



Community Health
Commission (CHC)

COMMUNITY HEALTH COMMISSION REGULAR MEETING AGENDA

Thursday, October 27th, 2022, 6:30 pm–9:00 pm

Join Zoom Meeting

<https://cityofberkeley->

[info.zoomgov.com/j/1616383982?pwd=TFZWb0x3MnIUdVRyWUpBWk1Yak13Zz09](https://cityofberkeley-info.zoomgov.com/j/1616383982?pwd=TFZWb0x3MnIUdVRyWUpBWk1Yak13Zz09)

Meeting ID: 161 638 3982

Passcode: 695502

Find your local number: <https://cityofberkeley-info.zoomgov.com/u/abjZwU270i>

Preliminary Matters

1. Roll Call
2. Announcements & Introductions of any new members
3. Approval of Minutes from the September 22nd, 2022 Regular Meeting (Attachment 1)
4. Confirm note taker
5. Public Comment (*Speakers will have up to 5 minutes each*)

Presentation

Joshua White, Stephanie Jones: Brief Presentation from Psychedelic Harm reduction Community Advocates.

Discussion and Action Items:

1. Reschedule November 24th, 2022 CHC regular meeting [Katz]
2. Approve commission recommendation (Responsible Psychedelic Drug Policy Reform in Berkeley) for City Council referral on Entheogenic Plants (Attachment 7) [Adams]
3. Add/Remove Subcommittees/ Members (Attachment 4) [Katz]

Subcommittee Reports

1. Basic Needs Subcommittee
2. Chronic Disease Prevention Subcommittee
3. Entheogenic Plants Subcommittee
4. Health Equity Subcommittee
5. Health Facilities Subcommittee
6. Policy Tracking Subcommittee

Communication

1. Mark Numainville, City Clerk: Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone People (Attachment 8)

Adjournment

A Vibrant and Healthy Berkeley for All

Attachments:

1. Draft minutes of September 22nd, 2022 CHC regular meeting
2. Approved minutes from July 28th, 2022 CHC regular meeting
3. Community Health Commission Work Plan
4. Community Health Commission Subcommittee Roster 2022
5. Community Health Commission Meeting Calendar 2022
6. City Council and Community Health Commission Timeline 2022
7. Responsible Psychedelic Drug Policy Reform in Berkeley recommendation
8. Land Acknowledgement Memo and Documents

The next meeting of the Community Health Commission will be held on October 27th, 2022. Dates are subject to change; please contact the Commission Secretary to confirm.

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 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.”

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City of Berkeley Public Health Division located at 1947 Center Street, Second Floor, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Please refrain from wearing scented products to this meeting.

Secretary:

Roberto A. Terrones, MPH
Health, Housing & Community Services Department
1947 Center Street, 2nd Floor
(510) 981-5324
E-mail: RTerrones@cityofberkeley.info



Community Health Commission

Community Health Commission

DRAFT MINUTES

Regular Meeting, Thursday September 22nd, 2022

The meeting convened at 6:40p.m. with Commission Chair Katz presiding.

ROLL CALL

Present: Commissioner Webber, Nightingale, Smart, Spigner, Adams, Rosales, Katz.

Absent: None.

Excused: None.

Staff present: Roberto Terrones.

Community Members: None.

COMMENTS FROM THE PUBLIC: None.

ACTION ITEM

1. M/S/C (Webber/Adams): Motion to adopt minutes from the July 28th, 2022, CHC regular meeting.

Ayes: Commissioner Webber, Nightingale, Smart, Spigner, Adams, Rosales, Katz.

Noes: None.

Abstain: None.

Absent from vote: None.

Excused: None.

Motion Passed.

A Vibrant and Healthy Berkeley for All

2. M/S/C (Rosales/Adams): Motion to remove Commissioner Katz and add Commissioner Rosales to the Health Equity Subcommittee; Eliminate the SSBPPE liaison subcommittee.

Ayes: Commissioner Webber, Nightingale, Spigner, Adams, Rosales, Katz.

Noes: None.

Abstain: None.

Absent from vote: Smart.

Excused: None.

Motion Passed.

This meeting adjourned at 9:00 p.m.

Respectfully submitted, Roberto Terrones, Commission Secretary.
Minutes will be approved at the October 27th, 2022, meeting.



Community Health Commission

Community Health Commission

MINUTES Regular Meeting, Thursday July 28th, 2022

The meeting convened at 6:40p.m. with Commission Chair Katz presiding.

ROLL CALL

Present: Commissioner Smart, Spigner, Adams, Katz.

Absent: Commissioner Webber, Nightingale, Rosales.

Excused: None.

Staff present: Roberto Terrones.

Community Members: None.

COMMENTS FROM THE PUBLIC: None.

ACTION ITEM

1. M/S/C (Smart/Spigner): Motion to assign Commissioner Katz as temporary Chair.

Ayes: Commissioner Smart, Spigner, Adams, Katz.

Noes: None.

Abstain: None.

Absent from vote: Commissioner Webber, Nightingale, Rosales.

Excused: None.

Motion Passed.

2. M/S/C (Adams/Spigner): Motion to re-elect Commissioner Katz as Chair.

Ayes: Commissioner Smart, Spigner, Adams, Katz.

A Vibrant and Healthy Berkeley for All

Noes: None.

Abstain: None.

Absent from vote: Commissioner Webber, Nightingale, Rosales.

Excused: None.

Motion Passed.

3. M/S/C (Spigner/ Adams): Motion to elect Commissioner Smart as Vice-Chair.

Ayes: Commissioner Smart, Spigner, Adams, Katz.

Noes: None.

Abstain: None.

Absent from vote: Commissioner Webber, Nightingale, Rosales.

Excused: None.

Motion Passed.

4. M/S/C (Smart/ Adams): Motion to approve the fourth Thursday of the month as CHC regular meeting dates with the exception of August and December where no meetings will be held. November date will be reexamined.

Ayes: Commissioner Smart, Spigner, Adams, Katz.

Noes: None.

Abstain: None.

Absent from vote: Commissioner Webber, Nightingale, Rosales.

Excused: None.

Motion Passed.

5. M/S/C (Spigner/ Smart): Motion to approve minutes from the May 26th CHC regular meeting.

Ayes: Commissioner Smart, Spigner, Adams, Katz.

Noes: None.

Abstain: None.

Absent from vote: Commissioner Webber, Nightingale, Rosales.

Excused: None.

Motion Passed.

6. M/S/C (Spigner/ Smart): Motion to extend meeting by ten minutes.

Ayes: Commissioner Smart, Spigner, Adams, Katz.

Noes: None.

Abstain: None.

Absent from vote: Commissioner Webber, Nightingale, Rosales.

Excused: None.

Motion Passed.

7. M/S/C (Smart/ Spigner): Motion to eliminate the policy tracking and cannabis subcommittee; temporarily remove due to quorum and brown act compliance Commissioners Webber, Rosales, Adams, and Nightingale from the Health Equity subcommittee (will be re-examined during the September 2022 meeting).

This meeting adjourned at 9:14 p.m.

Respectfully submitted, Roberto Terrones, Commission Secretary.

Minutes were approved at the September 22nd, 2022, meeting.



Office of the City Manager

Community Health Commission 2021 Work Plan

Guiding Philosophy: To look at health through the lens of equity, and to address, ameliorate, and abolish health inequities in Berkeley through our work while advancing other public health efforts.

Mission/Purpose:

1. Collaborate with the community and the Berkeley Public Health Division, and City of Berkeley to eliminate health inequity by:
 - a. Advocating for good policy to council that has the potential to improve the health of Berkeley residents that can be implemented, monitored, and evaluated.
 - b. Representing the community through the diversity of this commission
 - c. Increasing the public education/social marketing efforts, understanding, and awareness of issues
 - d. Advocating together with the residents of Berkeley most affected by institutional, social, organizational inequities/disparities
 - e. Providing a public forum for all community members to share concerns, ideas
2. Achieve general public health progress by being responsive to community needs and facilitating general health and safety.

Overall goals, issues & priorities: All issues can be addressed through a health equity lens.

- Include a focus on the impact of covid-19 and the city's response to it
- Increase healthy food security
- Advocate for the expansion of affordable housing
- Continue to urge that Alta Bates Berkeley Medical Campus remain open while also helping to suggest actions to address consequences of planned closure
- Be responsive in potential recommendations to help Berkeley residents, and care providers and clinics cope with potential federal disruption in healthcare policy and federal spending cuts
- Further address more social determinants of health
- Continue to be a community advocate to City Council to address structural, institutional, and health inequities impacting all underserved populations

- Work to have community health data measures documented in a timely manner and to promptly evaluate and act on novel data such as the Health Status Report
- Work to support policies and initiatives that advance UHC such as Medicare for all
- Advise the City Council as the Public Health Department develop their strategic plan

General steps and actions needed to meet priorities:

1. Better follow up with council implementations
2. Conduct outreach to encourage the Berkeley community to engage with the CHC
3. Collaborate with other commissions to share resources and support recommendations
4. Focused/specialized ad-hoc subcommittees
5. Keep track of local, state, and federal policy and data flow

Specific steps and actions needed to meet priorities: Subcommittees

- **Strategic Planning subcommittee**
 - Serve as point of contact with Public Health Division for city's strategic plan and facilitate deliberation between full commission and division.
 - Recommend structure of portion of agenda to educate commission on strategic plan development
- **Acute Services for Berkeley**
 - Continue to recommend actions to keep Alta Bates open
 - Consider ways to increase emergency care access in Berkeley
- **Basic Needs Security**

Focus on healthy food security and affordable/accessible housing

 - In terms of healthy food security:
 - Identify food recovery donation systems
 - Connect communities with healthy food resources (awareness)
 - Advocate for policies to mitigate unhealthy food consumption
 - Advocate for affordability and accessibility of healthy foods
 - in supporting programs like the Berkeley Food Institute, etc.,
 - In terms of accessible/affordable housing:
 - Identify areas of stark homelessness
 - Connect homeless communities with resources (awareness)
 - Advocate for affordable housing
 - Advocate for increased rent control

- Investigate how Covid-19 has exposed and increased the impact of inequities on basic needs of Berkeley residents
- Connect with the community based organizations and appropriate city of Berkeley departments to acquire information about available resources for Berkeley residents.
- Work with community based organizations to disseminate resources to Berkeley residents around basic needs, including housing, food, healthcare, and public health care
- **Policy tracking**
 - Track City Council minutes, state, and national legislative actions
 - Priority areas:
 - Affordable housing throughout the city of Berkeley
 - Homeless encampments: ensure they are receiving necessary care and resources
 - Covid-19 related policies
 - Access to education due to remote learning
- **Health Equity Subcommittee**
 - Engage Stakeholders on LGBT health equity issues to help complement findings of the Health Status Report
 - Follow up on status of the African American Holistic Resource Center
 - Work on cultural competency for health care providers
 - Review the Health Status Report- dialogues with staff and community to investigate the data and inequities, and recommend program interventions for the City Public Health Division
 - Implement efforts to improve immigrant access to health care
 - Investigate community access to telehealth and other technologies to improve healthcare equity
 - Meet with the public health officer to be informed and updated regarding the city's response to Covid-19, including the vaccination program, and ensure the consideration of health equity to include at risk populations based on emerging literature
- **Chronic Disease Prevention**
 - Recommend presenters that can educate the commission on innovative approaches to chronic disease prevention
 - Consider the use of high profile figures in media campaigns to educate the community about chronic disease prevention.
 - Recommend interventions to address diabetes, obesity, heart diseases, and other chronic conditions highlighted by the Berkeley health status report.

- Recommend interventions to respond to deferred preventative care due to covid-19

➤ **Cannabis**

- Advocating for holistic education of cannabis use throughout the community
- Assessing holistically the risks and benefits of cannabis use in terms of community health
- Assessing holistically how cannabis should be integrated within the local economy while maintaining the health of the community .i.e. nurseries, dispensaries, etc.
- Prioritizing community health following the legalization of cannabis with emphasis on holistically understanding the risk and benefits of cannabis

District	Last	First	Community Health Commission Subcommittees 2022				
			Health Facilities	Health Equity	Basic Needs Security	Chronic Disease Prevention	Entheogen ic
1	Webber	Sara			X		
2	Vacant	Vacant					
3	Nightingale	Jamila				X	
4	Smart	Karma		X	X		X
5	Spigner	Tora		X			
6	Adams	Joseph					X
7	Vacant	Vacant					
8	Rosales	Ces	X	X			
M	Katz	Andy	X				
			2	3	2	1	4

2022 Commission Meeting Dates

Please complete this form and email it to the [Commission Inbox](#) by: **Friday, January 7, 2022**

Name of Commission: Community Health Commission

Commission Secretary: Roberto Terrones

Please Note the Commission Meeting Dates for 2022 Below

Please fill in meeting date below. If no meeting for the month is scheduled please note as "No Meeting."

Example

Month	Meeting Day and Date	Time
February 2022	Wednesday 2/10/2022	7:00 pm

Month	Meeting Day and Date	Time
July 2022	No Meeting	

2022 Meeting Dates

Month	Meeting Day and Date	Time
January 2022	Thursday 1/27/2022	6:30 pm
February 2022	Thursday 2/24/2022	6:30 pm
March 2022	Thursday 3/24/2022	6:30 pm
April 2022	Thursday 4/28/2022	6:30 pm
May 2022	Thursday 5/26/2022	6:30 pm
June 2022	Thursday 6/23/2022	6:30 pm

Month	Meeting Day and Date	Time
July 2022	Thursday 7/28/2022	6:30 pm
August 2022	CHC Does not meet in August 2022	
September 2022	Thursday 9/22/2022	6:30 pm
October 2022	Thursday 10/27/2022	6:30 pm
November 2022	Thursday 11/24/2022	6:30 pm
December 2022	CHC does not meet in December 2022	

commission@cityofberkeley.info

City Clerk Department

Please contact our office at (510) 981-6908 with any questions.

CITY CLERK DEPARTMENT 2022 COUNCIL MEETING TIMELINE

COUNCIL MEETING	THURSDAY 12:00 PM - Day 33 - DEPT. REPORTS DUE TO CLERK	MONDAY 5:00 PM - Day 22 - COUNCIL MEMBER REPORTS DUE TO CLERK	THURSDAY 12:00 PM - Day 19 - AGENDA COMMITTEE PACKET TO PRINT	MONDAY 2:30 PM - Day 15 - AGENDA COMMITTEE MEETING	WEDNESDAY 11:00 AM - Day 13 - FINAL AGENDA MEETING (PRINT AGENDA ON WED.)	THURSDAY By 5:00 PM - Day 12 - COUNCIL AGENDA DELIVERY
Winter Recess [December 15, 2021 through January 17, 2022]						
Jan 18	12/16	12/27	12/30	1/3	1/5	1/6
Jan 25	12/23	1/3	1/6	1/10	1/12	1/13
Feb 8	1/6	1/18 (Tues)	1/20	1/24	1/26	1/27
Feb 22	1/20	1/31	2/3	2/7	2/9	2/10
Mar 8	2/3	2/14	2/17	2/22 (Tues)	2/23	2/24
Mar 22	2/17	2/28	3/3	3/7	3/9	3/10
Spring Recess [March 23 through April 11, 2022]						
Apr 12	3/10	3/21	3/24	3/28	3/30	3/31
Apr 26	3/24	4/4	4/7	4/11	4/13	4/14
May 10	4/7	4/18	4/21	4/25	4/27	4/28
May 17	4/14	4/25	4/28	5/2	5/4	5/5
May 31	4/28	5/9	5/12	5/16	5/18	5/19
Jun 14	5/12	5/23	5/26	5/31 (Tues)	6/1	6/2
Jun 28	5/26	6/6	6/9	6/13	6/15	6/16
Jul 12	6/9	6/21 (Tues)	6/23	6/27	6/29	6/30
Jul 26	6/23	7/5 (Tues)	7/7	7/11	7/13	7/14
Summer Recess [July 27 through September 12, 2022]						
Sep 13	8/11	8/22	8/25	8/29	8/31	9/1
Sep 20	8/18	8/29	9/1	9/6 (Tues)	9/7	9/8
Oct 11	9/8	9/19	9/22	9/26	9/28	9/29
Oct 25	9/22	10/3	10/6	10/11 (Tues)	10/12	10/13
Nov 1	9/29	10/11 (Tues)	10/13	10/17	10/19	10/20
Nov 15	10/13	10/24	10/27	10/31	11/2	11/3
Nov 29	10/27	11/7	11/10	11/14	11/16	11/17
Dec 6	11/3	11/14	11/17	11/21	11/23	11/23 (Wed)
Dec 13	11/10	11/21	11/23 (Wed)	11/28	11/30	12/1
Winter Recess [December 14, 2022 through January 16, 2023]						

VTO Affected
Dates

Holiday Affected
Dates

Reports not submitted by the deadlines listed will not be included on the agenda.



ACTION CALENDAR
December 13th, 2022

To: Honorable Mayor and Members of the City Council
 From: Community Health Commission
 Submitted by: Andy Katz, Chairperson, Community Health Commission
 Subject: Responsible Psychedelic Drug Policy Reform in Berkeley

RECOMMENDATION

Adopt a Resolution that refers to the City Manager to work with external organizations to provide psychedelic harm reduction, education, and support resources to the Berkeley Community, refers to the City Manager work with City Departments and external organizations to create, and return to the City Council with, a policy for collecting public health data on psychedelic drug use in the City, and deprioritizes the enforcement of laws that impose criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws that impose criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use (with the exception of Peyote).

SUMMARY

- The purpose of this report is to make a recommendation to the City Council regarding psychedelic drug policy reform in the City.
- Public perceptions of psychedelic drugs have dramatically shifted in the past few years, with mainstream media outlets reporting enthusiastically about the beneficial potential of psychedelic drug use (sometimes touting the substances as miracle cures or magic bullets), psychedelic drug policy reforms being proposed and often passed in various jurisdictions throughout the United States, billions of dollars of investment pouring into the psychedelic space, a trend towards increasing use of psychedelic drugs within the population, and a wave of interest in receiving psychedelic treatments. Given these rapid changes, there is a need for the provision of unbiased, evidence-informed psychedelic harm reduction, education, and support resources to the public, as well as for the collection of public health data on psychedelic drug use.
- This report recommends that the City Council adopt a resolution that refers to the City Manager to work with external organizations to provide psychedelic harm reduction, education, and support resources to the Berkeley Community, refers to the City Manager work with City Departments and external organizations to create, and return to the City Council with, a policy for collecting public health data on

psychedelic drug use in the City, and deprioritizes the enforcement of laws that impose criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws that impose criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use (with the exception of Peyote).

- This recommended action would help provide the needed resources to the Berkeley Community, create a policy for public health data collection regarding psychedelic drug use in the City (which is particularly important for policy-tracking going forward), and prevent the possibility of individuals facing criminalization for the personal use of the substances in the City. The recommended resolution would serve as an example or template for other jurisdictions to follow.
- Implementing the recommended action would only cost the City in terms of staff time, and in terms of resources such as the use of City webpages, community spaces such as libraries, etc. All of the psychedelic harm reduction, education, and support resources would be provided to the Berkeley community for free by external organizations who are working in collaboration with the City.
- No specific funding is required for implementing the recommended action.

BACKGROUND

“Psychedelic drugs” (or “classical psychedelics”) are LSD, psilocybin, DMT, mescaline, and other compounds that exert similar psychoactive effects by stimulating a specific subtype of serotonin receptor (5-HT_{2A}) on nerve cells in the brain and elsewhere in the body.

Although ketamine, MDMA, and ibogaine are often called “psychedelic drugs,” these substances produce different psychoactive (and physiological) effects through different pharmacological mechanisms of action, and are not considered “psychedelic drugs” in this resolution.

Psychedelic drugs can induce extra-ordinary, altered states of consciousness, involving significant changes in thought, feeling, and perception, with these psychoactive effects becoming more intense and unpredictable when the drugs are taken in higher doses. Psychedelic drug use has the potential to produce positive effects and beneficial outcomes (such as a sense of spiritual well-being, and improvements in the symptoms of mental health disorders), and to produce adverse effects and negative outcomes (such as intense confusion, fear, and panic, and even erratic behavior that can lead to harming oneself or others).

The acute effects and outcomes of psychedelic drug use are dependent in part on individual personality trait, medical health, and mental health factors. Psychedelic drug use can be beneficial for one person, but dangerous for another. Individuals with particular contraindications are known to face an increased likelihood of adverse effects and negative outcomes; for example, individuals who have a history of or predisposition

to psychotic disorders are at risk for triggering the onset of psychosis as a result of psychedelic drug ingestion.

The acute effects and the outcomes of psychedelic drug use are also extremely dependent on “container,” which is the particular context/conditions/circumstances within which the substance is used. “Container” includes the user’s “Set,” which in addition to the user’s personality traits and health conditions, is all of the expectations, intentions, emotions, beliefs, etc. that the user brings to the situation, and the “Setting,” which is the physical, interpersonal, social, cultural, etc. environment, or external conditions, within which the use occurs (including what the sitter, guide, facilitator, therapist, etc. brings into the situation, if they are present in the situation).

While there is still much to learn about the factors that contribute to how individuals react to psychedelic drugs and how these factors relate to acute effects and outcomes of use, it is clear that adverse effects and negative outcomes are significantly less likely to occur and beneficial effects and outcomes are more likely to occur when psychedelic drugs are used within containers that are intentional, structured, and include the support of trained, competent, and well-intentioned sitters, guides, facilitators, therapists, etc. It is also clear that adverse effects and negative outcomes are significantly more likely, and beneficial effects and outcomes less likely, when the drugs are used outside of these containers (for example, when the user decides to use the substance spontaneously without intentional preparation, when they are alone, in a chaotic or unpredictable environment, etc.).

The outcomes of psychedelic drug use are also dependent on “integration,” which refers to the process of unpacking and exploring the meaning of one’s psychedelic experience and applying it to one’s life, with integration being vital not only because it helps one fulfill the beneficial potential of one’s experience, but also because the absence of integration can create risks and lead to negative outcomes, such as in scenarios when trauma surfaces in the experience, but is not integrated afterwards.

A variety of plants and fungi contain psychedelic drugs, and many have been used for religious and medicinal purposes by indigenous groups for at least hundreds of years. A variety of species of psilocybin-containing fungi, the LSA-containing seeds of morning glory species (*ipomoea tricolor* and *turbina corymbosa*), Ayahuasca (a brew of DMT-containing and MAOI-containing plants, with the latter being included to allow the DMT to be absorbed through oral ingestion), and mescaline-containing cacti such as San Pedro (*echinopsis pachanoi*), Peruvian Torch (*echinopsis peruviana*), and Peyote (*lophophora williamsii*) all have well-documented histories of indigenous and syncretic traditional use in the Americas, and all continue to be used in a variety of traditional contexts to this day. This use often occurs (though not always) within highly intentional, structured, time-tested ceremonial containers that include the guidance of trained practitioners, followed by integration practices, and occurring within cultural contexts that differ quite significantly from that of contemporary American society.

Some religious groups with a history of traditional ceremonial use of psychedelic-containing plants and fungi have been granted religious-use protections in the United States, such as the Brazil-based Ayahuasca-using churches “Uniao do Vegetal” (UDV) and “Santo Daime,” and the Peyote-using Native American Church (NAC), which arose in the North American Southwest. Peyote currently only grows wild in South Texas, and the population is very fragile, which is why the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative released a statement requesting that decriminalization and legalization policies do not include this species, to prevent the possibility of increased poaching threats to the wild population.

The history of psychedelic drug use in Western society is closely tied to the discovery and proliferation of LSD (lysergic acid diethylamide). The Swiss scientist Albert Hoffman accidentally discovered the psychoactive effects of the substance in 1943, in his work for Sandoz Laboratories. Following Hoffman’s discovery, Sandoz Laboratories believed that LSD had potential for clinical applications, and encouraged researchers to experiment with the substance to explore its potential. For about 15 years, LSD was the focus of extensive research and testing, but this first wave of scientific experimentation was derailed when LSD began to gain popularity among countercultural groups, and utopian-minded psychedelic-drug-use-evangelicals such as Timothy Leary began to publicly call for widespread use of the substance (and other psychedelics). As the use of LSD became more visible, associated with countercultural and activist movements, associated with recreational use, and associated with adverse reactions such as psychosis and erratic behavior, jurisdictions moved to ban the substance. In 1970, the federal government of the United States moved to classify LSD as Schedule 1, which is a category of controlled substances that supposedly have been found to have “a high potential for abuse,” “no currently accepted medical use in treatment,” and “a lack of accepted safety for use under medical supervision.” Other psychedelic drugs such as psilocybin, DMT, and mescaline, were also classified as Schedule 1 controlled substances along with LSD. For a long time after this, psychedelic drugs and psychedelic drug use became a stigmatized topic in much of Western society, and legal research ceased for many years. After psychedelic drugs became illegal and stigmatized, use of the substances continued underground, including in the context of underground psychedelic-assisted therapy, psychedelic ceremonies, and other psychedelic practices.

While the discovery and proliferation of LSD was incredibly important to the history of psychedelic drug use in Western society (especially in that first wave from 1943 to 1970), it is important to note that Western interest in psilocybin-containing mushrooms and the traditional ceremonial use of psychedelics was invigorated by Gordon Wasson’s 1957 Time article documenting his visit to the Mazatec curandera Maria Sabina, who used psilocybin-containing mushrooms in her practice. This article ultimately led to a flood of tourists visiting Maria Sabina’s village and other areas of Mexico, seeking to experience psilocybin-containing mushrooms, which was not Maria Sabina’s intention in

sharing her knowledge with Wasson. The unwanted attention created severe problems for Maria Sabina, for her community, and for other curanderos and indigenous communities who traditionally used psilocybin-containing mushrooms. In the 1960s, however, psilocybin-containing mushrooms were not used by Westerners at anywhere near the same rate that LSD was used. LSD was being produced in massive amounts in (eventually illicit) laboratories, and was easily transported and distributed (largely because an active dose of LSD is a miniscule amount of material). Techniques for cultivating psilocybin-containing mushrooms were not developed or available until the 1970s, and foraging for the mushrooms could not create enough of a supply to in any way compete with LSD. Things have changed, however. A survey study that investigated contemporary psychedelic drug use found that psilocybin-containing mushroom use accounted for half of all psychedelic drug use reported by participants.

Legal scientific research into psychedelic drugs in the United States started up again in the 1990s when Rick Strassman was able to successfully secure approval to conduct experiments with DMT on human subjects. DMT is an endogenous compound (meaning it occurs naturally in the human body), so it was much easier to convince the appropriate authorities that this substance was worthy of scientific study (compared to LSD or other non-endogenous psychedelic drugs). Although Strassman eventually stopped his DMT research before he fully completed the project, his work was crucial to putting the gears in motion again for legal psychedelic research. After Strassman's successful securing of approval for his DMT research, "the door was open for further human experimentation with psychedelic drugs," because the FDA was now "more willing to accept protocols for psychedelic research."

In the 2000s and onward, a number of research teams began to increasingly study the therapeutic applications of psychedelic drugs, primarily psilocybin, showing promising initial results. This generated more scientific and medical interest in psilocybin and psychedelics in general, leading to more and more studies being approved, funded, and conducted. This new wave of psychedelic research was fueled in part by the availability of new tools and models for studying the pharmacology and neuroscience of psychedelic drugs, as well as by the development of new ways to collect and analyze quantifiable data about research subjects' psychedelic experiences.

In the past several years, the resurgence of psychedelic research has only accelerated. There has been an explosion of research into the use of psychedelic-assisted psychotherapies for treating mental health conditions such as major depressive disorder and substance use disorder, with a number of studies showing promising preliminary evidence for therapeutic benefits when screened, prepared patients are administered with the substances within structured, clinical containers, with the support of trained therapists, and with integration following the administration sessions. These promising preliminary findings led the FDA to issue "breakthrough therapy" designations to psilocybin-assisted treatments, expediting the process of review and approval. While psychedelic therapies have not yet been demonstrated to be safe and effective

treatments for any health condition, and have not yet been approved by the FDA, this year, the federal government created an interagency task force to study and address issues related to the projected approval, rollout, and regulation of psychedelic medicine in the United States, with the goal of creating a “framework for the responsible, accountable, safe, and ethical deployment of psychedelic therapies for mental health disorders when the FDA approves their use.”

While psychedelic drug use has been highly stigmatized in Western society, especially since the beginning of the Drug War in the United States, public perceptions have dramatically shifted in the past few years, with mainstream media outlets reporting enthusiastically about the beneficial potential of psychedelic drug use, psychedelic drug policy reforms being proposed and often passed in various jurisdictions throughout the United States, billions of dollars of investment pouring into the psychedelic space, first from a small number of wealthy psychedelic-enthusiasts, and now increasingly from commercial/industry/venture capital interests, a trend towards increasing use of psychedelic drugs within the population, and a wave of interest in receiving psychedelic treatments. This wave of interest in receiving psychedelic treatments has been referred to as the “Michael Pollan Effect” (in reference to the social and cultural impact of Pollan’s book and docuseries) and is evidenced by the massive increase in the number of individuals seeking to participate in the limited number of active or recruiting psychedelic clinical trials.

David B. Yaden and some other researchers in the psychedelic research field have argued that we have become trapped in a “psychedelic hype bubble” that is “driven largely by media and industry interests.” They note that the term “bubble” is “often applied to something of value that has become overvalued in popular perception,” typically when a “rapid increase in extreme visibility and expectations” leads to “a peak of inflated expectations,” which is then followed by “an equally steep decline in which highly inflated expectations are dashed.” Yaden et al. argue that psychedelics are “currently cresting” the peak of inflated expectations, citing the observation that “in the past few years, a disturbingly large number of [mainstream media] articles have touted psychedelics as a cure or miracle drug.”

It is important to remain aware of the possibility that we are indeed in the midst of a “psychedelic hype bubble,” and of the fact that psychedelic research, and our understanding of psychedelic drugs and psychedelic practices, are still in the early stages. Psychedelic drugs are clearly very powerful tools, and contemporary American society is only beginning to understand how they work, what they are capable of, and how to use them safely, beneficially, and ethically. Psychedelics and psychedelic practices may be beneficial for some people in some contexts, and not for others in other contexts, and we must be careful about allowing expectations of the substances’ universal beneficial potential and safety to become excessively inflated.

Psychedelic drug reform policies are, in part, public health policies. In order to craft evidence-based public health policies regarding psychedelic drug use, we must look to the available scientific research into the individual and public health outcomes of psychedelic drug use, and seek accurate, comprehensive public health data, and avoid basing policy decisions on rapidly-shifting, media-influenced (and possibly, at this time, overly-enthusiastic) public perceptions of the substances' safety and efficacy. However, we must consider public perceptions of the substances when evaluating the potential need for the provision of psychedelic harm reduction, education, and other support resources. Furthermore, we must consider long-term equitable access concerns in our psychedelic public health policy decision-making.

Psychedelic drug reform policies are also, in part, criminal justice policies. In order to craft appropriate criminal justice policies regarding psychedelic drug use, we must take into account a number of issues, such as the current laws, the actual enforcement situation on the ground in the jurisdiction in question and its criminalization consequences for members of the community, the human rights concerns that are at stake, the actual consequences (particularly unintended consequences) of psychedelic drug reform policies in other jurisdictions, and the various (public health) trade-offs involved in different policy options.

RATIONALE FOR RECOMMENDATION

This resolution deprioritizes the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws imposing criminal penalties for the cultivation, processing, and preparation of plants and fungi containing psychedelic drugs for personal use (with the exception of Peyote). This resolution DOES NOT deprioritize the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people, and does not authorize these activities in any way.

The decision to limit deprioritization to possession of psychedelic drugs for personal use, and cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use was motivated by examining the trade-offs involved in the different policy options.

Deprioritizing the enforcement of laws against possession of psychedelic drugs for personal use in Berkeley would prevent individuals from being investigated, arrested, prosecuted, or imprisoned for engaging in this activity in Berkeley. According to reports from BPD sources (BPD was unable to provide data after a request was sent), the police department very, very rarely investigates or arrests individuals for offenses involving psychedelic drugs, and when this does occur, it is virtually always for commercial distribution, rather than possession for personal use, or cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use. This suggests that very few people face the risk of criminal consequences for offenses

involving psychedelic drugs in Berkeley, with the main risk being to those who sell the substances.

Given that very, very few (if any) people are already subject to investigation or arrest in Berkeley for possession of psychedelic drugs for personal use, this policy option would probably not have significant concrete criminal justice consequences for members of the Berkeley community, although it would prevent the highly unlikely (and blatantly unjust) scenario in which someone was indeed investigated and/or arrested for possession of psychedelic drugs for personal use in Berkeley. However, this policy option sends a symbolic message about the importance of decriminalizing possession of psychedelic drugs for personal use, particularly to jurisdictions where individuals actually do face a significant risk of criminalization for this activity.

The deprioritization of investigation and enforcement of laws against giving away, sharing, or distributing psychedelic drugs to other individuals has, in jurisdictions such as Oakland, CA, demonstrably led to the emergence of unregulated gray markets for psychedelic drugs. In these gray markets, we see enterprising entrepreneurs opening commercial operations such as delivery services (advertised with fliers and posters), storefront dispensaries, pop-ups, and outdoor market booths, sometimes asking for “suggested donations,” and sometimes not bothering at all with the pretense that they are merely “giving away” the substances. For example, at least one convenience store in Oakland is now openly offering psilocybin mushroom chocolate bars for sale. This deprioritization policy has also demonstrably opened access to unregulated facilitated psychedelic dosing sessions (with practitioners and groups accepting payment for their services), including one-on-one psychedelic-assisted practices and group practices such as ceremonies (often with public-facing websites and other promotional materials). It is important to carefully consider the implications and potential public health consequences of opening this kind of access to the substances at this time.

While there is much we do not know yet about the individual and public health consequences of psychedelic drug use, we do know that these are very powerful psychoactive substances (far more powerful than cannabis) that can present serious risks, especially for some individuals, and when used in different circumstances. While many of these risks can be mitigated when use occurs within an intentional, supportive, guided “container,” there is still much to learn about how specific individual and container factors are connected to safety and benefit, and about how to create safe and beneficial containers for different individuals, and for different purposes (e.g. treating depression, PTSD, etc.). Additionally, the use of psychedelic drugs under the guidance or supervision of another person places the user in a highly vulnerable position in which they are susceptible to (conscious or unconscious) manipulation, exploitation, and abuse at the hands of their sitter, facilitator, guide, therapist, etc. Without having effective safeguards in place, opening unregulated access to psychedelic drugs and psychedelic services would create a dangerous situation, particularly for individuals with contraindications, and individuals who are members of vulnerable populations.

While there is a body of promising scientific research into the potential therapeutic applications of psychedelic drugs, the findings from this research are still quite limited and preliminary. However, psychedelic drugs are increasingly perceived by the public as being safe and effective “medicines,” despite the current lack of FDA approval, and despite the large gaps in our scientific knowledge about the substances’ risk/benefit profiles and long-term effects (for different individuals and populations, when used in different contexts, and when used in the treatment of different health conditions). Governments have public health imperatives to develop and implement policies that fully acknowledge these complex (and rapidly-changing) circumstances. Policies must be developed and implemented with the understanding that psychedelic drug policy reform involves unique issues that are not present when considering (for example) methamphetamine or fentanyl policy reform, in part because these other substances, unlike psychedelics, are generally perceived by the public as being dangerous, addictive, recreational drugs, rather than as safe and effective “medicines” that will supposedly be the magic-bullet solution to the mental health crisis.

Because psychedelic drugs are increasingly promoted as being actively beneficial substances with great therapeutic, medical, or even spiritual and societal value, this is generating significant and unique demand for psychedelic drugs and psychedelic services. Deprioritizing the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people opens the door for individuals and groups to provide an unregulated supply to meet this demand. Some of these individuals and groups, even those with entirely good intentions, would likely end up presenting or marketing their goods and services in ways that are not accurate or evidence-based, and that make misleading or unfounded claims about the safety and efficacy of what they are providing. This situation, again, would be dangerous, particularly for individuals with contraindications, and for vulnerable populations (such as severely depressed people who are desperate for a solution to their suffering).

We carefully considered issues related to long-term equitable access to psychedelic drugs and psychedelic services in our policy-making decision process. One often-raised concern is that if local jurisdictions and states do not decriminalize (or even legalize) the unrestricted giving away, sharing, or administering of psychedelic drugs right now, that future regulatory frameworks will inevitably become overly-restrictive, and shaped by corporate interests, making access expensive and inequitable.

In response to this concern, we argue that immediately opening unregulated gray markets for psychedelic drugs and psychedelic services, at least without first establishing a robust and widely-accessible safety/harm reduction/education/support scaffolding, represents inequitable public health policy. For example, if unregulated gray market access was opened without any safeguards in place, individuals who have more time, education, experience, skills, resources, etc. to conduct their own research/educate themselves (e.g. about using psychedelics within a safe container,

about contraindications, about detecting red flags that may indicate abusive guides, etc.) would likely be able to make safer and more beneficial decisions about using the substances, about selecting a guide, etc. These individuals would presumably be more likely to experience positive outcomes and less likely to experience negative outcomes from accessing psychedelic drugs or psychedelic services, which is an inequitable situation (and vulnerable populations in particular would be subject to inequitable levels of risk). This is one of the reasons it is necessary to include a safety scaffolding in psychedelic drug policy, and to fully establish this safety scaffolding before opening widespread access.

Furthermore, we are optimistic that a transparent, comprehensive public conversation about the issues, with the participation of representatives of different communities and impacted groups, a variety of interdisciplinary experts, etc. will lead to the development and implementation of psychedelic drug reform policies that promote equitable access to psychedelic drugs and psychedelic services (whatever those policies may ultimately look like). We are optimistic that the people of the State of California, either through their representatives in the legislature or through ballot initiatives, will in the (probably near) future approve psychedelic drug policies that create access that is equitable, safe, beneficial, and ethical. We can learn from mistakes with cannabis legalization, and work to prevent corporate and other commercial interests from shaping psychedelic policy decisions towards their own interests.

Moving on from public health concerns, we identified and analyzed several criminal justice concerns that may provide reasons in favor of deprioritizing the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people in the City of Berkeley. One criminal justice reason to select this policy option would be to prevent individuals from being investigated, arrested, prosecuted, and incarcerated for engaging in these activities in Berkeley. However, as stated previously, very few people are investigated or arrested in Berkeley for offenses involving psychedelic drugs, with the rare cases involving the sale of the substances. Therefore, including giving away, sharing, etc. in our deprioritization policy would not have a significant impact on keeping individuals from being criminalized for the psychedelic-involved activities they are already engaging in, because these individuals are not currently at significant risk for investigation or arrest in Berkeley. If we did include giving away, sharing, etc. in our deprioritization policy, we would, however, be actively opening the gates for a widely-accessible, but completely unregulated gray market to emerge in Berkeley. We see the need to avoid this unintended consequence (and its public health implications) as outweighing the criminal justice value of deprioritizing enforcement of laws against giving away, sharing, etc. of psychedelic drugs.

Another relevant criminal justice concern we considered is the imperative to respect and protect the right to religious freedom. It has been argued that the right to religious freedom entails that every individual has the right to use psychedelics in religious

practices, particularly in community with others, free from government restriction or interference. If this is the case, then this would provide reason to deprioritize enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people *within the context of religious practices*.

We decided that while the right to religious freedom may entail that every individual has the right to use psychedelic drugs in religious practices, including in community with others, there are many problems involved in identifying “religious practices” and distinguishing them from other activities, such that it would be intractably difficult to write a religious use protection into the resolution without creating many ambiguities and easily-exploited loopholes (for commercial activity, insincere religious practice, etc.). Additionally, deprioritizing enforcement of laws against possession of psychedelic drugs for personal use would allow individuals to engage in psychedelic religious practices in community with others, as long as everyone brought their own substances to these gatherings. Furthermore, because psychedelic practices involve the use of powerful drugs that place users in highly vulnerable positions in which they are susceptible to (conscious or unconscious) manipulation, exploitation, and abuse, we are concerned that our attempts to specifically open the door for religious use any further at this time would open the door to these dangers, particularly when charismatic leaders and guru-figures are involved in the psychedelic practices.

When making the decision to omit giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people from the resolution’s deprioritization policy, we considered the public health concerns along with the criminal justice concerns. We determined that the public health reasons to refrain from opening unregulated gray-market access at this time (at least without first fully establishing a robust safety scaffolding) outweigh the criminal justice reasons in favor of deprioritizing enforcement of laws against giving away, sharing, administering, etc. of psychedelic drugs to other people.

An essential part of this resolution is referring to the City Manager to work with external organizations (including the Fireside Project) to provide accurate, evidence-informed, and widely-accessible psychedelic education, harm reduction, and other support resources to the Berkeley community. The goal here is to help individuals make informed and responsible decisions about using psychedelic drugs, and if they choose to use the drugs, to help them do so as safely and beneficially as possible. We are seeing this component of the resolution as being particularly important right now due to the marked shift in public perceptions of psychedelic drugs, and due to the increasing interest in and use of the substances (and unregulated gray market access in Oakland). We believe that the provision of psychedelic harm reduction, education, and support resources is essential for providing a “safety scaffolding” for psychedelic drug use within the City, and that this safety scaffolding must be fully in place before we can consider

opening widespread, unregulated access to psychedelic drugs and psychedelic services.

The final element of this resolution is referring to the City Manager to create, and return to the City Council with, a policy for collecting public health data regarding psychedelic drug use in the City. As of right now, the City of Berkeley has no policy for psychedelic drug use public health data collection, and no City department collects any of this data. There are extremely significant gaps in our knowledge of current patterns of psychedelic drug use and the public health outcomes of use generally, so improved data collection is needed to arrive at a better understanding of psychedelic drug use in the population and its effects on public health in the City, particularly for the purpose of preparing for policy tracking and for crafting evidence-based psychedelic public health policies in the future.

In creating the “safety scaffolding” and the public health data collection policy, we also aim to send a message to other jurisdictions about the necessity of including these elements in responsible psychedelic drug reform policies.

ALTERNATIVE ACTIONS CONSIDERED

- We considered the resolution that the advocacy group Decriminalize Nature proposed in 2019, which is very similar to the policy passed in Oakland, CA and a number of other jurisdictions. This proposed Berkeley resolution would have opened the door for the emergence of an unregulated gray market in Berkeley, without first establishing a safety scaffolding and a policy for public health data collection. For the reasons discussed in the above “rationale” section, we chose a different policy approach.
- We decided against the “no action” option because there is so much public interest in psychedelic drug use right now, and we believe that it is crucial for the City of Berkeley to address this topic in a responsible, public-health-focused manner.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

- Possession, cultivation, processing, and preparation of Peyote (*Lophophora williamsii*) for personal use is being omitted from this resolution’s deprioritization policy, in order to protect the sustainability of the endangered plant’s population in the Southwest. The National Council of Native American Churches and the Indigenous Peyote Conservation Initiative have asked for this plant to be excluded from psychedelic decriminalization and legalization proposals for this reason.

FISCAL IMPACTS OF RECOMMENDATION

- Adoption of this resolution may very, very slightly reduce City expenditures associated with enforcement of laws imposing criminal penalties for possession of psychedelic drugs for personal use, and laws imposing criminal penalties for

the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use.

- Adoption of this resolution would decrease any present and future City expenditures associated with addressing adverse reactions to and negative health outcomes of psychedelic drug use, as a result of provision of psychedelic harm reduction, education, and support resources.
- Adoption of this resolution would require the use of City resources (including City staff time) to work with the external organizations to provide the psychedelic harm reduction, education, and support resources and to create and implement a public health data collection policy. However, because the City would be partnering with external organizations who would provide these resources (and collaborate in creating the data collection policy) for free, the costs to the City would be quite limited.

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

CONTACT PERSON

Roberto Terrones, Health Services Program Specialist, Health, Housing, & Community Services, 510-981-5324, RTerrones@cityofberkeley.info

Attachments:

1: Resolution

2: References

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

RESOLUTION CALLING FOR THE PROVISION OF EVIDENCE-INFORMED PSYCHEDELIC HARM REDUCTION, EDUCATION, AND SUPPORT RESOURCES TO THE BERKELEY COMMUNITY, CALLING FOR THE CREATION OF A POLICY FOR COLLECTING PUBLIC HEALTH DATA ON PSYCHEDELIC DRUG USE IN THE CITY, AND DEPRIORITIZING THE ENFORCEMENT OF LAWS THAT IMPOSE CRIMINAL PENALTIES FOR THE POSSESSION OF PSYCHEDELIC DRUGS FOR PERSONAL USE AND LAWS THAT IMPOSE CRIMINAL PENALTIES FOR THE CULTIVATION, PROCESSING, AND PREPARATION OF PSYCHEDELIC-CONTAINING PLANTS AND FUNGI FOR PERSONAL USE

WHEREAS, “psychedelic drugs” (or “classical psychedelics”) are LSD, psilocybin, DMT, mescaline, and other compounds that exert similar psychoactive effects by stimulating a specific subtype of serotonin receptor (5-HT_{2A}) on nerve cells in the brain and elsewhere in the body;¹ and

WHEREAS, psychedelic drugs can induce extra-ordinary, altered states of consciousness, involving significant changes in thought, feeling, and perception,^{1,2} with these psychoactive effects becoming more intense and unpredictable when the drugs are taken in higher doses;¹ and

WHEREAS, psychedelic drugs have the potential to produce positive effects and beneficial outcomes (such as a sense of spiritual well-being, and improvements in the symptoms of mental health disorders),¹⁻⁴ and to produce adverse effects and negative outcomes (such as intense confusion, fear, and panic, and even erratic behavior that can lead to harming oneself or others),¹⁻⁴ and individuals with particular contraindications face an increased likelihood of adverse effects and negative outcomes, with those who have a history of or predisposition to psychotic disorders being at risk for triggering the onset of psychosis as a result of psychedelic drug use;⁴⁻⁵ and

WHEREAS, the acute effects and the outcomes of psychedelic drug use are extremely dependent on “container,”¹⁻⁶ which is the particular context/conditions/circumstances within which the substance is used, including “Set” (the user’s expectations, intentions, mood, beliefs, medical and health conditions, etc.) and “Setting” (the physical, interpersonal, social, cultural, etc. environment within which the use occurs);¹⁻⁶ and

WHEREAS, while there is still much to learn about the factors that contribute to how individuals react to psychedelic drugs and how these factors relate to acute effects and outcomes of use,¹⁵ it is clear that adverse effects and negative outcomes are significantly less likely to occur and beneficial effects and outcomes are more likely to occur when psychedelic drugs are used within containers that are intentional, structured, and include the support of trained, competent, and well-intentioned sitters, guides, facilitators, therapists, etc.,¹⁻⁶ and that adverse effects and negative outcomes are significantly more

likely, and beneficial effects and outcomes less likely, when the drugs are used outside of these containers (for example, when the user decides to use the substance spontaneously without intentional preparation, when they are alone, in a chaotic or unpredictable environment, etc.);¹⁻⁶ and

WHEREAS, the outcomes of psychedelic drug use are also dependent on “integration,” which refers to the process of unpacking and exploring the meaning of one’s psychedelic experience and applying it to one’s life,⁷ with integration being vital not only because it helps one fulfill the beneficial potential of one’s experience, but also because the absence of integration can create risks and lead to negative outcomes, such as in scenarios when trauma surfaces in the experience, but is not integrated afterwards; and

WHEREAS, psychedelic-containing plants and fungi have a long history of traditional use in some indigenous societies,^{6,7} with this use typically occurring within highly intentional, structured, time-tested ceremonial containers that include the guidance of trained practitioners, followed by integration practices, and occurring within cultural contexts that differ quite significantly from that of contemporary American society;^{6,7} and

WHEREAS, in recent years, there has been resurgence of scientific research into the use of psychedelic-assisted psychotherapies for treating mental health conditions such as major depressive disorder and substance use disorder,⁸ with a number of studies showing promising preliminary evidence¹⁵ for therapeutic benefits when screened, prepared patients are administered with the substances within structured, clinical containers, with the support of trained therapists, and with integration following the administration sessions;⁸ and

WHEREAS, at this time, while psychedelic therapies have not yet been demonstrated to be safe and effective treatments for any health condition, and have not yet been approved by the FDA,^{8,15} the federal government has created an interagency task force to study and address issues related to the projected approval, rollout, and regulation of psychedelic medicine in the United States, with the goal of creating a “framework for the responsible, accountable, safe, and ethical deployment of psychedelic therapies for mental health disorders when the FDA approves their use;”⁹ and

WHEREAS, while psychedelic drug use has been highly stigmatized in Western society, especially since the beginning of the Drug War in the United States, public perceptions have dramatically shifted in the past few years,^{8-12,15} with mainstream media outlets reporting enthusiastically about the beneficial potential of psychedelic drug use (sometimes touting the substances as miracle cures or magic bullets),^{8,10-12,15} psychedelic drug policy reforms being proposed and often passed in various jurisdictions throughout the United States,^{7,12,15} billions of dollars of investment pouring into the psychedelic space, first from a small number of wealthy psychedelic-enthusiasts and now from commercial/industry/venture capital interests,^{10,15} a trend towards increasing use of psychedelic drugs within the population,^{12,13} and a wave of interest in receiving

psychedelic treatments,¹¹ which has been referred to as the “Michael Pollan Effect,”¹¹ and is evidenced by the massive increase in the number of individuals seeking to participate in the limited number of active or recruiting psychedelic clinical trials;¹¹ and

WHEREAS, given the profile of use for this class of drug, and given recent shifts in public perception and policy, the City of Berkeley has a responsibility to make efforts, through collaborations with external organizations, to provide accurate, unbiased, evidence-informed, and widely-accessible psychedelic harm reduction, education, and other support resources to the Berkeley community, to help individuals make informed and responsible decisions about using psychedelic drugs, and if they choose to use the drugs, to help them do so safely and beneficially; and

WHEREAS, there are extremely significant gaps in our knowledge of current patterns of psychedelic drug use and the public health outcomes of use,^{12,14,15} so improved data collection is needed to arrive at a better understanding of psychedelic drug use in the population and its effects on public health, particularly for the purpose of preparing for policy tracking and for crafting evidence-based psychedelic public health policies in the future; and

WHEREAS, while the possession of psychedelic drugs for personal use is illegal at the federal level in the United States, arrests and prosecutions for engaging in psychedelic drug offenses almost always follow state law, and laws and penalties vary widely between different states, with possession of psychedelic drugs for personal use being considered in California to be a misdemeanor, punishable by up to one year of imprisonment; and

WHEREAS, arresting, prosecuting, and incarcerating people for the possession of psychedelic drugs for personal use and for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use is unjust, needlessly harmful to individuals and communities, represents a waste of resources, and does not promote public health; and

WHEREAS, deprioritization of investigation and enforcement of laws against giving away, sharing, or distributing psychedelic drugs to other individuals has, in jurisdictions such as Oakland, CA, demonstrably led to the emergence of unregulated gray markets for psychedelic drugs, with enterprising entrepreneurs opening (sometimes “donation”-based) commercial operations such as delivery services, storefront dispensaries, pop-ups, and outdoor market booths, and now with at least one convenience store in Oakland openly offering psilocybin mushroom chocolate bars for sale; and

WHEREAS, the deprioritization of investigation and enforcement of laws against giving away, sharing, distributing, or administering psychedelic drugs to other individuals has, in jurisdictions such as Oakland, CA, demonstrably opened access to unregulated psychedelic administration/dosing sessions (with practitioners and groups soliciting payment for their services), including one-on-one psychedelic-assisted therapy and group

practices such as ceremonies (often with public-facing websites and other promotional materials), and while some of these practices appear to operate in ways that are largely safe, ethical, and responsible, others do not, and are not required to, operate by the same standards, guidelines, and procedures; and

WHEREAS, at this stage, given the present circumstances in our society, the City of Berkeley's perspective is that it is prudent public health policy to pass a psychedelic drug reform proposal that does not lead to the unintended consequences of the emergence of an unregulated gray market for psychedelic drugs and the opening of access to unregulated psychedelic administration/dosing sessions, without first fully establishing a robust psychedelic harm reduction, education, and support scaffolding, without first creating a policy for public health data collection on psychedelic drug use, and without having a transparent, comprehensive public conversation, involving a variety of interdisciplinary experts, representatives of different communities and impacted groups, etc., about opening access to psychedelic drugs in a way that is safe, beneficial, ethical, and equitable, including discussion of the potential role of religious, ceremonial, and traditional use protections, public education campaigns, harm reduction programs, possible regulatory frameworks, consumer and client protections, licensing or certification systems for therapists and facilitators etc.; and

WHEREAS, the City of Berkeley wishes to declare its desire to create a psychedelic education, harm reduction, and support scaffolding for the community, to create a policy for collecting public health data on psychedelic drug use within the community, and to not expend City resources to assist in the enforcement of laws imposing criminal penalties for the possession for personal use of psychedelic drugs, or for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use; and

WHEREAS, a foundational part of the psychedelic harm reduction infrastructure is the "Psychedelic Peer Support Line," operated by a Bay Area-based nonprofit organization called Fireside Project, which has provided free, confidential peer-to-peer emotional support by phone and text message to over 5,000 people during and after psychedelic experiences, and has averted thousands of emergency room visits and calls to 911, and it is imperative that every member of the Berkeley community become aware of the Psychedelic Peer Support Line before they take any psychedelic substance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Mayor and City Council hereby declare that it shall be the policy of the City of Berkeley that no department, agency, board, commission, officer, or employee of the city, including without limitation, Berkeley Police Department personnel, shall use any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs for personal use, or laws imposing criminal penalties for the cultivation, processing, and preparation of psychedelic-drug-containing plants and fungi for personal use. For the purposes of this resolution, "psychedelic drugs" refers to

the “classical psychedelics” LSD, psilocybin, DMT, mescaline, and all other compounds that exert similar psychoactive effects through stimulation of the 5-HT_{2A} receptor. This resolution’s deprioritization policy does not apply to the mescaline-containing cactus Peyote (*Lophophora williamsii*), due to sustainability and poaching concerns raised by the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative, who have released a statement requesting that decriminalization policies do not include this species.

BE IT FURTHER RESOLVED that this resolution defines the “personal use of psychedelic drugs” as an individual ingesting or self-administering psychedelic drugs.

BE IT FURTHER RESOLVED that this resolution defines “possession of psychedelic drugs for personal use” as an individual possessing psychedelic drugs for the purpose of being ingested or self-administered by that same individual, and not by any other person or people.

BE IT FURTHER RESOLVED that this resolution defines the “cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use” as an individual cultivating, processing, and preparing any of these plants and fungi for the purpose of the resulting material being ingested or self-administered by that same individual, and not by any other person or people.

BE IT FURTHER RESOLVED that this resolution does not authorize or enable any of the following activities: giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to another individual.

BE IT FURTHER RESOLVED that the City of Berkeley shall, in the future, consider adopting policy that deprioritizes enforcement of laws imposing criminal penalties for the possession of MDMA, ketamine, ibogaine, and other psychedelic-adjacent compounds for personal use.

BE IT FURTHER RESOLVED that the City of Berkeley declares its support for a transparent, comprehensive public conversation about opening access to psychedelic drugs and psychedelic administration/dosing sessions in a way that is safe, beneficial, ethical, and equitable, including discussion of the potential role of religious, ceremonial, and traditional use protections, public education campaigns, harm reduction programs, possible regulatory frameworks, consumer and client protections, licensing or certification systems for therapists and facilitators, etc., and that the City urges the California State Legislature to take part in this conversation, and consider passing legislation that addresses the relevant issues.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to work with external organizations such as non-profits and academic institutions to provide and promote unbiased, evidence-informed psychedelic harm-reduction, education, and

support resources to the Berkeley community, including but not limited to the harm reduction-based drug education curriculum for high school students, Safety First, educational materials, workshops and other resources such as those provided by Fireside Project, DanceSafe, and other organizations for adults generally, as well as for adults who use the drugs in relevant settings, such as within nightlife, at festivals, and the use of drug purity/adulteration checking technologies, etc.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to collaborate with the non-profit organization Fireside Project to ensure that every citizen of Berkeley becomes aware of the Psychedelic Peer Support Line before consuming psychedelic drugs. Such collaboration may include but is not limited to sharing the Psychedelic Peer Support Line's number - 62-FIRESIDE | 623-473-7433 - with law enforcement and other City employees who may come into contact with people who may use psychedelic drugs, posting this information on City websites; encouraging schools to share this information with their students, and encouraging business such as bars, clubs, concert halls, and nightlife venues to share this information with their customers.

BE IT FURTHER RESOLVED that any organization or individual who works with the City to provide psychedelic education, harm reduction, or support resources shall not, through their work with the City, actively facilitate access to psychedelic drugs or psychedelic administration sessions, while current State law is in place. If an organization or individual is found to be acting in violation of this provision of the resolution, the City shall review the partnership with the organization or individual, and consider ending the partnership, depending on circumstances of the violation.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to collaborate with the Public Health Department, other City Departments, and external organizations and individuals to create, and return to the City Council with, a policy for collecting public health data on psychedelic use in the City.

BE IT FURTHER RESOLVED that the City of Berkeley urges other local jurisdictions to pass proposals that would establish psychedelic education, harm reduction, and support scaffoldings for their communities, create policies for collecting public health data on psychedelic drug use within their communities, and deprioritize the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs (except Peyote) for personal use, and for the cultivation, processing, and preparation of psychedelic-containing plants and fungi (except Peyote) for personal use.

References:

1. Halberstadt AL. Recent advances in the neuropsychopharmacology of serotonergic hallucinogens. *Behav Brain Res.* 2015 Jan 15;277:99-120. doi:

- 10.1016/j.bbr.2014.07.016. Epub 2014 Jul 15. PMID: 25036425; PMCID: PMC4642895.
2. Aday JS, Mitzkovitz CM, Bloesch EK, Davoli CC, Davis AK. Long-term effects of psychedelic drugs: A systematic review. *Neurosci Biobehav Rev.* 2020 Jun;113:179-189. doi: 10.1016/j.neubiorev.2020.03.017. Epub 2020 Mar 16. PMID: 32194129.
 3. Carbonaro TM, Bradstreet MP, Barrett FS, MacLean KA, Jesse R, Johnson MW, Griffiths RR. Survey study of challenging experiences after ingesting psilocybin mushrooms: Acute and enduring positive and negative consequences. *J Psychopharmacol.* 2016 Dec;30(12):1268-1278. doi: 10.1177/0269881116662634. Epub 2016 Aug 30. PMID: 27578767; PMCID: PMC5551678.
 4. Strassman RJ. Adverse reactions to psychedelic drugs. A review of the literature. *J Nerv Ment Dis.* 1984 Oct;172(10):577-95. doi: 10.1097/00005053-198410000-00001. PMID: 6384428.
 5. Johnson M, Richards W, Griffiths R. Human hallucinogen research: guidelines for safety. *J Psychopharmacol.* 2008 Aug;22(6):603-20. doi: 10.1177/0269881108093587. Epub 2008 Jul 1. PMID: 18593734; PMCID: PMC3056407.
 6. Carhart-Harris RL, Roseman L, Haijen E, Erritzoe D, Watts R, Branchi I, Kaelen M. Psychedelics and the essential importance of context. *J Psychopharmacol.* 2018 Jul;32(7):725-731. doi: 10.1177/0269881118754710. Epub 2018 Feb 15. PMID: 29446697.
 7. Bathje GJ, Majeski E, Kudowor M. Psychedelic integration: An analysis of the concept and its practice. *Front Psychol.* 2022 Aug 4;13:824077. doi: 10.3389/fpsyg.2022.824077. PMID: 35992410; PMCID: PMC9386447.
 8. Lowe H, Toyang N, Steele B, Grant J, Ali A, Gordon L, Ngwa W. Psychedelics: Alternative and Potential Therapeutic Options for Treating Mood and Anxiety Disorders. *Molecules.* 2022 Apr 14;27(8):2520. doi: 10.3390/molecules27082520. PMID: 35458717; PMCID: PMC9025549.
 9. <https://www.documentcloud.org/documents/22121426-exhibit-3-response-to-rep-dean-et-al>
 10. Yaden DB, Potash JB, Griffiths RR. Preparing for the Bursting of the Psychedelic Hype Bubble. *JAMA Psychiatry.* 2022 Oct 1;79(10):943-944. doi: 10.1001/jamapsychiatry.2022.2546. PMID: 36044208.
 11. <https://psychedelicspotlight.com/psychedelic-clinical-trials-and-the-michael-pollan-effect/>
 12. Matzopoulos R, Morlock R, Morlock A, Lerer B, Lerer L. Psychedelic Mushrooms in the USA: Knowledge, Patterns of Use, and Association With Health Outcomes. *Front Psychiatry.* 2022 Jan 3;12:780696. doi: 10.3389/fpsyg.2021.780696. Erratum in: *Front Psychiatry.* 2022 Mar 23;13:877390. PMID: 35046855; PMCID: PMC8761614.

13. <https://nida.nih.gov/news-events/news-releases/2022/08/marijuana-and-hallucinogen-use-among-young-adults-reached-all-time-high-in-2021>
14. Johnstad PG. Who is the typical psychedelics user? Methodological challenges for research in psychedelics use and its consequences. Nordisk Alkohol Nark. 2021 Feb;38(1):35-49. doi: 10.1177/1455072520963787. Epub 2020 Oct 20. PMID: 35309094; PMCID: PMC8899058.
15. Smith WR, Appelbaum PS. Two Models of Legalization of Psychedelic Substances: Reasons for Concern. JAMA. 2021 Aug 24;326(8):697-698. doi: 10.1001/jama.2021.12481. PMID: 34338743; PMCID: PMC8753745.



City Clerk Department

October 21, 2022

To: Berkeley Unified School District
Berkeley Rent Stabilization Board
Board of Library Trustees
Berkeley Housing Authority
All Berkeley Boards & Commissions

From: Mark Numainville, City Clerk

Subject: Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone People

On October 11, 2022, the Berkeley City Council unanimously adopted the Land Acknowledgement Statement Resolution. The Statement acknowledges that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people, brings attention to their centuries of resistance to colonial violence, and reminds our City and community of the need to take concrete restorative actions.

The full recommendation of the City Council is as follows:

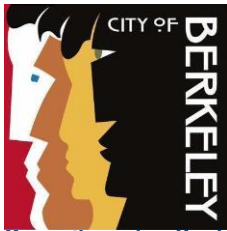
1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

This memo transmits the agenda item and resolution to you as directed by the City Council in recommendation number three. Recommendation number three also states that the City Council recommends to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in their meeting practices.

Thank you for your review and consideration of this important item.

cc: Mayor and City Council
Dee Williams-Ridley, City Manager

Enc.



Councilmember Sophie Hahn
City of Berkeley, District 5

CONSENT CALENDAR

October 11, 2022

To: Honorable Mayor and Members of the City Council
From: Councilmember Hahn (Author)
Mayor Jesse Arreguín (Co-Sponsor)
Councilmember Taplin (Co-Sponsor)
Councilmember Robinson (Co-Sponsor)
Subject: Land Acknowledgement Recognizing Berkeley as the Ancestral,
Unceded Home of the Ohlone people.

RECOMMENDATION

1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

SUMMARY

Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions.

The settlers of California, primarily Europeans seeking religious converts, agricultural land and economic opportunity during the gold rush, committed one of the most egregious genocides in history. Settlers murdered 80 percent of Indigenous people in the state from

1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation.¹

Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities. Today, land acknowledgments are used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live.² To begin public meetings, dozens of localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements. Many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA), read these acknowledgements as well. The practice has been common for nearly a decade in Canada, New Zealand, and Australia.³

Locally, many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board.

However impactful these statements may be, it's important to consider that land acknowledgements have been criticized as appropriating the Indigenous practice of acknowledging the ancestral roots of land without taking concrete action against ongoing oppression.⁴ According to University of Oklahoma Professor of Native American Cultural Studies Dustin Tahmahkera, "To acknowledge Indigenous homelands and to return those lands are related, but the former alone allows for rhetoric without further action."⁵

Dr. Duke Redbird, an Elder of the Saugeen First Nation in Ontario recently noted that Canada has invited non-Indigenous territories such as Prince Edward Island into the government's confederation, giving them lawmaker representation in parliament, while excluding millions of Indigenous people from the same opportunity:⁶

¹ Madley, B. (2016). *An American Genocide. The United States and the California Indian Catastrophe*. Yale University Press. Print. p. 10, 12. Note: approximately, one in ten of these 125,000 deaths were the result of direct violence, often perpetuated by volunteer militias. Others resulted indirectly through displacement and disease.

² Smithsonian National Museum of the American Indian, *Honoring Original Indigenous Inhabitants: Land Acknowledgment*. [Web](#).

³ Dewey, C. (2021). *Growing Number of Cities Weigh Tribal 'Land Acknowledgements.'* Pew Research Trust. [Web](#).

⁴ Kaur, H. (2021). *Land acknowledgments are often an empty gesture, some Indigenous people say.* CNN. [Web](#).

⁵ Wood, G. (2021). *'Land Acknowledgments' Are Just Moral Exhibitionism.* The Atlantic. [Web](#).

⁶ Museum of Toronto (2020). *Ask an Elder: What do Land Acknowledgements represent?* [Web](#).

To get up in government and give a land acknowledgement without even inviting us into confederation, we were left out. What is the land acknowledgement supposed to represent? Give us a feeling that we should be grateful? Grateful for what?

Naomi Bob, an Indigenous Youth Wellness Project Coordinator with the Snaw'naw'as and Nanoose First Nation, shared his perspective:⁷

I'm seeing land acknowledgements done in a way that is tokenizing and minimizes responsibility and our history... It's really easy to list off your host nations you found off of a google search but I want to hear how you as an individual have ended up on their land and I want to hear about the work you're doing to reconcile responsibilities you have inherited . . .

One of the leading advocacy groups for land acknowledgement, the Native Governance Center, acknowledges this issue of “optical allyship,” asking that local governments and community groups craft land acknowledgements that go beyond a mere statement, by providing research on the history of Indigenous peoples and offering concrete actions to support them. The organization’s Guide to Indigenous Land Acknowledgement states “every moment spent agonizing over land acknowledgement wording is time that could be used to actually support indigenous people... an apology or an acknowledgement is one thing, but what are you going to do next?”⁸

At an April 2022 Berkeley Rent Stabilization Board meeting Lisjan Ohlone Chairperson Corrina Gould spoke in support of their land acknowledgment and emphasized that we must acknowledge not only the past but also the future. She stressed that land acknowledgements are “a way to create goals together so there is an ongoing partnership taking care of the lands, and waters, and places that we live.”⁹ The City of Berkeley should honor this intention and use this resolution and the Land Acknowledgement practice as a first step to bring attention to these histories and as a foundation for further concrete actions.

This item asks for the Land Acknowledgement to be formally adopted, displayed, and spoken by the City Council at the start of proceedings, and asks other appointed and elected governmental bodies in Berkeley to consider adopting similar Land

⁷ CFSC Video (2020). Why are land acknowledgments important? Naomi Bob - Indigenous Voices on Reconciliation. [Web](#).

⁸ Native Governance Center (2019), quoting Dr. Kate Beane of the Falandreau Santee Dakota and Muskogee Creek as well as Robert Larson of the Sioux Indian Community. A Guide to Indigenous Land Acknowledgement. [Web](#).

⁹ City of Berkeley (2022). Berkeley Rent Board Adopts Land Acknowledgement Statement. [Web](#).

Acknowledgement practices. More importantly, *it is intended to serve as a starting point for further restorative and reparative work our City and community must engage in*, not as an end in and of itself.

BACKGROUND

The United States, the State of California, and the City of Berkeley came into being through the deliberate and sustained genocide of Indigenous people, and modern forms of this colonial violence continue to this day both here in Berkeley and across the country and globe. This history is often obscured or erased. Schools for decades have failed to teach the truth about this legacy, replacing hard and ugly facts with a variety of convenient myths and misrepresentations. Surviving Native Americans endured forced reeducation at boarding schools that suppressed oral history transmission, and fear of violence and murder drove many to hide their Indigenous ancestry, further eroding culture and memory.¹⁰ But Lisjan Ohlone and other Native American people found ways to survive this murderous and cultural genocide, and many are with us today.

To contextualize this painful history, honor the Indigenous people who have survived and resisted this violence, and chart a new path forward for our community, this item briefly recounts elements of this history to understand the present.

The Ohlone are a group of around 50 separate tribes, who for 10,000 years lived on ancestral lands that spanned the coast of what is now known as San Francisco through Monterey Bay to the lower Salinas Valley.¹¹ There were eight different nations in the Bay Area alone, including the Lisjan; many came to adopt the term Ohlone in solidarity with other nations to push back against the Spanish colonizers' blanket name of "Costanoan."¹²

The territory xučyun (Huchiun), extending from what is now known as the Berkeley Hills to the Bay Shore from West Oakland to El Cerrito, is the home territory of the Chochenyo speaking Ohlone people. The cities of Alameda, Berkeley, Emeryville, El Cerrito, and most of Oakland were created on this ancestral territory. Nearly 310,000 Indigenous people across the region lived in what is now called California, speaking as many as 100 languages.¹³

Spain began colonizing these lands in 1769, establishing military forts and religious "mission" outposts across the region, including Mission San Jose in Fremont and

¹⁰ Madley, B. (2016). Ibid. p. 10.

¹¹ UC Berkeley, n.d. Berkeley sits in the territory of xučyun. [Web](#).

¹² Gould, Corrina. (2021). Berkeley's Ohlone History. Peralta Community Garden. [Web](#).

¹³ Madley, B. (2016). Ibid. p. 23.

Mission Dolores in San Francisco, that enslaved the ancestors of some modern-day Berkeley and East Bay Ohlone people.¹⁴ ¹⁵Spain used slavery, rape, and torture of Indigenous people to secure silver mines to compete against colonial powers like Russia and Britain and “spiritually conquer” the region in the name of Catholicism.¹⁶ In this period, Spain claimed ownership of the land and granted use rights to some ranchers and farmers.¹⁷

In 1818, the Spanish soldier Luis Peralta petitioned the Spanish authorities to be granted 48,000 acres extending from modern day San Leandro Creek to El Cerrito. This area, encapsulating modern day Berkeley, was known as “Rancho San Antonio.” Two of Peralta’s four sons, Domingo and Vicente (for which streets are named today), administered the territory for nearly two decades, through the transfer of the region to Mexico from Spain. Ranching appropriated and destroyed native landscapes and diverted streams for irrigation at great cost to native peoples, some of whom found ways to survive amid ongoing Spanish oppression.¹⁸

Following Mexican independence in 1821, the new Mexican government granted private land rights to individual “ranchos” through the Missions: these land grant settlers began occupying prime agricultural lands across the state, but remained less than 20 percent of California’s population – the remainder being Native American.¹⁹ The Peralta family soon had company in the form of other landed “aristocratic” families, which replaced the missionary friars as the most powerful people across the region.²⁰

Amid the 1850’s Gold Rush, U.S. soldiers victorious over Mexico and other squatters began to make legal claims to the Peralta lands. Federal judges of the California Land Commission in 1851, not well prepared for their tasks, attempted to resolve these numerous land disputes, but the Peraltas were overwhelmed by lawyers’ bills and property taxes, eventually selling off much of their lands to pay their debts.²¹ Meanwhile the violent occupation of settlers as well as the spread of European diseases like smallpox reduced the Indigenous population to only 150,000 people by the time the United States had taken legal control of what is now California in 1846, during the Mexican-American war.²²

¹⁴ Novan, K. (2021). California Agriculture: Dimensions and Issues, 2nd Edition: Chapter 3, California’s Evolving Landscape. University of California: Giannini Foundation of Agricultural Economics. [Web](#). p. 59.

¹⁵ Gould, Corrina. (2021). Ibid.

¹⁶ Novan, K. (2021). Ibid. p. 59.

¹⁷ Madley, B. (2016). Ibid. p. 27 - 38.

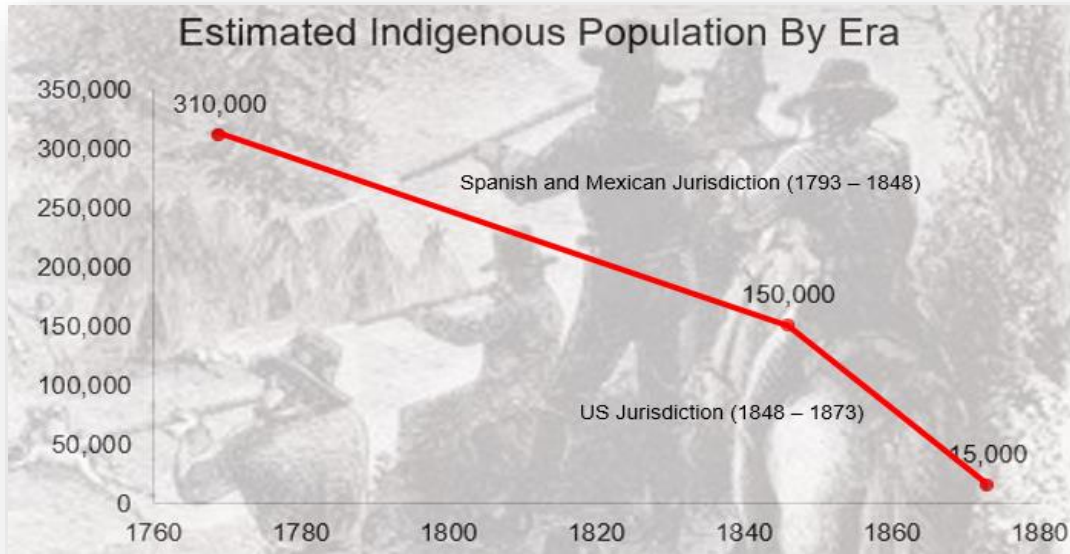
¹⁸ Wollenberg, C. (2008). Berkeley: A City in History. Chapter One: First Settlers. UC Press. p. 8. [Web](#).

¹⁹ Novan, K. (2021). Ibid. p. 60. / Lindsay, B.C. (2012), p. 131

²⁰ Wollenberg, C. (2008). Ibid. P. 8

²¹ Wollenberg, C. (2008). Ibid. P. 14

²² Madley, B. (2016). Ibid. p. 3, 12



So began the era of more affirmative, state-sponsored genocide that led US Indian Affairs Commissioner John Collier to declare in 1935 that “The world’s annals contain few comparable instances of swift depopulation— practically, of racial massacre—at the hands of a conquering race.”²³ Brenden C. Lindsay, Associate Professor of History at Sacramento State and author of *Murder State: California’s Native American Genocide*, concludes that “northern California’s Native population faced a genocidal assault perhaps unrivaled in North America in terms of its ferocity, bloodiness, and loss of human life,” this violence was executed through state-sponsored and state-tolerated violence, enslavement, and displacement.²⁴

It was just not just a select few who engaged in this violence. European settlers flooding into Northern California in search of gold came with a manufactured fear of Indigenous people, due to repetitive, sensationalized, and false storytelling in newspapers and other reports. Deaths from disease, natural causes, and even suicide were attributed to Indigenous people while actual violence by Indigenous people against settlers was quite rare. For example, contrary to popular myths, only 115 of nearly 90,000 new settlers were killed in conflicts with Indigenous people during the 1840s.²⁵ This manufactured fear, which translated into hatred, provided pretext for California Governors John

²³ Madley, B.

²⁴ Lindsay, B.C. (2012) *Murder State: California’s Native American Genocide, 1846-1873*. University of Nebraska Press. Print. p. 177

²⁵ Lindsay, B.C. (2012). *Ibid.* p. 9, 23, 31, 39, 120.

McDougal and Peter Burnett to legally sanction volunteer militias tasked with pushing Indigenous people off farming and ranching lands in the most economically efficient way possible: massacre.²⁶ Justifying this genocide with slurs like “digger,” Indigenous people were equated with animals for the purpose of literally hunting them with guns.²⁷

Many Indigenous people were enslaved for labor as well. Prominent State Senators and ranchers during California’s early years pushed the Governor to create reservations where Indigenous people could be used for hard labor but kept separate from whites. Legislation was also passed echoing legislation in southern States to reduce Indigenous people to non-legal entities who could be legally enslaved.²⁸ If Indigenous people were found drunk on Sundays, they were arrested and enslaved: the Los Angeles Star reported one instance where a jail door fell down because the cell was so crowded with imprisoned native people.²⁹ These and similar atrocities precipitated the unsuccessful pan-Indigenous “Garra Revolt” during the 1850s.

This enslavement also went hand in hand with displacement from ranching, which led to extreme poverty and starvation, with many Indigenous people desperate for work to survive. Ranching throughout California depended on the labor of enslaved Indigenous people as quests for gold by settlers drained the labor force.³⁰ Ranchers hunted deer and elk that competed for food with their cows and horses, devastating wild herds. Domesticated animals like cows, pigs, and sheep ate thousands of acres of plants Indigenous people depended on for food.³¹ This environmental devastation drove some Indigenous people such as the Paiutes to attack cows and horses (though even this tactic of survival was exaggerated by settlers, who often attributed the natural deaths of domesticated animals to Indigenous people).³² In an ironic twist, Indigenous peoples who killed domesticated animals tended to receive more in reservation funding, as this act of resistance created heavy costs for the ranchos.

The legal system, disguised with the veneer of “democratic will,” barred Indigenous people from testifying in court against settlers: in practice, legalizing their murder.³³ The Treaty of Guadalupe-Hidalgo, which ended the Mexican-American War, was violated as California took Indigenous affairs, a federal responsibility, into local hands following

²⁶ Lindsay, B.C. (2012). *Ibid.* p. 151, 170.

²⁷ Lindsay, B.C. (2012). *Ibid.* p. 133, 185

²⁸ Lindsay, B.C. (2012). *Ibid.* p. 146-148

²⁹ Lindsay, B.C. (2012). *Ibid.* p. 23, 153

³⁰ Lindsay, B.C. (2012). *Ibid.* p. 31, 136, 153

³¹ Lindsay, B.C. (2012). *Ibid.* p. 176, 181, 183, 186

³² Lindsay, B.C. (2012). *Ibid.* p. 17, 136, 186

³³ Lindsay, B.C. (2012). *Ibid.* p. 27, 28, 132, 168,

statehood.³⁴ For its part, however, the federal government reimbursed the cost of volunteer militias with millions in funding, effectively bankrolling massacre. It also issued a decree allowing soldiers from the Mexican-American war to claim up to 160 acres of land in California as a bounty, another factor in the demise of Ranchos and the establishment of “land rights” - to land that was stolen once from Indigenous peoples and a second time from the “owners” of formerly Spanish and later Mexican Ranchos.

The Sogorea Te’ Land Trust is an urban Indigenous women-led land trust based in the Bay Area that facilitates the return of Indigenous land to Indigenous people. The Trust’s website includes a short history of the Lisjan Ohlone, which parallels the history recounted in other sources.

“The Lisjan people have lived in the territory of Huchiun since the beginning of time. For thousands of years, hundreds of generations, the Lisjan Ohlone people have lived on the land that is now known as the East Bay in the San Francisco Bay Area. We did not own the land, we belonged to it. Generation after generation, we have cultivated reciprocal relationships with the plants and animals we share this place with, and developed beautiful and powerful cultural practices that keep us in balance.

The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history. Our tribes, cultures and languages are as diverse as the ecosystems we live within. When the Spanish invaded in the late 1700s, in their ignorance they called us Costanoan, people of the coast. In the 1960s and 70s, inspired by the Black Power and American Indian Movements, we organized and renamed ourselves Ohlone. The different nations of Ohlone people are connected but have different territories and languages. The Confederated Villages of Lisjan speak the language Chochenyo.

The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napian (Patwin). Our territory includes 5 Bay Area counties; Alameda, Contra Costa, Solano, Napa and San Joaquin, and we are directly tied to the “Indian Town” census of the 1920s and the Verona Band.

The colonization of this land began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land. The Missions were plantations, built by slave

³⁴ Lindsay, B.C. (2012). Ibid. p. 28, 140-143

labor and sustained through brutal physical violence and extractive land practices. The Spanish brought deadly diseases, invasive species, and Christian ideology, based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings we have shared the land with.

After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely. In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities. Cultural and spiritual traditions were forced into dormancy or secrecy, and much knowledge perished with the passing of generations.

Despite these concerted efforts to erase our history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families. Utilizing a wide array of survival strategies to navigate a profoundly altered 21st century world, we continue to revitalize our cultural practices and uphold our responsibilities to protect and care for our ancestral homeland.

We have survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras. Today, we continue to inhabit our ancestral homeland, fight for our sacred sites and revitalize our cultural practices.”³⁵

Despite the incredible strength it has taken to survive the repeated onslaughts of slavery, disease, environmental destruction, land appropriation, and state-sponsored physical and cultural genocide, centuries of trauma from colonization manifest themselves in ongoing struggles for Indigenous People in California and beyond. The nearly two million Indigenous people living under U.S. jurisdiction suffer the highest rate of poverty of any racial group—almost twice the national average. Rates of suicide, alcoholism, gang membership, and sexual abuse are also far higher than that of the non-Indigenous population, with challenges particularly acute on reservations.³⁶

By restoring sovereignty and land to Indigenous people, with negotiated environmental protections and meaningful economic opportunity, is one way to help repair deeply scarred communities.

As Standing Rock and other pipeline opposition campaigns have shown, Indigenous peoples living under U.S. jurisdiction continue to stand up against pipelines, oil extraction,

³⁵ Sogorea Te' Land Trust, Lisjan (Ohlone) History & Territory. [Web](#).

³⁶ Riley, N.S. (2016). One Way to Help Native Americans: Property Rights. The Atlantic. [Web](#).

and other desecrations that destroy their limited lands and poison communities with cancer and polluted water. The petroleum industry has demolished sacred sites and confronts individuals who resist with rubber bullets, attack dogs, and other war-like practices.³⁷ While Indigenous People are anything but a monolith, this common cause against extraction, pollution and desecration unites many. As Dallas Goldtooth of the Dakota Nation and Indigenous Environmental Network has described:

[Resistance] resonates across the diaspora of Indigenous Peoples. This is a critical moment we find ourselves in on this planet, not just in the sense for addressing climate change, but also a sense for social justice, a sense of just overall justice for all species. Indigenous Peoples tend to be, and rightfully are, on the frontline of those fights and those struggles. That's encapsulated by this idea of us rising together.

This connection even extends internationally, as the state of California plays an outsized role in the extraction and destruction of Indigenous homelands in the Amazon as well. In turn, the deforestation of the Amazon destroys moisture distribution that contains wildfires across North America, and California in particular.³⁸ A recent investigation demonstrated that California consumes more oil extracted from the Western Amazon than any other region on earth, refining it for airports, Amazon, PepsiCo and COSTCO.³⁹

In another example of the enduring nexus between our State and community and forces of destruction to Indigenous lands, a federal investigation found the largest animal production company in the world, JBS, has been implicated in the continued deforestation of the Amazon as well as the torture and murder of Indigenous people of the Amazon.^{40 41} Several of Europe's largest supermarket chains have responded by banning JBS beef products, acknowledging that animal feed crops and animal grazing drives 80 percent of Amazon deforestation.^{42 43} Through our consumption here in Berkeley, we literally fuel practices that continue to destroy Indigenous People and the lands on which they survive.

³⁷ Bunten, A.C. (2017). Indigenous Resistance: The Big Picture behind Pipeline Protests. Cultural Survival. [Web](#).

³⁸ Lazard, O. (2020). One Answer to California's Fires Lies in the Amazon. Carnegie Europe. [Web](#).

³⁹ Amazon Watch. Linked Fates: How California's Oil Imports Affect the Future of the Amazon Rainforest. [Web](#).

⁴⁰ Mano, A. (2021). Brazil's JBS bought 301,000 cattle from 'irregular' farms in the Amazon, audit finds. Reuters. [Web](#).

⁴¹ Phillips, D. (2020). Brazilian meat companies linked to farmer charged with 'massacre' in Amazon. The Guardian. [Web](#).

⁴² Spring, J. and Deutsch, A. (2021). European supermarkets stop selling Brazil beef over deforestation links. Reuters. [Web](#).

⁴³ Butler, R. (2009). Controlling the Ranching Boom that Threatens the Amazon. Yale School of the Environment. [Web](#).

With knowledge of these connections between the meat we eat and petroleum we consume to continued oppression of Indigenous People and desecration of their lands, we should consider actions like the boycotts undertaken in European countries.

Thoughtfully acknowledging our own history and current aspirations for local and other Indigenous Peoples prior to public deliberation offers hope for more permanent and meaningful restorative action in Berkeley as well as statewide, nationally, and across the globe.

REVIEW OF EXISTING PLANS PROGRAMS, POLICIES, AND LAWS

The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as oppressive actions that persist today.

In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day. This action motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People.⁴⁴ Since then, nearly 130 cities nationwide and 20 states have acknowledged this day of recognition as well.

In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as a landmark. The site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing. In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States.⁴⁵

Regarding the significance of the Shellmound and Village historic district, the "Shellmound - Ohlone Heritage Site and Sacred Ground" website documents that:

"For thousands of years, the people of this original village on the East Bay shore thrived on the abundant resources of land and sea, developing a sophisticated maritime culture. Towering over the village was a great mound, estimated to have been at least 20 feet high and hundreds of feet long, one of the largest of the 425

⁴⁴ Associated Press (1992). In Berkeley, Day for Columbus Is Renamed. New York Times. [Web](#).

⁴⁵ Dinkelspiel, F. (2020). West Berkeley Shellmound is now considered one of the U.S.'s 11 most endangered historic places. BerkeleySide. [Web](#).

shellmound funerary monuments that once lined the shores of San Francisco Bay. These mounds are older than the pyramids in Egypt and most of the major cities in the world.

Archaeologists have long recognized the importance of the West Berkeley Shellmound site, also known as the “West Berkeley Site,” or CA-ALA-307. The site has been determined eligible for listing on the National Register of Historic Places under all four criteria, and is listed on the California Register of Historical Resources. Archaeological evidence from the West Berkeley Site has fundamentally shaped understandings of the early human history of the San Francisco Bay Area, and ongoing research continues to enrich and reinterpret an amazing historical narrative.

Eminent UC Berkeley archaeologist Kent Lightfoot describes the West Berkeley Site as a fishing village where “an active port was maintained over hundreds of years,” with dozens of tule balsa canoes going out on fishing and hunting expeditions, or ferrying people and goods across the Bay. Large nets were used to catch fish such as sturgeon, salmon, thresher sharks, jacksmelt and surfperch. Hunters pursued antelope, deer, tule elk, dolphins, porpoises, otters, sea birds and other quarry, cooking their catch in underground ovens and hearths.

A unique 40-foot long oval-shaped building at the site is thought to have functioned as a center for ceremonies, dances and special meetings. Charmstones, abalone pendants and other ritual items have been recovered from the site. Hundreds of human burials have been recorded, as well as ritual burials of coyotes and a California condor.”⁴⁶

In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People’s right to self-determination.⁴⁷ In 2015, the Council later delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding.

In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and referred to the Berkeley Shellmound landmark.⁴⁸ The latter affirmed the City’s commitment to the “defense of Indigenous rights,

⁴⁶ Shellmound – Ohlone Heritage Site and Sacred Grounds. [Web](#).

⁴⁷ United Nations General Assembly (2007). United Nations Declaration on the Rights of Indigenous Peoples. [Web](#).

⁴⁸ Berkeley Resolution No. 67,352-N.S. Recognizing the Ohlone Peoples. [Web](#).

culture, and dignity” as an official value, committing that “free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site...”⁴⁹ The success of this measure underscores how Indigenous groups including Ohlone members and conservation activists have organized in spreading awareness throughout the community about their homeland and sacred sites in Berkeley and the Bay Area.

In January 2018, Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory." In October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory." As part of their deliberations, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting.

On June 9, 2020 the City Council passed an item to paint the words “Black Lives Matter” and “Ohlone Territory” on streets adjacent to Berkeley’s City Hall.

At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings.⁵⁰

In the spirit of continuing to demonstrate and deepen the City of Berkeley’s commitment to recognition and inclusion of the Ohlone People we bring the proposal for an official land acknowledgment forward, including consideration of concrete actions that may follow from public deliberation.

ACTIONS/ALTERNATIVES CONSIDERED:

The City of Berkeley should consult with Lisjan Ohlone leadership regarding any decisions related to restorative, reparative, or other supportive actions. Some actions the City may wish to consult on include:

⁴⁹ Berkeley Resolution No. 67,353-N.S. Honor Berkeley Shellmound Indigenous Sacred Site, UC Berkeley Return Ancestral Remains to Ohlone Peoples. [Web](#).

⁵⁰City of Berkeley (2022). Berkeley Rent Board Adopts Land Acknowledgement Statement. [Web](#).

Create Easements and/or Return City land: The Sogorea Te' Land Trust and the City of Oakland on September 8, 2022 announced a visionary, historic plan to return approximately five acres of land owned by the City to Indigenous stewardship.

The Oakland City Council will hold hearings to consider conveying the site, known as Sequoia Point, to the Sogorea Te' Land Trust, and the East Bay Ohlone tribe, Confederated Villages of Lisjan Nation. The City would grant a cultural conservation easement in perpetuity to the Land Trust, allowing the Land Trust to immediately use the land for natural resource restoration, cultural practices, public education, and to plan for additional future uses.

What started out with a casual conversation between Oakland Mayor Libby Schaaf and tribal Chairperson Corrina Gould in 2018, grew into a partnership between the City and the Land Trust to begin to address the historic harms of Oakland's founding.

In the short term, the easement would allow the Land Trust to immediately begin tending to the land, gather Native plants and foods, clean up the area, and perform environmental and natural habitat restoration. The long-term vision of this project is to create a thriving, beautiful, ceremonial gathering place and structure where Indigenous people and their guests can come together and share cultural information and celebrations.

"I am committed to returning land to Indigenous stewardship, to offer some redress for past injustices to Native people," said Mayor Schaaf. "I hope the work we are doing in Oakland with the Sogorea Te' Land Trust can serve as a model for other cities working to return Indigenous land to the Indigenous community we stole it from."

In recognition of this historic moment, tribal Chairperson Corrina Gould said, "This agreement will restore our access to this important area, allowing a return of our sacred relationship with our ancestral lands in the hills. The easement allows us to begin to heal the land and heal the scars that have been created by colonization for the next generations."⁵¹

Berkeley should consider this or similar actions to return land to Ohlone ownership and/or stewardship.

⁵¹ Sogorea Te' Land Trust and City of Oakland Announce Plan to Return Land to Indigenous Stewardship. [Web.](#)

Local Support for Land Transfers: As part of the land acknowledgement process, the City of Berkeley might consider encouraging residents to donate land to indigenous stakeholders such as the Sogorea Te' Land Trust that partners with dozens of local food justice and environmental groups to protect our shared environment.⁵² The Council could recognize donations of land or actions taken by community members to donate land through wills. The City could also partner to distribute information on the Sogorea Te' Land Trust and include information about the Trust on its website, including a guide to these types of donations produced by the Sustainable Economies Law Center, a copy of which is attached.^{53 54}

Local support for Voluntary Land Taxes: The City of Berkeley may consider further means to encourage residents to donate Indigenous causes through payment of voluntary land taxes, "Shuumi," that support the return of Indigenous land to Indigenous people.⁵⁵ The Sogorea Te' Land Trust, located in the East Bay, has such a program, and a similar program allows residents of the Humboldt Bay region to pay a voluntary tax to the Wiyot people. In Seattle, nearly 4,300 residents have signed up to pay the Duwamish Tribe symbolic rent.⁵⁶

Support for Statewide Indigenous Land Sovereignty: The City of Berkeley may continue its consideration of support letters, resolutions, and education campaigns that highlight exploitation of ancestral Indigenous people and lands.

Future efforts could support action to return land or pay restitution to Indigenous people. Returning land to Indigenous sovereignty or using restitution funds for Indigenous-led sustainability initiatives acknowledges the leading role that the securing of land had in the genocide of Indigenous people across the region.⁵⁷

Berkeley further may consider statements of support for giving Indigenous people sovereignty over national and local parks, acknowledging the acts of violence and genocide that drove them from these locations. Precedent exists in New Zealand and Australia.

⁵² Sogorea Te' Land Trust. Return the Land / Land Return. [Web](#).

⁵³ Sustainable Economies Law Center. Options for Transferring Land. [Web](#).

⁵⁴ Note: for lands outside this region, individuals can often find information on donations by searching "Tribal Historic Preservation Officer" along with the name of the nation they wish to give to.

⁵⁵ Sogorea Te' Land Trust. Shuumi Land Tax. [Web](#).

⁵⁶ Singh, M. (2019). Native American 'land taxes': a step on the roadmap for reparations. The Guardian. [Web](#).

⁵⁷ Lindsay, B.C. (2012) Murder State: California's Native American Genocide, 1846-1873. University of Nebraska Press. Print. P. 147- 186.

Indigenous communities are already stakeholders in park management, with a century of experience managing the layers of bureaucracy involved in managing these lands.⁵⁸

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Much like the process the Rent Stabilization Board pursued, the wording and intentions behind this land acknowledgement were developed in close consultation with Ohlone representatives. Academic and Native American sources underly the brief historical overview.

RATIONALE FOR RECOMMENDATION

The City of Berkeley has a moral obligation to acknowledge local and broader atrocities against Indigenous people, and continued injustices. The regular repetition of the Land Acknowledgement, coupled with opportunities for deeper learning, will serve as a constant reminder of our responsibilities, and open the door to further restorative actions by the City and members of the community.

IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT

Very little staff time or expense is needed to carry out the requirements of this referral. For Zoom meetings, a written version of the Acknowledgement will need to be prepared for screening prior to Council meetings, and the Agenda Committee will need to add the reading of the Acknowledgement to the Ceremonial Agenda of the first Regular City Council meeting of each month. For in-person meetings, a poster-sized version of the Land Acknowledgement should be produced for display in a prominent location in the Council chambers. This likely can be accomplished for under \$100.

Staff will further need to convey a copy of this item and resolution to the secretaries and chairs of each appointed or elected body in Berkeley, with a note that the City Council has requested such bodies to consider incorporating the acknowledgement into their meeting practices.

Posting the Land Acknowledgement on the City's website homepage and completing the new Ohlone history webpage is a limited expense and should be completed as quickly as possible. Other jurisdictions and organizations that practice the reading of Land Acknowledgements often also include pages about the history of local Indigenous People on their websites. These can serve as examples. Consultation with Lisjan Ohlone representatives is central to ensuring what is posted is complete and accurate.

⁵⁸ Treuer, D. (2021). Return the National Parks to the Tribes. The Atlantic. [Web](#).

ENVIRONMENTAL SUSTAINABILITY

This resolution raises awareness of how genocide and exploitation of land and other natural resources intersects with climate change, wildfire, food insecurity, and other major challenges our community – and planet - face. It will also raise awareness of the local conservation and environmental work of the Ohlone people.

FISCAL IMPACT

See Section in Implementation, Administration, and Enforcement for a description of de minimus associated costs.

OUTCOMES & EVALUATION

The City Council should partner with the Ohlone to develop and carry out more substantive acts of education, partnership, and restitution. This will prevent the land acknowledgement statement from becoming a mere “check-box of optical allyship.”

CONTACT PERSON

Councilmember Sophie Hahn, shahn@cityofberkeley.info; 510-682-5905

Attachments

1. Land Acknowledgement Statement
2. Land Acknowledgement Resolution
3. Sustainable Economies Law Center Options for Transferring Land – A Brief Guide

ATTACHMENT 1

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.

ATTACHMENT 2 - RESOLUTION

RESOLUTION #####-N.S.

RECOGNIZING THAT BERKELEY IS THE ANCESTRAL, UNCEDED HOME OF THE OHLONE PEOPLE AND ADOPTING AN OFFICIAL CITY OF BERKELEY LAND ACKNOWLEDGEMENT AND PRACTICES

WHEREAS Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions; and

WHEREAS Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities, land acknowledgments continue to be used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live; and

WHEREAS To begin public meetings, localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements as well as many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA); and

WHEREAS Many public and public-facing private institutions have also adopted land acknowledgment statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board; and

WHEREAS One of the leading advocacy groups for land acknowledgement, the Native Governance Center, asks that land acknowledgements go beyond a mere statement, by providing research on the history of indigenous peoples and offering concrete actions to support them; and

WHEREAS The settlers of California, primarily Europeans seeking religious converts, agricultural land, and economic opportunity during the gold rush committed one of the most egregious genocides in history, murdering 80 percent of Indigenous people in the state from 1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation; and

WHEREAS The Lisjan people have lived in the territory of Huchiun, the land that is now known as the East Bay in the San Francisco Bay Area, since the beginning of time and for thousands of years and hundreds of generations; and

WHEREAS the Lisjan people did not own the land, *they belonged to it*, and generation after generation they have cultivated reciprocal relationships with plants and animals and developed beautiful and powerful cultural practices that keep us in balance; and

WHEREAS The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history, whose tribes, cultures and languages are as diverse as the ecosystems we live within; and

WHEREAS The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napian (Patwin); and

WHEREAS The colonization of the land where Berkeley is located began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land; and

WHEREAS The Missions were plantations, built by slave labor and sustained through brutal physical violence and extractive land practices, and the Spanish also brought deadly diseases, invasive species, and Christian ideology based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings they shared the land with; and

WHEREAS After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely; and

WHEREAS In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities, and cultural and spiritual traditions were forced into dormancy or secrecy resulting in much knowledge perishing with the passing of generations; and

WHEREAS Despite these concerted efforts to erase Lisjan history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families that utilizes a wide array of survival strategies to navigate a profoundly altered 21st century

world, and the Lisjan continue to revitalize their cultural practices and uphold their responsibilities to protect and care for their ancestral homeland; and

WHEREAS Having survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras, the Lisjan continue to inhabit their ancestral homeland, fight for their sacred sites, and revitalize their cultural practices; and

WHEREAS The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking both symbolic and concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as steps to address oppressive actions that persist today; and

WHEREAS In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day, which motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People; and

WHEREAS In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as an official Landmark, and the site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing; and

WHEREAS In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States; and

WHEREAS In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People's right to self-determination and in 2015 the Council delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding; and

WHEREAS In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and affirmed the City's commitment to the "defense of Indigenous rights, culture, and dignity" as an official value,

committing that “free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site...”; and

WHEREAS In January 2018, the City Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory" and in October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory;" and

WHEREAS During deliberations to recognize the Ohlone on City Limit Signs, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting; and

WHEREAS On June 9, 2020 the City Council passed an item to paint the words “Black Lives Matter” and “Ohlone Territory” on streets adjacent to Berkeley’s City Hall; and

WHEREAS At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings, providing an important example for the City to follow.

NOW THEREFORE, BE IT RESOLVED In the spirit of continuing to demonstrate and deepen the City of Berkeley’s recognition, inclusion, restitution, and repair towards the Lisjan Ohlone, whose ancestral home lies where the City of Berkeley is located, and who have survived centuries of cultural, physical, and environment genocide at the hands of Spanish, Mexican, and American colonists, the Council of the City of Berkeley hereby adopts the following Land Acknowledgement:

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.

BE IT FURTHER RESOLVED That the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the Berkeley City Council and shall be read out loud during the Ceremonial portion of the first Regular City Council Meeting of each month.



OPTIONS FOR TRANSFERRING LAND

A BRIEF GUIDE

This short guide summarizes various options for landowners interested in transferring land to another person, group, or community. Landowners who are particularly interested in transferring ownership to nonprofit land trusts, indigenous tribes, and community-based organizations will find this guide most useful.

Because we have written this guide with landowners in mind, we also provide a brief consideration of the advantages and disadvantages of each option from that perspective. Having said that, we think it is essential that landowners consider their own goals as well as the goals and needs of the party or community to whom they would like to transfer land.

Four key questions to consider as you read through this guide focus on the *financial* and *use* needs of the parties.

1. What are the **financial needs** of the transferring party?
2. What are the **financial needs** of the receiving party?
3. What are the **use needs** of the transferring party after the transfer?
4. What are the **use needs** of the receiving party after the transfer?

The land transfer mechanisms covered in this guide include:

- Full Value Sale
- Charitable (Bargain) Sale
- Full Donation
- Donation of a Remainder Interest
- Revocable Transfer on Death (Lady Bird Deed)
- Donation by Bequest
- Sale or Donation of an Easement

In any situation, we strongly recommend that you seek individualized tax, legal, and estate planning advice to determine which of these options is best suited to your circumstances. Laws vary from state to state, so having appropriate counsel where the land is located is critical.



Full Value Sale

This is likely the kind of transfer of ownership that most people are familiar with. In this scenario, the landowner sells to the buyer at a price determined by a third-party appraisal. The buyer pays the full value and receives title to the property. For many people, including nonprofits and other community-based organizations, a full value sale is not an affordable option. However, there are ways to make this option more affordable by delaying payment in two ways.

1. **Installment Sale:** An installment sale allows the buyer to make payments over several years at intervals and amounts that are agreeable to both parties. The landowner would retain title to the property until the final payment. The parties could agree to provide the buyer with use of the land at any point during the payment period, including at the first payment or after payment has been made in full.
2. **Seller Financing:** Alternatively, the landowner could provide seller financing, meaning that title immediately transfers to buyer, and in exchange, the landowner gets a promissory note in which the buyer promises to pay the landowner over time, with or without interest. A deed of trust is recorded on the property to secure payment of the promissory note.

Advantages of this option:

- Fee simple ownership of land gives the buyer the greatest ability to fulfill their mission and ensure secure tenure over the long term.

Disadvantages of this option:

- The landowner will have to pay income tax on the capital gain if the land has appreciated in value since it was originally purchased.
- This is the least financially feasible option for buyers, particularly nonprofit organizations with a limited budget and limited capacity to raise capital.
- An installment sale may limit the buyer's uses of the land until the transfer is complete.



Charitable (Bargain) Sale

A charitable, or bargain, sale occurs when the landowner sells land to a *tax-exempt nonprofit* organization for less than market value. This kind of sale makes the land more affordable to the buying nonprofit, and can offer tax deduction benefits to the selling landowner. The parties can also use the **Installment Sale** or **Seller Financing** options discussed above in this situation as well, if affordability is still a concern for the nonprofit buying the land.

Advantages of this option:

- The difference between full market value and the sale price can qualify the landowner for an income tax deduction and capital gains tax reduction for that portion of the value. This can offset the income taxes and capital gains taxes the landowner will incur from the sale of the property, after reducing ordinary income.
- If the land has significantly increased in value since the seller purchased it, this option can offset a large amount of the resulting capital gains liability for the increased value.
- The nonprofit buyer will be more likely to afford the purchase price of the land.

Disadvantages of this option:

- The landowner does not realize the full income from the market value of the property.
- This may not be the best strategy if the landowner would otherwise qualify for public benefits in the next several years. Recently transferred assets like land can negatively impact eligibility for benefits.



Full Donation

This is the simplest way to transfer land to another party and is the most affordable option for receiving nonprofits or community-based organizations to advance their mission to protect, preserve, and steward land in the long term.

Advantages of this option:

- Fee simple donation to an eligible tax-exempt organization would give the landowner the greatest immediate income tax benefits, sometimes for the full appraised value of the land, in addition to relief from property taxes, and potential estate tax benefits.
- The receiving party would not require financing in order to receive the land.
- The land would be immediately available to the receiving party.

Disadvantages of this option:

- The landowner does not realize the full income from the market value of the property.
- This may not be the best strategy if the landowner would otherwise qualify for public benefits in the next several years. Recently transferred assets like land can negatively impact eligibility for benefits.



Donation of a Remainder Interest

If the landowner would like to donate the land to an eligible tax-exempt nonprofit organization but retain the ability to live on the land during their, or their family members', lifetime, they can donate what is called a "remainder interest" in the land while retaining what is called a "life estate."

Advantages of this option:

- Full transfer to the receiving party will occur immediately upon the landowner's death. Upon the landowner's, or their designated family members', death, this kind of transfer avoids the expense and delay of probate.
- The landowner may be able to receive an immediate income tax deduction for the value of the property that was donated (determined by an appraisal).
- This may be a good option for landowners who receive public benefits. The state can make a claim for repayment of these benefits against an estate and place a lien on property after death. However, because donating a remainder interest is irrevocable, the property will not be part of the estate at death.
- The land will not be subject to capital gains tax on appreciated value.
- The property will not be part of the donor's taxable estate, where the donor (and/or the donor's spouse) are the only life tenants.

Disadvantages of this option:

- The landowner will need to pay the property taxes on the land while retaining use of the property.
- The landowner does not realize the full income from the market value of the property.
- The receiving party would not require financing in order to receive the land.
- Without another agreement, the land will not be immediately available for use by the receiving party.



Revocable Transfer on Death Deed (Lady Bird Deed)

Lady Bird Deeds, which are only available in some states, are similar to deeds described above that create a life estate and donate a remainder interest, except that Lady Bird Deeds are revocable, meaning that the landowner can, during their lifetime, revoke the transfer. This gives more control to the landowner, but can put the receiving party in an uncertain position. Lady Bird Deeds are available in California until 2021, unless legislation is introduced to extend the law.

Advantages of this option:

- Transfer of title will occur immediately upon the landowner's death, so the donation will not be subject to the expense and delay of probate.
- The land donation will not be subject to capital gains tax on appreciated value.
- The landowner can revoke the deed at any time during their lifetime.

Disadvantages of this option:

- Because the deed is revocable, the landowner does not receive an income tax deduction available with other land donations.
- Without another agreement, the land will not be immediately available to the receiving party.
- The receiving party would not require financing in order to receive the land.
- This kind of transfer does not provide reliable certainty to the receiving party since the transfer can be revoked during the landowner's lifetime.



Donation by Will or Living Trust (Bequest)

A landowner can donate land in a will or through a revocable living trust. Both strategies allow the landowner to retain full use of the land during their lifetime.

Advantages of this option:

- Reduces estate or inheritance taxes.
- Can be changed or revoked at any time during landowner's lifetime.
- The receiving party would not require financing in order to receive the land.

Disadvantages of this option:

- The landowner will still be responsible for paying property taxes for the entire property during their lifetime.
- Without another agreement, the land will not be immediately available to the receiving party.



Agricultural, Conservation, or Cultural Easement Donation

An *easement* is an agreement between the landowner and a third party that affects the landowner's rights on the land covered by the easement. Easements are generally recorded on the deed of the property and are therefore permanent. Conservation, agricultural, and cultural easements are specific kinds of agreements that can be entered into with eligible organizations or tribes that can also qualify as a charitable contribution if donated by the landowner.

- A *conservation easement* permanently restricts uses on the land that interfere with the ecological conservation of that land.
- An *agricultural easement* permanently protects farmland by setting limitations on the use of the land.
- A *cultural easement*, available in some states, grants indigenous communities certain access rights to lands for continuing and preserving cultural heritage.

Easements can be sold or donated. The party holding the easement cannot also be the party that holds title to the land.

Advantages of this option:

- The landowner can retain ownership of the land and convey the land to their heirs.
- If the easement meets IRS criteria, the landowner may be able to deduct the value of any donated portion of the easement up to 50% of their adjusted gross income, or 100% if they are a farmer, for up to 15 years.
- Affirmative easements (those requiring certain uses) can increase the value of the easement and reduce the overall value of the land, making it more affordable if the easement is sold instead of donated
- In addition to an income tax deduction, the easement may reduce property taxes and estate taxes.

Disadvantages of this option:

- Easements do not convey an ownership interest in the land to the party holding the easement. This may not align with the intent of either or both parties.
- Easements can be expensive to enforce, thus creating a financial liability for the easement-holding party.
- Easements, alone, do not preserve long-term affordability of land, because an easement only reduces the relative market value of the land, but does not immunize the land value from increasing through speculation and other market forces.

RESOLUTION 70,564-N.S.

RECOGNIZING THAT BERKELEY IS THE ANCESTRAL, UNCEDED HOME OF THE OHLONE PEOPLE AND ADOPTING AN OFFICIAL CITY OF BERKELEY LAND ACKNOWLEDGEMENT AND PRACTICES

WHEREAS Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions; and

WHEREAS Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities, land acknowledgments continue to be used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live; and

WHEREAS To begin public meetings, localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements as well as many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA); and

WHEREAS Many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board; and

WHEREAS One of the leading advocacy groups for land acknowledgement, the Native Governance Center, asks that land acknowledgements go beyond a mere statement, by providing research on the history of indigenous peoples and offering concrete actions to support them; and

WHEREAS The settlers of California, primarily Europeans seeking religious converts, agricultural land, and economic opportunity during the gold rush committed one of the most egregious genocides in history, murdering 80 percent of Indigenous people in the state from 1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation; and

WHEREAS The Lisjan people have lived in the territory of Huchiun, the land that is now known as the East Bay in the San Francisco Bay Area, since the beginning of time and for thousands of years and hundreds of generations; and

WHEREAS the Lisjan people did not own the land, *they belonged to it*, and generation after generation they have cultivated reciprocal relationships with plants and animals and developed beautiful and powerful cultural practices that keep us in balance; and

WHEREAS The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history, whose tribes, cultures and languages are as diverse as the ecosystems we live within; and

WHEREAS The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napien (Patwin); and

WHEREAS The colonization of the land where Berkeley is located began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land; and

WHEREAS The Missions were plantations, built by slave labor and sustained through brutal physical violence and extractive land practices, and the Spanish also brought deadly diseases, invasive species, and Christian ideology based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings they shared the land with; and

WHEREAS After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely; and

WHEREAS In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities, and cultural and spiritual traditions were forced into dormancy or secrecy resulting in much knowledge perishing with the passing of generations; and

WHEREAS Despite these concerted efforts to erase Lisjan history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families that utilizes a wide array of survival strategies to navigate a profoundly altered 21st century world, and the Lisjan continue to revitalize their cultural practices and uphold their responsibilities to protect and care for their ancestral homeland; and

WHEREAS Having survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras, the Lisjan continue to inhabit their ancestral homeland, fight for their sacred sites, and revitalize their cultural practices; and

WHEREAS The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking both symbolic and concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as steps to address oppressive actions that persist today; and

WHEREAS In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day, which motivated changes to BUSD's history curriculum and undermined a long-standing

revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People; and

WHEREAS In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as an official Landmark, and the site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing; and

WHEREAS In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States; and

WHEREAS In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People's right to self-determination and in 2015 the Council delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding; and

WHEREAS In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and affirmed the City's commitment to the "defense of Indigenous rights, culture, and dignity" as an official value, committing that "free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site..."; and

WHEREAS In January 2018, the City Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory" and in October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory;" and

WHEREAS During deliberations to recognize the Ohlone on City Limit Signs, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting; and

WHEREAS On June 9, 2020 the City Council passed an item to paint the words "Black Lives Matter" and "Ohlone Territory" on streets adjacent to Berkeley's City Hall; and

WHEREAS At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings, providing an important example for the City to follow.

NOW THEREFORE, BE IT RESOLVED In the spirit of continuing to demonstrate and deepen the City of Berkeley's recognition, inclusion, restitution, and repair towards the Lisjan Ohlone, whose ancestral home lies where the City of Berkeley is located, and who have survived centuries of cultural, physical, and environment genocide at the hands of Spanish, Mexican, and American colonists, the Council of the City of Berkeley hereby adopts the following Land Acknowledgement:

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.


BE IT FURTHER RESOLVED That the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the Berkeley City Council and shall be read out loud during the Ceremonial portion of the first Regular City Council Meeting of each month.

The foregoing Resolution was adopted by the Berkeley City Council on October 11, 2022 by the following vote:

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

Noes: None.

Absent: None.


Jesse Arreguin, Mayor

Attest: 
Mark Numainville, City Clerk