIL SEVERAL YEARS AGO.

I RECALLED OVER 10 YEARS AGO, THIS WAS SOMETHING ON SEX

TRAFFICKING THAT CAME FROM THE STATUS OF WOMEN.

I WOULDN'T HAVE KNOWN HAD I NOT ATTENDED THOSE ITEMS.

I WENT TO THE CITY CLERK'S OFFICE, WHO IS EXCELLENT AT DOING THE RESEARCH.

BUT I AM VERY RESPONSIVE.

HAD TO KEEP GOING BACK AND SAY WHAT HAPPENED TO THAT AFTER THAT.

WHERE IS SETTING, DID IT JUST DIE?

AND IT'S REALLY IMPORTANT WE HAVE THIS INFORMATION, AGAIN, FOR COMMISSIONS, FOR COUNCIL, FOR STAFF, AND FOR THE PUBLIC.

WE HAVE TO BE TRANSPARENT ABOUT WHAT HAPPENS.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC HERE IN THE BOARDROOM AT 1231 ADDISON THAT WOULD LIKE TO SPEAK TO ITEM ONE, THE COUNCIL'S REDESIGN.

I'LL ASK ARE THERE SPEAKERS ON ZOOM, PLEASE RAISE YOUR HAND.

MONI LAW.

>> GOOD EVENING, MAYOR AND COUNCIL AND COMMUNITY.

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I AM JUST VERY THANKFUL FOR EVERYONE'S HARD WORK AND MY COUNCILMEMBER, KATE HARRISON AND OTHERS WHO MAY HAVE PROPOSED AMENDMENTS.

I UNDERSTAND THIS IS GOING BACK TO AGENDA COMMITTEE FOR REVIEW. I WANTED TO MAKE A QUICK REFLECTION AND IMPORTANCE OF THE OPENNESS OF CONTINUED DEMOCRACY.

AND I APPRECIATE COUNCILMEMBER BARTLETT'S COMMENT ABOUT NOT DISTANCING THE PEOPLE FROM THE PROCESS.

AND TO ENSURE THIS OPEN SPACE FOR OUR ASPIRATIONS TO GROW.

WITH THAT IN MIND, I'M THINKING OF THE MAYOR'S FAIR AND IMPARTIAL POLICING WORK GROUP THAT I'M THANKFUL FOR THE MAYOR HAVE APPOINTED ME TO THAT.

AND ALL THE WORK THAT PEOPLE ON THE REIMAGINING TASK FORCE FOR CONSTRUCTIVE IDEAS, POLICIES AND PROGRAMS TO PREVENT VIOLENCE AND KEEP US SAFE IN ALL WAYS FROM EDUCATION, ECONOMIC SECURITY, AND POLICE ACCOUNTABILITY.

THOSE PROPOSALS ARE IMPORTANT AND TIME SENSITIVE AND SHOULDN'T BE CONSTRAINED OR PUSHED OUT TO A YEAR LATER.

OR YEAR AND A HALF LATER.

SO TIME LOST IS -- JUSTICE AND GOOD POLICY AND BASIC GOVERNANCE AS DELAYED.

AND SO WE REALLY HAVE A BEAUTIFUL COMMUNITY IN BERKELEY.

I DON'T WANT IT PUT TO THE SIDE AND TOO MANY BITS AND PIECES.

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WE SHOULD HAVE A HOLISTIC CONSTRUCTIVE PROCESS THAT IS OPEN AND OTHERS SAID, TRANSPARENT AND AVAILABLE.

FINALLY, I WANT TO KIND OF SAY THAT WITH REGARD TO BUDGETS AND ALL THE OTHER THINGS THAT WAS SAID, SHE WOULD POINT OUT TO THE BUDGET AND FINANCING ISSUES THAT COME UP.

AND FINALLY, THERE ARE SO MANY THINGS WE HAD AN EXHIBIT "D" WAS CALLED, PART OF THE CITY MANAGER'S ATTACHMENT, AS I RECALL OF THE THINGS THAT HAD NOT BEEN COMPLETED.

I THINK WE COULD HAVE CONTINUED TO CHISEL ON THAT.

I BELIEVE IT'S WORKED ON I HOPE BECAUSE THERE ARE A NUMBER OF IMPORTANT PARTS OF GOVERNANCE AND COMMUNITY ACTIVITIES THAT NEED TO BE COMPLETED IN THAT EXHIBIT "D" AS I BELIEVE IT WAS REFERENCED FOR ALL OF THE BACK UP WORK THAT NEEDED TO BE DONE STILL.

I HOPE AS A CITY WORKER MYSELF, WE DO WORK HARD BUT WE ALSO WANTED TO MAKE THE BEST CITY WE CAN.

THANK YOU SO MUCH.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC ON ZOOM WHO WOULD LIKE TO SPEAK TO ITEM ONE, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

ANY OTHER MEMBERS OF THE PUBLIC?

THIS IS THE LAST CALL.

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OKAY.

THANK YOU.

WE'LL CLOSE PUBLIC COMMENT.

AND COLLEAGUES, I'LL ASK ARE THERE ADDITIONAL QUESTIONS OR COMMENTS?

COUNCILMEMBER KESARWANI.

>> R. KESARWANI: THANK YOU VERY MUCH, MR. MAYOR.

AND THANK YOU, COUNCILMEMBER HAHN, FOR YOUR PROPOSAL.

AND COUNCILMEMBERS HARRISON, ROBINSON, AND TAPLIN, FOR YOUR PROPOSAL AS WELL.

I DID WANT TO JUST TURN TO THE CITY MANAGER.

BECAUSE I WAS LOOKING BACK AT THE AUDITOR'S RECORD REPORT ON THE STAFFING.

SHE DID NOTE WORKLOAD ISSUES.

DRIVEN IN PART BY COUNCIL ITEMS BUT ALSO BY UNDERSTAFFING AND VACANCIES AS WELL.

AND SO I WANTED TO ASK THE CITY MANAGER FROM WHERE YOU SIT TODAY, COULD YOU HELP US JUST HONE IN ON WHAT YOU SEE AS THE MAJOR PROBLEMS IN TERMS OF MANAGING WORKLOAD IN TERMS OF WHAT IS RECEIVED BY COUNCIL.

>> THANK YOU, COUNCILMEMBER KESARWANI.

THERE ARE A NUMBER OF THE THINGS THAT INFLUENCE HOW QUICKLY WE CAN IMPLEMENT TURN AROUND LEGISLATION AND PRODUCT.

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THERE ARE LOTS OF THINGS.

BUT I THINK HALL MARK TO WHAT WE DO HERE AT THE CITY IS THE MATH WE WANT TO BE THOUGHTFUL ABOUT THE WORK WE'RE DOING FOR YOU ALL AND FOR THE COMMUNITY.

SO THERE IS A BIG COMMUNITY PIECE THAT IS THERE FOR US AS WELL.

I THINK THAT DRIVES US LOTS OF WHAT WE DO AS IN TERMS OF STAFF AND HOW WE PROCESS INFORMATION AND GATHER INFORMATION.

STAFFING, WE ARE IN A STAFFING CRISIS.

WE'VE KNOWN THAT FOR QUITE SOME TIME.

WE'RE CHIPPING AWAY AT IT AND DOING WELL AT CHIPPING AWAY AT GETTING NEW HIRES ONBOARD.

ADDRESSING ISSUES WHERE WE HAVE DIFFICULT TO FILL POSITIONS.

WE'RE DOING A GREAT JOB IN THAT REGARD.

WHEN IT COMES TO THE NUMBER, THIS IS ABOUT VOLUME FOR US TRULY.

WE MAKE OUR OWN WORK TOO.

SO LET'S TALK ABOUT THAT A LITTLE BIT.

BECAUSE WE DEVELOP A STRATEGIC PLAN.

WHERE DEPARTMENTS PUT IN 30 OR 40 TYPES OF PROGRAMS THEY WANTED TO DO TO IMPROVE COMMUNITY SERVICE, AND TO WORK HARDER, WHETHER THAT IS ABOUT HOW WE DEVELOP ADMINISTRATIVE REGULATIONS, TO HIRE THE BEST EMPLOYEES, TO TRAINING, TO WHATEVER IT IS, WE HAD OUR OWN SET OF INITIATIVES COMING THROUGH THE STRATEGIC PLAN AS WELL.

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ON TOP OF THAT WE HAD REFERRALS.

SO WE AT ONE POINT WE HAD OVER 300 REFERRALS.

AND I WOULD PROBABLY REDUCE THAT TO ABOUT 250.

NOW WE'RE DOWN TO 80 TO 90 REFERRALS.

I THINK THE OTHER THING THAT KIND OF CHALLENGED US IS THAT THESE THINGS WOULD COME IN AT VARIOUS TIMES THROUGH THE YEAR AND IT WILL BE A START STOP FOR US.

WE WOULD START THE WORK ON A PROJECT.

AND THEN WE WOULD GET TWO OR THREE NEW PROJECTS THAT WOULD REQUIRE US TO STOP AND RESTART.

SO THAT CREATED BACK LOG FOR THOSE PRIOR AS WE START LIFTING UP NEW.

WE WERE UNABLE TO SHIFT AND BE AS FLEXIBILITY AS WE WOULD LIKE TO BE IN TERMS OF ADDRESSING AND IMPLEMENTING THAT POLICY.

WHOLE STAFFING HAS BEEN AN ISSUE FOR US, I THINK PRIORITIES KNOWING WHAT THEY ARE FOR THE CITY HAS BEEN SOMETHING I'VE BEEN CHALLENGED WITH IN TRYING TO ADDRESS WHAT ARE OUR TRUE PRIORITIES ACROSS-THE-BOARD AND HOW DO I GET TO WHAT IS MOST IMPORTANT TO THIS COUNCIL FIRST, SECOND AND THIRD SO I HAVE THAT IN MY QUEUE.

SO WE'VE USED R.R.V. TO TRY AND GATHER THAT AS A PRIORITY BASE FOR US TO LAUNCH AND COMPLETE INITIATIVES AND WORK.

I THINK WE'VE DONE WELL WITH THAT.

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WE'VE NOT ALWAYS BEEN ABLE TO ADDRESS THE NUMBER-ONE PRIORITY BECAUSE BEEN, REMEMBER THE YEAR PRIOR WE WORKED ON NEW INITIATIVE SAID.

THOSE ARE EITHER UNDERWAY OR NOT STARTED. ESPECIALLY IF YOU ARE A DEPARTMENT WITH FIVE OR 10 REFERRALS THAT COME TO YOU.

SO IT'S NOT ONLY THE AMOUNT AND NUMBERS.

WE ALSO GET LOTS OF PROJECTS FROM STATE AGENCIES, OUR LOCAL PARTNERS, OUR COMMISSIONS, AND OF COURSER, WITH POLICY COMMITTEES WE'RE DOING WORK WITH THEM AS WELL.

OUR PLATES ARE EXTREMELY FULL GENERALLY.

BUT WHAT I THINK IS HELPFUL FOR US IS NOT GOING TO BE THE A CONVOLUTED OR COMPLEX PROCESS.

I AGREE.

I THINK WE DON'T WANT TO PUT IN SOME COMPLICATED OR YOU KNOW, PROCESS THAT IS GOING TO RENDER US PARALLELIZED IN TERMS OF INITIATIVES I'M NOT SAYING THESE ARE DOING THAT.

MY POINT IS WE DON'T WANT TO PUT TOO MUCH IN THERE.

WHAT IS HELPFUL FOR ME AS THE CITY MANAGER WHICH I SHARED BEFORE IS HAVING CORE PRIORITIES.

EVERYTHING CAN'T BE AN EMERGENCY OR AT THE SAME LEVEL OF PRIORITY AS -- THEY ALL CAN'T HAVE EQUAL PRIORITY FOR US.

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BECAUSE AND WE DON'T WANT TO SHIFT EVERY TIME THERE IS A NEW THING.

BUT WE'RE SHIFTING AND WE PUT SOMETHING ON THE BACK BURNER, WE START ANEW.

WHAT IS HELP IF ME, IF WE TRULY HAVE A PROCESS, WE CAN LEAN IN AND SAY, YOU GOT THESE 30 MAJOR INITIATIVES OR THINGS YOU ARE WORKING ON, THESE 20 WE WANT YOU TO PUT ON HOLD SO YOU CAN GET THEM DONE AND COME BACK TO THESE.

WE KNOW WHAT WE'RE PUTTING ON HOLD, WE KNOW WHAT IS STOPPED OR YIELDED.

RIGHT NOW WE TRY TO PECK AT ALL OF THEM AND NEVER GET ALL YOU HAVE THEM DONE.

IT WOULD BE GOOD TO KNOW IF WE HAVE A PROCESS TO ALLOW US TO COME TO YOU AND SAY, WE'VE GOT THIS SIX YOU HAVE GIVEN US TO WORK ON, WE NEED TO MOVE THESE FIVE TO THE BACK BURNER.

THAT IS HELPFUL SO EXPECTATIONS FOR THE COMMUNITY AND COUNCIL AND STAFF ARE CLEAR.

SO WHENEVER WE HAVE NEW THINGS THAT ARE GOING TO IMPACT OLD THINGS, WE NEED TO PUT SOMETHING ON HOLD.

AND I THINK A CLEAR PROCESS TO DO SO WOULD BE HELPFUL.

I THINK THE COMPLEXITY OF THE WORK THAT WE DO IS SOMETIMES NOT SEEN.

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THE WORK THAT COMES FROM NOT ONLY THE COUNCIL BUT OUR DEPARTMENTS AS WELL, OUR COMMISSIONS AND PARTNERS OUT THERE, STATE AGENCIES, THAT WORK IS COMPLICATED, DETAILED AND IT'S HARD.

SO AS WE'RE TRYING TO CHALLENGE OUR WAY THROUGH ALL OF THAT IT TAKES TIME.

TO ME THOSE ARE THE THINGS THAT KIND OF IMPACT THIS WORK. AND THE WORKLOAD FOR ME AS CITY MANAGER.

THANK YOU FOR GIVING ME A MOMENT TO SAY ALL OF THAT.

I APPRECIATE IT.

>> R. KESARWANI: THANK YOU, MADAM CITY MANAGER.

I APPRECIATE HEARING THAT.

I THINK IT'S NOT ALWAYS CLEAR TO ME AND PERHAPS NOT TO MY COLLEAGUES WHAT EXACTLY IS ON YOUR PLATE.

AND I DO KNOW SOME OF THE MY COLLEAGUES TALKED ABOUT EXAMPLES, THINKING ABOUT THE ACCESSORY DWELLING ORDINANCE THE OTHER NIGHT. WE DID ADD TWO REFERRAL SAID AND PART OF WHAT I UNDERSTOOD FROM THE PLANNING DIRECTOR WAS DOING THAT SURVEY YOU KNOW THAT'S ADDITIONAL STAFF TIME POTENTIALLY, MAYBE NOT SO MUCH IF WE USE PUBLICLY AVAILABLE DATA.

I WAS THINKING ABOUT STATE MANDATES AS IT RELATES TO THE HOUSING ELEMENT AND DEADLINES WE HAVE TO ATTEMPT TO LIVE UP TO.

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AND SO I THINK THAT'S AN EXAMPLE WHERE WE HAVE GIVEN MORE REFERRALS NOW TO THAT DEPARTMENT BUT THAT DOESN'T TAKE AWAY THE STATE MANDATES AND THINGS THAT ARE CURRENTLY IN PROCESS THAT HAVE TO BE COMPLETED.

SO I KNOW OUR AGENDAS IS GOING TO TAKE THIS BACK.

AND SOLVE IT ALL IN THE NEXT MEETING PROBABLY IN SHORT ORDER.

SO IN ANY CASE, I WANT TO THANK THOSE WHO THOUGHT ABOUT THIS AND YEAH, I DO, I JUST WANT TO SAY GENERALLY AM A LITTLE BIT CONCERNED ABOUT A LENGTHY BUREAUCRATIC PROCESS.

BUT I DO THINK WE HAVE TO GIVE OUR CITY STAFF CLEAR PRIORITIES THAT ARE ACHIEVABLE SO THAT MEANS THERE DOES HAVE TO BE SOME KIND OF LIMIT TO IT THAT WE DO HAVE THINK ABOUT.

AND I THINK THE BIGGEST CONCERN THAT I HAVE AS A MEMBER OF THIS BODY IS WHEN WE GET A LARGE NEW PROGRAM THAT THE CITY HAS NEVER DONE BEFORE THAT WOULD REQUIRE YOU KNOW NEW STAFF, NEW SIGNIFICANT BUDGET ON AN ONGOING BASIS.

THOSE ARE THE THINGS THAT YOU KNOW, I JUST WANT US TO BE AWARE OF THOSE COMMITMENTS WHEN WE MAKE THEM.

BECAUSE THOSE ARE THINGS WE HAVE TO PLAN FOR ON AN ONGOING BASIS.

SO THERE IS SOME WAY, YOU KNOW, IF WE'RE GOING TO TAKE THOSE THINGS ON, WE HAVE TO THINK ABOUT WHAT ARE WE NOT GOING TO DO. IN SOME CASES I THINK ABOUT DEPARTMENTS LIKE H.H.C.S.

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HOUSING HEALTH AND COMMUNITY SERVICES, A LOT OF WHAT THEY DO IS MANDATED.

THESE ARE REQUIRED PROGRAMS THAT WE'RE ADMINISTERING, WE RUN A PUBLIC HEALTH DEPARTMENT, WE HAVE A MENTAL HEALTH DIVISION, WE HAVE TO RUN THESE PROGRAMS.

AND SO, YOU KNOW, WE HAVE TO FIGURE OUT WHAT DOES IT MEAN WHEN WE GIVE THAT DEPARTMENT A WHOLE NEW PROGRAM TO LIFT UP AND HOW IS THAT GOING TO HAPPEN WITH A STAFFING SITUATION WE'RE IN.

AND YOU KNOW, I THINK IT MAY BE A NEW NORMAL BECAUSE I'M HEARING A LOT ABOUT GOVERNMENT AGENCIES THAT HAVE HIGH VACANCY AND YOU KNOW, IT'S A CHALLENGE BECAUSE ALL OF THESE ENTITIES ARE RECRUITING AND IT'S A CHALLENGING LABOR SITUATION RIGHT NOW.

SO IN ANY CASE, I WILL LEAVE IT AT THAT AND THANK EVERYONE FOR THE THEIR CONTRIBUTIONS TO THIS ITEM.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, THEN WRAP IT UP.

>> K HARRISON: MADAM CITY MANAGER, THAT WAS HELPFUL.

I THINK WE INSTITUTE THE R. R.V. TO DO WHAT YOU ARE TALKING ABOUT.

I WOULD LOVE FOR YOU TO DISCUSS WITH THE AGENDA COMMITTEE WHY THAT DOESN'T FUNCTION THAT WAY.

I THOUGHT THAT'S WHY WE HAD IT.

THERE IS SOMETHING MISSING WE NEED TO DEAL WITH.

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I WANTED TO MAKE SURE ALL OF US RECOGNIZE THERE IS SOMETHING NOT
QUITE RIGHT ABOUT THE R.R.V. AND IT'S NOT GETTING THE CITY
MANAGER WHAT SHE NEEDS.

HOWEVER WE CAN GET THAT RESOLVED WOULD BE GREAT.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

I THINK THIS WAS A GOOD DISCUSSION.

I APPRECIATE WE HAD THIS FORUM TO HEAR EVERYONE'S INPUT.

SO WE'LL TAKE ALL THIS FEEDBACK BACK TO THE COMMITTEE.

AND TRY TO IDENTIFY THE AREAS WHERE THERE IS CONSENSUS.

FIRST AND FOREMOST, I HEARD CONSENSUS THAT STAFF INPUT INTO THE
PROCESS OF DRAFTING LEGISLATION IS IMPORTANT EARLIER IN THE
PROCESS.

I THINK EVERYONE IS IN AGREEMENT ON THAT.

THAT WE NEED TO DEVELOP SOME CLEAR CRITERION FOR DETERMINING
WHAT IS A MAJOR ITEM.

I THINK- AND THE CITY MANAGER ACTUALLY PROVIDED SOME SUGGESTED
LANGUAGE FOR DEFINITION CANNOT BE OPERATIONALIZED OVER TIME, NOT
IMPLEMENTABLE WITH EXISTING RESOURCES.

ADDITIONAL AND NEW FTE NEEDED.

ADDITIONAL COSTS.

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SOME METRIC BY WHICH THIS CAN'T BE ABSORBED BY EXISTING RESOURCES WE NEED TO DEDICATE NEW RESOURCES AND THAT IS NOT A PROBLEM.

AND I HAVE TO SAY THAT, YOU KNOW, WE'RE BERKELEY. YOU KNOW, WE'RE ALWAYS AT THE CUTTING EDGE.

YES WE HAVE TO PROVIDE BASELINE SERVICES BUT WE ALSO ARE REALLY AT THE FOREFRONT OF INNOVATIVE PUBLIC POLICY.

AND RESPONDING TO A LARGE MACRO ISSUES.

THAT ARE FACING THIS COUNTRY AND THIS REGION.

AND THAT WE'RE RESPONDING TO AND PROGRESS WE'RE MAKING IN BERKELEY TO ADDRESS THE HOUSING CRISIS, HOMELESSNESS, PUBLIC SAFETY.

AND MODELING BEST PRACTICES THAT OTHER CITIES CAN FOLLOW IN THE STATE.

AND THAT DOES MEAN WE HAVE TO THINK OUTSIDE THE BOX AND DO NEW THINGS.

AND TAKE ON NEW LEVELS OF RESPONSIBILITY AND ADAPT AND EVOLVE IN THE WAY WE SERVE THE COMMUNITY.

THERE IS ONLY SO MUCH STAFF AND BUDGET.

HAVING A CLEAR PROCESS AND WAY TO PRIORITIZE, AND MAKING SURE WE HAVE FLEXIBILITY TO BE RESPONSIVE TO WHAT IS HAPPENING IN THE COMMUNITY AND WHAT THE COMMUNITY WANTS.

THAT'S WHAT THE PEOPLE OF BERKELEY WANT FROM US.

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GOING BACK TO A FEW OTHER THINGS.

WE NEED TO DEAL WITH THE BACKLOG.

I THINK AS WE GO BACK TO THE AGENDA COMMITTEE, DEFINITELY LOVE TO HEAR MORE FROM THE CITY MANAGER, CITY CLERK AND OTHER STAFF ABOUT YOUR THOUGHTS TOXIC THIS INPUT INTO CONSIDERATION.

WE'LL TRYING TO SUMMARIZE THE FEEDBACK AND NOTES TO THE COMMITTEE THAT WILL BE IN THE PACKET.

SO I THINK THERE IS AREAS OF AGREEMENT.

LOOKING AT USING A TEMPLATE WITH MORE REQUIRING MORE SPECIFIC INFORMATION ABOUT WHAT SHOULD BE IN AN ITEM TO MAKE SURE WE HAVE THE RELEVANT INFORMATION AND MAKE A DECISION THAT WE SHOULD TRY TO ALIGN IT WITH THE BUDGET PROCESS.

WE NEED TO FIGURE OUT THE TIMING OF THAT.

IS IT ONE TIME LINE, IS IT A ROLLING TIMELINE, WHAT IS THE TIMELINE FOR WHERE THE INPUTS ARE COMING IN AND OUTPUTS ARE COMING OUT.

AND REALLY SORT OF HELPING STRENGTHEN THE ROLE OF THE POLICY COMMITTEE TO REVIEW ITEMS IS ONE THING I HEARD AS WELL AND MAKING SURE WE HAVE CITY ATTORNEY REVIEW AND WE'RE ABLE TO HAVE THINGS OUT OF THE PROCESS IN ORDER FOR US TO BUDGET FOR THEM AND IMPLEMENT THEM.

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SO I THINK WE HAVE SOME COMMONALITY FROM THE FEEDBACK WE'VE
GOTTEN AND WE'LL TRY TO CONSOLIDATE THIS INPUT AND COME BACK
WITH A FRAMEWORK FOR THE COUNCIL TO CONSIDER.

WE DO NEED TO MOVE ON.

WE'RE PAST DUE FOR OUR 6:00 MEETING.

UNLESS IT IS CRITICAL, I WOULD LIKE TO WRAP UP THE DISCUSSION.

THANK YOU FOR YOUR COMMENTS.

I MAKE A MOTION TO ADJOURN THE 4:00 P.M. MEETING.

>> SECOND.

>> MAYOR J. ARREGUIN: IF WE CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> R. KESARWANI: YES.

>> T. TAPLIN: YES.

>> B. BARTLETT: YES.

>> K HARRISON: YES.

>> S. HAHN: YES.

>> S. WENGRAF: YES.

>> R. ROBINSON: YES.

>> M. HUMBERT: YES.

>> MAYOR J. ARREGUIN: YES.



Kate Harrison
Councilmember, District 4

CONSENT CALENDAR
November 28, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author) and Vice Mayor Bartlett (Co-Sponsor)

Subject: Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission

RECOMMENDATION

Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

The Human Welfare and Community Action Commission is a body charged with addressing the social welfare of the Berkeley community, focusing on those experiencing poverty and financial hardship within our City. This commission, as defined by Section 3.78.010, consists of fifteen members, nine of which are appointed by each Councilmember and the Mayor and six of which are “Representatives of the Poor;” this refers to residents with incomes below the median area income or significant lived experience in poverty. As it stands, there are three districts (1, 2, and 3) that were identified by the 1988 Berkeley City Council, based on the 1980 census data, as having the most concentrated levels of poverty.¹ Currently, all six of the Representatives of the Poor must reside in these districts (two from each of the districts). Interestingly, despite the changing geographic landscape of poverty in Berkeley within the last 43 years, the ordinance language and participation criteria has remained largely unchanged. The requirement for service no longer accurately represents the different and changing image of poverty in Berkeley. By expanding inclusion requirements for Representatives of the Poor, the HWCA has more opportunity to secure necessary involvement and funding in addition to becoming a more representative decision-making body.

Substantive revisions to Chapter 3.78:

B. Six of the members shall be representatives of the poor, who shall to be elected as individuals residing anywhere within City limits who earn

¹ “3.78.010 Creation of the Human Welfare and Community Action Commission.” Berkeley Municipal Code. Accessed October 23, 2023. <https://berkeley.municipal.codes/BMC/3.78.010>

~~*below the median area income or who have had significant lived experience in poverty. to be elected two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A" (see Ch. 3.999).*~~

The section B revision seeks to maintain the focus on representing the economically marginalized, but recognizes that the distribution of poverty within the community has shifted. City and community led homelessness initiatives, investments in residence hotels, and increased RV dwellers are just a few of the many reasons why poverty is dispersed differently across the city than it was 43 years. Additionally, displacement and gentrification, which have acutely affected West and South Berkeley neighborhoods, have also contributed to changing demographics. This amendment suggests electing representatives of the poor from anywhere within the City, based on contemporary geographical considerations, as opposed to 1980 Census data.

~~*C. The community service block grant (CSBG) target area shall comprise the total area from which three election districts are drawn. Each district will have approximately equal numbers of poverty families utilizing data from the 1980 Census.*~~

The section C revision (amended to be section B) intends to concurrently address the issue of the changing landscape of poverty by eliminating the Community Services Block Grant (CSBG) target area. The HWAC Commission relies on CSBG funding to accomplish commission goals, but needs to fulfill certain participant criteria to be able to access the funding. Currently, because there is precarious membership, the HWAC commission’s funding and resources are threatened. The proposed change expands the target area to cover the entire City, ensuring section B revision’s feasibility. The CSBG target area is no longer limited to the former poverty districts drawn according to the 1980 census because the community of individuals in poverty are now spread into a wider area of the community as a result of placement of homeless individuals into residence hotels and RV parking, along with other programs, into other geographical areas.

These amendments to Berkeley Municipal Code Section 3.78.010 ensure that the Berkeley Human Welfare and Community Action Commission remains effective in addressing their goals. These revisions are crucial to be successful in representing a series of contemporary socio-economic developments and demonstrating the City's commitment to adapt to changing circumstances.

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts.

ENVIRONMENTAL SUSTAINABILITY

This budget referral has no effect on environmental sustainability.

CONTACT PERSON

Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission

CONSENT CALENDAR
November 28, 2023

Councilmember Kate Harrison, (510) 981-7140

ATTACHMENTS

1. Revised BMC Chapter 3.78

ORDINANCE NO. –N.S.

AMENDING CHAPTER 3.78 TO THE BERKELEY MUNICIPAL CODE TO EXPAND ELIGIBILITY REQUIREMENTS FOR REPRESENTATIVES OF THE POOR

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

Section 1. That Berkeley Municipal Code Section 3.78.010 is amended to read as follows:

3.78.010 Creation of the Human Welfare and Community Action Commission.

A Berkeley Human Welfare and Community Action Commission is hereby created. The membership of such commission shall be fifteen:

A. Nine of the members shall be appointed by Berkeley City Councilmembers, in accordance with the Fair Representation Ordinance.

1. Four of the nine members of the commission appointed by the council shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751, the language of which is incorporated herein by reference.

2. Representatives of private sector organizations shall be empowered to speak and act on behalf of the organizations they represent in connection with the board's business.


B. Six of the members shall be representatives of the poor, who shall to be elected as who shall be individuals residing anywhere within City limits who earn below the median area income or who have had significant lived experience in poverty. two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A" (see Ch. 3.999).

C. The community service block grant (CSBG) target area shall comprise the total area from which three election districts are drawn. Each district will have approximately equal numbers of poverty families utilizing data from the 1980 Census.

~~1. Four of the nine members of the commission appointed by the council shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751, the language of which is incorporated herein by reference.~~

~~2. Representatives of private sector organizations shall be empowered to speak and act on behalf of the organizations they represent in connection with the board's business.~~

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.




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