

AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, July 27, 2021

6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81818068814>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 818 1806 8814. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call:

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

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

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

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

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

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

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

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

Consent Calendar

- 1. Referral Response: General Plan Re-Designation and Zoning Map Amendment of Parcels Located at 1709 Alcatraz Avenue, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue, and 2024 Ashby Avenue**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,780-N.S. rezoning five parcels located at 1709 Alcatraz Avenue (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-006-00) and 2024 Ashby Avenue (APN 053-1592-022-00) to Commercial – Adeline Corridor District (C-AC).
First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 2. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Tenth Street, Ninth Street, Eighth Street, and Seventh Street**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,781-N.S. amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on Tenth Street between University Avenue and Dwight Way, Ninth Street between University Avenue and Dwight Way, Eighth Street between University Avenue and Dwight Way, and Seventh Street between University Avenue and Dwight Way.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 3. Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount not to exceed \$163,008 for fitness center memberships for City employees for the period July 1, 2021 through June 30, 2022.
Financial Implications: Various funds - \$163,008
Contact: Rama Murty, Budget Office, (510) 981-7000

Consent Calendar

- 4. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of June 1, 2021 (regular), June 3, 2021 (closed), June 10, 2021 (closed), June 15, 2021 (special and regular), June 17, 2021 (closed), June 25, 2021 (closed) and June 29, 2021 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 5. Voting Delegates – League of California Cities Annual Conference**
From: City Manager
Recommendation: Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities conference to be held on Friday, September 24, 2021, in Sacramento.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 6. Contract: Citygate for Fire Department Standards of Coverage Study**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide a Standards of Response Coverage study for the Berkeley Fire Department (Department) from August 1, 2021 to September 30, 2022, in an amount not to exceed \$125,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.
Financial Implications: Measure FF - \$200,000
Contact: Abe Roman, Fire, (510) 981-3473
- 7. Contract: East Bay Sanctuary Covenant – Trauma Support Services for Latinx/Latinas/Latinos**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute and amend a contract with the East Bay Sanctuary Covenant, funded through State of California Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) monies, for Trauma Support Services for Latinx/Latinas/Latinos, for an initial contract not to exceed \$100,000 through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$100,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 8. Contract No. 052129-1 Amendment: Pacific Center for Human Growth**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment for Contract No. 052129-1 with the Pacific Center for Human Growth for trauma support services for the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Agender, Plus (LGBTQIA+) population, to increase the amount by \$100,000 for a total contract amount not to exceed \$415,150, and to extend the contract through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$100,000
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 9. Contract No. 088999-1 Amendment: Center for Independent Living**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment for Contract No. 088999-1 with the Center for Independent Living for trauma support services for older adults, to increase the amount by \$31,846 for a total contract amount not to exceed \$320,676, and to extend the contract through June 30, 2022.
Financial Implications: Mental Health Services Act Fund - \$31,846
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 10. Contract No. 8392B Amendment: Innovative Claim Solutions (ICS) for claims administration of the City's Workers' Compensation Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392B with Innovative Claim Solutions (ICS) to provide third-party claims administrative services, Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS), to increase the amount by an additional \$616,819, for a total contract amount of \$7,440,430, and extending the period through June 30, 2022.
Financial Implications: Workers' Compensation Self-Insurance Fund - \$616,819
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 11. Contract No. 090741-1 Amendment: Bartel Associates, LLC for Actuarial Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. **090741-1** with Bartel Associates, LLC for Actuarial Consulting Services, increasing contract amount by \$95,000 for a revised total contract amount not to exceed \$270,000 through December 31, 2023.
Financial Implications: Various Funds - \$95,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Consent Calendar

- 12. Contract: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the John Hinkel Park Amphitheater Area Improvements Project, Specification No. 21-11426-C; 2. Accepting the bid of the lowest responsive and responsible bidder, OBS Engineering, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Renovations Project at 41 San Diego Road, in an amount not to exceed \$1,119,580 which includes a contract amount of \$1,017,800 and a 10% contingency in the amount of \$101,780.
Financial Implications: Various Funds - \$1,119,580
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Contract No. 31900178 Amendment: Siegel & Strain Architects for Design and Construction Administration Services for the Cazadero Camp Jensen Dormitory Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900178 with Siegel & Strain Architects for design and construction support services for the Cazadero Camp Jensen Dormitory Replacement Project, increasing the contract by \$120,000 for a total amount not to exceed \$278,000.
Financial Implications: Camps Fund - \$120,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 14. Contract No. 32100146 Amendment: Bellingham Inc. for Additional Dock Repairs at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100146 with Bellingham Inc. to repair additional docks at the Berkeley Marina by increasing the construction contract amount by \$40,000 for a not-to-exceed amount of \$280,000.
Financial Implications: Marina Fund - \$40,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 15. Contract No. 32100102 Amendment: DMR Builders for the 125/127 University Avenue Tenant Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100102 with DMR Builders to complete renovation and facility upgrade work at the 125/127 University Avenue building, increasing the amount of the contract by \$146,000, for a new amount not to exceed of \$439,000.
Financial Implications: Parking Meter Fund - \$146,000
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 16. Dana Complete Street Pilot Project by AC Transit**
From: City Manager
Recommendation: Adopt a Resolution: 1) approving the Dana Complete Street Pilot Project, including a conceptual design repurposing an existing traffic lane to install a two-way cycle track, construction of a boarding island for bus passengers, and specified changes to parking and loading zones, as necessary, and directing the City Manager to direct staff to work with Alameda-Contra Costa County Transit District (AC Transit) in developing the detailed engineering design of the project; 2) authorizing the City Manager to direct staff to grant permits for construction activities within City Right-of-Way, contingent on Public Works staff approval of final construction drawings and specifications from AC Transit, and directing the City Manager to direct staff to work with AC Transit on the evaluation phase of the project following construction.
Financial Implications: Staff time
Contact: Liam Garland, Public Works, (510) 981-6300
- 17. Creation of Climate Equity Action Fund**
From: Energy Commission
Recommendation: The Energy Commission recommends that City Council create a Climate Equity Action Fund, designate a process for making funding decisions, and appropriate \$600,000 to create a pilot test.
Financial Implications: See report
Contact: Billi Romain, Commission Secretary, (510) 981-7400
- 18. Request for Two Additional Meetings for the Commission**
From: Homeless Services Panel of Experts
Recommendation: That Council grant the Homeless Services Panel of Experts two additional meetings for the calendar year, 2021.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

Council Consent Items

- 19. Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, in the amount of \$78,000, extending the contract to June 30, 2022.
Financial Implications: Mayor's Office Budget - \$78,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 20. Letter of Support for Senate Bill 379**
From: Councilmember Taplin (Author)
Recommendation: Send a letter of support for Senate Bill 379 to State Senator Scott Wiener (D-SF), State Senator Nancy Skinner (D-Berkeley), Asm. Buffy Wicks (D-Oakland) and Senate President Pro Tempore Toni Atkins (D-San Diego).
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 21. Proclamation: Partition Remembrance Day**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: That the Berkeley City Council adopts the Partition Remembrance Day Proclamation.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 22. Accelerating the City of Berkeley's transition to Plant-Based Foods**
From: Councilmember Hahn (Author), Mayor Arreguin (Author)
Recommendation: Adopt a Resolution establishing a goal to achieve a 50% decrease in animal-based food products served by the City of Berkeley by 2024, and refer to the City Manager to report to the City Council on progress towards reaching this goal by January 31, 2022.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 23. Appointment of Beverly Greene to the Board of Library Trustees**
From: Councilmember Hahn (Author)
Recommendation: Adopt a Resolution appointing Beverly Greene to the Board of Library Trustees ("BOLT") for a term of four years beginning August 31, 2021.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 24. Letter to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act**
From: Councilmember Hahn (Author)
Recommendation: Send a letter, attached, to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

- 25. Moving Forward to Contract for Municipal Grant-Writing Services**
From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Direct the City Manager to move forward to establish needs and select a firm or firms to supplement the City's grant writing capacity, and provide a budget referral in time to be considered for the November 2021 AAO Update, such that a new firm or firms can be in place by January of 2022.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 26. Calling on the U.S. Government to Negotiate the Elimination of Nuclear Weapons**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-sponsor)
Recommendation: Adopt a Resolution calling on the government of the United States to implement its obligations under international law to negotiate the elimination of nuclear weapons. Send a copy of the resolution to President Biden, Congressmember Barbara Lee, and Senators Dianne Feinstein and Alex Padilla.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

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

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

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

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

27. Updated Fees for the Home Occupations Ordinance

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S., the Planning Department Fee Schedule, to establish fees for new Home Occupation permit categories.

Financial Implications: See report

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

Action Calendar – Old Business

28. Objective Standards Recommendations for Density, Design and Shadows

From: Joint Subcommittee for the Implementation of State Housing Laws

(Continued from March 23, 2021. Item contains supplemental material.)

Recommendation: Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.

Financial Implications: See report

Contact: Alene Pearson, Commission Secretary, (510) 981-7400

Action Calendar – New Business

29. City Council Rules of Procedure and Order Revisions *(Item re-agendized by Council direction on April 20, 2021 to consider whether to extend the temporary rules in Appendix D.)*

From: City Manager

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to add temporary rules for the legislative process during the COVID-19 declared emergency; sunset the temporary process to read written comments at meetings; and rescinding any preceding amendatory resolutions.

Financial Implications: None

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

Information Reports

- 30. Referral Response: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 31. Annual Report on Landmarks Preservation Commission Actions**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

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



Captioning services are provided at the meeting, on B-TV, and on the Internet.

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, July 15, 2021.

Mark Numainville, City Clerk

Communications

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

Item #14: Dana Complete Street Pilot Project by AC Transit

1. Charles Siegel, Ben Gerhardstein, Karen Parolek for Walk Bike Berkeley

Transit-Oriented Development (TOD) at BART

2. 9 similarly-worded form letters
3. Cindy Shamban
4. Marianne Schulman
5. D.P. Neyhart
6. Laura Klein
7. Larry Orman
8. David Brandon

Appeal 1527 Sacramento – AUP# ZP2020-0034

9. Joyce Lewis
10. Michele and Micah Liedeker

Grizzly Peak

11. Joshua Bloom

Homelessness

12. Bob May (2)

Pedestrian Safety

13. David Lerman

Assembly Bill 1238 – Response to Letter Dated May 11, 2021 (Item 27)

14. State Senator Nancy Skinner

Public Restrooms

15. Judy Hunt

Defining Ecocide

16. Thomas Lord

Zoning

17. Helen Jones

Privatization of Some Public Spaces

18. Ann Hawkins

East Bay Community Energy (ECBE)

19. ECBE

Community for a Cultural Civic Center

20. Ann Harlow

URL's Only

21. Russbumper (7)

Supplemental Communications and Reports

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

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

ORDINANCE NO. 7,780-N.S.

AMENDING THE BERKELEY MUNICIPAL CODE (BMC), TITLE 23 (ZONING), OFFICIAL ZONING MAP, TO REZONE ASSESSOR PARCEL NUMBERS (APN) 052-1533-001-03, 052-1435-001-02, 052-1533-005-00, 052-1533-006-00 and 053-1592-022-00 FROM RESTRICTED MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-2A) AND SOUTH AREA COMMERCIAL (C-SA) TO THE COMMERCIAL-ADELINE CORRIDOR (C-AC) ZONING DISTRICT

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

Section 1. The City Council has certified that the Addendum to the *Adeline Corridor Specific Plan Environmental Impact Report* (2020 EIR) was prepared in conformance with the California Environmental Quality Act, and that the potential impacts of the proposed zoning map amendments are consistent with potential impacts characterized in, and mitigation measures adopted with, the 2020 EIR, and therefore, no further evaluation of environmental impacts is required, no Subsequent EIR is necessary per CEQA Guidelines Section 15162, and that the Addendum is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15164.

Section 2. The City Council finds that the proposed zoning map amendment serves the public interest by encouraging the development of affordable housing, supporting important cultural institutions, and ensuring consistent land use regulation by incorporating isolated properties into the Commercial-Adeline Corridor (C-AC) zoning district.

Section 3. The City Council finds that the proposed zoning map amendments are compatible with adjacent zoning districts. The proposed zoning map amendments would only apply to parcels that are immediately adjacent to, or completely surrounded by, parcels located in the C-AC zoning district. Therefore, adoption of the proposed amendment would not result in any incompatibilities with adjacent zoning districts.

Section 4. The City Council finds that the proposed zoning map amendment allows uses that are compatible with adjacent uses. With the adoption of the C-AC zoning district, the City Council determined that the C-AC zoning district allowed uses that are compatible with adjacent zoning districts. The proposed zoning map amendments would only apply to parcels that are immediately adjacent to, or completely surrounded by, parcels located in the C-AC zoning district. Therefore, adoption of the proposed amendments would not result in allowable uses that are incompatible with adjacent zoning districts.

Section 5. The City Council finds that the potential effects of the proposed zoning map amendment will not be detrimental to the public health, safety and welfare. The amendment would not result in direct changes to the physical characteristics of the property or existing structures. New development would be reviewed for compliance with CEQA and be constructed to comply with the State Building and Safety Code as adopted by the City of Berkeley.

Section 6. The City Council finds that the proposed zoning map amendment does not result in a change to a less intensive use allowed under the existing General Plan or zoning pursuant to Gov. Code section 66300(b)(1).

Section 7. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on July 13, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

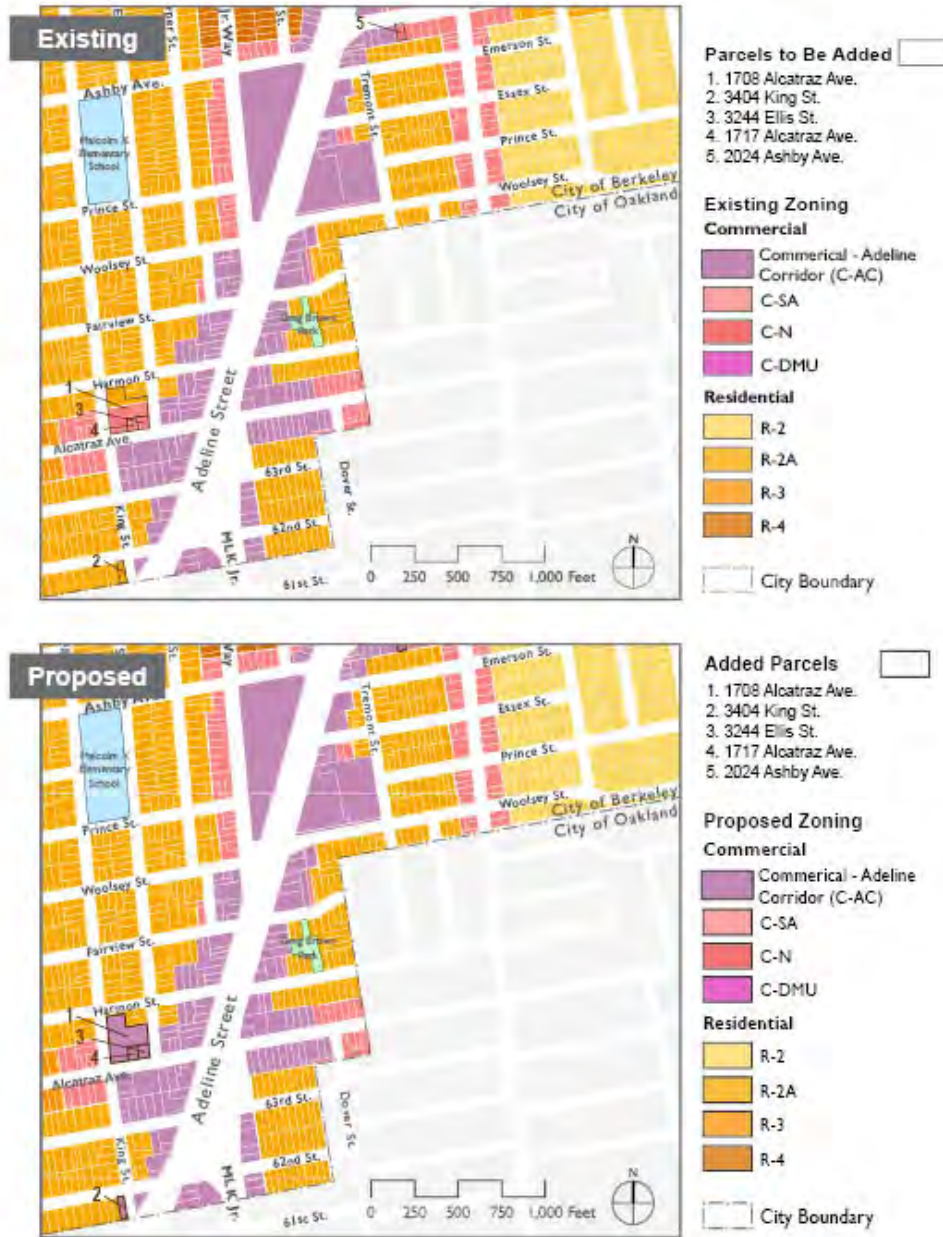
Ayes: Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Bartlett.

EXHIBIT A

Parcels Proposed for Zoning Map Amendments



ORDINANCE NO. 7,781-N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 14.56.070 TO ADD NEW SECTIONS OF ROAD IN THE LIST OF LOCATIONS PROHIBITING THE USE OF CERTAIN STREETS BY COMMERCIAL VEHICLES EXCEEDING 3 TONS GROSS VEHICLE WEIGHT

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

Section 1. That Section 14.56.070 of the Berkeley Municipal Code is amended to read as follows:

14.56.070 Prohibiting the use of certain streets by commercial trucks exceeding three tons gross vehicle weight.

A. It is unlawful for any person to operate any commercial vehicle exceeding three tons gross vehicle weight on the following portions of streets, hereafter referred to as "restricted streets":

1. Hearst Avenue between 6th Street and San Pablo Avenue;
2. Hearst Avenue between San Pablo Avenue and Sacramento Street;
3. 7th Street between University Avenue and Cedar Street;
4. 8th Street between University Avenue and Cedar Street;
5. 9th Street between University Avenue and Cedar Street;
6. 10th Street between University Avenue and Cedar Street;
7. Delaware Street between San Pablo Avenue and 6th Street;
8. Delaware Street between San Pablo Avenue and Sacramento Street;
9. Virginia Street between San Pablo Avenue and 6th Street;
10. Virginia Street between San Pablo Avenue and Sacramento Street;
11. Francisco Street between San Pablo Avenue and Sacramento Street;
12. Hopkins Street west of Gilman Street;
13. Blake Street between Shattuck Avenue and Telegraph Avenue;
14. Blake Street between San Pablo Avenue and Sacramento Street;
15. Parker Street between Shattuck Avenue and Telegraph Avenue;
16. Carleton Street between Shattuck Avenue and Telegraph Avenue;
17. Carleton Street between San Pablo Avenue and Sacramento Street;
18. Channing Way between San Pablo Avenue and Sacramento Street;
19. Derby Street between Shattuck Avenue and Telegraph Avenue;
20. Ward Street between Shattuck Avenue and Telegraph Avenue;
21. Stuart Street between Shattuck Avenue and Telegraph Avenue;
22. Oregon Street between Shattuck Avenue and Telegraph Avenue;
23. Parker Street between San Pablo Avenue and Sacramento Street;
24. Russell Street between Shattuck Avenue and Telegraph Avenue;
25. Howe Street between Ellsworth Street and Telegraph Avenue;

26. Fulton Street between Ashby Avenue and Dwight Way;
27. Ellsworth Street between Ashby Avenue and Dwight Way;
28. Dana Street between Ward Street and Dwight Way;
29. Spaulding Avenue between Dwight Way and Addison Street;
30. California Street between Dwight Way and University Avenue;
31. Jefferson Avenue between Dwight Way and University Avenue;
32. McGee Avenue between Dwight Way and University Avenue;
33. Roosevelt Avenue between Dwight Way and Addison Street;
34. McKinley Avenue between Dwight Way and Addison Street;
35. Addison Street between Sacramento Street and Martin Luther King Jr. Way;
36. Allston Way between Sacramento Street and Martin Luther King Jr. Way;
37. Bancroft Way between Sacramento Street and Martin Luther King Jr. Way;
38. Channing Way between Sacramento Street and Martin Luther King Jr. Way;
39. Grant Street between Dwight Way and University Avenue;
40. Cedar Street east of 6th Street;
41. Dwight Way between San Pablo Avenue and Martin Luther King Jr. Way;
42. Claremont Avenue between Ashby Avenue and Belrose Avenue;
43. Belrose Avenue between Claremont Avenue and Derby Street;
44. Derby Street between Belrose Avenue and Warring Street;
45. Warring Street between Derby Street and Dwight Way;
46. Piedmont Avenue between Dwight Way and Bancroft Way;
47. Milvia Street between Dwight Way and Hopkins Street;
48. The Uplands between Claremont Avenue and Tunnel Road;
49. Panoramic Way between Canyon Road and Berkeley/Oakland city limits.;
50. Kains Avenue between Virginia Street and Harrison Street;
51. Virginia Street between Shattuck Avenue and Martin Luther King Jr. Way,
52. Francisco Street between Shattuck Avenue and Martin Luther King Jr. Way,
53. Delaware Street between Shattuck Avenue and Martin Luther King Jr. Way,
54. Hearst Avenue between Shattuck Avenue and Martin Luther King Jr. Way,
55. Berkeley Way between Shattuck Avenue and Martin Luther King Jr. Way,.
56. Tenth Street between University Avenue and Dwight Way;
57. Ninth Street between University Avenue and Dwight Way;
58. Eighth Street between University Avenue and Dwight Way;
59. Seventh Street between University Avenue and Dwight Way

B. All inter-city buses and tourist buses will be prohibited on these streets. School buses, emergency vehicles, and buses converted for use by disabled people will be allowed to use three-ton commercial truck weight limit routes.

C. The provisions of this section shall not apply to subsections 14.56.050 B and C.

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

At a regular meeting of the Council of the City of Berkeley held on July 13, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Rama Murty, Acting Budget Manager
 Subject: Contract: Downtown Berkeley YMCA for Fitness Center Memberships for City Employees

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract **and** any amendments with the Downtown Berkeley YMCA in an amount not to exceed \$163,008 for fitness center memberships for City employees for the period July 1, 2021 through June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

FY 2022 Contract Cost: \$163,008 (283 members @ \$48 per month * 12 months)

FY 2021 Contract Cost: \$214,848 (373 members @ \$48 per month * 12 months)

The FY 2022 contract represents a decrease of \$51,840 from the FY 2021 contract. The decrease is due to the number of memberships decreasing from 373 members to 283 members. Although the contract cost of \$163,008 for FY 2022 is based on 283 memberships, this amount is a flat fee for the duration of the fiscal year regardless of whether memberships increase or decrease during the fiscal year. The FY 2022 Budget includes funding for this contract in fringe benefit accounts in department budgets that is collected and paid out from the Payroll Deduction Trust Fund (Fund 013). The General Fund will cover approximately \$77,370 of the contract cost and the remaining \$85,638 will be covered by other funds.

CURRENT SITUATION AND ITS EFFECTS

The current agreement began on July 1, 2020 and ends on June 30, 2021. A new contract is needed for FY 2022, which will continue the memberships for City employees and Legislative Assistants at a low cost.

BACKGROUND

Since 1989, the City has had an agreement with the YMCA to provide low cost fitness memberships for City employees and officials.

The City's labor contracts require the City to pay 75% of the total membership cost and employees pay the remaining 25%. Beginning on July 1, 2020, the full membership

cost was \$64 per month, which meant the City's share was \$48 per month and the employee's share was \$16 per month. For FY 2022, the membership cost will remain at \$64 per month.

This benefit is included in all of the collective bargaining agreements and would terminate at the same time as the longest union contract containing the benefit. The City would need to hold meet and confer sessions with the unions if it wishes to eliminate this benefit.

The Downtown Berkeley YMCA contract is a Strategic Plan Priority, advancing our goal to attract and retain a talented and diverse City government workforce.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

City contracts for personal services over \$50,000 require authorization from the City Council before the City Manager can execute the contract.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Rama Murty, Acting Budget Manager, 981-7000
LaTanya Bellow, Director of Human Resources, 981-6800

Attachments:

1: Resolution

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

CONTRACT: DOWNTOWN BERKELEY YMCA FOR LOW COST FITNESS CENTER
MEMBERSHIPS FOR CITY EMPLOYEES

WHEREAS, the City has had an agreement with the Downtown Berkeley YMCA to provide low cost fitness memberships for City employees and legislative assistants; and

WHEREAS, the City's labor contracts require the City to pay 75 percent of the total membership cost; and

WHEREAS, the current agreement began on July 1, 2020 and ends on June 30, 2021 and a new contract is proposed for FY 2022; and

WHEREAS, the FY 2022 Budget includes funding for this contract in fringe benefit accounts in department budgets that is collected and paid out from the Payroll Deduction Trust Fund (Fund 013).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that that the City Manager is authorized to execute a contract and any amendments with the Downtown Berkeley YMCA for low cost fitness center memberships for City of Berkeley employees and legislative assistants for the period July 1, 2021 to June 30, 2022 in the amount not to exceed \$163,008. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

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

RECOMMENDATION

Approve the minutes for the council meetings of June 1, 2021 (regular), June 3, 2021 (closed), June 10, 2021 (closed), June 15, 2021 (special and regular), June 17, 2021 (closed), June 25, 2021 (closed) and June 29, 2021 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. June 1, 2021 – Regular City Council Meeting
2. June 3, 2021 – Closed City Council Meeting
3. June 10, 2021 – Closed City Council Meeting
4. June 15, 2021 – Special City Council Meeting
5. June 15, 2021 – Regular City Council Meeting
6. June 17, 2021 – Closed City Council Meeting
7. June 25, 2021 – Closed City Council Meeting
8. June 29, 2021 – Regular City Council Meeting

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 1, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/89868895268>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 898 6889 5268. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call: 6:07 p.m.

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

Absent: Droste

Councilmember Droste present at 8:47 p.m.

Ceremonial Matters:

1. Recognition of Mary Lee Widener, Local Activist
2. Recognition of Carole Kennerly, Former Vice-Mayor and Activist
3. Adjourned in Memory of Dixie Lewis and Ross Schultz, Recent Berkeley High School Graduates and Members of the Berkeley Community
4. Recognition of the 100 Year Anniversary of the Tulsa Race Massacre

City Manager Comments:

No comments

Public Comment on Non-Agenda Matters: 6 speakers.

Consent Calendar

Action: M/S/C (Bartlett/Harrison) to accept an urgency item from Councilmember Bartlett pursuant to Government Code Section 54954.2(b)(2) entitled Support for Full Funding of CA SB-1079 Residential Property: Foreclosure. Mayor Arreguin and Councilmember Harrison added as co-sponsors.

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

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 16.

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

Public Comment on Consent Calendar Items Only: 21 speakers.

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

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

**Urgency Item: Support for Full Funding of CA SB-1079 Residential Property: Foreclosure
From: Councilmember Bartlett (Author), Councilmember Wengraf (Co-Sponsor), and
Councilmember Taplin (Co-Sponsor)**

Recommendation: Send a Resolution in support of full funding for The Foreclosure Intervention Housing Preservation Program to Senator Skinner, Senator Caballero, Assemblymember Carrillo, Assemblymember Wicks, Assemblymember Quirk, Assemblymember Ting, Governor Gavin Newsom, and the California State Senate's Standing Committee on Budget and Fiscal Review. Funding this bill supports SB 1079, intended to mitigate against blight, vacancy, and the transfer of residential property ownership from owner occupants to corporate landlords in the event that California experiences a wave of foreclosures.

Financial Implications: None

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

Action: Adopted Resolution No. 69,906–N.S.

1. Waiver of Sanctuary City Ordinance for Westlaw Contract

From: City Manager

Recommendation: Adopt a Resolution waiving the contract prohibition of Berkeley Municipal Code Chapter 13.105, Sanctuary City Contracting, in order to enter into a contract with Westlaw.

Financial Implications: None

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

Action: Adopted Resolution No. 69,907–N.S.

Consent Calendar

- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 1, 2021**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$2,270,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 3. Notice of Appropriations Limit for Fiscal Year 2022**
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2022 at its meeting of June 29, 2021; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 14, 2021.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,908–N.S.
- 4. Contract No. 32000228 Amendment: Ghilotti Construction Company, Inc. for Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000228 with Ghilotti Construction, Inc. for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project, increasing the amount by \$225,000 for an amended total amount not to exceed \$3,716,917.
Financial Implications: Various Funds - \$225,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,909–N.S. as amended in Supplemental Communications Packet #1 to modify the increase amount to be \$300,000.
- 5. Multi-Agency Policing Agreement for Grizzly Peak Boulevard**
From: City Manager
Recommendation: Adopt a Resolution approving the Memorandum of Understanding (MOU) entitled "Multi-Agency Policing Agreement Among City of Oakland Police Department, Berkeley University of California Police Department, East Bay Regional Park District, City of Berkeley Police Department, Contra Costa County Sherriff's Department, East Bay Municipal Utilities District, and City of Orinda" to provide for enforcement cooperation regarding problematic behavior and fire prevention on Grizzly Peak Boulevard.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 69,910–N.S.

Consent Calendar

6. **Referral Response: Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations**
From: Disaster and Fire Safety Commission
Recommendation: The proposed ordinance modifications in the referral dated October 29, 2019, shown in Attachment 2 to the staff report (the Referral), can be briefly summarized as:
- Expand the Gas Shut-Off Valve requirements to remove exceptions for multi-family, condominium, and commercial buildings
- The Disaster and Fire Safety Commission (DFSC) recommends that changes of the Berkeley Municipal Code be referred to the City Manager and Planning Department to be modified in accordance with the Referral as part of the 2022 Code adoption cycle, including the following changes:
1. Do not allow excess flow valves to substitute for motion-activated shut-off valves as a way to comply with this ordinance.
 2. Clarify requirements for excess flow valves and motion activated (seismic) valves.
 3. Include a provision to include gas valves for common areas when required for any individual unit of a building.
 4. Do not include any requirements regarding sale or transfer of the building.
 5. Remove the dollar limit on the modifications and replace with a requirement to comply any time a plumbing or mechanical permit is issued.
- In addition, the Commission recommends the inclusion of wording in the Berkeley Emissions Saving Ordinance (BESO) to require that in any transfer of property, that the property be required to equipped with a seismic gas shutoff valve.
- Financial Implications:** See report
 Contact: Keith May, Commission Secretary, (510) 981-3473
Action: Approved recommendation.

Council Consent Items

7. **Oppose – Assembly Bill 1139, Net Energy Metering**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a Resolution in opposition to AB 1139 (Gonzalez): Net energy metering. Send a copy of the Resolution to Senator Skinner, Assemblymembers Wicks and Gonzalez, and Governor Newsom.
Financial Implications: Staff time
 Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,911–N.S.
8. **Referral to the Fiscal Year 2022 Budget Process: Continuing Anti-Displacement Programs**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to \$900,000 to the FY 2022 Budget Process for continued funding of the following anti-displacement programs (launched in 2017) with the proposed funding source from General Fund tax receipts from the Measure U1 gross receipts tax: 1) Housing Retention Program (administered by the Eviction Defense Center EDC): \$250,000 2) Legal Counseling, Services and Problem Solving for Extremely-Low, Very-Low, Low and Moderate Income Tenants (\$275,000 each to the East Bay Community Law Center and EDC): \$550,000 3) Flexible Housing Subsidies for Homelessness Prevention: \$100,000
Financial Implications: See report
 Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.

Council Consent Items

9. **Referral to the Fiscal Year 2022 Budget Process: Landlord Incentives for Section 8 Participation**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2022 Budget Process, \$100,000 of General Fund revenues to replenish and augment funding for the Section 8 Landlord Incentive Program currently offered by the Berkeley Housing Authority.
Financial Implications: General Fund - \$100,000
 Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.
10. **Support – Senate Bill 617, the Solar Access Act**
From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution in support of SB 617 (Wiener): Residential solar energy systems: permitting. Send a copy of the Resolution to Senators Wiener and Skinner, Assemblymember Wicks, and Governor Newsom.
Financial Implications: Staff time
 Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,912–N.S.
11. **Berkeley Housing Authority Board of Commissioners Re-Appointments**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution re-appointing Dan Rossi, Christine Schildt, and Adolph Moody to the Berkeley Housing Authority Board of Commissioners.
Financial Implications: None
 Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,913–N.S.
12. **Budget Referral: \$200,000 to the Bay Area Community Land Trust for Capacity Building to Support the Small Sites Program**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2022 Budget process an allocation of \$200,000 to the Bay Area Community Land Trust (BACLТ) for capacity building for the purpose of adding staffing to complete small property purchases for conversion from rental to deed restricted affordable housing or limited-equity cooperatives. Funds would be appropriated from Measure U-1 tax receipts with \$165,000 designated for staff capacity building and \$40,000 for a consultant to engage in strategic planning and project management.
Financial Implications: See report
 Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.
13. **Budget Referral: Phase 2 of Civic Center District Visioning**
From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2022 Budget process \$200,000 in General Fund revenues for Phase 2 of planning for the Civic Center Visioning Project.
Financial Implications: General Fund - \$200,000
 Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Approved recommendation.

Council Consent Items

14. **Berkeley Rep's OVATION: Imagine Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn, to the Berkeley Repertory Theatre, a 501(c)(3) non-profit organization, to support OVATION: Imagine, an event to support Berkeley Rep's productions and arts education programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$250
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted Resolution No. 69,914–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Taplin - \$250; Councilmember Wengraf - \$250; Mayor Arreguin - \$250; Councilmember Bartlett - \$150; Councilmember Kesarwani - \$100.

Recess 8:02 p.m. – 8:12 p.m.

Action Calendar – Public Hearings

15. Fiscal Year 2022 Proposed Budget Public Hearing #2

From: City Manager

Recommendation: Conduct a second public hearing on the FY 2022 Proposed Biennial Budget.

Financial Implications: See FY 2022 Proposed Biennial Budget

Contact: Rama Murty, Budget Office, (510) 981-7000

Public Testimony: The Mayor opened the public hearing. 22 speakers.

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

Vote: All Ayes.

Action: Discussion held on proposed budget, including the revised and supplemental materials submitted by the City Manager and Councilmember Bartlett in Supplemental Communications Packet #2.

16. ZAB Appeal: 2421 Fifth Street, Use Permit #ZP2020-0043

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision and approving Use Permit #ZP2020-0043 to demolish a single-family dwelling and construct two residential buildings: a three-story triplex and a three-story single-family dwelling, for a total of four new dwellings, and dismiss the appeal.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.

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

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

Action: M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 69,915–N.S. affirming the Zoning Adjustments Board (ZAB) decision and approving Use Permit #ZP2020-0043, with the revised Condition of Approval #11 related to Privacy Screening, to demolish a single-family dwelling and construct two residential buildings: a three-story triplex and a three-story single-family dwelling, for a total of four new dwellings, and dismiss the appeal.

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

Action Calendar – New Business

- 17. Police Accountability Board – Appointment of Members**
From: City Manager
Recommendation: Adopt a Resolution appointing nine members to the Police Accountability Board nominated by the Mayor and City Councilmembers, and appointing one alternate member.
Financial Implications: See report
 Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Moved to Consent Calendar. Adopted Resolution No. 69,916–N.S. amended to remove the final resolved clause relating to the Alternate Commissioner. Appointment of the Alternate Commissioner scheduled for June 29, 2021.
- 18a. Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales and Serving of Sugar-Sweetened Beverages.**
From: Sugar Sweetened Beverage Product Panel of Experts (*Reviewed by the Health, Life Enrichment, Equity & Community Policy Committee*)
Recommendation: The Sugar Sweetened Beverage Product Panel of Experts recommends that the Berkeley City Council adopt a Resolution that City of Berkeley departments and City food services contractors shall not: 1) Serve sugar-sweetened beverages at City meetings and events on City property; 2) Procure sugar-sweetened beverages with City funds; or, 3) Sell sugar-sweetened beverages on City property, including in vending machines.
Policy Committee Recommendation: M/S/C (Hahn/Bartlett) to move an item to Council recommending approval of the Sugar Sweetened Beverage Product Panel of Experts Resolution regarding procurement, sales and serving of sugar-sweetened beverages with the following changes in the resolved clause and removing the third item:
Therefore be it resolved that the City of Berkeley shall not:
 1. Procure sugar-sweetened beverages with City funds; and 2. Serve or sell sugar-sweetened beverages on City property, including in vending machines.
And be it further resolved that the City discourages sugar-sweetened beverages at events on City property that receive City of Berkeley funding, and mandate that these events be required to provide options other than sugar-sweetened beverages.
And be it further resolved that in areas or facilities where employees regularly work beyond the core business hours of 8 a.m. – 6 p.m., the City of Berkeley shall provide refrigerators in good working order and of adequate size for the number of employees in that area, to bring and store their own beverages.
In addition, ask the City Council to make a referral to the Sugar-Sweetened Beverage Product Panel of Experts to consider how to regulate sugar sweetened beverages at events held on City of Berkeley Property hosted by non-City entities who receive City of Berkeley funds.
Vote: All Ayes.
Financial Implications: See report
 Contact: Dechen Tsering, Commission Secretary, (510) 981-5300
- 18b. Companion Report: Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales, and Serving Sugar-Sweetened Beverages**
From: City Manager (*Reviewed by the Health, Life Enrichment, Equity & Community Policy Committee*)
Recommendation: Recommend that the City Council adopt an amended resolution that recognizes the important principles in the Commission recommendation, clarifies the intent of the measure and provides some flexibility for City programs and staff while still emphasizing availability of healthy options. This amended resolution would require that the majority of all beverages provided or sold at any City event or on any City property (including vending machines) be non-sugar sweetened beverages (as defined in chapter 7.72 of the Berkeley Municipal Code) and education materials be provided to all COB staff to actively discourage the consumption of sugar-sweetened beverages and encourage the consumption of water.
Policy Committee Recommendation: M/S/C (Hahn/Bartlett) to move an item to Council recommending approval of the Sugar Sweetened Beverage Product Panel of Experts Resolution regarding procurement, sales and serving of sugar-sweetened beverages with the following changes in the resolved clause and removing the third item: Therefore be it resolved that the City of Berkeley shall not:
 1. Procure sugar-sweetened beverages with City funds; and 2. Serve or sell sugar-sweetened beverages on City property, including in vending machines.
And be it further resolved that the City discourages sugar-sweetened beverages at events on City property that receive City of Berkeley funding, and mandate that these events be required to provide options other than sugar-sweetened beverages.
And be it further resolved that in areas or facilities where employees regularly work beyond the core

Action Calendar – New Business

- 19. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor) (Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)**
Recommendation: 1. Adopt a Resolution updating the City’s Street Maintenance and Rehabilitation Policy dated June 1, 2021.
 2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.
Policy Committee Recommendation: M/S/C (Robinson/Harrison) to move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review. All Ayes.
Financial Implications: Staff time
 Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- Action:** M/S/C (Arreguin/Wengraf) to continue Item 19 to July 13, 2021, including supplemental materials from the Public Works Commission.
Vote: Ayes - Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.
- Councilmember Droste absent at 10:13 p.m.

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

Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.
Vote: Ayes - Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Adjourned at 10:18 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on June 1, 2021.

Mark Numainville
City Clerk

Communications

Cal (UC) Students Are Terrorists

1. Anne Whyte (2)
2. Jen Loy, on behalf of UC Berkeley

Parking Enforcement While Dropping Off Children at School

3. Dawn Howard

Oppose SB-9

4. Jennifer Cole
5. Summer Brenner
6. Dick Mallory
7. Renate Crocker
8. Jana Olson
9. Michael Cohn
10. Lisa Goodman
11. Helen Toy
12. Betsy Cohen

Tenant Opportunity to Purchase Act (TOPA) Legislation

13. Michele Chitson
14. Gr1@
15. Janine Goosen
16. Julie Caskey
17. Chad Andrews
18. Cora Stryker
19. Jennifer Kim
20. Justin Davis
21. Michael Farrell
22. Hope Henderson
23. Jane Henderson
24. Julia Drees
25. David Filippini
26. Sabrina and Markus Leunig
27. Charlotte Stanton
28. Jennifer Formoso
29. Sohee Procek
30. Erin Chalmers
31. Al Hassan Hleieh
32. Mary Canavan
33. John Weiszer
34. Marcia Hutcherson
35. Khalil Bendib
36. Ginny Madsen

Homelessness and Encampment Issues

37. Nathan Scullion
38. Todd Oliver, owner of Shattuck Square
39. Linda Hung (2)
40. Kirstie Bennett, on behalf of the Telegraph-Channing Mall Merchants
41. Diana Bohn

The Jump and Bike Park (Berkeleyside article)

42. Monique Webster
43. David Alter
44. Amy Buege
45. Phorest Bateson
46. Heath Maddox
47. Julian Alcala
48. Ernst Schmidt
49. Youssef Rafatjah
50. Dan Leaverton
51. Sean Williams
52. Sue Reinhold

- 53. Nico Tripcevich
- 54. Victoria Hritonenko
- 55. Bruce Perens (2)
- 56. Svetlana Livdan

Electrification of Existing Buildings

- 57. Phoebe Sorgen
- 58. Thomas Lord

Zoning Rules for Housing

- 59. Marissa Moss

LRDP and Housing Project #1 and #2

- 60. Robert Breuer Family

American Rescue Plan Act Monies

- 61. Richard Rollins

Berkeley Police Department Audit Report

- 62. Jane Martin

Traffic at Grizzly Peak/Marin/Summit Drive

- 63. Joshua Bloom

URL's Only

- 64. phcanin@
- 65. russbumper (3)

Supplemental Communications and Reports 1

Item #4: Contract No. 32000228 Amendment: Ghilotti Construction Company, Inc. for Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project

- 66. Revised material, submitted by Parks, Recreation and Waterfront

Item #15: Fiscal Year 2022 Proposed Budget Public Hearing #2

- 67. Parks and Waterfront Commission

Item #19: Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy

- 68. Supplemental material, submitted by the Public Works Commission
- 69. Naomi Marks

Supplemental Communications and Reports 2

Item #15: Fiscal Year 2022 Proposed Budget Public Hearing #2

- 70. Revised material, submitted by the Budget Office
- 71. Supplemental material, submitted by Councilmember Bartlett
- 72. Ian Winters
- 73. Tine Munson
- 74. Naomi Janowitz
- 75. Patrick Dooley
- 76. Erin Mei-Ling Stuart
- 77. El Beh
- 78. Patrick Krause
- 79. Kevin Clarke
- 80. Tamara White

81. Don Reed
82. Ipsheeta Furtado
83. Sharon Shao
84. Jon Tracy
85. Ragesh Tangri
86. Carol Lashof
87. Katja Rivera
88. Donald Wood
89. Brian Shillinglaw
90. Katzenstein Family
91. Jo Golub
92. Amy Bruhmuller
93. Diana Bohn
94. Holly Scheider
95. Sylvia
96. Mike Roberts
97. Lisa Ferguson
98. Greg Rosen
99. Ben Paulos
100. Elana Auerbach
101. Daniel Epifani
102. Mary Ann Furda
103. Linda Currie

Item #19: Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy

104. Carol Cho
105. Paku Khan

Support for Full Funding of CA SB-1079 Residential Property

106. Urgent item, submitted by Councilmember Bartlett

Supplemental Communications and Reports 3

Item #5: Multi-Agency Policing Agreement for Grizzly Peak Boulevard

107. Audrey Burnam (2)

Item #7: Oppose – Assembly Bill 1139, Net Energy Metering

108. Igor Tregub

Item #15: Fiscal Year 2022 Proposed Budget Public Hearing #2

109. Liz Lisle
110. Ted Obbard
111. Meaveen O'Conner
112. Diana Bohn (2)
113. Chrise de Tournay Birkhahn
114. Audrey Burnam
115. Tom Lent
116. Bill Press
117. Glenn Turner
118. Romeo Channer
119. Jessica Rattner

Item #16: ZAB Appeal: 2421 Fifth Street, Use Permit #ZP2020-0043

120. Supplemental material, submitted by Planning Department
121. Amber Baker, on behalf of Gunkel Architecture (2)

Item #18: Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales and Serving of Sugar-Sweetened Beverages

122. Holly Scheider

Item #19: Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy

123. Janet Stromberg

Urgent Item

Support for Full Funding of CA SB-1079 Residential Property: Foreclosure

124. Northern California Land Trust

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

THURSDAY, JUNE 3, 2021

3:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 821 8599 6634. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 3:06 p.m.

Present: Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin

Absent: Kesarwani, Harrison, Wengraf

Councilmember Wengraf present at 3:21 p.m.

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

CLOSED SESSION:

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

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address:	199 Seawall Drive, Berkeley, CA 94710
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director, Parks Recreation and Waterfront; Christina Erickson, Deputy Director, Parks, Recreation, and Waterfront
Negotiating parties:	City of Berkeley and Innovation Properties Group (IPG)
Property owner:	City of Berkeley
Under negotiation:	Price and terms

Action: No reportable action taken.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, Interim Fire Chief.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F./Berkeley Chief Fire Officers Association, Public Employees Union Local 1.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Councilmember Wengraf absent at 5:47 p.m.

Adjourned at 6:19 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on June 3, 2021.

Mark Numainville
City Clerk

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

THURSDAY, JUNE 10, 2021

3:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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Preliminary Matters

Roll Call: 3:03 p.m.

Present: Droste, Hahn, Kesarwani, Robinson, Taplin, Wengraf, Arreguin

Absent: Bartlett, Harrison

Councilmember Bartlett present at 3:15 p.m.

Councilmember Harrison present at 3:16 p.m.

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

CLOSED SESSION:

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

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND 54956.9(d)(1):

- a. City of Berkeley v. Regents of the University of California, Alameda Superior Court Case No. RG19023058
- b. Save Berkeley's Neighborhoods, et al. v. The Regents of the University of California, et al., Alameda Superior Court, Case No. RG19006256

Action: No reportable action taken.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator, Jon Holtzman, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, Interim Fire Chief.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F./Berkeley Chief Fire Officers Association, Public Employees Union Local 1.

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

Adjourned at 6:07 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed session meeting of June 10, 2021 as approved by the Berkeley City Council.

Mark Numainville
City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

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

**Tuesday, June 15, 2021
4:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

Preliminary Matters

Roll Call: 4:04 p.m.

Present: Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani, Taplin, Bartlett

Councilmember Kesarwani present at 4:05 p.m.

Councilmember Taplin present at 4:11 p.m.

Councilmember Bartlett present at 4:15 p.m.

Action Calendar – Old Business

1. **Commission Reorganization for Post-COVID19 Budget Recovery**
From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor) *(Reviewed by the Agenda & Rules Committee) (Continued from May 25, 2021)*

Recommendation:

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach. Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions. Phase 2: All other Commissions as proposed in the report. As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.
2. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
3. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
4. The Peace, Justice and Human Welfare Commission will be composed of only Mayor and Council appointees.
5. Refer to City Manager and Commissions the following additional considerations:
 - Federal, state or other external mandates that might be impacted, and determine how to handle.
 - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted.
 - What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission's charter.
 - Whether the merged Commission might include 9, or a greater number of members.
 - The possibility of requiring specific qualifications for appointment to the merged Commission.
 - The possibility of recommended or required Standing Committees of the Merged Commission.
 - Volunteer workload and

Action Calendar – Old Business

capacity given scope of Commission's charter

Policy Committee Recommendation: Make a Qualified Positive Recommendation to City Council to: 1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach. Phase 1: Prioritize merging the Homeless

*Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions. Phase 2: All other Commissions as proposed in the report. As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one. 2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions. 3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes. 4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions. 5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees. 6. Refer Councilmember Hahn questions to City Manager and Commissions: "Commissions to Combine/Merge - Suggested Considerations"
 - Federal, state or other external mandates that might be impacted, and determine how to handle. - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted. - What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission's charter. - Whether the merged Commission might include 9, or a greater number of members. - The possibility of requiring specific qualifications for appointment to the merged Commission. - The possibility of recommended or required Standing Committees of the Merged Commission - Volunteer workload and capacity given scope of Commission's charter.*

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: 14 speakers. M/S/C (Droste/Robinson) to adopt the item as passed by the Agenda & Rules Committee with the additions noted below.

- Recommend that the Environmental Commission should be nine members, not 18.
- Retain the Representatives of the Poor on the new Peace, Justice, and Human Welfare Commission.
- Transition the Sugar-Sweetened Beverage Panel and Community Health Commission to a single 18-member commission.
- Consolidate the Animal Care Commission with the Parks and Waterfront Commission.
- Zero Waste issues related to facilities are consolidated with Public Works Commission and issues related to policy are consolidated with the

Action Calendar – Old Business

Environmental Commission.

- Refer to the City Manager and the affected commissions to explore the consolidation of the Commission on Disability and the Commission on Aging.

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:37 p.m.

I hereby certify that the forgoing is a true and correct record of the special session meeting of June 15, 2021 as approved by the Berkeley City Council.

Mark Numainville
City Clerk

Communications

Item #1: Commission Reorganization for Post-COVID19 Budget Recovery

1. Holly Scheider

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Commission Reorganization for Post-COVID 19 Budget Recovery

2. Revised material, submitted by Councilmember Harrison
3. Kelly Hammargren
4. Holly Scheider
5. Bob Meola
6. Jim McGrath
7. Diana Bohn
8. Josh Jacobs, on behalf of the Homeless Commission

Supplemental Communications and Reports 3

Item #1: Commission Reorganization for Post-COVID 19 Budget Recovery

9. Zaira Rodriguez
10. Igor Tregub
11. George Lippman

12. Pauline Bondonno
13. Camillo Cipolla
14. Remi Omodele
15. Carol Denney

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 15, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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Preliminary Matters

Roll Call: 6:04 p.m.

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

Absent: None

Ceremonial Matters:

1. Recognition of Arnie Passman, Local Writer and Artist
2. Recognition of Outgoing Members of the Police Review Commission
3. Adjourn in Memory of Barry Biddulph and Eric Cumby, Recent Victims of Overdose in Civic Center Park
4. Recognition of Juneteenth on June 19, 2021

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from Councilmember Harrison and Councilmember Hahn on Item 3 and supplemental from the City Manager on Item 37.

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

Councilmember Wengraf absent 6:37 p.m. – 6:41 p.m.

Recess 8:13 p.m. – 8:23 p.m.

Public Comment on Consent Calendar and Information Items Only: 67 speakers.

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

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

Consent Calendar

- 1. Lease Agreement: 2010 Addison Street at Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie's Frozen Custard**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,763-N.S. authorizing the City Manager to execute a lease agreement for 2010 Addison Street at the Center Street Garage with Vito Loconte and Alexie LeCount DBA Lexie's Frozen Custard, a sole proprietorship, for an initial term of ten (10) years with one optional five-year lease extension AND approve payment of a commission of \$9,331.23 to Colliers International for commercial brokerage fees for locating a tenant for the premises.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,763–N.S.
- 2. Amend BMC 14.72.105**
From: Councilmember Wengraf (Author)
Recommendation: Adopt second reading of Ordinance No. 7,764-N.S. amending BMC 14.72.105 Neighborhood-Serving Community Facility Permits, to allow a broader range of community facilities to be eligible for parking permits.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted second reading of Ordinance No. 7,764–N.S.
- 3. Systems Alignment Proposal** (*Continued from May 18, 2021. Item Contains Supplemental Material.*)
From: City Manager
Recommendation: Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Approved recommendation including supplemental material submitted by Councilmember Hahn and Councilmember Harrison.
- 4. Temporary Appropriations FY 2022**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2021, until the effective date of the FY 2022 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,918–N.S.

Consent Calendar

- 5. FY 2022 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0059%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,765-N.S. Second reading scheduled for June 29, 2021.
- 6. FY 2022 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0135%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,766-N.S. Second reading scheduled for June 29, 2021.
- 7. FY 2022 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0088%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,767-N.S. Second reading scheduled for June 29, 2021.
- 8. FY 2022 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for Business License Tax on large non-profits at \$0.7041 (70.41 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,768-N.S. Second reading scheduled for June 29, 2021.

Consent Calendar

- 9. FY 2022 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at an annual rate of \$0.1047 (10.47 cents) per square foot of improvements and \$0.15705 (15.705 cents) for the 18-month period from January 1, 2021 to June 30, 2022.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopt first reading of Ordinance No. 7,769-N.S. Second reading scheduled for June 29, 2021.
- 10. FY 2022 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1896 (18.96 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,770-N.S. Second reading scheduled for June 29, 2021.
- 11. FY 2022 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2402 (24.02 cents) per square foot for dwelling units and \$0.3632 (36.32 cents) per square foot for industrial, commercial, and institutional buildings.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Director of Library Services, (510) 981-6195
Action: Adopt first reading of Ordinance No. 7,771-N.S. Second reading scheduled for June 29, 2021.

Consent Calendar

- 12. FY 2022 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding the provision of emergency services for the disabled at \$0.02378 (2.378 cents) per square foot of improvements.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,772-N.S. Second reading scheduled for June 29, 2021.
- 13. FY 2022 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0170%.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,773-N.S. Second reading scheduled for June 29, 2021.
- 14. FY 2022 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0077%.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,774-N.S. Second reading scheduled for June 29, 2021.
- 15. FY 2022 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Interim Fire Chief, (510) 981-5500
Action: Adopt first reading of Ordinance No. 7,775-N.S. Second reading scheduled for June 29, 2021.

Consent Calendar

- 16. FY 2022 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2022 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0412 (4.12 cents) per square foot of improvements.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopt first reading of Ordinance No. 7,776-N.S. Second reading scheduled for June 29, 2021.
- 17. Designate the Line of Succession for the Director of Emergency Services**
From: City Manager
Recommendation: Adopt a Resolution approving the designated line of succession to the position of Director of Emergency Services in the event of an officially declared disaster, and rescinding Resolution No. 69,245-N.S.
Financial Implications: None
 Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 69,919–N.S.
- 18. Revenue Grant: Funding Support from Alameda County to Public Health Infrastructure Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Public Health Infrastructure Program in the projected amount of \$32,080 for Fiscal Year (FY) 2022.
Financial Implications: See report
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,920–N.S.
- 19. Housing Trust Fund Predevelopment Loan Advance for Maudelle Miller Shirek Community (2001 Ashby Avenue)**
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing an advance of \$1.5 million in Measure O funds to Maudelle Shirek L.P. for costs related to predevelopment of the Maudelle Miller Shirek Community, located at 2001 Ashby Avenue. 2. Clarifying that the City may execute the development contract for Maudelle Miller Shirek Community for the remaining Measure O funds prior to the second issuance of the bond. 3. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,921–N.S.

Consent Calendar

20. *****Item Removed by City Manager*** Contract No. 31900254 Amendment: Easy Does It to Provide Emergency Disability Services and Audit Recommendation Update for Fiscal Year 2022 – 2023**
From: City Manager
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
21. **Revenue Grant Agreement: Funding Support from the State of California for the Tuberculosis Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tuberculosis Control Program in the projected amount of \$14,000 for Fiscal Year (FY) 2022.
Financial Implications: See report
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,922–N.S.
22. **Revenue Contract: Community Services Block Grant Discretionary Funding for Contract Number 21F-4403 to Provide Services for Low-Income People**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Accept the Community Services Block Grant (CSBG) Contract Number 21F-4403 for the amount of \$28,250 to provide services for low-income people for the period June 1, 2021 through May 31, 2022, and 2. Execute one or more expenditure contracts totaling \$28,250 assistance and services for homeless households, including flexible funding for rental assistance, move-in costs for clients assisted with rental assistance, hygiene services and supports such as portable toilets and handwashing stations or shower and laundry services, supplies for unhoused residents distributed by outreach teams, and/or other COVID-19-related services for low-income individuals as needed.
Financial Implications: See report
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,923–N.S.
23. **Contract No. 32100044 Amendment: Renne Public Law Group LLP for Chief Labor Negotiator Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100044 increasing contract amount by \$100,000 with Renne Public Law Group LLP for Chief Labor Negotiator services, for a revised total contract amount not to exceed \$150,000.
Financial Implications: General Fund - \$100,000
 Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,924–N.S.

Consent Calendar

- 24. Contract No. 10851 Amendment: Bryce Consulting, Inc. for Professional Classification Studies, Compensation Surveys and Desk Audits**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10851 increasing the contract amount by \$53,000 with Bryce Consulting, Inc. for Professional Classification Studies, Compensation Surveys and Desk Audit services, for a revised total contract amount not to exceed \$102,999 through December 31, 2023.
Financial Implications: General Fund - \$53,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,925–N.S.
- 25. Contract No. 9649D Amendment: Sloan Sakai, LLP for Chief Labor Negotiator Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9649D increasing the contract amount by \$215,000 with Sloan Sakai, LLP for Chief Labor Negotiator services, for a revised total contract amount not to exceed \$665,000.
Financial Implications: General Fund - \$215,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,926–N.S.
- 26. Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245**
From: City Manager
Recommendation: Adopt one Resolution approving a new two-year Memorandum Agreement with the International Brotherhood of Electrical Workers Local 1245 (hereinafter referred to as the “Union”) with a term of June 28, 2020 through June 30, 2022, authorizing the City Manager to execute and implement the terms and conditions of employment set forth in the Memorandum Agreement.
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,927–N.S.

Consent Calendar

- 27. Adopt Tentative Agreement with SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association related to the Inclusion of the Legislative Assistants into the Unit**
From: City Manager
Recommendation: Adopt a Resolution approving the terms and conditions related to the Legislative Assistant classification's inclusion into the existing Memorandum of Understanding (hereafter referred to as "MOU") with SEIU Local 1021 Community Services Unit And Part-Time Recreation Leaders Association (hereafter referred to as the "Union"), and authorizing the City Manager to direct staff to execute and implement the terms and conditions of employment set forth in the Tentative Agreement dated May 18, 2021. Also, authorize the City Manager to make edits to the format and language of the Memorandum of Understanding in alignment with the Tentative Agreement, and conforming to legal requirements, when the parties ultimately reach agreement regarding the successor MOU currently under negotiation with the larger CSU bargaining unit.
Financial Implications: See report
 Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,928–N.S.
- 28. Contract: Get IT Tech for a New Electronic Gate System at the Waterfront**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Get IT Tech to provide a new electronic gate system at the Waterfront in an amount not-to-exceed of \$73,458, which includes a contract amount of \$61,215 and a 20% contingency in the amount of \$12,243.
Financial Implications: Marina Fund - \$73,458
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,929–N.S.
- 29. Contract: Community Conservation Centers, Inc. for Processing and Marketing Services of Recyclable Materials**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a new Contract with Community Conservation Centers, Inc. (CCC) for the sorting and marketing of residential and commercial curbside collected recyclables, and the recycling drop-off and buyback centers. The contract term is five (5) years, commencing July 1, 2021 through June 30, 2026, with an option to extend by mutual agreement for another five (5) years, commencing July 1, 2026 through June 30, 2031, for a total contract amount not to exceed \$30,080,793 for a ten year period.
Financial Implications: See report
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,930–N.S.

Consent Calendar

- 30. Contract: Ecology Center, Inc. for the Residential Curbside Recycling Collection**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a new contract with Ecology Center, Inc. for the collection of residential curbside recycling and delivery of these recyclable materials to Berkeley Recycling for processing and marketing. The contract term is five (5) years, commencing July 1, 2021 through June 30, 2026, with an option to extend by mutual agreement for another five (5) years, commencing July 1, 2026 through June 30, 2031, for a total contract not to exceed amount of \$54,518,752 for the ten year period.
Financial Implications: See report
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,931–N.S.
- 31. Contract No. 111976-1 Amendment: HF&H Consultants, LLC for the Study of the City Providing Commercial Collection Services and Development and Update of Rate Model**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 111976-1 with HF&H Consultants, LLC to increase the current contract by \$50,000 for a total not to exceed amount of \$250,000 and to extend the contract term to June 30, 2023 for the Development and Update of a Zero Waste Rate Model.
Financial Implications: Zero Waste Fund - \$50,000
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,932–N.S.
- 32. Contract No. 120470-1 Amendment: Fairbanks Scales, Inc. for Preventative Maintenance and Repairs at the City’s Solid Waste Management and Transfer Station**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No.120470-1 with Fairbanks Scales, Inc. for preventative maintenance and repairs on the various scales at the City’s Solid Waste Management and Transfer Station, extending the contract term by two years to June 30, 2025, and increasing the contract amount by \$150,000 for a total contract amount not to exceed \$340,000.
Financial Implications: Zero Waste Fund - \$150,000
 Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,933–N.S.

Consent Calendar

33. Support of Assembly Bills 881, 1454 & 1276

From: Zero Waste Commission

Recommendation:

1. Support Assembly Bill 881 (Plastic Waste Exports) which closes an existing loophole in California law that allows mixed plastic exports to be counted as recycling regardless of their ultimate destination, which is often overseas landfills, incinerators, or waterways, and send a letter expressing the City Council's support to Assemblymember Gonzalez.
2. Support Assembly Bill 1454 (Bottle Bill Modernization) which helps keep recycling centers open and provides much-needed support for new centers to open in areas where there are not enough centers to serve consumers, including rural and urban areas, and send a letter expressing the City Council's support to Assemblymember Bloom.
3. Support Assembly Bill 1276 (Unnecessary Food Serviceware) which expands plastic straws upon-request law to include other single-use food accessories, other food facilities, and third-party delivery platforms – including food that is taken away, delivered, or served on-site - and send a letter expressing the City Council's support to Assembly Member Carrillo.

Financial Implications: None

Contact: Heidi Obermeit, Commission Secretary, (510) 981-6300

Action: Approved recommendation as amended in Supplemental Communications Packet #2 by Councilmember Hahn to add Senator Allen and Senator Bates to letter recipients list.

Council Consent Items

34. Support for AB-279 (Muratsuchi) Intermediate Care Facilities and Skilled Nursing Facilities: COVID-19

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

Recommendation: Adopt a Resolution in support of AB-279 (Muratsuchi) Intermediate Care Facilities and Skilled Nursing Facilities: COVID-19 and send copies of the Resolution letters supporting AB-279 to the Senate Health Committee, Senator Skinner, Assemblymembers Muratsuchi, Santiago, Wicks, and Governor Newsom.

Financial Implications: None

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

Action: Adopted Resolution No. 69,934–N.S.

Council Consent Items

- 35. Letter of Opposition Unless Amended on SB 9**
From: Councilmember Wengraf (Author), Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Pass a resolution and send a letter to Senators Atkins, Caballero, Rubio, Wiener and Skinner, Assemblymember Wicks and Governor Newsom, expressing the Berkeley City Council's concerns about SB 9: Housing development: Approvals (Atkins) as drafted, and state our opposition to the bill unless it is amended to address these specific concerns.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: No action taken.
Vote: Ayes – Harrison, Hahn, Wengraf; Noes – Kesarwani, Robinson, Droste; Abstain – Taplin, Bartlett, Arreguin.

Action Calendar – Public Hearings

- 36. Levy and Collection of Fiscal Year 2022 Street Lighting Assessments**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt two Resolutions confirming the assessment for the Berkeley Street Lighting Assessments District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2022.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- Public Testimony:** The Mayor opened the public hearing. 1 speaker. M/S/C (Arreguin/Robinson) to close the public hearing.
Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Taplin.
- Councilmember Taplin absent 9:24 p.m. – 9:27 p.m.
- Action:** M/S/C (Harrison/Hahn) to adopt Resolution No. 69,935–N.S. (District No. 1982-1) and Resolution No. 69,936–N.S. (District 2018).
Vote: All Ayes.

Action Calendar – New Business

37. City Council Comments on the FY 2022 Proposed Biennial Budget

From: City Manager

Recommendation: Provide comments on the FY 2022 Proposed Biennial Budget.

Financial Implications: See report

Contact: Rama Murty, Budget Office, (510) 981-7000

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

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

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:45 p.m.

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

Councilmember Droste absent 11:21 p.m. – 11:50 p.m.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:50 p.m.

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

Action: 23 speakers. Presentation made by City Manager. Discussion held.

Action Calendar – New Business

38. Referral Response: Path to Permanence: Outdoor Dining and Commerce in the Public Right-of-Way

From: City Manager

Recommendation: Take the following actions to allow for increased outdoor dining and commerce to be permitted permanently in the public right-of-way:

1. Adopt first reading of an Ordinance revising BMC Section 14.48.190 Parklets and BMC Section 16.18 Right of Way Encroachments and Encroachment Permits to simplify the permitting process for the conversion of temporary parklets and outdoor commerce installations after a declared local emergency; and
2. Adopt first reading of an Ordinance revising BMC Section 14.48.150 Sidewalk Seating to expand the areas and scope of activities that may be permitted via a sidewalk seating permit (a type of engineering permit) after a declared local health emergency, implement a new fee for the use of parking spaces for commercial activity; and
3. Adopt a Resolution empowering the City Manager to implement a fee schedule for structures and activities permitted in the public right of way permitted under BMC Sections 14.48.190 Parklets, 14.48.150 Sidewalk Seating after the declaration of a local emergency lapses or is revoked. The resolution extends the current fee waivers for application, review, and use fees for structures and activities permitted in the public right of way permitted under BMC Sections 14.48.190 Parklets, 14.48.150 Sidewalk Seating and 13.44 Street Events and Block Parties from June 30, 2021, to instead coincide with the cessation of the declared local health emergency.

Financial Implications: See Report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Action: Moved to Consent Calendar.

1. Adopted first reading of Ordinance No. 7,777-N.S. Second reading scheduled for June 29, 2021.
2. Adopted first reading of Ordinance No. 7,778-N.S. Second reading scheduled for June 29, 2021.
3. Adopted Resolution No. 69,937–N.S.

Information Reports

39. City Council Short Term Referral Process – Quarterly Update

From: City Manager

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

Action: Received and filed.

40. Update on the Implementation of FIP Task Force Recommendations

From: City Manager

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

Action: Received and filed.

Information Reports

41. **Animal Care Commission 2021/2022 Work Plan**
From: Animal Care Commission
Contact: Amelia Funghi, Commission Secretary, (510) 981-6600
Action: Received and filed.
42. **Planning Commission Work Plan 2021-2022**
From: Planning Commission
Contact: Alene Pearson, Commission Secretary, (510) 981-7400
Action: Received and filed.

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

Adjournment

Adjourned at 11:50 p.m.

I hereby certify that the forgoing is a true and correct record of the regular session meeting of June 15, 2021 as approved by the Berkeley City Council.

Mark Numainville
City Clerk

Communications

Item #15: FY 2022 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)

1. Disaster and Fire Safety Commission

Item #35: Letter of Opposition Unless Amended on SB 9

2. Sally Nelson
3. Sandra Bernard
4. Judy Bebelaar
5. Summer Brenner
6. Lisa Bruce (2)
7. Tony Corman
8. John Harris
9. Sara Hartley
10. Laura Klein
11. Thomas Luce
12. Michelle Pasternack

13. Elaine Chan
14. Paul Newacheck
15. Dawn Thomas
16. Barbara Fisher
17. Lynda Caesara
18. Doris Nassiry
19. Greysonne Coomes
20. Pamela Ormsby
21. John Rice
22. Theresa Gensler
23. Tobey Wiebe
24. Janice Schroeder
25. Andrew Reichart
26. Mukta Vie
27. Juliet Lamont
28. Gianna Ranuzzi

Item #37: City Council Comments on the FY 2022 Proposed Biennial Budget

29. Hayley Currier, on behalf of TransForm

Hiring a Police Chief

30. Jack Kurzwell
31. 13 similarly-worded form letter

Electrification Plan

32. Phoebe Sorgen

Homelessness and Crime

33. Alex Know, Executive Director of the Telegraph Business Improvement District
34. Rohini Haar
35. Wende Williams Micco
36. Katya Hancock
37. Christopher Riess

Bike Park

38. Steve Matous
39. Tetsu Tokunaga

Zoning

40. Christiine Simon
41. Madeleine Shearer (2)

Certificate of Service

42. Judy Hunt

Town Halls Broadcasts on Facebook

43. David Lerman (2)

Palestine

44. Russbumper (2)

People's Park

45. Russbumper

BART Housing

46. Lee Bishop

47. Matthew Lewis

48. Reynaldo Santa Cruz

49. Jason Warriner

50. Marla and Rick Faszholz

51. Carol Hirth

52. Walter Wood

Security Cameras

53. Elana Auerbach

Meeting Procedures

54. Christopher Kohler

Communications

55. Barbara Gilbert

AB 537 and SB 556 Bills

56. Sue Johnson

Minimum Wage – High Rental Cost and Homelessness

57. Christopher La Combe

Mobile Crisis Response Teams

58. John Caner, on behalf of Downtown Berkeley Association

Reimbursement of COVID Expenditures to Measure GG

59. Disaster and Fire Safety Commission

Pathway STAIR Center and 746 Grayson Accessibility

60. Homeless Commission

Tulsa Riots of 1921

61. Carol Wyatt

Lack of Park Maintenance

62. Bob Flasher

Rights of Nature

63. Amy Berlin

Mayor's Working Group on Fair and Impartial Policing

64. Ismail Ramsey, Kitty Calavita, Mansour Id-Deen, Hector Malvido, Nathan Mizell, Jim Chanin, Elliot Halpern, Moni Law

TOPA (Tenants Opportunity to Purchase Act)

- 65. Janice Stockwell
- 66. Sharon Robinson
- 67. @bhghome.com
- 68. Foresta Sieck-Hill
- 69. Daniel Rollingher
- 70. Debbie Sanderson
- 71. Akilah Browne
- 72. Mark Bell
- 73. Betsy Thagard
- 74. Tom Athanasiou and Rachel Sommerville
- 75. Ilona Clark
- 76. LZ Zephyr
- 77. Nancy Pakter
- 78. Linda Lipscomb
- 79. Leah Simon-Weisberg
- 80. Jack Lebeau
- 81. Brittney Goodman (2)
- 82. Brian Ort
- 83. Debra Ballinger
- 84. Zoe Polk
- 85. Greg San Martin
- 86. Rahel Smith
- 87. Tuan Ngo
- 88. Michelle Bergtraun, Alex Bergtraun, Piera Segre
- 89. Joann Sullivan
- 90. Catherine Stern
- 91. Alice Armstrong
- 92. Kathy Snowden
- 93. Kevin Rose-Williams
- 94. Francis McIlveen
- 95. Wendi Lelke-Wallway
- 96. Alan Block (2)
- 97. Cecilia Lunaparra
- 98. Edward Lau
- 99. Peter Muzio
- 100. Taptango
- 101. Sheila Goldmacher

102. Jeremy Ehrlich
103. Cameron Hess
104. Maureen Kildee
105. Marc Janowitz
106. Linda Lipscomb
107. Barbara Henry
108. Linda Keilch
109. Mary Lai
110. Evita Chavez
111. Kiran Shenoy (2)
112. Riya Master
113. Alfred Twu
114. Sylvia
115. Gail Mandella
116. M. Waitling
117. Ted Stroll
118. Erin Le
119. Joaquin Pochat
120. 8 similarly-worded form letters
121. 71 similarly-worded form letters
122. 77 similarly-worded form letters
123. 84 similarly-worded form letters

Supplemental Communications and Reports 1

Item #35: Letter of Opposition Unless Amended on SB 9

124. 13 similarly-worded form letters
125. Jane Martin
126. Sheila Goldmacher
127. Walter Dominquez
128. Christopher Kroll
129. Charlene Woodcock
130. Madeleine Shearer (2)
131. Zipporah Collins
132. Donna Mickleson
133. Susie Bluestone
134. Larry Bensky
135. Pat and Vern Phillips
136. Kathryn Freistadt and Fernando Agudelo-Silva
137. Elisabeth Lamoureux
138. Dona Bretherick
139. Melissa Mangini
140. Janet Byron
141. Phyllis Orrick
142. Jeannette MacMillan
143. Gary Miguel
144. Eric Johnson

145. Teresa Clarke
146. Cecile Leneman
147. Barbara Thompson
148. Brian Gilbane
149. Sara Hartley
150. Leah and John Rosenthal
151. Jeanne Marguerite Brenna
152. Mary Spence
153. Emily Blossom
154. Peter Jan Honigsberg
155. Sara Hartley
156. Carol Hirth
157. Steven Medbery
158. Ann May
159. Eli Gilad
160. Holly Scheider
161. Berkeley Citizens Action
162. Roger Marquis
163. Carla Woodworth
164. Rebecca Dahlberg
165. Amber Turley
166. Greysonne Coomes
167. Rob Wrenn
168. Patrick Sheahan
169. Mary Lee Noonan
170. Deborah O'Grady
171. Berkeley Neighborhoods Council
172. Patricia Adler

Item #37: City Council Comments on the FY 2022 Proposed Biennial Budget

173. Julia Cato, on behalf of the Berkeley Tenants Union Steering Committee
174. Wendy Alfsen
175. Barbara Gilbert
176. Racial and Criminal Justice Reform Group

Supplemental Communications and Reports 2

Item #3: Systems Alignment Proposal

177. Kelly Hammargren

Item #33: Support of Assembly bills 881, 1454 & 1276

178. Supplemental material, submitted by Councilmember Hahn

Item #35: Letter of Opposition Unless Amended on SB 9

179. 10 similarly-worded form letters
180. Michelle Pasternack
181. Robinson Brown (2)
182. Rachel Bradley
183. Lee Ann Weber

184. John Blaustein
185. Martin Schifffenbauer
186. Karen Folger Jacobs
187. Oren Cheyette
188. Eva Herzer
189. M. Haas
190. Steven Frank
191. Elizabeth Powell
192. William Bogert
193. Bernard Marszalek
194. Travis Close
195. Judith Daar
196. Hans Jones
197. Christine Rosen
198. Harald Leventhal
199. Kelly Hammargren
200. Mary Louise Zernicke
201. Ceara Brencic
202. Andrew Johnson
203. Margaretta Mitchell
204. Michael Barnes
205. Cece Littlepage
206. Todd Andrew
207. Jeffrey Kaplan
208. Ben Gerhardstein
209. Anne Boersma
210. Lesley Emmington
211. Linda Olivenbaun
212. Diana Bohn
213. Seymour Warkov
214. Christopher Kroll
215. Friends of Adeline
216. Gary Dahl
217. Mara and Richard Garman
218. Nenelle Bunnin
219. Cindy Shamban
220. Stephanie Manning
221. Lisa Bruce
222. Berkeley Tenants Union
223. Ellen Woods
224. Todd Darling
225. Phil Allen
226. Michael Katz
227. Judy Simmons
228. Madeleine Shearer
229. Theo Posselt

230. Anthony Bruce

Item #37: City Council Comments on the FY 2022 Proposed Biennial Budget

231. Bob Flasher

232. Russbumper (2)

233. Veena Channon

234. Ray Yep

235. Moni Law

236. Associated Students University of California, Berkeley

237. Julia Chambers

238. Cal Berkeley Democrats

Supplemental Communications and Reports 3

Item #3: Systems Alignment Proposal

239. Supplemental material, submitted by Councilmember Hahn

240. Supplemental material, submitted by Councilmember Harrison

Item #25: Contract No. 9649D Amendment: Sloan Sakai, LLP for Chief Labor Negotiator Services

241. Davie Peattie

242. Luis Cazares

243. Barbara Gilbert (2)

Item #35: Letter of Opposition Unless Amended on SB 9

244. 4 similarly-worded form letters

245. Elaine Magree

246. Lynn Glaser

247. Alfred Twu

248. Ellen Newman

249. Susanne Tilney

250. S. Entwistle

251. Leni Siegel

252. Sue Martin

253. Kerna Trottier

254. Igor Tregub

255. Constance Rivemale

256. Kathleen Giustino

257. Nancy Carleton

258. Anirvan Chatterjee

259. Deborah Kropp

260. Eileen Joyce

261. Miranda Ewell

262. Jeannette McNeil

263. John Holzrichter

264. Anne-Lise

265. David Koo

Item #37: City Council Comments on the FY 2022 Proposed Biennial Budget

- 266. Supplemental material, submitted by Budget
- 267. Greg Dyer
- 268. Diana Bohn
- 269. Sam Kang
- 270. Carol Lashof
- 271. Miranda Ewell
- 272. Richard Thomason
- 273. Bruce Riordan
- 274. Julia Yarak
- 275. Richard West

Item #38: Referral Response: Path to Permanence: Outdoor Dining and Commerce in the Public Right-of-Way

- 276. Denny Abrams
- 277. Charles Kahn

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

THURSDAY, JUNE 17, 2021

1:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83742766668>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 837 4276 6668. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 1:03 p.m.

Present: Taplin, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Kesarwani, Bartlett, Droste

Councilmember Bartlett present at 1:23 p.m.

Councilmember Kesarwani present at 1:44 p.m.

Public Comment - Limited to items on this agenda only – 6 speakers

CLOSED SESSION:

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator, Jon Holtzman, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, Interim Fire Chief.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F./Berkeley Chief Fire Officers Association, Public Employees Union Local 1, Unrepresented Employees.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

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

Adjourned at 4:09 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on June 17, 2021.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
FRIDAY, JUNE 25, 2021
2:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 853 6539 5565. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 2:31 p.m.

Present: Hahn, Kesarwani, Robinson, Taplin, Wengraf, Arreguin

Absent: Bartlett, Harrison, Droste

Councilmember Harrison present at 2:36 p.m.

Councilmember Droste present at 2:36 p.m.

Councilmember Bartlett present at 2:47 p.m.

Public Comment - Limited to items on this agenda only – 15 speakers.

CLOSED SESSION:

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator, Jon Holtzman, Labor Negotiator, Jen Louis, Interim Chief of Police, Abe Roman, Interim Fire Chief.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Berkeley Fire Fighters Association Local 1227, Berkeley Police Association, Service Employees International Union, Local 1021 Maintenance and Clerical Chapters, Berkeley Fire Fighters Association, Local 1227 I.A.F.F./Berkeley Chief Fire Officers Association, Public Employees Union Local 1, Unrepresented Employees.

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

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

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

Adjourned at 5:34 p.m.

Councilmember Hahn absent at 5:15 p.m. – 5:34 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of June 25, 2021 as approved by the Berkeley City Council.

Rose Thomsen, Deputy City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, June 29, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 831 4785 8591. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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

Preliminary Matters

Roll Call: 6:03 p.m.

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

Absent: Taplin

Councilmember Taplin present at 6:09 p.m.

Ceremonial Matters:

1. Recognition of Franklin Bros. Market
2. Adjourned in Memory of Regina Minudri, Former Director of the Berkeley Public Library
3. Adjourned in Memory of Patricia Bulitt, Local Dancer, Artist, and Community Activist

City Auditor Comments:

The City Auditor presented the findings of the Fleet Replacement Fund Audit (Item 25).

City Manager Comments:

The City Manager provided an update on the hiring of the Police Chief and the status of labor negotiations.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 18 speakers.

Action: M/S/C (Wengraf/Robinson) to accept supplemental and revised materials from the City Manager on Items 29 and 30, and from Mayor Arreguin on Item 29.

Vote: All Ayes.

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

Vote: All Ayes.

Consent Calendar

- 1. FY 2022 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,765-N.S. setting the FY 2022 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0059%.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,765–N.S.
- 2. FY 2022 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,766-N.S. setting the FY 2022 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0135%.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,766–N.S.
- 3. FY 2022 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,767-N.S. setting the FY 2022 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0088%.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,767–N.S.

Consent Calendar

- 4. FY 2022 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,768-N.S. setting the FY 2022 tax rate for Business License Tax on large non-profits at \$0.7041 (70.41 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,768–N.S.
- 5. FY 2022 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,769-N.S. setting the FY 2022 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at an annual rate of \$0.1047 (10.47 cents) per square foot of improvements and \$0.15705 (15.705 cents) for the 18-month period from January 1, 2021 to June 30, 2022.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Fire, (510) 981-3473
Action: Adopted second reading of Ordinance No. 7,769–N.S.
- 6. FY 2022 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,770-N.S. setting the FY 2022 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.1896 (18.96 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,770–N.S.

Consent Calendar

7. **FY 2022 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,771-N.S. setting the FY 2022 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2402 (24.02 cents) per square foot for dwelling units and \$0.3632 (36.32 cents) per square foot for industrial, commercial, and institutional buildings.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Director of Library Services, (510) 981-6195
Action: Adopted second reading of Ordinance No. 7,771–N.S.
8. **FY 2022 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,772-N.S. setting the FY 2022 tax rate for funding the provision of emergency services for the disabled at \$0.02378 (2.378 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Tax rate revised to \$0.01796. Adopted new first reading of Ordinance No. 7,772–N.S. Second reading scheduled for July 13, 2021.
9. **FY 2022 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,773-N.S. setting the FY 2022 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0170%.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,773–N.S.

Consent Calendar

- 10. FY 2022 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,774-N.S. setting the FY 2022 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0077%.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,774–N.S.
- 11. FY 2022 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,775-N.S. setting the FY 2022 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.05818 (5.818 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.08804 (8.804 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300, Abe Roman, Interim Fire Chief, (510) 981-5500
Action: Adopted second reading of Ordinance No. 7,775–N.S.
- 12. FY 2022 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,776-N.S. setting the FY 2022 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0412 (4.12 cents) per square foot of improvements.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison, Wengraf.
Financial Implications: See report
 Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted second reading of Ordinance No. 7,776–N.S.

Consent Calendar

13. Referral Response: Path to Permanence: Outdoor Dining and Commerce in the Public Right-of-Way

From: City Manager

Recommendation:

1. Adopt second reading of Ordinance No. 7,777-N.S. revising BMC Section 14.48.190 Parklets and BMC Section 16.18 Right of Way Encroachments and Encroachment Permits to simplify the permitting process for the conversion of temporary parklets and outdoor commerce installations after a declared local emergency.

2. Adopt second reading of Ordinance No. 7,778-N.S. revising BMC Section 14.48.150 Sidewalk Seating to expand the areas and scope of activities that may be permitted via a sidewalk seating permit (a type of engineering permit) after a declared local health emergency, implement a new fee for the use of parking spaces for commercial activity.

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

Financial Implications: See Report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Action: Adopted second reading of Ordinance No. 7,777–N.S. and Ordinance No. 7,778–N.S.

14. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the council meetings of May 11, 2021 (regular), May 13, 2021 (closed), May 18, 2021 (closed and special), May 20, 2021 (closed) and May 25, 2021 (closed and regular).

Financial Implications: None

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

Action: Approved the minutes as submitted.

15. Contract No. 099148-1 Amendment: Code Publishing Company for Berkeley Municipal Code Publishing Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 099148-1 (FUND\$ Contract No. 9541A) with Code Publishing Company for online and printed code publishing services for the Berkeley Municipal Code, increasing the contract by \$40,000 for a total not to exceed amount of \$139,000, and extending the contract to December 21, 2024.

Financial Implications: General Fund - \$40,000

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

Action: Adopted Resolution No. 69,938–N.S.

Consent Calendar

- 16. Appointment of Interim Director of Police Accountability**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Katherine J. Lee to be Interim Director of Police Accountability and approving an employment contract to be effective July 1, 2021 at an annual salary of \$182,260.65.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,939–N.S.
- 17. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 29, 2021**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.
- 18. Appropriations Limit for FY 2022**
From: City Manager
Recommendation: Adopt a Resolution establishing the appropriations limit at \$311,493,168 for FY 2022 pursuant to Article XIII B of the Constitution of the State of California based on the calculations for the appropriations limit.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,940–N.S.
- 19. FY 2022 Revision to the Investment Policy and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution accepting the changes to the Investment Policy and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2022.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,941–N.S.

Consent Calendar

- 20. Request for Proposal for Project Homekey**
From: City Manager
Recommendation: Adopt a Resolution authorizing City Manager to: 1. Release a Request for Proposals (RFP) for a Homekey Project; and 2. Allocate HOME-ARP funding and General Fund collected pursuant to Measure P Measure P, and/or other funding source, to support a future Homekey project.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,942–N.S.
- 21. Fiscal Year 2022 Community Development Block Grant Public Facility Improvement Program Funds for the West Berkeley Service Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Allocate all available Fiscal Year (FY) 2022 Community Development Block Grant funding (estimated at \$1,145,251) for one public facility improvement project at the City’s West Berkeley Service Center; and 2. Allocate any additional FY 2021 CDBG program income to the West Berkeley Service Center renovation project, if needed, and in accordance with Resolution 69,830 –N.S.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,943–N.S.
- 22. Contract No. 31900254 Amendment: Easy Does It to Provide Emergency Disability Services and Audit Recommendation Update for Fiscal Year 2022-2023**
From: City Manager
Recommendation: Adopt a Resolution approving an amendment to Contract No. 31900254 to continue funding for Easy Does It (EDI) for Fiscal Year (FY) 2022 and FY 2023 in the amount of \$1,432,011 using Measure E funds to provide emergency disability services, as long as EDI continues to demonstrate progress towards resolving the audit findings.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,944–N.S.

Consent Calendar

**23. Fiscal Year 2022 and Fiscal Year 2023 Housing Retention Program Contract
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Allocate the Fiscal Year (FY) 2022 and FY 2023 City of Berkeley Housing Retention Program (HRP) contract to the Eviction Defense Center (EDC), which operates the COVID-19 HRP; and 2. Amend Contract No. 32100023 with EDC to use General Fund U1 HRP funds for utility arrears or other expenses that would enable applicants to retain or obtain housing and/or employment.

Financial Implications: See report

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

Action: Adopted Resolution No. 69,945–N.S.

24. Adopt a Resolution to Upgrade Residential and Commercial Customers to East Bay Community Energy (EBCE) Renewable 100 Plan

From: Energy Commission

Recommendation: Adopt a time-sensitive Resolution to upgrade all current and new Berkeley residential and commercial customer accounts from Bright Choice - 86% Green House Gas (GHG)-free including substantial hydroelectric and nuclear - to Renewable 100 (100% renewable energy from California solar and wind) for their default electricity service plan, excluding residential customers in low-income assistance programs. The Berkeley Energy Commission (Commission) recommends that the City Council adopt the resolution now to meet East Bay Community Energy's (EBCE) schedule of requiring an extensive lead time needed for the transition to be effective April 1, 2022 for residential customers and October 1, 2022 for commercial customers.

Financial Implications: See report

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Action: Adopted Resolution No. 69,946–N.S.

25. Berkeley's Fleet Replacement: Fund Short by Millions

From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by the first City Council meeting in January 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Public Works Department.

Financial Implications: See report

Contact: Jenny Wong, Auditor, (510) 981-6750

Action: Approved recommendation as revised in Supplemental Communications Packet #2 from City Auditor.

Council Consent Items

- 26. Resolution Supporting Freedom for Nasrin Sotoudeh**
From: Councilmember Taplin (Author)
Recommendation: Adopt a Resolution in Support of Freedom for Nasrin Sotoudeh and All Other Political Prisoners and Prisoners of Conscience in the Islamic Republic of Iran.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,947–N.S.
- 27. Resolution Urging the Metropolitan Transportation Commission to Program and Prioritize American Rescue Plan Act Funds**
From: Councilmember Harrison (Author)
Recommendation:
1. Adopt a resolution directing the Metropolitan Transportation Commission (MTC) to program \$1.67 billion in American Rescue Plan Act (ARPA) funds immediately and prioritize them for immediate use to support Bay Area Transit riders and an equitable pandemic recovery.
2. Send a copy of the Resolution and an accompanying letter to the MTC Commissioners.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
Action: Councilmembers Hahn and Taplin added as co-sponsors. 1. Adopted Resolution No. 69,948–N.S.; and 2. Approved recommendation as revised in Supplemental Communications Packet #1.

Action Calendar – Old Business

- 28. Police Accountability Board – Appointment of Members** (*Continued from June 1, 2021*)
From: City Manager
Recommendation: Adopt a Resolution appointing nine members to the Police Accountability Board nominated by the Mayor and City Councilmembers, and appointing one alternate member. (*Note: Appointment of the alternate member is continued from the June 1, 2021 meeting.*)
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Item 28 continued to July 13, 2021.

Action Calendar – New Business

29. FY 2022 Budget Adoption

From: City Manager

Recommendation: Adopt a Resolution:

1. Adopting the FY 2022 Budget as contained in the City Manager's FY 2022 Proposed Budget that includes the Proposed Capital Budget, presented to Council on May 25, 2021, and as amended by subsequent Council action.
2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2022, as reflected in Attachment 2 to the report, and as amended by subsequent Council action.

Financial Implications: See report

Contact: Rama Murty, Budget Office, (510) 981-7000

Action: M/S/C (Arreguin/Harrison) to adopt temporary rule to allow one minute per speaker.

Vote: All Ayes.

Action: M/S/C (Arreguin/Hahn) to suspend the rules and extend the meeting to 11:15 p.m.

Vote: All Ayes.

Action: 76 speakers. M/S/C (Arreguin/Hahn) to:

1. Adopt Resolution No. 69,949–N.S. adopting the FY 2022 Budget as contained in the City Manager's FY 2022 Proposed Budget that includes the Proposed Capital Budget, presented to Council on May 25, 2021, and as amended by subsequent Council action including revised allocations submitted by the Mayor and the City Manager based on the recommendations of the Budget & Finance Committee, including \$300,000 for EV Charging in the June budget and \$850,000 deferred to November.
2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2022, as reflected in Attachment 2 to the report, and as amended by subsequent Council action.

Vote: All Ayes.

30. FY 2022 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2022 Annual Appropriations Ordinance (AAO) in the amount of \$668,825,973 (gross appropriations) and \$581,303,702 (net appropriations).

Financial Implications: See report

Contact: Rama Murty, Budget Office, (510) 981-7000

Action: 0 speakers. M/S/C (Arreguin/Droste) to adopt first reading of Ordinance No. 7,779-N.S as revised in Supplemental Communications Packet #3 from the Budget Office for appropriations in the amount of \$673,601,287 (gross appropriations) and \$552,265,708 (net appropriations). Second reading scheduled for July 13, 2021.

Vote: All Ayes.

Action Calendar – New Business

31. **Borrowing of Funds and the Sale and Issuance of FY 2021-22 Tax and Revenue Anticipation Notes**
From: City Manager
Recommendation: Adopt a Resolution approving the borrowing of \$45,000,000 and the sale and issuance of Fiscal Year 2021-22 Tax and Revenue Anticipation Notes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: 0 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 69,950–N.S.
Vote: All Ayes.

Information Reports

32. **Voluntary Time Off Program for FY 2022**
From: City Manager
Contact: Rama Murty, Budget Office, (510) 981-7000
Action: Received and filed.
33. **FY 2022 Civic Arts Grant Awards**
From: Civic Arts Commission
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Received and filed.
34. **FY 2021 Second Quarter Investment Report: Ended December 31, 2020**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
35. **FY 2021 Third Quarter Investment Report: Ended March 31, 2021**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
36. **2021 Commission on Aging Work Plan**
From: Commission on Aging
Contact: Richard Castrillon, Commission Secretary, (510) 981-5190
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 5 speakers.

Adjournment

Action: M/S/C (Arreguin/Robinson) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:07 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on June 29, 2021.

Mark Numainville
City Clerk

Communications

Item #26: Resolution Supporting Freedom for Nasrin Sotoudeh

1. Nazila Tobaei
2. Riya Master
3. Kianna Imani
4. Anonymous

Berkeley Marina (BMASP) and Pier/Ferry Project from Marina Users

5. Camille Antinori and David Fielder, on behalf of the marina users

Tenants Opportunity to Purchase Act (TOPA)

6. Andrew Godar
7. Carol Wyatt
8. Sam Weng
9. Julie Saxe-Taller
10. Timothy Kim
11. Peter Schiller
12. Hayley Currier
13. Bethany Kaylor
14. Mary Telling
15. Cheryl Davila (2)
16. Alex Werth
17. Ann Harvey

Climate Equity Action

18. Cate Leger, Berkeley Energy Commission
19. Ariella Granett
20. Lily Cohen
21. Janet Stromberg
22. Natalie Nussbaum
23. Mary Ann Furday
24. Margot Smith
25. Christie Keith

- 26. Susan Kirsch
- 27. Andrea Mullarkey

Electrification

- 28. Janet Stromberg

Berkeley Housing Authority (BHA) Negative Experiences

- 29. BHA staff

Grizzly Peak Problems

- 30. Joshua Bloom (2)

BART Housing

- 31. The-Anh Cao
- 32. Reynaldo Santa Cruz

Zoning Reform on Property Values

- 33. Margot Smith

Housing

- 34. Madeleine Shearer (2)

Affordable Housing Overlay Support

- 35. Planning Students Association of Cal

People's Park

- 36. Russbumper

Outdoor Shelter and Enforce No Sidewalk Camping

- 37. Claudia Eyzaguirre

Evictions

- 38. Cadance Malone

Measure FF: Update from the Fire Department

- 39. David Peattie, on behalf of the Berkeley Disaster Prep Neighborhood Network

Library Issues

- 40. Barbara Gilbert

Parking Meters

- 41. Barbara Gilbert

Berkeley's New Police Chief

- 42. Friends of Adeline

Employment Development Department

43. Rodak Goa

Skateboard Park

44. Alex Gomez-Pendleton

Daniel Hale Whistleblower

45. Russbumper

Speech to VTA

46. Blair Beekman

Live Music Is Back in Downtown Berkeley Plaza

47. Downtown Berkeley Association

Traffic Control Measures at Cragmont Elementary School

48. Edward and Noelle Long

CalPERS Response Letter to Resolution No. 69,829-N.S. of 4/27/2021

49. California Public Employees' Retirement System

URL's Only

50. Vivian Warkentin (2)

51. Russbumper (4)

Supplemental Communications and Reports 1

Item #26: Resolution Supporting Freedom for Nasrin Sotoudeh

52. John Lang

53. Mohammad Samini

54. Sepideh Asgari

55. Bijan Jorjani

56. Bev Hoffman

57. Cyrus Khojasteh

58. Kaveh Niazi

59. Esfandiar Imani

60. Amin Miraftab

61. Parisa Imani

62. Dorothy Lubliner

63. Mansour and Fay Niazi

64. Linda Durston

65. Taylor Young

66. Austin Le

67. Partow Imani

Item #27: Resolution Urging the Metropolitan Transportation Commission to Program and Prioritize American Rescue Plan Act Funds

68. Revised material, submitted by Councilmember Harrison

Item #29: FY 2022 Budget Adoption

- 69. Erika Shore
- 70. Diana Bohn
- 71. Anna Tseselsky
- 72. Russbumper

Supplemental Communications and Reports 2

Item #24: Adopt a Resolution to Upgrade Residential and Commercial Customers to East Bay Community Energy (EBCE) Renewable 100 Plan

- 73. Jessica Tover, on behalf of East Bay Clean Power Alliance
- 74. 350 East Bay – Berkeley Hub

Item #25: Berkeley's Fleet Replacement: Fund Short by Millions

- 75. Supplemental materials, submitted by City Auditor

Item #26: Resolution Supporting Freedom for Nasrin Sotoudeh

- 76. Nora Bayani
- 77. Gretchen Lemke-Santangelo
- 78. Anthony Santagelo
- 79. Parrirokh Abedi
- 80. Allison Murray

Item #29: FY 2022 Budget Adoption

- 81. Supplemental material, submitted by Mayor Arreguin
- 82. Berkeley Friends Meeting of the Religious Society of Friends
- 83. Maria Yates
- 84. Jan Ruchlis
- 85. Romeo Channer
- 86. Emma Gobler
- 87. Shellie Wharton
- 88. Rahmat Balogun
- 89. Civic Arts Commission
- 90. Eric Friedman
- 91. Danielle Sciocchetti
- 92. Sue Campbell
- 93. David Bohn
- 94. Naomi Rubalcava
- 95. Alion Lafferty
- 96. 24 similarly-worded form letters

Adopt a Resolution Updating Guidelines and Procedures for City Council Office Budget Expenditure Accounts and Refer to the Budget Process Pursuant to Resolution No. 69,928-N.S.

- 97. Urgent item, submitted by Councilmember Harrison

Supplemental Communications and Reports 3

Item #24: Adopt a Resolution to Upgrade Residential and Commercial Customers to East Bay Community Energy (EBCE) Renewable 100 Plan

- 98. Igor Tregub, on behalf of the Sierra Club
- 99. David McCoard
- 100. Blair Beekman

Item #26: Resolution Supporting Freedom for Nasrin Sotoudeh

- 101. Grace Becker
- 102. Jaleh Niazi

Item #29: FY 2022 Budget Adoption

- 103. Revised material, submitted by Mayor Arreguin
- 104. Revised material, submitted by Budget
- 105. Shellie Wharton
- 106. Tetsu Tokunaga
- 107. Igor Tregub, on behalf of the Sierra Club
- 108. Abbey Kletz
- 109. outlook@
- 110. Rebecca Franke
- 111. Julia Cato
- 112. Sheila Jordan
- 113. Carol Denney
- 114. Tony Sirna
- 115. Holly Mines
- 116. Geraldine Clifford
- 117. Juli Dickey
- 118. Alice Freda
- 119. Kaela Plank
- 120. Elyce Klein
- 121. Phil Allen
- 122. Donald Rothberg
- 123. David Ginsburg
- 124. dfgassman@
- 125. Tom Graly
- 126. Elizabeth Grubb
- 127. Ana Vasudeo
- 128. Blair Beekman

Item #30: FY 2022 Annual Appropriations Ordinance

- 129. Revised material, submitted by Budget



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted By: Mark Numainville, City Clerk
 Subject: Voting Delegates – League of California Cities Annual Conference

RECOMMENDATION

Designate, by motion, a voting delegate and alternate for the business meeting of the Annual League of California Cities conference to be held on Friday, September 24, 2021, in Sacramento.

FISCAL IMPACTS OF RECOMMENDATION

Conference fees of approximately \$550 for the full conference or \$325 for a one-day pass.

BACKGROUND

The League laws allow for any official of a member city, with the approval of the city council, to be designated the city's voting delegate or alternate at the annual business meeting.

As designated in Resolution No. 69,645-N.S. Councilmember Hahn is the City's representative for the League and Councilmember Taplin is the alternate.

This year's conference is being held in Sacramento from Wednesday, September 22 through Friday, September 24, 2021. Each city is allowed to cast one vote on matters pertaining to League policy. The voting delegate or alternate must be registered for the conference.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or climate impacts associated with the recommendation of this report.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments

1: Voting Delegate Information



Council Action Advised by August 31, 2021

June 16, 2021

TO: City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – September 22-24, 2021**

Cal Cities 2021 Annual Conference & Expo is scheduled for September 22-24, 2021 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, September 24. At this meeting, Cal Cities membership considers and acts on resolutions that establish Cal Cities policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to Cal Cities office no later than Wednesday, September 15. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note: Our number one priority will continue to be the health and safety of participants. We are working closely with the Sacramento Convention Center to ensure that important protocols and cleaning procedures continue, and if necessary, are strengthened. Attendees can anticipate updates as the conference approaches.

- **Action by Council Required.** Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open mid-June at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.
- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but

only between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 22, 8:00 a.m. – 6:00 p.m.; Thursday, September 23, 7:00 a.m. – 4:00 p.m.; and Friday, September 24, 7:30 a.m.– 11:30 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 15. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: _____

2021 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to Cal Cities office by Wednesday, September 15, 2021. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email _____

Mayor or City Clerk _____
(circle one) (signature)

Date _____ Phone _____

Please complete and return by Wednesday, September 15, 2021 to:

Darla Yacub, Assistant to the Administrative Services Director
E-mail: dyacub@cacities.org
Phone: (916) 658-8254



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Abraham Roman, Interim Fire Chief
 Subject: Contract: Citygate for Fire Department Standards of Coverage Study

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide a Standards of Response Coverage study for the Berkeley Fire Department (Department) from August 1, 2021 to September 30, 2022, in an amount not to exceed \$125,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.

FISCAL IMPACTS OF RECOMMENDATION

These services will be funded by FY 2022 Measure FF for \$125,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.

CURRENT SITUATION AND ITS EFFECTS

The Fire Department requires a Standards of Response Coverage (SOC) study that will include but is not limited to, an evaluation of Berkeley's community (fire, ems and rescue) risk profile, optimum fire station locations, crew/apparatus staffing and deployment, employee work schedules, and appropriate response time standards.

The SOC study is an essential tool to help the department guide planning and decision making as it embarks on implementing a department re-design over the next five+ years. This will be the first Standards of Coverage study performed for the City of Berkeley.

BACKGROUND

Berkeley voters approved Measure FF in November of 2020. This measure, supplemented by internal budget neutral plans, will result in a substantial change and

Contract: Citygate for Fire Department
Standards of Coverage Study

Consent Calendar
July 27, 2021

improvement to the way that fire, emergency medical, rescue, disaster preparedness and fire prevention services are delivered to the community.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Services delivered by the fire Department will be optimized over the next five years to ensure that deployed resources meet the community risk profile, which includes the changing climate and the impacts to wildfire in our urban interface.

RATIONALE FOR RECOMMENDATION

While the Department has many skilled and experienced employees, it needs external assistance and expertise to conduct a study of this magnitude.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Abraham Roman, Interim Fire Chief, (510) 981-3473

Attachments:

1: Resolution

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

Contract: Citygate for Fire Department Standards of Coverage Study

WHEREAS, Berkeley voters approved Measure FF in November of 2020; and

WHEREAS, this measure, supplemented by internal budget neutral plans will result in a substantial change and improvement to the way that fire, emergency medical, rescue, disaster preparedness and fire prevention services are delivered to the community, and

WHEREAS, the Berkeley Fire Department requires external expert assistance to conduct a study of this magnitude; and

WHEREAS, the completed study will guide the changes and improvements to services provided to the Community by the Berkeley Fire Department.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide the following services for the Berkeley Fire Department (Department) from August 1, 2021 to September 30, 2022, in an amount not to exceed \$125,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000 with Measure FF funds.

A Standards of Response Coverage (SOC) study, to include but not limited to an evaluation of Berkeley's community (fire, ems and rescue) risk profile, optimum fire station locations, crew/apparatus staffing and deployment, employee work schedules, and appropriate response time standards



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services
 Subject: Contract: East Bay Sanctuary Covenant – Trauma Support Services for Latinx/Latinas/Latinos

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute and amend a contract with the East Bay Sanctuary Covenant, funded through State of California Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) monies, for Trauma Support Services for Latinx/Latinas/Latinos, for an initial contract not to exceed \$100,000 through June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the Scope of Work in the amount of \$100,000 will be provided from the State of California Mental Health Services Act. The funding is available in the Fiscal Year 2022 budget.

CURRENT SITUATION AND ITS EFFECTS

On January 19, 2021 City Council approved that the Mental Health Division issue a Request for Proposal (RFP) for Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funded trauma support services for the Latinx/Latina/Latino population. In March 2021, per Bid Specification 21-11433-C, an RFP was released. Following proposal review and rating from a panel of reviewers including a community member, the East Bay Sanctuary Covenant was selected as the vendor to implement these services.

BACKGROUND

The State of California provides MHSA funding for local mental health services and supports. One of the annually recurring MHSA funding components is Prevention and Early Intervention (PEI). MHSA PEI funds are to be utilized on strategies to recognize the early signs of mental illness; to improve early access to services and programs, including the reduction of stigma and discrimination; and for strategies to prevent mental illness from becoming severe and disabling.

In order to utilize MHSA funds, stakeholder-informed Three Year Plans and Annual Updates that outline how funds will be utilized are required to be developed and locally

approved. Since the very first PEI plan, a portion of MHSA PEI funds have been utilized to provide Trauma Support Services to unserved, underserved and inappropriately served populations through community partners. Latinx/Latinas/Latinos is one of the underserved populations that has received Trauma Support Services through these funds. MHSA PEI funds were previously allocated to the Albany Unified School District in the amount of \$64,092 to provide Trauma Support Services for Latino/Latina/Latinx children, youth, and adults, and for African American and Asian Pacific Islander children and youth. However, beginning in FY21, delivery of MHSA services in the City of Albany transitioned from City of Berkeley to Alameda County Behavioral Health Care.

On December 1, 2020 by Resolution No. 69,620-N.S., the Berkeley City Council approved the MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan, which continued the allocation of PEI funds for Trauma Support Services for the Latino/Latina/Latinx population. In response to public input received through MHSA Community Program Planning around the need for increased mental health supports for this population, the Three-Year Plan increased the annual funding to \$100,000 for these services.

An RFP process for Trauma Support Services for the Latino/Latina/Latinx population was included in the approved Three-Year Plan. On January 19, 2021, City Council approved that the Mental Health Division release an RFP and the RFP was released in March 2021 per Bid Specification 21-11433-C. Following proposal review and rating from a panel of reviewers, which included a community member, East Bay Sanctuary Covenant was selected as the vendor to implement these services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The execution of this contract will ensure that Trauma Support Services for the Latinx/Latina/Latino population can be provided in the community.

ALTERNATIVE ACTIONS CONSIDERED

In order for MHSA-funded mental health services and supports in the community to continue, no other alternative actions were considered.

CONTACT PERSON

Karen Klatt, Community Services Specialist III, HHCS, (510) 981-7644

Attachments:1: Resolution

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

CONTRACT: EAST BAY SANCTUARY COVENANT FOR TRAUMA SUPPORT SERVICES FOR LATINX/LATINAS/LATINOS

WHEREAS, the City's Department of Health, Housing and Community Services, Mental Health Division, currently receives Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds on an annual basis to improve early access to services and programs, including the reduction of stigma and discrimination, and for strategies to prevent mental illness from becoming severe and disabling; and

WHEREAS, in order to utilize MHSA funds, stakeholder informed Three Year Plans and Annual Updates that outline how funds will be utilized are required to be developed and locally approved; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies in the provision of such services and supports; and

WHEREAS, since the initial MHSA PEI Plan, funds have been allocated for Trauma Support Services for the Latinx/Latina/Latino population; and

WHEREAS, these Trauma Support Services for Latinx/Latinas/Latinos have been implemented by the same community partner over a period of time; and

WHEREAS, on December 1, 2020 by Resolution No. 69,620-N.S., the City Council approved the MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan, which continued and increased the allocation of PEI funds for Trauma Support Services for the Latinx/Latina/Latino population; and

WHEREAS, per the City Council approved MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan a Request for Proposal (RFP) process was included to be executed for these Trauma Support Services for Latinx/Latinas/Latinos, which have been provided by the same community partner over a period of time; and

WHEREAS, in March 2021 per Bid Specification number 21-11433-C, an RFP was issued and East Bay Covenant Sanctuary submitted a proposal and was determined to be the chosen bidder; and

WHEREAS, funds for the Scope of Work in the amount of \$100,000 are available in the FY22 budget in the Mental Health Services Act Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute and amend a Contract with East Bay Sanctuary Covenant to provide Trauma Support Services for Latinx/Latinas/Latinos, for an amount not to exceed \$100,000 through June 30, 2022. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services
 Subject: Contract No. 052129-1 Amendment: Pacific Center for Human Growth

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment for Contract No. 052129-1 with the Pacific Center for Human Growth for trauma support services for the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Agender, Plus (LGBTQIA+) population, to increase the amount by \$100,000 for a total contract amount not to exceed \$415,150, and to extend the contract through June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the Scope of Work in the amount of \$100,000 will be provided from the State of California Mental Health Services Act (Fund 315). The funding is available in the Fiscal Year 2022 budget.

CURRENT SITUATION AND ITS EFFECTS

The Pacific Center for Human Growth currently provides Trauma Support Services for the LGBTQIA+ population, through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds. On January 19, 2021 the City Council approved that the Mental Health Division issue a Request for Proposal (RFP) for these services for the LGBTQIA+ population. In March 2021, per Bid Specification 21-11430-C, an RFP was released. Following proposal review and rating from a panel of reviewers, which included a community member, the Pacific Center for Human Growth was selected as the vendor to continue implementing these services in Berkeley.

BACKGROUND

The State of California provides MHSA funding for local mental health services and supports. One of the annually recurring MHSA funding components is Prevention and Early Intervention (PEI). MHSA PEI funds are to be utilized on strategies to recognize the early signs of mental illness; to improve early access to services and programs, including the reduction of stigma and discrimination; and for strategies to prevent mental illness from becoming severe and disabling.

In order to utilize MHSAs funds, stakeholder-informed Three Year Plans and Annual Updates that outline how funds will be utilized are required to be developed and locally approved. Since the very first PEI plan, a portion of MHSAs PEI funds have been utilized to provide Trauma Support Services to unserved, underserved, and inappropriately served populations through community partners. LGBTQIA+ is one of the underserved populations that has received Trauma Support Services through these funds.

On December 1, 2020 by Resolution No. 69,620-N.S., the City Council approved the MHSAs FY20/21 – 22/23 Three Year Program and Expenditure Plan, which continued the allocation of PEI funds for Trauma Support Services for the LGBTQIA+ population. In response to public input received through MHSAs Community Program Planning around the need for increased mental health supports for the LGBTQIA+ population, the Three Year Plan provided an increase in annual funding from \$32,046 to \$100,000 for these services.

A Request for Proposal (RFP) process for these Trauma Support Services for the LGBTQIA+ population was also included in the approved Three-Year Plan. On January 19, 2021 City Council approved that the Mental Health Division issue a Request for Proposal (RFP) and in March 2021, per Bid Specification 21-11430-C, an RFP was released. Following proposal review and rating from a panel of reviewers, which included a community member, the Pacific Center for Human Growth was the vendor selected to continue implementing these services in Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The execution of this amendment will ensure Trauma Support Services for the LGBTQIA+ population are able to continue to be provided in the community.

ALTERNATIVE ACTIONS CONSIDERED

In order for MHSAs funded mental health services and supports in the community to continue, no other alternative actions were considered.

CONTACT PERSON

Karen Klatt, Community Services Specialist III, HHCS, (510) 981-7644

Attachments:

1. Resolution

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

CONTRACT NO. 052129-1 AMENDMENT: PACIFIC CENTER FOR HUMAN GROWTH

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, one of the underserved populations in Berkeley are individuals who identify as Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersexed, Agender, Plus (LGBTQIA+); and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed individuals in underserved populations and Pacific Center for Human Growth who provides services to the LGBTQIA+ population was determined to be the best responsible bidder; and

WHEREAS, on December 6, 2010, City Council authorized Contract No. 8516 with Pacific Center for Human Growth to provide mental health services and supports to low-income LGBTQIA+ individuals who are suffering from the impact of oppression, trauma, and other life stressors in an amount not to exceed \$26,520 for the period November 1, 2010 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,347-N.S., City Council authorized an amendment to Contract No. 8516A with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,762-N.S., City Council authorized an amendment to Contract No. 8516B with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,112-N.S., City Council authorized an amendment to Contract No. 8516C with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,675 -N.S., City Council authorized an amendment to Contract No. 8516D with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 66,120 -N.S., City Council authorized an amendment to Contract No. 8516E with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$159,120 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,559 -N.S., City Council authorized an amendment to Contract No. 8516F with Pacific Center for Human Growth to increase the amount by \$27,846 for a total contract amount not to exceed \$186,966 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,104 -N.S., City Council authorized an amendment to Contract No. 8516G with Pacific Center for Human Growth to increase the amount by \$32,046 for a total contract amount not to exceed \$219,012 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,644-N.S., City Council authorized an amendment to Contract No. 8516H with Pacific Center for Human Growth to increase the amount by \$32,046 for a total contract amount not to exceed \$251,058 and to extend the term to June 30, 2019; and

WHEREAS, on July 23, 2019 by Resolution No. 69,038-N.S., City Council authorized an amendment to ERMA Contract No. 052129-1 (8516I) with Pacific Center for Human Growth to increase the amount by \$32,046 for a total amount not to exceed \$283,104 and to extend the term to June 30, 2020; and

WHEREAS, on June 30, 2020 by Resolution No. 69,469-N.S., City Council authorized an amendment to ERMA Contract No. 052129-1 (8516I) with Pacific Center for Human Growth to increase the amount by \$24,035 for a total amount not to exceed \$307,139 and to extend the term to March 31, 2021; and

WHEREAS, on December 1, 2020 by Resolution No. 69,620-N.S., the City Council approved the MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan, which continued and increased the allocation of PEI funds for Trauma Support Services for the LGBTQIA+ population; and

WHEREAS, per the City Council approved MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan a Request for Proposal (RFP) process was included to be executed for these Trauma Support Services for LGBTQIA+ individuals, which have been provided by the Pacific Center for Human Growth over a period of time; and

WHEREAS, on March 30, 2021 by Resolution No. 69,769-N.S., City Council authorized an amendment to ERMA Contract No. 052129-1 with Pacific Center for Human Growth to increase the amount by \$8,011 for a total amount not to exceed \$315,150 and to extend the term to June 30, 2021; and

WHEREAS, the additional funding and extension of the current contract to June 30, 2021, was to enable the time to execute the RFP and contracting processes and to provide service coverage for individual participants, in the event there was a change in contractors following the RFP process; and

WHEREAS, in March 2021 per Bid Specification number 21-11430-C, an RFP was issued and Pacific Center for Human Growth submitted a proposal; and

WHEREAS, following proposal review and rating from a panel of reviewers which included a community member, the Pacific Center for Human Growth was the chosen vendor to continue implementing these services in Berkeley; and

WHEREAS, funds for the Scope of Work in the amount of \$100,000 are available in the FY22 budget in the Mental Health Services Act Fund (Fund 315).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 052129-1 with Pacific Center for Human Growth to provide mental services and supports to LGBTQIA+ individuals who are suffering from the impact of oppression, trauma, and other life stressors, to increase the amount by \$100,000 for a total contract amount not to exceed \$415,150, and to extend the term to June 30, 2022. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services Department
 Subject: Contract No. 088999-1 Amendment: Center for Independent Living

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute an amendment for Contract No. 088999-1 with the Center for Independent Living for trauma support services for older adults, to increase the amount by \$31,846 for a total contract amount not to exceed \$320,676, and to extend the contract through June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the Scope of Work in the amount of \$31,846 will be provided from the State of California Mental Health Services Act Fund #: 315-51-503-526-2016-000-451-636110. The funding is available in the Fiscal Year 2022 budget.

CURRENT SITUATION AND ITS EFFECTS

The Center for Independent Living currently provides Trauma Support Services for the Older Adult population, through Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds. To ensure fair City Contracting practices, on January 19, 2021 the City Council approved that the Mental Health Division issue a Request for Proposal (RFP) for these services for the Older Adult population. In March 2021, per Bid Specification 21-11432, an RFP was released. Following proposal review and rating from a panel of reviewers, which included a community member, the Center for Independent Living was the vendor selected to continue implementing these services in Berkeley.

BACKGROUND

The State of California provides MHSA funding for local mental health services and supports. One of the annually recurring MHSA funding components is Prevention and Early Intervention (PEI). MHSA PEI funds are to be utilized on strategies to recognize the early signs of mental illness; to improve early access to services and programs, including the reduction of stigma and discrimination; and for strategies to prevent mental illness from becoming severe and disabling.

In order to utilize MHSA funds, stakeholder informed Three Year Plans and Annual Updates that outline how funds will be utilized are required to be developed and locally approved. Since the very first PEI plan, a portion of MHSA PEI funds have been utilized to provide to provide Trauma Support Services to unserved, underserved and inappropriately served populations through community partners. Older Adults is one of the underserved populations that has received Trauma Support Services through these funds.

On December 1, 2020 by Resolution No. 69,620-N.S., City Council approved the MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan, which continued the allocation of PEI funds for Trauma Support Services for the Older Adult population.

The approved Three-Year Plan also included a Request for Proposal (RFP) process to be executed for these Trauma Support Services for Older Adults, which have been provided by the Center for Independent Living over a period of time. In March 2021, per Bid Specification 21-11432, an RFP was released and the Center for Independent Living was the selected bidder.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The execution of this amendment will ensure Trauma Support Services for the Older Adult population are able to continue to be provided in the community.

ALTERNATIVE ACTIONS CONSIDERED

In order for MHSA-funded mental health services and supports in the community to continue, no other alternative actions were considered.

CONTACT PERSON

Karen Klatt, Community Services Specialist III, Health, Housing & Community Services,
(510) 981-7644

Attachments:

Resolution

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

CONTRACT NO. 088999-1 AMENDMENT: CENTER FOR INDEPENDENT LIVING
FOR TRAUMA SUPPORT SERVICES FOR OLDER ADULTS

WHEREAS, the City's Department of Health, Housing and Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State Approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed senior citizens and/or those in need of coping strategies for stress related issues and Center for Independent Living was determined to be the chosen bidder; and

WHEREAS, on April 26, 2011 by Resolution No. 65,237-N.S., City Council authorized Contract No. 8648 with Center for Independent Living to provide mental health services and supports to senior citizens in an amount not to exceed \$26,520 for the period February 1, 2011 through June 30, 2011; and

WHEREAS, on July 19, 2011 by Resolution No. 65,395-N.S., City Council authorized an amendment to Contract No. 8648 with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, Contract No. 8648 expired before the approved amendment was executed, and a new Contract No. 8801 was executed by the City Manager with Center for Independent Living for the amount of \$26, 520 for the term July 1, 2011 through June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,760-N.S., the City Council authorized an amendment to Contract No. 8801A with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,110-N.S., the City Council authorized an amendment to Contract No. 8801B with Center for Independent Living to increase the

amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,673-N.S., the City Council authorized an amendment to Contract No. 8801C with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,118-N.S., the City Council authorized an amendment to Contract No. 8801D with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,557-N.S., the City Council authorized an amendment to Contract No. 8801E with Center for Independent Living to increase the amount by \$27,846 for a total contract amount not to exceed \$160,446 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,102-N.S., the City Council authorized an amendment to Contract No. 8801F with Center for Independent Living to increase the amount by \$32,046 for a total contract amount not to exceed \$192,492 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,642-N.S., City Council authorized an amendment to Contract No. 8801G with Center for Independent Living to increase the amount by \$32,046 for a total contract amount not to exceed \$224,538 and to extend the term to June 30, 2019; and

WHEREAS, on July 23, 2019 by Resolution No. 69,036-N.S., City Council authorized an amendment to ERMA Contract No. 088999-1 with Center for Independent Living to increase the amount by \$32,046 for a total amount not to exceed \$256,584 and to extend the term to June 30, 2020; and

WHEREAS, on June 30, 2020 by Resolution No. 69,468-N.S., City Council authorized an amendment to ERMA Contract No. 088999-1 with Center for Independent Living to increase the amount by \$24,035 for a total amount not to exceed \$280,619 and to extend the term to March 31, 2021; and

WHEREAS, on December 1, 2020 by Resolution No. 69,620-N.S., the City Council approved the MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan, which continued the allocation of PEI funds for Trauma Support Services for the Older Adult population; and

WHEREAS, per the City Council approved MHSA FY20/21 – 22/23 Three Year Program and Expenditure Plan a Request for Proposal (RFP) process was included to be executed

for these Trauma Support Services for Older Adults, which have been provided by the Center for Independent Living over a period of time; and

WHEREAS, on March 30, 2021 by Resolution No. 69,768-N.S., City Council authorized an amendment to ERMA Contract No. 088999-1 with Center for Independent Living to increase the amount by \$8,011 for a total amount not to exceed \$288,830 and to extend the term to June 30, 2021; and

WHEREAS, the additional funding and extension of the current contract to June 30, 2021, was to enable the time to execute the RFP and contracting processes and to provide service coverage for individual participants, in the event there was a change in contractors following the RFP process; and

WHEREAS, in March 2021 per Bid Specification number 21-11432, an RFP was issued and the Center for Independent Living submitted a proposal; and

WHEREAS, following proposal review and rating from a panel of reviewers which included a community member, the Center for Independent Living was the chosen vendor to continue implementing these services in Berkeley; and

WHEREAS, funds for the Scope of Work in the amount of \$31,846 are available in the FY22 budget in the Mental Health Services Act Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to execute an amendment to Contract No. 088999-1 with Center for Independent Living to provide mental health services and supports to senior citizens, to increase the amount by \$31,846 for a total contract amount not to exceed \$320,676 and to extend the term to June 30, 2022. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director, Human Resources

Subject: Contract No. 8392B Amendment: Innovative Claim Solutions (ICS) for claims administration of the City's Workers' Compensation Program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8392B with Innovative Claim Solutions (ICS) to provide third-party claims administrative services, Medicare, Medicaid, and SCHIP Extension Act (MMSEA) Section 111 Mandatory Reporting to the Centers for Medicare & Medicaid Services (CMS), to increase the amount by an additional \$616,819, for a total contract amount of \$7,440,430, and extending the period through June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

The contract amendment with Innovative Claim Solutions will add \$616,819 to the existing contract through the end of Fiscal Year 2022. Funding for the proposed contract amendment is available in the Fiscal Year 2022 Workers' Compensation Self-Insurance Fund (676-99-900-900-0000-000-472-612240).

As a result of the proposed one-year contract amendment, Innovative Claim Solutions (ICS) has agreed to lower their administrative fees from \$685,254 to \$616,819. The decrease in fees will net the City of Berkeley a savings \$68,435.00 for Fiscal Year 2022.

Original Contract Amount (7/1/2016 – 6/30/2021)	\$6,823,611
Current Contract Amount (FY 7/1/2020 – 6/30/2021)	\$685,254
Proposed Increase (FY 7/1/2021 – 6/30/2022)	\$616,819
Savings (decrease in fees)	\$68,435
Total New Contract Amount	\$7,440,430

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is permissibly Self-Insured by the State of California, Department of Industrial Relations, to provide statutorily required workers' compensation benefits to injured employees.

On April 26, 2016, the City Council adopted Resolution No. 67,436, authorizing the City Manager to execute and implement a contract including amendment for workers' compensation third-party administration services with ICS. This contract amendment was approved from July 1, 2016 – June 30, 2021. The increase for this contractual period was \$3,247,413 for a total not to exceed \$6,823,611.

The current contract with ICS is set to expire on June 30, 2021. As such, a contract amendment is needed to continue claims administrative and management of the City's self-funded workers' compensation program. The Human Resources Department is planning to issue a Request for Proposal (RFP) in Fall 2021 for workers' compensation third-party administrative services. It has been several years since the City of Berkeley has solicited an RFP for these services. As such, during the RFP process it is imperative that the operation of critical claim management services is maintained until a third-party administrator is selected. Additionally, retaining claim management services with ICS until the RFP selection process is completed ensures the City remains in compliance with all applicable workers' compensation laws and regulations.

BACKGROUND

Innovative Claim Solutions, has been providing claims management services for over 20 years. The third-party claim management services for a workers' compensation program consist of responsibility for claims management including, but not limited to, approval of claims based upon whether an injury arose out of the course and scope of employment; denial of claims that did not arise out of the course and scope of employment; or delay of claim decisions in order to obtain additional information or evidence before a determination can be on a claim. The third-party administrator procures services and pays bills incurred by claims for the provision of benefits to injured employees. These expenses include, but are not limited to, medical; legal; temporary and permanent disability payments; and future medical needs of injured employees.

A contract extension with ICS will maintain continuous service delivery including several performance standards that require ICS to evaluate old claims for closure and close new claims as soon as feasible.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Innovative Claim Solutions has provided high quality claim management services throughout the terms of the contract. ICS consistently applies professionalism, expertise, and superior customer service in their claim management practices.

ALTERNATIVE ACTIONS CONSIDERED

Issue a Request for Proposal to seek bids from firms including ICS to provide third party administrative services for the City's workers' compensation program.

CONTACT PERSON

LaTanya Bellow, Director of Human Resources, 510-981-6807

Attachments:

1: Resolution

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

CONTRACT NO. 8392B AMENDMENT: INNOVATIVE CLAIM SOLUTIONS

WHEREAS, the City of Berkeley is certified by the State of California Department of Industrial Relations under Labor Code Sections 3700 and 3705 to self-insure for providing statutorily required workers' compensation benefits to its employees; and

WHEREAS, on April 26, 2016, the City Council adopted Resolution No. 67,436 that authorized the City Manager to amend the contract with ICS for third-party administrative services for the City's workers' compensation program by extending the term through June 30, 2021; and

WHEREAS, amending the existing contract with ICS to provide both administration of the City's workers' compensation program and Medicare, Medicaid and SCHIP Extension Act (MMSEA) Section 111 mandatory reporting to the Centers for Medicare & Medicaid Services (CMS) on behalf of the City to maintain continuous service delivery; and

WHEREAS, the City has found that the services performed by ICS have been satisfactory during the term of the contract and both parties desire to extend the term of the contract for one (1) additional year.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 8392B with Innovative Claim Solutions for third-party administrative services for both the City's workers' compensation program and MMSEA Reporting to the CMS, by extending the period through June 30, 2022 and increase the amount by an additional \$616,819, for a total contract amount of \$7,440,430. All expenses are to be paid by the Workers' Compensation Self-Insurance Fund (676-99-900-900-0000-000-472-612240). A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director of Human Resources

Subject: Contract No. 090741-1 Amendment: Bartel Associates, LLC for Actuarial Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 090741-1 with Bartel Associates, LLC for Actuarial Consulting Services, increasing contract amount by \$95,000 for a revised total contract amount not to exceed \$270,000 effective September 30, 2011 through December 31, 2023.

FINANCIAL IMPACTS OF RECOMMENDATION

The contract amendment with Bartel Associates, LLC for Actuarial Consulting Services will add \$95,000 to the existing contract through December 31, 2023. Funding for the proposed amendment is available in FY 2022 in the following funding sources: General Fund budget code 011-99-900-900-0000-000-412-612990 (for CalPERS actuarial services); various Retiree Medical Trust Funds (Funds 941 through 951); the Payroll Deduction Trust Fund (Fund 930 for the Supplementary Retirement and Income Plan); and the Safety Members Pension Fund Trust Fund (Fund 905 for the Safety Members Pension Fund).

Current Contract Amount	\$175,000
Proposed Increase (this amendment)	\$95,000
Total New Contract Amount	\$270,000

CURRENT SITUATION AND ITS EFFECTS

Under the direction of the City Council and the City Manager, the Human Resources Department is responsible for labor relations activities including actuarial projections to determine the fiscal impacts of the City's various post-employment benefits related to pension, medical, and disability. The City pre-funds all of the post-employment benefit plans and contracts for periodic actuarial studies to ensure the plans are meeting the financial assumptions to be able to pay the benefits in future years and to comply with the Governmental Accounting Standards Board (GASB) Statement No. 45 (Accounting and Financial Reporting for Employers for Post-employment Benefits other than Pension); GASB Statement No. 27 (Accounting for Pensions by State and Local Governmental

Employers); GASB Statement No. 67 (Financial Reporting for Pension Plans – An Amendment of GASB 25); and GASB Statement No. 68 (Accounting and Financial Reporting for Pensions-An Amendment of GASB Statement No. 27) reporting requirements. Moreover, in creating these post-employment benefit plans, one of the stipulations stated in the various Union agreements requires the City to complete periodic actuarial evaluations of the plans to ensure adequate funding. Lastly, City management, at the direction of City Council, has applied this same requirement to any proposed modifications to the negotiated benefit which may arise as a result of contract negotiations. Fundamentally, the intent is to provide a thorough overview of the City’s long-term retirement expenditure obligations in a format that is easily understandable, and provide an efficient and financially-healthy City government.

BACKGROUND

Bartel Associates, LLC specializes in providing GASB compliant actuarial services to public agencies including retiree medical and pension GASB valuations, actuarial audits, and CalPERS retirement consulting. Over the past several years, the City has contracted with Bartel Associates, LLC to complete actuarial services which are used for periodic actuarial evaluation, and to determine the fiscal impacts of the City’s various post-employment benefits related to pension, medical, and disability.

The City’s retirement pension benefits are provided through its participation in CalPERS. The benefits are funded by a combination of employee contributions that are set by statute and by employer contributions which fluctuate from year to year based on an annual actuarial valuation performed by CalPERS.

The City contributes to the following plans in the CalPERS system:

City CalPERS Groups	CalPERS Pension Benefit
Miscellaneous Classic Members	2.7% at age 55
Miscellaneous New Members (as defined by PEPRA)	2.0% at age 62
Safety Fire Classic Members	3.0% at age 50
Safety Fire New Members (as defined by PEPRA)	2.7% at age 57
Safety Police Classic Members Tier I (closed group)	3.0% at age 50
Safety Police Classic Members Tier II	3.0% at age 55
Safety Police New Members (as defined by PEPRA)	2.7% at age 57

Each of the plans has different rates for the City’s annual employer contribution which are generally based on the demographics of the plan participants and the value of investment returns of the City’s assets in the CalPERS system.

In addition to CalPERS, the City provides pension benefits to a closed group of former firefighters and police officers who elected to not transfer to CalPERS and retired prior to March 1973 under the Safety Members Pension Fund (SMPF). This single employer defined benefit pension plan is administered by the Safety Members Pension Board.

Annual actuarial valuations are required of this plan as stated in GASB Statement No. 27; GASB Statement No. 67; and GASB Statement No. 68.

The City also provides retiree medical benefits and disability retirement benefits to a closed group of Supplementary Retirement and Income Plan I (SRIP I) participants who were hired prior to July 22, 1988, who have not elected to transfer to SRIP II, and are permanently or indefinitely disabled.

On November 16, 2010, the City Council received the City Auditor's report on "Employee Benefits: Tough Decisions Ahead" that included a recommendation that the City Manager determine which employee benefits are the highest risk to the City and, if appropriate, perform actuarial valuations annually, rather than biennially. The City's objective is to recognize current and future liabilities and to establish a funding policy so that assets are available to pay the premium costs as employees retire and not place an undue one-time strain on the City's budget.

The actuarial analyses conducted by Bartel allows the City to comply with the various GASB Statement requirements and to meet the City's objectives in recognizing current and future liabilities, and assists the City in its continuing efforts to foster a funding policy that ensures assets are available to pay the benefits as employees retire and not place an undue strain on the City's budget.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Bartel Associates, LLC offers the City a professional and cost-effective solution to the City's actuarial analysis requirements. In addition, the firm has institutional knowledge of the City's post-employment benefit plans, as well as those of many comparable agencies in the region, which assures the City remains competitive in the labor market.

ALTERNATIVE ACTIONS CONSIDERED

The type of actuarial work is specialized and staff is unable to undertake such an endeavor.

CONTACT PERSON

LaTanya Bellow, Director of Human Resources, 510-981-6807

Attachment:

1: Resolution

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

CONTRACT NO. 090741-1 AMENDMENT: BARTEL ASSOCIATES, LLC FOR
ACTUARIAL SERVICES

WHEREAS, there is a need for actuarial services for determining future liabilities for the City's pension plans with the California Public Employees' Retirement System (CalPERS); and

WHEREAS, this type of actuarial work is specialized within the professional accounting field and is done by persons who are familiar with professional accounting and actuarial standards and reporting requirements; and

WHEREAS, Bartel Associates, LLC was selected for actuarial services as part of a continuing engagement extending back several years; and

WHEREAS, on September 30, 2011, the City entered into a contract with Bartel Associates, LLC (hereinafter "Bartel") (Contract No. 8958) for an amount not to exceed \$15,000 to provide actuarial services pertaining to the City's CalPERS pension plan; and

WHEREAS, on November 9, 2012, the City Manager authorized an amendment to increase the contract amount by \$15,000 for a revised contract amount not to exceed \$30,000; and

WHEREAS, on April 1, 2014, the City Manager authorized an amendment to increase the contract amount by \$19,999 for a revised contract amount not to exceed \$49,999; and

WHEREAS, on December 13, 2016 by Resolution No. 67,779-N.S., Council authorized the City Manager to execute an amendment to Contract No. 8958C with Bartel, increasing the contract amount by \$30,001, for a revised contract amount not to exceed \$80,000; and

WHEREAS, on November 1, 2015, by Resolution No. 67,181-N.S., Council authorized the City Manager to enter into Contract No. 10152 with Bartel for a contract amount not to exceed \$150,000 for other non-CalPERS post-employment benefits; and

WHEREAS, funding for this contract amendment is available in FY 2022 and will be from various funds: General Fund budget code 010-9701-410-3035 (for CalPERS Actuarial services); various Retiree Medical Trust Funds (Funds 914 through 951); The Payroll Deduction Trust Fund (Fund 930 for Supplementary Retirement and Income Plan); and the Safety Members Pension Fund Trust Fund (Fund 905 for the Safety Members Pension Fund);

WHEREAS, the City is close to reaching its contract limit of \$175,000 and unless the contract amount is increased, the City would be without professional actuarial consulting services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute any amendments to Contract No. 090741-1 with Bartel Associates, LLC for actuarial consulting services, increasing the contract amount by \$95,000 for a revised total contract amount not to exceed \$270,000 effective September 30, 2011 through December 31, 2023. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
Subject: Contract: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvements Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the John Hinkel Park Amphitheater Area Improvements Project, Specification No. 21-11426-C;
2. Accepting the bid of the lowest responsive and responsible bidder, OBS Engineering, Inc.; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Renovations Project at 41 San Diego Road, in an amount not to exceed \$1,119,580 which includes a contract amount of \$1,017,800 and a 10% contingency in the amount of \$101,780.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the Parks Tax Fund, and will be included in the First Amendment to the FY 2022 Annual Appropriations Ordinance. No other funding is required, and no other projects will be delayed due to this expenditure.

Construction

OBS Engineering, Inc.(lowest bid)	\$1,017,800
10% Contingency	\$101,780
<hr/>	
Total construction cost	\$1,119,580

Funding

Measure T1 Fund.....	\$400,000
(511-52-545-000-0000-000-461-663110-PRWPK19004)	
Parks Tax Fund.....	\$719,580
(138-52-545-000-0000-000-461-663110-PRWPK19004)	
<hr/>	
Total funding	\$1,119,580

CURRENT SITUATION AND ITS EFFECTS

The existing playground at John Hinkel Park at 41 San Diego Road, Berkeley, CA 94704 is in need of replacement. The project includes a new ages 5-12 play area, picnic area, and repairs and restoration of the existing masonry work and amphitheater and improvements to other site feature in conformance with current ADA standards. John Hinkel Park was designated as a historic landmark by the Landmarks Preservation Commission in April 2001 and work will be done in compliance with Structural Alteration Permit LMSAP2020-0002.

BACKGROUND

The project was advertised for bids on Monday, June 7, 2021, and bids were opened on June 22, 2021. The City received 5 bids, from a low base bid of \$1,007,100 to a high base bid of \$1,667,500, and from a low of \$1,017,800 to a high of \$1,700,800 for the base bid plus Additive Bid Alternate No. 2. The determination of the lowest responsive and responsible bidder was based on the price for base bid work, as indicated in the bid documents.

OBS Engineering, Inc. was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback. Staff recommends that a contract for this project be awarded to OBS Engineering, Inc.

The Living Wage Ordinance does not apply to this project since construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor will need to submit a Certification of Compliance for the Equal Benefits Ordinance. The contract will be subject to the Community Workforce Agreement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy and Construction and Demolition Waste Diversion program of at least 50%. The project is a renovation of an existing playground area and will not negatively affect natural habitat.

RATIONALE FOR RECOMMENDATION

The new ages 5-12 playground and picnic area are needed as part of the City's ongoing program to repair, renovate and improve accessibility at non-compliant or aging Parks facilities. The City does not have in-house labor or equipment resources to complete this renovation project.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Evelyn Chan, Supervising Civil Engineer, Parks Recreation & Waterfront, 981-6430

Contract: OBS Engineering, Inc. for
John Hinkel Park Amphitheater Area Improvements Project

CONSENT CALENDAR
July 27, 2021

Attachments:
1: Resolution
2: Bid Results

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

CONTRACT: OBS ENGINEERING, INC. FOR THE JOHN HINKEL PARK
AMPHITHEATER AREA IMPROVEMENTS PROJECT

WHEREAS, the playground at John Hinkel Park is in need of renovation; and

WHEREAS, the City has neither the in-house labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids was duly advertised on June 7, 2021, bids were opened on June 22, 2021, and the City received 5 bids; and

WHEREAS, OBS Engineering, Inc. was determined to be the lowest responsive and responsible bidder, and references for OBS Engineering, Inc. were provided and checked out satisfactorily; and

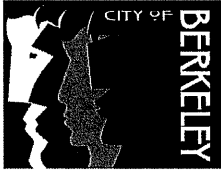
WHEREAS, funding is available in the Parks Tax Fund (Fund 138) and Measure T1 (Fund 511).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Specification No. 21-11426-C for the John Hinkel Park Amphitheater Area Improvements Project are approved; and

BE IT FURTHER RESOLVED that the construction contract is awarded to OBS Engineering, Inc. as the lowest responsive and responsible bidder for a total contract amount of \$1,017,800, which includes the base bid plus bid alternate number 2; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Improvements Project in an amount not to exceed \$1,119,580, which includes a contract amount of \$1,017,800 and a 10% contingency in the amount of \$101,780 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

ATTACHMENT 2



City of Berkeley
Abstract of Bid Worksheet

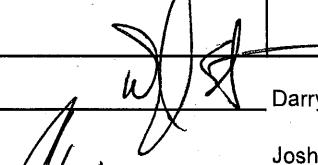
Finance Department
General Services Division

FOR: John Hinkel Park Amphitheater

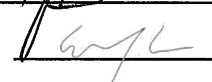
Spec. #
21-11426-C

Bid Date: 6/22/2021

	Bidders	Base Bid	Alternate 1	Alternate 2	required w/ bid					
					Bid Bond	Addenda (1)	Reg/Exp	Sub-List	Non-Coll	Certs
1	Angotti & Reilly, Inc.	\$ 1,435,266.00	\$ 20,000.00	\$ 19,000.00	x	x	x	x	x	x
2	CF Contracting	\$ 1,667,500.00	\$ 34,700.00	\$ 33,300.00	x	x	x	x	x	x
3	Kerex Engineering	\$ 1,275,000.00	\$ 50,000.00	\$ 30,000.00	x	x	x	x	x	x
4	Bay Construction Co.	\$ 1,135,400.00	\$ 90,000.00	\$ 20,000.00	x	x	x	x	x	x
5	OBS Engineering	\$ 1,007,100.00	\$ 68,700.00	\$ 10,700.00	x	x	x	x	x	x
6										
7										
8										
9										
10										

Bid Recorder:  Darryl Sweet

Bid Opener:  Josh Roben

Project Manager:  2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390

E-mail: finance@ci.berkeley.ca.us



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract No. 31900178 Amendment: Siegel & Strain Architects for Design and Construction Administration Services for the Cazadero Camp Jensen Dormitory Replacement Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 31900178 with Siegel & Strain Architects for Design and Construction Support Services for the Cazadero Camp Jensen Dormitory Replacement Project, increasing the contract by \$120,000 for a total amount not to exceed \$278,000.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the contract are available in the Camps Fund. The amendment amount of \$120,000 will be included in the First Amendment to the FY 2022 Annual Appropriations Ordinance and budgeted in the Camps Fund budget code 125-52-543-581-0000-000-461-612310 PRWEM16004. The cost of this this contract is anticipated to be entirely covered by insurance payments (partially received).

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley has owned Cazadero Camp in Sonoma County since 1927. In April of 2016, a landslide occurred at Cazadero Camp causing irreparable damage to the existing Jensen Dorm structure, Austin Creek Road and multiple trees. The hazardous trees were removed, Jensen Dormitory demolished and the debris removed, and the permanent landslide repair work (including repair of Austin Creek Road) completed. The replacement Jensen Dormitory has been designed and is in the final permitting and bidding phase. Construction is anticipated to begin in August, 2021 and take approximately 10-months to complete. Additional construction support services from the designer are necessary in order to complete the project.

BACKGROUND

The total cost estimate for the Cazadero Landslide Repair Project is \$2.5M. Project costs are anticipated to be covered by insurance.

On November 13, 2018 the City issued a request for proposals for architectural and engineering design services for the Cazadero Camp Jensen Dormitory Replacement

Contract: Siegel & Strain Architects for Architectural and Engineering Services for the Cazadero Camp Jensen Dormitory Replacement Design Project

CONSENT CALENDAR
July 27, 2021

Design Project (Spec No. 18-11209-C). The City determined that Siegel & Strain Architects are well suited to meet the City's needs for this Project, and awarded the contract on January 22, 2019 (Resolution No. 68,733-N.S.) The original scope of work anticipated that construction would be complete by 2020. The Project schedule was extended due to COVID. Additionally, the scope requires amending to reflect changes to the design approach, the need to add sprinklers to an existing structure, and expansion of the Construction Administration task to include on-site meetings and a more comprehensive review of submittals and requests for information from the contractor.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

This Project replaces a destroyed building. The replacement building will be designed to meet modern code, representing a significant improvement in energy and water efficiency compared to the prior structure. The new Jensen Dormitory will include all-electric equipment, systems and appliances. Solar is not feasible in this heavily forested location, however the design incorporates passive heating and cooling, and requires the use of low-carbon concrete. The Project does not include any irrigation, and ultra-low-flow fixtures are used throughout the building.

RATIONALE FOR RECOMMENDATION

The replacement of Jensen Dormitory is necessary to restore the capacity of Cazadero Camp, and the Project is insurance-funded. The City does not have the in-house resources to complete design of the replacement structure.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, PRW, 981-6700
Liza McNulty, Project Manager, PRW, 981-6437

Attachments:

1: Resolution

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

CONTRACT NO. 31900178 AMENDMENT: SIEGEL & STRAIN ARCHITECTS FOR
DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE
CAZADERO CAMP JENSEN DORMITORY REPLACEMENT PROJECT

WHEREAS, the City has owned the Cazadero Camp since 1927; and

WHEREAS, in April, 2016 a landslide destroyed the Jensen Dormitory; and

WHEREAS, on November 13, 2018 the City issued a Request for Proposals for design services for the Cazadero Camp Jensen Dormitory Replacement Design Project (Spec No. 18-11209-C) and identified Siegel & Strain Architects as well-suited for the City's needs; and

WHEREAS, on January 22, 2019, Council authorized the City Manager to enter into a contract with Siegel & Strain Architects for Design Services for the Cazadero Camp Jensen Dormitory Replacement Project in the amount of \$158,000 (Resolution No. 68,733-N.S.); and

WHEREAS, Siegel & Strain Architects and their sub-consultants has the requisite knowledge and background to provide design and construction support services which are necessary in order for the City to efficiently manage the construction of the Project; and

WHEREAS, funding is available in the FY 2019 budget in the Camps Fund (Fund 125) and will be included in the First Amendment to FY 2022 Annual Appropriations and Ordinance and budgeted in the Camps Fund (budget code 125-52-543-581-0000-000-461-612310 PRWEM16004).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 31900178 with Siegel & Strain Architects for Design and Construction Support Services for the Cazadero Camp Jensen Dormitory Replacement Project, increasing the contract by \$120,000 for a total not to exceed \$278,000.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council Dee Williams

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract No. 32100146 Amendment: Bellingham Inc. for Additional Dock Repairs at the Berkeley Marina

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32100146 with Bellingham Inc. to repair additional docks at the Berkeley Marina by increasing the construction contract amount by \$40,000 for a not-to-exceed amount of \$280,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the construction contract amendment in the amount of \$40,000 will be in the FY 2022 Waterfront Minor Maintenance (PRWWF22003) budget as follows:

Construction contract

Current amount	\$240,000
Proposed amendment.....	\$40,000

Total construction contract cost \$280,000

Marina Fund

608-52-545-000-0000-000-473-663110- PRWWF22003.....	\$40,000
Total.....	\$40,000

CURRENT SITUATION AND ITS EFFECTS

The City has a current construction contract with Bellingham Inc. to construct, remove and replace six (6) and repair twenty-one (21) damaged finger docks at the Berkeley Marina. There is a current critical need to repair dock float sections at D/E dock. Amending the construction contract provides the City with a cost-effective way to repair additional docks at the Berkeley Marina.

BACKGROUND

On December 9, 2020 the City issued an Invitation For Bid (IFB) for the fabrication and construction work to remove and replace six (6) damaged finger docks at the Berkeley Marina (Spec No. 21-11427). The City received three (3) bids, and Bellingham was the

lowest responsive and responsible bidder. On April 13, 2021, the City Manager authorized construction contract no. 32100146 in the amount of \$140,000.

On April 27, 2021, the City Council authorized an amendment (Resolution 69,815-N.S.) to the increase the contract amount by \$110,000 to fund the replacement of additional damaged finger docks at the Berkeley Marina, for an amount not-to-exceed \$240,000.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The project involves the repair and replacement of existing docks and therefore will not negatively affect natural habitat.

RATIONALE FOR RECOMMENDATION

The FY2022 budget will include an allocation of Marina Fund to replace additional damaged finger docks at the Berkeley Marina. Bellingham is currently under contract to replace six (6) and repair twenty-one (21) damaged finger docks. Amending the current contract will provide the City a cost-effective way to have this work performed. The City does not have the in-house labor or equipment resources to repair additional damaged docks.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Ali Endress, Waterfront Manager, 981-6737
Sean Crothers, Waterfront Supervisor, 981-6744

Attachments:

1: Resolution

RESOLUTION NO. ##-###

AMENDMENT TO CONTRACT NO. 32100146 WITH BELLINGHAM INC. TO PROVIDE
ADDITIONAL DOCK REPAIR AT THE BERKELEY MARINA

WHEREAS, on December 9, 2020, the City issued an Invitation For Bid (IFB) for the construction work to remove and replace six (6) damaged finger docks at the Berkeley Marina (Spec No. 21-11427);

WHEREAS, on April 13, 2021, the City Manager authorized construction contract no. 32100146 in the amount of \$140,000; and

WHEREAS, on April 27, 2021, the City Council authorized a contract amendment (Resolution 69,815- N.S.) to the increase the contract amount by \$110,000 to fund the replacement of additional damaged finger docks at the Berkeley Marina, for an amount not-to-exceed \$240,000; and

WHEREAS, funding for the construction contract amendment in the amount of \$40,000 will be included in the FY2022 Marina Fund budget (Fund 608).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the construction contract with Bellingham Inc. by increasing the construction contract amount by \$40,000 for a total not to exceed of \$280,000 to repair additional finger docks at the Berkeley Marina.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Department of Public Works
Subject: Contract No. 32100102 Amendment: DMR Builders for the 125/127 University Avenue Tenant Improvement Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32100102 with DMR Builders to complete renovation and facility upgrade work at the 125/127 University Avenue building, increasing the amount of the contract by \$146,000, for a new amount not to exceed of \$439,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the FY 2022 Parking Meter Fund (631) budget pending the approval of the First Amendment to the FY 2022 Annual Appropriations Ordinance.

Original Contract:

Capital Improvement Fund (501-54-623-677-0000-000-444-662110-)	\$117,200
Parking Meter Fund (631-54-623-677-0000-000-444-662110-)	\$175,800
Total Original Contract	\$293,000

This Amendment:

Parking Meter Fund (631-54-623-677-0000-000-444-662110-)	\$146,000
Amended Contract Amount	\$439,000

This project will enable the Berkeley Police Department’s Traffic Bureau, including its Parking Enforcement Unit, to move from privately-owned office space on Folger Street to City-owned office space at the Waterfront. This move will reduce the Traffic Bureau’s office space rental costs by \$30,000/year and bring in \$175,000/year in lease revenue to the Marina Fund.

CURRENT SITUATION AND ITS EFFECTS

The existing Traffic Bureau office space provides fully equipped functionality for both Parking Enforcement personnel and sworn personnel to efficiently carry out their daily work tasks. Relocating facilities requires improvements to prevent a significant negative change in employee working conditions. The additional improvements include locker rooms, security cameras, data cabling, blinds and window treatments, carpet tiles, and painting. It also addresses some visible water leaks. The additional upgrades are critical

for the operation of this facility and will provide a safe, efficient, and inviting work environment. The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained facilities.

BACKGROUND

At the October 27, 2020 Berkeley City Council meeting, the City Council adopted a resolution approving plans and specifications for the Berkeley Police Department (BPD) to relocate its Parking Enforcement Unit and sworn Traffic Officers from the current location on Folger Street to City-owned lease space at 125/127 University Avenue. Additionally, City Council authorized a contract with DMR Builders to complete necessary tenant improvements. That work has been underway and some additional changes are required to complete the project.

The current location is leased out of a privately owned facility. Utilizing the University Avenue property will bring in \$175,000/year of lease revenue to the Marina Fund, and reduce rental costs by about \$30,000/year relative to its current location.

There are a number of community benefits to moving the Traffic Bureau to the Marina. The benefits have been identified as providing a central location for community members and staff, investment in a City building rather than a private entity, and supporting Parks, Waterfront and Recreation with a public safety presence in the Marina. This move will likely have a deterrent effect on crime and provide a positive impact on perceptions of security in the Marina.

Prior to the relocation, some tenant improvements are necessary to accommodate the basic habitation needs of all Traffic Bureau personnel. Some of the major proposed improvements include a new entryway, lobby, locker rooms, and security system. The improvements also ensure compliance with current life safety codes such as modifications to the sprinkler system and emergency exits. These architectural upgrades are similar to the original scope of the project, and the contractor has demonstrated through prior change orders to be delivering good value to the City.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The improvements will incorporate energy efficiency upgrades such as high efficiency LED light fixtures, energy efficient windows, and a new high-efficiency electric hot water heater.

RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work.

ALTERNATIVE ACTIONS CONSIDERED

Do not relocate the Traffic Bureau and continue paying rent to a private entity.

CONTACT PERSON

Andrew Brozyna, Deputy Director of Public works, (510) 981-6396

Joe Enke, Acting City Engineer, Department of Public Works, (510) 981-6411

Elmar Kapfer, Supervising Civil Engineer, Department of Public Works (510) 981-3654

Attachments:

1: Resolution

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

CONTRACT NO.32100102 AMENDMENT DMR BUILDERS FOR THE 125/127
UNIVERSITY AVENUE TENANT IMPROVEMENT PROJECT

WHEREAS, the project consists of improvements of the first-floor office space at 125/127 University Avenue; and

WHEREAS, The City has neither the labor nor the equipment necessary to undertake this renovation project; and

WHEREAS, an invitation for bids (Plans and Specifications No. 19-11267-C) was duly advertised, and DMR Builders was determined to be the lowest responsive and responsible bidder; and

WHEREAS, Resolution No 69,593-N.S. authorized the City Manager to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with DMR Builders for the 125/127 University Avenue Tenant Improvement Project, in an amount not to exceed \$293,000; and

WHEREAS, initial contract funds in the amount of \$293,000 were appropriated in First Amendment to the FY 2021 Annual Appropriations Ordinance in FY 2021 Capital Improvement Fund (501) and Parking Meter Fund (631) budgets. Funding for the contract amendment is available in the FY 2022 Parking Meter Fund via the approval of the First Amendment to the FY 2022 Annual Appropriations ordinance; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32100102 with DMR Builders for tenant improvements at 125/127 University Avenue, increasing the current contract amount by \$146,000 for a total contract not-to-exceed amount of \$439,000. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Public Works
 Subject: Dana Complete Street Pilot Project by AC Transit

RECOMMENDATION

Adopt a resolution: 1) approving the Dana Complete Street Pilot Project, including a conceptual design repurposing an existing traffic lane to install a two-way cycle track, construction of a boarding island for bus passengers, and specified changes to parking and loading zones, as necessary, and directing the City Manager to direct staff to work with Alameda-Contra Costa County Transit District (AC Transit) in developing the detailed engineering design of the project; 2) authorizing the City Manager to direct staff to grant permits for construction activities within City Right-of-Way, contingent on Public Works staff approval of final construction drawings and specifications from AC Transit, and directing the City Manager to direct staff to work with AC Transit on the evaluation phase of the project following construction.

SUMMARY

AC Transit has proposed a Dana Complete Street Pilot Project to improve transit operations and bicycle safety on Dana Street between Bancroft Way and Dwight Way. AC Transit's Dana Complete Street Pilot Project is consistent with the City's 2017 Bicycle Plan, General Plan Transportation Element Policy T-4 "Transit First", September 27, 2016 City Council support of Southside pilot projects, and an incremental approach to implementing Southside Plan Policy T-C2 as described in a July 14, 2015 City Manager referral. The pilot project complements the City's Southside Complete Streets Project. AC Transit will construct and evaluate the pilot in order to recommend possible changes to the design for the City's Southside project for Dana Street. AC Transit, in partnership with Public Works staff, has developed a conceptual design, conducted public engagement, and refined that design based on input from the public and technical staff from various City Divisions and Departments. AC Transit seeks the approval of the Berkeley City Council for the pilot project, including the conceptual design, and authorization to proceed with detailed engineering design, application for construction permits, construction activities in the City right-of-way, and post-construction evaluation of the pilot project. A detailed project timeline is found later in this report.

FISCAL IMPACTS OF RECOMMENDATION

The project is funded and managed by AC Transit. There are no direct fiscal impacts to the City, and it is anticipated that the contribution of Public Works staff time would be no more than a few hours a month for project review and internal coordination. AC Transit is utilizing various federal, state, and local funds for design, construction, and evaluation of the Dana Complete Street Pilot Project, which includes installation of a two-way cycle track and a bus boarding island within the project limits. Fiscal impacts of the City's Southside Complete Streets project, which will construct permanent improvements based on the AC Transit pilot project, will be addressed in a future report.

CURRENT SITUATION AND ITS EFFECTS

AC Transit, in partnership with Public Works staff, has developed a conceptual design, conducted public engagement, and refined that design based on input from the public and technical staff from various City Divisions and Departments.

Traffic, Parking and Commercial and Passenger Loading Zones

As shown in Attachment 2: the Dana Complete Street Pilot Project would reduce the two existing traffic lanes to one remaining traffic lane to make space for a continuous protected bi-directional cycle track on the west side of the street. Dana Street is one-way southbound for drivers in the project area – no change in directionality of vehicle traffic is proposed. The traffic operations analysis conducted for the Dana Street/Haste Street intersection where the new bus boarding island would be constructed has confirmed that the intersection would continue to operate without significant delays with the proposed project.

In order to reduce potential conflicts between bicyclists and buses as well as meeting access requirements for fire apparatus, on-street parking spaces and commercial and passenger loading zones, except for one blue zone disabled parking space, are proposed to be moved from the west side of the street to the east side of the street. Overall, paid parking supply on Dana Street would be reduced, while Residential Parking Permit (RPP) and passenger loading zones would be increased. The proposed project would remove approximately ten of the 20 existing paid parking spaces along Dana Street. The proposed project would also result in an increase of two new residential permit parking spaces. The project adds a total of four new passenger loading zone spaces (white curb), converts one existing commercial loading zone (yellow curb) to paid parking, and adds two new commercial loading zones (yellow curb). The project proposes to relocate one blue zone disabled parking space from Dana Street to Haste Street, around the corner from the existing location. AC Transit staff have worked closely with City staff to develop a conceptual design that ensures continued parking accessibility as part of the new bikeway design. Details regarding changes to parking and ADA accessibility as a result of public input are described in the next section.

AC Transit is the responsible agency for environmental clearance of the Project. Following changes to CEQA resulting from Senate Bill (SB) 288, the Project qualifies for pedestrian, bicycle, and transit facility categorical exemptions from the California Environmental Quality Act (CEQA) and is categorically excluded from National Environmental Protection Act (NEPA) requirements as an improvement to existing street facilities.

Public Engagement

On April 15, 2021, AC Transit staff presented the conceptual design to the Berkeley Transportation Commission, which marked the start of Public Comment Period and start of community stakeholder engagement meetings. In mid-May, AC Transit sent letters to 54 property owners, 47 business owners and 266 residents along Dana Street between Dwight Way and Bancroft Way in announcing a virtual community meeting in late May. In addition, details of the meeting were announced on AC Transit's website (www.actransit.org) and via email to eNews subscribers. AC Transit and City staff met virtually and in person with major stakeholders and important institutions along the corridor, such as the Telegraph Business Improvement District and the University of California, Berkeley as well as reaching out to transit riders, walking, and bicycling advocacy groups, and community-based organizations such as the First Congregational Church of Berkeley and the Church in Berkeley. The Dana Street Project virtual community meeting was held on May 27th, 6pm to 7:30pm and was attended by over 30 people. The virtual community meeting recording is available on the AC Transit website.

The public comment period closed on June 7, and as of June 8, AC Transit had recorded 55 individual comments via email and online virtual community meeting Q&A. Public comments received included support for the project, concerns for changes to parking and loading spaces, need for parking and loading spaces on Dana Street in front of their properties, need for clear signage, lane marking and bicycle detection for people riding bicycles, need for a roadway design that accommodates buses, emergency vehicles and large trucks, and concerns about the location of consolidated bus stops and the proposed bus boarding island.

Based on comments received, the City and AC Transit have refined the conceptual design as shown in Attachment 2. In response to comments from UC Berkeley, AC Transit has modified the parking along two student residential properties, Blackwell (Bancroft Way to Durant St) and Unit 3 (Durant St to Channing Way). Parking along the frontage of these UC properties has been modified to ensure adequate maintenance, solid waste, and freight access for UC Berkeley facilities operations. Based in part on comments received from and a field meeting with First Congregational Church (Durant St to Channing Way), the existing bus stop on Durant St at Dana St would be consolidated with the nearby existing bus stop on Durant St at Ellsworth St, and this former bus stop location on Durant St at Dana St would be converted to a passenger

loading zone (white curb) to serve the church and the East Bay School for Boys which is co-located on the property. To serve this loading zone, AC Transit is proposing to make spot accessibility improvements to the sidewalks on the accessible path of travel to/from this new passenger loading zone to the church’s disability access ramp on Dana St. Based in part on comments received from a field meeting with the Church in Berkeley (Haste St at Dana St), three existing two-hour time-limited unpriced parking spaces on Haste St would be converted into a passenger loading zone adjacent to the church’s disabled access ramp. Because these new passenger loading spaces would require access to the passenger side of vehicles from the street, AC Transit would slightly modify the roadway striping in this area, utilizing surplus roadway space to create a painted buffer passenger-side loading area. The intent of this area is to allow passengers additional space to load, away from passing vehicles. The City's final approval of the Project and granting of construction permits will be contingent on receipt of acceptable final construction drawings and specifications from AC Transit.

On June 17, 2021, AC Transit staff provided project updates and summary of the public outreach activities to the Berkeley Transportation Commission, which voted unanimously (Ayes: Ghosh, Gosselin, Greene, Leung, Lutzker, Parolek, Zander. Noes: None, Abstain: None, Absent: None, Motion carried 7-0-0-0) to recommend approval of the pilot project by the Berkeley City Council.

Dana Complete Street Pilot Project Timeline

- Conceptual Design, Preliminary Engineering, Public Outreach, and Environmental Review June 2018 to July 2021
- Detailed Engineering Design Summer 2021 to Fall 2021
- Advertise project & award construction contract Winter 2021/2022
- Construction Spring 2022 – Fall 2022
- Evaluation Fall 2022

BACKGROUND

The Dana Complete Street Pilot Project would improve safety and access for people walking, biking, riding transit, and driving on Dana Street between Bancroft Way and Dwight Way. Project objectives are to improve safety for everyone traveling along Dana Street; provide a more comfortable bicycling and walking experience for people of all ages and abilities; and improve connectivity and accessibility to encourage transit, bicycling and walking trips.

AC Transit’s Dana Complete Street Pilot Project is consistent with the City’s 2017 Bicycle Plan, which recommends evaluation of a protected bikeway cycle track on Dana Street between Dwight Way and Bancroft Way. As a transit operations improvement

pilot, it is also consistent with General Plan Transportation Element Policy T-4 “Transit First”. On September 27, 2016 City Council expressed support for Southside pilot projects, which included a Dana Complete Street Pilot Project as one of three anticipated pilot projects on Bancroft Way, Telegraph Ave, and Dana St. The pilot is consistent with an incremental approach to implementing Southside Plan Policy T-C2 as described in a July 14, 2015 City Manager referral to “convert Dana Street between Dwight to Bancroft from a one-way street to a two-way street...to improve its safety and functionality as a bike route”.

As a pilot of the Southside Complete Streets Project, the Dana Complete Street Project is a Strategic Plan Priority Project, advancing the City’s goals to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

AC Transit’s Dana Complete Street Pilot Project complements the City’s Southside Complete Streets Project. Construction of the Dana pilot project is expected to be complete in 2022, followed immediately by an evaluation of the pilot project’s performance. AC Transit’s evaluation consultant will recommend additional design changes, if any are needed, for integration into the City’s Southside Complete Streets Project’s detailed engineering design process. At a minimum, the City’s Southside project would repave the entire street and would seek to make temporary elements of the Dana pilot project permanent.

AC Transit operates Line 6, serving 5,700 passengers on an average weekday (pre-COVID). Line 6 connects downtown Berkeley and downtown Oakland via Telegraph Avenue, one of AC Transit’s Major Corridors,. The Line 6 bus stop on the near side of Dana Street at Haste Street has no rider amenities except for a single bus stop sign. In addition, it is located along an ADA-inaccessible landscaped planting strip. The proposed far-side bus stop relocation and the construction of a new bus boarding island would provide improved rider amenities, an ADA-accessible bus stop, and improved transit operations. Together with other bus stop and signal improvements along Telegraph Avenue, the Pilot Project will improve operations of Line 6.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Project would result in more efficient transit operations overall, and would encourage more people to use public transportation and engage in active modes of transportation instead of driving. Installation of a two-way bikeway on Dana Street is anticipated to increase the number of bicyclists, which is consistent with the 2009 Berkeley Climate Action Plan Policy 5.a. that calls for expanding and improving Berkeley’s bicycle and pedestrian infrastructure. The Plan sets targets of reducing transportation emissions 80% below year 2000 levels by 2050. The Plan further states that transportation modes such as public transit, walking, and bicycling must become the primary means of fulfilling the City’s mobility needs to meet these targets.

RATIONALE FOR RECOMMENDATION

The Dana Street Project implements the City of Berkeley Transit-first policy by giving priority to alternative transportation and transit over single-occupant vehicles on Transit Routes; evaluates a two-way cycle track as recommended in the 2017 Berkeley Bicycle Plan; incrementally implements Southside Plan Policy T-C2; and is consistent with past Berkeley City Council support of Southside pilot projects, including Dana Street.

As a pilot project, AC Transit will evaluate the pilot's effectiveness once it is constructed. Evaluation may identify additional design changes, if any are needed, for integration into the City's Southside Complete Street Project. The City's Southside Project is planned to repave Dana Street and make the Pilot project's temporary elements permanent.

Approval of the pilot project will keep the project on schedule for detailed engineering design and advertising for construction bids in late 2021, followed by construction of the project in 2022. Evaluation of the constructed project in 2022 complements and helps avoid delays to the City's Southside Complete Streets design phase, which is anticipated to be ongoing throughout 2022.

ALTERNATIVE ACTIONS CONSIDERED

Council could opt not to approve the pilot project at this time, and instead defer the item to a future Council agenda. This decision would delay the subsequent detailed engineering design and construction phases of the project. Delays in the AC Transit pilot project could result in delays to the City's Southside Complete Streets project, which has grant funding deadlines.

CONTACT PERSON

Farid Javandel, Transportation Manager, Public Works, 981-7061
Eric Anderson, Senior Planner, Public Works, 981-7062
Dianne Yee, Associate Planner, Public Works, 981-7068

Attachments:

- 1: Resolution
- 2: Dana Complete Street Pilot Project Conceptual Design

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

DANA COMPLETE STREET PILOT PROJECT

WHEREAS, there is a gap in the City of Berkeley low-stress bikeway network on Dana Street between Bancroft Way and Dwight Way and the City of Berkeley Bicycle Plan recommends installation of a two-way cycle track on the segment of Dana Street between Bancroft Way and Dwight Way; and

WHEREAS, promoting environmentally beneficial alternatives to driving, including bicycling, walking, and taking transit, supports the goals of the Berkeley Climate Action Plan and Berkeley Strategic Plan and may also lead to improved public health outcomes; and

WHEREAS, improvements to transit service is supported by the City's General Plan Transportation Element Policy T-4 "Transit-First Policy" Transit First Policy, and improvements in efficiency and reliability of transit in the Southside neighborhood should encourage more people to use public transportation instead of driving, with this mode shift resulting in overall decreases in pollutants and greenhouse gas emissions; and

WHEREAS, AC Transit, in partnership with Public Works staff, has developed a conceptual design, conducted public engagement, and refined that design based on input from the public and technical staff from various City Divisions and Departments, and will continue to engage and seek the approval of City staff during the completion of detailed engineering design; and

WHEREAS, the proposed improvements for the Dana Complete Street Pilot Project (Project) will begin construction in mid-2022 and the construction project will be managed by AC Transit who will retain a construction management (CM) team, consisting of engineers and inspectors, during the construction of these improvements; and

WHEREAS, the City will grant permits for construction activities within City Right-of-Way, contingent on Public Works staff approval of final construction drawings and specifications from AC Transit, and City engineering staff and inspectors will provide assistance as typical for construction engineering permit activities in the City Right-of-Way.

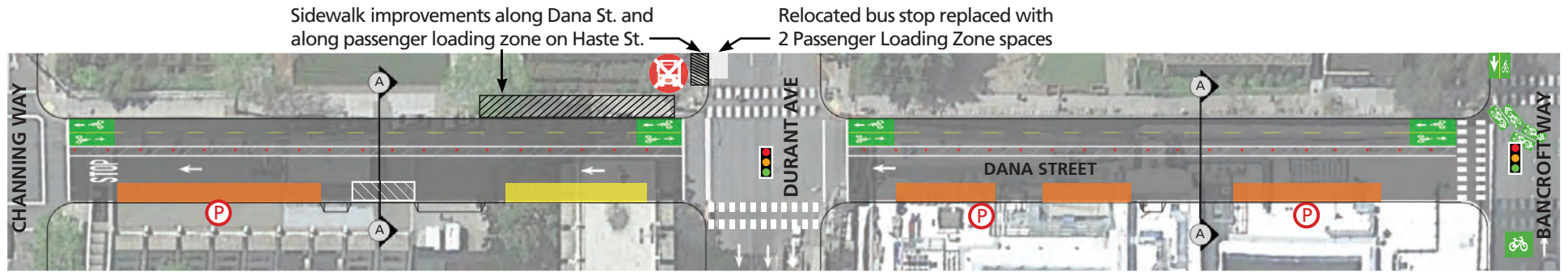
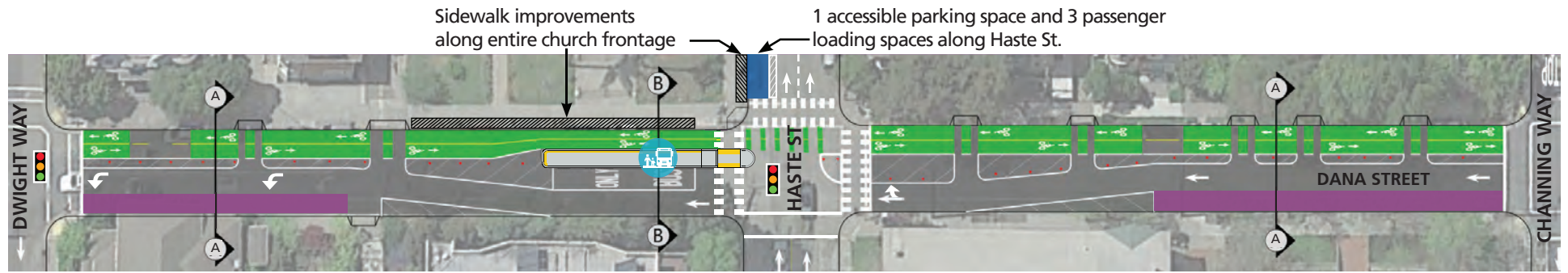
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council of the City of Berkeley approves the Dana Complete Street Pilot Project, including a conceptual design repurposing an existing traffic lane to install a two-way cycle track, a boarding island for bus passengers, and specified changes to parking and loading zones, as necessary, and directs the City Manager to direct staff to work with Alameda-Contra

July 27, 2021

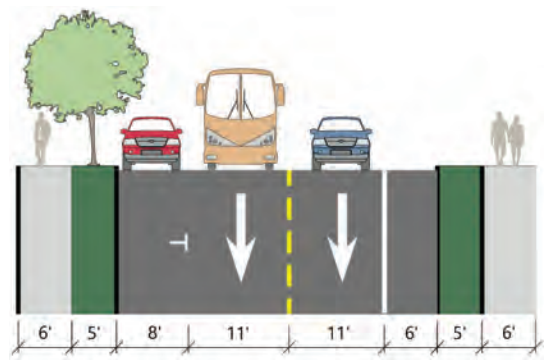
Costa County Transit District (AC Transit) in developing the detailed engineering design of the project.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to direct staff to grant permits for construction activities within City Right-of-Way, contingent on Public Works staff approval of final construction drawings and specifications from AC Transit; and directs the City Manager to direct staff to work with AC Transit on the evaluation phase of the project following construction.

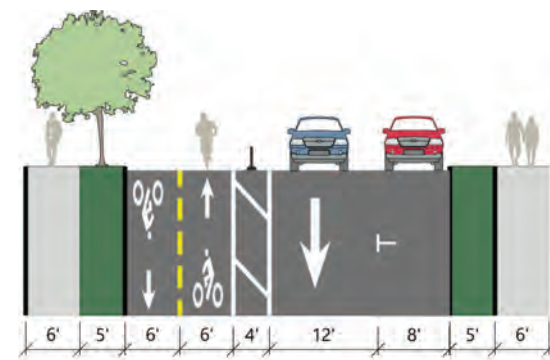
DANA COMPLETE STREET PILOT PROJECT ELEMENTS



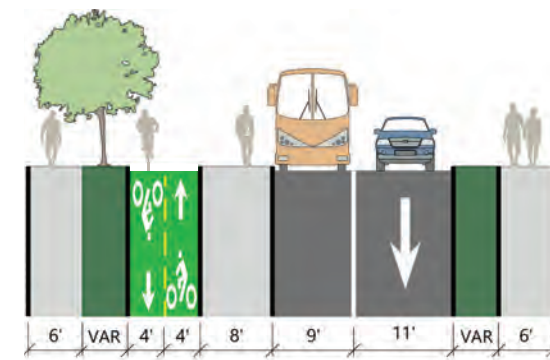
- Pay Parking
- Residential Permit Parking
- Accessible Parking Space (Blue Zone)
- Commercial Loading Zone
- Sidewalk Accessibility Spot Improvements
- Bus Boarding Island
- Bus Stop Removal
- Traffic Signal Improvement
- P Pay Parking Station
- Cycling Infrastructure
-



Existing Street Section



Proposed Typical Street Section



Proposed Section at Bus Boarding Island



Energy Commission

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Energy Commission
 Submitted by: Janet Strömberg, Chairperson, Energy Commission
 Subject: Creation of Climate Equity Action Fund

RECOMMENDATION

The Energy Commission recommends that City Council create a Climate Equity Action Fund, designate a process for making funding decisions, and appropriate \$600,000 to create a pilot test.

FISCAL IMPACTS OF RECOMMENDATION

The Commission recommends funding of \$500,000 for the current fiscal year, with an additional \$100,000 to pay for staff costs associated with the Finance Department and Office of Energy and Sustainable Development administering applications and disbursing funds.

CURRENT SITUATION AND ITS EFFECTS

On May 26, 2021, the Berkeley Energy Commission voted to send these recommendations to create a Climate Equity Action Fund, designate a process for making funding decisions, and appropriate \$600,000 to create a pilot test. Moved by Commissioner Leger, second by Commissioner Guliasi, motion carried by vote 7-0-0-0; Ayes: Stromberg, Moore, Gil, Guliasi, Leger, Paulos, Zuckerman. Noes: None. Abstain: None. Absent: None.

The Fund would be a repository of grant and municipal funds that would be used to pay for equitable climate-related pilot programs for low-income households at or below 50% of Area Median Income, or as otherwise designated by Council.

The Fund would support the goals of the Climate Action Plan, and specifically the Electric Mobility Roadmap and the Existing Building Electrification Strategy. It would provide financial incentives and support for low-income households to reduce carbon emissions from transportation and natural gas use in buildings, while lowering costs and improving quality of life. Some examples for transportation may include transit, electric mobility, and walking and biking. For buildings, some examples are improved energy efficiency, rooftop solar, and efficient electric appliances.

Council would request the Energy Commission (or successor) and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee (FITES), in consultation with the public and community groups, to provide input to staff and Council about eligible categories of fund expenditures (e.g., transportation modal shift or building electrification) and processes to maximize emissions reductions and equitable impacts for eligible households.

BACKGROUND

In response to the Council's *Fossil Fuel Free Berkeley* proclamation and *Declaration of a Climate Emergency*, and as a means of pursuing the City's *Climate Action Plan*, the Council put Measure HH on the November 2020 ballot to create the Climate Equity Action Fund.

Measure HH would have reformed the Utility User Tax (UUT) by a) eliminating it for households on the CARE and FERA rate discount plans, and b) raising it for other customers from 7.5% to 10%. This would have raised about \$2.3 million per year for the City, to fund the Climate Equity Action Fund.

The Fund would have been used to support actions by residents and businesses to cut greenhouse gas emissions, with an emphasis on assisting low-income residents, remediating past environmental injustices, and promoting equity.

The Climate Equity Action Fund fits into the Strategic Plan, advancing our goals to:

- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

Unfortunately Measure HH did not pass. Subsequent research on voter attitudes showed strong support for taking action on climate change, but disagreement on how to fund it and a lack of understanding on how the Fund would work.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Climate change is the challenge and threat of our modern society. The United States is the largest cumulative contributor of carbon emissions in the atmosphere and has one of the highest rates of emissions per capita. Berkeley's emissions come largely from transportation and from natural gas used in buildings.

Berkeley also sees very wide disparities in income and wealth, compounded by a long history of social and racial inequity. This inequity is reflected in the environmental

burdens of vulnerable communities, barriers to clean transportation, and disparities in the quality of housing.

By supporting local climate action with an emphasis on low-income households and vulnerable communities, we would be taking action on both of these problems, working to solve climate change while creating a more equitable society.

RATIONALE FOR RECOMMENDATION

As mentioned, research into voter attitudes on Measure HH showed that while there was broad support for local climate action, many voters were not clear on what the Climate Equity Action Fund would do. By creating the Fund, establishing its structure and process, and making a round of grants, the Council would be able to show voters the Fund in action, creating a better understanding and broader support for the Fund. This could lead to increased voter for future ballot measures or other funding strategies.

ALTERNATIVE ACTIONS CONSIDERED

Voters could be asked again in 2022 to support the Fund, but the Commission believes it would be more likely to succeed if we address the concerns that some voters expressed after the 2020 vote.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's report. In its budget adoption action on June 29, 2021, the City Council allocated \$600,000 for the creation of a Climate Equity Action Fund.

CONTACT PERSON

Billi Romain, Secretary, Energy Commission, 510-981-7432

Attachments:

1: Campaign Report for Berkeley Measure HH

Campaign Report for Berkeley Measure HH



Prepared by [Bentham Paulos](#), March 3, 2021

This is a summary of the 2020 campaign for the Climate Equity Action Fund (Measure HH), an analysis of why it failed, and recommendations for next steps.

Measure HH would have raised about \$2.4 million per year to fund actions that reduce carbon emissions. To raise the funds, it would have increased the utility users tax (UUT) from 7.5% to 10%, while eliminating the tax for low-income households. The funds would have been spent with a focus on equity, seeking to cut pollution in disadvantaged communities, lower energy and transportation costs for low-income households, and create jobs.

The timing of the measure seemed good, coming on the heels of catastrophic wildfires, large public #climatestrike events in favor of climate action, and four years of Trump. The strong emphasis on equity positioned it well after the Black Lives Matter protests.

The operation of the campaign seemed like a success –

- It was endorsed by 27 organizations, including some very prominent ones, along with a majority of the city council and notable residents
- It raised over \$16,000, so was able to support multiple mailings and lit drops, online and social media ads, and text banking
- It got some national news coverage, and favorable op-eds in the local press
- It had very little organized opposition

Nonetheless, HH failed by a margin of 53 to 47, even as all other city measures were approved.

To find out why, the campaign analyzed election results, ran a small online survey of voters, and collected anecdotes. The campaign is summarized in section 1 of this report, followed by research on voting results. Section 3 analyzes the survey and anecdotes, while section 4 goes into greater depth on possible conclusions. The report ends by discussing next steps.

In short, it seems the most likely reasons that HH failed were a combination of the following:

- Voters did not understand how the funds would be spent, and a sufficient number did not seem to trust the City to spend them well. It was not clear whether the Fund would be used by the City or whether it would pay for incentives given out to residents and businesses. This was exacerbated by the measure being crafted as a general tax to avoid a 2/3 threshold, rather than a “special tax” with the funds dedicated to a specific use.
- The measure was not presented well on the official ballot statement. The one-sentence title emphasized the tax increase more than the benefits that would come from a fund. The ballot statement was by far the main source of information to voters.
- A number of voters opposed any tax increase, or preferred to tax *others* rather than *themselves*. Revenue measures GG and FF did not fall on all voters, while HH did. (On the other hand, Alameda County Measure W raised the sales tax, which also affects all voters; it passed by a very narrow margin.)
- The campaign did not communicate the equity aspects well enough. Despite explicit efforts to get the message out, there was low awareness that HH would have cut taxes for low-income households and focused spending on disadvantaged communities.
- The campaign communications were positive rather than negative, so there was no “bad guy” to motivate voters, but instead a vision of positive collective action.

The good news is that Berkeley voters are in fact concerned about global warming and most think that local action is warranted, even if they voted against HH. This suggests that they did not reject the idea of a Climate Equity Action Fund or the kinds of things the Fund was intended to support, but instead need more specifics about what it would do before supporting it.

To test this theory, the campaign believes **the City should create the Fund by Council action**, ask a city commission to establish a process and guidelines, and seed it with a modest amount of funding. The Fund would then be able to run through a round of grants by early 2022, showing voters what Measure HH intended to accomplish. Then the Fund could be presented to voters again to ask for an ongoing source of revenues.

One way to expand this pilot effort would be for the City to request donations to the Fund from prominent donors, such as large businesses or developers. If the City were to appropriate \$500,000, and raise matching funds from others, the Fund could make, for example, 10 grants of \$100,000 to local climate equity organizations and businesses.

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A) Campaign Analysis

1. Leadership

The campaign was led by a leadership committee, which participated in regular planning calls and organized actions.

Bentham Paulos, Berkeley Energy Commission
 Kate Harrison, Berkeley City Council
 Martin Bourque and Denaya Shorter, Ecology Center
 Kathy Dervin, 350 Bay Area
 Elyce Klein, Citizen's Climate Lobby
 Igor Tregub, Sierra Club
 Mary Ann Furda, volunteer coordinator
 Linda Currie, Transition Berkeley
 Harry Chomsky, Treasurer

2. Fundraising and spending

The campaign raised \$16,584.38 from 63 donors. Major donors included the SEIU (\$5000), the Green Advocacy Project (\$4000), Nick Josefowitz (\$2500), and Dave Margulius (\$1000).

All of the funds were expended, with the bulk of the money going for printing and mailing (\$11,050), online ads (\$1,648), the campaign treasurer (\$1,260), and text banking (\$492).

Who	What	Amount \$
Autumn Press	Printing	10,300.85
Harry Chomsky	Campaign Treasurer	1,260
Cityside	Berkeleyside ads	1,000
Facebook	Ads	648.59
Sierra Club, SF Bay Chapter Campaigns SMO	Slate mailer	500
Albany Cares About Climate, Yes on Measure DD, controlled by Preston Jordan	Donation of remaining funds to Albany campaign	467.21
Stephanie Perez	Design	400
Twilio	Text banking	392.82
WDRG 2020	Slate mailing	250
Amazon.com	Gifts	187.14
PayPal	Fee	146.02
Ben Paulos	Reimbursements	135.38
Tony Kay	Stipend	100
Validito	Text banking	100
Mary Ann Furda	Reimbursements	88.37
California Secretary of State	Fee	50
Internal Revenue Service	Fee	50

3. Coalition support

The campaign got formal endorsements from 27 organizations, many elected officials, and a number of prominent individuals.

Endorsing organizations included:

1. League of Conservation Voters of the East Bay
2. SEIU 1021 – Service Employees International Union
3. Alameda Labor Council
4. Sierra Club
5. League of Women Voters: Berkeley, Emeryville, Albany
6. East Bay Working Families
7. Wellstone Democratic Renewal Club
8. Greenpeace USA
9. Berkeley Tenants Union
10. California Interfaith Power & Light
11. Climate Reality Project Bay Area Chapter, Alameda County Policy Squad
12. Green Party of California
13. Citizens’ Climate Lobby, Alameda County Chapter
14. United Nations Association – East Bay Chapter
15. Berkeley Citizens Action
16. Environmental Health Working Group of the Berkeley Climate Action Coalition
17. Sunrise Movement Bay Area
18. Berkeley Progressive Alliance
19. Elders Climate Action (ECA) NorCal Chapter
20. Alameda County Democratic Party
21. McGee-Spaulding Neighbors in Action
22. Walk Bike Berkeley
23. 350 Berkeley Hub
24. 350 East Bay
25. The Ecology Center
26. Green the Church
27. Transition Berkeley

Elected officials included Mayor Arreguin and five members of the City Council.

Some notable individual endorsers were Alice Waters of Chez Panisse; Daniel Kammen, Professor at UC-Berkeley; Annie Leonard, Executive Director of Greenpeace USA; David Hochschild, Chair of the California Energy Commission; Kate Gordon, Director of Governor Newsom's Office of Planning and Research; and Jon Wellinghoff, Past Chair of the Federal Energy Regulatory Commission (FERC).

4. Opposition

The measure had little organized opposition. The Alameda County Taxpayers Association wrote the [opposition statement](#) for the ballot book, and an [op-ed](#) was published in Berkeley's side

against it.¹ A group called Berkeleyans Against Measure HH filed [campaign papers](#), with Isabelle Gaston as the treasurer, but they reported raising no money.

The opposition statement and the op-ed attacked the measure as “well-intentioned, but badly flawed,” and charged that the money would not be spent well, or even on climate action measures, but instead on pensions and potholes.

5. Volunteers

The Citizens Climate Lobby provided significant volunteer assistance to the campaign, with Tony Kay donating design services for mailings and materials, and Tony Surdna managing online ads and text banking software. The Ecology Center and 350 Bay Area also did significant work to mobilize volunteers and do online outreach.

There was a sufficient, but not overwhelming, number of volunteers for in-person work such as literature drops, sign distribution, tabling and public events (no canvassing was done). This was probably due to the impact of the pandemic and shelter-in-place order. Nonetheless, volunteers did distribute tens of thousands of pieces of literature to doors, often in combination with other campaigns. Given the huge turnout for recent climate marches and “the Greta Effect” we hoped there would be a larger response, especially among young people. But efforts to contact high school and college students were disrupted by school closures.

6. Promotion

Canvassing: The campaign did not canvas, due to the pandemic. Ben Paulos ran an informal poll on Nextdoor that suggested about half of residents may have been antagonized by being visited by a canvasser. (The canvassing done by the campaign for mayoral candidate Wayne Hsiung was the subject of much hostile discussion on Nextdoor.)

Instead we relied more on direct mail, text banking, online ads, and yard signs.

Mail: We did two major mailings, one directed at apartment dwellers and the other at homeowners. We distributed our own literature, and participated in literature drops with other campaigns, focusing especially on districts 2, 3, and 4.

Op-Eds: There were three op-eds published in support of the measure, in Berkeleyside and the Daily Cal.

[Opinion: Climate equity now — vote yes on Measure HH](#)

¹ Authors: John Stephen Kromer is an energy efficiency program evaluator. Eric Friedman is a 20-year Berkeley resident. Isabelle Gaston is a medical and regulatory document writer and former city council candidate, president of the North East Berkeley Association and member of the Citizens Budget Committee. Barbara Gilbert is a longtime Berkeley resident and former officer in northeast Berkeley and citywide civic associations, labor commissioner, mayoral aide and city council candidate.

By Kate Harrison, Oct. 20, 2020, Berkeleyside

[Opinion: Vote 'yes' on Berkeley's Measure HH to support action on climate change](#)

By Carl Anthony, Martin Bourque, Rev. Ambrose Carroll, Kathy Dervin, Dan Kammen, Annie Leonard, Bentham Paulos, Karma Smart, and Igor Tregub, Oct. 15, 2020, Berkeleyside

[Vote yes on local ballot measures to support equitable climate action](#)

By Andy Kelley, September 15, 2020, Daily Cal

Press: Press coverage was limited, especially in the local press. While the Ecology Center organized an online press briefing event, only one reporter attended, from the Berkeley Times. The Times does not post articles online so it is unknown if they reported on the measure. The Berkeley High and UC papers ran columns in favor:

[Measure HH Is Necessary to Lower Berkeley's Greenhouse Gas Emissions](#), Ariel Spagnolo, BHS Jacket, October 31, 2020,

[Here's how you should vote on Berkeley's 8 city measures](#), Daily Cal editorial, October 20, 2020

Virtually all of the press coverage was due to a press release Paulos sent to selected out-of-town media, with assistance from Climate Nexus.

[Berkeley Puts Equitable Climate Action on the Ballot — Episode 115 of Local Energy Rules](#), podcast from the Institute for Local Self Reliance, October 21, 2020.

[This innovative tax plan is designed to help cities pay for climate action](#), Fast Company, October 21, 2020.

[The Most Important Climate Ballot Initiatives to Watch on Election Day](#), Dharna Noor, Gizmodo, Oct. 23, 2020

Online ads: Sirna, with help from Denaya Shorter and Kathy Dervin, set up an advertising account with Facebook, with ads targeted toward Berkeley residents. The ads included banners and videos. An additional round of ads was run in Berkeleyside in the few weeks before election day.

Videos: Two videos were used for the campaign. The first featured Mayor Arreguin giving a short speech on the Measure. The full 4 minute video was posted on the campaign website, while a 30 second clip was used for social media ads. The other video was a short clip of a woman (Libby Lee-Egan) riding her child in a cargo bike with HH signs on the side, used for the Berkeleyside ad and social media.

Social Media: Accounts were created on Twitter and Facebook, and posts were placed on Nextdoor. The Facebook and Twitter accounts attracted 88 and 68 followers, respectively, with messages amplified by campaign participants and organizations.



Berkeley Climate Equity Fund
@ClimateEquityHH



Yard signs: The campaign printed and distributed about 400 yard signs, via Autumn Press.

Web site: BerkeleyClimate.org was built by BHS student Jerome Paulos, with pages on fundraising, endorsements, an FAQ, and social media links. The site was able to handle donations and to collect endorsements from individuals and organizations.

Text banking: Tony Sirna from the Citizens Climate Lobby set up a text-banking effort, with tens of thousands of text messages sent to registered voters.

Virtual house party: Due to the pandemic there were no house parties or rallies. Instead, Ecology Center organized a virtual house party with presentations by Dan Kammen, Karma Smart, Dr. Ashley McClure, and others.

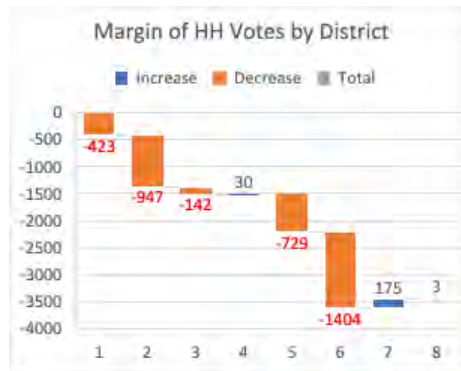
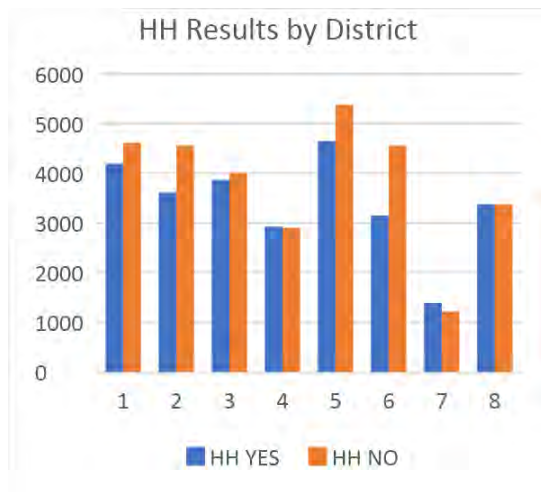
B) Election Results

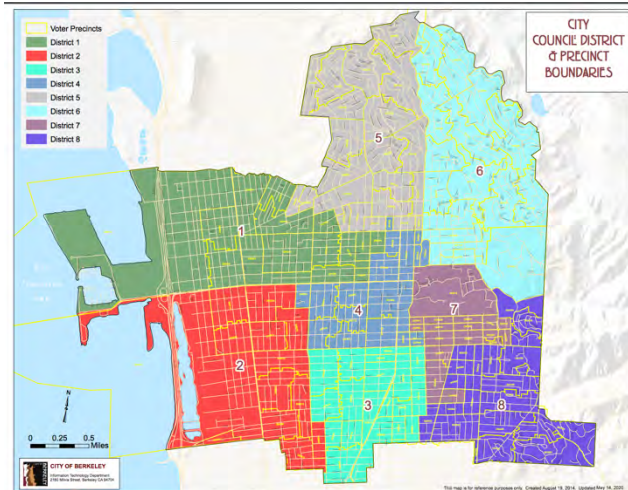
Voter turnout in Berkeley this year was 81.5% of registered voters, up from 78.1% in the 2016 presidential election. The pandemic reduced the pool of potential voters as the UC student population was smaller than normal. The number of registered voters fell from 83,778 in 2016 to 79,072 this year, but interest in the election was so strong that the number of votes cast dropped by only 980 votes.

The number of votes cast and turnout both reached record levels in districts 1, 2, 3 and 5, exceeding 2008, when Obama was first elected, the year with the highest number of votes ever cast in Berkeley. The number of votes cast in the other districts, which include student neighborhoods, fell even though turnout was higher due to the reduced number of student voters. In District 7, the student supermajority district, only 3126 votes were cast, down from an already relatively low 4898 votes in 2016. The number of voters was two or three times higher in other districts.

Measure HH failed by a margin of 3437 votes. 89% of ballots cast included a vote on HH. HH won narrowly in districts 7, 4 and 8. The losing vote margins were largest in districts 6, 2, and 5. Districts 5 and 6 tend to be more affluent, with more homeowners. District 2 is the least affluent, with more renters.

	Votes	Percentage
No	30,612	52.97 %
Yes	27,175	47.03 %





A number of guesses were put forward about why HH failed with voters.

Too many taxes: Coming at a time of economic disruption, voters may have thought this was a bad time to raise taxes at all. But other tax measures did pass.

Daily Planet: “Measure HH’s failure may be related to the presence of multiple tax measures on the ballot. Voters did easily pass Measure FF, the firefighting/emergency response tax, (now leading 75% to 25%) and Measure GG, the Uber/Lyft rider tax (now leading 60% to 40%).”

“Taxing me not thee”: HH raised the utility tax for all residents and businesses except low-income households on CARE/FERA rates, so voters were asked to tax themselves rather than “somebody else,” as in the case with measure GG (taxing Uber/Lyft riders) or FF, the fire safety measure (taxing property owners). However, county measure W, a sales tax increase, did pass.

Daily Planet: “Berkeley voters approved Measure FF, the parcel tax to fund Berkeley emergency services by an almost 3-1 margin, and approved Measure GG that taxes rides on Uber and Lyft. Berkeley voters also favored Alameda County’s Measure W. However, Berkeley voters rejected Measure HH which would have increased the city’s Utility Users Tax, which appears on everyone’s PG&E bill.”

Ballot title and language: The title and description of the measure both emphasized the tax more than the climate equity action fund, the cost more than the benefit. The short title of the measure was “Utility Users Tax” while the official description was:

“Shall an ordinance increasing the Utility Users Tax on electricity and gas from 7.5% to 10%, with exemptions for low-income users, for general municipal services, including programs to equitably reduce local greenhouse gas emissions, and authorizing the City Council to increase the gas users tax by an additional 2.5%, with the total tax estimated to generate \$2.4 million annually, until repealed by the voters, be adopted?”

Berkeleyside: “It’s hard to know why any particular measure fails, but Martin Bourque hypothesized that the abundance of new taxes on the ballot this year contributed to Measure HH’s rejection. The language describing Measure HH also focused on the tax rather than how it would combat climate change and support renters, low-income residents and Black, brown and indigenous communities, Bourque said.”

Lack of student turnout: As mentioned, the student population in Berkeley was lowered by the pandemic, as UC moved to online classes. However, student turnout is often low for local measures, as students are often registered to vote elsewhere.

General and personal anxiety about the economy: Many voters may have either lost their jobs or felt insecure about the economy, making them less likely to vote to raise their own taxes. However, they did approve other taxes.

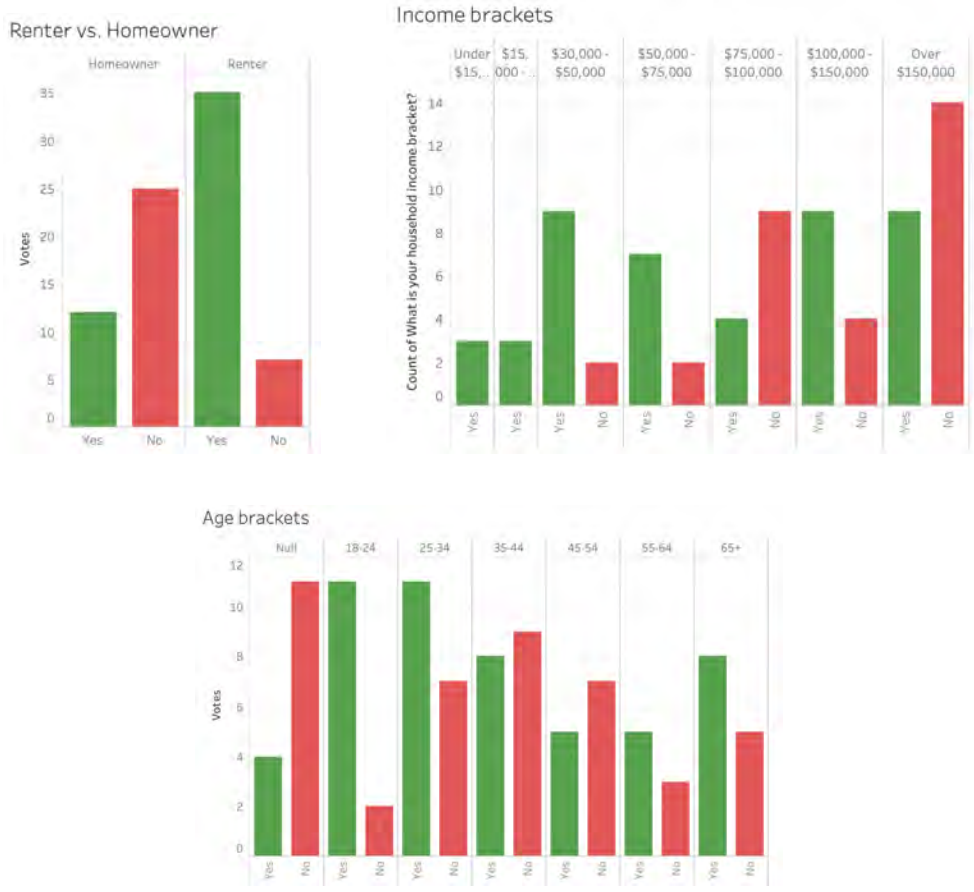
Berkeleyside: Mayor Jesse Arreguín said he thought Measure HH may have lost because it had a direct impact on people’s pocketbooks, particularly now while people are at home a lot. While there was a carve-out for low-income residents, others would have seen their utility rates on gas and electricity go from 7.5% to 10%. The measure would have generated about \$2.3 million a year. “We’re in a pandemic and people are facing economic challenges,” said Arreguín.

C) Survey results

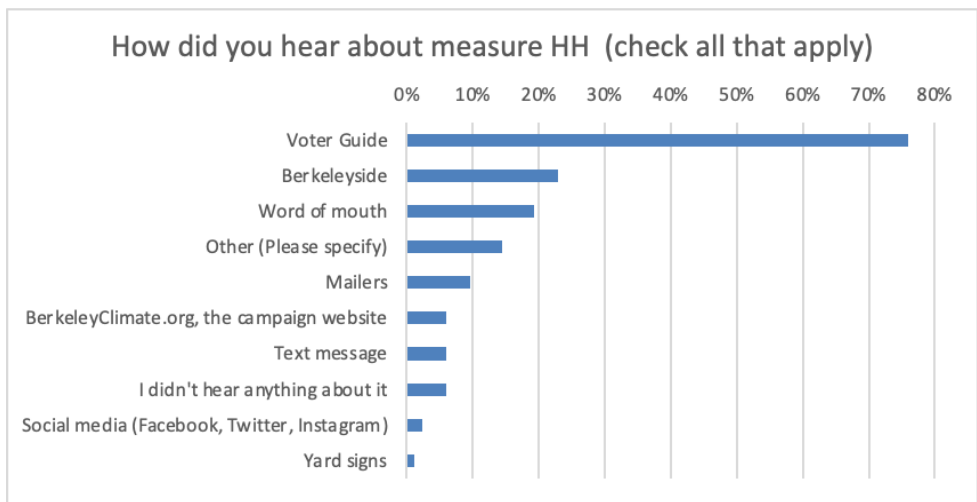
To test the theories of why HH failed, the campaign ran an online survey about a month after the election. To get a reasonably random set of respondents, the campaign texted registered voters used the same list of phone numbers used for text banking, supplemented by posts on Nextdoor.

In total, the survey got 97 respondents. While this is not a large enough sample to draw scientific conclusions, it does point to some voter attitudes. For one, HH seemed to do poorly with higher income homeowners, as shown by poor results in districts 5 and 6 and the responses shown in the following bar charts. HH won handily among the renters in the survey, and lost among homeowners. By income, the largest block of No voters were in the highest income category. This is backed up by district voting results, where the largest margin of failure was in the high-affluence District 6.

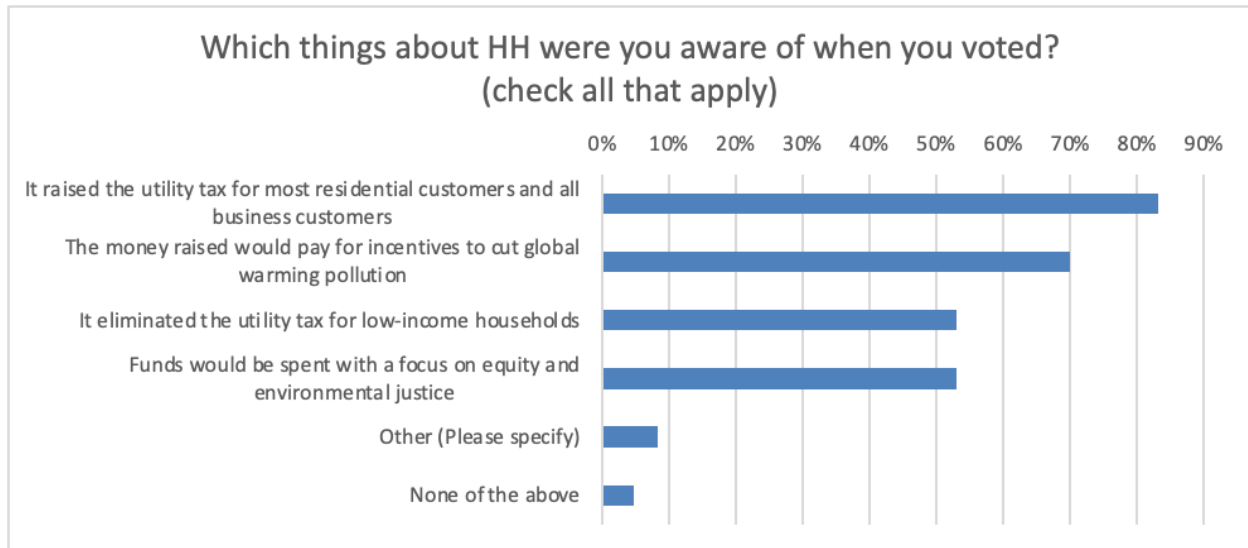
Younger voters tended to be more supportive, though many respondents did not indicate their age.



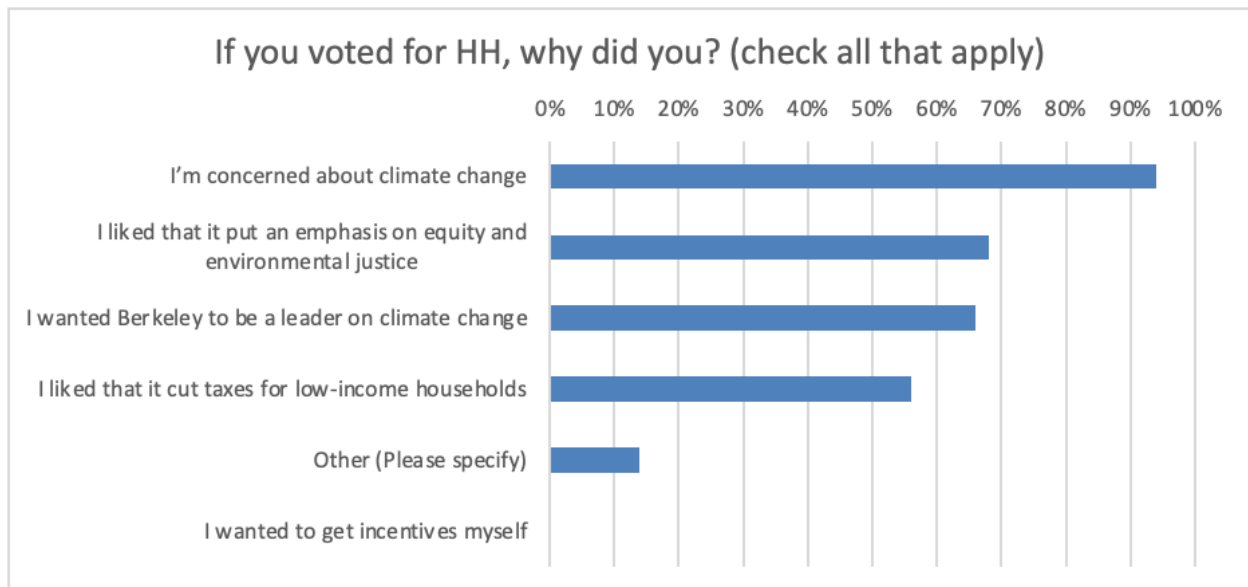
The voter guide, mailed to all registered voters by the City, was by far the largest source of information on HH, with three out of four respondents reporting it as their source. A quarter of voters reported Berkeleyside, either the op-eds for and against or the ads placed by the campaign. None of the campaign activities – mailers, social media, texting, etc. – broke 10% as an information source.



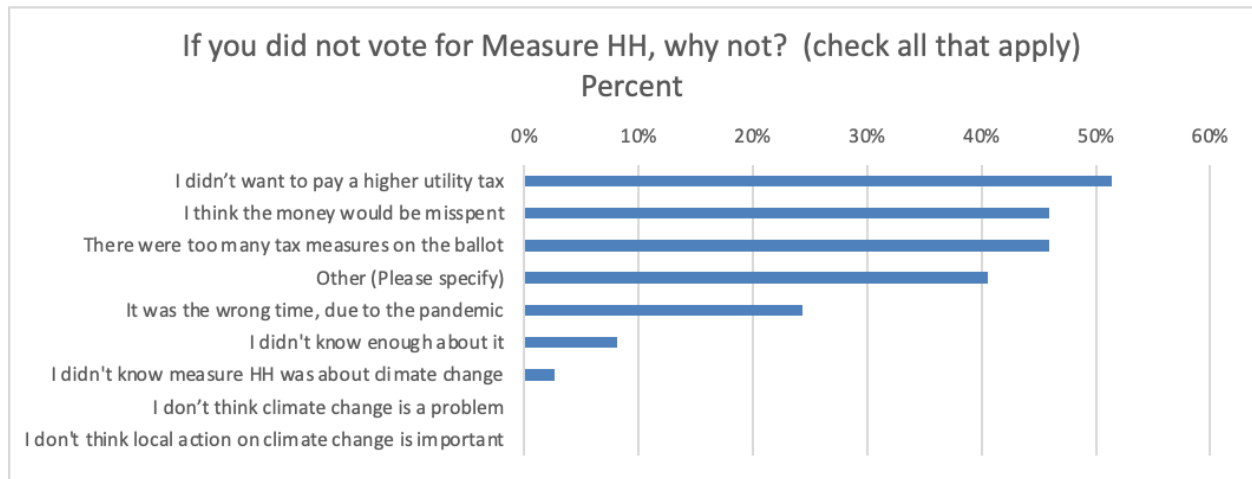
Voters were very aware that HH affected the utility users tax (UUT), and generally aware that it aimed to fight global warming. But only half of voters said they knew that HH would eliminate the UUT for low-income households or be used for equity programs. This largely reflects the official short description of the measure in the voter guide.



For voters who supported HH, it was largely due to concern about climate change. There was significant but less support for the equity and tax-cutting aspects of HH.



We then tested attitudes for people who voted against HH. Their attitudes seemed to closely reflect the anti-HH arguments in the voter guide and the Berkeley-side oped. No respondents thought climate change was not a problem.



Some respondents volunteered other answers:

Other priorities

- Berkeley needs to first spending crime and streets under control before delving into national Issues

Taxing electricity is counterproductive

- I am against regressive taxation and taxing electricity is exactly the wrong thing to do if the goal is to electrify energy systems.
- Taxing electricity bills seems like the wrong approach if we want to electrify power use to deal with climate change
- "soda taxes" should tax things where people have reasonable alternatives. tax gasoline, not having electricity in your house

Regressive tax

- Regressive, lack of clarity on how it would be spent, unclear oversight
- I thought a utility tax was regressive and costs would fall more on low-income residents than those more able to bear the costs.

Lack of oversight

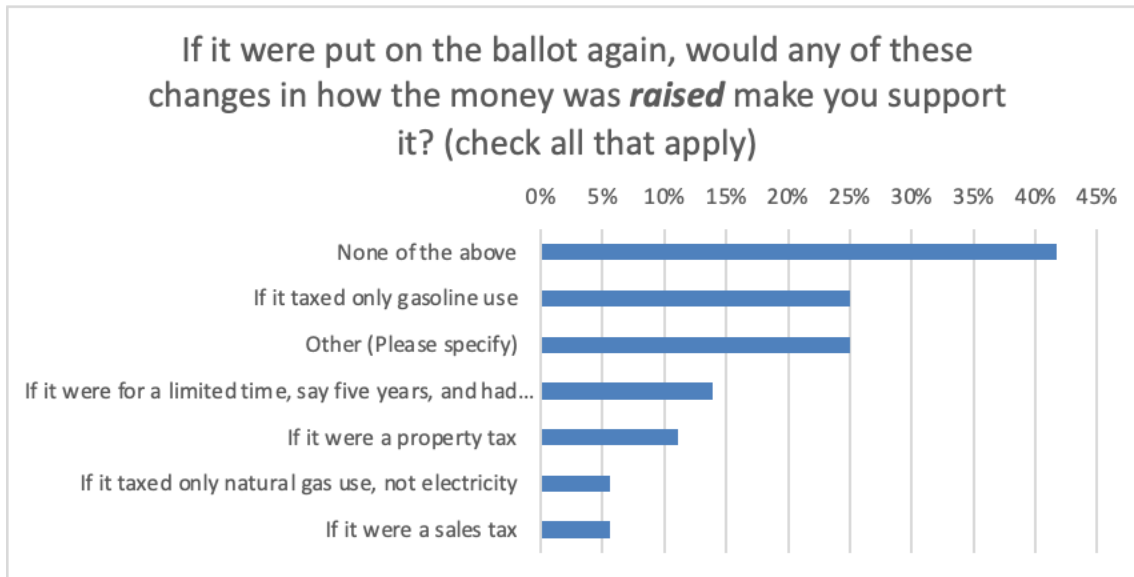
- went into general fund
- Berkeley has a lack of accountability. I don't want to pay yet more taxes for something I don't think Berkeley can impact and with limited governance and oversight

Other

- If Berkeley does something for climate change that is a very small impact when the rest of the world needs to be involved to make a worthwhile difference, not just Berkeley. Why punish taxpayers any further?

- It was way too permanent for my liking and I feel that something like this should be passed through the legislature. By having it be permanent until repealed by the voters there's very little chance for review.
- If you want to solve climate change, go after wealthy energy hogs, rather than ineffective feel good measures to help working class people. It was a bad proposal.

We asked No voters if they would have voted differently if something were changed in how the money was raised. Most said no, while some pointed to taxing gasoline or pollution.



Anti-tax

- am not voting for anything that will increase my residential utility costs
- When are our taxes going to actually go down?
- If city taxes were reduced by 10%, I would be fine with 5% going to this purpose. City taxes are too high and need to be spent on general purpose things from which all benefit.
- We of course see climate change as a problem but are barely making it in this incredibly expensive city that is only getting more expensive daily. So I cannot support new tax increases.

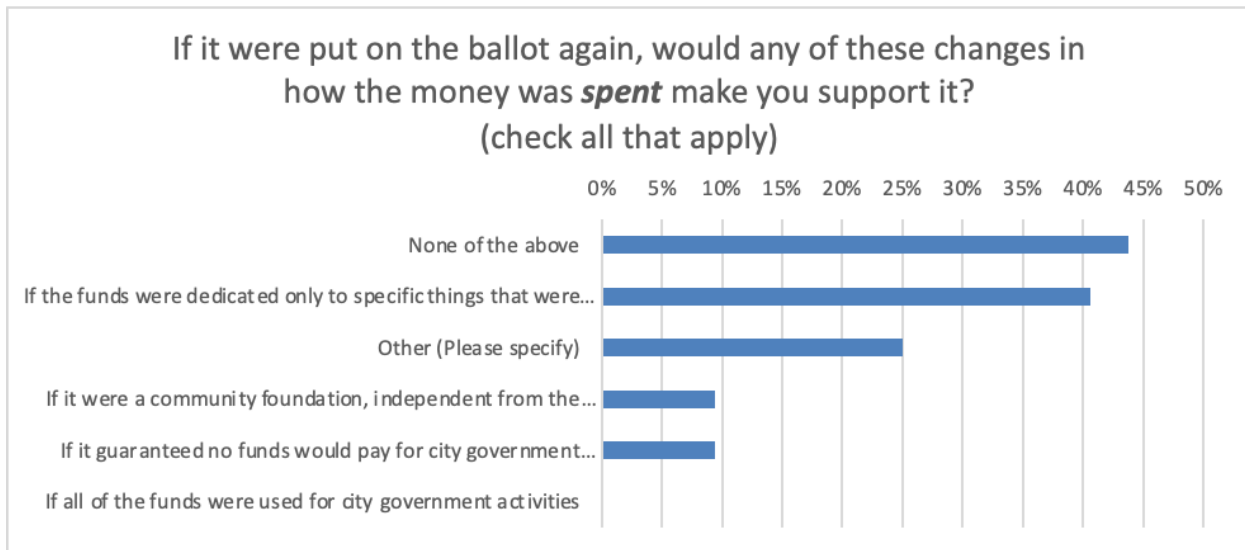
Tax pollution or tax more progressively

- If it was progressive tax or focused on activities we want to curtail. We should be taxing cars and parking and gas consumption .
- Tax fossil fuel use
- Cost should have been allocated to those more able to pay/responsible for emissions. Not sure exactly how.

Accountability (* these are more appropriate to next question)

- More clarity on use of funds and mechanism of accountability
- put in dedicated fund/budget

We asked if they would have voted differently if the money was spent differently. While most said no, a significant number may have voted differently if they knew up front exactly how the money would be spent. Importantly, it looks like voters were not opposed to the city pursuing the activities HH was meant to fund. They just wanted more specifics.



Anti-tax

- I am tired of endless tax increases
- I would not vote for this measure period
- It's sort of fake funding if city council wants to take this out of the general fund then fine but the way the special tax is done is not going to gain my support
- If this replaced a different city tax I would consider it.

Specific actions

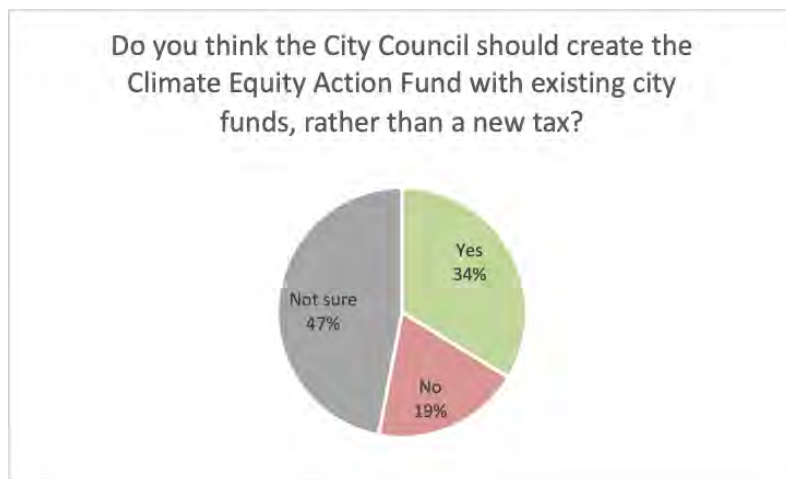
- If the specific actions are reasonably well supported by evidence that they will be effective and constructive, eg building electrification for poor residents, but not recycling
- Dedicated to energy efficiency measure

Other

- I didn't have an issue with how money would have been spent.
- Knowing it was for climate change would've changed my vote to a yes!

Finally, to see if voters liked the idea of a Climate Fund separately from their attitudes toward a tax increase, we asked whether voters would want the City Council to create the Climate Fund

with existing revenues rather than a new tax. Most respondents were not sure, but of those that offered an opinion, there was 2-1 support.



D) Conclusions

The good news is that Berkeley voters are concerned about global warming and think that local action is warranted, even if they voted against HH. The timing seemed to be fortuitous: with wildfires ravaging California, Greta Thunberg and climate strikes in the news, and the pro-pollution President Trump on the ballot, this could have been a referendum on climate change.

But despite broad support for action on climate change, a number of factors contributed to Measure HH's defeat.

COVID: The pandemic certainly played a role, creating health and economic anxiety among voters, driving down turnout among college students, limiting volunteer activity, and cutting off grassroots outreach. Public events could have been a major part of the campaign, given recent #climatestrike marches and rallies. It's also possible that climate change had to compete with COVID as the most important crisis to prioritize.

WILDFIRES: The California wildfires did not seem to have as big an effect as anticipated. While September 9 was "the day without sunshine" due to wildfire smoke, voters may not have linked it to climate change, or it may have slipped in their memory.

TAXES: The thesis that HH lost due to dislike of taxes was partly borne out. For many, HH seemed to be a vote on taxes more than a vote on local climate action or equity. A number of No voters cited tax increases for their opposition, especially the more affluent voters that we surveyed. On the other hand, other tax measures were approved, perhaps because they targeted other funding sources or had more specific spending plans.

One fundamental problem is that voters expect climate change to be solved by someone else, by “big polluters” or “the government.” They do not think of themselves as the problem. Some communities that have approved local climate funds did it by attacking a bad guy, as in Portland and Seattle taxing big business. Berkeley has no major polluters, or even many big businesses. HH campaign messages did not dwell on this, instead creating positive messages of taking action for equity and for the future.

A clear failure of the campaign was to convey to voters what the funds would be used for and how they would be spent. Many voters were guided by very little information on Measure HH, with most looking only at the summary in the voter guide, which focused on the mechanism for collecting the tax rather than on the benefits of the fund. There was very little awareness of the fact that HH would have cut taxes for low-income households, which was featured in campaign materials and was a core part of the equity pitch.

Opponents and at least some voters were skeptical of the process proposed by HH, to have an “expert panel” make funding decisions in response to proposals. Voters may have been more comfortable if the measure spelled out exactly what the funds would be used for rather than creating a flexible fund. It would have been an easier message to convey, certainly.

E) Next Steps

Voter approval was not needed to create the Climate Equity Action Fund, only to finance it.

Measure GG, which will raise maybe \$1 million per year through a new tax on Uber and Lyft rides is intended to promote transportation alternatives. This could be done through infrastructure improvements and incentives for behavior change by Berkeley residents. The Fund could manage the latter, giving incentives to promote low-carbon transportation choices, especially for low-income residents.

Whatever the funding source, the Council should create the Fund and appropriate perhaps \$500,000 as a seed fund. At the same time, city leaders should invite donations to the fund, especially from large entities that have their own sustainability goals and that would benefit from a better low-carbon transportation system, like UC Berkeley, Bayer Pharmaceuticals, and large real estate projects like 600 Addison.

The City should then set goals and parameters for the fund, appoint a board (or adapt a current city commission) to reflect the twin goals of climate action and equity, and initiate a single round of grants by early 2022. The Fund should be explicitly aimed at providing incentives for action by residents and businesses, rather than used to fund City infrastructure. While infrastructure is critical to cutting carbon emissions, such as building Complete Streets that encourage non-car transportation, we believe a bond is a better way to pay for long-lasting infrastructure. A bond will better be able to raise the large amounts required for infrastructure development, rather than the relatively modest amounts that the Climate Fund would handle.

If we can show voters how the Fund can work and create benefits, perhaps we can seek approval to expand funding on the 2022 ballot. Berkeley residents support action on climate change in a general sense but need help to understand how elements of our daily lives contribute to climate change (i.e., we are the ones buying and consuming the products sold by the evil corporations). As some No voters commented, they might have supported HH if we “taxed fossil fuel use” or “activities we want to curtail,” and if we taxed those “responsible for emissions.” All of which HH did.

The best way to increase this understanding is not through speeches or op-eds, but a demonstration of how the Fund would work, through a pilot.

We can also prepare for a successful ballot measure in 2022, with a number of strategies.

One possible strategy is to put it on the ballot by voter initiative rather than by local government action. Recent court rulings suggest that voter initiatives are not subject to the “special tax” limitation that Proposition 218 (1996) applied to government-led initiatives.² This would allow a future measure to be specific about how the funds would be used without triggering the 2/3 vote threshold.

Another strategy is to make it easier to split the tax rates for electricity and natural gas in the Utility Users Tax, so we can increase the tax just on gas. This would support the electrification agenda, seeking to shift buildings from gas to renewable electricity. Because of PG&E’s outdated software, measure HH could not tax only natural gas. Working with electrification advocates and cities to solve this problem would help Berkeley, along with many other California cities that followed Berkeley’s lead in fighting natural gas pollution.

A related strategy is to sync up with the messaging that electrification advocates are using to attack gas on grounds of health and safety, in addition to environmental harm, and the pushback from the gas industry.³ This could provide the kind of “bad guy” messaging that helped boost the soda tax campaign, which attacked “big soda.”

Lastly, other California cities have expressed an interest in creating climate action funds. Voters in Albany and Long Beach did pass their measures (as did Denver) on election day. Working in Oakland, Alameda and other towns could help create a sense of movement for the issue that can help here in Berkeley.

So while the immediate battle was lost, we think the idea of funding local climate action is still valid, and worth pursuing in the future. It will just take City leadership to convince voters to follow.

² Courthouse News, [California High Court Lets San Francisco’s Disputed Homeless Tax Stand](#), September 9, 2020.

³ For example: NPR, [As Cities Grapple With Climate Change, Gas Utilities Fight To Stay In Business](#), February 22, 2021.



Homeless Services Panel of Experts

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Homeless Services Panel of Experts
 Submitted by: Carole Marasovic, Chairperson, Homeless Services Panel of Experts
 Subject: Request for Two Additional Meetings for the Commission

RECOMMENDATION

That Council grant the Homeless Services Panel of Experts two additional meetings for the calendar year, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Staff time and commissioner stipends, if any, would be the only cost factors.

CURRENT SITUATION AND ITS EFFECTS

The Homeless Services Panel of Experts (herein referred to as HSPE) met two additional times in April, 2021 to make budget recommendations for Measure P monies. HSPE needs to continue to hold their regular meetings to develop plans for reviewing programs and to plan for future funding cycles. In addition, HSPE will be merging with the Homeless Commission which will involve taking on extensive policy-making review and recommendations and making recommendations for the community agency allocation process.

HSPE needs to meet to conduct its regular work including expanding its program review in preparation for future funding cycles. In addition, HC will be taking on an extensively higher workload with the Homeless Commission merger and that advisory policy commission focus and their recommendations made during the community agency funding process which includes funding proposals review and site visits.

BACKGROUND

On March 22, 2021, the HSPE voted as follows:

Action: M/S/C Bookstein/Marasovic move to request additional meetings to discuss and make recommendations for Measure P allocations.

Vote: Ayes: Marasovic, Wehrman, Bookstein, Scheider.

Noes: None. **Abstain:** None. **Absent:** Sherman.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects.

RATIONALE FOR RECOMMENDATION

HSPE needs to conduct its work and cannot do so thoroughly without two additional meetings.

ALTERNATIVE ACTIONS CONSIDERED

HSPE did not consider any alternative to not fulfilling its work.

CITY MANAGER

The City Manager appreciates the work that the Homeless Services Panel of Experts is doing to make informed budget recommendations for general fund Measure P monies. The Commission reorganizations require ordinance amendments that the city will be working through in the coming months and it is too early to know what the specific needs of the newly combined Homeless Services Panel of Experts and Homeless Commission will be. Rather than adding two additional meetings to the 2021 calendar year at this time, it is recommended that the meeting schedule is considered as part of finalizing the reorganization process.

CONTACT PERSON

Joshua Jacobs, Commission Secretary, (510) 981-5435



Office of the Mayor

CONSENT CALENDAR
July 27, 2021

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, in the amount of \$78,000, extending the contract to June 30, 2022.

FINANCIAL IMPLICATIONS

This amendment will add \$78,000 to extend the Mayor's Office's existing contract for communications consulting services. The term of the contract will be extended by one year to June 30, 2022. Funds for this contract amendment are available from the Mayor's Office budget.

CURRENT SITUATION AND ITS EFFECTS

Under Berkeley Municipal Code Chapter 7.18.010A, "expenditures...which exceed the amount of \$50,000 shall require Council approval", as adopted under Ordinance 7566 and mandated under Article XI, Section 67.5 of the City Charter.

Contract No. 32000196 was entered into on March 16, 2020, originally at \$35,000. Since then, amendments have been made to extend the term of the contract. A new extension is needed to continue these services, which will increase the cumulative amount of the contract beyond the \$50,000 threshold, thus requiring Council approval.

BACKGROUND

Under Article VI, Section 21 of the City Charter, the Mayor is the ceremonial head of the City. As such, the Mayor serves as a spokesperson for the City, and should provide consistent information to residents and businesses on the operations and policies of the City. Providing open and transparent lines of communication is a cornerstone of democracy and good governance. Relaying critical information, such as communications during the ongoing local state of emergency in response to COVID-19, PG&E Power Safety Shutoff events, other critical events, and City policies and programs, are important to the health, safety and operation of the City.

Services provided by Szabo & Associates include development of press releases and media advisories on issues of importance to the Berkeley community, maintaining social media accounts, press coordination, graphic design, and other support services relating to the communications from the Mayor's Office.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

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

CONTRACT: SZABO & ASSOCIATES FOR COMMUNICATIONS CONSULTING
SERVICES FOR THE MAYOR'S OFFICE

WHEREAS, as the ceremonial head of the city under the City Charter, the Mayor must serve as a city spokesperson and provide consistent information to residents and businesses on the operations and policies of the City; and

WHEREAS, Szabo & Associates is a communications consult firm whose services include development of press releases and media advisories on issues of importance to the Berkeley community, maintaining social media accounts, press coordination, and other support services relating to the communications; and

WHEREAS, Providing open and transparent lines of communication is a cornerstone of democracy and good governance. Relaying critical information, such as communications during the ongoing local state of emergency in response to COVID-19, PG&E Power Safety Shutoff events, other critical events, and City policies and programs, are important to the health, safety and operation of the City; and

WHEREAS, under Berkeley Municipal Code Chapter 7.18.010A, "expenditures...which exceed the amount of \$50,000 shall require Council approval", as adopted under Ordinance 7566 and mandated under Article XI, Section 67.5 of the City Charter; and

WHEREAS, Contract No. 32000196 was entered into on March 16, 2020, originally at \$35,000, with additional amendments having been made, and requires Council approval by passing the \$50,000 threshold; and

WHEREAS, funding for this amendment to extend the contract by one year is available in the Mayor's Office budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract by \$78,000, and extending the contract to June 30, 2022.



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
 DISTRICT 2

CONSENT CALENDAR
 July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Councilmember Taplin
 Subject: Letter of Support for Senate Bill 379

RECOMMENDATION

Send a letter of support for Senate Bill 379 to State Senator Scott Wiener (D-SF), State Senator Nancy Skinner (D-Berkeley), Asm. Buffy Wicks (D-Oakland) and Senate President Pro Tempore Toni Atkins (D-San Diego).

FINANCIAL IMPLICATIONS

None.

CURRENT SITUATION AND ITS EFFECTS

The state of California requires both public and private healthcare plans to cover contraception and abortion services and prohibits all healthcare providers from discriminating based on sexual orientation and gender identity, including in the provision of gender-affirming care. However, the University of California has entered into contracts with hospitals that limit the reproductive and gender-affirming services UC providers and students can provide. These restrictions are not based on any clinical criteria or logistical limitations, only on the policies of the UC contractors, which can result in discriminatory and substandard patient care. In June of 2021, the UC Board of Regents voted to phase out its partnerships with some Catholic hospitals by the end of 2023.¹

According to a letter from health equity advocates to the UC Regents, “Patients of color, low-income patients and others who experiencing systemic barriers to health care access are most in need of quality, comprehensive care, including comprehensive reproductive health care and bias-free care for LGBTQ people.”² Dignity Health, the largest Catholic hospital network in California, recently argued before States Supreme

¹ Swartz, K. (2021, June 24). UC regents vote to restrict hospital partnerships with Catholic health care providers. *Sacramento Bee*. Retrieved from <https://www.sacbee.com/news/politics-government/capitol-alert/article252319893.html>

² Letter from health equity advocates, p.3 (March 16, 2020), available at: <https://www.aclunc.org/sites/default/files/2020.03.16%20UC%20affiliations%20guidelines%20health%20equity%20letter.pdf>

Court for its constitutional right to refuse to allow a transgender patient in Sacramento to undergo a hysterectomy.³

BACKGROUND

SB 379 would prohibit the University of California from entering into any contract with a health facility contractor or subcontractor that limits UC healthcare employees or trainees from providing patients with information or services due to non-clinical, discriminatory restrictions. If such restrictions are violated, the bill would also require that any contract between the University of California and a health facility be terminated. Despite the UC Regents' voting to phase out some restrictive contracts, its contracts with restrictive health providers have only been found through responses to Public Records Act requests (see Attachment 3).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Terry Taplin Council District 2 510-981-7120

Attachments:

- 1: Letter
- 2: SB 379 bill text
- 3: SB 379 FAQ

³ Pet. for Writ of Cert., p. 1 (March 13, 2020), available at:
https://www.supremecourt.gov/DocketPDF/19/19-1135/138108/20200313135600983_Dignity%20Health%20Petition.pdf



The Honorable Scott Wiener
State Capitol
Room 5100
Sacramento, CA 95814-4900

July 27, 2021

Senator Wiener:

The City Council of the City of Berkeley is proud to declare its support for your Bill, SB 379. As the hometown of the University of California's flagship campus, we believe it is critically important to guarantee basic medical care through the UC Health system.

Reproductive care, including abortion, and LGBTQ-inclusive care must be considered basic healthcare by all public agencies. Despite public outcry, the UC Board of Regents has been reluctant to affirm human rights for women and the LGBTQ community through its healthcare contracting practices. The Board's recent vote to phase out some contracts with restrictive healthcare providers by the end of 2023 was a much-welcome change in its policies, but it is not fast or comprehensive enough to guarantee equitable medical care for UC patients.

As your office correctly notes, there is no evidence that contracting with restrictive healthcare entities increases the availability or quality of care for communities with limited healthcare resources. To the contrary, restrictive care would impose a disproportionate burden on low-income communities and people of color.

We thank you for your leadership on this important issue and look forward to your bill's passage.

Kind Regards,

The Berkeley City Council
2180 Milvia St
Berkeley, CA 94704

cc:

Senator Nancy Skinner
Assembly member Buffy Wicks
Senator Toni Atkins

AMENDED IN SENATE MAY 4, 2021

AMENDED IN SENATE APRIL 8, 2021

AMENDED IN SENATE MARCH 7, 2021

SENATE BILL

No. 379

Introduced by Senator Wiener

(Principal coauthors: Assembly Members Cristina Garcia and Low)

(Coauthors: Senators Gonzalez, *Hurtado*, Laird, and Leyva)

(Coauthors: Assembly Members Friedman and Wicks)

February 10, 2021

An act to add Chapter 3.95 (commencing with Section 12148) to Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 379, as amended, Wiener. University of California: contracts: health facilities.

Existing provisions of the California Constitution provide that the University of California constitutes a public trust and require the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes, including such competitive bidding procedures as may be applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services.

Existing law governs competitive bidding by the University of California and also establishes specific restrictions on University of California contracts relating to work performed by workers outside of the United States.

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This bill would prohibit the University of California, on and after January 1, 2022, from entering into, amending, or renewing any contract with any health facility contractor or subcontractor in which a health care practitioner employed by the University of California or a trainee of the University of California providing care in the health facility under that contract would be limited in the practitioner's or trainee's ability to provide patients with medical information or medical services due to policy-based restrictions on care in the health facility. The bill would require any contract between the University of California and a health facility pursuant to which a University of California-employed health care practitioner or trainee of the University of California provides care in the health facility to include a provision restating the substance of that prohibition. The bill would require any contract between the University of California and a health facility pursuant to which a University of California-employed health care practitioner or trainee of the University of California provides care in the health facility to provide that, in the event the health facility contractor or subcontractor violates the prohibition, the contract shall be terminated for noncompliance, and the contractor or subcontractor shall forfeit penalties to the University of California, as appropriate, in an amount equal to the amount paid by the university for the percentage of work that was performed. The bill would exempt from its provisions contracts between the University of California and prescribed health facility contractors or subcontractors. The bill would require the University of California to ensure that a health care practitioner or trainee of the University of California is able to complete their training. The bill would prohibit the University of California from extending or delaying a health practitioner's training due to the loss of a clinical training rotation. The bill would require the University of California, before January 1, 2025, to find alternative facilities for trainees to complete their training. *The bill would exempt from these provisions contracts in existence before January 1, 2022, that pertain to at least one health care practitioner who is a trainee of a University of California campus that does not own or operate its own health facility, until the earlier of January 1, 2028, or the date the University of California campus acquires ownership of, or begins operating, a health facility.* The bill would define terms for these purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The University of California is a public university system
4 in the State of California and receives a sizable amount of public
5 funds to conduct its mission. The University of California’s portion
6 of the California state budget in ~~2020–2021~~ 2020–21 was \$9
7 billion, \$3.5 billion of which is from the General Fund.

8 (b) UC Health is the fourth largest health care system in
9 California and it trains more than one-half of the medical students
10 and residents in California.

11 (c) Existing law recognizes that all reproductive health care,
12 including abortion, is basic health care. Existing law further
13 recognizes that public entities in California may not preference
14 one pregnancy outcome over another.

15 (d) Existing law recognizes that denying transgender patients
16 gender-affirming care is discrimination based on gender identity.

17 (e) Existing law recognizes that adults have a range of health
18 care options for the end of life, including continuing measures to
19 sustain life, withholding or withdrawing life-sustaining treatments,
20 voluntarily forgoing food or drink, palliative treatments that may
21 advance the time of death, hospice care, and medical aid in dying.
22 These are personal decisions individuals make about their own
23 lives and loved ones. Public entities should not favor one
24 preference over the other.

25 (f) Existing law recognizes the need to protect patient access to
26 comprehensive health care services free from bias and
27 discrimination, as evidenced through the state Medi-Cal program,
28 which prohibits any participating provider from discriminating
29 against any beneficiary on the basis of race, color, age, sex,
30 religion, ancestry, national origin, or physical or mental disability.

31 (g) The University of California has entered into contracts with
32 health facility contractors in which University of
33 California-employed health care practitioners and trainees of the
34 University of California have been subjected to policy-based
35 restrictions on care in the health facility that prevent the University
36 of California practitioners and trainees from providing patients
37 with medical information and services that are medically necessary
38 and appropriate.

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1 (h) Policy-based restrictions on care have serious implications
 2 for patients of color, particularly Black and Latinx low-income
 3 patients, whose unequal access to care has been largely dictated
 4 by the legacy of structural racism and socioeconomic inequities
 5 deeply embedded throughout the health care system.

6 (i) Policy-based restrictions on care undermine the University
 7 of California's values of prioritizing patient-centered care,
 8 delivering evidence-based high-quality care, providing access to
 9 comprehensive reproductive health care, and ensuring access to
 10 nondiscriminatory care.

11 SEC. 2. Chapter 3.95 (commencing with Section 12148) is
 12 added to Part 2 of Division 2 of the Public Contract Code, to read:

13
 14 CHAPTER 3.95. UNIVERSITY OF CALIFORNIA AND HEALTH
 15 FACILITY CONTRACTS
 16

17 12148. (a) (1) Notwithstanding any other law, on and after
 18 January 1, 2022, the University of California shall not enter into,
 19 amend, or renew any contract with any health facility contractor
 20 or subcontractor in which a health care practitioner employed by
 21 the University of California or a trainee of the University of
 22 California providing care in the health facility under that contract
 23 would be limited in the practitioner's or trainee's ability to provide
 24 patients with medical information or medical services due to
 25 policy-based restrictions on care in the health facility.

26 (2) (A) *Except as provided in subparagraph (B), this section*
 27 *shall not apply to contracts described in paragraph (1), if they*
 28 *meet both of the following criteria:*

29 (i) *The contract was in existence before January 1, 2022.*

30 (ii) *The contract pertains to at least one health care practitioner*
 31 *who is a trainee of a University of California campus that, as of*
 32 *January 1, 2022, does not own or operate its own health facility.*

33 (B) *Contracts exempt from this section under subparagraph (A)*
 34 *shall comply with this section no later than the earlier of the*
 35 *following dates: January 1, 2028, or the date the University of*
 36 *California campus acquires ownership of, or begins operating, a*
 37 *health facility.*

38 (b) Any contract between the University of California and a
 39 health facility pursuant to which a University of
 40 California-employed health care practitioner or trainee of the

1 University of California provides care in the health facility shall
2 include a provision restating the substance of subdivision (a).

3 (c) Any contract between the University of California and a
4 health facility pursuant to which a University of
5 California-employed health care practitioner or trainee of the
6 University of California provides care in the health facility shall
7 provide that, in the event the health facility contractor or
8 subcontractor violates subdivision (a), the contract shall be
9 terminated for noncompliance, and the contractor or subcontractor
10 shall forfeit penalties to the University of California, as appropriate,
11 in an amount equal to the amount paid by the university for the
12 percentage of work that was performed.

13 (d) This section shall not apply to a contract between the
14 University of California and a health facility contractor or
15 subcontractor that is any of the following:

16 (1) Located and operated in a foreign country.

17 (2) Operated by the United States Department of Veterans
18 Affairs.

19 (3) An Indian Health Service facility.

20 (e) Notwithstanding subdivision (a), the University of California
21 shall ensure that a health care practitioner or trainee of the
22 University of California is able to complete their training. The
23 University of California shall not extend or delay a health
24 practitioner's training due to the loss of a clinical training rotation.
25 The University of California, before January 1, 2025, shall find
26 alternative facilities for trainees to complete their training.

27 (f) For purposes of this section:

28 (1) "Health facility" shall have the same meaning as in Section
29 1250 of the Health and Safety Code.

30 (2) "Health care practitioner" has the same meaning as defined
31 in subdivision (c) of Section 680 of the Business and Professions
32 Code.

33 (3) "Medical services" means medical treatments, referrals, and
34 procedures.

35 (4) "Policy-based restrictions on care" means any nonclinical
36 criteria, rules, or policies, whether written or unwritten, that restrict
37 health care practitioners at that health facility from providing any
38 procedures or benefits that are considered covered benefits under
39 the Medi-Cal program or any Medi-Cal specialty programs that

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1 the health care practitioners are licensed to provide and that the
2 health facility has the equipment and facilities to provide.
3 (5) "Trainee of the University of California" means a resident
4 or fellow employed by the University of California or a student
5 enrolled in the University of California in a health care practitioner
6 discipline.

O



**SB 379 - Equitable and Inclusive UC Healthcare Act
Frequently Asked Questions**

Q: Does this bill prohibit the University of California from contracting with other health systems? What if the health system is religiously-affiliated?

A: No. This bill does not prohibit the UC from contracting with any other health system, including religiously-affiliated health systems. Rather, SB 379 ensures that UC healthcare providers practicing in non-UC facilities are able to provide the critical care patients need, including reproductive and LGBTQ-inclusive care. UC Health is welcome to contract with any hospital system—including religiously-affiliated health systems—as long as those hospital systems don't restrict UC personnel and trainees from providing comprehensive services and information to patients. The UC health system is renowned for its quality of care; this bill ensures that patients have access to the same level of care in every facility they are treated by a UC provider.

Q: What are some ways that the University of California can contract with other health systems under this bill?

A: There are many ways that the UC can contract with other health systems under this bill. For example: (1) The UC can contract with health systems that do not restrict reproductive and LGBTQ-inclusive healthcare; (2) If contracting with health systems that do restrict reproductive and LGBTQ-inclusive care, contract only in ways that do not require UC providers to treat patients in restrictive facilities—for example, contract to send patients from the restrictive health system to UC facilities; or (3) If contracting with health systems that restrict reproductive and LGBTQ-inclusive care, carve out areas in restrictive facilities in which UC personnel and trainees could provide the full range of care.

Q: Would this bill restrict access to care for rural Californians and people with low incomes?

A: No. Underserved communities need access to comprehensive care, not restricted care. To say that “any care is better than no care at all” is both to ignore our state’s nondiscrimination and healthcare access laws and is a serious disservice to patients. The UC is welcome to contract with any hospital system, as long as that system allows UC personnel and trainees to provide the full range of care, subject only to capacity and equipment limitation. As [health equity advocates informed the UC Regents](#) regarding these contracts: “Patients of color, low-income patients and others who experience systemic barriers to healthcare access are most in need of quality, comprehensive care, including comprehensive reproductive health care and bias-free care for LGBTQ people.”

There is also no evidence that contracts with restrictive health systems are necessary to increase access to care. Many of the problematic contracts UC Health has entered into are in urban areas—like



San Francisco—where there are other options: non-restrictive health systems UC Health could contract with. But even in a non-urban part of California, the Inland Empire, hospitals that impose non-medical restrictions on care make up less than a quarter of hospitals serving low-income and underserved patients. Health equity advocates have pointed out a range of alternatives that would provide significant care to underserved patients that do not place restrictions on care, including evidence-based strategies like mobile and pop-up clinics and expanding community health centers.

Q: No hospital provides all services, and transferring patients to another hospital is a normal part of healthcare. Why is it a problem for UC providers to transfer patients when the hospital they're practicing in has restrictions on care?

A: The problem is UC—a public institution—denying patients routine and essential healthcare, solely based on non-medical restrictions of non-UC facilities. *Transferring patients because a hospital doesn't have the equipment or specialization to provide the service is entirely different from transferring a patient because the hospital has a policy-based restriction on reproductive and LGBTQ care—this second type of transfer unnecessarily puts patient health at risk and is a form of discrimination.* For example, some policy-based restrictions prohibit hysterectomies for trans men even at hospitals that regularly provide them to cisgender women; transferring patients under these circumstances is akin to putting a sign on the door that says “we don't treat trans people”. Other policy-based restrictions on care—like those that define treatment for miscarriage and ectopic pregnancy as “abortion”—are time-sensitive care, for which a delay can be life-threatening. Finally, forcing patients to transfer to receive routine procedures like tubal ligation adds additional, non-clinical barriers to medically necessary care. Tubal ligation is a quick procedure typically performed after giving birth, but if a patient is denied a desired tubal ligation after giving birth and is instead referred elsewhere, that patient will have to undergo an additional surgery. In all of the above scenarios, the transfer can cause patients emotional as well as physical harm. The bottom line is: healthcare delayed is healthcare denied.

Q: The University of California says that this bill is no longer necessary because its contracts do not restrict care. Why is this bill necessary? Isn't the issue solved?

A: No. Unfortunately, UC Health continues to contract to place its medical providers in health facilities where they are required to restrict patient care. Despite public outcry from the UC community, reproductive, LGBTQ, and health equity advocates, and both state and federal elected officials ([see stakeholder letters to the UC Regents here](#)), UC has withdrawn from any public process: a UC Regents vote that was scheduled on this issue has been cancelled, and an internal working group's recommendations have been publicly ignored. Meanwhile, UC Health quietly amended its contracts with restrictive health systems. The amended contracts maintain the status quo and do not solve the



problem in that they permit the restrictive health systems to decide which services UC providers may perform in their hospitals.

All of UC's Health's contracting with restrictive health systems has been uncovered only through UC Health's responses to Public Record Act requests. The public and the UC community should not have to submit a Public Records Act request to find out about restrictions on essential care that impact the health outcomes of UC patients. The updated language in the contracts is still far from the solution that faculty, students, advocates, and elected officials have demanded.

Q: *Do you have examples of patients who have been denied care due to these restrictions?*

A: Yes. We have [many stories](#) of patients who have been denied care by hospitals that restrict services for non-medical reasons. In particular [Evan Minton](#), a UC alum, suffered discrimination in the denial of gender affirming care at a hospital that UC Davis currently contracts with. And as many UC providers, professors, and students shared in written and oral testimony before the UC Regents Health Services Committee, the restrictions themselves are harmful because they impact the care UC providers can offer and the training they receive.

UC Health has attempted to assure UC providers—and the public—that the UC personnel and trainees placed in restrictive facilities won't be limited in the care they can offer patients. But the experiences of other entities that have entered into contracts with restrictive health systems prove otherwise. Just last year, the [University of Maryland St. Joseph Medical Center](#) denied a hysterectomy to a transgender man citing the restrictions of the facility. The California Attorney General is also [currently investigating](#) whether a restrictive health system has violated its legal commitments by enforcing non-medical restrictions on care at a hospital in Orange County, after committing that it would not enforce them.

Q: *Are you concerned this bill limits hospital capacity?*

A: The bill does not limit hospital beds. The bill simply prevents UC from contracting to place UC providers in scenarios where the care they provide will be restricted. If patients in health systems need specialty care that only UC can provide, then UC can contract to have them transferred to UC facilities. UC can also contract to share its general expertise.

Q: *Would this bill affect partnerships with entities like Veterans Affairs and Native American Health Service Facilities?*

A: No. The bill is being amended to exclude contracts between UC Health and Veterans Affairs and Indian Health Service facilities.

CONSENT CALENDAR

July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Councilmember Ben Bartlett (author), Mayor Jesse Arreguin & Councilmember Rashi Kesarwani (co-sponsors)
 Subject: Proclamation: Partition Remembrance Day

RECOMMENDATION:

That the Berkeley City Council adopts the Partition Remembrance Day Proclamation.

BACKGROUND:

On July 27, 2021, the Berkeley City Council will be honoring the Berkeley-based 'The 1947 Partition Archive,' along with Partition survivors and their families from the Bay Area.

The 1947 Partition of the Indian subcontinent into the independent nations of India and Pakistan was accompanied by the largest human migration in history and enormous scale of mass violence. As many as 3 million people, or more, lost their lives and at least 14 million were displaced from their homes.

Over the last decade, the 'people's history' of Partition has been documented through crowdsourced oral histories by The 1947 Partition Archive. The 1947 Partition Archive has preserved over 9,500 memories from this time including witnesses from all ethnic, religious, and other communities and across all socio-economic levels affected by the Partition of British India in 1947. Today, Partition is no longer a forgotten memory, and its witnesses' plight is being heard globally through the sharing of thousands of witness accounts.

Today, we remember and honor this history to create a more empathetic and just world, to ensure history is not forgotten, and to recognize the intergenerational trauma families have experienced due to mass communal violence and political polarization in the wake of the end of British colonialism. These important lessons can help us understand other catastrophic events in history, as well as the impacts of political divides and extreme polarization in our own communities, so that we may prevent such violence in the future. With an increase in communal or ideological intolerance and zealotry felt globally, ongoing threats of climate change and political instability, it has never been a more important time to honor this work and those who have borne witness to this part of our human history.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSON:

Councilmember Ben Bartlett 510-981-7130
 James Chang 510-981-7131

1947 PARTITION REMEMBRANCE DAY

Let us make this day, a day of remembrance of the 1947 Partition of India:

WHEREAS, We remember that what should have been a moment of crowning triumph after years of anti-colonial struggle in South Asia was indelibly marred by unimaginable violence and bloodshed with up to two million people losing their lives in the most horrific of manners; and

WHEREAS, We remember that the 1947 Partition of the Indian subcontinent into the independent nations of Hindu-majority India and Muslim-majority Pakistan was accompanied by one of the largest mass migrations in human history and communal as well as political violence on a scale that had seldom been seen before; and

WHEREAS, We remember the 1947 Partition as a world-historical event and a life-shaping experience for 14 million people who were displaced, many directly into poverty as they left their homes in the middle of the night never to return to them again, and victims of unprecedented sectarian and communal violence; and

WHEREAS, We remember that the divided landscape bore silent witness to trains laden with dead, decapitated bodies, limbs strewn along the sides of roads, and wanton rape and pillaging; and

WHEREAS, We remember that there was nothing that could have prepared the approximately 14 million refugees for this nightmare and a sudden, complete breakdown of governance; and

WHEREAS, We recognize that the Berkeley-based 1947 Partition Archive is devoting its work to serving these refugee witnesses and others, some of whom are Berkeley residents along with their families; and

WHEREAS, We remember the millions who died or were displaced for who they were, how they may have worshiped, what they believed, and who they loved. Victims included Muslims, Hindus, Sikhs, Jains, Christians, Parsis, Jews, Dalits, Buddhists and others; and

WHEREAS, We remember, to preserve this shared history of anguish, to keep it vivid and real, so that hatred, persecution, and prejudice can be combated and contained; and

WHEREAS, We remember the Partition survivors and their families who live in Berkeley, the Bay Area and the United States, so that we can educate others on the history of Partition and create a more empathetic and historically informed world; and

WHEREAS, We remember those who survived immeasurable, atrocious acts, and today are living witnesses for younger generations who may not know their history; and

WHEREAS, We remember this is the 74th Anniversary of Partition, and by memorializing the past we help give ourselves the resolve we need to prepare for tomorrow's challenges including displacement and migration brought on by ongoing threats of climate change and political instability.

THEREFORE BE IT HEREBY PROCLAIMED, that we the people of Berkeley will always remember the suffering victims, their families, and always treasure the survivors who are still with us in Berkeley. We join in the worldwide chorus of hope and activism to say never again and to proclaim:

June 3, 2021 AS PARTITION REMEMBRANCE DAY IN BERKELEY



Sophie Hahn
Councilmember District 5

CONSENT CALENDAR
July 27, 2021

To: Honorable Members of the City Council
From: Councilmember Sophie Hahn and Mayor Jesse Arreguin (Authors)
Subject: Accelerating the City of Berkeley's transition to Plant-Based Foods

RECOMMENDATION

Adopt a resolution establishing a goal to achieve a 50% decrease in animal-based food products served by the City of Berkeley by 2024, and refer to the City Manager to report to the City Council on progress towards reaching this goal by January 31, 2022.

FINANCIAL IMPLICATIONS

Staff time to research and manage a transition to alternative food purveyors and/or menus across several departments and regulatory landscapes. Potential change in costs reflecting a decrease in meat and dairy purchases and/or for plant-based menus that meet mandated nutritional standards.

CURRENT SITUATION AND ITS EFFECTS

Streamlining the City of Berkeley's transition to plant-forward¹ and plant-based² meals advances the City's Strategic Plan Priority of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment and supports the Climate Action Plan goal that a majority of food consumed in Berkeley be produced locally (i.e; within a few hundred miles).

Municipalities across the country are using their economic clout, political power and cultural influence to fight climate change. Like Berkeley, they are establishing ambitious greenhouse gas (GHG) emission reduction targets and pursuing aggressive strategies such as the purchase of 100 percent renewable energy, fuel efficient vehicles, and energy-efficient computers and lighting. Berkeley has been a leader in addressing climate change, passing and implementing numerous measures that reduce our GHG emissions and improve the environmental quality of our community, region and world.

¹ Plant-forward' refers to a style of cooking and eating that emphasizes plant-based foods and fewer animal products.

² "Plant-based" refers to a diet or food that is wholly derived from plants, including fruits and vegetables; whole grains; beans, other legumes (pulses), and soy foods; nuts and seeds; plant oils and herbs and spices.

One critically important sector that accounts for about 25% of global greenhouse gas emissions and significant emissions here in Berkeley is our food.

A diet higher in plant-based foods such as vegetables, fruits, whole grains, legumes, nuts, and seeds, and lower in calories and animal-based foods is more health promoting and is associated with less environmental impact than the current U.S. diet. A wealth of scientific research underscores the urgency of substantially reducing meat and dairy consumption, which accounts for more than half of all food-related GHG emissions. It is clear that the world cannot meet global greenhouse gas reduction targets without significantly curbing consumption of animal products. High-meat-eating nations like the United States, which consumes 2.6 times more meat than the global per capita average, must help shoulder this responsibility.

Cities have a critical role to play in helping shift consumption towards foods that generate fewer greenhouse gas emissions. Berkeley, which has a long history of vegetarian and vegan eating and both farmer's- and fixed- markets rich in local, seasonal, plant-based foods is well positioned to take leadership to increase plant-based and plant-forward eating. By reducing the amount of animal products purchased with City funds and serving more plant-based and plant-forward options, we can cut GHG emissions and our water footprint, and provide important leadership for the rest of the community.

Hundreds of U.S. cities, including the City of Berkeley, have pledged to help achieve the Paris Climate Accord goal of lowering greenhouse gas emissions enough to keep average global temperatures at no more than two degrees Celsius above pre-industrial levels.³ Projected global emissions from food production alone – largely driven by consumption of animal products – could nearly exceed the 2°C limit established in the Paris Agreement. Compared to other climate mitigation strategies, increasing plant-based food is a relatively simple, cost-effective strategy that can downsize the City's carbon footprint while improving the health of residents.⁴

BACKGROUND

This item consolidates and restates previous Council direction to facilitate implementation of the City's efforts to reduce the purchase and serving of animal-based products and increase plant-forward and plant-based options. The resolution highlights the simple but bold goal of reducing by 50% the amount of animal-based products

³ Reaffirming Support for the Paris Climate Agreement and Other Efforts to Combat Climate Change: https://www.cityofberkeley.info/Clerk/City_Council/2017/06_June/Documents/2017-06-27_Item_31_Reaffirming_Support_for_the_Paris.aspx

⁴ [MEAT OF THE MATTER: A MUNICIPAL GUIDE TO CLIMATE-FRIENDLY FOOD PURCHASING](#)

served in city-provided meals by 2024. All of the already-adopted resolutions, items and frameworks still remain in effect and can serve as important resources to guide the City's efforts to reduce the amount of animal-based products served by the City of Berkeley.

The City Council has passed a number of items to encourage reduction in purchasing and consumption of animal-based products, both for the City as an organization and in the broader community, including:

- February 24, 2015 - Councilmember Max Anderson's item in support of "Meatless Monday." The Council declared all Mondays as "Meatless Mondays" in support of comprehensive sustainability efforts as well as to further encourage residents to eat a more varied plant-based diet.
- September 13, 2018 - Councilmember Harrison's resolution "Establishing Green Monday" declared the city would coordinate with Green Monday US to 1) Have City owned and operated institutions serve plant-based food on Mondays (or another day); and 2) Educate residents on the impacts of food choices on climate change.
- April 30, 2019 - Councilmember Hahn's Good Food Purchasing Program resolution adopted a resolution in support of GFPP's core values of supporting local economies, improving nutrition, and valuing our workforce and referred to the City Manager to incorporate the vision and standards into City of Berkeley Food purchasing practices.
- March 9, 2021 - Councilmember Davila's item to Support Vision 2025 for Sustainable Food Policies:
 - Adopted a resolution supporting Vision 2025 for Sustainable Food Policies
 - Joined the Milan Urban Food Policy Pact
 - Supported adoption of Friends of the Earth's Climate-Friendly Food Purchasing Policy;
 - Referred to the City Manager to track animal-based food that is replaced with plant-based food; and
 - Referred to the City Manager to use Friend of the Earth's Municipal Guide to Climate-Friendly Food Purchasing to purchase plant-based food.

The four already-passed items and the numerous organizations, declarations, and resolutions they encompass are evidence of the City Council's desire to address the impacts of animal-product consumption on health, the environment, working conditions,

and animal wellbeing. Programs and policies of numerous organizations that support transitioning institutions such as the City of Berkeley, and entire communities, away from consumption of animal-based food products are referenced or incorporated in these items, including

- [Green Monday USA](#)
- [Good Food Purchasing Policy](#)
- [Milan Urban Food Pact](#)
- [Friends of the Earth Climate Friendly Food Purchasing Policy](#)
- [Friend of the Earth Municipal Guide to Climate Friendly Food Purchasing](#)

All of these excellent resources have significant overlap in their goals and approaches. But referring to the City Manager to integrate the many policies and recommendations included across all of these resources ultimately provides direction that is too diffuse to be effectively implemented. These resources do, however, provide excellent background, strategies and information to guide efforts to transition towards plant-forward and plant-based diets.

Berkeley does not purchase a large amount of food, but does supply meals at senior centers, summer camps, and the jail, as well as in other limited settings. It is important to note that much of the food procured by the City of Berkeley is subject to nutritional regulations, including state and federal criteria, that will need to be reviewed and considered in planning a 50% reduction in animal-based products and a transition to plant-forward and plant-based meals.

While nutritional standards typically promote more fruits and vegetables, less fat and sugar and smaller portion sizes, Berkeley can work within and build on these standards to reflect the emerging scientific consensus that a healthy diet also requires consuming fewer animal products. Berkeley's efforts will thus generate direct benefits for community wellness, local economies, workers, farmers and the environment.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The food sector is a significant contributor to global greenhouse gas (GHG) emissions, with livestock production accounting for 14.5% of global GHG emissions, and the United Nations recognizing that "Livestock are one of the most significant contributors to today's most serious environmental problems." The City of Berkeley can reduce its greenhouse gas emissions and improve health and wellbeing by purchasing and serving less meat and more plant-based meals.

CONTACT PERSON

Councilmember Sophie Hahn Council District 5 510-981-7150

Attachments:

- 1: Resolution
- 2: Meat of the Matter: A municipal guide to climate friendly food purchasing, Executive Summary.
- 3: Green Monday USA
- 4: Good Food Purchasing Policy
- 5: Milan Urban Food Pact
- 6: Friends of the Earth Climate Friendly Food Purchasing Policy

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

To Accelerate the City of Berkeley's transition to Plant-Based Foods

WHEREAS, the City of Berkeley has a Strategic Plan Priority of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment; and

WHEREAS, Berkeley's Climate Action Plan includes the goal that a majority of food consumed in Berkeley be produced locally (i.e; within a few hundred miles); and

WHEREAS, scientific analyses have shown that one of the most effective ways to reduce greenhouse gas emissions is to transition to plant-forward or plant-based diets to reduce or eliminate the consumption of animal-based foods; and

WHEREAS, the City of Berkeley has previously adopted policies in support of reducing our carbon footprint by decreasing consumption of animal-based foods including resolutions in support of Green Monday USA, the Good Food Purchasing Policy, the Milan Urban Food Pact, and Friends of the Earth's Climate Friendly Food Purchasing Policy;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Berkeley establishes an official goal to accelerate the City's transition to plant-based diets by implementing a 50% decrease in animal-based food served by the City of Berkeley by 2024.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley refers to the City Manager to report to the Council on progress towards reaching this goal by January 31, 2022.

MEAT OF THE MATTER: A MUNICIPAL GUIDE TO CLIMATE-FRIENDLY FOOD PURCHASING





ACKNOWLEDGEMENTS

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About Friends of the Earth:

Friends of the Earth U.S., founded by David Brower in 1969, is the U.S. voice of the world's largest federation of grassroots environmental groups, with a presence in 74 countries. Friends of the Earth works to defend the environment and champion a more healthy and just world. Our current campaigns focus on promoting clean energy and solutions to climate change, ensuring the food we eat and products we use are safe and sustainable and protecting marine ecosystems and the people who live and work near them. www.foe.org

Any errors or omissions in this report are the responsibility of Friends of the Earth U.S.

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EXECUTIVE SUMMARY

Municipalities across the country are using their economic clout, political power and cultural influence to fight climate change. They are establishing ambitious greenhouse gas (GHG) emissions reduction targets and pursuing aggressive strategies, such as requiring the purchase of 100 percent renewable energy and fuel-efficient vehicles. **But one critically important sector that accounts for about one fourth of global greenhouse gas emissions has largely been ignored: food.**

A wealth of scientific research underscores the urgency of substantially reducing meat and dairy consumption, which accounts for more than half of all food-related GHG emissions. **It is clear that the world cannot meet global greenhouse gas reduction targets without curbing consumption of animal products.** High-meat-eating nations like the United States, which consumes 2.6 times more meat than the global per capita average, must help shoulder this responsibility.

As large population centers with vast purchasing power, cities and counties have a critical role to play. By reducing the amount of animal products purchased with municipal funds and serving more plant-forward options on city or county property, municipalities can cut their GHG emissions and water footprints, all while saving money and offering healthier food. Beyond leveraging their own purchasing power, municipalities can inspire school districts, private institutions, restaurants and community residents to shift their purchases towards climate-friendly food. Compared to other climate mitigation strategies, plant-forward institutional food purchasing is a relatively simple, cost-effective approach that will downsize our nation's carbon footprint while improving the health of the public.

This guide presents a menu of tools, approaches and examples, including a [model climate-friendly food purchasing policy and standards](#), acknowledging the many ways that cities and counties can advance climate-friendly and healthy food procurement.

Part I summarizes the compelling environmental and health reasons for transitioning institutional food purchases towards more plant-based foods. Key findings include:

- The production of meat and dairy generally has much higher greenhouse gas emissions than plant-based foods.
- In order to fully account for their climate impacts, municipalities should consider upstream emissions — that is, the embedded emissions associated with the production of food purchased and served by the city or county.
- Americans are overconsuming meat, which is contributing to heart disease, diabetes, some cancers and billions of dollars in health care costs associated with these maladies. The federal government's *Dietary Guidelines for Americans* recommend a maximum of 3.7 ounces of meat, poultry and eggs a day, which is significantly less than average U.S. consumption rates.
- Water resources are at risk in our warming world hit by increasingly frequent and catastrophic natural disasters. Meat and dairy production has a harmful impact on water quality and uses substantially more water resources than plant-based foods.
- As demonstrated by the [Oakland Unified School District case study](#), shifting to plant-forward options can save valuable tax dollars since plant-based proteins are generally less expensive than meat.
- Food waste is a substantial contributor to food-related greenhouse gas emissions. Serving more plant-based foods and smaller portions of meat and dairy will help cut waste from animal products, which account for an outsized portion of total emissions associated with food waste.
- Buying less conventionally produced meat can make it easier to afford third-party certified, sustainably

produced food. Local and organic food, in particular, can have climate benefits. An array of third-party certifications has been endorsed by leading public interest groups.

Part II provides practical policy guidance for municipalities, broken down into six steps:

Phase I: Pass a climate-friendly food procurement policy and/or standards

A 2016 U.S. Centers for Disease Control and Prevention (CDC) study found that fewer than five percent of municipalities have established healthy food service guidelines or food and nutrition standards. There is a compelling opportunity for municipalities to fill this gap by adopting purchasing policies that yield the complementary benefits of climate-friendly and healthy food.

Step 1: Establish a working group

- » Build a team across agencies that includes decision-makers, advocates and other stakeholders, including public health, procurement and sustainability agency staff and a nutritionist.
- » Research the municipality's procurement practices and identify food venues under municipal control, especially those that could most easily adopt climate-friendly food purchasing (e.g., concessions).
- » Solicit input from employees and customers.

Step 2: Enact a climate-friendly food procurement policy

- » Determine a vehicle for enactment, which could include:
 - A standalone sustainable food procurement policy, such as the model climate-friendly food purchasing policy created for this guide, the Good Food Purchasing Policy or a policy modeled off of examples in San Francisco, CA, Woodbury County, IA, Cleveland, OH, Austin, TX or Malmö, Sweden;
 - An environmentally preferable or green procurement policy that addresses sustainable food, such as in San Jose, CA or Washington, DC;
 - A climate action plan that includes climate-friendly procurement strategies such as in Multnomah County, OR, Santa Monica, CA, Eugene, OR or Carrboro, NC and recognizes the role of reducing meat and dairy consumption in combatting climate change such as in the case of at least 17 municipalities.
 - A food action plan, such as in King County, WA, Seattle, WA or Multnomah County, OR; a wellness policy, such as in Brentwood, CA, San Mateo County, CA or Kansas City, MO; or a comprehensive municipal plan such as in Austin, TX; and
 - A green business program that incentivizes climate-friendly food in the private sector.
- » Determine a mechanism for enacting the policy, which can include:
 - Legally-binding local ordinances and executive orders;
 - Integrating climate-friendly procurement in an existing policy; and
 - Non-binding resolutions, such as "Meatless Monday" proclamations, which can be a key step towards binding action in the future.

Step 3: Develop climate-friendly food standards

- » Food procurement policies typically establish a broad framework for purchasing certain categories of food, such as climate-friendly, local and healthy food. Standards, such as the model climate-friendly food standards created for this guide, provide detail about how to interpret and implement the policy in terms of what is served. Developing standards may happen in concert with creating a food procurement policy or separately, sometimes even without a formal policy.
- » Many municipalities, such as New York City, NY, have adopted healthy food and nutrition standards that provide an opportunity for adding climate-friendly standards, recognizing that reducing meat and dairy is an important element of both a healthy diet and a healthy planet.

- » Municipalities such as Santa Clara County, CA, Philadelphia, PA and San Diego County, CA have healthy food standards in place that promote climate-friendly food.
- » Counties, including Portland, OR, Lakewood, CO, Boulder County, CO and Philadelphia, PA, have plant-forward food guidelines that apply to caterers, government meetings and events.

Phase II: Implement the policy and/or standards

Once the policy has been created, develop an implementation plan. San Diego County, CA and Santa Clara County, CA have comprehensive plans for implementing their food standards that can serve as models.

Step 4: Develop a plan for communications and staff training

- » Communicate the new policy and/or standards to all relevant internal staff and, where appropriate, external stakeholders.
- » Conduct staff trainings on the new policy and/or standards.
- » Offer implementation tips and tools such as creative menus, customer surveys and behavioral design, marketing and educational strategies.
- » Make the business case for climate-friendly food.

Step 5: Update bid solicitation and contract language

- » Determine which contracts are top priorities and when they are up for renewal. Consider starting with the low-hanging fruit (often concessions) or launching a pilot project as an incremental step towards a municipality-wide policy.
- » Ensure that climate-friendly standards are referenced in upcoming bid solicitations for commodity contracts, food service agreements and concessions contracts. Draw from bid solicitation language from Alameda County, CA, the federal government and San Francisco Airport (SFO).
- » Make sure the climate-friendly purchasing standards are considered when bids are evaluated.
- » Finalize contract awards and monitor compliance.

Step 6: Track and report progress

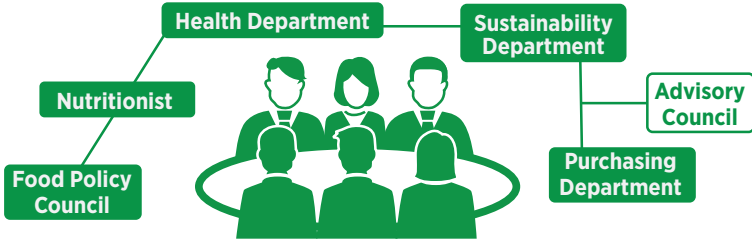
- » Tracking food purchases — and their embedded GHG emissions — is essential to understanding and communicating the benefits of a municipality's climate-friendly food purchasing policy
- » Choose a method for tracking purchases by weight and cost, with a focus on animal products. A menu-based approach is a simple and meaningful way to measure carbon footprint and cost-savings by meal.
- » Include tracking requirements in contract language to ensure that vendors provide the necessary information in a usable format.
- » Consider utilizing low-cost tracking resources.
- » Communicate the results of climate-friendly food procurement actions to facilitate future success.

In conclusion, cities and counties can make a meaningful impact — both locally and globally — by shifting their food purchases towards plant-based and plant-forward options. Whether these changes are made for health, environmental or cost-saving reasons, municipalities that serve less meat in their food service operations will experience a triple win for community well-being, local budgets and the planet.

Beyond the information and resources provided within this guide, Friends of the Earth and the Responsible Purchasing Network stand ready to support municipalities to adopt and implement climate-friendly purchasing practices.

A Step-by-Step Municipal Guide to Climate-Friendly Food Purchasing

STEP 1: Establish a working group

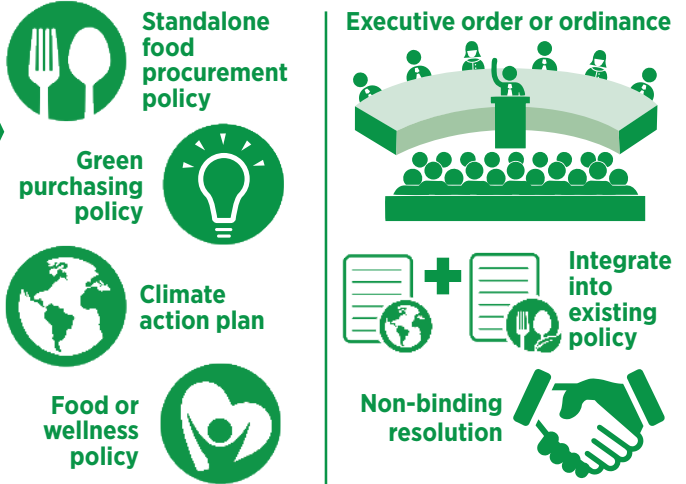


Research and Identify potential food venues

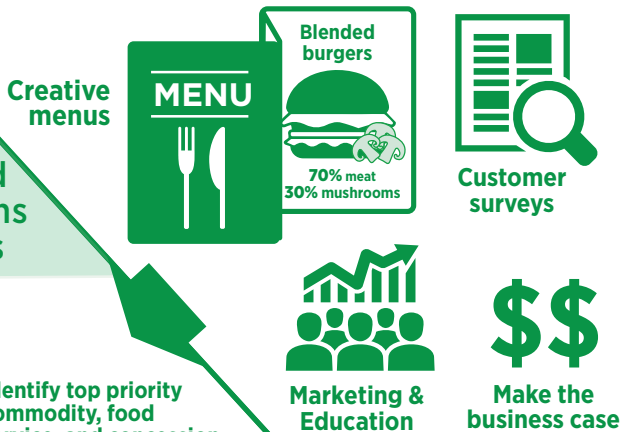


STEP 2: Enact a climate-friendly food procurement policy

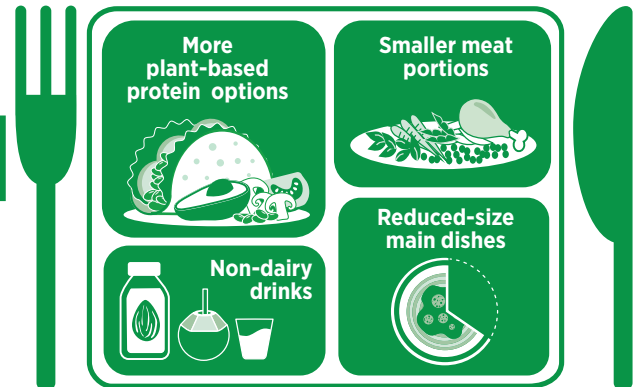
Find A Vehicle + Find a Mechanism



STEP 4: Develop a communications & training plan



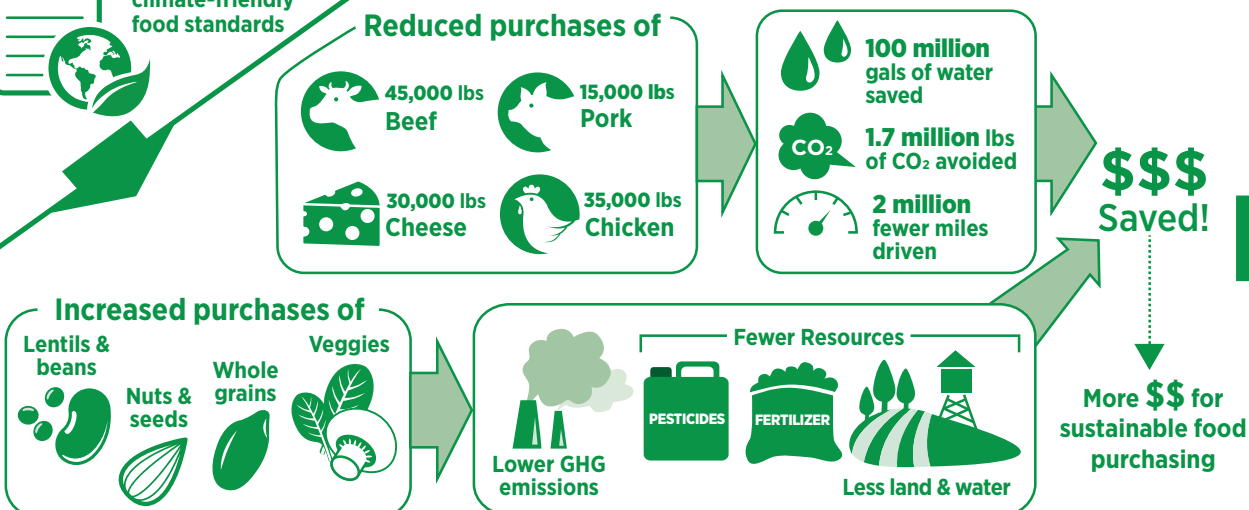
STEP 3: Develop climate-friendly food standards



STEP 5: Update bid solicitations & contracts



STEP 6: Track and report progress



HEALTHY PEOPLE & PLANET





INTRODUCTION

Municipalities across the country are using their economic clout, political power and cultural influence to fight climate change. They are establishing ambitious greenhouse gas (GHG) emission reduction targets and pursuing aggressive strategies, such as requiring the purchase of 100 percent renewable energy, fuel-efficient vehicles and energy-efficient computers and lighting. **But one critically important sector that accounts for about one fourth of global greenhouse gas emissions has largely been ignored: food.¹**

A wealth of scientific research underscores the urgency of substantially reducing meat and dairy consumption, which accounts for more than half of all food-related GHG emissions.^{2, 3, 4, 5, 6} **It is clear that the world cannot meet global greenhouse gas reduction targets without significantly curbing consumption of animal products.⁷** High-meat-eating nations like the United States, which consumes 2.6 times more meat than the global per capita average, must help shoulder this responsibility.⁸

As large population centers with vast purchasing power, cities and counties have a critical role to play in helping shift consumption towards foods that generate fewer greenhouse gas emissions. By reducing the amount of animal products purchased with municipal funds and serving more plant-basedⁱ and plant-forwardⁱⁱ options on city or county property, municipalities can significantly cut their GHG emissions and water footprints, all while offering healthier food and saving valuable tax dollars.^{9, 10} Ounce for ounce, plant-based proteins are typically less expensive than equivalent animal proteins.¹¹

Beyond leveraging their own purchasing power to increase healthy food options and measurably reduce their carbon footprint,ⁱⁱⁱ municipalities can amplify this impact by inspiring and supporting school districts, restaurants, large private institutions and residents to also shift their purchases towards climate-friendly food. With nearly 50 percent of Americans' food dollars spent outside of the home, food service operators — especially those in the public sector — must make it easier for people to choose plant-forward meals that are better for their health and the planet.¹²

“The single most significant contribution the foodservice industry can make toward environmental sustainability is to reduce red meat on menus, as part of a larger shift toward more plant-based and healthy dishes.”

—Menus of Change, an initiative of The Culinary Institute of America and Harvard University's School of Public Health¹³

Plant-based food purchasing can build on nutrition standards ([see page 30](#)) that have already been adopted by several cities and counties. While nutrition standards typically promote more fruits and vegetables, less fat and sugar and smaller portion sizes, municipalities have an opportunity to update these standards or adopt new standards that reflect the emerging scientific consensus that a healthy diet also requires consuming fewer animal products.^{iv, 14}

i “Plant-based” refers to a diet or food that is wholly derived from plants, including fruits and vegetables; whole grains; beans, other legumes (pulses), and soy foods; nuts and seeds; plant oils and herbs and spices.

ii “Plant-forward” refers to a style of cooking and eating that emphasizes plant-based foods and fewer animal products.

iii This guide uses “carbon footprint” to mean the climate impact associated with carbon dioxide emissions as well as other greenhouse gases, including methane and nitrous oxide. These emissions may occur anywhere during the lifecycle of a product including production, transportation, use and disposal.

iv The Dietary Guidelines Advisory Committee represented a widespread scientific consensus in its statement that, “A diet higher in plant-based foods, such as vegetables, fruits, whole grains, legumes, nuts, and seeds, and lower in calories and animal-based foods is more health promoting and is associated with less environmental impact than is the current U.S. diet.”

Climate-friendly food purchasing can also be integrated into existing sustainable food purchasing initiatives and green purchasing policies. Many cities and counties are harnessing the power of public purchasing to establish preferences for products that reflect their values, such as energy-efficient equipment or locally produced and organic food.¹⁵ These initiatives can generate direct benefits for community wellness, local economies, workers, farmers and the environment, and should be expanded to include climate-friendly food.



“Globally, up to 32% of GHG emissions are related to food system activities including production, transportation, processing, and storage... Significant opportunities to reduce GHG emissions associated with the food system exist in decreasing consumption of meat and food grown with intensive use of manufactured fertilizers.”

–Oakland, CA’s [Energy and Climate Action Plan](#)¹⁶

Hundreds of U.S. cities and counties have pledged to help achieve the Paris Climate Accord goal of lowering greenhouse gas emissions enough to keep average global temperatures at no more than two degrees Celsius above pre-industrial levels. Many jurisdictions are implementing innovative public transportation systems, building solar-powered buildings and transitioning away from carbon-intensive energy sources, among other things. Yet, even if all U.S. cities dramatically reduced their GHG emissions through these actions, projected global emissions from food production alone – largely driven by consumption of animal products – could nearly exceed the 2°C limit established in the Paris Agreement. (see [Figure 1, page 11](#)).¹⁷ Compared to other climate mitigation strategies, institutional plant-based food purchasing is a relatively simple, cost-effective strategy that will downsize our nation’s carbon footprint while improving the health of our citizens.¹⁸

Using this guide

This document lays out compelling scientific arguments for shifting institutional food procurement towards plant-based options. It provides practical, step-by-step guidance for how municipalities can successfully implement climate-friendly and health-promoting policies and practices for food purchased by public institutions (e.g., hospitals, schools, childcare centers and correctional facilities) and served on municipal property (e.g., in airports, sports stadiums, parks, museums and office buildings). The guide includes numerous examples of cities and counties that are supporting climate-friendly purchasing through standalone food procurement policies, climate action plans, food or wellness policies or as part of their nutrition standards.

This guide is primarily intended to help municipal staff – particularly those whose roles relate to sustainability, food and health – and municipal leaders who are in a position to influence food purchasing policies and practices. Changes in food purchasing can happen at a comprehensive level through the adoption of a new policy across all agencies, but meaningful changes can also occur within a single agency or office, in a single municipal building or with a single concessions contract. This guide provides a variety of tools and approaches, including a model climate-friendly purchasing policy and standards (see [Appendix A](#)), acknowledging the many ways that municipalities can achieve the benefits of climate-friendly and healthy food procurement.

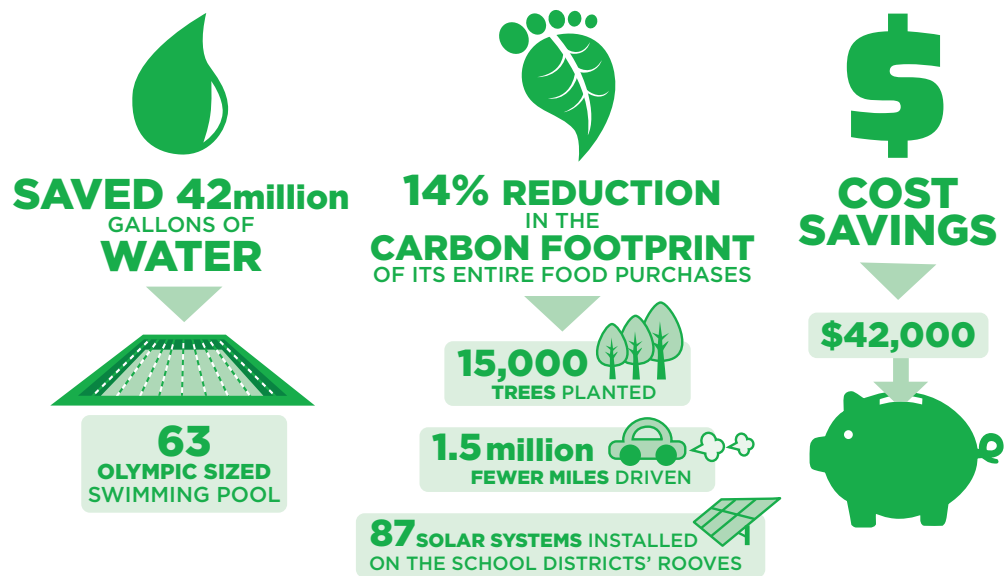
Finally, this guide recognizes that climate-friendly and healthy food is an issue in which the entire community has a stake. To that end, it can also serve as an important resource for advocates who want to see their local government make an impact in reducing greenhouse gas emissions, for parents who want their children to have access to healthy food, for local farmers who want to provide consumers with nutritious food and for businesses that want to lead by example with climate-friendly menus.

Food shifts matter: the power of municipal procurement

To show the power of public sector procurement, *Shrinking the Carbon and Water Footprint of School Food*, a 2017 case study published by Friends of the Earth, documents how one of California's largest school districts generated significant climate and water benefits by changing its food purchasing practices and menu design.¹⁹ Oakland Unified School District (OUSD) slashed the carbon footprint of its food service 14 percent by reducing its purchases of animal products by 30 percent and replacing them with plant-based proteins and more fruits and vegetables.^v This single procurement action saved the equivalent of roughly 600,000 Kg of CO₂ per year — akin to driving 1.5 million fewer miles a year or covering all of OUSD's roofs with solar panels. Oakland's initiative also cut the district's food service water footprint by nearly 6 percent — saving 7 gallons per meal, totaling 42 million gallons of water per year. This is equivalent to filling 840,000 bathtubs or taking 2.3 million fewer showers each year. While generating these huge environmental gains, OUSD increased its purchases of protein-rich legumes, fruits, vegetables and better-quality meat — improving students' diets and saving the district \$42,000 annually by trimming costs one percent per meal.

FOOD SHIFTS MATTER

Over 2 years, Oakland Unified School District reshaped its menu with fewer animal foods and more protein-rich legumes and vegetables. This shift generated considerable **water** and **climate benefits**, and **cost savings**:



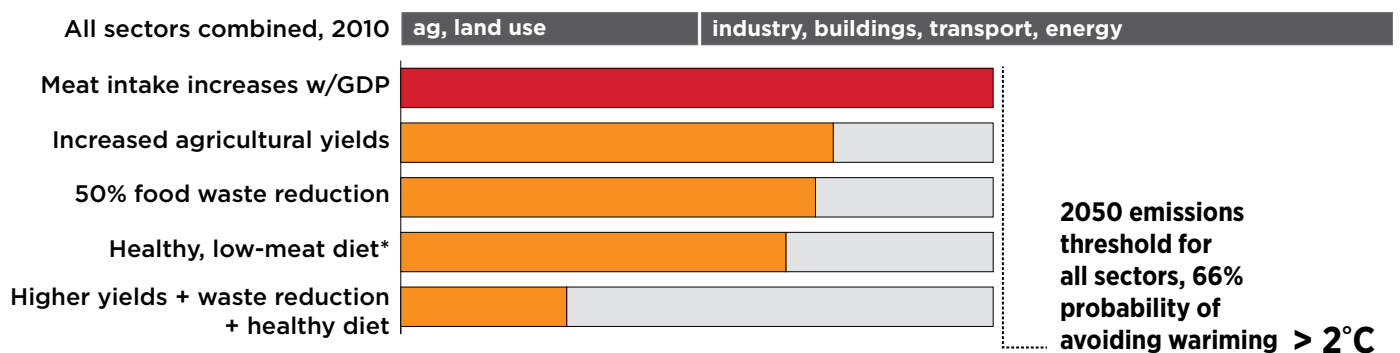
^v The school district could have achieved even greater reductions in GHGs if it had focused on reducing beef purchases, which account for the highest carbon and water footprints on its menu. Most of its GHG reductions came from reduced chicken and cheese purchases.

PART I:

The case for more plant-based foods, less meat and dairy

Part I provides an overview of compelling scientific evidence that promoting diets higher in plant-based foods and lower in animal products is critical to addressing global climate change and achieving better health outcomes.

FIGURE 1: GHG emissions from food production alone are projected to nearly exceed all-sector 2050 climate mitigation thresholds



Note: The black dotted line represents the 2050 emissions threshold (21± 3Gt CO₂e) for at least a 66% chance of keeping global warming below 2 degrees C; the black bar shows 2010 emissions from all sectors (49 Gt). Red shows emissions in 2050 from the business as usual scenario; orange bars show various 2050 mitigation scenarios; and the gray bars represent the potential emission reductions associated with each mitigation scenario.

*The “healthy diet” limits intake of red meat (max of two 85 g / 3 oz. portions per week), poultry (max of one 85 g / 3 oz. portion per day), dairy, eggs, sugars, and oils to levels recommended by health organizations (e.g., WHO, FAO, American Heart Association, Harvard Medical School), and sets a minimum for fruit and vegetable intake.

Source: Reprinted from Kim, B., et al. (2015). *The importance of reducing animal product consumption and wasted food in mitigating catastrophic climate change*. Johns Hopkins Center for a Livable Future Report prepared for United Nations Conference of the Parties 21 (COP21)., using data from Bajželj B, et al. (2014) Importance of food-demand management for climate mitigation. *Nature Climate Change* 4(10):924-929. doi:10.1038/nclimate2353

A. Eating more plant-based foods is essential to meeting climate goals

While improved agricultural production methods have been the primary focus for mitigating agriculture’s impact on climate change, there is an emerging consensus that supply-side mitigation strategies alone cannot contain the increasing GHG emissions associated with the projected rise in meat consumption.^{20,21} An effective solution must go beyond production and address consumption. The United Nations Intergovernmental Panel on Climate Change (IPCC) found that reducing consumption of animal products^{vi} is one of the highest-impact strategies for mitigating agriculture’s harmful

effects on the climate and other aspects of our environment.²²

Moreover, replacing a significant amount of the meat and dairy in our diets with plant-based foods is essential for the world to meet the historic 2016 Paris Climate Accord goals of lowering greenhouse gas (GHG) emissions enough to keep average global temperatures at no more than two degrees Celsius above pre-industrial levels.^{23, 24}

vi This guide will use “animal products” to refer to meat, poultry, dairy, eggs and seafood. Certain animal products such as beef, lamb, farmed salmon and cheese will have higher GHG emissions than others, such as eggs, milk and certain types of fish. See [Appendix E](#) for a chart comparing GHG emissions by specific food type.

1. Animal products generate higher emissions than plant-based foods

Food production generates about one fourth of all global GHGs, with livestock responsible for more than half of those emissions.^{25, 26} When including the additional emissions related to processing, transporting, storage and managing waste, the food system contributes up to 30 percent of global GHG emissions.^{27, 28} **In total, livestock production accounts for about 14.5 percent of global GHG emissions, which is more than the tailpipe emissions from all of the cars, trucks, trains, buses, boats and planes across the globe.**²⁹

Meat and dairy products generally emit significantly higher emissions than plant-based alternatives. This is primarily due to nitrous oxide (N₂O) emissions from feed production as well as methane (CH₄) emissions from enteric fermentation and waste management. Nitrous oxide and methane are up to 298 and 36 times more potent gases than carbon dioxide, respectively.³⁰ As shown in Figure 2 below, beef, cheese and pork have the highest emissions per gram of protein. Pound for pound, beef is roughly 13 times as carbon-intensive as tofu and 25 to 34 times

as carbon-intensive as beans and lentils.³¹ For a table of relative greenhouse gas emissions of protein foods by weight, see [Appendix E](#).

The West Coast Climate and Materials Management Forum — an initiative comprised of government agencies at the federal, state and local levels — promotes the procurement of low-carbon food products as a priority climate protection strategy in its [Climate-Friendly Purchasing Toolkit](#).³² Specifically, it recommends the purchase of “fewer high-carbon foods, based on the general life cycle information that is available” and suggests that “taking a look at options for non-animal protein is a good place to start.”³³

2. Accounting for embedded emissions from food is critical to addressing community climate impacts

A municipality’s influence on the environmental impacts of food production extends far beyond its borders. When calculating its full climate impact, a municipality must account for direct emissions from food production occurring within the city as

Figure 2: Greenhouse gas impact of select foods by gram of protein

	FOOD	IMPACT (GHG emissions per gram of protein)	COST (Retail price per gram of protein)
LOW	Wheat	█	\$
	Corn	█	\$
	Beans, chickpeas, lentils	█	\$
	Rice	█	\$
	Fish	█	\$\$\$
	Soy	█	\$
	Nuts	█	\$\$\$
	Eggs	█	\$\$
MEDIUM	Poultry	█	\$\$
	Pork	█	\$\$
	Dairy(milk, cheese)	█	\$\$
HIGH	Beef	█	\$\$\$
	Lamb & goat	█	\$\$\$

Source: Adapted from Protein Scorecard. (2016). World Resources Institute. Retrieved from www.wri.org/resources/data-visualizations/protein-scorecard

well as embedded — or “scope 3”^{vii} — emissions associated with the production of the food and other goods that are *consumed* in the municipality, even if they are not produced there. These are also known as “upstream emissions.” While there are several innovative initiatives underway to better account for indirect GHG emissions in cities such as **Vancouver, BC, Portland, OR, San Francisco, CA** and **Austin, TX**, embedded emissions are not commonly accounted for in reporting systems and thus typically have not yet been integrated into municipalities’ plans for reducing their GHG emissions. Reducing the consumption of high-carbon foods in large population centers will translate into lower production of GHG-intensive foods and lower overall emissions across the world.³⁴

“Residents of Multnomah County can reduce the impact of food choices on climate change — and improve personal, environmental and economic health — by choosing ‘low-carbon’ foods, such as fresh fruits and vegetables. Lifecycle analysis shows that beef, cheese, pork and farmed salmon generate the most carbon emissions per ounce.”

—Portland and Multnomah County, OR’s
[Climate Action Plan](#)³⁵

3. Fewer purchases of animal foods means fewer GHG emissions from wasted animal products

A new book, *Project Drawdown*, evaluates 100 strategies to combat climate change and ranks reducing food waste as the third most important strategy.³⁶ While meat is wasted at lower rates than plant-based products by volume (15 percent of total global food waste), meat accounts for about one third of food waste-related GHG emissions due to its higher embedded emissions from production.³⁷ Fewer purchases of animal foods and smaller meat portion sizes will help to reduce waste from these

GHG-intensive foods.³⁸ The West Coast Climate and Materials Management Forum’s [Climate Action Toolkit](#) highlights effective ways municipalities can reduce GHG emissions from food waste, including through purchasing practices. While food waste reduction strategies are outside the scope of this report, [ReFed](#) takes a data-driven approach to identifying solutions for reducing food waste for businesses and governments. The Environmental Protection Agency has an extensive list of [food waste reduction resources](#) for K-12 schools that could be applied to other institutional settings.

B. Beyond climate protection, plant-based foods deliver health and environmental benefits

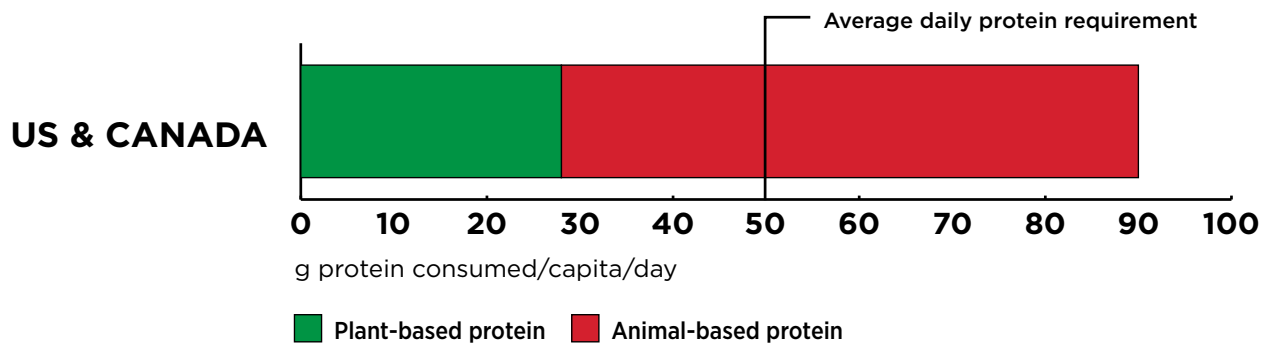
Municipal governments are charged with protecting natural resources as well as promoting the health and safety of the public. Fortunately, promoting a plant-forward diet is aligned with both of these objectives.

1. Plant-based menus are a triple win for food security, health and environment

The U.S. Dietary Guidelines Advisory Committee (DGAC) — experts appointed by the federal government to review the latest nutrition science and make recommendations for the *2015-2020 Dietary Guidelines for Americans* (DGAs) — recognized the connection between food security and environmental protection in its federal dietary guidance document: “Linking health, dietary guidance, and the environment will promote human health and ensure current and long-term food security.”³⁹

In 2015, the U.S. Conference of Mayors adopted a [resolution](#) supporting the DGAC’s recommendations, urging “the creation of dietary guidelines that encourage Americans to adopt dietary patterns that are *higher in plant-based foods and lower in animal-based foods than current average American diets* [emphasis added], as such patterns have been found in systematic reviews to be the most health-promoting and sustainable...”⁴⁰

vii Scope 3 emissions are defined by the Greenhouse Gas Protocol as indirect emissions, other than from the consumption of purchased electricity, heat or steam, such as the extraction and production of purchased materials and fuels, transport-related activities in vehicles not owned or controlled by the reporting entity, outsourced activities, waste disposal, etc. Scope 3 emissions include emissions associated with the production of food consumed within the reporting organization or jurisdiction.

FIGURE 3: People are eating more protein than they need.

Source: Adapted from *People Are Eating More Protein than They Need – Especially in Wealthy Regions*. (2016). World Resources Institute. Retrieved from www.wri.org/resources/data-visualizations/protein-scorecard

2. Eating more plant-based foods and less meat is better for our health

On average, Americans consume approximately 4.4 to 5.5 ounces of meat and poultry each day, which is significantly more than is recommended in the *Dietary Guidelines for Americans* (DGAs).^{41, 42} At the same time, fewer than 20 percent of Americans eat the recommended amounts of fruits and vegetables.⁴³ The 2010 DGAs recommended limiting red meat (pork, beef and lamb) consumption to 1.8 ounces per person per day.⁴⁴ The 2015 DGAs recommend a maximum of 26 ounces of meat, poultry or eggs a week for a typical 2000 calorie diet, which amounts to 3.7 ounces per day⁴⁵ — about the same as a small burger or chicken breast at one meal per day for adults, less for children and youth. The DGAs explicitly recommend that teenage boys and men reduce their overall intake of meat.⁴⁶ The DGAs specifically identify low-meat, Mediterranean-style and no-meat, vegetarian diets as viable options for a healthy nutritious diet.⁴⁷

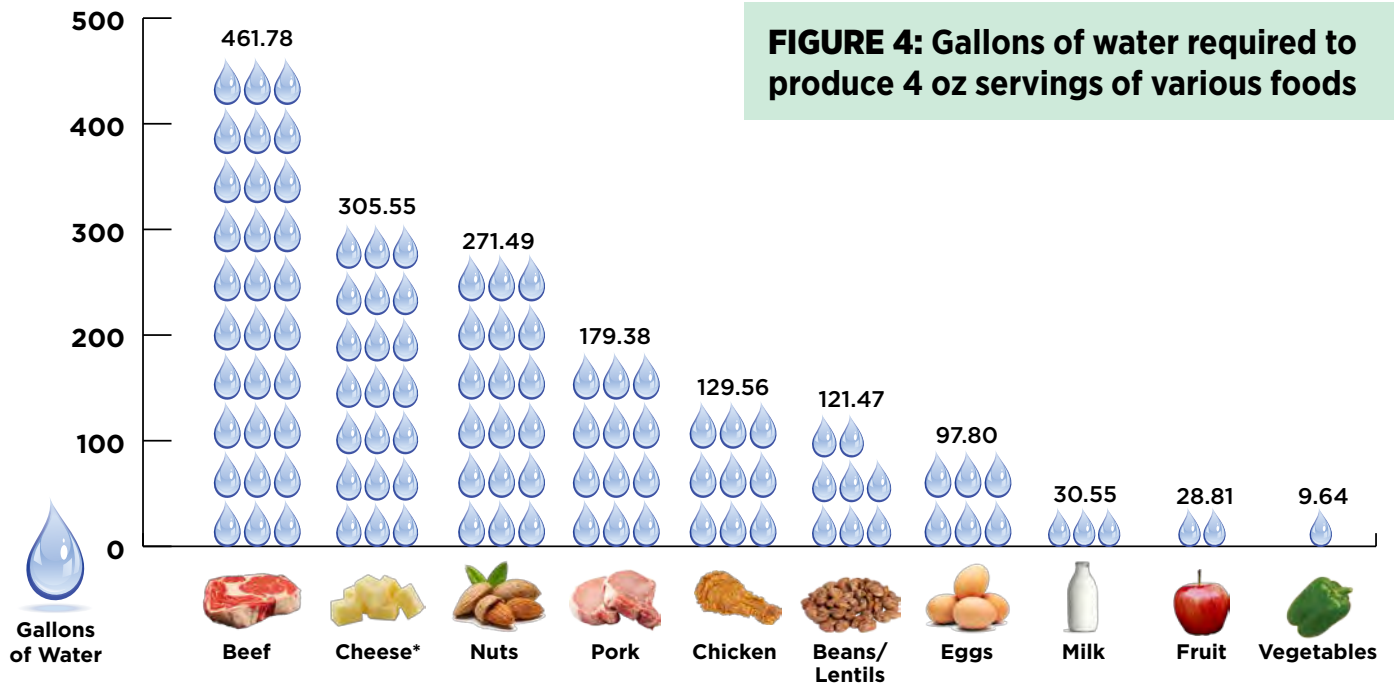
People's protein needs can easily be met by replacing some meat with the large variety of widely available plant-based proteins and by reducing protein consumption overall. On average, American adults consume approximately 66 percent more protein per day than necessary.⁴⁸ Considering the DGAs' recommendation of 5.5 ounces of total protein foods per day for a 2,000 calorie diet, at least one third of those protein foods should be coming from sources other than meat, poultry or eggs.⁴⁹

Ample scientific evidence shows that high consumption of red and processed meats is associated with increased risks of heart disease, diabetes and some cancers, while plant-based diets

can help decrease the risks of all three.^{50, 51, 52} The American Cancer Society has long recommended “a diet that limits processed meat and red meat, and that is high in vegetables, fruits, and whole grains.”^{53, 54} In 2015, the World Health Organization's International Agency for Research on Cancer (IARC) classified processed meat as a *known* human carcinogen and red meat, including beef and lamb, as a *probable* human carcinogen.⁵⁵ In addition to saving lives, eating more plant-based foods can save the nation hundreds of billions of dollars in health care costs each year.⁵⁶

3. Plant-based foods conserve water and protect water quality

Municipalities can conserve water and protect water quality by reducing meat consumption. Nearly one third of the total water footprint of agriculture in the world is related to the production of animal products.⁵⁷ Dietary shifts are crucial to conserve water resources, which are at risk in a warming world hit by increasingly frequent and catastrophic climate disasters such as prolonged droughts.⁵⁸ Producing plant-based proteins requires less water per unit of protein than animal products. For example, it takes 4-6 times as much water to produce a gram of beef protein than to produce a gram of lentil protein (see [Figure 4](#) on page 15).^{59, 60} Overall, meat contributes 37 percent of the food-related water footprint of the average American citizen.⁶¹ Given the vast amount of water used in meat and dairy production, food service operators can cut their water footprint by adopting a plant-forward menu.⁶² Replacing some meat and dairy with plant-forward options can also reduce nitrate and phosphate runoff, eutrophication/ dead zones and groundwater contamination associated with meat and dairy production.^{63, 64, 65}



Note: These numbers include both the blue (surface and ground) and green (rain) water used to grow 4 ounces of food.

Source: Adapted from Mekonnen, M. M., & Hoekstra, A. Y. (2010). The green, blue and grey water footprint of farm animals and animal products. *Value of Water Research Report Series*, 1(48), 33. Retrieved from http://waterfootprint.org/media/downloads/Report-48-WaterFootprint-AnimalProducts-Vol1_1.pdf

Buying less conventional meat and dairy can make it easier to afford sustainably-produced, third-party certified food

Municipalities can use money they save purchasing less meat and dairy to buy organic, grass-fed and other third-party certified products that can deliver broader health, fair trade, animal welfare and environmental sustainability benefits. While this guide is focused on plant-forward purchasing as the core measurable strategy for mitigating climate change, see [Appendix B](#) for suggested language for integrating sustainable food considerations into a climate-friendly food purchasing policy. Wading through certifications can be confusing. See [Appendix C](#) for an overview of the benefits of the top credible, most widely available or rapidly growing third-party certifications for animal products that have been endorsed by leading non-profit organizations working to promote sustainable food procurement.



Local and organic food can have climate benefits

Shifting purchases of industrial meat and dairy products towards more plant-based foods should be the primary focus of quantifiable and trackable climate-friendly institutional food procurement. However, local, regional and organic food production can also have climate benefits because they support a more climate-resilient food system and, in some cases, reduce carbon emissions. Whenever possible, municipalities should prioritize purchases of local, regional and organic food. See [Appendix B](#) for model policy language to support local and organic food procurement.

A. Organic farming has climate resiliency and carbon sequestration benefits

Numerous studies show that, on average, organic diversified farming systems—including some that raise animals on pasture—generate lower GHG emissions than conventional chemical-intensive farming systems, largely because they use fewer energy-intensive fertilizer and pesticide inputs and have higher carbon sequestration rates.^{viii, 66, 67, 68, 69} One United Kingdom government study found that farms using regenerative practices (e.g., cover cropping, crop rotation, mulching, etc.) emit between one half and two thirds less carbon dioxide per acre of production than large industrial farms.⁷⁰ A 2017 study that compared over 600 organic and conventional soil samples in the U.S. found that, on average, soils from organic farms had 13 percent higher soil organic matter and 26 percent greater potential for long-term carbon storage.⁷¹ Meanwhile, by boosting soil organic matter and improving topsoil health, organic practices such as cover cropping and mulching improve water capture, infiltration and storage thus creating greater resiliency and yield reliability than industrial farming in the face of extreme climate change events like prolonged drought conditions.^{72, 73} Not all organic farms will deliver these benefits, but support for diversified farms that implement regenerative practices will generally provide these important carbon sequestration and resiliency benefits.

2. Local and regional food improves climate resiliency, protects farmland and bolsters area economies

Buying food from local farmers and ranchers supports a municipality's local economy, increases healthy food access and builds resiliency and food security in the face of climate change.^{74, 75} While reducing purchases of meat and dairy will result in a much more substantial reduction of GHG emissions than focusing solely on local food production, both are important and not mutually exclusive.⁷⁶ For instance, local foods can curb climate impacts by protecting farmland from carbon-intensive sprawl and shortening the distance that food is transported.⁷⁷ Especially in the case of produce, sourcing locally can reduce the overall carbon footprint significantly (by as much as 20 percent for broccoli and 25 percent for tomatoes). The transportation-related GHG reductions from sourcing meat locally are more limited, accounting for a reduction of only 1 to 3 percent.⁷⁸ The benefits are greatest when local food replaces air-freighted produce, fish and other refrigerated foods.

“For most foods, transportation emissions make up only a small fraction of the carbon footprint of food. For the average US diet, only 4% of farm-to-retail GHG emissions are associated with transport of food from the final producer through wholesale and retail channels. By contrast, 83% of emissions are associated with growing and manufacturing food.”

— West Coast Climate and Waste Management Forum, [Climate-Friendly Purchasing Toolkit](#)⁷⁸

viii When considering carbon sequestration in soils, several studies have found that some U.S. pasture-based and cattle grazing systems produce a smaller carbon footprint than industrial confinement systems. For more information on the environmental and health benefits of well-managed grass-fed livestock, see: [Less and Better Meat is Key to a Healthier Planet](#).



PART II:

A step-by-step guide to climate-friendly food procurement

Part II of the guide lays out strategies for implementing climate-friendly and healthy food procurement practices including step-by-step guidance, examples of food purchasing initiatives undertaken by municipalities across the country and other helpful resources.

Step-by-step guide to climate-friendly food procurement

Phase I: Pass a climate-friendly food procurement policy and/or standards

Step 1: Establish a working group

Step 2: Enact a climate-friendly food procurement policy

Step 3: Develop climate-friendly food standards

Phase II: Implement the policy and/or standards

Step 4: Develop a plan for communications and staff training

Step 5: Update bid solicitation and contract language

Step 6: Track and report progress

Phase I: Pass a climate-friendly food procurement policy and/or standards

Most municipalities have been slow to adopt nutrition or sustainability guidelines for their food service operations and concessions. A 2016 U.S. Centers for Disease Control and Prevention (CDC) study found that fewer than 5 percent of municipalities have established healthy food service guidelines or food and nutrition standards that govern the sale or provision of foods and beverages in food venues such as cafeterias and leased buildings.⁷⁹ Even fewer municipalities have adopted broader sustainable food procurement policies. There is a compelling opportunity for municipalities to fill this gap by adopting purchasing policies that will realize the complementary benefits of climate-friendly and health-promoting food presented in Part I of this guide.

Step 1: Establish a working group

Forming an internal food procurement working group is a critical first step to developing policies, plans and procedures that shift a jurisdiction's

procurement practices. Relationships are key to this effort, whether across agencies or jurisdictions, or among food service providers, municipal staff and constituents.

A) Build a team across agencies and engage experts

Start by identifying the key decision-makers, including elected officials, advocates and community stakeholders, agency staff from the departments of health, sustainability/environment and procurement, as well as members of the local food policy council, if one exists.⁸⁰ If possible, a nutritionist with expertise in environmental nutrition should be on the team. It can also help to create an independent advisory group that can provide expert guidance to the working group and build consensus and political support. For example, **San Diego County, CA** created an Expert External Advisory Council of nutritionists, environmental experts, procurement specialists and public health professionals to help craft its Eat Well Practices ([see page 31-32](#)) that provide food guidance to the county's dining services and agency meetings and events.⁸¹

While it may be more effective to involve several departments in order to take a comprehensive approach, individual departments may decide to move forward with a climate-friendly food purchasing policy or initiative on their own.

B) Research current policies and areas of municipal authority over food

Researching your local government's current food procurement policies and where food is served by municipalities or on government property will guide next steps. Here are some questions to consider:

- ✓ Does the city or county have in place any healthy, local or sustainable food procurement policies or standards? What about nearby cities or counties?
- ✓ Does the municipality have a climate action plan, green purchasing, food or wellness policies? Is food procurement mentioned?
- ✓ If so, how broadly is the existing policy applied within your jurisdiction? Which local government offices, agencies, concessions or other food venues are covered? Are health and sustainability standards in place for food served during meetings and events on municipal property?
- ✓ Which buildings and other public sites have food service operations that are under the city's or county's control ([see Table 1](#))? Which of these is most ripe for making menu modifications?

Cities and counties vary in the scope of their ability to influence food purchases. City governments often do not purchase as much food as counties but can lead by example and influence their diners' food purchases by modifying the menu offerings of concessions, cafeterias, caterers and other food companies doing business on city property. Cities also can collaborate with local school systems, universities, community colleges, surrounding counties, local restaurants and other businesses to promote dietary changes and climate-friendly food procurement.

TIP: Use lessons learned from other jurisdictions

Consider reaching out to jurisdictions that have already adopted a food procurement policy and/or standards. They may be able to share research and provide lessons learned from their experiences.

Table 1: Areas of municipal authority over food

Municipality-controlled spending:

- Public hospitals, senior centers, nursing homes and health clinics
- Jails, juvenile homes and other correctional facilities
- Caterers that service municipal events
- Staff meetings

Municipality-controlled food venues:

- Cafeterias, concessions, restaurants and vending machines in municipal office buildings
- Airports and convention centers
- Parks, sports stadiums and recreational facilities
- Museums, zoos and aquariums
- Sponsored events
- Food trucks

Spheres of municipal influence:

- Pre-K-12 public schools
- Community colleges
- Restaurants and food businesses (e.g., members of a green or sustainable business program)

C) Solicit input from employees and customers

Depending on the scope and nature of the procurement policy or initiative that a municipality pursues, municipal employees and members of the public who dine at municipal establishments can be important stakeholders in this process. Ensuring employee and public buy-in and involvement from the beginning can help support efforts to pass a strong procurement policy and successfully implement it. Consider inviting employees and other stakeholders who would be impacted by the procurement policy to the working group and develop a plan to gather input, perhaps by hosting listening sessions, sending out employee surveys or holding hearings where members of the public have the opportunity to weigh in on procurement policies and/or purchasing standards.

Step 2: Enact a climate-friendly food procurement policy

Once there is a strong working group in place, the next step is to enact a policy that establishes a community's broad commitment to purchasing

climate-friendly and healthy food. This policy should, whenever possible, mandate the creation of specific climate-friendly and healthy food standards (see Step 3 on [page 29](#)) as well as enforceable, trackable targets for emissions reductions from food. Food procurement policies should provide guidance as to which municipal entities are covered — such as public hospitals or senior programs, food venues on properties owned or leased by the municipality or caterers that serve government events and staff meetings. It may be prudent to begin with a pilot project or a policy that initially applies only to a few entities that are more willing or able to comply, such as concession stands. A successful pilot project or a phase-in can set the stage for the adoption of a municipality-wide policy. Food purchasing policies — and corresponding standards — provide the basis for food specifications that can be incorporated into bid solicitation documents (see Step 5 on [page 34](#)) for upcoming food commodity contracts and food service agreements.

Depending on the jurisdiction, food procurement policies can be implemented through a number of avenues, including through a standalone climate-friendly food procurement policy or as part of a green procurement policy, a climate action plan or a food or wellness policy. Similarly, food procurement policies can be enacted through a range of policy mechanisms including an ordinance, an executive order, a non-binding resolution, an agency regulation or informal agency guidance. Food procurement policies may include specific purchasing standards, as is the case with the Good Food Purchasing Policy described below, but oftentimes standards are created separately. The remainder of this section will lay out a menu of vehicles and mechanisms, stocked with examples from across the country, for enacting a climate-friendly and healthy food procurement policy.

A. Vehicles for enactment

1) Standalone food procurement policies

Most of the existing municipal food procurement policies are focused on health. At least 15 of the largest 40 cities surveyed by CityHealth, an initiative tracking municipal public health efforts, have created standalone healthy food procurement policies.⁸² Thirteen mandate nutrition standards, eight of which apply the standards to all city contracts. Most do not encompass all food service activities of the municipality and instead focus on promoting healthy foods and beverages in vending machines, which is

Model climate-friendly food purchasing policy

See [Appendix A](#) for a model climate-friendly food purchasing policy. The policy includes ordinance or executive order language, corresponding definitions, food standards and contract language pertaining to tracking and reporting. The model policy includes a justification for climate-friendly food purchasing and describes the process for implementation. It specifies which municipal entities are subject to the policy, designates an overseeing agency, establishes timeframes for the creation of food standards and requires systems for implementation as well as for tracking and reporting on progress.

a more limited aspect of food service. These policies and nutrition standards provide a template for incorporating considerations like climate protection into food procurement policies.

The Good Food Purchasing Program, discussed below, is one of the most comprehensive standalone food procurement policies, addressing environmental sustainability, animal welfare, health, worker justice and local economies. Other jurisdictions have adopted standalone procurement policies aimed to increase purchases of sustainable, local and/or organic food. See [page 22](#) for additional examples of food procurement policies enacted as part of cities' or counties' climate action plans.

a. The Good Food Purchasing Program



Adopted by the cities of **Los Angeles, CA** and **Chicago, IL** as well as the public school systems in **Los Angeles, CA**, **Oakland, CA**, **San Francisco, CA** and **Chicago, IL**, the [Good Food Purchasing Program \(GFPP\)](#) is one of the most comprehensive sustainable food procurement policy models available.⁸³ The Program includes both a policy framework as well as specific Good Food Purchasing Standards that promote local, healthy, sustainable, fair and humanely produced foods and point to third-party certifications to define these values. After consultation with dozens of stakeholders, these standards were updated in 2017.

The new standards include three levels of attainment (similar to the U.S. Green Building Council’s LEED standards) for five “value categories:” Local Economies, Environmental Sustainability, Valued Workforce, Animal Welfare and Nutrition.

The GFPP’s animal welfare and environmental sustainability standards encourage the reduction in purchases of animal products. For example, reducing the carbon and water footprint of animal products by 20 percent over five years is one option for meeting the minimum environmental standard. To meet the highest standard, 25 percent of annual spending on food should come from a defined list of “environmentally sustainable sources” within five years, or as an alternative, the average carbon and water footprint of meat, poultry and cheese purchases per meal served must be reduced by 30 percent.⁸⁴ See [Appendix F1](#) for the full standards related to environmental sustainability.

The GFPP was initially developed and adopted in **Los Angeles, CA**. In 2012, Los Angeles Mayor Antonio Villaraigosa issued an [executive directive](#) directing city agencies with annual food purchases above \$10,000 to adopt GFPP and implement the City’s Good Food Purchasing Guidelines.⁸⁵ The Los Angeles Unified School District adopted the policy that same year.

“By leveraging its purchasing power, the City has the opportunity not only to enact our Good Food for All Agenda, which promotes Good Food (food that is healthy, affordable, fair and sustainable), but we also have the ability to incentivize and encourage our regional food system as a whole to make Good Food more widely available to all Angelenos. Directing our food purchases can encourage greater production of sustainably produced food, healthy eating habits, respect for worker’s rights, and support for the local business economy by providing new opportunities for small and mid-sized farmers and job creation along the food supply chain.”

—Los Angeles executive directive establishing the Good Food Purchasing Policy⁸⁶

The Los Angeles Food Policy Council developed the GFPP and ensured buy-in for its adoption in several ways. It sought departmental support for the policy by briefing executive staff in City departments about the policy to respond to any concerns. It also engaged departmental staff who would be directly involved in the implementation of the program to better understand what they were

Good Food Purchasing Program’s Good Food Values

Improving equity, affordability, accessibility, and consumption of high quality, culturally relevant Good Food in all communities is central to advancing Good Food purchasing practices.

Local Economies: Support diverse, family and cooperatively owned, small and mid-sized agricultural and food processing operations within the local area or region.

Environmental Sustainability: Source from producers that employ sustainable production systems to reduce or eliminate synthetic pesticides and fertilizers; avoid the use of hormones, routine antibiotics and genetic engineering; conserve and regenerate soil and water; protect and enhance wildlife habitats and biodiversity; and reduce on-farm energy and water consumption, food waste and greenhouse gas emissions. Reduce menu items that have high carbon and water footprints, using strategies such as plant-forward menus that feature smaller portions of animal proteins in a supporting role.

Valued Workforce: Source from producers and vendors that provide safe and healthy working conditions and fair compensation for all food chain workers and producers from production to consumption.

Animal Welfare: Source from producers that provide healthy and humane conditions for farm animals.

Nutrition: Promote health and well-being by offering generous portions of vegetables, fruit, whole grains, and minimally processed foods, while reducing salt, added sugars, saturated fats, and red meat consumption and eliminating artificial additives.

already doing around food procurement and discuss how their department would be affected and could benefit through participation. The Council also held numerous stakeholder focus groups to ensure that there would be no industry pushback (for example, from distributors) to the City adopting the policy. This due diligence cleared the way for the executive directive and city council motion that were both adopted in October 2012.

“The Good Food Purchasing Policy sets a gold standard framework for what ‘Good Food’ is and provides guidelines for large food purchasers such as hospitals, universities and government programs to work with food industry partners to source food that is healthy, affordable, fair and sustainable...[It has] been instrumental in driving ‘Good Food’ goals in Los Angeles County.”

— Michelle Wood, Program Manager, Food Procurement & Policy, Department of Public Health, Los Angeles County, CA

Building on the success in Los Angeles, the [Center for Good Food Purchasing](#) was established in 2015 as a national non-profit organization that provides fee-based technical assistance and implementation support to public institutions across the country — including cities, counties and school districts — that are interested in adopting the GFPP. At the time of publication, there are active initiatives to adopt the GFPP in a dozen cities across the country, with about 25 institutions being supported by the Center for Good Food Purchasing.⁸⁷ Examples include: **Austin, TX** (Austin Independent School District, University of Texas at Austin, Austin Convention Center); **Minneapolis/St. Paul, MN** (Minneapolis Public Schools); **San Francisco, CA** (Zuckerberg San Francisco General Hospital, Laguna Honda Hospital); and **Washington, DC** (DC Public Schools).

b. Sample sustainable food procurement policies

These cities and counties have enacted food procurement policies that address various aspects of sustainability and could be amended to include climate-friendly food.

San Francisco, CA

In 2009, then-Mayor Gavin Newsom issued [an executive directive](#) declaring the cities and counties “commitment to increasing the amount of healthy and sustainable food” and “ensuring city funds are spent in a manner consistent with [San Francisco’s] social, environmental and economic values.”⁸⁸ The directive included a set of principles related to healthy and sustainable food that should guide city purchasing practices, established a Food Policy Council to monitor and advance the directive and established specific requirements and deadlines for City departments to implement the policy. See [Appendix F2](#) for the full text of the executive directive.

Woodbury County, IA

In 2005, Woodbury County passed a resolution enacting the [Woodbury County Policy for Rural Economic Revitalization](#).⁸⁹ This policy states that the County “shall purchase, by or through its food service contractor, locally produced organic food when a department of Woodbury County serves food in the usual course of business,” which includes its jail, work release center and juvenile detention facilities. The policy specifies guidelines for negotiating prices with the contractor and procedures for monitoring and reporting on the effects of the program.

Cleveland, OH

In 2010, the Cleveland Mayor and City Council enacted a [local ordinance](#) requiring that 10 percent of food must be obtained from within 150 miles.⁹⁰ The ordinance also provides a 2 percent bid discount on buying from local providers and/or providers that purchase 20 percent of their food locally.

Austin, TX

In 2013, the Austin City Council adopted [a resolution](#) directing the City Manager to develop a local and healthy food purchasing policy for City spending and a healthy vending machine policy for City facilities.⁹¹

Sweden produces a visionary policy: Eat S.M.A.R.T

The City of Malmö, Sweden has a [visionary sustainable food procurement policy](#).⁹² The City has been a leader on food issues for years, including by advancing fair trade and other sustainability goals. The city's policy "aims to deliver good food of high quality in all public canteens and has targets for all food served in the city to be certified organic by 2020, with greenhouse gas emissions (GHG) related to food cut by 40 percent by 2020, compared to 2002 levels."⁹³ At the end of 2012, 40 percent of the food budget (about nine million Euros) was spent on organic food.⁹⁴ Malmö has taken impressive steps including the adoption of Eat S.M.A.R.T. standards stating, "To ensure that the procurement of food is better for our health, the economy, and the environment, the S.M.A.R.T. model should be followed as much as possible."⁹⁵

Eat S.M.A.R.T. standards are a model developed by the Institute for Public Health in the Stockholm Region with input from the National Board for Consumer Policies and the National Food Administration. Eat S.M.A.R.T. is based off of Sweden's nutrition recommendations and its environmental goals. S.M.A.R.T. stands for:

- ▶ **S** Smaller amount of meat
- ▶ **M** Minimise intake of junk food/empty calories
- ▶ **A** An increase in organic
- ▶ **R** Right sort of meat and vegetables
- ▶ **T** Transport efficient

For additional guidance on developing a sustainable procurement policy, see [The Buck Starts Here: A Sustainable Procurement Playbook for Cities](#), which the Responsible Purchasing Network developed for the Urban Sustainability Directors Network. Johns Hopkins Center for a Livable Future and the Center for Health Law & Policy Innovation at Harvard Law School partnered to create the [Good Laws Good Food Toolkit](#), which includes a new section on institutional food procurement policies. Finally, the Real Food Challenge, a campaign that seeks to shift

food procurement policies at universities towards locally and community based, ecologically sound, humane and fair, has developed [a guide](#) outlining its targets in each of those categories that may prove useful.

2) Environmentally preferable or green procurement policy

Some municipalities with green purchasing policies have incorporated sustainable food purchasing policy language into these broader sustainable procurement policies. In such cases, the language is typically more limited than in a procurement policy dedicated solely to sustainable food.

San Jose, CA: The City of San Jose's [Environmentally Preferable Purchasing Policy \(EP3\)](#) directs City agencies to "Ensure that at least 30% of direct purchases of food served in City facilities is locally grown and organic."⁹⁶

"By incorporating environmental considerations into public purchasing, the City intends to reduce impacts to human health and the environment, reduce its carbon footprint... and improve the environmental quality of the region."

– City of San Jose, CA's EP3

Washington, DC: As part of its Sustainable Purchasing Program, the District of Columbia created the [Environmental Specification Guidance for Food Services](#), which states that "20% of food purchases, by cost, shall be locally sourced, reducing emissions and GHGs from food transportation." This guidance also directs municipal food service providers to ensure that "80% of the District's seafood purchases meet sustainable sourcing requirements."⁹⁷

3) Integrating food procurement into climate action plans

Many cities and counties have developed climate action plans (CAPs) that lay out concrete steps and mitigation strategies to reduce a municipality's climate impacts. Some of the most innovative CAPs are beginning to address the climate impacts resulting from the consumption of goods and

services in their jurisdiction, including food. Consumption, including food purchased directly by municipalities or sold on municipal property, represents a significant portion of a municipality’s embedded greenhouse gas emissions and is a critical piece of any comprehensive CAP.

Of dozens of municipal CAPs surveyed by the authors of this guide, eight promote actions related to municipal food procurement, and at least 17 highlight the role of dietary shifts — particularly meat and dairy reduction — in combatting climate change. Many of these CAPs encourage strategies to educate and activate the community and its businesses around climate-friendly eating, such as Meatless Monday (see [page 28](#)). A few go further by recommending action to reduce embedded emissions associated with food purchases of large institutions in their jurisdiction — particularly those that operate on public property.

It commits to developing climate action metrics in the areas of consumption, including food and agriculture from its consumption-based greenhouse gas emissions inventory. Portland has since developed specific climate-friendly meeting guidelines (see [Appendix F4](#)).



Santa Monica, CA’s [Climate Action Plan](#) commits the municipality to reducing meat and dairy purchases by 15 percent and encourages large institutions to participate.¹⁰⁰



Eugene, OR’s [Community Climate Energy and Action Plan](#) calls for implementing a “Buy climate-friendly first” food purchasing policy for public institutions, including city and county governments, schools and hospitals.¹⁰¹



“Because most emissions are emitted during production, our best opportunity to reduce our carbon footprint through food choices is by eating more fruits and vegetables and less meat and dairy.”

— Seattle, WA’s [Climate Action Plan](#)⁹⁸



Carrboro, NC’s [Community Climate Action Plan](#) includes a target of reducing community-wide emissions from animal consumption by 50 percent by 2025 and proposes increasing plant-based options at town functions, local restaurants and schools.¹⁰²

a. Climate action plans that include climate-friendly procurement strategies

Several municipalities have made commitments to climate-friendly food procurement in their climate action plans.



Multnomah County, OR and the City of **Portland, OR** adopted a joint



[Climate Action Plan](#) in 2015 that commits to increasing institutional purchases of healthy, low-carbon and minimally processed food at public meetings, at events and in government facilities as well as “leveraging the purchasing power of private institutions to source low-carbon and local foods.”⁹⁹

Climate action plans that recognize the essential role of reducing meat and dairy consumption

- [Albany, CA](#)
- [Ann Arbor, MI](#)
- [Austin, TX](#)
- [Berkeley, CA](#)
- [Carrboro, NC](#)
- [Cincinnati, OH](#)
- [Cupertino, CA](#)
- [Davis, CA](#)
- [Eugene, OR](#)
- [King County, WA](#)
- [Multnomah County, OR](#)
- [Oakland, CA](#)
- [Pittsburgh, PA](#)
- [Portland, OR](#)
- [Santa Monica, CA](#)
- [Seattle, WA](#)
- [Shoreline, WA](#)

“From a carbon perspective, not all food is created equal, and what we choose to eat is far more impactful than how far that food has traveled. That’s why Portland’s climate plan includes actions to encourage plant-based diets and create purchasing guidelines for low-carbon and minimally processed foods for public meetings and events.”

– Steve Cohen, Manager, Food Policy and Programs, Bureau of Planning and Sustainability, Portland, OR

b. Climate action plans that address local or healthy food procurement

These local and healthy food procurement policies could be expanded to address the larger climate impacts associated with food purchases:

Toronto, ON’s [Climate Action Plan](#) calls for a local food procurement policy that was subsequently enacted by the Toronto City Council.¹⁰³ The procurement policy, established “in order to reduce greenhouse gas and smog causing emissions generated by the import of food from outside of Ontario... progressively increases the percentage of food being served at City-owned facilities or purchased for City operations from local sources.”¹⁰⁴ While local food purchasing is just one small tool in combatting climate change, this plan lays the framework for reducing the larger climate impact associated with food purchasing.

King County, WA’s [Strategic Climate Action Plan](#) (SCAP) recognizes that,

Farming can result in GHG emissions associated with managing soils, using manufactured fertilizers, managing manure, operating farm equipment, transporting products, and animal digestive processes. Sustainable farming practices can minimize these emissions. Additionally, some crops, including many fruits and vegetables, result in fewer GHG emissions compared to other foods.¹⁰⁵

The SCAP reinforces recommendations by the County’s Food Policy Council to “increase the number of healthy food procurement policies in

King County institutions (schools, child care and hospitals)” and in the County’s emergency food system.¹⁰⁶

Alameda County, CA’s [Climate Action Plan](#) calls for “serving locally produced, healthy foods that are not heavily processed” at county meetings and events.¹⁰⁷

New accounting and reporting frameworks are key to addressing embedded food emissions

One challenge to incorporating consumption in municipal CAPs is a lack of adequate accounting and reporting frameworks related to embedded emissions (see [pages 12-13](#)). Fortunately, a promising new initiative, led by the Urban Sustainability Directors Network’s (USDN) [Sustainable Consumption in Cities](#) initiative and managed by **Portland, OR’s** Bureau of Planning and Sustainability, is seeking to develop harmonized standards and protocols for consumption-based GHG emissions accounting. This framework will help guide the creation of new tools and strategies for better integrating consumption impacts into CAPs.¹⁰⁸ While not explicitly mentioned in the initiative’s goals, climate-friendly food procurement is one important, trackable emissions reduction strategy that municipalities can immediately take to reduce their consumption based emissions.

With this USDN project, more local government leaders will have the ability to specifically address food consumption-related GHG emissions. **Austin, TX** is one such leader beginning to address embedded food emissions. The Austin-Travis County Food Policy Board has created a food and climate working group, which will augment Austin’s [Community Climate Plan](#) to show how the food system contributes to global GHG emissions. The working group will calculate Austin’s carbon footprint from its food consumption using a consumption-based model.¹⁰⁹

The City and County of **Denver, CO** estimated consumption-based emissions from food in their [Climate Action Plan](#). They found that “upstream emissions” from food accounted for 14% of their total emissions, about on par with residential energy use and gasoline vehicles.¹¹⁰

4) Integrating climate-friendly procurement into food and wellness policies

In addition to green purchasing policies and climate action plans, food action plans and wellness policies can serve as entry points to promote climate-friendly and healthy food procurement.

a. Food action plans

Over the past decade, food policy councils and local governments have created food policies or system-wide plans for addressing food access, health and sustainability issues.¹¹¹ Many municipalities are integrating food-related measures that reduce GHG emissions and enhance the climate resiliency of their food systems, including support for local and organic urban food production, food waste reduction and composting programs. **Atlanta, GA**, for instance, has launched [AGlanta](#), a new initiative to dramatically scale up local food production to increase resiliency and address climate issues. Some cities, such as [San Francisco, CA](#), have adopted comprehensive composting strategies to reduce food waste emissions, while others are working to increase access to healthy food.¹¹² While these strategies are important for building resiliency and, in some cases, reducing emissions, local governments can generate even larger climate benefits by reducing upstream food-based GHG emissions associated with municipal purchasing. Several local government food initiatives can serve as models of how to integrate climate friendly food procurement into municipal food action plans:

“By supporting greater production of local, sustainable, nutritious and accessible food through our AGLanta program, we are building a healthier and more prosperous city, while also mitigating our negative impact on climate and the environment. We are also promoting healthier diets with a smaller carbon footprint, such as local-grown plant-based foods, to make our citizens and communities healthier and happier.”

– Jairo H. Garcia, Director, Climate Policies, Atlanta, GA

“The City invests over three million dollars in food-related contracts each year. We can use those dollars to support food that is healthy, local, and sustainably produced, ensuring that our purchasing and contracting dollars support food production that preserves our health and our environment.”

– Seattle, WA’s [Food Action Plan](#)

King County, WA’s [Local Food Initiative 2016 Annual Report](#) highlights food procurement policies as a key vehicle for influencing its food system and promotes the consumption of healthy, low-carbon foods through “nutrition standards, *procurement practices* [emphasis added], and behavioral economic strategies to increase the consumption of fruits and vegetables.”¹¹³

Seattle, WA’s [Food Action Plan](#) emphasizes food procurement as a strategy, calling on the City to use its purchasing and contracting power to support healthy, local and sustainably produced food.¹¹⁴

Multnomah County, OR’s [Food Action Plan](#) encourages less meat consumption and supports third-party certified food by calling on residents to “Minimize your climate impacts by reducing the upstream food-based emissions by purchasing local food to reduce transportation miles and reducing meat consumption, which is more carbon intensive to produce than vegetables.” It also urges purchases of “third-party certified food such as USDA organic, Food Alliance, Salmon Safe, and Certified Humane.”

b. Wellness policies

Wellness policies represent another vehicle for promoting consumption of healthy, climate-friendly food within municipal facilities and on municipal property.

Brentwood, CA has a [wellness policy](#) to ensure that City staff and residents have healthy choices that meet specific nutritional standards for items sold at public facilities.¹¹⁵

San Mateo County, CA has adopted an expansive [wellness policy](#) to “Provide access to healthy food and beverages for employees and the public during the workday and to make the ‘Healthy Choice’ the County’s preferred and default choice.”¹¹⁶ To accomplish this, the County sets nutrition standards; sponsors food and nutrition programs that increase access to healthier food at work (e.g., farmers markets, onsite produce delivery and Community Supported Agriculture); serves appropriate portion sizes; and contracts with food services operations that “purchase local and sustainable food products.”

Kansas City, MO has adopted [healthy vending standards](#) that apply to the sale of food and beverages in its parks. Park vendors that sell healthy food receive discounts on the price of a park permit or are allowed to sell at multiple parks with a single permit.¹¹⁷ While most of these wellness policies do not specifically highlight meat and dairy reduction, they do encourage more plant-based foods and smaller portion sizes of animal products, critical features in a healthy, climate-friendly diet.

c. *Comprehensive municipal plans*

Some cities have developed plans that aim to comprehensively address health, sustainability and economic prosperity, which offer another opportunity for highlighting procurement as a strategy to increase consumption of climate-friendly and healthy food.

Austin, TX’s [Imagine Austin Comprehensive Plan](#), adopted with significant community input in 2012, recommends new procurement policies and other actions to promote healthier, more sustainable food in its local institutions in order to protect

public health. The plan calls for new programs, policies and coordination to “Reduce obesity and other diet-related diseases by establishing local fresh food initiatives in institutions such as schools, colleges, universities, hospitals, nursing homes, city and county departments and facilities, and by implementing and encouraging purchasing policies that support local and sustainable foods.”¹¹⁸

“Eating less meat... can significantly impact greenhouse gas emissions. If 10% of Cincinnatians ate meat one less day per week, CO₂ emissions would be reduced by 75,000 tons per year.”

—Cincinnati, OH’s [Green Cincinnati Plan](#)¹¹⁹

B. Mechanisms for advancing climate-friendly and healthy food procurement policies

The mechanism by which a food procurement policy is enacted will vary depending on the municipality’s approach and its political and legal landscape. Ideally, food procurement policies will be legally binding, but there are a variety of non-binding mechanisms that can achieve the same goals or act as an incremental step towards institutionalizing climate-friendly procurement policies. In some cases, no official policy is needed to integrate climate-friendly language into procurement bidding documents or food service contracts so long as procurement strategies have been generally identified in the context of a green purchasing policy, climate action plan or food or wellness plan.

Improving Food Procurement Policies in King County

Large institutions like cities, schools, hospitals and large employers can have significant impact on the food system with how they purchase food. The scale of their procurements creates or stifles opportunities for the local food economy. Procurement decisions also determine what food is available within that institution. Shifting food procurement policies can greatly increase access to healthy food as well as support the local food economy.



Source: [King County Local Food Initiative, 2016 Annual Report](#)

Cities can promote climate-friendly menus in the private sector through green business programs

Beyond influencing food offerings on municipal property, local governments can also help reduce consumption-related GHG emissions by encouraging more climate-friendly food items to be offered by local restaurants, catering companies and private hospitals, schools and colleges in the community. A local green business program, for example, can encourage the adoption of municipal food standards or the purchase of climate-friendly food as one of its certification criteria. It can also give visibility to restaurants that offer more plant-based entrées and third-party certified meat choices or that are certified by programs like [Zero Foodprint](#) or [Eat REAL](#).^x

1) Local ordinances and executive orders

If a municipality is enacting a new standalone food procurement policy, it likely will need to pass the policy via a local ordinance or an executive order. Oftentimes, an executive order and a local ordinance represent alternative paths to the same goal. Generally, ordinances have the advantage of more permanently codifying a policy, but they can be difficult to pass and harder to update with necessary changes. Executive orders or directives can often be accomplished more easily and quickly but run the risk of being reversed when a new administration takes office. These strategies can be used in tandem whereby a mayor or county executive will issue a directive requiring the council to pass legislation, giving the council authority to define the scope and nature of the policy. This way there is buy-in from both the legislative and executive branch. Similarly, an executive order or local ordinance can set out the broader policy objectives and designate authority to an appropriate municipal department or agency, such as a health department or food policy task force, to determine the specifics of the policy and the process for implementation.

2) Integrating procurement in existing policy

As discussed above, a climate-friendly food procurement policy can also be incorporated into a broader green purchasing policy, a climate action plan or a food and wellness policy. In these instances, a municipality may need to amend the existing policy via regulations or a guidance document created by the agency or office administering the program. Alternatively, the existing policy may need to be amended through an ordinance or executive order. A municipality's legal department may be a good resource for determining the options for including sustainable food procurement in a pre-existing related policy.

3) Non-binding resolutions

Mayors and municipal leaders can also utilize non-binding resolutions, proclamations, pledges and pacts to establish their government's commitment to purchasing healthy, climate-friendly food. These approaches can be a key first step on the path to more impactful action. Issuing a proclamation or signing a pact shows leadership and can inspire important changes in municipal purchasing and access to plant-based foods. It also raises awareness among residents and brings media attention to the underreported role of food's — particularly animal products' — impact on health and climate change.¹²⁰

For example, the [Milan Urban Food Policy Pact](#), signed by cities across the globe, encourages meat reduction for health reasons and calls for using public procurement to link cities to healthy food and support sustainable food production. Numerous U.S. cities — **Austin, TX, Baltimore, MD, Chicago, IL, Miami, FL, New York, NY, Pittsburgh, PA, San Francisco, CA** and **West Sacramento, CA** — are among the 148 signatories worldwide.



^x The Eat REAL standards are a point-based system, similar to the LEED green building certification, that address health and sustainability for food service businesses. Zero Foodprint assesses carbon impacts of restaurants and certifies restaurants that mitigate their emissions and offset their foodprints with investments in food-based carbon projects.

MEATLESS MONDAY

Municipalities embrace Meatless Monday through proclamations, resolutions and pledges

In recognition of the health and environmental benefits of reducing meat consumption, more than a dozen municipalities have passed resolutions in support of “Meatless Monday,” and hundreds of K-12 school districts, hospitals, food banks, workplaces and restaurants have committed to going meatless or offering more plant-based options one day a week since the program launched in 2003.¹²¹ For example, in 2013, the City of **Philadelphia, PA** passed a resolution that declared all Mondays as Meatless Mondays and urged residents to participate in recognition of “the benefits of a diet high in fruits and vegetables.”¹²² This proclamation set the stage for health and sustainability leaders inside and outside of local government to urge the city to follow its own advice when it comes to its food purchasing and consumption. The following year, Philadelphia Public Schools implemented Meatless Monday, impacting more than 85,000 meals served to students each week.¹²³ Meatless Monday has been implemented in school systems across the country, from **Los Angeles, CA** to **Baltimore, MD** to **Sarasota, FL**.¹²⁴ In October 2017, **New York City, NY** the largest public school system in the country, announced the launch of a Meatless Monday pilot in 15 Brooklyn schools.¹²⁵

These cities have promoted Meatless Monday through public education and outreach, including by highlighting restaurants and events promoting plant-based food, hosting pledge drives where citizens can commit to going meatless on Monday, generating media coverage about the health and climate benefits of reducing meat consumption and supporting policies that encourage Meatless Monday:

- [Berkeley, CA](#)
- [Boca Raton, FL](#)
- [Long Beach, CA](#)
- [Los Angeles, CA](#)
- [Minneapolis, MN](#)
- [Oakland, CA](#)
- [Philadelphia, PA](#)
- [Pittsburgh, PA](#)
- [Sacramento, CA](#)
- [Santa Cruz, CA](#)
- [San Francisco, CA](#)
- [San Jose, CA](#)
- [South Miami, FL](#)
- [Takoma Park, MD](#)
- [Tempe, AZ](#)
- [Washington, DC](#)
- [Wilmington, DE](#)

The Meatless Monday campaign demonstrates the power of institutions to shift diets and highlights the potential for municipalities to make an even greater difference by systematically replacing meat with plant-based alternatives at public institutions and on municipal property. Meatless Monday, as a platform to educate the public about the importance of eating plant-based foods, can generate support for broader institutional commitments to serve more plant-based foods, reduce meat portions and serve blended options on a regular basis.



STEP 3: Develop climate-friendly food standards

Unlike food procurement policies — which typically establish a broad framework for purchasing healthy and environmentally preferable food — food procurement *standards or guidelines* provide more detail about how to interpret and implement the policy. Food standards typically establish specific guidance about what can and cannot be served in a range of food environments within the municipality’s purview. See Table 1 ([page 18](#)) for a list of these potential areas of municipal control over food service.

In practice, developing standards may happen in concert with developing a food procurement policy, but this guide will treat the creation of standards separately, outlining multiple paths for establishing these food standards. They can come hand-in-hand with a food procurement policy (as is the case with the Good Food Purchasing Program on page 19), flow out of a food procurement policy or be created at the direction of a health or environmental department leader, even without a formal policy. Standards can also be promoted through broader policies that encompass green procurement more generally (e.g., LED lighting or energy-efficient cars), or included with broader healthy food policies, such as healthy food zones, urban gardens or other local food initiatives. Even without a specific policy, it is possible to integrate climate-friendly food standards into bid solicitation documents for food service and concession contracts or to guide purchases of food served at public meetings and events.

Model climate-friendly food standards

Since there are few existing comprehensive climate-friendly food standards, we have created model standards ([see Appendix A](#)) designed to encourage consumption of more plant-based foods and less meat wherever food is served in local public institutions (e.g., hospitals, senior care facilities, etc.) and on government property (e.g., meetings, festivals, concession stands, etc.). The model offers slightly revised standards for approved caterers or concessions on government property since these entities may have more flexibility than large public institutions to carry more climate-friendly food products.

Federal government purchasing guidelines provide a model for municipalities

The U.S. Centers for Disease Control and Prevention (CDC) recommends that government agencies improve public health and reduce environmental impacts by establishing healthy and sustainable guidelines for foods and beverages offered for sale in government buildings and on public property.¹²⁶ In 2012, the CDC helped craft the first [Health and Sustainability Guidelines for Federal Concessions and Vending Operations](#).¹²⁷ In addition to promoting local agriculture, animal welfare and organic farming, these guidelines reinforced health advice from the *2010 Dietary Guidelines for Americans (DGAs)*.¹²⁸ The [Food Service Guidelines for Federal Facilities](#) were updated in 2017 to reflect the new 2015-2020 DGAs.¹²⁹ These new guidelines are designed to ensure that healthier foods and beverages are available and encouraged at federal facilities, that “environmentally responsible practices are conducted in federal food service venues,” and that “communities are economically supported through local food sourcing.”¹³⁰



A. Healthy food and nutrition standards

Healthy food and nutrition standards are aimed at increasing the availability of healthful food in institutions that sell or serve food to employees, the general public or other populations served by municipalities. According to a survey conducted by the Institute of Medicine and Centers for Disease Control and Prevention, 13 percent of mid- and large-size cities have nutrition standards in place, many of which reflect some of the recommendations of the U.S. *Dietary Guidelines for Americans* (see [page 13](#)).¹³¹ Most of these jurisdictions' nutrition standards are focused on food served to employees or the general public on municipal property and do not apply to food served to institutionalized populations, such as people in municipal-run correctional facilities or nursing homes. These healthy food standards provide a template for the creation of climate-friendly food standards—either as standalone standards—or included as a component of existing nutrition standards.

According to research conducted by the non-profit [CityHealth](#), eight of the forty major cities or counties it surveyed have created healthy food standards.

- [Boston, MA](#)
- [Long Beach, CA](#)
- [Los Angeles, CA](#)
- [New York, NY](#)
- [Philadelphia, PA](#)
- [San Francisco, CA](#)
- [Santa Clara County, CA](#)
- [Washington, DC](#)

For these cities and others for which healthy food standards are already in place, they can be revised to include more plant-based proteins and less meat, simultaneously addressing a municipality's health and climate concerns. For example, updating the **New York City, NY** food standards could produce huge gains for health and the environment.

In 2008, the Mayor of New York issued an [executive order](#) requiring all city agencies to follow the [New York City Food Standards](#).^{132,133} These standards, which apply to all foods purchased, prepared and/or served by the agency and agency contractors, affect nearly 250 million meals and snacks served every year at day care centers, correctional facilities, senior centers and other City institutions and properties. While the standards focus primarily on nutritional concerns such as limiting sodium and fat and serving more fruits and vegetables, they also include a

commitment to environmental sustainability, creating an opening and rationale for incorporating climate considerations in alignment with these goals.

“New York City also recognizes the importance of promoting an economically and environmentally sustainable food system that supports local and regional economies and conserves natural resources, in alignment with long term public health goals. Agencies are encouraged to consider, when practical and cost effective, procurement practices that prioritize local and regional food producers and manufacturers, and support reductions to the overall environmental impact of the food system.”

—New York City, [NY Food Standards](#)¹³⁴

B. Climate-friendly food standards

Healthy food standards overlap with climate-friendly food standards in that reducing meat and dairy is conducive to both a healthy diet and a healthy planet. **Santa Clara County, CA** and **Philadelphia, PA**, as part of their healthy food standards, include specific recommendations on expanding plant-based and plant-forward food options, serving non-dairy milk and serving smaller portions. **San Diego County, CA** adopted comprehensive health and sustainable food guidance that includes climate-friendly food recommendations.

Santa Clara County, CA (San Jose) adopted [nutrition standards](#) that apply to meals served in their institutional food service operations. These standards require:

- A vegetarian option for all meals provided, and a vegan option whenever possible;
- Healthier foods to be placed prominently;
- Plant-based milk (e.g., soy, rice and almond) with less than 130 calories per 8-ounce serving
- Smaller portion sizes; and
- Healthier food options that incorporate more fruits, vegetables, whole grains, low-fat and

low-calorie foods (low-fat dairy, lean protein and lower-fat condiments).¹³⁵

Philadelphia, PA adopted [nutrition standards](#) that require luncheon/deli meats to be served no more than two times per week and at least one vegetarian or bean-based entrée to be served for lunch and dinner per week.¹³⁶

San Diego County, CA's Board of Supervisors adopted the [Eat Well Practices](#) in 2016.¹³⁷ The standards are aimed at:

- Building better health by offering more healthy options, including fruits, vegetables, and whole grains among the County's congregant and custodial populations, employees, and the public;
- Supporting a thriving economy by capitalizing on the wealth of agricultural resources in San Diego County, as well as California, and increasing opportunities for local farms, ranches, and fishermen; and
- Fostering a resilient environment by promoting sustainable foods and practices.

The Eat Well Practices support meat reduction and other sustainability goals with the following standards:

- Prioritize organic and sustainable products
- Prioritize plant-based foods, including protein and dairy alternatives; offer plant-based foods and dishes and vegetarian meals.
- Consider offering protein foods from plants such as legumes (beans and peas), and nuts, seeds, and soy products.
- Consider offering a vegetarian entrée option when more than one entrée option is provided.
- Consider offering alternatives to red meat and avoid processed meats (e.g., hot dogs, bacon, sausage, deli meats); if offered, serve infrequently and in small portions.
- Consider purchasing meats and poultry raised without the routine use of antibiotics and/or growth hormones.

These aspirational food standards, backed by a strong implementation plan (see Phase II below), can positively impact the seven million meals served by San Diego (the nation's seventh largest county) each year. See [Appendix F3](#) for more of the Eat Well Practices that relate to sustainability.

C. Food guidelines for caterers, government meetings and events

Several municipalities have adopted policies, developed guidelines and resources and negotiated contracts to improve the health and sustainability of food and beverages that are offered at city meetings and catered events. For example:

- **Portland, OR** has created Healthy People, Healthy Planet food purchasing guidelines that encourage city employees "to make healthy and sustainable choices for City-sponsored meetings, trainings, and events when using public dollars," with an aim to "reduce the negative environmental and climate impacts of catering by addressing food type and sustainability principles."¹³⁸ The guidelines specifically urge purchasers to emphasize vegetarian and vegan options and to minimize or eliminate meat and dairy offerings. See [Appendix F4](#) for the full guidelines.
- **Philadelphia, PA's** [Good Food Caterer Guide](#) highlights vegetarian and vegan as part of its sustainability criteria for caterers: "The business is proactively working in at least three of the five sustainability areas: animal welfare (including being vegan or vegetarian), organic ingredients, fair trade, local sourcing, and other green activities."¹³⁹
- **Lakewood, CO** has created a [Healthy and Sustainable Food Providers Request for Qualifications \(RFQ\)](#) to identify caterers for city meetings and events.¹⁴⁰ The RFQ includes a requirement for caterers to provide vegetarian options and have half-portion menu items available. It also includes preferences for caterers that provide entirely plant-based or organic menu options.
- **Boulder County, CO** established a policy for [Zero Waste and Healthy Menu Meetings and Events](#) and provides [tips](#) for healthy meetings and events that include:
 - Select healthy proteins and at least one plant-based vegetarian option;
 - Serve small portions; and
 - Offer a variety of fresh vegetables.^{141, 142}

Phase II: Implement the policy and/or standards

Once a municipality has created its climate-friendly food procurement policy and/or standards (or is ready to include standards into its bid solicitation documents contracts without a policy), it is time to do the nitty-gritty work of implementation. Implementation will vary by jurisdiction but generally will include developing a plan for communication, training and sharing tools; updating bid solicitation and contract language; and tracking and reporting progress.

Since a municipality's climate-friendly food procurement policy may impact a wide array of purchasing activities and involve several departments, creating an implementation plan is a useful way to engage staff and ensure that the program is rolled out smoothly. The plan should establish short-term goals and milestones, identify upcoming high-impact opportunities and set priorities.

Sample implementation plans

San Diego County, CA developed a comprehensive [Live Well San Diego Food System Initiative Implementation Plan](#) to support its Eat Well Practices (see [Appendix F2](#)) including short-, mid- and long-term goals with specific deadlines for each goal. Key elements include:

- Expanding the internal county committee of food service providers to include broader representation;
- Developing metrics tied to the goals of improving health, supporting a thriving economy and fostering a resilient environment;
- Establishing a baseline of food service operations in congregate/custodial meal programs and cafeterias/cafes with the assistance of all county groups;
- Developing marketing/educational materials and implementing a communication plan;
- Developing a framework for integrating Eat Well Practices language into food-related Request for Proposals (RFPs) and contracts, including contracts for County custodial/congregate meals, group homes/home-delivered meals and cafeterias/cafés;

- Periodically surveying county food service operations; and
- Developing a tracking system to measure food practices.¹⁴³

Santa Clara County, CA created an implementation plan soon after adopting nutritional standards for its food service operations. While focused specifically on nutrition, the general implementation plan could be applied to climate-friendly food standards. The plan includes:

- Communications to department directors announcing standards, implementation timelines and departmental roles;
- Trainings provided to facility managers on how to implement nutrition standards;
- A social marketing campaign designed to educate employees, participants and the public on nutrition standards;
- Procurement procedures updated to ensure that solicitations for food and beverage contracts/vendors comply with standards; and
- A requirement that one year after implementation, the Nutrition Standards Committee will reconvene and assist the evaluation process, identifying any changes or additions needed.¹⁴⁴

STEP 4: Develop a plan for communications and staff training

The rationale, benefits and implications of a new policy or standards should be communicated to all relevant internal staff and, where appropriate, external stakeholders. Keep in mind that the staff charged with implementation may not have been given an opportunity to understand the rationale or have the time or training to ensure that products or food service contractors are in compliance with the policy and/or standards. Providing culinary trainings, menu design templates and other educational resources for food service staff and contractors can facilitate a successful implementation. Offer easy-to-use, accessible tools such as lists of approved vendors, links to certified product sources, sample recipes and resources for designing menus that feature plant-based and lower-meat entrées. Involve chefs and dieticians in the process and ensure that culinary staff receive the training necessary to understand and implement the changes.

A. Creative menus

Encouraging creative menu options, such as blended burgers^{xii} or smaller meat portions coupled with more vegetables, can reduce total meat and dairy consumption while increasing consumption of plant-based alternatives. Offering smaller portion sizes on menus is an easy and cost-effective way to reduce meat purchases, help avoid wasted food and potentially save money. For example, Oakland Unified School District was able to offer local organic meat by reducing the total amount of meat it served.¹⁴⁵ Friends of the Earth has published a list of [blended burger sources](#) made with higher quality, third-party certified grass-fed and/or organic meats. [The Blend](#) features numerous lower-carbon blended meat recipes. A wide array of plant-forward and lower meat recipes can also be found at [The Culinary Institute for America's website](#). Delicious plant-based recipes, menu templates and strategies can be found at [Forward Food](#), and the [Humane Society of the U.S.](#) and [Menus of Change](#) provide inspiration for healthy, plant-forward menus. See [Appendix D](#) for more resources.

B. Behavioral design, marketing and educational strategies

Special marketing and educational materials featured in dining establishments can help diners make the connection between food, climate and health. Some dining halls that practice Meatless Monday enhance the educational aspects of the program with large posters in the cafeteria that can be found in the [Meatless Monday toolkit](#). The Humane Society of the U.S. also has a [Meatless Monday toolkit](#), and [Menus of Change](#) has case studies and insights on marketing healthy and sustainable food.

Through product placement, description, incentives and pricing, municipalities can encourage diners to make healthier and more sustainable choices. When climate-friendly foods are more accessible, appealing and affordable, customers are more likely to choose them. For example, using decadent-sounding descriptions for vegetable dishes and integrating plant-based offerings with other offerings into the menu rather than creating a separate section for them may increase consumers' likelihood of choosing plant-based options.^{146, 147} [USDA's Smarter Lunchrooms](#) describes how simple changes in the lunchroom can stimulate healthy eating.

xii Blended burgers blend meat with diced vegetables like mushrooms to create a delicious, healthier, more climate-friendly burger. See [Better Burgers](#) for more information.

C. Customer surveys

Customer surveys can be powerful tools that food service directors can use to determine whether changes are needed and if they are likely to succeed. For instance, a survey conducted in Rhode Island “revealed that employees wanted healthier options and that they were not purchasing many items because they were not healthy enough.”¹⁴⁸

The business case for climate-friendly and healthy food

Providing climate-friendly food will not only be good for our health and the planet but also for vendors' bottom lines. Studies consistently show that the public is looking for food service options that promote health, animal welfare and environmental sustainability.^{149, 150, 151} In particular, consumer trends and attitudes generally favor increasing availability of plant-based and plant-forward menu items. While one in ten millennials follow a vegetarian diet, it is not just vegetarians who are seeking healthier foods.¹⁵² Research suggests that 36 percent of U.S. consumers prefer milk and meat alternatives and that between 26 and 41 percent of Americans have eaten less meat over the past year.¹⁵³ A study by the Hartman Group and Changing Tastes (2015) revealed that “food culture and eating norms are changing as dramatically and rapidly as the environmental and public health imperatives that are reshaping the nature of the food service industry” and that “today's diners prefer meals that are healthier for the environment.”¹⁵⁴ Importantly, the study found that:

A large share also want to eat smaller portions or smaller amounts of meat at their meals, offering an opportunity for restaurants and food service companies to also better manage highly volatile food costs; many are also willing to pay a little more for such a meal, further enhancing business benefits.¹⁵⁵

Many food service providers are aware of these trends and ready to provide such options. One Datassentials (2015) study found that, “reducing the portion size of animal protein on menus is expected by nearly half of operators to increase the healthfulness of the entrees, and by over a third to increase the culinary innovation involved with the dishes.”¹⁵⁶ Consumers are ready for menu options that are better for human and environmental health. Public food service providers have an important role to play in meeting this demand and continuing to help drive consumers toward better choices.

Step 5: Update bid solicitation and contract language

Feedback from vendors can be used to create specifications, including mandatory and desirable criteria. It can also help inform the development of a point system which will rate bidders based on their ability to meet the jurisdiction's new food procurement policy goals or guidelines. It can also focus on incorporating the new standards into bid solicitations, such as invitations to bid (ITB), requests for proposals (RFQs) and requests for quotations and contracts. This process can take some time.

A. Decide which contracts and venues are priorities for initial and longer-term implementation

- Work with the procurement team to identify all major food commodity contracts, food service agreements, concessions contracts and approved caterer lists that cover food served by the municipality and on municipal-owned property. See Table 1 on [page 18](#) for a list of potential areas of authority for municipal food.
- Assess the dollar amounts, as well as the types and annual quantities of food commodities purchased on each contract, to identify high-impact opportunities.
- Assess contract usage, especially for larger contracts, to determine the quantities of various types of food commodities that have historically been purchased. Remember that food service agreements include labor costs, which may make it difficult to calculate the amount spent on food commodities separately. Consequently, food service contractors may need to report their purchases of animal- and plant-based products separately. Note that it may be necessary to include this reporting as a contract requirement.
- Identify and review lease agreements that affect food served on government property to see how climate-friendly specification language could be inserted into their lease agreements. When leasing property to food businesses, for instance at sports stadiums and airports, municipalities can include a requirement in the lease agreement that the vendor meet its climate-friendly and healthy food standards — including details of the kinds of food that is expected to be served. See an example from the San Francisco Airport (SFO) on [page 37](#).

- Determine which contracts will be up for renewal soon in order to identify “ripe” opportunities, and make a calendar of these dates. The best opportunity to change contracts is during the contract renewal process; however, it may be possible to make changes with vendors when optional contract extensions are negotiated. Focusing on concessions (e.g., at local parks, office buildings, airports or zoos) may be a good place to start since these entities may have more flexibility than large public institutions to modify their menus and offer more plant-forward options.
- Identify easy wins and consider running pilot purchasing tests with individual concessions. While the ultimate goal is to make climate-friendly and healthy food procurement the default for all applicable contracts, municipalities can learn through test cases. This will help identify and resolve potential problems that may occur with any new procedures before they are rolled out to all municipal departments and facilities. Developing and disseminating approved lists of vendors that can meet your municipality's climate-friendly food standards is one simple way to make progress.
- Once the high-impact or pilot contracts are identified, create a calendar of important bid solicitation dates and activities (e.g., sourcing team meetings, due dates for bid solicitations, pre-bid meetings, etc.) for the next one to three years.

B. Update bid solicitation documents to reference climate-friendly food standards

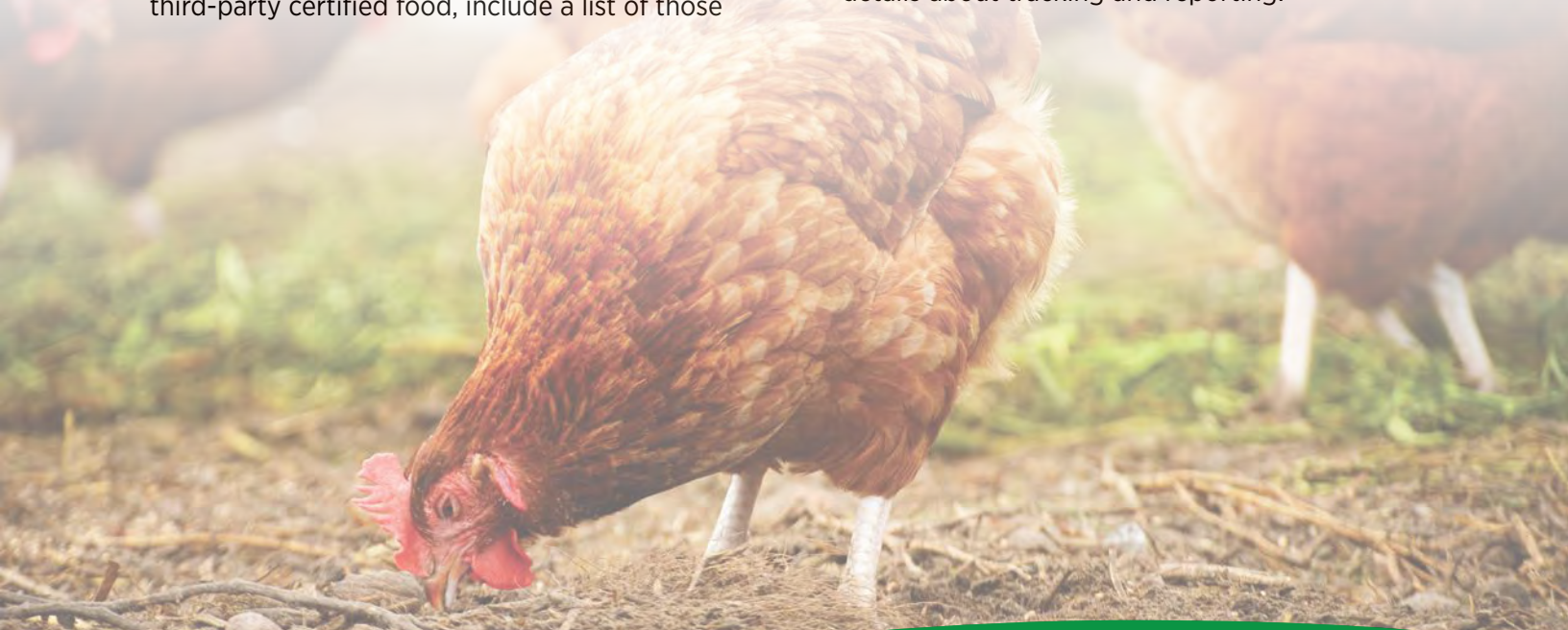
For large contracts that are used by multiple agencies, convene a sourcing team that is made up of food purchasers from different agencies to discuss how the climate-friendly food procurement policy language will function in the bid solicitation documents. Surveying sourcing team members on their needs for the contract can help get the process going and prevent pushback.

As a first step in their bid solicitation process, municipalities can issue a formal Request for Information (RFI) alerting existing suppliers and vendors, including caterers for municipal events, that the municipality wants to know more about the availability of plant-based foods and, if included in the policy, sustainably-sourced products.

Alternatively, purchasing agents can informally survey their bidders about the availability of climate-friendly food products. Feedback from vendors can be used to create specifications, including mandatory and desirable criteria. Feedback from vendors can be used to create specifications, including mandatory and desirable criteria. It can also help inform the development of a point system which will rate bidders based on their ability to meet the jurisdiction's new food procurement policy goals or guidelines. It can also be very helpful to hold a pre-bid meeting with prospective bidders to explain the climate-friendly food specifications and contract requirements, answer questions and make any necessary revisions. This will increase the likelihood of receiving multiple, competitive bids.

1. ***Creating a bid solicitation document***

- Create boilerplate language that food buyers can cut and paste into their bid solicitations — or tailor to meet their needs — so they do not need to create specifications and draft contract language from scratch each time there is a new contract opportunity.
- Reference the municipality's food procurement policy in the bid solicitation's contract goals section or requirements so that potential bidders are clearly notified about your intention to purchase climate-friendly food.
- Insert a specifications section into the bid solicitation document to clarify the definition of climate-friendly food and list specific food procurement goals. If the climate-friendly procurement policy also encourages purchases of third-party certified food, include a list of those certification programs or any other sustainable food definitions in the bid solicitation document.
- Include a section that explains how bids will be evaluated, including benefits to bidders that offer products that meet the municipality's standards. The sourcing team should ensure that the solicitation's climate-friendly purchasing criteria are considered during the bid evaluation process and that each evaluator understands how to verify whether bidders meet contract requirements and goals.
- Bid solicitation documents can also require or give preference to bidders that demonstrate that they have some experience providing — and promoting consumption of — plant-based foods and beverages (and, if included in the policy, other third-party certified food products such as organic, local, higher animal welfare and grass-fed meat and dairy) to similar jurisdictions or institutions.
- Ensure effective tracking by stating in the bid solicitation document that, if awarded a contract, contractors must report to the appropriate municipal office the types and quantities of animal products, plant-based food and/or sustainably sourced food they provided to ensure they are meeting the jurisdiction's food procurement goals. This must include, at a minimum, total pounds of animal products by category (e.g., beef, pork, chicken, etc.), as well as the number of meals or individuals served. These reports should be required at least annually but may be required quarterly. See [Appendix A](#) for sample contract language, and see Step 6 ([page 38](#)) for more details about tracking and reporting.



Bid solicitation language for food commodity contracts

If the contract is for food *commodities*, the bid solicitation document should list all plant-based food products that should be offered in the contract. This may include widely used plant proteins such as soybeans, dried beans, lentils, chickpeas, tofu, tempeh, seeds, nuts or seitan,^{xii} whole grains as well as prepared products such as pre-made blended burgers, veggie burgers, veggie burritos and almond, soy or coconut milk. High-volume items should be included in a market basket — or core list — of items for which the municipality is seeking deep discounts. Notify bidders that they will be evaluated based on their ability to provide products on the bid list (or equivalent products) and their pricing on products on the market basket list. Note that commodity contracts often are solicited with an Invitation to Bid (ITB), which uses pass-fail criteria and pricing on high-volume products to evaluate bids. Keep in mind that municipalities may also be able to obtain discounted products by buying food off of contracts negotiated by other public entities in and around the jurisdiction, including the state.

Bid solicitation language for food service agreements and concessions contracts

If the contract is for *food services or concessions*, the bid solicitation document is likely to be a Request for Proposals (RFP), which uses a point-based system to determine which contractor offers the best overall value or is best-aligned with your food procurement goals. The solicitation document can include mandatory requirements that the vendor meet your climate-friendly food or nutrition standards —as well as desirable criteria, which can earn bidders points toward winning the award. For example, the RFP can make it clear that bidders will be rewarded in the bid evaluation process if they can demonstrate experience serving healthy and climate-friendly foods or if they can present a plan showing how they will successfully transition to offering climate-friendly food products and, if included in the jurisdiction’s policy, food with other sustainability benefits (e.g., organic or locally sourced). RFPs should also require bidders to demonstrate that they can effectively track and report on these changes. The food procurement working group (see Step 1 on page 17) should design the point system to reflect the jurisdiction’s food procurement policy goals or guidelines. The model climate-friendly food standards (see Appendix A) created for this guide could be inserted into an RFP for food service contracts. For an example of how to craft a bid solicitation and scoring rubric to incorporate new sustainable food criteria, see [The Setting the Table for Success Toolkit](#).¹⁵⁷

2. Examples of bid solicitation language

Alameda County, CA has incorporated language into its [bid solicitation](#) for food services requiring each contracted vendor to create a “Sustainable Food Service Action Plan” that addresses the environmental and social impacts of the products it provides.¹⁵⁸ Below are several key provisions of this Request for Proposals (RFP), which awarded points to bidders that did an exemplary job explaining how they will address sustainability issues when providing food services to the County. Among other things, contractors are required to describe how they will reduce the environmental impacts of their operations and promote the consumption of climate-friendly foods while providing food service to the County:

At a minimum, the Plan shall identify efforts the Contractor will take to minimize the generation of waste, divert waste that is generated from landfill, and *strategies to minimize the life cycle environ-*

mental and social impacts associated with the provision of food [emphasis added].¹⁵⁹

Examples of efforts the contractor shall address include: “food sourcing strategies to minimize lifecycle greenhouse gas emissions intensity of food, such as locally grown foods, moving toward protein sources with lower emissions profiles and towards food produced with no or low chemical inputs (e.g., fertilizers and pesticides).”¹⁶⁰

The RFP also notifies contractors that they will be required to “develop and track metrics that measure and evaluate achievement in meeting the goals of the Plan” and report metrics quarterly.¹⁶¹

The **federal government** incorporated sustainable food guidelines into its bid solicitation documents.¹⁶² In 2012, the U.S. General Services Administration (GSA) issued a [bid solicitation](#) for cafeteria services referencing the *Health and Sustainability Guidelines for Federal Concessions and Vending*:

Menus: It shall be the responsibility of the Contractor to provide a variety of quality prepared foods that are a model for wellness and sustainability and in accordance with latest industry trends and standard practices and the industry's latest innovative concepts... The Contractor shall offer food that provides wide variety to customers, including vegetarian, vegan, organic, healthy and light eater.

The federal government is working toward providing healthier food at its cafeterias and concessions. The GSA is implementing new wellness (and sustainability) criteria for food services at the properties it manages. The wellness criteria for selecting food service operators include whether concessionaires will use a registered dietitian or nutritionist when preparing menus, use healthier cooking techniques as much as possible, provide nutrition information and use a pricing strategy that promotes healthier choices.¹⁶³

See [Appendix F5](#) for specific model language from the [RFP Template for Sustainable Food Service](#) that directs contractors to offer healthy and sustainable food products.

The San Francisco Airport (SFO) actively seeks locally-owned food businesses that serve local, healthy and sustainable food via requirements in its RFPs. Here is a sample lease that was posted in an RFP for SFO, which could be adapted to incorporate climate-friendly food:

In compliance with Executive Directive 09-03 issued by the Office of the Mayor on July 9, 2009, Tenant is required to provide good, clean, and fair food which has been responsibly sourced and deliciously prepared. Tenant is encouraged to ensure that at least 25% of the meals offered on the menu meet the nutritional guidelines set forth in San Francisco Administrative Code section 4.9-1(e), as may be amended. The following must be adhered to throughout the term of the Lease.

Tenant must feature:

1. Displays that promote healthy eating and good environmental stewardship
2. Visible food preparation areas
3. Portion sizes which support good health
4. Portion-appropriate menu items for children

Tenant must use:

5. Low- or non-phosphate detergents
 6. Un-bleached paper products and compostable To Go containers and utensils.
- To the very greatest extent possible, Tenants must use:
7. Organic agricultural products from the Northern California region
 8. Agricultural products that have not been genetically modified
 9. Organic or all-natural meat from animals treated humanely and without hormones or antibiotics
 10. rBST-free cheese, milk, yogurt and butter
 11. Cage-free, antibiotic-free eggs
 12. Sustainable seafood
 13. Fairly Traded Organic Coffee
 14. Products free of hydrogenated oils
 15. Products free of artificial colors, flavors and additives¹⁶⁴

C. Award contract(s) and monitor compliance

Food procurement goals, standards and requirements should be included in the contract that the municipality awards to one or more vendors of food commodities or services. For example, municipalities can include a requirement in the lease agreement that the vendor meet their climate-friendly food standards, including details of the kinds of food that is expected to be served.

- Consider making the climate-friendly food contract available to other nearby jurisdictions. Cooperative purchasing is a strategy that can help secure lower prices for sustainable food and other environmentally preferable products (EPPs) by aggregating demand. Adding “piggy-backing” language to a contract also can prevent other municipalities from having to go through the time-consuming process of soliciting EPPs on their own.
- Beyond working with other jurisdictions to develop cooperative agreements around plant-based food (or food that meets other

xii Friends of the Earth opposes the use of ingredients derived from genetic engineering in plant-based foods due to lack of adequate assessments and regulatory frameworks.

sustainability criteria included in the policy), municipalities can may be able to gain access to lower-cost products by utilizing existing cooperative agreements that have been negotiated by the state. One example is the Commonwealth of Massachusetts' grocery contract, which can be utilized by local governments as well as other public and non-profit entities in the state.¹⁶⁵ It offers organic food on its central [grocery contract](#). It may take several municipalities working together to get the state to add climate-friendly staple foods to its grocery contract.

- Monitor contractor compliance early and often. Meet with vendors shortly after the contract is awarded to discuss their plans to promote the climate-friendly products in their offering, meet the minimum contract goals, and achieve continuous improvement over time. As noted on [page 36](#), **Alameda County, CA** works with vendors to develop an annual "Sustainability Plan," which explains how the contractor is going to implement the contract to meet the County's sustainability goals. This Plan, which is updated annually, includes benchmarks and is used throughout the year.
- To ensure consistent reporting among multiple vendors, municipalities can include a reporting template in the contract award package.

"Sustainability plans are key. While the contract language confirms that all parties are committed to sustainability in the services provided, the plan further defines how sustainability will be applied in practice. It also provides an opportunity for all parties to be brought in on the details and timetable of implementation, which is crucial for complex environments like food service."

— Sarah Church, Sustainability Project Manager,
County of Alameda, CA

Step 6: Track and report progress

To understand if a food purchasing policy is successful, its impacts must be measured. By establishing a system for tracking and reporting on purchases, a municipality can assess whether it is on track to meet its policy target for reducing the carbon footprint of food served on municipal property.

A. Choose a method for tracking purchases

To effectively track the carbon footprint and costs of municipal food procurement practices, it is important to collect baseline data on the volume and costs of food purchased in different food categories before any changes take place, as well as the number of customers or meals served. Using this baseline data, a municipality can compare environmental impacts and expenditures before and after implementing climate-friendly food policies and practices. It is important to measure changes per meal, as well as in aggregate, because meal-level analysis accounts for the fact that the number of meals served may change over time. This information will help staff illustrate environmental benefits and potential cost-savings of climate-friendly initiatives, which can be used to justify additional climate-friendly and healthy food procurement practices.

While tracking the embedded emissions of all major food groups is ideal, it may be more feasible to initially focus on tracking animal product purchases by weight and by cost. Since animal products are responsible for the vast majority of the greenhouse gas emissions associated with the food served, tracking GHGs associated with just the purchase of animal products can provide a good approximation of the avoided GHG reductions. If a municipality take this approach, calculations should be based on assumptions about the average GHG footprint of replacement foods. As seen in Figure 5 (page 39), before implementing its meat reduction program, 76 percent of Oakland Unified School District's embedded carbon emissions came from animal products.¹⁶⁶

A menu-based approach can be an alternative, simpler and effective way to compare carbon footprints and cost-savings. One can fairly quickly measure the benefits of switching two or three

high-meat recipes with low-meat or plant-based alternatives. By estimating the number of meals served and the number of times the low-meat or plant-based recipe was served in a year, this method can quickly generate valuable data on consumption-related GHG reduction benefits.

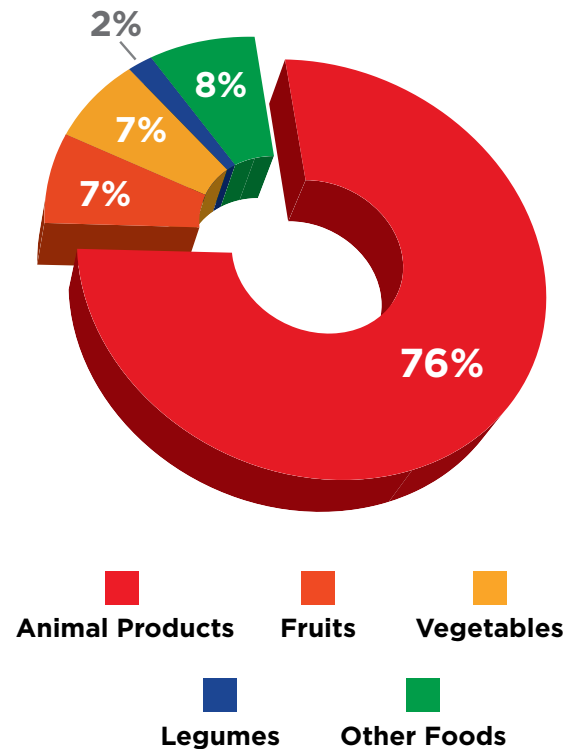
Universities may be able to help with data analysis. For example, the [Center for Public Health Nutrition](#) at the University of Washington School of Public Health has provided valuable program evaluations for the State of Washington.

Data sources for carbon footprint

There are various peer reviewed data sets that municipalities can use to track their avoided emissions from food purchasing shifts. Friends of the Earth's [Oakland Unified School District footprint analysis](#) used the lifecycle analysis conversion factors based on peer-reviewed data contained in a 2014 report authored by Heller & Keoleian.¹⁶⁹ The Heller & Keoleian (2014) data are from a large meta-study that produced global averages of lifecycle assessments (LCA) of the carbon dioxide equivalent emitted per kilogram of food product produced from each stage of production from the farm to the retail level (kg CO₂-eq • kg-1). The data presented in this report are similar to another comprehensive [LCA data set](#) from Clune, Crossin & Verghese (2016).¹⁷⁰ See [Appendix E](#) for a chart with Heller & Keoleian's lifecycle assessment conversion factors for common foods.

Figure 5. Oakland Unified School District carbon footprint by food group

(2012-13 school food purchases)



Source: Hamerschlag, K. & Kraus-Polk, J. (2017). *Shrinking the carbon and water footprint of school food: A recipe for combating climate change: A pilot analysis of Oakland unified school district's food programs*. Friends of the Earth.

“Partnering with the University of Washington Center for Public Health Nutrition (CPHN) for evaluation is a huge asset to WA DOH’s Healthy Nutrition Guidelines work. CPHN’s unbiased perspective provides consistent and valuable information, and we use the evaluation results to inform program planning and monitor implementation of the Healthy Nutrition Guidelines.”

—Alyssa Auvinen, Healthy Eating Coordinator (formerly), Washington State Department of Health

B. Develop tracking and reporting procedures

In order to ensure access to the necessary data, contracts should specify that food service providers and/or suppliers consistently track the weight and dollar amount of animal products, along with the number of meals or people served, and report the data to the appropriate person, such as a procurement or food service director. Information should flow from contractors and vendors through agencies subject to the policy to the agency overseeing the broader implementation of the policy. Reporting should happen at least annually, if not more frequently. The procurement specialist or food service director will typically be charged with compiling all of this information from its contractors and reporting to the agency overseeing the implementation of the broader food procurement policy. See [Appendix A](#) for model contract language to ensure good tracking practices adapted from **Los Angeles County, CA's** food service RFP.

Low-cost tracking resources

Tracking the climate impacts of meat and dairy purchases is a relatively new field, but there are resources available that can make this task easier. [IntoFood](#) provides a fee-based software that conducts sustainability data analysis of recipes and food purchasing activities.¹⁶⁷ It analyzes the embedded carbon emissions of all major food items, identifies which food categories emit the most GHGs, and maps trends over time to demonstrate the overall carbon footprint of a food service operation, including the impacts of animal products versus plant-based foods. Municipalities can purchase IntoFood's services, which includes generating reports on a monthly, quarterly or annual basis, reducing workload.

The University of New Hampshire's [Sustainability Indicator Management and Analysis Platform \(SIMAP\)](#) is another online tool for institutions to measure, report and manage carbon footprints.¹⁶⁸ It is primarily intended for university dining service but can be adapted for municipal food service settings.

Friends of the Earth can also provide technical assistance and link municipalities with other useful resources.



CONCLUSION

Communities across the U.S. are contending with the major human and economic costs of climate change and diet-related diseases. Fortunately, cities and counties have the power to make a meaningful impact by shifting municipal food purchases towards plant-based and plant-forward options. This approach delivers crucial benefits not only for municipal employees and other consumers of municipal food but for everyone who stands to prosper from a healthier planet. Adopting healthy and climate-friendly procurement policies and practices that emphasize less meat and more plant-based foods takes time, collaboration and patience. This guide is offered in the spirit of helping communities devise locally appropriate solutions

taking into account that each municipality's needs and resources will be different.

To this end, Friends of the Earth and the Responsible Purchasing Network hope that the technical resources, tools and strategies offered in this guide are helpful for municipalities that want to increase healthy and climate-friendly food offerings—both within their own food service operations and in venues that are operating on municipal property or at municipal events. Whether these shifts are made for health, environmental or cost-saving reasons, municipalities that promote plant-forward diets will experience a unique triple win for community well-being, local budgets and the planet.





APPENDIX A

Model climate-friendly food purchasing policy and standards

.....

Background:

This model policy and corresponding standards are geared toward reducing embedded greenhouse gas emissions associated with municipal food purchases or foods served on municipal property.ⁱ The model climate-friendly food purchasing policy includes several components: a model ordinance or executive order, policy targets, definitions, food standards and model tracking language for contracts. Jurisdictions may choose to adopt all of these components in one policy vehicle, though most likely they will be adopted through distinct processes. For instance, the standards, which address which food is *served* as opposed to food *purchased*, may be adopted by municipalities without a formal purchasing policy. In some cases climate-friendly provisions could be integrated into existing health or nutritional standards.ⁱⁱ This model policy and standards are offered with the understanding that municipalities face varying financial and political limitations and may choose to pursue only certain aspects of this policy or enact the policy through an incremental approach that applies to a limited number of entities purchasing or serving food. This policy was developed by Friends of the Earth and the Responsible Purchasing Network with feedback from a range of knowledgeable individuals and organizations (see the [Acknowledgements](#)). We welcome feedback and look forward to seeing how municipalities adapt this for their particular circumstances.

1. Model ordinance or executive order

WHEREAS [city/county] recognizes the importance of supporting the health and safety of its employees and community, preserving and protecting our planet for future generations, and promoting the vitality of our economy;

WHEREAS the food sector is a significant contributor to global greenhouse gas (GHG) emissions, with livestock production accounting for 14.5% of global GHG emissions, and the United Nations recognizing that “Livestock are one of the most significant contributors to today’s most serious environmental problems;”

WHEREAS food represents a significant portion of a municipality’s consumption-based GHG emissions but is not currently addressed in [city/county’s] climate action planning;

WHEREAS greenhouse gas emissions from plant-based protein foods such as beans, lentils, peas and tofu are considerably lower than those from beef, pork, cheese and other animal products;

WHEREAS a diet high in plant-based foods and low in meat is recognized by leading experts to reduce risks of cardiovascular disease, obesity, hypertension and diabetes, and more than two thirds of adults and nearly a third of children and teens are overweight and obese in the United States, and obesity is associated with a higher risk of various health ailments including heart disease and type-2 diabetes;

WHEREAS Americans eat, on average, significantly more meat and significantly less plant-based food than is recommended by the Dietary Guidelines for Americans jointly developed by the United States Department of Agriculture and the Department of Health and Human Services;

WHEREAS [city/county] can reduce its greenhouse gas emissions and improve the health and well-being of its employees and community residents by purchasing and serving less meat and more plant-based food in facilities operating on municipal property; now, therefore

ⁱ See [page 12](#) for an explanation of embedded GHG emissions.

ⁱⁱ See [page 29](#) for an explanation of when a municipality may be able to enact standards in lieu of a formal purchasing policy.

BE IT ENACTED that [city/county] shall substantially reduce its greenhouse gas emissions associated with its food purchases and food sold on municipal property by its vendors.^{iii, iv}

Within one year of enactment, [overseeing agency, department, or office] shall establish:

- a. a time-bound target for reducing the greenhouse gas emissions associated with the consumption of animal products;
- b. climate-friendly food standards and purchasing targets;^v
- c. a list of departments, facilities and other entities covered by the policy;^{vi} and
- d. a plan for tracking the greenhouse gas emissions associated with the implementation of the standards that includes tracking animal product purchases by weight.^{vii,viii}

Within 60 days of the establishment of the standards, the standards shall be distributed to [city/county] covered entities implementing the policy. Within 150 days of receiving the standards, each covered entity shall provide to the [overseeing agency] a plan to incorporate the standards into all [city/county] food commodity contracts, food service agreements, leases that cover food concessions and restaurants on municipal property, and agency meetings and events where food is served.

[City/county] departments permitting mobile food vendors shall either apply food standards, issue percentage targets for the sale of plant-based foods or give preferences to businesses that sell such food.

[City/county] departments shall provide documentation of implementation to the [entity overseeing implementation] within 2 years after the issuance of the standards. Every year thereafter, departments shall provide an annual report to [overseeing agency] showing progress meeting GHG emissions reduction and purchasing targets. Staff from [relevant departments, such as department of health and/or department of the environment] will provide guidance and technical support.

2. Model policy target

Covered entities shall reduce the carbon footprint of animal product purchases by:

- 8 percent within two years of adoption of the policy;
- 25 percent within five years; and
- 30 percent within eight years..^{ix, x, xi, xii}

iii A reduction in water usage could be added to this goal depending on the jurisdiction's preferences.

iv In order to simplify baseline data gathering, municipalities could focus solely on animal products because those typically represent 70-80% of total GHGs associated with food and are much easier to track. See [Step 6 \(page 38\)](#) on tracking and reporting progress.

v See "Model Policy Targets". These could be included directly in the policy or be part of the standards.

vi This could include municipal-run facilities (e.g., hospitals) and food served on municipal properties (e.g., stadiums). For a full list of potential entities that could be subject to the policy, see [Table 1](#), page 18. This model ordinance could also specify which entities are covered directly as opposed to establishing the scope of the policy through the implementation process.

vii Implementation periods will vary depending on the jurisdiction, but the policy should lay out a specific timeframe for various stages of implementation in order to create accountability.

viii The plan for tracking GHG emissions will necessitate a baseline assessment of the embedded emissions associated with a municipality's food purchases or food purchased on municipal property; or at a minimum the amount of animal products being purchased. See [Step 6 \(page 38\)](#) for suggestions on tracking and reporting progress.

ix The 5 year target mirrors the Good Food Purchasing Program's target and focuses specifically on animal products since these are easier to track than the entire amount of food purchased and sold by municipal food operations or food venues on municipal property. Once tracking systems are established, it is ideal to create a target that is aimed at reducing the carbon footprint of all food.

x Special calculations of carbon reductions for "grass-fed or organic meat" that may have a lower carbon footprint than its conventional counterparts could be considered in cases where a municipality is purchasing a significant amount of this kind of meat and dairy and there is a credible analysis has been conducted to evaluate the carbon emissions associated with the production of that particular animal product.

xi Reducing – and eventually eliminating – [processed meat](#), which has been classified as a known carcinogen by the World Health Organization's International Agency for Research on Cancer (IARC), should be a key strategy in meeting this target.

xii For a table that lists CO₂eq of major food groups, see [Appendix E](#)

3. Model policy definitions

Animal products shall include meat, poultry, dairy, eggs and seafood.

Dairy shall include food produced from or containing the milk of mammals.

Meat shall include lamb, beef, pork and goat products.

Plant-based shall mean food that is wholly derived from plants, including but not limited to vegetables, legumes, grains, mushrooms, nuts, seeds and fruits.^{xiii}

Seafood shall include freshwater and saltwater fish and shellfish.

4. Model standards

These standards are meant to apply to concessions, cafeterias and restaurants on local government property as well as food served in all institutional settings, including settings where there is typically only one main dish available to customers at a time.

- At least one entirely plant-based option must be made available at every meal, emphasizing high-protein, plant-based foods such as peas, lentils, soy and other beans.^{xiv}
- Prioritize protein-rich plant-based foods and ensure that at least 20 percent of main dishes served per week are plant-based within 2 years and at least 5 percent more main dishes are plant-based each year after up until at least 40 percent of main dishes are plant-based.^{xv}
- Meat, poultry and/or eggs must not exceed 3.7 ounces per meal (or 3.7 ounces per day if serving several meals to the same people).^{xvi, xvii}
- If serving dairy-based milk, offer at least one unsweetened, non-dairy option.

- Drinking water must be offered at no charge at every meal.^{xviii}

Additional requirements that apply only to concessions, cafeterias and restaurants on local government property include the following:

- One entirely plant-based main dish option must be on the menu at each meal, emphasizing high-protein, plant-based foods such as chickpeas, lentils, soy and other beans.
- Make available reduced-size portions for at least 25% of menu items offered — prioritizing dishes that include animal products.^{xix} Reduced-size dishes should be priced proportionally to full-sized portions.^{xx}
- When offering multiple meat and/or poultry options, include at least one main dish that features less than less than 2 ounces of animal protein, either by including meat and/or poultry as a condiment, as part of a blended option or as a mixed meat vegetable dish.^{xxi, xxii}

xiii Friends of the Earth strongly discourages the use of plant-based foods that are derived from gene engineering due to lack of safety tests and inadequate regulatory frameworks.

xiv This guideline should be inclusive of options to substitute a plant-based protein to a dish that otherwise contains animal products.

xv Reducing — and eventually eliminating — [processed meat](#), which has been identified as a known carcinogen by the World Health Organization's International Agency for Research on Cancer (IARC), should be a key strategy in meeting this target.

xvi Daily ounce limit is based on the *Dietary Guidelines for Americans* recommended servings of 26 ounces of meat, poultry and eggs per week for an average 2000 calorie diet.

xvii Reducing portion sizes of meat is a key strategy for reducing greenhouse gas emissions associated with food purchases while also adhering to the *Dietary Guidelines for Americans*.

xviii Water has the lowest carbon footprint of all beverages.

xix As described in the Good Food Purchasing Standards, reduced-size items are at least one third smaller than the full-size item and are offered in addition to the full-size versions.

xx This guideline is intended to reduce GHGs and reduce food waste and is modeled on language from the Good Food Purchasing Standards. See [page 13](#) for more information about the link between food waste, food waste associated with animal products, and GHG emissions.

xxi A condiment size should be less than 1 ounce and ideally less than .5 ounces.

xxii A blended option is anything that has meat blended with a plant-based food. See [page 33](#) for an example of a blended burger.

5. Model tracking language for contracts

Contractor shall comply with all climate-friendly, [healthy and sustainable] food guidelines outlined in this Agreement, as well as any future food procurement policies approved by [governing body]. [Overseeing entity] may periodically monitor the Contractors' compliance with the guidelines. Contractor is required to submit quarterly to [relevant staffperson] the following records: food production records, product inventory, purchasing lists, itemized monthly sales and a complete nutrition analysis of all menu products/items offered. Meat and dairy amounts shall be reported in pounds broken down by general product type (beef, chicken, pork, cheese, etc.). [Overseeing entity] shall review records and communicate its findings to [entity responsible for food purchasing policy implementation]. Failure to comply with the food guidelines may, in [overseeing entity]'s sole discretion, constitute a breach of this Agreement. Contractor may contact [relevant staffperson, phone, and email] if Contractor has questions on the climate-friendly [healthy and sustainable] food guidelines and compliance.^{xxiii}

xxiii This tracking language is based of language in an RFP from Los Angeles County, CA.

APPENDIX B

Additional considerations for a broader sustainable food procurement policy

Reducing meat and dairy purchases is a core, measurable strategy to mitigate consumption-related climate impacts that also has clear benefits to human health. At the same time, reducing meat and dairy purchases may save money that can be used to purchase more sustainable food that is locally or regionally produced,ⁱ organicⁱⁱ or third-party-certified grass-fedⁱⁱⁱ, fair trade or humane. Given that some municipalities will want to address climate-friendly food procurement in conjunction with broader sustainability goals, we have included suggested policy language, purchasing targets and definitions for those other sustainability criteria. The certifications included in this model policy have been endorsed by The Center for Good Food Purchasing and/or Real Food Challenge based on a comprehensive community consultation process. In [Appendix C](#), we provide additional background on several of the third-party certifications for animal products that have been endorsed by these organizations. The language below can be incorporated into the climate-friendly purchasing policy and standards (see [Appendix A](#)) depending on a municipality's goals and resources.

1. Sustainable food procurement policy language

Additions to the model climate-friendly food procurement policy above are italicized.

WHEREAS supporting local food production helps protect farmland, build a prosperous local economy and can reduce transportation- and urban-sprawl-related greenhouse gas emissions;

WHEREAS organic agricultural practices and certified organic products eliminate chemical pesticide

and fertilizer use and can have important climate benefits, including reduced energy use and carbon sequestration;

WHEREAS the overuse of antibiotics in livestock contributes to antibiotic resistance in humans, a public health crisis that kills at least 23,000 people each year according to the U.S. Centers for Disease Control and Prevention;

WHEREAS many species of fish are overfished or caught or farmed in ways that harm marine life or the environment;

WHEREAS third-party certified food products such as American Grassfed Association Certified by A Greener World 100% grassfed, Animal Welfare Approved, Global Animal Partnership Steps 3-5+ and Certified Humane Raised and Handled promote higher animal welfare practices and do not allow for the routine use of antibiotics;

WHEREAS ecological certifications such as Rainforest Alliance, Protected Harvest, Food Alliance, Grasslands Alliance and USDA Transitional Organic require production practices that are beneficial to the environment;

WHEREAS Fairtrade USA, Ecocert Fair Trade Certified, Fairtrade America, Fair for Life, FairWild, Hand in Hand, Equitable Food Initiative and Food Justice Certified demonstrate a commitment to fair trade or fair labor practices;

WHEREAS Seafood Watch has developed a set of "best choice" recommendations for fish and seafood that are well-managed and caught or farmed in ways that cause minimal harm to habitats or other wildlife; and

ⁱ Locally and regionally produced food can also have climate benefits but they are harder to measure. See [page 16](#).

ⁱⁱ In some cases, organically produced food—including pasture-raised animal products—can also have smaller climate impacts than their conventional counterparts, but vary by production systems and are harder to measure. See [page 16](#) for a discussion on the climate benefits of regenerative, organic agriculture.

ⁱⁱⁱ When considering carbon sequestration in soils, several studies have found that some U.S. pasture-based and cover cropping systems produce a smaller carbon footprint than industrial conventional systems. For more information on the environmental and health benefits of well-managed grass-fed livestock, see [Less and Better Meat is Key to a Healthier Planet](#).

WHEREAS [city/county] can improve the health and well-being of its employees and residents as well as animals, workers, farmers and the planet by purchasing lower carbon-intensive food and food *that is certified organic, higher animal welfare, grass-fed and fair trade; locally or regionally produced; or produced without routine antibiotics.*

BE IT ENACTED that [city/county], for all food purchased by [city/county] and for all food sold on municipal property by its vendors, shall substantially:

- a. reduce its embedded greenhouse gas emissions; and
- b. increase the amount of food that is certified organic, grass-fed, higher animal welfare, ecological and fair trade; locally or regionally produced; and produced without routine antibiotics.

Within one year of enactment, [overseeing agency, department, or office] shall establish:

- a. a time-bound target for reducing greenhouse gas emissions associated with animal food purchases *and for meeting purchasing targets for food that is certified organic, grass-fed, higher animal welfare, ecological and fair trade; locally or regionally produced; produced without routine antibiotics and;*
- b. sustainable and climate-friendly food standards and purchasing targets;
- c. a list of entities covered by the policy; and
- d. a plan for tracking:
 - 1) the amount of food that is certified *organic, grass-fed, higher animal welfare, ecological and fair trade; locally or regionally produced; produced without routine antibiotics;* and
 - 2) the greenhouse gas emissions associated with the implementation of the standards that includes tracking animal product purchases by weight.

Within 60 days of the establishment of the standards, the standards shall be distributed to [city/county] departments and other municipal entities implementing the policy. Within 150 days of receiving the standards, each department shall provide to the [overseeing agency] a plan to incorporate standards into all [city/county] food contracts, leases that

cover food concessions and restaurants on municipal property, agency meetings and events where food is served.

[City/county] departments permitting mobile food vendors shall:

- a. apply food standards;
- b. issue percentage targets for the sale of foods that are plant-based, certified *organic, higher animal welfare, grass-fed and ecological; locally or regionally produced; and produced without routine antibiotics; or*
- c. give preferences to businesses that sell such food.

[City/county] departments shall provide documentation of implementation to the [entity overseeing implementation] within 2 years after the issuance of the standards. Every year thereafter, departments shall provide an annual report to [overseeing agency] showing progress on emissions and purchasing targets. Staff from [relevant departments, such as department of health and/or department of the environment] shall provide guidance and technical support.

2. Sustainable purchasing targets^{iv}

Within 2 years of implementation, at least 10 percent, and within 5 years, at least 25 percent of all plant-based food purchases must be certified organic or ecological.

Within 2 years of implementation, at least 15 percent of food and beverages purchases shall be locally or regionally produced, of which at least 5 percent should be locally produced; within 5 years, at least 25 percent of food and beverages purchases shall be locally or regionally produced, 10 percent of which should be locally produced.

Within 2 years of implementation at least 15 percent and, within 5 years, at least 25 percent of animal products must be certified as grass-fed, higher animal welfare, organic, or ecological.

^{iv} Most of these targets mirror those established in the Good Food Purchasing Standards level 2 and 3, which allow an entity to comply with its environmental standard either by reducing greenhouse gas emissions associated with animal products or by purchasing a percentage of its food from environmentally sustainable sources. While GFPP establishes most of the targets for 1 year, we have provided 2 years to allow more time to adequate supply of third-party products.

Within 2 years of implementation, at least 5 percent of products and within 5 years at least 15 percent of products must be from fair trade sources.

Within 2 years of implementation, at least 30 percent and, within 5 years, at least 60 percent of animal product purchases must be produced without the routine use of antibiotics.

Within 2 years, at least 25 percent and, within 5 years, at least 50 percent of seafood purchased should be listed as “Best Choice” and no seafood purchased listed as “Avoid” in the Monterey Bay Aquarium’s most recent Seafood Watch Guide.

Definitions

Higher animal welfare shall mean a product has been certified as Animal Welfare Approved, Global Animal Partnership (Steps 3 through 5+), Certified Humane Raised and Handled or other certifications deemed meaningful by the Center for Good Food Purchasing at level 2.

Grass-fed shall mean animal products that are certified as 100% Grass-fed, Certified Grassfed by A Greener World, Certified Grassfed by Food Alliance or certified by the American Grassfed Association or other certifications deemed meaningful by Real Food Challenge or the Center for Good Food Purchasing.

Locally produced food shall mean food that is:

1. produced by a privately or cooperatively owned enterprise;
2. if the food is produce,
 - i. produced and processed at a facility located within a 250-mile radius of the city/county;
 - ii. (ii) procured from a farm that grosses \$5 million/year or less; and
3. if the food is meat or poultry,
 - i. produced and processed at a facility located within a 500 mile radius of the city;
 - ii. procured from a farm or a company that grosses \$50 million/year or less.^v

Certified Organic shall mean a product that has been certified by the United States Department of Agriculture’s National Organic Program established pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.) and the regulations adopted for implementation. Demeter Certified Biodynamic products shall be considered equivalent to Certified Organic for the purposes of this section.

Ecological certified products refer to products that require production practices that are beneficial to the environment and have been endorsed by Center for Good Food Purchasing (level 2) or Real Food Challenge, including Rainforest Alliance, Protected Harvest, Food Alliance, Grasslands Alliance and USDA Transitional Organic or seafood products that are considered “best choice” by Seafood Watch.

Fairtrade certified products refer to products that have been certified by Fairtrade USA, Ecocert Fair Trade Certified, Fairtrade America, Fair for Life, FairWild, Hand in Hand, Equitable Food Initiative or Food Justice Certified.

No routine antibiotics shall mean that use of antibiotics is limited to treatment of animals diagnosed with an illness or controlling a verified disease outbreak.

Regionally produced food shall mean a food product that is raised, produced, and distributed in (a) the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product; or (b) the State in which the product is produced, except that if the food product is meat or poultry, regionally produced food shall also include a food product that is raised, produced and distributed in the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 600 miles from the origin of the product.

^v This definition is from the Real Food Challenge standards. See [Appendix D](#) for more about the Real Food Challenge standards.

APPENDIX C

Meaningful third-party certifications for animal products

Municipalities can use money that is saved from purchasing fewer conventional meat and dairy products to buy third-party certified products that can deliver broader health, fair labor, animal welfare and environmental sustainability benefits. The third-party certifications listed below include the top credible, most widely available and rapidly growing third-party certifications for animal products that have been endorsed by either the Real Food Challenge or the Center for Good Food Purchasing. Both of these organizations have vetted these certifications through a comprehensive community consultation process. Local governments can request third-party certified products from their existing distributors or secure new vendors that offer a greater supply of these products.

Organic



USDA ORGANIC: No GMOs, synthetic pesticides or fertilizer used to grow the feed. No antibiotics or hormones added. Animals have access to outdoors. Sheep, cows and lambs must have access to pasture, though there are no meaningful animal welfare standards.

Animal welfare



ANIMAL WELFARE APPROVED: Continuous access to pasture or range. No feedlots. Cage confinement, hormones, growth promoters and routine antibiotics prohibited. Standards extend to breeding animals, transport and slaughter.



CERTIFIED HUMANE RAISED AND HANDLED: Continuous outdoor access for ruminants. Cage confinement, hormones and routine antibiotics prohibited. Outdoor access not required for birds and pigs, but minimum space allowance and bedding required for indoor

environments. Feedlots permitted with better than conventional standards. Standards extend to breeding animals, transport and slaughter.



GLOBAL ANIMAL PARTNERSHIP (Steps 3 and above): Applies to animals raised for meat (not eggs or milk) and applies to transport but not breeding or slaughter. No hormones or routine antibiotics. Step 3: No cages and crates. Outdoor access required but not pasture. Step 4: Access to pasture required. Step 5: Feedlots prohibited. Step 5+: Animals must spend entire lives on one farm.

Grass-fed



AMERICAN GRASSFED ASSOCIATION: Allows cows, sheep and goats continuous access to pasture. 100% of the feed must be grass/forage, no feedlots. Use of hormones and antibiotics prohibited.



CERTIFIED GRASSFED by AGW: Animal Welfare Approved and cows, sheep and goats continuously have access to pasture throughout their entire lives.

Multi-category



RAINFOREST ALLIANCE: Applies to crops and cows only. No mistreatment of workers. Must meet a certain number of a range of targets in the areas of biodiversity conservation, natural resource conservation, employment conditions and wages and occupational health and safety. For cows, destruction of forests, protected areas or other natural ecosystems is prohibited. Hormones and routine antibiotics prohibited. Must meet a certain number of a range of targets in the areas of sanitation, animal welfare, land degradation and herd genetics.

APPENDIX D

Resources

Guides and toolkits for healthy and sustainable food purchasing

- [Association for the Advancement of Sustainability in Higher Education](#) published [A Guide to Developing a Sustainable Food Purchasing Policy](#), which offers resources for establishing goals, creating action plans, communicating accomplishments and understanding food-related claims and certifications.
- [ChangeLab Solutions](#) published this simple, user-friendly [Guide to Healthy Food Procurement](#).
- The [Johns Hopkins Center for a Livable Future](#) has a useful report called [Instituting Change: An Overview of Institutional Food Procurement and Recommendations for Improvement](#).
- Harvard and the Johns Hopkins Center for a Livable Future have created a toolkit called [Good Laws, Good Food: Putting Local Food Policy to Work for Our Communities](#), which has a chapter specifically addressing food procurement policy.
- The [Food Literacy Center](#) has a short blueprint for [Local Food Procurement Policies](#) that summarizes different purchasing policy strategies around local food, which could be adapted to apply to climate-friendly food.
- Kaiser Permanente has a [Healthy Eating at Work Food Policy Toolkit](#), which includes a step-by-step guide for employers to implement a healthy eating policy in the workplace.
- [PolicyLink](#) offers a [Local Food Procurement Toolkit](#).
- The [Responsible Purchasing Network \(RPN\)](#) created a comprehensive guide highlighting green purchasing best practices in collaboration with the Urban Sustainability Directors Network (USDN). This resource, [The Buck Starts Here: A Sustainable Procurement](#)

[Playbook for Cities](#), explains how cities across the U.S. and Canada have implemented sustainable procurement policies and practices that have yielded measurable environmental, health and economic benefits. The RPN also published a report on [Local and Sustainable Food Procurement by New England State Governments: Barriers and Recommendations](#).

- The [Sustainable Purchasing Leadership Council](#) has a section on food procurement in its [Guidance for Leadership in Sustainable Purchasing](#) available to members.

Technical Assistance, Culinary Training and Recipes

- [Friends of the Earth](#) provides technical assistance for climate-friendly and sustainable food purchasing, tracking and reporting. Contact: cwaterman@foe.org
- The [Responsible Purchasing Network \(RPN\)](#) provides hands-on technical assistance to local governments and other public entities that want to design an effective sustainable procurement program.
- The [Center for Good Food Purchasing](#) provides technical assistance and support to municipalities or institutions that are interested in adopting the Good Food Purchasing Program (see [Appendix F1](#)), including assistance with tracking and reporting.
- [Health Care Without Harm](#) provides technical assistance to hospitals and has a wealth of [resources](#) to support purchasing in hospitals as well as other institutions. Health Care Without Harm gives specific purchasing guidance for protein foods in its [Redefining Protein](#) report and for meat in [this resource](#) created with Practice Greenhealth. Health Care without Harm's [Balanced Menus Initiative](#), is a two-tiered approach for hospitals to reduce their meat and poultry purchases, and invest

their cost savings in more sustainable meat options. The organization offers the following resources: [Balanced Menus Booklet](#), [Brochure for Dietitians](#), [Customizable Educational Poster](#), [Table Tent Display](#) and [Marketing Guidance for Promoting Antibiotic Stewardship](#).

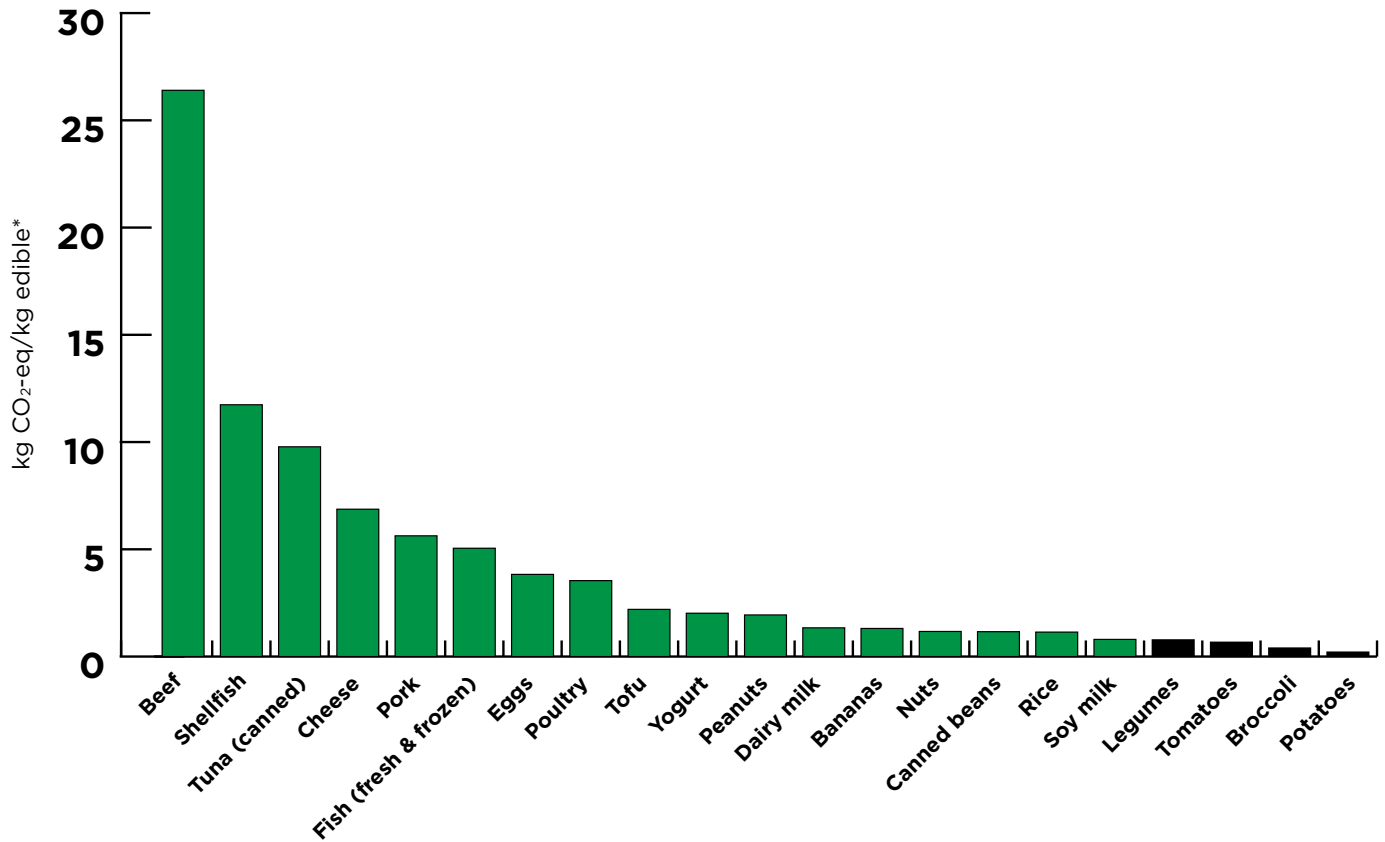
- The Humane Society of the U.S. works with a range of institutions to promote delicious, healthy, plant-based meals. The organization offers comprehensive plant-based culinary trainings. Its [Forward Food](#) website features [toolkits](#) for plant-based food programs as well as plant-based recipes for institutions. It also provides useful a [Meatless Monday toolkit](#). Contact: meatlessmonday@humanesociety.org
 - [Meatless Monday](#) provides a wide array of useful resources and recipes for organizations and municipalities that want to participate in Meatless Monday.
 - [IntoFood](#) provides technical assistance and a fee-based software that conducts sustainability data analysis of recipes and food purchasing activities. It analyzes the embedded carbon emissions of all major food items, identifies which food categories emit the most GHGs and maps trends over time to demonstrate the overall carbon footprint of a food service operation, including the impacts of animal products compared with plant-based foods.
 - [Chef Ann Foundation](#) provides recipes and support for K-12 schools that want to implement healthier, plant forward menus. Friends of the Earth has compiled a list of their low-meat recipes and other low-meat recipes.
- that are part of a food system that conserves and renews natural resources, advances social justice and animal welfare, builds community wealth and fulfills the food and nutrition needs of all eaters now and into the future. Any municipality or organization interested in working on food procurement that aligns with these objectives is welcomed to join.
- [Menus of Change](#) is at the forefront of supporting chefs in shifting toward menus that support human and environmental health. In addition to its [principles for food service](#), the initiative also provides [insights](#) on delicious ways to reduce meat servings and change consumer behaviors and attitudes.
 - [Real Food Challenge](#) provides numerous [resources](#) that are helpful for food service professionals, including guides related to sustainable food purchasing on university campuses.
 - The [Plant Based Foods Association](#) is a trade association representing more than 90 of the nation's leading plant-based food companies, advocating for a level playing field, and working to expand markets for this fast-growing sector of the food industry. PBFA offers an online directory of high-quality sources of plant-based foods and ingredients.

Additional resources

- The [Food Service Guidelines Collaborative \(FSGC\)](#) is a multidisciplinary group of health, nutrition, environment and consumer advocacy NGOs and government staff from the local, state and federal level. The group works throughout the food system to support the implementation of the [Federal Food Service Guidelines](#) by sharing and tracking best practices and model policy with the aim of leveraging institutional food service purchases to support eating patterns that are aligned with the *Dietary Guidelines for Americans*. This group seeks to promote healthy diets

APPENDIX E

Greenhouse gas emissions of select foods by weight



Greenhouse Gas Emissions of Select Foods			
(kg CO ₂ -eq/kg edible*)			
Beef	26.4	Eggs	3.5
Shellfish (shrimp)	11.7	Tofu	2.2
Cheese	9.8	Yogurt	2.0
Pork	6.9	Peanuts	1.9
Tuna (canned)	5.6	Dairy milk	1.3
Poultry	5.1	Bananas	1.3
Fish (fresh & frozen)	3.8	Nuts	1.2
		Canned beans	1.2
		Rice	1.1
		Soy milk	0.8
		Legumes	0.8
		Tomatoes	0.7
		Broccoli	0.4
		Potatoes	0.2

*Data are based on global average emissions from production to retail

Source: Heller, M. C. and Keoleian, G. A. (2015), Greenhouse Gas Emission Estimates of U.S. Dietary Choices and Food Loss. *Journal of Industrial Ecology*, 19: 391-401. doi:10.1111/jiec.12174_1, Supporting Information (3)



APPENDIX F1

Good Food Purchasing Program Environmental Sustainability Standards

.....



ENVIRONMENTAL SUSTAINABILITY

Source from producers that employ sustainable production systems to reduce or eliminate synthetic pesticides and fertilizers; avoid the use of hormones, routine antibiotics and genetic engineering; conserve and regenerate soil and water; protect and enhance wildlife habitats and biodiversity; and reduce on-farm energy and water consumption, food waste and greenhouse gas emissions. Reduce menu items that have high carbon and water footprints, using strategies such as plant forward menus, which feature smaller portions of animal proteins in a supporting role.

ENVIRONMENTAL SUSTAINABILITY PURCHASING GOALS

STRATEGIES

- INCREASE ENVIRONMENTALLY SUSTAINABLE FOOD SPEND **OR**
- REDUCE CARBON AND WATER FOOTPRINT

SOURCING TARGETS, BY YEAR

TARGET: YEAR 1

TARGET: YEAR 5

POINTS AWARDED

**LEVEL 1
BASELINE**

Option 1: Increase Environmentally Sustainable Food Spend

15% of the total dollars spent annually on food products, with a goal of increasing at least 2% per year, will come from Level 1 environmentally sustainable sources (see page 29 for qualifying criteria).

OR

5% of the total dollars spent annually on food products, with a goal of increasing at least 2% per year, will come from Level 3 environmentally sustainable sources (see page 29 for qualifying criteria).

Option 2: Reduce Carbon and Water Footprint

a) Reduce carbon footprint¹¹ and water footprint¹² of meat, poultry, and cheese purchases by at least 4% per meal served from baseline year, with an 8% reduction goal within two years, and a 20% reduction goal within five years;^{13, 14}

AND

b) Perform a food waste audit that identifies specific types and quantities of food in waste stream (see Food Loss and Waste Protocol for guidance) and implement at least two source reduction strategies¹⁵ that address most wasted food items identified in audit. (See Appendix B for a menu of options).¹⁴

Option 3: Submit Plan for Baseline Achievement Within 1 Year:

If vendor and/or suppliers do not have current capacity to meet environmentally sustainable food purchasing goals, the vendor may submit a plan to achieve full compliance at least at the baseline level by end of year one.

ADDITIONAL LEVEL 1 REQUIREMENTS CONTINUED ON PAGE 25

To be recognized as a Good Food Provider, an institution at least meets the baseline standard in the Environmental Sustainability Category.

Option 1: Increase Environmentally Sustainable Food Spend

25% of the total dollars spent annually on food products will come from Level 1 environmentally sustainable sources by fifth year of participation in the Good Food Purchasing Program (see page 29 for qualifying criteria).

1

Option 2: Reduce Carbon and Water Footprint

a) Reduce carbon and water footprint of meat, poultry, and cheese purchases by at least 20% per meal served from baseline year;

AND

b) Perform a food waste audit that identifies specific types and quantities of food in waste stream (see Food Loss and Waste Protocol for guidance) and implement at least three source reduction strategies that address most wasted food items identified in audit. (See Appendix B for a menu of options).

¹¹ See next page for conversion factors for carbon footprint.
¹² See next page for conversion factors for water footprint.
¹³ The baseline year is the year in which a institution achieves the goal reduction effort.
¹⁴ Special calculations of water footprint for "beef or meat" will be considered if a vendor offers a verifiable and/or third-party certified sustainable production emissions associated with the production of that particular meat source.
¹⁵ Qualifying food resource recovery strategies will be determined based on adherence to EPA's Food Recovery Hierarchy. See Appendix B for menu of options.
¹⁶ An institution may choose to conduct waste audits as a quality benchmark for food waste.

ENVIRONMENTAL SUSTAINABILITY

PURCHASING GOALS, CONT.

STRATEGIES

- INCREASE ENVIRONMENTALLY SUSTAINABLE FOOD SPEND **OR**
- REDUCE CARBON AND WATER FOOTPRINT

SOURCING TARGETS, BY YEAR

TARGET: YEAR 1

TARGET: YEAR 5

**LEVEL 1
BASELINE**

ADDITIONAL LEVEL 1 REQUIREMENTS

No seafood purchased should be listed as "Avoid" in the Monterey Bay Aquarium's most recent Seafood Watch Guide.

No seafood purchased should be listed as "Avoid" in the Monterey Bay Aquarium's most recent Seafood Watch Guide.

At least 25% of animal products¹⁵ are produced without the routine use of medically important antimicrobial drugs for disease prevention purposes.^{16, 17}

At least 50% of animal products are produced without the routine use of medically important antimicrobial drugs for disease prevention purposes.¹⁸

To be recognized as a Good Food Provider, an institution at least meets the baseline standard in the Environmental Sustainability Category.

CONVERSION FACTORS FOR CARBON FOOTPRINT:

Food Product	lb CO2/lb edible
Beef	26.5
Cheese	9.8
Pork	6.9
Poultry	5.1
Fish	3.8
Other Dairy + Eggs	3.3

Source: Heller, M. C. and Keoleian, D. A. (2016). Greenhouse Gas Emission Estimates of U.S. Dietary Choices and Food Losses. *Journal of Industrial Ecology*, 19: 391-401.

CONVERSION FACTORS FOR WATER FOOTPRINT:

Food Product	Blue + Green gallons/lb edible
Beef	1,590
Pork	475
Cheese	382
Poultry	230
Other Dairy + Eggs	139
Fish	Pending

Source: Mekonnen, M.M. and Hoekstra, A. Y. (2012). A global assessment of the water footprint of farm animal products. *Ecosystems*, 15(3): 401-415.

¹⁵ Animal product refers to any products derived from an animal, including meat, poultry, eggs and dairy.

¹⁶ In qualifying products, medically important antimicrobial drugs (i.e. those in the same class of antibiotics used in human medicine) may be used for non-routine disease control and treatment purposes only. Antimicrobial use must be third party verified (e.g. Certified Responsible Antibiotic Use (CRAU) chicken, Antimicrobial Stewardship Standards for Pork and Chicken (also 3rd party verified)). Disease control is defined here as the use of antibiotics on an animal that not sink but where it can be shown that a particular disease or infection is present on the premises at the barn, house, pen or other level at which the animal is kept. The Center for Good Food Purchasing may consider approval of additional narrowly defined, non-customary uses upon request.

¹⁷ Addressing antibiotic usage through third party verified certification processes, such as Certified Responsible Antibiotic Use (CRAU) is a separate requirement included in the Environmental Sustainability category. Certification labels that only address responsible antibiotic use are not included as qualifying certifications for environmentally sustainable sources because these labels do not necessarily lead to improved environmental outcomes.

¹⁸ See footnote 16 for definition.

ENVIRONMENTAL SUSTAINABILITY

PURCHASING GOALS, CONT.

STRATEGIES

- INCREASE ENVIRONMENTALLY SUSTAINABLE FOOD SPEND **OR**
- REDUCE CARBON AND WATER FOOTPRINT

SOURCING TARGETS, BY YEAR

TARGET: YEAR 1

TARGET: YEAR 5

POINTS AWARDED

LEVEL 2

Option 1: Increase Environmentally Sustainable Food Spend

15% of the total dollars spent annually on food products, with a goal of increasing at least 2% per year, will come from Level 2 environmentally sustainable sources (see page 29 for qualifying criteria).

OR

10% of the total dollars spent annually on food products, with a goal of increasing at least 2% per year, will come from Level 3 environmentally sustainable sources (see page 29 for qualifying sources).

Option 2: Reduce Carbon and Water Footprint

a) Reduce carbon and water footprint of meat, poultry, and cheese purchases by 5% per meal served from baseline year, with a 10% reduction goal within two years, a 15% reduction in three years and 25% reduction within five years;¹⁹

AND

b) Perform a food waste audit that identifies specific types and quantities of food in waste stream (see Food Loss and Waste Protocol for guidance), and implement at least three source reduction strategies²⁰ that address most wasted food items identified in audit and donate all recoverable food once per month.²¹

LEVEL 2 ADDITIONAL REQUIREMENTS

At least 25% of seafood purchased should be listed as “Best Choice” and no seafood purchased listed as “Avoid” in the Monterey Bay Aquarium’s most recent Seafood Watch Guide.

At least 30% of animal products are produced without the use of antimicrobial drugs for disease prevention purposes.^{22, 23}

Option 1: Increase Environmentally Sustainable Food Spend

25% of the total dollars spent annually on food products will come from Level 1 environmentally sustainable sources by fifth year of participation (see page 29 for qualifying criteria).

2

Option 2: Reduce Carbon and Water Footprint

a) Reduce carbon and water footprint of meat, poultry, and cheese purchases by at least 20% per meal served from baseline year.

AND

b) Perform a food waste audit that identifies specific types and quantities of food in waste stream (see Food Loss and Waste Protocol for guidance) and implement at least three source reduction strategies that address most wasted food items identified in audit. (See Appendix B for a menu of options).

At least 50% of seafood purchased should be listed as “Best Choice” and no seafood purchased listed as “Avoid” in the Monterey Bay Aquarium’s most recent Seafood Watch Guide.

At least 60% of animal products are produced without the use of antimicrobial drugs for disease prevention purposes.²⁴

¹⁹ The baseline year is the year in which institution initiated a major reduction effort.

²⁰ Qualifying food resource recovery strategies will be determined based reference to EPA’s Food Recovery Hierarchy. See Appendix B for menu of options.

²¹ An institution may choose to conduct waste audit at a select number of sample sites.

²² In qualifying products, antimicrobial drugs (both medically important and otherwise) may be used for disease control and treatment purposes only. Antimicrobial use must be third party verified (e.g., Certified Responsible Antibiotic Use (CRAU) chicken, Antimicrobial Stewardship Standards for Pork and Chicken (once third party verified)). Disease control is defined here as the use of antibiotics on an animal that is not sick but where it can be shown that a particular disease or infection is present on the premises at the barn, house, pen or other level at which the animals are kept. The Center for Good Food Purchasing may consider approval of additional narrowly defined, non-sterile uses upon request.

²³ Antimicrobial usage through third party verified certification programs, such as Certified Responsible Antibiotic Use (CRAU) is a separate requirement included in the Environmental Sustainability category. Certification labels that only address responsible antibiotic use are not included as qualifying certifications for environmentally sustainable sources because these labels do not necessarily lead to approved environmental outcomes.

²⁴ Refer to footnote 22 for definition.

ENVIRONMENTAL SUSTAINABILITY

PURCHASING GOALS, CONT.

STRATEGIES

- INCREASE ENVIRONMENTALLY SUSTAINABLE FOOD SPEND **OR**
- REDUCE CARBON AND WATER FOOTPRINT

SOURCING TARGETS, BY YEAR

TARGET: YEAR 1

TARGET: YEAR 5

POINTS AWARDED

LEVEL 3

15% of the total dollars spent annually on food products, with a goal of increasing at least 2% per year, will come from Level 3 environmentally sustainable sources (see page 29 for qualifying criteria);

25% of the total dollars spent annually on food products will come from Level 3 environmentally sustainable sources by fifth year of participation;

3

AND

AND

Reduce carbon and water footprint of meat, poultry, and cheese purchases by 6% per meal served from baseline year, with a 12% reduction goal within two years and 30% reduction within five years;²⁶

Reduce carbon and water footprint of meat, poultry, and cheese purchases, per meal served by 30% from baseline year;

AND

AND

Perform a food waste audit that identifies specific types and quantities of food in waste stream (see Food Loss and Waste Protocol for guidance), and implement at least three source reduction strategies²⁶ that address most wasted food items identified in audit, donate recoverable food twice per month, and implement one food recycling strategy (e.g. anaerobic digestion or composting).²⁷

Perform a food waste audit that identifies specific types and quantities of food in waste stream (see Food Loss and Waste Protocol for guidance), and implement at least four source reduction strategies that address most wasted food items identified in audit, donate recoverable food once per week, and implement two food recycling strategies.

LEVEL 3 ADDITIONAL REQUIREMENTS

At least 50% of seafood purchased should be listed as "Best Choice" and no seafood purchased listed as "Avoid" in the Monterey Bay Aquarium's most recent Seafood Watch Guide.

All seafood purchased should be listed as "Best Choice" in the Monterey Bay Aquarium's most recent Seafood Watch Guide.

At least 50% of animal products are produced without the use of antimicrobial drugs for disease prevention purposes.^{28, 29}

All animal products are produced without the use of antimicrobial drugs for disease prevention purposes.³⁰

²⁵ The baseline year is the year in which institution initiates its meat reduction efforts.

²⁶ Qualifying food resource recovery strategies will be determined based on adherence to EPA's [Food Recovery Hierarchy](#). See Appendix B for menu of options.

²⁷ An institution may choose to conduct waste audit at a select number of sample sites.

²⁸ Refer to footnote 22.

²⁹ Addressing antibiotic usage through third party verified certification processes, such as Certified Responsible Antibiotic Use (CRAU) is a separate requirement included in the Environmental Sustainability category. Certification labels that only address responsible antibiotic use are not included as qualifying certifications for environmentally sustainable sources because these labels do not necessarily lead to improved environmental outcomes.

³⁰ Refer to footnote 22.

ENVIRONMENTAL SUSTAINABILITY

EXTRA POINTS

EXTRA POINTS

In addition to base points earned in each category, extra points may be earned in each category for institutional policies or purchasing practices that go above and beyond the standards in each value category.

- 1** Institution participates in “Meatless Mondays” campaign or any equivalent meatless day program.
- 1** 100% of disposable flatware, dishes, cups, napkins and other service items are compostable.
- 1** No bottled water is sold or served, and plain or filtered tap water in reusable jugs, bottles or dispensers is available.

ENVIRONMENTAL SUSTAINABILITY

QUALIFYING CRITERIA

LEVEL 1

LEVEL 2

LEVEL 3

FRUITS & VEGETABLES

- Distributor provides grower signed affidavit verifying that produce has been grown without the use of pesticides listed as prohibited for fresh produce by Whole Foods' Responsibly Grown program and all neonicotinoids and affidavit is accompanied by a site visit from institution or community partner; or

Gold certified under ANSI/LEO-4000 the American National Standard for Sustainable Agriculture by Leonardo Academy.

- Protected Harvest certified; or
- Food Alliance certified; or
- Rain Forest Alliance certified; or
- Enrolled in Whole Foods Responsibly Grown program; or
- Platinum certified under ANSI/LEO-4000 the American National Standard for Sustainable Agriculture by Leonardo Academy; or
- USDA Transitional Organic Standard; or
- Sustainably Grown certified; or
- Salmon Safe; or
- LEAF (Linking Environment and Farming)

- USDA Organic; or
- Demeter Certified Biodynamic; or
- Produce grown in a farm or garden at the institution using organic practices

MILK & DAIRY

- AGA Grassfed

- Animal Welfare Approved; or
- Food Alliance Certified

- USDA Organic

POULTRY

- Animal Welfare Approved; or
- Food Alliance Certified

- USDA Organic

EGGS

- Certified Humane Raised and Handled

- Animal Welfare Approved; or
- Food Alliance Certified

- USDA Organic

MEAT

- AGA Grassfed

- Animal Welfare Approved; or
- Food Alliance Certified; or
- Grasslands Alliance Standard

- USDA Organic

FISH (WILD)

- No seafood purchased listed as "Avoid" in the Monterey Bay Aquarium's Seafood Watch Guide

- Fish listed as "Best" choice in Monterey Bay Aquarium's Seafood Watch Guide

- Marine Stewardship Council certified, paired with the MSC Chain of Custody Certification

FISH (FARM-RAISED)

- No seafood purchased listed as "Avoid" in the Monterey Bay Aquarium's Seafood Watch Guide

- Fish listed as "Best" choice in Monterey Bay Aquarium's Seafood Watch Guide³¹

GRAINS

- Pesticide-free

- Food Alliance Certified

- USDA Organic; or
- Demeter Certified Biodynamic

THIRD-PARTY CERTIFICATIONS



³¹ Other certifications for farm-raised fish may be accepted on a species-by-species basis, if approved by Seafood Watch.



APPENDIX F2

San Francisco's Healthy and Sustainable Food Policy

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Office of the Mayor
City & County of San Francisco



Gavin Newsom

Executive Directive 09-03

Healthy and Sustainable Food for San Francisco

July 9, 2009

By virtue of the power and authority vested in me by Section 3.100 of the San Francisco Charter to provide administration and oversight of all departments and governmental units in the executive branch of the City and County of San Francisco, I do hereby issue this Executive Directive to become effective immediately:

1. The City declares its commitment to increasing the amount of healthy and sustainable food.

Access to safe, nutritious, and culturally acceptable food is a basic human right and is essential to both human health and ecological sustainability. The City and County of San Francisco recognizes that hunger, food insecurity, and poor nutrition are pressing health issues that require immediate action. Further we recognize that sustainable agricultural ecosystems serve long-term economic prosperity and ability of future generations to be food self-sufficient. In our vision, sustainable food systems ensure nutritious food for all people, shorten the distance between food consumers and producers, protect workers health and welfare, minimize environment impacts, and strengthen connections between urban and rural communities. The long-term provision of sufficient nutritious, affordable, culturally appropriate, and delicious food for all San Franciscans requires the City to consider the food production, distribution, consumption and recycling system holistically and to take actions to preserve and promote the health of the food system. This includes setting a high standard for food quality and ensuring city funds are spent in a manner consistent with our social, environmental and economic values.

2. The following principles guide this Directive on Healthy and Sustainable Food:

- a. To ensure quality of life, as well as environmental and economic health in San Francisco, the food system must promote public health, environmental sustainability and social responsibility.
- b. Eliminating hunger and ensuring access to healthy and nutritious food for all residents, regardless of economic means, is a concern of all city departments. Investments should be allocated to ensure no San Franciscan goes hungry.
- c. San Francisco's neighborhood food environments must allow residents the opportunity to make healthy food choices and reduce environmental causes of diet related illnesses.
- d. To reduce the environmental impacts associated with food production, distribution, consumption, and disposal, whenever possible, city resources will be used to purchase and promote regionally produced and sustainably certified food.

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- e. Food production and horticulture education will be encouraged within the City and, to the extent feasible, on City owned land, through urban agriculture including community, backyard, rooftop, and school gardens; edible landscaping, and agricultural incubator projects.
- f. The City and County shall promote economic opportunities in the food sector that create green jobs and local food businesses.
- g. The ability of the City and County to reduce the environmental impacts of the food system depends on the region's fertile farmland. The City and County shall support policies that conserve the region's prime agricultural land.
- h. The City and County shall promote regional agriculture through increasing marketing opportunities for regionally grown agricultural products in San Francisco.
- i. The City and County shall recycle all organic residuals, eliminate chemical use in agriculture and landscaping and use sustainable practices that enhance natural biological systems throughout the City.
- j. The City and County shall promote innovative programs that educate food system stakeholders and the general public on the value of healthy food, and an equitable and sustainable food system.
- k. The City and County shall advocate for federal and state policies that support the principles of this Food Policy.

3. The Healthy and Sustainable Food Directive will be monitored and advanced by a newly created Food Policy Council consisting of both public and private members.

- a. The following departments will participate in the Food Policy Council:
 - Mayor's Office
 - DPH Office of Food Systems
 - Shape Up Program representative
 - Department of Recreation and Parks Director or designee
 - San Francisco Redevelopment Agency Director or designee
 - Human Service Agency Director or designee
 - Director of Department of Aging and Adult Services
 - Director of Department of Children Youth and Their Families or designee
- b. A representative from the following stakeholder groups will be invited to participate in the Food Policy Council:
 - Urban Agriculture
 - Nutrition expert
 - Food Retail
 - Restaurants
 - Distributor
 - Food Security Task Force
 - Southeast Food Access Working Group
 - Tenderloin Hunger Task Force

- San Francisco Unified School District, Student Nutrition Services
- c. The Food Policy Council will begin meeting immediately and will meet bi-monthly.
- The immediate goal of the Food Policy Council will be to integrate the principles of this Directive on Healthy and Sustainable Food as well as existing recommendations and plans for food policy into the municipal code, General Plan, and other relevant planning and policy documents.
 - The Food Policy Council will also monitor progress of this Executive Directive on Healthy and Sustainable Food and provide an annual report on departmental efforts to implement this directive. This report will include at minimum:
 1. Evaluation of current activities prescribed by this directive; and
 2. Review of any food system related recommendations from other task forces, and a prioritized list of recommendations for future research, policies and initiatives that advance the Directive.

4. Departments shall advance the Healthy and Sustainable Food Directive by taking the following actions:

- a. All departments having jurisdiction over property will conduct an audit of their land suitable for or actively used for food producing gardens or other agricultural purposes and prepare a report with the findings to my office and a copy to the Office of Food Systems within 180 days of the signing of this directive.
- b. All departments having jurisdiction over nutrition assistance programs including federally funded programs will ensure adequate staffing to maximize the City's use of federal funding.
- c. The Human Service Agency shall maximize food stamp enrollment by launching a public-facing internet application for online eligibility screening and enrollment of Food Stamps, Medi-Cal benefits; seek to add additional programs including WIC, National School Lunch Program, Working Families Credit and other benefits. HSA shall also contract with ten community-based partners to become Food Stamp Remote Sites.
- d. City departments entering into lease agreements or permitting mobile food vendors shall either issue requirements for the sale of healthy and sustainably produced foods or give preferences to businesses who sell such food. City departments shall provide documentation of requirements and preferences to the Food Policy Council and must begin to institute these requirements or preferences within 6 months after the issuance of this Directive. Staff from the Department of the Environment and Department of Public Health will provide guidance and technical support.
- e. Mayor's Office of Economic and Workforce Development and the Real Estate Division shall work with the San Francisco Wholesale Produce Market to finalize plans for new and expanded facilities that provide long-term stability for the market past its current 2013 lease expiration so that it may continue to play an

essential role in the distribution of quality food from its source to San Francisco restaurants, groceries and dining tables.

- f. City funding for food purchases or food programs shall meet nutritional guidelines developed by the City of San Francisco. DPH, DAAS and DCYF will develop nutritional criteria for any food purchased or any food program funded using city funds, and will deliver these criteria to my office within 120 days of the signing of this directive. Within 150 days, these guidelines shall be distributed to all city departments and shall be incorporated into all city contracts for programs which serve food.
- g. Beginning immediately, all city departments and agencies purchasing food for events or meetings using city funds will utilize guidelines for “healthy meetings” and purchase healthy, locally produced and/or sustainably certified foods to the maximum extent possible. (See www.sffood.org: Healthy Meeting Guidelines and Guidelines To Increase The Use Of Local Foods At Meetings/Conferences.)
- h. Coordinators of the Shape Up At Work program will develop nutrition standards for all vending machines on city property within 60 days of the signing of this directive and prepare recommendations for implementing these nutrition standards in all vending machines on city property.
- i. San Francisco Planning Department, with support from the Department of Public Health and the Department of the Environment shall, to the greatest extent feasible, integrate policies and implementing actions to support San Francisco’s food policy goals into elements of the City and County of San Francisco’s General Plan, whenever such elements are updated.
- j. The Department of Public Health will work with local food retailers to create a Sustainable Food Business Recognition Program to encourage and support locally owned food businesses that incorporate more healthy and sustainable food and business practices.
- k. San Francisco Redevelopment Agency will develop a Food Business Action Plan to identify strategies, such as enterprise zones, permit expediting, tax incentives, regulatory streamlining or other policies to recruit and incubate new food businesses, and ensure existing food businesses are fully utilizing economic incentives and technical support to advance the goals of this Directive. This Plan will be delivered to my office and the DPH Office of Food Systems within 180 days of the signing of this Directive.
- l. The Department of Recreation and Parks with support from the Department of the Environment will coordinate urban agriculture including facilitating access to gardening materials and tools, with emphasis on composts, mulches, and other materials produced as byproducts of other city programs; organizing community events and outreach efforts related to urban agriculture; connecting volunteer and educational programs to urban agriculture programs; seek funding to support urban agriculture; and generally serve as an advocate to increase the production of food within the City of San Francisco

- m. The Department of the Environment will draft a local and sustainable food procurement ordinance aimed at City government food purchases and prepare recommendations within 60 days of the signing of this Directive.
- n. The San Francisco Agricultural Commissioner will develop rules and regulations for local farmers markets that support healthy neighborhoods, regional farmers, and ensure equitable access to local food. These rules will be due to my office within 180 days of the signing of this Directive.
- o. The Department of Children, Youth and their Families and the Department of Public Health will collaborate with the Food Policy Council and the Food Security Task Force to host a hearing to explore ways to increase funding to the school meals program and prepare a report on alternative mechanisms to increase funding to the program.
- p. All departments will designate a contact for advancing the food policy principles of this Directive and submit the contact information to my office and the DPH Office of Food Systems within 30 days. All departments are responsible for developing preliminary plans to execute this directive. These plans are due to the DPH Office of Food Systems and my office within 60 days of the signing of this directive.

For questions concerning this Executive Directive and its implementation, please contact: Paula Jones, Director of Food Systems, Department of Public Health (paula.jones@sfdph.org, 415-252-3853.)



Gavin Newsom
MAYOR



APPENDIX F3

San Diego County's Eat Well Practices

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As described on page 31 of the guide, San Diego County enacted the [Eat Well Practices](#), comprehensive health and sustainable food guidance that includes climate-friendly food recommendations. Below are some excerpts from the standards.

I. Guidance for Congregate/Custodial Meal Programs

SUSTAINABILITY

- Prioritize local products, including produce, meat, poultry, eggs, dairy, and seafood as California grown, raised, or caught with a focus on products coming from San Diego County and the Region.
- Encourage the development of on-site gardens for culinary purposes, where applicable
- Prioritize organic and sustainable products.
- Prioritize plant-based foods, including protein and dairy alternatives; offer plant-based foods and dishes and vegetarian meals.
- When seafood is offered, consider seeking out opportunities to use product procured from responsibly managed, sustainable, healthy fisheries.
- Prioritize food and beverage products with no or minimal packaging.
- Prioritize reusable food and beverage serviceware (e.g., cups, plates, silverware) whenever feasible and appropriate.
- Promote clean, tap or filtered water and reusable containers over bottled water.
- Consider developing and implementing a food donation plan, where applicable.

PRODUCT PLACEMENT

- Place plant-based options and other healthy options at the front of service line or other highly visible locations.

II. Guidance for Cafeterias/Cafés

ANIMAL & PLANT-BASED PROTEIN:

- Consider offering a diverse variety of protein foods, such as seafood (e.g., fish and shellfish), lean meats and poultry, eggs, legumes (e.g., beans and peas), and nuts, seeds, and soy products, daily.
- Consider offering protein foods from plants such as legumes (beans and peas), and nuts, seeds, and soy products.
- Consider offering a vegetarian entrée option when more than one entrée option is provided.
- Consider offering alternatives to red meat and avoid processed meats (e.g., hot dogs, bacon, sausage, deli meats); if offered, serve infrequently and in small portions.
- Consider offering seafood (e.g., fish and shellfish) as frequently as possible.
- Consider purchasing meats and poultry raised without the routine use of antibiotics and/or growth hormones.

DAIRY AND PLANT-BASED ALTERNATIVES:

- If yogurt is offered, prioritize offering yogurts with no added sweeteners (and offer fresh fruit).

SUSTAINABILITY

- Prioritize local products; strive to offer local produce, meat, poultry, eggs, dairy, and seafood that is California grown, raised, or caught with a focus on foods coming from San Diego County and the Region.
- Prioritize organic and sustainable products.
- Prioritize plant-based foods, including proteins and dairy alternatives; offer protein foods from plants such as legumes, nuts, seeds, and soy (i.e., a vegetarian entrée), daily.
- When seafood is offered, provide product procured from responsibly managed, sustainable, healthy fisheries.
- Prioritize food and beverage products with no or minimal packaging.
- Consider offering reusable serviceware for food and beverage purchased for onsite consumption whenever feasible and appropriate; promote and incentivize the use of reusable containers for beverages and foods purchased for offsite consumption.
- Strive to minimize non-reusable, single-use beverage containers.
- Consider developing and implementing a food donation plan.

PRODUCT PLACEMENT

- When feasible, place plant-based options at the front of service line or other highly visible locations; place first on menus.
- When feasible, place in highest selling or other prominent positions unprocessed and minimally processed foods and beverages.
- When feasible, display foods and beverage options that meet the unprocessed, minimally processed, and moderately processed categories within three feet of register; place fruit within reach of register, when possible.



APPENDIX F4

Healthy People | Healthy Planet: City of Portland food purchasing guidelines

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The Healthy People, Healthy Planet food purchasing guidelines were developed to encourage City of Portland employees to make healthy and sustainable choices when using public dollars for City-sponsored meetings, trainings, and events. The guidelines meet sustainability goals, particularly those outlined in the City's Climate Action Plan, promote equity, and support personal and environmental health.

Food choice is a key factor in addressing sustainability and reducing carbon emissions. From a carbon perspective the type of food we choose is a more significant factor than where it comes from. In particular, meat, dairy, and processed foods have a higher carbon footprint than plant-based proteins made from beans, nuts, and soy. Lower-carbon foods are also better for our health.

Sustainable food purchases also provide opportunities to address social equity. These guidelines support local and emerging businesses, particularly those owned by women and entrepreneurs of color.

Guiding Principles

- Reduce the negative environmental and climate impacts of catering by addressing food type and sustainability principles.
- Support catering businesses that are local, sustainable, emerging, and owned by women and entrepreneurs of color.
- Encourage and model healthful food choices at City-sponsored meetings and events to improve community wellbeing.

Food Choices

- Emphasize plant-based meals that minimize or eliminate meat and dairy offerings.
- Include locally grown, seasonal, and organic ingredients when possible.
- Offer vegetables, fruit, and whole grains, and avoid processed foods with salt, added sugars, and fats.
- Provide options for those with dietary restrictions.

Social Equity

- Support emerging businesses and neighborhood vendors owned by women and entrepreneurs of color.
- Prioritize culturally appropriate food.

Sustainability Measures

- Order the right amount of food to prevent leftovers.
- Serve smaller portions to prevent food waste, such as cutting sandwiches, pizza, and pastries into smaller portions.
- Offer bite-sized foods that don't require dishes or silverware.
- Use durable dishware when possible.
- Provide pitchers of water instead of bottled beverages.
- If using disposable products, use those that contain recycled content.
- Order coffee from vendors using reusable carafes, bulk containers for condiments and creamers, and, if possible, ask attendees to bring their own mug.
- Offer coffee and tea that is socially and environmentally responsible.
- Prefer caterers that use low-impact delivery systems such as bike delivery.

Applying the Guidelines

The food purchasing guidelines were created to make healthy and sustainable choices easier. A preferred provider list has been created to assist city employees with implementing the guidelines.

Choosing Vendors

Preferred City food vendors have been certified by the Bureau of Planning and Sustainability's [Sustainability at Work program](#). In addition, the vendor list also includes a paragraph about each business that provides additional background, highlights their sustainability measures, and alignment with the City's food choice guidelines.

Tracking

To assess compliance with the purchasing guidelines, City food purchases will be tracked as part of a 9-month pilot initiative. In order to improve the data, please be sure to use the correct GL number, 539100, when using a p-card. And when the invoice is entered into Works, be sure to fill out the comment field with a description of the event and the type of food that was served.



APPENDIX F5

An RFP template for sustainable food services from the federal government

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The federal government's General Services Administration created this [RFP Template for Sustainable Food Services](#) for federal buyers to secure green contracts for cafeteria and food services. The following is an excerpt from the section entitled "Sustainability Program and Practices," beginning on page 19 of the RFP template.

i. Background

The federal government recognizes the importance of promoting sustainable systems that protect our people, our planet, and our economic vitality. The commitment to sustainability goals is demonstrated in the following executive orders, USDA legislation, and USDA initiatives. These are a basis for the sustainability elements of these guidelines:

- 1) Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," directs agencies within the federal government to practice environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable methods of operation.
- 2) Executive Order 13514, "Federal Leadership in Environmental, Energy, and Economic Performance," provides the following general guidance for federal agencies:
 - Increase energy efficiency; measure, report, and reduce greenhouse gas emissions from direct and indirect activities.
 - Conserve and protect water resources through efficiency, reuse, and storm water management.
 - Eliminate waste, recycle, and prevent pollution.
 - Leverage Agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services.
 - Design, construct, maintain, and operate high performance sustainable buildings in sustainable locations.
 - Strengthen the vitality and livability of the communities in which federal facilities are located.
 - Inform federal employees about and involve them in the achievement of these goals.
- 3) USDA defines sustainable agriculture as Congress defined the term in 1990 (7 USC 3103), as an integrated system of plant and animal production practices having a site-specific application that will over the long-term accomplish the following:
 - Satisfy human food and fiber needs.
 - Enhance environmental quality and the natural resource base upon which the agriculture economy depends.
 - Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls.
 - Sustain the economic viability of farm operations.
 - Enhance the quality of life for farmers and society as a whole.

- 4) USDA encourages stronger connections between farmers and consumers, and support for local and regional food systems as a way to foster economic opportunity for farmers and ranchers, stimulate community economic development, expand access to affordable fresh and local food, cultivate healthy eating habits and educated, empowered consumers, and demonstrate the connection between food, agriculture, community, and the environment (see <http://www.usda.gov/knowyourfarmer> for more information).

It is encouraged that the Contractor employ these practices in their daily operation of the cafeteria and demonstrates their corporate capability by applying these standards.

ii. Sustainability Standards

1. General Operations

a. Standard Criteria:

- i. Participate in waste reduction, recycling and composting programs, as available.
- ii. Promote and incentivize the use of reusable beverage containers.
- iii. Promote use of tap water over bottled water.
- iv. Use green cleaning practices.
- v. Use integrated pest management practices and green pest control alternatives to the maximum extent feasible.
- vi. Provide materials for single-service items (e.g., trays, flatware, plates, and bowls) that are compostable and made from bio-based products.

2. General Food

a. Standard Criteria:

- i. Offer 25% of the product line to be organically, locally, or documented sustainably grown (e.g., integrated pest management, pesticide free, other labeling programs).
- ii. Offer seasonal varieties of fruits and vegetables.

b. Above Standards:

- i. Offer 35% of the product line to be organically or locally or documented sustainably grown (e.g., integrated pest management, pesticide free, other labeling programs).

3. Sustainability Labeling

a. Standard Criteria:

- i. Label Organic, local, or documented sustainably grown food items available in food service at the point of choice.

b. Above Standard:

- i. Educate about the value of agricultural best practices that are ecologically sound, economically viable, and socially responsible in Agency concessions services with signage, informational programs, or other means of communicating the benefits of the items that are labeled organic, local, and/or sustainable.
- ii. For locally grown foods, include information that identifies the farms and sustainable practices used.

4. Animal Products

a. Standard Criteria:

- i. Offer fish/seafood that has been responsibly harvested. <http://www.fishwatch.gov>

b. Above Standard:

- i. Offer Certified Organic or documented sustainably or locally produced milk and milk products.
- ii. Offer Certified Organic or documented sustainably or locally produced eggs and meat (e.g., grass fed, free-range, pasture raised, grass finished, humanely raised and handled).

5. Beverages

a. Standard Criteria:

- i. Offer drinking water, preferably chilled tap.

b. Above Standard: 21

- i. If offering coffee or tea, include coffee or tea offerings that are Certified Organic, shade grown, and/or bird friendly.
- ii. If composting is available, bottled water must be offered in compostable bottles.

It is encouraged that the Contractor employ these practices in their daily operation of the cafeteria and demonstrates their corporate capability by applying these standards.

Endnotes

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Washington DC Headquarters
1100 15th St NW, 11th floor,
Washington, D.C., 20005

California Office
2150 Allston Way Suite 360
Berkeley, CA 94704
Contact: redward@foe.org







This city observes Green Monday. The program has two components – making plant-based menu choices at least one day per week and raising public awareness of the impacts of our food choices.

WHY GREEN MONDAY?

CAFOs

Today, in the US alone, nine billion land animals are bred and slaughtered each year, 99% of them in factory farms, called Concentrated Animal Feeding Operations (CAFOs). CAFOs contain at least 1,000 large animals such as beef cows, or tens of thousands of smaller animals such as chickens. Many are much larger—with tens of thousands of beef cows or hogs or hundreds of thousands of chickens.

Over the last two decades, the sector has been transformed by a handful of massive multinational corporations that control the inputs, production and processing of most farmed animals.

Climate

Farmed animals are a major source of climate change. They emit more greenhouse gases than the entire transportation sector. Animals, especially cows, directly emit greenhouse gasses. Cows burp methane, which is 20 times worse for the climate than carbon dioxide, and their poop emits nitrous oxide, which is up to 300 times worse. We can dramatically reduce our carbon footprint by reducing or eliminating our consumption of meat and dairy products

Natural Resources

Eating animals is extremely inefficient. For every 100 calories of corn or soy we feed a farmed animal, we get 3 calories of beef or 12 calories of chicken.

Livestock is the world's largest user of land resources. Although meat and dairy supply only 17% of calories and 33% of protein, 77% percent of the world's agricultural land is used for livestock. Half of all water use in the US goes to animal agriculture. It takes 1800 gallons of water to produce one pound of beef as compare to 300 gallons to produce a pound of tofu.

Workers

The people most directly impacted by industrial agriculture are workers in factory farms and slaughterhouses. Slaughterhouse employees endure some of the most dangerous working conditions in the country. Amputations of fingers, hands, and arms are common, and the furious pace of the work causes repetitive stress injuries and musculo-skeletal disorders. Despite these conditions, most workers don't have health insurance or the protection of unions. Companies recruit people who are undocumented because they won't be able to speak out against these conditions.

In addition to being physically dangerous, slaughterhouse work is psychologically traumatic. Workers are forced to kill thousands of innocent animals day after day. Many develop post-traumatic stress disorder (PTSD). These employees don't have access to basic health care, let alone mental health care, so often they self-medicate with drugs or alcohol. Rates of addiction and domestic violence are significantly higher than in other industries.

Communities of Color

Communities surrounding CAFOs, overwhelmingly Black and/or poor, have to contend year-round with the stench of animal feces and urine. Livestock produce 130x as much waste as humans in the US. The waste from factory farmed animals is collected in vast open-air pits known as lagoons. Runoff from the lagoons makes its way into rivers and streams, drastically raising nitrate levels, which are linked to autoimmune diseases and birth defects. The lagoons are periodically pumped out and the waste sprayed as fertilizer onto fields surrounding the factory farms, forcing local residents to stay inside and keep their windows shut. People living in the vicinity of these factories experience significantly higher rates of asthmas, high blood pressure, eye irritation, and depression than those in surrounding areas.

World Hunger

Eating more efficiently is critical. World population has grown from 2.5 billion in 1950 to 7.5 billion in 2017 and is projected to be 9.1 billion people by 2050. Unless we change course, there simply won't be enough food for everyone.

Animals-Other-Than-Humans

Animals in factory farms spend their entire lives in deplorable conditions and die in horrific ways. Breeding sows are crammed into crates so small they can't turn around, let alone nestle their babies. Dairy cows are inseminated year after year, their calves taken from them within days of their birth. The dairy cows cry inconsolably, typically for days, and the calves search in vain for their mothers. When they no longer produce enough milk to be valuable, they're slaughtered. And according to government estimates, over 10,000 broiler (meat) chickens are boiled alive every single day. So anytime we eat chicken, we have no way of knowing whether that chicken was one of the millions boiled alive every year.



SELECTED BOOKS FOR ADULTS

Cowed: The Hidden Impact of 93 Million Cows on America's Health, Economy, Politics, Culture, and Environment (2015)

By Denis Hayes and Gail Boyer Hayes

The authors, globally recognized environmentalists, analyze how our centuries-old relationship with bovines has evolved into one that endangers the planet.

Drawdown: The Most Comprehensive Plan Ever Proposed to Reverse Global Warming (2017)

by Paul Hawkin and Tom Steyer

One hundred steps ordinary people can take to reduce their carbon footprints. Excellent antidote to the prevailing sense of doom. See Drawdown [website](#).

Eating Animals (2010)

By Jonathan Safran Foer

Foer uses storytelling as his primary vehicle for examining the ethics of eating meat.

Eat for the Planet: Saving the World One Bite at a Time (2018)

By Nil Zacharias and Gene Stone

Extraordinarily clear infographics illustrate the devastating impacts of livestock.

The End of Factory Farming (2018)

By Jacy Reese

An overview of factory farming and a roadmap for ending it with a focus on institutional change. Accessible and comprehensive.

Food, Animals, and the Environment: An Ethical Approach (2018)

By Christopher Schlottmann and Jeff Sebo

What do we owe animals, plants, ecosystems, and future generations? What are the ethics of supporting harmful industries, and what are the ethics of resistance?

Food Choice and Sustainability (2013)

By Richard Oppenlander

Oppenlander makes the case that we have no choice but to adopt a plant-based diet to preserve the earth's rapidly dwindling resources.

The Reducetarian Solution (2017)

Edited by Brian Kateman

A collection of short essays from influential thinkers on how cutting 10% or more of the meat from one's diet can transform the life of the reader, animals, and the planet.



SELECTED BOOKS FOR CHILDREN

Gwen the Rescue Hen; Sprig the Rescue Pig (2018)

By Leslie Crawford, Illustrated by Sonja Stangl

Ages 4-7

Charming books about animals who discover how wonderful life can be off the farm. Children learn that every animal is an individual, deserving of respect and compassion. Delightfully illustrated.

My First Vegan Cookbook (2019)

By Stine Sidsner Garside, Illustrated by Michael Daniel Garside

Ages 2-10

Easy-to-follow vegan recipes parents can make with their younger children and older children can make themselves. Whimsical drawings accompany each recipe.

Not a Nugget (2015)

By Stephanie Dreyer, illustrated by Jack Veda

Ages 2-5

Shows the similarities between animal and human families. Gently introduces veganism. Gorgeous pictures. Forward by Gene Bauer, founder of Farm Sanctuary.

That's Why We Don't Eat Animals (2009)

Written and Illustrated by Ruby Roth

Ages 6-10

A classic. Contrasts animals happily living with their families in their natural habitats with those suffering in factory farms. Describes the devastating impacts of animal agriculture on the environment and biodiversity. Beautifully illustrated.

V Is for Vegan: The ABCs of Being Kind (2013)

Written and Illustrated by Ruby Roth

Ages 3-7

Introduces young children to the basics of animal rights and veganism through charming rhymes and illustrations, beginning with "A is for animals – friends not food."

That's Not My Momma's Milk! (2017)

By Julia Barcalow, Illustrated by Kayleigh Castle

Ages 1-3, a board book

A sweet book showing animal mothers feeding their babies. Loving and age-appropriate. Gently promotes compassion for animals. Delightful drawings.

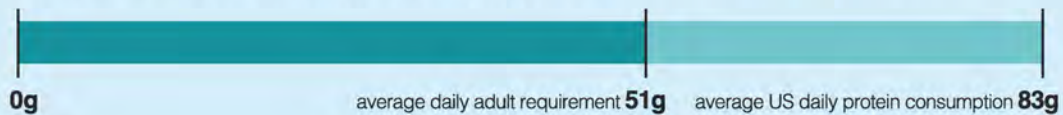


Are Your Protein Choices Climate-Friendly?

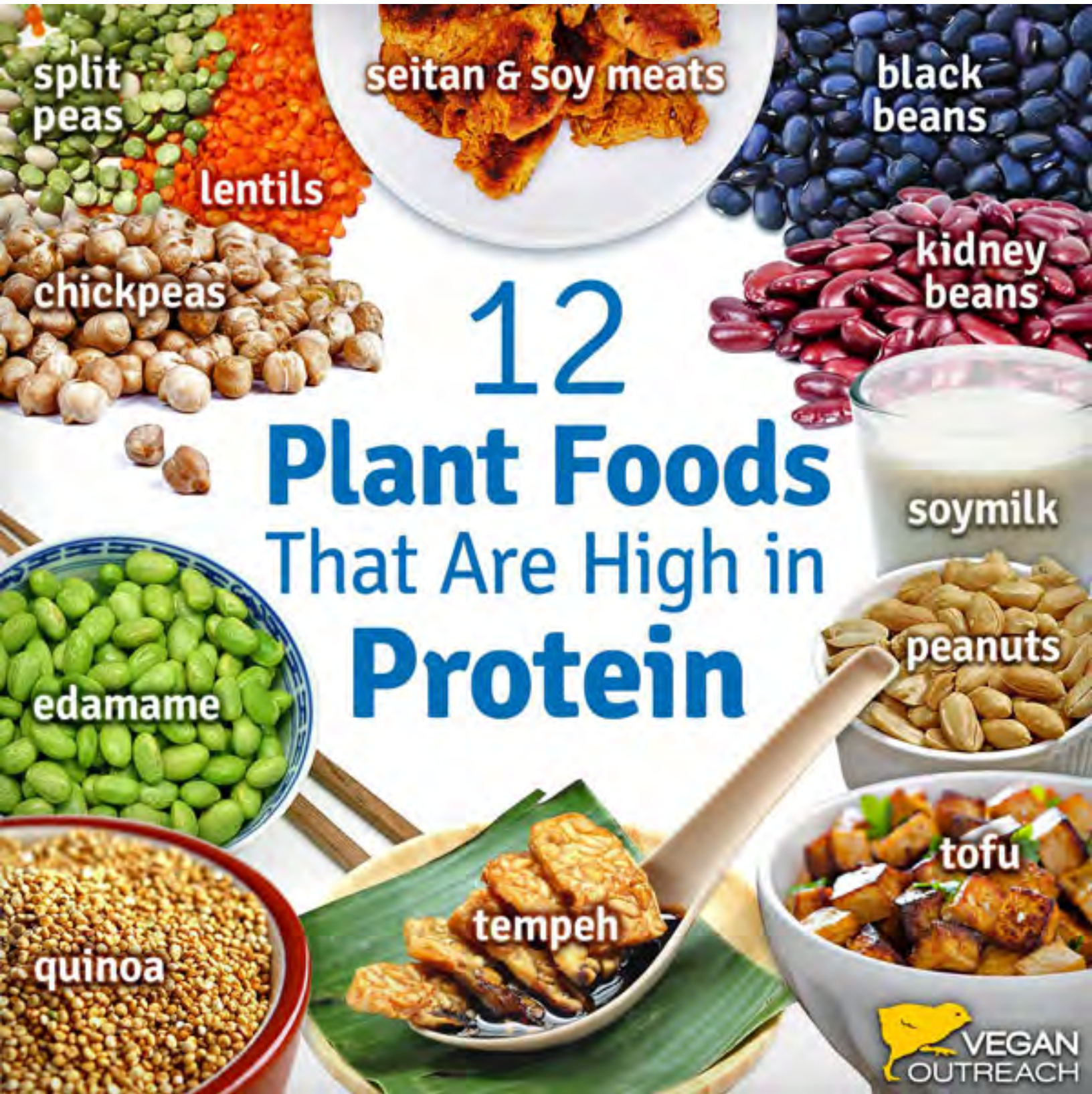
FOOD	IMPACT GHG emissions per gram of protein	COST Retail price per gram of protein
Wheat		\$
Corn		\$
Beans, chickpeas, lentils		\$
Rice		\$
Fish		\$\$\$
Soy		\$
Nuts		\$\$\$
Eggs		\$\$
Poultry		\$\$
Pork		\$\$
Dairy (milk, cheese)		\$\$
Beef		\$\$\$
Lamb & goat		\$\$\$

How Much Protein Do You Need?

The average daily adult protein requirement is **56g** for a man and **46g** for a woman but many people consume much more than they need.



Sources: GlobAgri-WRR model developed by CIRAD, Princeton University, INRA, and WRI (GHG data); USDA and BLS (2016) (US retail price data) Notes: see www.wri.org/proteinscorecard



split
peas

lentils

chickpeas

seitan & soy meats

black
beans

kidney
beans

12

Plant Foods That Are High in Protein

soymilk

edamame

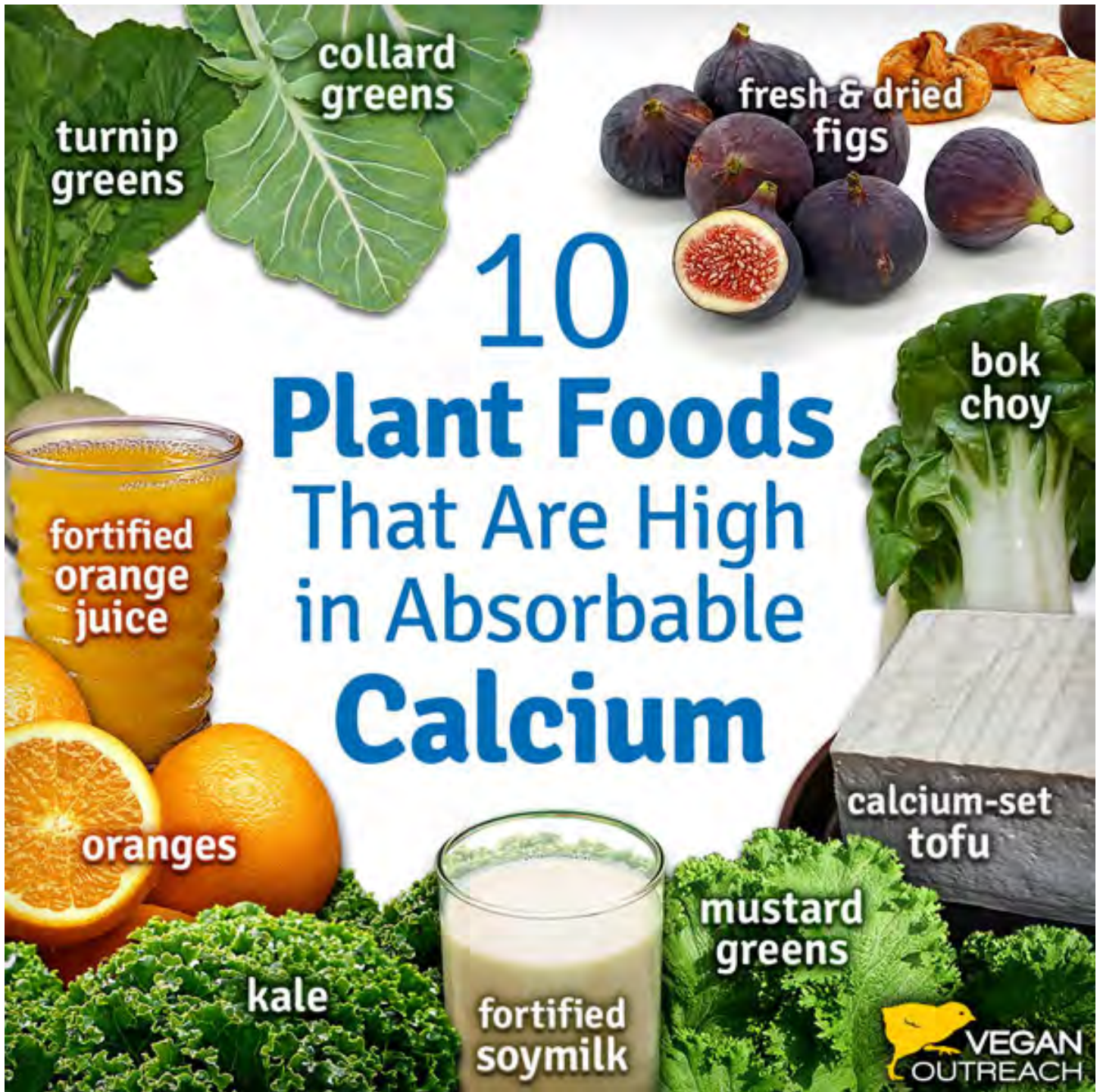
peanuts

quinoa

tempeh

tofu







spinach

Swiss chard

dried figs

11

Plant Foods That Are High in Iron

tofu

oatmeal

molasses

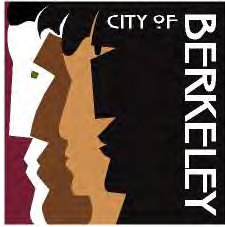
almonds

chickpeas

kidney
beans

lentils





Sophie Hahn
Councilmember District 5

REVISED AGENDA MATERIAL

Meeting Date: April 30, 2019

Item Number: 23

Item Description: Good Food Purchasing Program Resolution

Submitted by: Councilmember Sophie Hahn

Clarifying edits throughout the Council report and Resolution, based on further consultation.



SOPHIE HAHN
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CONSENT CALENDAR

April 30, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn, Mayor Jesse Arreguín,
and Councilmembers Cheryl Davila and Rigel Robinson
Subject: Good Food Purchasing Program Resolution

RECOMMENDATION

Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, and Chicago, and Washington, D.C. as one of the first five cities nationwide to ~~become~~ endorse a Good Food Purchasing- values ~~partner~~, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.

SUMMARY STATEMENT

When Berkeley purchases or contracts for food, we have the opportunity to express our health, environmental, labor and other values. The City has purchasing policies to ensure preference for local vendors, fair labor practices, and environmental sustainability (including the newly adopted requirement that foodware purchased by the City be reusable or compostable), but to date we have not adopted a clear set of values to express through the purchase of food. The national Good Food Purchasing Program, administered by the Berkeley-based Center for Good Food Purchasing, ~~based out of Berkeley,~~ provides a comprehensive, practical and carefully researched set of progressive values-based food standards ~~values~~ for Cities to adopt, and workable policies to incorporate over time.¹

The Good Food Purchasing Program seeks to transform the way public institutions purchase food by creating a transparent and equitable food system built on five core values: local economies, health, valued workforce, animal welfare and environmental sustainability. In addition, the Center for Good Food Purchasing provides a set of tools, technical support and a verification system to help cities and other entities meet their goals. By endorsing these values, ~~becoming a Good Food Purchasing partner~~ the City of Berkeley can ensure that these core values are expressed in the food purchased and

¹ Good Food Purchasing Program Overview. [Web](#).

served by the City of Berkeley.

BACKGROUND

Food purchasing choices have significant implications for the health and wellbeing of Berkeley residents, the working conditions and wages of food workers, the welfare of animals used in food production and the carbon footprint of our local community. The Good Food Purchasing Policy Program is shifting government and school district purchasing decisions to mainstream better food procurement, combining social and economic food justice into a single framework.

GFPP makes recommendations and provides technical assistance to governments and school districts, setting targets and measuring the impact of changes with its professional staff. Since the City of Berkeley's food purchases are relatively limited, GFPP's practice of conducting a formal survey of contracts of partner institutions will not be pursued at this time. But an endorsement of the GFPP's values, partnerships for information sharing, and incremental changes by City departments engaged in food purchasing will improve Berkeley's own practices while strengthening the program's reach with food producers overall.

The City of Berkeley purchases food for service in a variety of settingsways, including the North Berkeley Senior Center, South Berkeley Senior Center, the Berkeley Police Department's jail facility, for the administration of public events and meetings, and for the administration of internal staff and council meetings. ~~While the total expenditure of these food purchases are likely less than \$5 million annually, the threshold at which the GFPP recommends a formal purchasing study, the City can endorse and strive toward the value areas outlined by the program.~~

Many school districts and several local governments around the country have already created-enrolled in the Good Food Purchasing Program ~~partnerships with GFPP~~, contributing to a movement that is expected to foster meaningful institutional change among food distributors and manufacturers.

In 2016, the Oakland Unified School District implemented the GFPP to complement their existing California Thursday program, which requires meals to be sourced from within the State, and Meatless Monday, which requires meals to be plant-based once a week. Since implementing the program, the district has moved from a 2-star to a 4 star rating.² The San Francisco Unified School District has implemented the GFPP,

² GFPP Presentation + District Commitment. Oakland Unified School District Legislative Information Center [Website](#).

expanding the district's Buy American provision that requires that school meal resources to maximize benefits to American growers and producers.³

As an example of success, the Los Angeles Unified School District, the first government entity to adopt and implement the GFPP, cites the following accomplishments:⁴

- \$12 million redirected toward the purchase of local produce
- ~~150-220~~ new jobs created in Los Angeles County food chains
- Higher wages and a union contract for local truck drivers and warehouse workers and support for the United Farm Workers.
- 15 percent decrease in spending on meat and 19.6 million gallons of water saved each week via the implementation of Meatless Mondays
- ~~Antibiotic-free~~ Now serving only ~~C~~chicken produced without the routine use of antibiotics
- Lower-sodium bread products without high fructose corn syrup
- Bread rolls from central California, rather than out of state

28 public institutions across 14 U.S. cities are enrolled in ~~Entities that have implemented~~ the GFPP including Washingt Washington D.C., Cook County (IL), Chicago Public Schools, Austin (TX), Austin Independent School District (TX), and ~~the Land Stewardship Project of Twin Cities~~ Minneapolis Public Schools (MN).

In the context of Berkeley, the program has strong synergy with existing City efforts like Green Monday, which aims to reduce institutional meat consumption and promote plant-based food options. Conservative estimates put livestock emissions at 18 percent of global greenhouse gas emissions, more than the entire transportation sector combined.⁵ And meat consumption continues to grow globally, as the United Nations predicts that consumption will double by 2050 without major changes in consumer choices.⁶ This underscores how a program that encourages plant-based diets and reduces meat consumption ~~and reduces supply chain emissions through local purchasing~~ can help the City achieve important climate goals.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES & LAWS

The GFPP has strong synergies with Berkeley's Green Monday initiative, adopted by the City Council in September of 2018 to combat animal agriculture's role in climate change. The item referred to the City Manager to serve plant-based foods on Mondays

³ Board of Education Resolution 164-26A3, adopted May 24, 2016

⁴ Measuring Impact. Good Food Purchasing Program [Website](#).

⁵ Bailey, Rob; Froggatt, Antony; and Wellesley, Laura. Livestock – Climate Change's Forgotten Sector Global Public Opinion on Meat and Dairy Consumption. December 2014. [Web](#).

⁶ Meat & Meat Products. United Nations; Food and Agriculture Organization. [Web](#).

or another day of the week to reduce GHG and other impacts and raise awareness of the substantial environmental footprint of food choices.⁷ Green Monday strengthened a 2015 resolution establishing Meatless Monday, which called for restaurants, grocery stores, and schools to offer a greater variety of plant-based options.

Additionally, the GFPP supports the City of Berkeley's 2009 Climate Action Plan and its 2018 Climate Emergency Declaration. The Climate Action Plan highlights how sustainable food systems "reduce the distances food must travel to get to our tables," "prioritize the consumption of organic food over conventional food, and the consumption of vegetables rather than meat... globally farm animals generate 18 percent of greenhouse gas emissions, according to estimates by the United Nations."⁸ The Climate Emergency Declaration states that our community must mobilize "to reach zero greenhouse gas emissions across all sectors at wartime speed," mitigating and averting irreversible damage to our society and Earth's ecosystems.⁹

In terms of local purchases, partnering with the GFPP could strengthen the City's local vendor preferences, which extend a five percent preference to local business enterprises for supplies, equipment and nonprofessional services from \$100 to \$25,000.¹⁰ Unlike GFPP, this policy does not define "localness" by miles of transport, but rather a business's physical presence within City limits.

In terms of labor standards, the City of Berkeley requires that companies, nonprofits, and other entities with significant city contracts not discriminate in the provision of bereavement leave, family medical leave, or health benefits between its employees with domestic partners and employees with spouses.¹¹ In addition, the City's Living Wage ordinance requires that significant vendors pay employees living wages as defined by the City.¹²

These existing laws demonstrate the City's commitment to express residents' values through purchasing decisions.

ACTIONS/ALTERNATIVES CONSIDERED

An alternative considered was to partner with the GFPP to do a baseline assessment of Berkeley's food purchasing practices, at an approximate cost of \$15,000, and then referring to the City Manager to implement purchasing requirements aligned with the

⁷ Resolution Establishing Green Monday. Berkeley City Council [Website](#).

⁸ City of Berkeley Climate Action Plan. Chapter 3. p. 33. [Web](#).

⁹ Resolution No. 68,486 Endorsing the Declaration of a Climate Emergency. [Web](#).

¹⁰ Local Vendor Preferences. Berkeley City Finance Department [Website](#).

¹¹ Equal Benefits to Employees of City Contractors. Chapter 13.29. [Web](#).

¹² City of Berkeley Living Wage Ordinance.

survey's results. However, since this review would require time and funds and the City's spending on food is estimated to be below approximately \$35 million, dispersed across several city departments, which each purchase food independently through separate contracting arrangements, a resolution endorsing GFPP's purchasing values and incremental changes by individual City departments appears to be a more effective approach.

CONSULTATION/OUTREACH OVERVIEW & RESULTS

Endorsement Adoption of the Good Food Purchasing values Policy has minimal direct impact on community members, since it only applies to food purchased by the City.

Councilmember Hahn's office conducted outreach with partners involved in the national expansion of the staff members at the Good Food Purchasing Program, including local author and sustainable food advocate Anna Lappé, whose organization Real Food Media works closely with a coordinator for the Good Food Purchasing network nationwide, to discuss how the program can be feasibly implemented and the program's implications for labor standards and environmental impact. The Councilmember's office also consulted Alexa Delwiche, the Executive Director and Co-founder of the Center for Good Food Purchasing, to understand formal requirements to enroll in the program, potential costs to the city, and how the GFPP's values could be adopted and implemented over time. Boston's recent endorsement and resolution language were also discussed.

Finally, staff in the City of Berkeley's Office of Energy & Sustainable Development were also consulted to discuss implementation and feasibility.

RATIONALE FOR RECOMMENDATION

The City of Berkeley is committed to expressing its values through its purchasing decisions, and this resolution will raise awareness of GFPP's five core values: local economies, health, valued workforce, animal welfare and environmental sustainability.

By establishing a formal relationship with GFPP through an endorsement of its principles, Berkeley will join a host of Cities helping transition local, state and national entities to more ethical, humane and environmentally sound food production.

IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT

This resolution will not require enforcement, but staff will be provided with information on how future contracts can effectively implement GFPP values and how GFPP staff can provide guidance in future decision making. It is hoped that staff City Staff involved

in food purchasing for the City of Berkeley will review and incorporate components of the GFPP as possible.

The principles of the Good Food Purchasing Program can be found at <https://goodfoodpurchasing.org/program-overview/#values>

FISCAL IMPACTS

This recommendation could reduce or increase food purchasing costs as parts of the GFPP are implemented, but as this recommendation is not a specific mandate, there are no “imposed” costs or savings. It is expected that any possible savings that could help achieve the goals of the GFPP would be implemented, and some added costs could be incurred to support these objectives as well.

ENVIRONMENTAL SUSTAINABILITY

The item is consistent with Berkeley policies and vision on environmental sustainability, including Green Monday, the Climate Action Plan, the Resilience Plan and the Climate Emergency Declaration. Reducing meat and sourcing food locally results in significant reductions in GHGs, helping the City achieve its Climate Action Goals.

OUTCOMES & EVALUATION

The expected outcome of this item is that the City will receive guidance from GFPP on how to improve its purchasing decisions, setting an example for other cities, districts, and states around the country. Over time, ~~it is hoped that~~ the City will incorporate purchasing practices recommended by the GFPP. Information about implementation and outcomes should be included in the City’s biannual climate action report, since measures to implement GFPP food purchasing standards will support the ~~p~~Plan’s goals.

CONTACT

Sophie Hahn, District 5, (510) 981-7150

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

ENDORISING THE VALUES OF THE GOOD FOOD PURCHASING PROGRAM
(GFPP)

WHEREAS, the food system has substantial implications for the health of our communities, the resilience of our local economy, nutrition, the labor conditions of transportation and farm workers, the sustainability and climate goals of our cities, and animal welfare; and

WHEREAS, the Good Food Purchasing Program (GFPP) is leading efforts by cities and school districts to bring purchasing standards in line with these values; and

WHEREAS, the GFPP's values support small and mid-sized local agricultural and food processing operations; support producers that employ sustainable production systems; protect workers' rights to freedom of association, to organize a union and collectively bargain in order to better ensure safe and healthy working conditions, fair compensation, and access to health insurance and affordable child care; ensure farmers a fair price for their products that covers the cost of production and fair remuneration for their management and labor; provide healthy and humane care for farm animals; and promote health and well-being by offering generous portions of vegetables, fruit, and whole grains, reducing salt, added sugars, fats and oils, and by eliminating artificial additives; and

WHEREAS, the Los Angeles Unified School District, City of Los Angeles, San Francisco Unified School District, Oakland Unified School District, Austin Independent School District ~~(TX)~~, Chicago Public Schools, the City of Boston ~~(MA)~~, Washington D.C. Public Schools, Cook County ~~(IL)~~, and Cincinnati Public Schools School Austin ~~(TX)~~, and the Land Stewardship Project of Twin Cities ~~(MN)~~ have formally adopted the Good Food Purchasing Program ~~partnered with GFPP~~; and

WHEREAS, these partnerships are forging a coalition that can encourage better food production standards by leveraging collective purchasing power; and

WHEREAS, the City of Berkeley already supports similar initiatives like Green Monday, a program encouraging institutions to incrementally replace animal products with plant-based food options with notable benefits for animal welfare, nutrition, and the environment; and

WHEREAS, the technical support and network of GFPP helped the Los Angeles Unified School District redirect \$12 million toward the purchase of local produce, create 150-220

new jobs in Los Angeles County food chains, achieved higher wages for local truck drivers and support for the United Farm Workers, achieved a 15 percent decrease in spending on meat, reduced water-use by 19.6 million gallons each week; and

WHEREAS, an endorsement of GFPP's values can help the City achieve progress in food purchasing standards and encourage institutions with larger food budgets to adopt the program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley endorses the Good Food Purchasing Program's five core values of localness, nutrition, labor rights, environmental sustainability, and animal welfare, and seeks to implement these values over time through its own food purchasing practices.

BE IT FURTHER RESOLVED that the City of Berkeley endorses efforts by other [Berkeley-based major food service](#) institutions to formally adopt the review processes and implementation of the Good Food Purchasing Program.



Rashi Kesarwani
Councilmember, District 1

Companion Memo for Support Vision 2025 for Sustainable Food Policies
From: Councilmember Rashi Kesarwani, District 1, Chair of the Health, Life Enrichment,
Equity and Community Policy Committee meeting
Date: February 8, 2021

This memo is intended to provide recommendations for this policy committee's discussion of Councilmember Cheryl Davila's Support Vision 2025 for Sustainable Food Policies council item originally submitted for the September 15, 2020 council meeting, and referred to this committee.

Recommendation:

Return item to the City Council with a qualified positive recommendation, with the following specific recommendations:

- Express support for the [Milan Urban Food Policy Pact](#) (MUFPP)
- Refer aspects of the original item to the Community Health Commission (or future commission addressing public health) to take the following actions:
 - Consult with appropriate City staff to evaluate the feasibility of altering food sources within the City's existing food service contracts - with a specific focus on the feasibility of replacing meat and dairy-based offerings with plant-based options - given contractor procurement practices and any federal or state nutrition requirements for seniors and other affected populations; and
 - Solicit input from potentially affected communities, particularly seniors, for their feedback on shifting to more plant-based foods through a short survey or other means.
- Take no action on the "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA, ADOPTING VISION 2025 FOR SUSTAINABLE FOOD POLICIES"

Rationale for the recommendation:

The Support Vision 2025 Sustainable Food Policies council item made several recommendations:

1. Adopt a Resolution Supporting Vision 2025 for Sustainable Food Policies
2. Join San Francisco, Chicago and Austin in signing the Milan Urban Food Policy Pact (MUFPP) which includes forming an advisory body on sustainable food policies.
3. Support adoption of a Climate-Friendly Food Purchasing Policy as described by Friends of the Earth to replace 50% of the City's annual animal-based food procurement with plant-based food.

4. Short Term Referral to the City Manager to: a. Track the amount of animal-based food replaced with plant-based food b. Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

The City of Berkeley has taken ambitious action to reduce its greenhouse gas emissions. Reducing the City's procurement of animal-based food is one arena where further investigation and possible action is needed. Thus this memo recommends adopting portions of Vision 2025 while referring other elements to the Community Health Commission for further investigation.



Milan Urban Food Policy Pact

15 October 2015

Acknowledging that cities which host over half the world's population have a strategic role to play in developing sustainable food systems and promoting healthy diets, and because while every city is different, they are all centres of economic, political and cultural innovation, and manage vast public resources, infrastructure, investments and expertise;

Noting current food systems are being challenged to provide permanent and reliable access to adequate, safe, local, diversified, fair, healthy and nutrient rich food for all; and that the task of feeding cities will face multiple constraints posed by inter alia, unbalanced distribution and access, environmental degradation, resource scarcity and climate change, unsustainable production and consumption patterns, and food loss and waste;

Acknowledging that accelerated urbanisation is profoundly impacting our world – in economic, social and environmental dimensions – which therefore necessitates re-examination of the ways in which cities are provisioned with food and water as well as other essential goods and services;

Acknowledging that hunger and malnutrition in its various forms exist within all cities, posing great burdens on individual health and well-being and thus generating major social and economic costs at household, community, municipality and national levels;

Recognizing that family farmers and smallholder food producers, (notably women producers in many countries) play a key role in feeding cities and their territories, by helping to maintain resilient, equitable, culturally appropriate food systems; and that reorienting food systems and value chains for sustainable diets is a means to reconnect consumers with both rural and urban producers;

Acknowledging that urban and peri-urban agriculture offers opportunities to protect and integrate biodiversity into city region landscapes and food systems, thereby contributing to synergies across food and nutrition security, ecosystem services and human well-being;

Acknowledging that since food policies are closely related to many other urban challenges and policies, such as poverty, health and social protection, hygiene and sanitation, land use planning, transport and commerce, energy, education, and disaster preparedness, it is essential to adopt an approach that is comprehensive, interdisciplinary and inter-institutional;

Acknowledging that civil society and the private sector have major roles to play in feeding cities, bringing experience, innovation and campaigns for more sustainable food systems and mainstreaming the critical need for a socially inclusive and a rights-based approach in urban food policy;

Recalling that cities have made commitments to address climate change; to promote strategies and actions for mitigating GHG emissions and adapting cities to the impacts of climate change on urban food systems (for example in successive World Urban Fora and the upcoming Habitat III United Nations Conference on Housing and Sustainable Urban Development); and to promote sustainable management of biodiversity through city biodiversity initiatives as part of the Convention on Biological Diversity;

Acknowledging that cities and their neighbouring territories will be active in operationalising international processes such as Sustainable Development Goals (SDGs) and targets in the post-2015 Development Agenda; that they will be involved in the upcoming negotiations for the UN Framework Convention on Climate Change (COP21), as well as contribute to the Zero Hunger Challenge, address sustainable urban diets in the Second International Conference on Nutrition, and play important roles in the post-2015 Framework for Disaster Risk Reduction;

Gathering in Milano on the occasion of the Milan Expo *Feeding the Planet, Energy for Life*,
we hereby state:

BY SIGNING THE MILAN URBAN FOOD POLICY PACT,
WE, THE MAYORS AND REPRESENTATIVES OF LOCAL GOVERNMENTS,
COMMIT TO THE FOLLOWING:

1. We will work to develop sustainable food systems that are inclusive, resilient, safe and diverse, that provide healthy and affordable food to all people in a human rights-based framework, that minimise waste and conserve biodiversity while adapting to and mitigating impacts of climate change;
2. We will encourage interdepartmental and cross-sector coordination at municipal and community levels, working to integrate urban food policy considerations into social, economic and environment policies, programmes and initiatives, such as, inter alia, food supply and distribution, social protection, nutrition, equity, food production, education, food safety and waste reduction;
3. We will seek coherence between municipal food-related policies and programmes and relevant subnational, national, regional and international policies and processes;
4. We will engage all sectors within the food system (including neighbouring authorities, technical and academic organizations, civil society, small scale producers, and the private sector) in the formulation, implementation and assessment of all food-related policies, programmes and initiatives;
5. We will review and amend existing urban policies, plans and regulations in order to encourage the establishment of equitable, resilient and sustainable food systems;
6. We will use the Framework for Action as a starting point for each city to address the development of their own urban food system and we will share developments with participating cities and our national governments and international agencies when appropriate;
7. We will encourage other cities to join our food policy actions.

Signed by:

(Name of the authorised representative of the city or local government)

Representing (the city of ____)

Date:

Urban Food Policy Framework for Action

The nature of this Framework for Action is **voluntary**. Its purpose is to provide strategic options to those cities aiming **to achieve more sustainable food systems** by adopting the Milan Urban Food Policy Pact launched by the Municipality of Milan on the occasion of the 2015 Expo “Feeding the Planet, Energy for Life”.

The Framework builds upon the direct experience of participating cities and takes into account relevant diverse commitments, goals and targets. While the options have been organized into thematic clusters, they should be seen as entry points towards achieving the common goal of sustainable food systems. Most interventions (such as school meals or community gardens) may fall under the jurisdiction of more than one municipal agency or department. Most interventions will have an impact on multiple dimensions (economic, social, health and environment) of sustainable development.

Cities can select, adapt and group options into guidelines as necessary to suit their particular situations. Links to related information material and samples of best practices are available as a complementary set of guidance materials.

Recommended actions: ensuring an enabling environment for effective action (governance)

1. **Facilitate collaboration across city agencies and departments** and seek alignment of policies and programmes that impact the food system across multiple sectors and administrative levels, adopting and mainstreaming a rights-based approach; options can include dedication of permanent city staff, review of tasks and procedures and reallocation of resources.
2. **Enhance stakeholder participation** at the city level through political dialogue, and if appropriate, appointment of a food policy advisor and/or development of a multi-stakeholder platform or food council, as well as through education and awareness raising.
3. **Identify, map and evaluate local initiatives** and civil society food movements in order to transform best practices into relevant programmes and policies, with the support of local research or academic institutions.
4. **Develop or revise urban food policies and plans** and ensure allocation of appropriate resources within city administration regarding food-related policies and programmes; review, harmonize and strengthen municipal regulations; build up strategic capacities for a more sustainable, healthy and equitable food system balancing urban and rural interests.
5. **Develop or improve multisectoral information systems** for policy development and accountability by enhancing the availability, quality, quantity, coverage and management and exchange of data related to urban food systems, including both formal data collection and data generated by civil society and other partners.
6. **Develop a disaster risk reduction strategy** to enhance the resilience of urban food systems, including those cities most affected by climate change, protracted crises and chronic food insecurity in urban and rural areas.

Recommended actions: sustainable diets and nutrition

7. **Promote sustainable diets** (healthy, safe, culturally appropriate, environmentally friendly and rights-based) through relevant education, health promotion and communication programmes, with special attention to schools, care centres, markets and the media.

8. **Address non-communicable diseases associated with poor diets and obesity**, giving specific attention where appropriate to reducing intake of sugar, salt, trans fats, meat and dairy products and increasing consumption of fruits and vegetables and non-processed foods.
9. **Develop sustainable dietary guidelines** to inform consumers, city planners (in particular for public food procurement), food service providers, retailers, producers and processors, and promote communication and training campaigns.
10. **Adapt standards and regulations to make sustainable diets and safe drinking water accessible** in public sector facilities such as hospitals, health and childcare facilities, workplaces, universities, schools, food and catering services, municipal offices and prisons, and to the extent possible, in private sector retail and wholesale food distribution and markets.
11. **Explore regulatory and voluntary instruments** to promote sustainable diets involving private and public companies as appropriate, using marketing, publicity and labelling policies; and economic incentives or disincentives; streamline regulations regarding the marketing of food and non-alcoholic beverages to children in accordance with WHO recommendations.
12. **Encourage joint action by health and food sectors** to implement integrated people-centred strategies for healthy lifestyles and social inclusion.
13. **Invest in and commit to achieving universal access to safe drinking water and adequate sanitation** with the participation of civil society and various partnerships, as appropriate.

Recommended actions: social and economic equity

14. **Use cash and food transfers**, and other forms of social protection systems (food banks, community food kitchens, emergency food pantries etc.) to provide vulnerable populations with access to healthy food, while taking into consideration the specific beliefs, culture, traditions, dietary habits and preferences of diverse communities, as a matter of human dignity and to avoid further marginalization.
15. **Reorient school feeding programmes** and other institutional food service to provide food that is healthy, local and regionally sourced, seasonal and sustainably produced.
16. **Promote decent employment for all**, including fair economic relations, fair wages and improved labour conditions within the food and agriculture sector, with the full inclusion of women.
17. **Encourage and support social and solidarity economy activities**, paying special attention to food-related activities that support sustainable livelihoods for marginalized populations at different levels of the food chain and facilitate access to safe and healthy foods in both urban and rural areas.
18. **Promote networks and support grassroots activities** (such as community gardens, community food kitchens, social pantries, etc.) that create social inclusion and provide food to marginalized individuals.
19. **Promote participatory education, training and research** as key elements in strengthening local action to increase social and economic equity, promote rights-based approaches, alleviate poverty and facilitate access to adequate and nutritious foods.

Recommended actions: food production

20. **Promote and strengthen urban and peri-urban food production** and processing based on sustainable approaches and integrate urban and peri-urban agriculture into city resilience plans.
21. **Seek coherence between the city and nearby rural food production**, processing and distribution, focussing on smallholder producers and family farmers, paying particular attention to empowering women and youth.

22. **Apply an ecosystem approach to guide holistic and integrated land use planning and management** in collaboration with both urban and rural authorities and other natural resource managers by combining landscape features, for example with risk-minimizing strategies to enhance opportunities for agroecological production, conservation of biodiversity and farmland, climate change adaptation, tourism, leisure and other ecosystem services.
23. **Protect and enable secure access and tenure to land** for sustainable food production in urban and peri-urban areas, including land for community gardeners and smallholder producers, for example through land banks or community land trusts; provide access to municipal land for local agricultural production and promote integration with land use and city development plans and programmes.
24. **Help provide services to food producers in and around cities**, including technical training and financial assistance (credit, technology, food safety, market access, etc.) to build a multigenerational and economically viable food system with inputs such as compost from food waste, grey water from post-consumer use, and energy from waste etc. while ensuring that these do not compete with human consumption.
25. **Support short food chains**, producer organisations, producer-to-consumer networks and platforms, and other market systems that integrate the social and economic infrastructure of urban food system that links urban and rural areas. This could include civil society-led social and solidarity economy initiatives and alternative market systems.
26. **Improve (waste) water management and reuse** in agriculture and food production through policies and programmes using participatory approaches.

Recommended actions: food supply and distribution

27. **Assess the flows of food to and through cities** to ensure physical access to fresh, affordable foods in low-income or underserved neighbourhoods while addressing sustainable transportation and logistics planning to reduce carbon emissions with alternative fuels or means of transport.
28. **Support improved food storage, processing, transport and distribution** technologies and infrastructure linking peri-urban and near rural areas to ensure seasonal food consumption and reduce food insecurity as well as food and nutrient loss and waste with an emphasis on diversified small and medium scale food businesses along the value chain that may provide decent and stable employment.
29. **Assess, review and/or strengthen food control systems** by implementing local food safety legislation and regulations that (1) ensure that food producers and suppliers throughout the food chain operate responsibly; (2) eliminate barriers to market access for family farmers and smallholder producers; and (3) integrate food safety, health and environmental dimensions.
30. **Review public procurement and trade policy** aimed at facilitating food supply from short chains linking cities to secure a supply of healthy food, while also facilitating job access, fair production conditions and sustainable production for the most vulnerable producers and consumers, thereby using the potential of public procurement to help realize the right to food for all.
31. **Provide policy and programme support for municipal public markets** including farmers markets, informal markets, retail and wholesale markets, restaurants, and other food distributors, recognizing different approaches by cities working with private and public components of market systems.
32. **Improve and expand support for infrastructure** related to market systems that link urban buyers to urban, peri-urban and rural sellers while also building social cohesion and trust, supporting cultural exchange and ensuring sustainable livelihood, especially for women and young entrepreneurs.
33. **Acknowledge the informal sector's contribution** to urban food systems (in terms of food supply, job creation, promotion of local diets and environment management) and provide appropriate support and training in areas such as food safety, sustainable diets, waste prevention and management.

Recommended actions: food waste

34. **Convene food system actors to assess and monitor food loss and waste reduction** at all stages of the city region food supply chain, (including production, processing, packaging, safe food preparation, presentation and handling, re-use and recycling) and ensure holistic planning and design, transparency, accountability and policy integration.
35. **Raise awareness of food loss and waste** through targeted events and campaigns; identify focal points such as educational institutions, community markets, company shops and other solidarity or circular economy initiatives.
36. **Collaborate with the private sector along with research, educational and community-based organisations** to develop and review, as appropriate, municipal policies and regulations (e.g. processes, cosmetic and grading standards, expiration dates, etc.) to prevent waste or safely recover food and packaging using a “food use-not-waste” hierarchy.
37. **Save food by facilitating recovery and redistribution for human consumption of safe and nutritious foods**, if applicable, that are at risk of being lost, discarded or wasted from production, manufacturing, retail, catering, wholesale and hospitality.



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
September 15, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Support Vision 2025 for Sustainable for Sustainable Food Policies

RECOMMENDATION

1. Adopt a Resolution Supporting Vision 2025 for Sustainable Food Policies
2. Join [San Francisco](#), [Chicago](#) and [Austin](#) in signing the [Milan Urban Food Policy Pact \(MUFPP\)](#) which includes forming an advisory body on sustainable food policies.
3. Support adoption of a Climate-Friendly Food Purchasing Policy as described by [Friends of the Earth](#) to replace 50% of the City's annual animal-based food procurement with plant-based food.
4. Short Term Referral to the City Manager to:
 - a. Track the amount of animal-based food replaced with plant-based food
 - b. Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

RATIONALE FOR RECOMMENDATION

In June, 2018 the City of Berkeley unanimously passed a Climate Emergency Declaration, then in September, 2018 passed the Resolution Establishing Green Monday. Berkeley should understand the impact of our food sector on the environment, sustainability of natural resources, health, and social equity. By adopting Vision 2025 for Sustainable Food Policies, Berkeley will sign MUFPP and join C40 Cities in developing sustainable food systems through forming an advisory body with local activists, organizations, and business owners. Berkeley would join the C40 North America cities, Austin, Boston, Chicago, Houston, Los Angeles, Miami, Montreal, New Orleans, New York, Philadelphia, Phoenix, Portland, San Francisco, Toronto, Vancouver, and Washington DC and more cities may follow suit. Adopting the Vision 2025, the City of Berkeley would be committed to making food purchasing decisions that protect animal welfare, environmental sustainability, and provide healthy food options. By adopting the proposed Vision, Berkeley would also pass Climate-Friendly Food Purchasing Policy and commit to replacing 50% of annual animal-based food purchasing with plant-based food.

OUTCOMES AND EVALUATIONS:

Berkeley City Council would receive policy recommendations from the established advisory body for increasing climate-friendly, healthy and sustainable plant-based food options. The City Council should evaluate and update contracts with food vendors.

BACKGROUND

According to MUFPP, our food choices are directly linked to our environmental, health and social wellbeing. What we put on our plates every day either contributes to, or harms our physical wellbeing, our local economy, and our global resources. Approximately, 80% of the U.S. population lives in urban areas.¹ This means that urban cities are responsible for a significant portion of the national food consumption, and with it, the environmental and social impacts of those food choices. As a result, the C40 cities like San Francisco, Chicago and Austin have signed MUFPP agreements in order to develop environment-friendly, healthy and socially equitable food policies.² The City of Berkeley has wisely adopted Green Monday and the Good Food Purchasing Program (GFPP). But there is certainly a need to develop broader policies for significant improvement. Vision 2025 is designed to achieve this significant change over the next five years without causing a financial burden to the City of Berkeley. In fact, could result in overall cost savings.

By adopting Vision 2025, the City would be agreeing to sign MUFPP developed with the support of international organizations including the United Nations Farm and Agriculture Organization (UN FAO). The MUFPP suggests forming an advisory committee that would include local activists, organizations, business owners and other stakeholders to propose sustainable food policies. The second action item under the resolution is to pass a Climate-Friendly Food Purchasing policy that requires the City to replace 50% of animal-based food procurement with plant-based food.

Globally, several agencies are reporting the devastating impacts of a meat- and dairy-based diet for our physical and environmental health. The UN FAO reports that animal agriculture is responsible for emitting 18% of our planet's total greenhouse gas (GHG).³ These numbers are larger than the total GHG emissions from fossil fuels burned by the global transportation sector. The agriculture sector is expected to contribute 70% of total allowable GHG emissions by 2050, risking the Paris Agreement.⁶ Livestock and poultry account for more than 60% of the global agricultural GHG emissions and, therefore, addressing the emissions from animal agriculture is crucial in order to meet the Paris Agreement.^{3,6} According to the consumption-based GHG inventory described in Berkeley's Climate Action Plan, the food sector contributes more than 7 metric tons of CO₂ Eq. per household.⁵ Most of these emissions are from animal products like meat and dairy.⁵ The GHG emissions from meat consumption alone is more than the combined natural gas emissions in the City of Berkeley.

The negative impact of producing meat and dairy goes beyond global warming. In a drought-affected state, the average Californian consumes 1,500 gallons of water, and 50% of it is associated with meat and dairy consumption.⁷ According to UN FAO, we have enough cropland to feed 9 billion people by 2050 if 40% of all crops produced today for livestock is directly used

for human consumption.⁸ Globally, animal agriculture is the leading cause of tropical deforestation and it has massive impacts on climate change and biodiversity.^{9,10} The destruction of forests and biodiversity forces wildlife to live closer to human populations, risking the spread of infectious diseases like Ebola and COVID-19.¹¹ Additionally, the production of meat and dairy puts us in close contact with domesticated animals resulting in the spillover of zoonotic pathogens like the influenza virus. The consumption of meat and dairy is associated with an increased risk of chronic illnesses like diabetes, heart disease, and cancer.^{12,13} This type of diet significantly increases our healthcare costs, disproportionately jeopardizing the well-being of low-income families. The growing livestock biomass within confined spaces demands the increased use of antibiotics. According to the Center for Disease Control and Prevention (CDC), the excessive use of antibiotics serves as a breeding ground for antibiotic-resistant bacteria like Salmonella¹⁴. As a result, we are facing an uphill battle of antibiotic resistance. Recently, the World Health Organization (WHO) declared Antibiotic Awareness Week in November.

According to multiple reports, the single solution to achieve environmental sustainability within the food sector is by reducing the overall number of livestock and increasing our plant-based food options. The University of Oxford's most comprehensive meta-analysis reports that 83% of world farmland is used for livestock production to provide only 18% and 37% of our calories and protein, respectively.⁴ The replacement of animal products with plant based food can free-up farmland that could remove additional 8.1 billion metric tons of CO₂ Eq. every year for next 100 years.⁴ As a result, the 50% replacement of animal products with plant-based food can reduce 20% of total anthropogenic GHG emissions across all sectors.⁴ According to World Resource Institute, the almost 50% reduction of animal products in the average U.S. diet can reduce more than 40% of the country's agriculture GHG emission and land use.⁶

The City of Berkeley purchases almost \$5 million worth of food for places like senior centers, the Police Department's jail facility, public meetings, and events. As a result, Berkeley's purchasing power has a huge role to play in increasing plant-based food options. The municipal guide from Friends of the Earth (FOE) on Climate-Friendly Food Purchasing is an effective tool for increasing plant-based food options. It provides a stepwise process for municipalities to meet their target of increasing plant-based food options. Berkeley's potential to provide sustainable food is beyond the city's purchasing power. It includes, but is not limited to City parks, public schools, restaurants, and other food businesses.

Berkeley would join a good company by adopting Vision 2025. Recently, U.S. legislators have identified the importance of increasing plant-based food and milk options across various cities, states, as well as in Congress. Senator Cory Booker has introduced the Farm System Reform Act to completely phase out of Concentrated Animal Feeding Operations (CAFO). Senator Elizabeth Warren and Bernie Sanders are co-sponsoring the bill, and Representative Ro Khanna has introduced a companion bill in the House. California Assembly Bill 479 encourages public schools to provide healthy, climate-friendly (plant-based) food and milk options. This active bill has been well-received by both the State Assembly and Senate. Los Angeles and other C40 Cities have committed to establish a planetary diet of consuming only 300 grams of

meat per person in a week. New York City Council recently declared a plan to phase out processed meat and to cut down its beef purchasing by 50% in city facilities. The decision was part of the City's Green New Deal for addressing global warming. More locally, Oakland Unified School District decreased carbon footprint by 14%, water consumption by 6% and saved \$42,000 through increasing fruits, vegetables and legumes purchase and reducing meat and dairy consumption by 30%.¹⁵ This low-carbon commitment by one of California's largest school districts has shown the potential for protecting the environment and natural resources through healthy and cost-effective plant-based food options.

REVIEW EXISTING PROGRAMS, POLICIES, AND LAWS

Vision 2025 is aligned well with Berkeley's Green Monday initiative and GFPP. Green Monday recommends serving plant-based food once a week along with raising awareness about the positive impacts of plant-based food choices on the environment. Various reports suggest that animal products alone can jeopardize the Paris Agreement to keep the global surface temperature below 2C and could threaten scarce natural resources by 2050. Significant changes in our food choices need to happen for the wellbeing of our environment and global sustainability. It demands us to extend our efforts in increasing plant-based options through specific policies in the next 5 years.

GFPP is a certification-based program that also promotes antibiotic-free and grass-fed beef. The increasing demand for animal products requires that livestock are kept in confined spaces making them vulnerable to diseases. Therefore, it is not feasible to harvest animal products at a global scale without using antibiotics in livestock. The excessive use of antibiotics has already resulted in many antibiotic-resistant bacteria, pushing countries like India and China to use last-resort antibiotic drugs, like colistin.¹⁶ It will also be socially inequitable if we were to use excessive resources, like pastureland, to harvest grass-fed and antibiotic-free animal products only for wealthy families and developed nations. Additionally, the grass-fed cows contribute more methane than the grain-fed cows in CAFO.¹⁷ As a result, these existing initiatives and programs require Berkeley to extend plant-based options through other programs and policies.

FINANCIAL IMPLICATIONS

There is no imposed cost but could result in savings associated with adopting this recommendation.

ENVIRONMENTAL SUSTAINABILITY

This item is in alignment with Berkeley's commitment to environmental sustainability and programs like Green Monday and GFPP. The adoption of Vision 2025 for Sustainable Food Policies will significantly reduce Berkeley's food sector associated GHG emissions, deforestation, fresh water and antibiotic consumption. It will also help Berkeley to transition towards healthy and globally sustainable food practices.

CONTACT PERSONS

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cdavila@cityofberkeley.info

ATTACHMENTS:

1. Resolution

REFERENCES

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5. Berkeley Climate Action Plan Updates 2020 [https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Presentations_Item_5_\(6pm\)_Pres_CMO_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Presentations_Item_5_(6pm)_Pres_CMO_pdf.aspx)
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10. UN FAO report, Cattle Ranching and Deforestation <http://www.fao.org/3/a-a0262e.pdf>
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14. Center for Infectious Disease Research and Policy, University of Minnesota <https://www.cidrap.umn.edu/news-perspective/2016/12/fda-antibiotic-use-food-animals-continues-rise>
15. Good Food Purchasing Program <https://goodfoodcities.org/less-meat-better-food-happier-kids-oakland-unified-reinvents-its-school-lunch/>
16. The Statesman <https://www.thestatesman.com/supplements/8thday/heading-for-a-disaster-1502677575.html>
17. A Well-Fed World <https://awellfedworld.org/issues/climate-issues/grass-fed-beef/>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,
ADOPTING VISION 2025 FOR SUSTAINABLE FOOD POLICIES

WHEREAS, roughly 80% of the U.S. population live in urban areas, suggesting the important role of U.S. Cities for establishing a culture of sustainability; and

WHEREAS, the City of Berkeley has declared a Climate Emergency for protecting our environment, human population and biodiversity; and

WHEREAS, the City of Berkeley is putting best efforts to reducing greenhouse gas (GHG) emissions in order to reverse global warming as quickly as possible; and

WHEREAS, Berkeley's consumption-based GHG inventory shows significant emissions associated with the City's food system; and

WHEREAS, the World Resource Institute (WRI) reports that the agriculture sector will be responsible for 70% of the total allowable emissions by 2050, risking Paris Agreement; and

WHEREAS, the United Nations Food and Agriculture Organization (UNFAO) reports that more than 60% of agriculture emissions come from the livestock sector, and it is estimated to be higher than fossil fuel emissions from the entire transportation sector; and

WHEREAS, the scientific analysis shows the urgency to reduce GHG emissions from animal agriculture in order to meet the Paris Agreement of keeping an average global surface temperature below 2C; and

WHEREAS, California is one of the most drought-affected states, and almost 50% of Californian's water footprint is associated with consumption of meat and dairy; and

WHEREAS, the cattle industry is the leading cause of deforestation in the Amazon rainforest that is home to 10% of the world's species and a major source of vital oxygen; and

WHEREAS, the U.S. food sector is globally interconnected because of the import-export trading and therefore, our food choice directly impacts the Amazon deforestation and biodiversity loss; and

WHEREAS, 83% of agriculture land is used for raising livestock and producing their feed, but meat and dairy only provide 18% of the world's calories; and

WHEREAS, the WRI estimates a 56% increase in crop calorie demand in order to feed 9 billion people by 2050, requiring an extra 593 million hectares of agriculture land, which is twice the size of India; and

WHEREAS, the world already produces enough food to feed 9 billion people if we use crop calories to directly feed the human population; and

WHEREAS, the U.S. pours significant agriculture resources to grows crops for feeding livestock and poultry while more than 800 million people are food insecure, and 45% of children die under 5 years of age due to malnutrition; and

WHEREAS, the WHO reports that 60% of all human disease originates in animals and the Center for Disease Control and Prevention (CDC) estimates 3 out of every 4 emerging infectious diseases come from animals; and

WHEREAS, the Concentrated Animal Feeding Operations (CAFO) risk spillover of zoonotic pathogens by confining animals and bringing human beings into proximity with them; and

WHEREAS, the CAFO negatively impacts the health of surrounding communities through air and water pollution, and the majority of these homes belong to African Americans; and

WHEREAS, the Physicians Committee for Responsible Medicines (PCRM) reports that meat and dairy consumption is associated with the increased risk of chronic illness like cancer, diabetes and heart disease in the U.S.; and

WHEREAS, the International Agency for Research on Cancer (IARC) has classified processed meat like ham, bacon, hotdogs, sausage, and some deli meat as carcinogenic and red meat as a probable carcinogen; and

WHEREAS, studies show that over 90% of the people dying from COVID-19 have had pre-existing conditions, mostly from chronic diseases such as heart disease and type 2 diabetes; and

WHEREAS, the COVID-19 pandemic has disproportionately impacted communities of color, with black Americans hospitalized at 4.5 times the rate of white Americans and Hispanic Americans hospitalized at 4 times the rate of white Americans; and

WHEREAS, communities of color experience higher rates of heart disease, type 2 diabetes, and other chronic diseases; and

WHEREAS, the socio-economic and cultural factors that cause poor health conditions in many communities of color can be found in all of our nation's struggling communities; and

WHEREAS, hundreds of thousands of the slaughterhouse workers are undocumented and forced to meet ever-growing line speed under the threat of deportation; and

WHEREAS, the U.S. workers in meat plants are three times more likely to suffer a serious injury with an average of two amputations per week; and

WHEREAS, the slaughterhouse workers are exposed to extremely stressful environments including physical, psychological and sexual abuse and many of them develop post-traumatic stress disorder (PTSD); and

WHEREAS, overfishing is destroying marine biodiversity, and aquaculture imposes a threat to our environment; and

WHEREAS, Project Drawdown reports shifting our diet towards plant-based food as one of the most significant solutions to climate change; and

WHEREAS, WRI recommends shifting our diet to plant-based in order to reduce GHG emissions, agriculture land-use and protect public health; and

WHEREAS, WRI reports that replacing almost 50% of animal-based food in the average U.S. diet with plant-based options could reduce more than 40% of agriculture land and GHG emissions; and

WHEREAS, Milan Urban Food Policy Pact (MUFPP) summit delivered a letter signed by 65 scientists calling world mayors to reduce the consumption of animal-based food; and

WHEREAS, Los Angeles and 13 other C40 Cities have signed a declaration to reduce procurement of meat products to 300 grams (two burger patties) per person per week by 2030; and

WHEREAS, the City of Berkeley has already started establishing sustainable food systems through passing Green Monday and Good Food Purchasing Program (GFPP) and recognizes the need of expanding these efforts; and

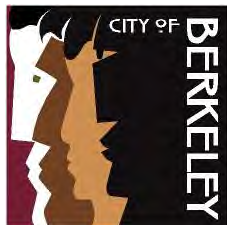
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Berkeley hereby adopts Vision 2025 for establishing sustainable food systems, wherein the City of Berkeley joins [San Francisco](#), [Chicago](#) and [Austin](#) in signing the [Milan Urban Food Policy Pact \(MUFPP\)](#) which includes forming an advisory body on sustainable food policies.

BE IT FURTHER RESOLVED, that the City Council of the City of Berkeley supports adoption of a Climate-Friendly Food Purchasing Policy as described by [Friends of the Earth](#) to replace 50% of the City's annual animal-based food procurement with plant-based food.

BE IT FURTHER RESOLVED, that the City Council of the City of Berkeley does a Short Term Referral to the City Manager to: (a) Track the amount of animal-based food replaced with plant-based food; (b) Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

BE IT FURTHER RESOLVED that the City of Berkeley will bring various stakeholders together including local activists, organizations and business owners to form an advisory body; and

BE IT FURTHER RESOLVED that the advisory body will meet once a month to review the implementation of current sustainable food programs, identify gaps and propose new programs to the City Council.



Rashi Kesarwani
Councilmember District 1

REVISED AGENDA MATERIAL for Supplemental Packet 1

Meeting Date: March 9, 2021

Item Number: 19

Item Description: Support Vision 2025 for Sustainable Food Policies

Submitted by: Councilmember Rashi Kesarwani

The revised material simply modifies the Health, Life Enrichment, Equity & Community policy committee recommendation to be more consistent with the amended resolution. It clarifies that Vision 2025 shall be adopted by the Berkeley City Council, and that the City will join other municipalities in signing the Milan Urban Food Policy Pact (MUFPP).



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR

March 9, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila (Author)

Subject: Support Vision 2025 for Sustainable for Sustainable Food Policies

RECOMMENDATION

1. Adopt a Resolution Supporting Vision 2025 for Sustainable Food Policies
2. Join [San Francisco](#), [Chicago](#) and [Austin](#) in signing the [Milan Urban Food Policy Pact \(MUFPP\)](#) which includes forming an advisory body on sustainable food policies.
3. Support adoption of a Climate-Friendly Food Purchasing Policy as described by [Friends of the Earth](#) to replace 50% of the City's annual animal-based food procurement with plant-based food.
4. Short Term Referral to the City Manager to:
 - a. Track the amount of animal-based food replaced with plant-based food
 - b. Use Friends of the Earth's Municipal Guide to Climate-Friendly Food Purchasing for the procurement of plant-based food.

POLICY COMMITTEE RECOMMENDATION

On February 8, 2021, the Health, Life Enrichment, Equity and Community Committee moved the item to Council with a qualified positive recommendation to take the following action:

1. ~~Express support for the Milan Urban Food Policy Pact (MUFPP)-Adopt Vision 2025 for establishing sustainable food systems and sign the Milan Urban Food Policy Pact (MUFPP)~~
2. Refer aspects of the original item to the Community Health Commission (or future commission addressing public health) to take the following actions: a) Consult with appropriate City staff to evaluate the feasibility of altering food sources within the City's existing food service contracts - with a specific focus on the feasibility of replacing meat and dairy-based offerings with plant-based options - given contractor procurement practices and any federal or state nutrition requirements for seniors and other affected populations; and (b) Solicit input from potentially affected communities, particularly seniors, for their feedback on shifting to more plant-based foods through a short survey or other means; and
3. Adopt the resolution as amended. Vote: All Ayes.

RATIONALE FOR RECOMMENDATION

In June, 2018 the City of Berkeley unanimously passed a Climate Emergency Declaration, then in September, 2018 passed the Resolution Establishing Green Monday. Berkeley should understand the impact of our food sector on the environment, sustainability of natural resources,

health, and social equity. By adopting Vision 2025 for Sustainable Food Policies, Berkeley will sign MUFPP and join C40 Cities in developing sustainable food systems through forming an advisory body with local activists, organizations, and business owners. Berkeley would join the C40 North America cities, Austin, Boston, Chicago, Houston, Los Angeles, Miami, Montreal, New Orleans, New York, Philadelphia, Phoenix, Portland, San Francisco, Toronto, Vancouver, and Washington DC and more cities may follow suit. Adopting the Vision 2025, the City of Berkeley would be committed to making food purchasing decisions that protect animal welfare, environmental sustainability, and provide healthy food options. By adopting the proposed Vision, Berkeley would also pass Climate-Friendly Food Purchasing Policy and commit to replacing 50% of annual animal-based food purchasing with plant-based food.

OUTCOMES AND EVALUATIONS:

Berkeley City Council would receive policy recommendations from the established advisory body for increasing climate-friendly, healthy and sustainable plant-based food options. The City Council should evaluate and update contracts with food vendors.

BACKGROUND

According to MUFPP, our food choices are directly linked to our environmental, health and social wellbeing. What we put on our plates every day either contributes to, or harms our physical wellbeing, our local economy, and our global resources. Approximately, 80% of the U.S. population lives in urban areas.¹ This means that urban cities are responsible for a significant portion of the national food consumption, and with it, the environmental and social impacts of those food choices. As a result, the C40 cities like San Francisco, Chicago and Austin have signed MUFPP agreements in order to develop environment-friendly, healthy and socially equitable food policies.² The City of Berkeley has wisely adopted Green Monday and the Good Food Purchasing Program (GFPP). But there is certainly a need to develop broader policies for significant improvement. Vision 2025 is designed to achieve this significant change over the next five years without causing a financial burden to the City of Berkeley. In fact, could result in overall cost savings.

By adopting Vision 2025, the City would be agreeing to sign MUFPP developed with the support of international organizations including the United Nations Farm and Agriculture Organization (UN FAO). The MUFPP suggests forming an advisory committee that would include local activists, organizations, business owners and other stakeholders to propose sustainable food policies. The second action item under the resolution is to pass a Climate-Friendly Food Purchasing policy that requires the City to replace 50% of animal-based food procurement with plant-based food.

Globally, several agencies are reporting the devastating impacts of a meat- and dairy-based diet for our physical and environmental health. The UN FAO reports that animal agriculture is responsible for emitting 18% of our planet's total greenhouse gas (GHG).³ These numbers are larger than the total GHG emissions from fossil fuels burned by the global transportation sector. The agriculture sector is expected to contribute 70% of total allowable GHG emissions by 2050,

risking the Paris Agreement.⁶ Livestock and poultry account for more than 60% of the global agricultural GHG emissions and, therefore, addressing the emissions from animal agriculture is crucial in order to meet the Paris Agreement.^{3,6} According to the consumption-based GHG inventory described in Berkeley's Climate Action Plan, the food sector contributes more than 7 metric tons of CO₂ Eq. per household.⁵ Most of these emissions are from animal products like meat and dairy.⁵ The GHG emissions from meat consumption alone is more than the combined natural gas emissions in the City of Berkeley.

The negative impact of producing meat and dairy goes beyond global warming. In a drought-affected state, the average Californian consumes 1,500 gallons of water, and 50% of it is associated with meat and dairy consumption.⁷ According to UN FAO, we have enough cropland to feed 9 billion people by 2050 if 40% of all crops produced today for livestock is directly used for human consumption.⁸ Globally, animal agriculture is the leading cause of tropical deforestation and it has massive impacts on climate change and biodiversity.^{9,10}

The destruction of forests and biodiversity forces wildlife to live closer to human populations, risking the spread of infectious diseases like Ebola and COVID-19.¹¹ Additionally, the production of meat and dairy puts us in close contact with domesticated animals resulting in the spillover of zoonotic pathogens like the influenza virus. The consumption of meat and dairy is associated with an increased risk of chronic illnesses like diabetes, heart disease, and cancer.^{12,13} This type of diet significantly increases our healthcare costs, disproportionately jeopardizing the well-being of low-income families. The growing livestock biomass within confined spaces demands the increased use of antibiotics. According to the Center for Disease Control and Prevention (CDC), the excessive use of antibiotics serves as a breeding ground for antibiotic-resistant bacteria like Salmonella¹⁴. As a result, we are facing an uphill battle of antibiotic resistance. Recently, the World Health Organization (WHO) declared Antibiotic Awareness Week in November.

According to multiple reports, the single solution to achieve environmental sustainability within the food sector is by reducing the overall number of livestock and increasing our plant-based food options. The University of Oxford's most comprehensive meta-analysis reports that 83% of world farmland is used for livestock production to provide only 18% and 37% of our calories and protein, respectively.⁴ The replacement of animal products with plant based food can free-up farmland that could remove additional 8.1 billion metric tons of CO₂ Eq. every year for next 100 years.⁴ As a result, the 50% replacement of animal products with plant-based food can reduce 20% of total anthropogenic GHG emissions across all sectors.⁴ According to World Resource Institute, the almost 50% reduction of animal products in the average U.S. diet can reduce more than 40% of the country's agriculture GHG emission and land use.⁶

The City of Berkeley purchases almost \$5 million worth of food for places like senior centers, the Police Department's jail facility, public meetings, and events. As a result, Berkeley's purchasing power has a huge role to play in increasing plant-based food options. The municipal guide from Friends of the Earth (FOE) on Climate-Friendly Food Purchasing is an effective tool for increasing plant-based food options. It provides a stepwise process for municipalities to meet their target of increasing plant-based food options. Berkeley's potential to provide sustainable

food is beyond the city's purchasing power. It includes, but is not limited to City parks, public schools, restaurants, and other food businesses.

Berkeley would join a good company by adopting Vision 2025. Recently, U.S. legislators have identified the importance of increasing plant-based food and milk options across various cities, states, as well as in Congress. Senator Cory Booker has introduced the Farm System Reform Act to completely phase out of Concentrated Animal Feeding Operations (CAFO). Senator Elizabeth Warren and Bernie Sanders are co-sponsoring the bill, and Representative Ro Khanna has introduced a companion bill in the House. California Assembly Bill 479 encourages public schools to provide healthy, climate-friendly (plant-based) food and milk options. This active bill has been well-received by both the State Assembly and Senate. Los Angeles and other C40 Cities have committed to establish a planetary diet of consuming only 300 grams of meat per person in a week. New York City Council recently declared a plan to phase out processed meat and to cut down its beef purchasing by 50% in city facilities. The decision was part of the City's Green New Deal for addressing global warming. More locally, Oakland Unified School District decreased carbon footprint by 14%, water consumption by 6% and saved \$42,000 through increasing fruits, vegetables and legumes purchase and reducing meat and dairy consumption by 30%.¹⁵ This low-carbon commitment by one of California's largest school districts has shown the potential for protecting the environment and natural resources through healthy and cost-effective plant-based food options.

REVIEW EXISTING PROGRAMS, POLICIES, AND LAWS

Vision 2025 is aligned well with Berkeley's Green Monday initiative and GFPP. Green Monday recommends serving plant-based food once a week along with raising awareness about the positive impacts of plant-based food choices on the environment. Various reports suggest that animal products alone can jeopardize the Paris Agreement to keep the global surface temperature below 2C and could threaten scarce natural resources by 2050. Significant changes in our food choices need to happen for the wellbeing of our environment and global sustainability. It demands us to extend our efforts in increasing plant-based options through specific policies in the next 5 years.

GFPP is a certification-based program that also promotes antibiotic-free and grass-fed beef. The increasing demand for animal products requires that livestock are kept in confined spaces making them vulnerable to diseases. Therefore, it is not feasible to harvest animal products at a global scale without using antibiotics in livestock. The excessive use of antibiotics has already resulted in many antibiotic-resistant bacteria, pushing countries like India and China to use last-resort antibiotic drugs, like colistin.¹⁶ It will also be socially inequitable if we were to use excessive resources, like pastureland, to harvest grass-fed and antibiotic-free animal products only for wealthy families and developed nations. Additionally, the grass-fed cows contribute more methane than the grain-fed cows in CAFO.¹⁷ As a result, these existing initiatives and programs require Berkeley to extend plant-based options through other programs and policies.

FINANCIAL IMPLICATIONS

There is no imposed cost but could result in savings associated with adopting this recommendation.

ENVIRONMENTAL SUSTAINABILITY

This item is in alignment with Berkeley's commitment to environmental sustainability and programs like Green Monday and GFPP. The adoption of Vision 2025 for Sustainable Food Policies will significantly reduce Berkeley's food sector associated GHG emissions, deforestation, fresh water and antibiotic consumption. It will also help Berkeley to transition towards healthy and globally sustainable food practices.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Resolution

REFERENCES

1. United States Census Bureau <https://www.census.gov/newsroom/press-releases/2016/cb16-210.html>
2. Milan Urban Food Policy Pact Signatories <http://www.milanurbanfoodpolicypact.org/signatory-cities/>
3. Food and Agriculture Organization of the United Nations (FAO) <http://www.fao.org/news/story/en/item/197623/icode/>
4. Oxford Meta-Analysis on Food's Environmental Impacts <https://science.sciencemag.org/content/360/6392/987>
5. Berkeley Climate Action Plan Updates 2020 [https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Presentations_Item_5_\(6pm\)_Pres_CMO_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Presentations_Item_5_(6pm)_Pres_CMO_pdf.aspx)
6. World Resource Institute Report, 2019 <https://research.wri.org/wrr-food>
7. Pacific Institute Report, 2012 https://pacinst.org/wp-content/uploads/2013/02/ca_ftprint_full_report3.pdf
8. UN FAO report, Livestock and Landscape <http://www.fao.org/3/ar591e/ar591e.pdf>
9. NASA Earth Observatory https://earthobservatory.nasa.gov/features/Deforestation/deforestation_update3.php
10. UN FAO report, Cattle Ranching and Deforestation <http://www.fao.org/3/a-a0262e.pdf>
11. World Economic Forum <https://www.weforum.org/agenda/2020/03/biodiversity-loss-is-hurting-our-ability-to-prepare-for-pandemics/>
12. National Institute of Health <https://www.nih.gov/news-events/nih-research-matters/risk-red-meat>
13. Physicians Committee for Responsible Medicines <https://www.pcrm.org/good-nutrition/nutrition-information/health-concerns-about-dairy>
14. Center for Infectious Disease Research and Policy, University of Minnesota <https://www.cidrap.umn.edu/news-perspective/2016/12/fda-antibiotic-use-food-animals-continues-rise>

15. Good Food Purchasing Program <https://goodfoodcities.org/less-meat-better-food-happier-kids-oakland-unified-reinvents-its-school-lunch/>
16. The Statesman <https://www.thestatesman.com/supplements/8thday/heading-for-a-disaster-1502677575.html>
17. A Well-Fed World <https://awellfedworld.org/issues/climate-issues/grass-fed-beef/>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,
ADOPTING VISION 2025 FOR SUSTAINABLE FOOD POLICIES

WHEREAS, roughly 80% of the U.S. population live in urban areas, suggesting the important role of U.S. Cities for establishing a culture of sustainability; and

WHEREAS, the City of Berkeley has declared a Climate Emergency for protecting our environment, human population and biodiversity; and

WHEREAS, the City of Berkeley is putting best efforts to reducing greenhouse gas (GHG) emissions in order to reverse global warming as quickly as possible; and

WHEREAS, Berkeley's consumption-based GHG inventory shows significant emissions associated with the City's food system; and

WHEREAS, the World Resource Institute (WRI) reports that the agriculture sector will be responsible for 70% of the total allowable emissions by 2050, risking Paris Agreement; and

WHEREAS, the United Nations Food and Agriculture Organization (UNFAO) reports that more than 60% of agriculture emissions come from the livestock sector, and it is estimated to be higher than fossil fuel emissions from the entire transportation sector; and

WHEREAS, the scientific analysis shows the urgency to reduce GHG emissions from animal agriculture in order to meet the Paris Agreement of keeping an average global surface temperature below 2C; and

WHEREAS, California is one of the most drought-affected states, and almost 50% of Californian's water footprint is associated with consumption of meat and dairy; and

WHEREAS, the cattle industry is the leading cause of deforestation in the Amazon rainforest that is home to 10% of the world's species and a major source of vital oxygen; and

WHEREAS, the U.S. food sector is globally interconnected because of the import-export trading and therefore, our food choice directly impacts the Amazon deforestation and biodiversity loss; and

WHEREAS, 83% of agriculture land is used for raising livestock and producing their feed, but meat and dairy only provide 18% of the world's calories; and

WHEREAS, the WRI estimates a 56% increase in crop calorie demand in order to feed 9 billion people by 2050, requiring an extra 593 million hectares of agriculture land, which is twice the size of India; and

WHEREAS, the world already produces enough food to feed 9 billion people if we use crop calories to directly feed the human population; and

WHEREAS, the U.S. pours significant agriculture resources to grows crops for feeding livestock and poultry while more than 800 million people are food insecure, and 45% of children die under 5 years of age due to malnutrition; and

WHEREAS, the WHO reports that 60% of all human disease originates in animals and the Center for Disease Control and Prevention (CDC) estimates 3 out of every 4 emerging infectious diseases come from animals; and

WHEREAS, the Concentrated Animal Feeding Operations (CAFO) risk spillover of zoonotic pathogens by confining animals and bringing human beings into proximity with them; and

WHEREAS, the CAFO negatively impacts the health of surrounding communities through air and water pollution, and the majority of these homes belong to African Americans; and

WHEREAS, the Physicians Committee for Responsible Medicines (PCRM) reports that meat and dairy consumption is associated with the increased risk of chronic illness like cancer, diabetes and heart disease in the U.S.; and

WHEREAS, the International Agency for Research on Cancer (IARC) has classified processed meat like ham, bacon, hotdogs, sausage, and some deli meat as carcinogenic and red meat as a probable carcinogen; and

WHEREAS, studies show that over 90% of the people dying from COVID-19 have had pre-existing conditions, mostly from chronic diseases such as heart disease and type 2 diabetes; and

WHEREAS, the COVID-19 pandemic has disproportionately impacted communities of color, with black Americans hospitalized at 4.5 times the rate of white Americans and Hispanic Americans hospitalized at 4 times the rate of white Americans; and

WHEREAS, communities of color experience higher rates of heart disease, type 2 diabetes, and other chronic diseases; and

WHEREAS, the socio-economic and cultural factors that cause poor health conditions in many communities of color can be found in all of our nation's struggling communities; and

WHEREAS, hundreds of thousands of the slaughterhouse workers are undocumented and forced to meet ever-growing line speed under the threat of deportation; and

WHEREAS, the U.S. workers in meat plants are three times more likely to suffer a serious injury with an average of two amputations per week; and

WHEREAS, the slaughterhouse workers are exposed to extremely stressful environments including physical, psychological and sexual abuse and many of them develop post-traumatic stress disorder (PTSD); and

WHEREAS, overfishing is destroying marine biodiversity, and aquaculture imposes a threat to our environment; and

WHEREAS, Project Drawdown reports shifting our diet towards plant-based food as one of the most significant solutions to climate change; and

WHEREAS, WRI recommends shifting our diet to plant-based in order to reduce GHG emissions, agriculture land-use and protect public health; and

WHEREAS, WRI reports that replacing almost 50% of animal-based food in the average U.S. diet with plant-based options could reduce more than 40% of agriculture land and GHG emissions; and

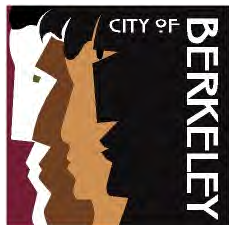
WHEREAS, Milan Urban Food Policy Pact (MUFPP) summit delivered a letter signed by 65 scientists calling world mayors to reduce the consumption of animal-based food; and

WHEREAS, Los Angeles and 13 other C40 Cities have signed a declaration to reduce procurement of meat products to 300 grams (two burger patties) per person per week by 2030; and

WHEREAS, the City of Berkeley has already started establishing sustainable food systems through passing Green Monday and Good Food Purchasing Program (GFPP) and recognizes the need of expanding these efforts; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Berkeley hereby adopts Vision 2025 for establishing sustainable food systems, wherein the City of Berkeley joins San Francisco, Chicago and Austin in signing the Milan Urban Food Policy Pact (MUFPP) along with referring to the Community Health Commission and Environmental Commission or relevant future commissions to explore the implementation of the City adopted sustainable food programs, identify gaps and propose new policies.

BE IT FURTHER RESOLVED, that the City Council of the City of Berkeley supports adoption of a Climate-Friendly Food Purchasing Policy as described by Friends of the Earth for working towards replacing 50% of the City's annual animal-based food procurement with plant-based food.



Sophie Hahn
Councilmember District 5

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn

SUBJECT: Appointment of Beverly Greene to the Board of Library Trustees

RECOMMENDATION

Adopt a Resolution appointing Beverly Greene to the Board of Library Trustees (“BOLT”) for a term of four years beginning August 31, 2021.¹

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts.

CURRENT SITUATION AND ITS EFFECTS

At the July 7, 2021 regular meeting of the Board of Library Trustees, Trustees voted unanimously to recommend that the City Council appoint Beverly Greene for a 4-year term on the Board.

BACKGROUND

Pursuant to Section 30 of the Charter of the City of Berkeley, “[f]ive Library Trustees shall be appointed and may be removed by a vote of five members of the Council.” BMC Section 3.04.010 further provides that “[t]he term of office of the members of the board shall be four (4) years.” In addition, it is traditional that BOLT formally recommends to the City Council a preferred candidate for appointment.

The process BOLT undertakes to identify and recommend a candidate is to broadly promote the Board vacancy to the general public, review questionnaire responses, interview all candidates at a public meeting or meetings, and vote to recommend an applicant to the City Council for appointment. The current vacancy was created when a BOLT member’s first four-year term ended on April 3, 2021 and they did not seek reappointment for a second term. The vacancy was widely publicized and the City Clerk’s Office of the City of Berkeley received 27 applications from interested candidates by the June 1, 2021 deadline, indicating a record high level of community interest in serving our libraries as a Trustee. 19 applicants were interviewed at BOLT Special Meetings on June 14 and June 21, 2021. The remainder of applicants either withdrew their applications or declined to be interviewed. At the July 7, 2021 regular BOLT meeting Trustees discussed the candidates, noting the many generous, highly qualified individuals who applied and were interviewed.

¹ The BOLT resolution recommended September 15th, 2021 as the start date for the term. The change to August 31st, 2021 in this Resolution is to allow the new Trustee to participate in the next BOLT meeting which takes place on September 1, 2021.

After thoughtful consideration, BOLT voted to approve Resolution No. R21-104 (Attachment 2), unanimously recommending that the City Council appoint the preferred candidate, Beverly Greene, to the Board of Library Trustees.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

RATIONALE FOR RECOMMENDATION

The City Council needs to appoint a new Trustee for a 4-year term to fill the current vacancy, fulfilling the Charter requirement that the Board consist of five members. Beverly Greene has been unanimously recommended by the BOLT and exceeds the stated qualifications and experience desired in a Trustee, including (1) a demonstrated commitment to equity, diversity and inclusion, (2) executive leadership, business, financial and administrative skills, (3) leadership experience in community-based, non-profit, or government agencies, and (4) strong public library advocacy and a passion for lifelong learning and community engagement.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Sophie Hahn, Berkeley City Council District 5 and Trustee, Board of Library Trustees
510-981-7150

Attachments:

1. Resolution to Appoint Beverly Greene to the Board of Library Trustees
2. Board of Library Trustees Resolution No. R21-104
3. Beverly Greene BOLT application
4. BOLT Selection Criteria Summary

RESOLUTION NO. ##,###-N.S.
APPOINTMENT OF BEVERLY GREENE TO THE BOARD OF LIBRARY TRUSTEES

WHEREAS, the Board of Library Trustees consists of five members appointed by the City Council to serve four-year terms; and

WHEREAS, the Board of Library Trustees currently has an open position to be filled by the City Council; and

WHEREAS, the Board of Library Trustees undertook a robust recruitment effort to identify a candidate to recommend for appointment by the City Council to fill the current opening on the Board; and

WHEREAS, at a regular meeting of the Board of Library Trustees on July 7, 2021, the Trustees voted unanimously to recommend Beverly Greene be appointed to the Board of Library Trustees to serve a four-year term; and

WHEREAS, Beverly Green exceeds the qualifications, experience, and passion for public libraries desired in a Library Trustee.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Beverly Greene be appointed to a four-year term on the Board of Library Trustees beginning on August 31, 2021.

BOARD OF LIBRARY TRUSTEES

RESOLUTION NO: R21-104

**RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF BERKELEY
REGARDING THE PREFERRED CANDIDATE TO FILL THE TRUSTEE VACANCY
ON SEPTEMBER 15, 2021 ON THE BOARD OF LIBRARY TRUSTEES**

WHEREAS, Trustee Hunts' first four year term ended on April 3, 2017; and

WHEREAS, during the April 7, 2021 meeting of the Board of Library Trustees, the Board instructed staff to begin solicitation for applications to fill the upcoming vacancy; and

WHEREAS, the Board of Library Trustees directed staff to issue a press release, advertise on website, at all library locations, in newsletter, and as an insert with City Councilmember communications to constituents.

WHEREAS, the City Clerk's Office of the City of Berkeley received 27 applications from interested parties; and

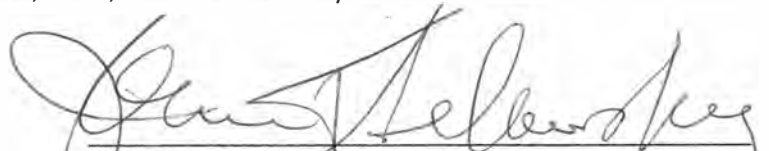
WHEREAS, the Board of Library Trustees interviewed 19 of the applicants during the special meetings on June 14 and June 21, 2021; and

WHEREAS, the Board recommends Council set the conditions for this appointment as a 4-year term with the effective dates of September 15, 2021 to September 14, 2025.

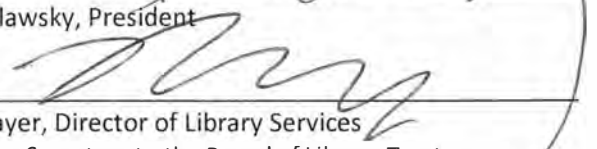
NOW, THEREFORE, BE IT RESOLVED that the Board of Library Trustees of the City of Berkeley recommends to the City Council of the City of Berkeley that the preferred candidate, Beverly Greene, be appointed to the Board of Library Trustees beginning September 15, 2021.

ADOPTED by the Board of Library Trustees of the City of Berkeley during a regular meeting held on July 7, 2021.

AYES:	Trustees Davenport, Hahn, Roth and Selawsky
NOES:	none
ABSENT:	none
ABSTENTIONS:	none



John Selawsky, President



Tess Mayer, Director of Library Services
Serving as Secretary to the Board of Library Trustee

AFFIDAVIT OF RESIDENCY*

I, Beverly Greene, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: *Beverly Greene* Date: 5/27/21

*Not required for Police Review Commission, Loan Administration Board, Elmwood BID, Solano BID, or BUSD appointees

Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704



APPOINTMENT FORM - BOARDS AND COMMISSIONS
(For Mayor and Council use only)

MAYOR/COUNCILMEMBER _____

NAME OF APPOINTEE _____

RESIDENCE ADDRESS
Street _____ City _____ Zip _____

BUSINESS NAME/ADDRESS
Name _____

Street _____ City _____ Zip _____
EMAIL ADDRESS _____

OCCUPATION/PROFESSION _____

HOME PHONE: _____ BUSINESS PHONE: _____

Check appropriate box: New Appointment Reappointment Temporary Appt.

Temporary Appt.: From (date) _____ To (date) _____
(only if appointing for more than one meeting)

Please send mail to: Home Business

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name: _____

*****Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions:** Elmwood BID Advisory Board, Human Welfare & Community Action Commission, Loan Administration Board, Solano Avenue BID Advisory Board.

Special Category _____

Signature: _____ Date: _____
Mayor/Councilmember

For Mayor/Councilmember and City Use Only:

Interview Date	Appoint. Date	Process Date



**SUPPLEMENTAL QUESTIONNAIRE
FOR THE
BERKELEY BOARD OF LIBRARY TRUSTEES**

In addition to filling out the "Application for Appointment to Berkeley Boards and Commissions", candidates are requested to provide additional information to assist the Board of Library Trustees in their process to recommend names to the City Council.

1. Describe your interest in serving as a Library Trustee.

I am interested in serving as a Library Trustee to assist in ensuring the long term viability of the Berkeley Public Library for all who need it for all of its various uses. Libraries provide a very basic function in a civil society by providing historical as well as new non-fiction information along with fiction and poetic writings. I can support the Library as a viable ongoing financial concern to make sure the resources are there to support the basic functions of a library. I have experience that will be helpful to the administrative leadership of the library. I develop policies and administrative regulations in my current position. I am responsible for budgeting in my current position, have had P&L responsibility and would love to volunteer that experience for the library.

2. What qualities do you consider necessary for an effective Trustee, and how do you demonstrate those qualities?

An effective Trustee must be dedicated to making sure that the resources that public libraries provide are available to the public. An effective Trustee would have effective policy development skills and experience, leadership hiring experience, and be able to budget the allotted resources effectively to ensure an ongoing operation. I've demonstrated those qualities in my current position at a \$475 million public transit agencies, and across a range to the \$1.5 million Small Press Distribution budget in the early 2000's. I've been effective in managing revenue programs and initiating new merchandising strategies to increase revenues through new channels.

3. Provide examples of current or previous community service and leadership roles.

I am currently the Chairperson of the California Transit Association's (CTA) Inclusive, Diversity & Equity Task Force; a member of the Berkeley Transportation Commission; a member of the Church by the Side of the Road's Marcus Foster Scholarship Committee; National Board Director of the Conference of Minority Transportation Officials (COMTO); Membership Committee Secretary for the American Public Transit Association; CTA Vice Chair of the State Legislative Committee; Member of the Berkeley Bay Area Alumni Chapter of Delta Sigma Theta; Former COMTO Northern California Chapter President; Former Treasurer of Small Press Distribution; Former Treasurer of the National Coalition of 100 Black Women's Oakland Bay Area Chapter, etc.

4. What do you see as the Library's role in the community now and in the future?

The Library must continue to exist for all that need its resources. Especially now that the economical circumstances continue to bifurcate our society, we must assure that Library resources are available to all sectors of the public. Libraries serve as community centers. People are able to gain literacy skills in libraries. People can use the digital and printed resources. All of these aspects and more must continue to exist for all of the community's users regardless of income, race, creed, color, physical ability, sexual orientation or anything else that signals the diversity of our society. Libraries are pivotal to the future.

*Please return this form and the **Application for Appointment to Berkeley Boards and Commissions**
to the Office of the City Clerk*

Beverly D. Greene

Beverly Greene is the Executive Director of External Affairs, Marketing & Communications at the Alameda – Contra Costa Transit District (AC Transit) responsible for communicating with external stakeholders regarding District service, programs and projects. She leads the Federal & State Legislative Affairs, Community Relations, Marketing, Communications, Customer Service, and Print Departments. She sets strategic direction for positive communications and relationships with riders, policy makers, and key stakeholders.

She was elected to the Council of Presidents Representatives and serves on the National Conference of Minority Transportation Officials (or COMTO) Board of Directors. She is the California Transit Association Chair of the Task Force on an inclusive, diverse and equitable association or IDEA Task Force, is the Vice Chair of the CTA State Legislative Committee and serves on the Federal Legislative and Finance & Management Committees along with the New Mobility Task Force. She serves as the American Public Transportation Association Secretary of the Membership Services Committee, and is a member of the Legislative Committee.

Ms. Greene is a lifelong learner and is a graduate of Leadership APTA, the ENO Transit Senior Executive Program, Leadership Oakland, the WTS Executive Women's Leadership Seminar, and Emerge California.

Beverly received a B.S. in Business Administration from the University of Southern California, a M.B.A. from the UCLA Anderson School of Management, and was the recipient of a Dow Company Corporate Fellowship to study the intersection of commerce and government at The Washington Campus Consortium.

She is especially proud that AC Transit has been recognized as the winner of the 2020 Grand AdWheel Award for the, "Best Marketing and Communications Educational Effort," by the American Public Transportation Association for its "AC Transit Bus Operator and Mechanic Recruitment Campaign."

Ms. Greene has led several initiatives to secure support and funding for AC Transit capital projects and operations. In 2018, her efforts resulted in the inclusion of \$260 million available to AC Transit in the Regional Measure 3 transportation expenditure plan to support Regional Express Bus, Core Capacity Transit Improvements, and Rapid Bus Improvements. She directed the successful AC Transit 2016 Measure C-1 public education and information campaign to inform voters about its parcel tax reauthorization that will generate more than \$600 million over 20 years and passed with over 82% voter approval.

Her career includes serving as a Special Legislative Assistant to former California Assembly Speaker Willie L. Brown, Jr. and private sector marketing positions at Clorox; NetNoir.com, an internet startup; and The Learning Company, a Silicon Valley consumer software company. She is a recipient of "The New Generation Award", a "Madam C.J. Walker Advocacy Award", an "Extra Mile Tommy Award," and was recognized as one of the "Sun Reporter Talented 25".

Board of Library Trustees, Selection Criteria Summary

Desired Qualifications:

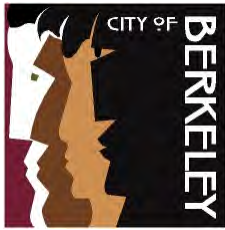
- Candidates should be public library champions, passionate about lifelong learning and community engagement.
- A demonstrated commitment to equity, diversity and inclusion is essential.
- Candidates with executive leadership, business, financial management and/or administrative skills are encouraged to apply.
- Candidates with leadership experiences in community-based, non-profit, or government agencies

General Qualifications

- Demonstrated interest in and enthusiasm for the library
- Readiness to devote time and effort
- An open mind coupled with respect for the opinion of others and, a steadfast belief in intellectual freedom and privacy.
- Ability to plan creatively.
- Courage to withstand pressures and resist influences based on prejudice
- Ability to analyze the business and administrative procedures, and to be part of the accountability process to the public and provide oversight.
- Possession of common sense
- Reflects the diversity of the Berkeley community, including a diversity of experiences working in different sectors of the community as well as age, ethnicity, religion, gender identities, abilities, and sexual orientation
- Willing and able to work with management, staff and the union.

Practical background and/or direct experience in one or more of these areas is desirable:

- Involvement in community organizations
- An understanding of local government operations, of public boards, and commissions; previous experience highly valued
- An interest in long-range planning
- Personal experience in one or more of these areas:
 - Education
 - Architecture/Construction Accounting/Finance Business
 - Personnel management Technology Law/Government
 - Humanities
 - The Arts
- Availability and openness to the public



Sophie Hahn
Councilmember District 5

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn

SUBJECT: Letter to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act

RECOMMENDATION

Send a letter, attached, to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act.

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts.

CURRENT SITUATION AND ITS EFFECTS

Locally owned restaurants are the lifeblood of our downtown and neighborhoods, provide vital economic and social resources for our community, and are an important part of our cultural and civic identity. But these important local businesses are struggling to recover from the impacts of Shelter-in-Place, including many facing debts, back rent, and other expenses.

BACKGROUND

The Restaurant Revitalization Fund, a Federal Program, was designed to provide desperately needed relief to restaurants, and initially prioritized applications from restaurants owned by women, veterans, and people of color. Due to lawsuits that halted implementation of the priority program, the SBA sent emails to 2,965 priority applicants rescinding their grants and ceased reviewing other priority applications. Women, veteran and of-color applicants were forced to re-apply, placing them at the end of the line. Because grants were made on a first-come, first-served basis, and funds were quickly exhausted, the effect has been to deny access to grants for restaurants owned by women, veterans and people of color – the opposite of the SBA's original intent. This is in and of itself a discriminatory outcome, and must be immediately redressed.

We are aware of at least one restaurant in Berkeley that applied in a timely manner under the priority program and was required to reapply, only to learn that funds had been exhausted before any formerly-priority applications were funded.

This resolution calls on Senators Feinstein and Padilla to support S.2091, the Restaurant Revitalization Fund Replenishment Act, which will provide significant

additional funding to the Restaurant Revitalization Fund, thereby making relief accessible to restaurants owned by women, people of color, and veterans.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

RATIONALE FOR RECOMMENDATION

Our local restaurants owned by women, people of color, and veterans are in desperate need of relief and funds should be made available through the Restaurant Revitalization Fund to support their needs, rectifying a discriminatory outcome contrary to the original intent of the program. We need our Senators to support additional federal funds as quickly as possible.

ALTERNATIVE ACTIONS CONSIDERED

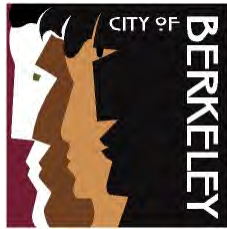
None.

CONTACT PERSON

Sophie Hahn, Berkeley City Council District 5
510-981-7150

Attachments:

1. Letter to Senators Feinstein and Padilla in Support of the Restaurant Revitalization Fund Replenishment Act



City Clerk Department

July 27, 2021

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Alex Padilla
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

**RE: S.2091 Restaurant Revitalization Fund Replenishment Act
Support from the Berkeley City Council**

Dear Senators Feinstein and Padilla:

We, the Berkeley City Council, write to express our strong support for S.2091, the Restaurant Revitalization Fund Replenishment Act, (Sens. Wicker and Sinema.) This crucial legislation would provide an additional \$60 Billion in relief funds to our local restaurants struggling to recover from COVID-19 who were denied access to previous relief funds.

Our locally owned restaurants are the lifeblood of our downtown and neighborhoods, provide vital economic and social resources for our community, and are an important part of our cultural and civic identity. But these crucial local businesses are struggling to get by as diners are slow to return to in-person settings and many are facing debts, back rent, and other expenses from the pandemic.

This important program, designed to provide desperately needed relief, initially intended to prioritize restaurants owned by women, veterans, and people of color. Due to lawsuits that halted the implementation of the priority program, the SBA sent emails to 2,965 priority applicants rescinding their grants and ceased reviewing other priority applications. Women, veteran and minority applicants were forced to re-apply – placing them at the end of the line. Because grants were made on a first-come, first-served basis, and funds were quickly exhausted, the effect has been to deny access to grants for women, veteran and minority owned restaurants – the opposite of the SBA’s original intent. This is in and of itself a discriminatory outcome, and must be immediately redressed.

We urge you to join the 37 members of California's Congressional Delegation, including Representative Barbara Lee, to support S.2091, the Restaurant Revitalization Fund Replenishment Act, and ask you to demonstrate your support by becoming co-sponsors.

Sincerely,

Berkeley City Council

CC: Speaker Nancy Pelosi
Vice President Kamala Harris
President Joe Biden



Sophie Hahn
Councilmember District 5

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn (Author) [and Councilmembers Bartlett and Harrison (Co-Sponsors)]

Subject: Moving Forward to Contract for Municipal Grant-Writing Services

RECOMMENDATION

Direct the City Manager to move forward to establish needs and select a firm or firms to supplement the City's grant writing capacity, and provide a budget referral in time to be considered for the November 2021 AAO Update, such that a new firm or firms can be in place by January of 2022.

FINANCIAL IMPLICATIONS

Staff time to facilitate requests for proposals and vetting processes. Compensation to grant-writing firms contracted. Expenses to be offset by the value of grants successfully awarded.

CURRENT SITUATION AND ITS EFFECTS

As our Nation and State recover from the COVID-19 crisis, there are a record number of grants available to cities from Federal, State, County, Regional, and private sources. An unexpected surplus in the California budget will result in further unprecedented opportunities to obtain funding for a wide range of City of Berkeley priorities. To access these rapidly-developing, highly competitive funds, Berkeley needs to supplement its ability to write timely, successful grants by bringing in professional grant writing services.

BACKGROUND

Berkeley is an innovative City, pursuing ambitious programs and initiatives with the vigor and vision of a much larger jurisdiction. Innovation requires a significant investment of City resources and staff time. In addition, the City has aging infrastructure and longstanding initiatives that require additional funding to achieve success. To support these efforts and increase revenues, the City has access to Federal, State, County, Regional, and, in some instances, private funds.

In the wake of the COVID-19 crisis, and to support economic recovery, the Federal Government is providing relief through the CARES Act and the American Rescue Plan. What's more, Congress is on the verge of passing the largest infrastructure investment legislation in a generation. In addition, due to significantly stronger income than predicted for California residents, the State budget has a \$75.7 billion windfall surplus that is being directed to support many vital programs, including \$12 billion in funding for homelessness services, \$1 billion of which is earmarked for local agencies.

The funds being made available at every level of government are unprecedented, and will likely be available for only a short period of time. Berkeley must have the capacity and expertise to seize every opportunity and apply for and potentially be awarded these funds - which represent tax dollars provided by Berkeley residents and businesses.

Currently, grant-writing and application responsibilities are distributed across City departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time consuming for Staff, who are already stretched thin due to the pandemic response and limited ability to hire new staff for vacant positions.

For Berkeley to maximize its potential to gain resources from every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increased revenue obtained through successful grant applications will allow the City to pilot new ideas, serve the community in a more robust fashion, and demonstrate fiscal responsibility.

The City Council adopted a request on October 3, 2017 for the City Manager to conduct such a request for information (RFI) process to determine fee structures and availability of qualified applicants. After the RFI process was conducted, the City Manager returned a report to the City Council on May 14, 2019 outlining the responses received.

Respondents were asked to provide information to demonstrate their ability to provide the following services: Funding Needs Analysis Legislative Advocacy Grant Funding Research Presentations and Meeting Attendance On-Call Grant Research Monthly Reporting Grant Proposal Development. The RFI requested each respondent to submit standard and preferred fee structures to provide the City with insight into compensation options available in the market. 12 of 14 firms to whom outreach was made responded, suggesting a high level of interest in working with the City of Berkeley.

This item follows up on the "Possible Future Action" section of the City Manager's May 14, 2019 report, which stated that the RFI responses "may be used to inform the scope

of work, evaluation criteria and pricing arrangement, as well as outreach efforts for a future request for proposals for comprehensive grant research services.” It directs the City Manager to move forward to contract for grant writing services from a firm or firms specializing in municipal grants, and to submit a funding request to the budget process for consideration in the November 2021 AAO Update, such that a firm or firms can be in place to support the City by January of 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This recommendation supports capacity to obtain funding for projects which could support Berkeley’s environmental sustainability and GHG emissions reduction goals.

CONTACT PERSON

Councilmember Sophie Hahn Council District 5 510-981-7150

Attachments:

- 1: Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms, October 3, 2017
- 2: Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to COuncil.

SOPHIE HAHN

Berkeley City Council, District 5

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

Phone: (510) 981-7150

Email: shahn@cityofberkeley.infoCONSENT CALENDAR

October 3, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn, Kate Harrison, Cheryl Davila, and Ben Bartlett

Subject: Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms

RECOMMENDATION

Refer to the City Manager to issue a request for information to explore grant writing services from specialized municipal grant-writing firms, and report back to Council.

FINANCIAL IMPLICATIONS

Staff time to issue the request, review responses, and report to Council.

BACKGROUND

Berkeley is an innovative City, pursuing ambitious programs and initiatives with the vigor and vision of a much larger City. Implementing innovative initiatives requires a significant investment of City resources and staff time. To support these efforts and increase revenues, the City currently applies for private, federal, state, and county grants.

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time consuming for Staff. For Berkeley to maximize its potential to gain resources from every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increased revenue obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion, and demonstrate to Berkeley residents the City's commitment to seeking public and private funding that may be available.

To help accomplish this goal, this item recommends that the City Manager issue a Request for Information to explore opportunities to obtain grant writing services from a grant-writing firm specializing in municipal grants. A number of specialized firms exist that consolidate information about grant opportunities and can support the writing of grants. An example is included as Attachment 1. Engaging a firm focused on identifying and applying for grant opportunities may yield a higher success rate than the City currently obtains. The purpose of this request for information would be to explore many different firms and gain information about expertise, services, pricing, and other details,

allowing the City Manager and Council to assess the feasibility and utility of contracting for such services.

ENVIRONMENTAL SUSTAINABILITY

This recommendation supports Berkeley's environmental sustainability goals.

CONTACT PERSON

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

ATTACHMENTS

1. Collection of Municipal Grant information, Winter 2017

MUNICIPAL GRANTS (Current as of January 27, 2017)

Please note that this document contains a selection of federal, state, and private grant and loan funding opportunities organized by funding topic. Funding topic sections are listed in the order as follows:

- Infrastructure Funding
- Water & Energy Funding
- Transportation Funding
- Parks & Recreation Funding
- Housing & Community Development Funding
- Law Enforcement Funding
- Fire Department Funding
- Health & Wellness Funding
- Miscellaneous Funding
- Upcoming Funding (for all categories)

Within each topic section, grants are listed in order by those with hard deadlines, quarterly deadlines, and those which are due continuously. If there are no current opportunities for a given category, it will be indicated. Some funding opportunities are only available in certain geographic regions and these are indicated in their respective sections.

INFRASTRUCTURE FUNDING

California Infrastructure and Economic Development Bank (IBank): Infrastructure State Revolving Fund (ISRF) Program

Deadline: Continuous

Amount: \$50,000 to \$25 million or more (with IBank Board approval)

Financing Terms:

The interest rate benchmark is Thompson's Municipal Market Data Index. Staff may adjust the interest rate based upon factors that include: Unemployment, Medium Household Income, Environmental, and Other special circumstances. The IBank Board has final approval of the interest rate. Maximum 30 year term Open application process

Eligibility: Any subdivision of a local or state government. Applicant may also be a company, corporation, association, partnership, firm, or other entity or group of entities organized as a public benefit not-for-profit entity engaged in business or operations within the state

http://ibank.ca.gov/infrastructure_loans.htm

The ISRF Program provides financing for public infrastructure projects such as: environmental mitigation; port facilities; power and communications transmission or distribution facilities; public transit; solid waste collection and disposal; defense conversion; as well as military infrastructure. A project must promote economic development and attracts, creates, and sustains long-term employment opportunities. Eligible uses include, but are not limited to, construction or modification of the following:

- educational, cultural, and social facilities;

- public infrastructure, purchase and install pollution control or noise abatement equipment;
- parks and recreation facilities;
- docks, harbors, piers, marinas;
- facilities for and/or transmission or distribution of electrical energy, natural gas, and telecommunication;
- air and rail transport of goods, including parking facilities;
- transfer stations, recycling centers, sanitary landfills, waste conversion and recycling facilities;
- facilities for successfully converting military bases;
- facilities on or near a military installation that enhance military operations acquire land in conjunction with such project

California Statewide Communities Development Authority: Statewide Community Infrastructure Program (SCIP)

Deadline: Continuous

Amount: Varies. Financing is for low interest, tax-exempt bonds.

Eligibility: Public agencies

<http://cscda.org/Apply-Online/Statewide-Community-Infrastructure-Program>

In response to the increasing local agency staff time and budget pressures caused by new commercial, industrial or residential development, CSCDA offers the Statewide Community Infrastructure Program (“SCIP”).

USDA Rural Development: Community Facilities Grants & Loans

Deadline: Continuous

Amount: Varies by population & income (typically no larger than \$30,000)

Match: Varies by population & income (60% - 80%)

<http://www.rurdev.usda.gov/CA-CFPrograms.html>

Community Facilities Programs provides grants to assist in the development of essential community facilities in rural areas and towns of up to 20,000 in population. Grants are authorized on a graduated scale. Applicants located in small communities with low populations and low incomes will receive a higher percentage of grants. Grants are available to public entities such as municipalities, counties, parishes, boroughs, and special-purpose districts, as well as non-profit corporations and tribal governments.

WATER & ENERGY FUNDING

DWR/CFDA: Agricultural Water Use Efficiency & State Efficiency and Enhancement Program

Deadline: April 21, 2017

Amount: \$200,000 maximum award

Match: 50% match of the total project cost

Eligibility: Public agencies, public utilities, federally recognized or state Indian tribes, nonprofit organizations, mutual water companies, and investor-owned utilities regulated by the California PUC.

<http://www.water.ca.gov/wuegrants/AgWUEPilot.cfm>

Through this competitive grant program, DWR and CDFA intend to demonstrate the potential multiple benefits of conveyance enhancements combined with on-farm agricultural water use efficiency improvements and greenhouse gas reductions. The grant funding provided in this joint program is intended to address multiple goals including: 1) water use efficiency, conservation and reduction, 2) greenhouse gas emission reductions, 3) groundwater protection, and 4) sustainability of agricultural operations and food production. It is also anticipated that there will be benefits to water and air quality, groundwater security, surface water conservation, and improved nutrient management and crop health through this program. Excellent proposals will demonstrate the specific regional needs and benefits of their proposals.

US Bureau of Reclamation: 2017 WaterSMART - Small Scale Water Efficiency Projects Grant

Deadline: April 27, 2017

Amount: Up to \$75,000. Applicants will be limited to a \$150,000 cap on project cost.

Match: 50% of the project costs up to \$75,000.

Eligibility: States, Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority (may include municipalities)

<http://www.usbr.gov/watersmart/weeg/index.html>

The WaterSMART - Small Scale Water Efficiency Projects Grant is a new program intended to support specific small-scale water efficiency projects that have been prioritized through planning efforts led by the applicant. Larger projects or those with multiple project components, such as a renewable energy component, should be submitted under WaterSMART Water and Energy Efficiency Grants.

California Department of Housing and Community Development (HCD): Community Development Block Grant (CDBG) 2016 Drought Lateral Grant

Deadline: May 31, 2017

Amount: \$150,000 - \$2 Million

Match: None.

Eligibility: Non-entitlement CDBG jurisdictions in California only. See Appendix A - Non-Entitlement CDBG Jurisdictions List by following the link below.

<http://www.hcd.ca.gov/financial-assistance/community-development-block-grant-program/currentnofas.html>

The Department of Housing and Community Development (Department) is pleased to announce the availability of approximately \$5,000,000 in federal Community Development Block Grant

(CDBG) funding for direct relief and mitigation of the effects of the 2014 California Drought Disaster, as declared by Governor Brown. This NOFA applies only to the installation of CDBG-eligible water lateral connections to new or existing public water systems for single- and multi-family residential structures that have no running water as a result of having a dry or contaminated well. Also included are water meters, system connection fees and the abatement of existing dry wells. The CDBG-eligible activity is Housing Rehabilitation.

State Water Resources Control Board: Water Recycling Funding Program (WFRP)

Deadline: December 2030 (currently accepting applications via FAAST system)

Amount: \$75,000 (for Planning Grants); \$15-\$20 Million (for Construction Grants)

Match: 50% (for Planning Grants); 35% (for Construction Grants)

Financing: For Construction applications Interest at 1/2 General Obligation Bond Rate; 30 year term; Allowance following the CWSRF Policy

Eligibility: local public agencies

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/proposition_1_funding.shtml

The State Water Resources Control Board (State Water Board) provides funding for the planning, design, and construction of water recycling projects that offset or augment state fresh water supplies. There are two programs within this fund:

- **Planning Grants:** The purpose of the planning grant is to assist agencies or regions with completing feasibility studies for water recycling projects using treated municipal wastewater and/or treated groundwater from sources contaminated by human activities. Only local public agencies are eligible to apply for planning grants.
- **Construction Grants:** The Water Recycling Funding Program provides grants and financing to eligible applicants for the construction of water recycling facilities. Construction projects may be funded with grants and low interest financing from a state bond, a CWSRF financing agreement, or combinations of funding sources. Eligible applicants are local public agencies, nonprofit organizations, public utilities, state & federal recognized Indian tribes, and mutual water companies.

California Energy Commission (CEC): Interest Rate 1% Loan Financing For Energy Efficiency & Energy Generation Projects

Deadline: Applications are funded on a first-come, first-served basis until funding is exhausted

Amount: Maximum loan amount of \$3 million per applicant

Financing Terms: Loans must be repaid from energy cost savings or other legally available funds within a maximum term of 20 years (including principal and interest).

Eligibility: Cities, Counties, Specials Districts, Public Colleges or Universities

<http://www.energy.ca.gov/efficiency/financing/>

The CEC is offering loans financing for energy efficiency and energy generation projects for Public Agencies. Projects with proven energy and/or demand cost savings are eligible, provided they meet the ECAA eligibility requirements. Projects already funded with an existing loan or already installed are ineligible. Examples of Qualified Projects include the following:

- Lighting systems
- Heating, ventilation and air conditioning equipment
- Streetlights and LED traffic signals
- Energy management systems and equipment controls

- Pumps and motors
- Building envelope and insulation
- Energy generation including renewable energy and combined heat and power projects
- Water and waste water treatment equipment
- Load shifting projects, such as thermal energy storage

California Energy Commission: The Energy Partnership Program

Deadline: Continuous

Amount: \$20,000 of a consultant's costs

Match: Any amount in excess of the \$20,000 provided by CEC

<http://www.energy.ca.gov/efficiency/partnership/index.html>

The Energy Partnership Program can conduct an energy audit of existing facilities identify energy saving projects, including: Conduct energy audits and prepare feasibility studies; Review existing proposals and designs; Develop equipment performance specifications; Review equipment bid specifications; Assist with contractor selection; and Review commissioning plans. The Energy partnership also provides technical assistance early in the design phase of new facility construction, including: Provide design review consultation; Identify cost-effective, energy-saving measures; Compare different technologies; Review schematics and construction plans; Provide equipment specification consultation; Develop computer simulation models of your planned project; Help select experienced professionals with energy efficiency expertise; and Assist with system commissioning.

State Water Resources Control Board: Clean Water State Revolving Fund (CWSRF) Program

Deadline: Continuous

Amount/Financing: No maximum funding or disbursement limits. Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate at time of funding approval.

Eligibility: Any city, town, district, or other public body created under state law, including state agencies

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/

The Clean Water State Revolving Fund (CWSRF) program offers low cost financing for a wide variety of water quality projects. The program has significant financial assets, and is capable of financing projects from <\$1 million to >\$100 million. Eligible projects include, but are not limited to:

1. Construction of publicly-owned treatment facilities: Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment
2. Implementation of nonpoint source (NPS) projects to address pollution associated with: Agriculture; Forestry; Urban Areas; Marinas; Hydromodification; Wetlands
3. Development and implementation of estuary comprehensive conservation and management plans for: San Francisco Bay; Morro Bay; Santa Monica Bay

State Water Resources Control Board: Clean Water State Revolving Fund (CWSRF) Green Project Reserve Program

Deadline: Applications accepted on a continuous basis

Amount: \$2.5 Million maximum; \$30 million allocated to entire program

Match: None

Eligibility: Municipalities

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/

Effective with the Clean Water State Revolving Fund's (CWSRF) 2015 Capitalization Grant from U.S. EPA, the State Water Resources Control Board has \$30 million available to provide CWSRF loan (principal) forgiveness to projects that address water or energy efficiency, mitigate storm water runoff, or encourage sustainable project planning, design, and construction. There are four categories of green projects: green infrastructure, water efficiency, energy efficiency, and environmentally innovative activities.

State Water Resources Control Board: Drinking Water State Revolving Fund (DWSRF) Program

Deadline: Continuous

Amount/Financing: No maximum disbursement limit. Interest rates average 2-3% and 20 year loan. Public water systems that serve small, disadvantaged communities may be eligible for 0% and 30 year loan.

Eligibility: Community water systems and non-profit, non-community water systems.

http://www.waterboards.ca.gov/drinking_water/services/funding/SRF.shtml

On October 21, 2014, the State Water Resources Control Board (State Water Board) adopted the *Policy for Implementing the Drinking Water State Revolving Fund (DWSRF Policy)* effective January 1, 2015. The purpose of the DWSRF is to provide financial assistance for the planning/design and construction of drinking water infrastructure projects that are needed to achieve or maintain compliance with federal and state drinking water statutes and regulations.

Funding for the DWSRF comes from federal grants, state sources, and loan repayment.

Applications are offered for the following two categories:

1. Construction Financing - These funds are for applicants with complete final plans, specifications, and environmental documentation.
2. Planning/Design Financing - These funds are for applicants who do not have final plans, specifications, and environmental documentation.

State Water Resources Control Board: Proposition 1 Small Community Wastewater Program

Deadline: Continuous

Amount/Financing: \$260 Million allocated to program. Like CWSRF (see above) there is no maximum funding or disbursement limits. Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate at time of funding approval.

Eligibility: Most cities, towns, districts, or other public bodies created under state law, including state agencies

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/projects.shtml

Section 79723 of Prop 1 allocates \$260 million to the Clean Water State Revolving Fund (CWSRF) Small Community Grant (SCG) Fund. The State Water Board has an annual SCG appropriation of \$8 million dollars, which is administered consistent with the CWSRF Intended Use Plan (IUP), and the CWSRF Policy. The Prop 1 funds will supplement existing SCG

authority. Eligible projects are similar to the CWSRF program and include, but are not limited to:

1. Construction of publicly-owned treatment facilities: Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment
2. Implementation of nonpoint source (NPS) projects to address pollution associated with: Agriculture; Forestry; Urban Areas; Marinas; Hydromodification; Wetlands

State Water Resources Control Board: Safe Drinking Water State Revolving Fund (SDWSRF)

Deadline: Pre-application, requires annual invitation

Amount: \$ 500,000-\$5,000,000

Match: 20% of eligible project costs

http://www.waterboards.ca.gov/drinking_water/services/funding/SRF.shtml

This program provides support to engage in the demonstration of innovative technologies, methods, practices, and techniques in three areas: operational safety, infrastructure or equipment resiliency, and all-hazards emergency response and recovery methods.

State Water Resources Control Board: Water and/or Energy Audits Program

Deadline: Continuous

Amount: Up to \$35,000

Match: None

Eligibility: Any municipality, inter-municipal, interstate or state agency with facilities or activities eligible for Clean Water State Revolving Fund (CWSRF) financing may apply.

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/

This program is for CWSRF-eligible agencies that need financial assistance to find out if they can improve water and energy efficiency. The State Water Resource Control Board will provide funding to conduct a Water and/or Energy Audit to assess an agency's current practices and identify potentially inefficient water and/or energy use. The State Water Resources Control Board can fund 100% of audit costs, up to a maximum of \$35,000. Applications are submitted online by submitting a Water or Energy Audit Financial Assistance Application with attachments through FFAST (Financial Assistance Application Submittal Tool).

USDA Rural Development: Water & Waste Disposal Grant/Loan Program

Deadline: Continuous

Amount/Financing: Grant amount varies. Loan has up to 40-year payback period, on a fixed interest rate of 3.125% or lower.

Eligibility: state and local government entities, private nonprofits, federally-recognized tribes in rural areas with fewer than 10,000 people.

<http://www.rd.usda.gov/programs-services/water-waste-disposal-loan-grant-program/ca>

This program provides long-term low interest loans for clean and reliable drinking water systems, sanitary sewage disposal, sanitary solid waste disposal, and storm water drainage to households and businesses in eligible rural areas. Funds may be used to finance the acquisition,

construction or improvement of: Drinking water sourcing, treatment, storage and distribution; Sewer collection, transmission, treatment and disposal; Solid waste collection, disposal and closure; and Storm water collection, transmission and disposal. In some cases, funding may also be available for related activities such as: Legal and engineering fees; Land acquisition, water and land rights, permits and equipment; Start-up operations and maintenance; Interest incurred during construction; Purchase of existing facilities to improve service or prevent loss of service; and Other costs determined to be necessary for completion of the project.

ENVIRONMENT & CONSERVATION FUNDING

California Farmland Conservancy Program

Deadline: Continuous

Amount: Varies

Match: 5% of grant total

http://www.consrv.ca.gov/dlrp/cfcp/funding/Pages/request_grant_app.aspx

The Department of Conservation's California Farmland Conservancy Program provides grants to local governments and qualified nonprofit organizations for:

- voluntary acquisition of conservation easements on agricultural lands that are under pressure of being converted to non-agricultural uses;
- temporary purchase of agricultural lands that are under pressure of being converted to non-agricultural uses, as a phase in the process of placing an agricultural conservation easement;
- agricultural land conservation planning and policy projects; and,
- restoration of and improvements to agricultural land already under easement

TRANSPORTATION FUNDING

California Statewide Communities Development Authority: Total Road Improvement Program (TRIP)

Deadline: Continuous

Amount: Varies. Local governments leverage their State Motor Vehicle Fuel Tax to finance road improvement projects.

Eligibility: Local public agencies (cities and counties)

[http://cscda.org/Public-Agency-Programs/Total-Road-Improvement-Programs-\(TRIP\)](http://cscda.org/Public-Agency-Programs/Total-Road-Improvement-Programs-(TRIP))

CSCDA offers a pooled securitization program to assist local agencies in bonding against future payments to obtain funding for more projects today. As a pooled public offering, program participants will benefit from reduced issuance costs and better interest rates as compared to stand alone issues. The program does not require a pledge of the local agency's General Fund. The Gas Tax Accelerated Street Improvement Program will allow local governments to leverage their State Motor Vehicle Fuel Tax (the "Gas Excise Tax") to finance road improvement projects. The use of proceeds from the Gas Excise Tax, an 18-cent State excise tax collected on fuel sales, is restricted to the maintenance and construction of public streets and highways. The

obligations will be secured solely by a pledge of Gas Excise Tax revenues of the participating agencies.

PARKS & RECREATION FUNDING

US Soccer Foundation: 2017 Innovative & Non-Traditional Soccer Program Grants

(formerly Program Grants)

Deadline: February 10, 2016

Amount: \$30,000 - \$90,000 (dispersed over three years)

Match: None

Eligibility: Organizations with IRS approved tax-exempt status at the time of application that offer soccer-specific programming.

<https://ussoccerfoundation.org/grants/innovative-and-non-traditional-soccer-program-grants>

The U.S. Soccer Foundation recently announced changes to Program Grants. Moving forward, the Foundation will focus on one specific category or theme each year. In 2017, the Foundation, will begin accepting applications from organizations that are implementing innovative and/or non-traditional soccer programs in their communities. Awardees will receive up to a three year-grant of \$10,000-\$30,000 a year. These grants can be used to purchase soccer equipment and/or cover operating expenses. Awardees will be required to send one person to the U.S. Soccer Foundation's Urban Soccer Symposium, held in Washington D.C. The Foundation will cover expenses associated with attending the event.

US Soccer Foundation: 2017 Safe Places to Play Grants

Deadlines:

- Spring Grants Cycle: LOIs due February 3, 2017; Application due February 10, 2017
- Summer Grants Cycle: LOIs due May 26, 2017; Application due June 2, 2017
- Fall Grants Cycle: LOIs due September 29, 2017; Application due October 6, 2017

Amount: \$4,000 - \$50,000 or a percentage of total project amount in form of vendor credit (see details below)

Match: None required officially; applicants must contribute additional funds not covered by the grant award

Eligibility: Tax-exempt organizations including: 501(c)(3) nonprofits, churches, individual schools or school districts, cities or municipalities.

<https://ussoccerfoundation.org/grants/application-process/>

Safe Places to Play grants are available in four categories: Synthetic Turf, Lighting, Irrigation, and Sport Court. Multi-sport field projects are eligible for funding, but such fields must be used most the time for soccer. Multi-field projects are also eligible. All Safe Places to Play grants (except for Irrigation) can be awarded for either indoor or outdoor field projects. Grants are disbursed as in-kind credit with their respective vendor:

- Synthetic Turf Grant Amount: up to 10% of the Hellas project quote.
- Lighting Grant Amount: Typically in the range of 15%-30% of project total, with a maximum of \$25,000 per grant for single fields and \$50,000 for multi-field projects.

- Irrigation Grant Amount: Typically in the range of \$4,000 - \$15,000, with a maximum of \$15,000 per grant.
- Sport Court Grant Amount: Typically in the range of 15% - 50% of project total, with a maximum of \$30,000 per grant.

No cash is disbursed as part of this grant. Grantees must use the specific vendor as the supplier for their field project. Applicants are required to submit an LOI describing basics of the project prior to being approved to submit a full application for funding.

California Department of Housing & Community Development (HCD): Housing-Related Parks Program

Deadline: February 23, 2017

Amount: Minimum grant amount: \$75,000; no set maximum award

Match: None

Eligibility: Cities and counties that, by the date set forth in the applicable NOFA, have adopted housing elements

<http://www.hcd.ca.gov/housing-policy-development/housing-related-parks-program/>

The HRP Program is designed to encourage cities and counties to develop new residential housing by rewarding those jurisdictions that approve housing affordable to lower-income households with grant funds for the costs of Park and Recreation Facility creation, development, or rehabilitation, including, but not limited to, the acquisition of land for the purposes of those activities as well as major maintenance, reconstruction, or demolition for purposes of reconstruction of facilities, and retrofitting work. The grant provides funding on a per-bedroom basis for each residential unit affordable to very low- and low-income households permitted during the Designated Program Year (DPY). Awards will be distributed on the following basis:

- \$500 per bedroom for each unit affordable to Low-Income Households
- \$750 per bedroom for each unit affordable to Very Low-Income Households
- The minimum grant amount based on funding for these units must be \$75,000

Major League Baseball Foundation: Baseball Tomorrow Fund

Deadline: Quarterly (January 1, April 1, July 1, & October 1)

Amount: \$40,000 average award size

Match: 50% or more of total project cost

Eligibility: Tax exempt organizations including municipalities, school districts, and 501(c)(3) nonprofits

http://web.mlbcommunity.org/index.jsp?content=programs&program=baseball_tomorrow_fund

The Baseball Tomorrow Fund is a joint initiative between Major League Baseball and the Major League Baseball Players Association designed to promote and enhance the growth of youth participation in baseball and softball around the world by funding programs, fields, coaches' training, uniforms, and equipment. Grants are intended to finance a new program, expand or improve an existing program, undertake a new collaborative effort, or obtain facilities or equipment necessary for youth baseball or softball programs. The Baseball Tomorrow Fund supports projects that meet the following evaluation criteria: increase the number of youth participating in baseball and softball programs; improve the quality of youth baseball and softball programs.

HOUSING & COMMUNITY DEVELOPMENT FUNDING

ArtPlace America: National Creative Placemaking Fund

Deadline: February 14, 2017 (registration deadline); February 22, 2017 (application deadline)

Amount: Varies. \$9.5 million available for entire program

Match: None

Eligibility: Nonprofit organizations, local governing bodies, individual artists/designers, and for-profit organizations

<http://www.artplaceamerica.org/our-work/national-creative-placemaking-fund/introduction>

ArtPlace America is a collaboration of leading national and regional foundations that is working to position art and culture as a core sector of community planning and development. ArtPlace's National Creative Placemaking Fund has \$9.5 million available for projects that work with artists and arts organizations to build stronger, healthier communities anywhere in the United States. The Fund gives some emphasis to applications from selected localities; however, applications are welcome from all rural and urban regions all across the country, including the U.S. Territories. Visit the ArtPlace website to learn more about the Fund.

Kessler Foundation: Signature Employment Grants

Deadline: Online grant concepts are due March 17, 2017; invited proposals must be submitted by July 10, 2017

Amount: \$100,000 to \$250,000

Match: None

Eligibility: Nonprofit organizations, public or private schools, and public institutions, such as universities and government agencies based in the United States or any of its territories are eligible to apply.

<http://kesslerfoundation.org/grantprograms/signatureemploymentgrants.php>

The Kessler Foundation's Signature Employment Grants provide support for non-traditional solutions that increase employment outcomes for individuals with disabilities. Grants ranging from \$100,000 to \$250,000 per year for up to two years are awarded nationally to fund pilot initiatives, demonstration projects, or social ventures that lead to the generation of new ideas to solve the high unemployment and underemployment of individuals with disabilities. Preference is given to interventions that overcome specific employment barriers related to long-term dependence on public assistance or advance competitive employment in a cost-effective manner. Although proposals can be submitted from any state, this year the Foundation has prioritized serving Americans with disabilities that live in rural states and other areas with more limited service delivery. Visit the Kessler Foundation's website to review the Signature Employment Grants guidelines.

California Department of Housing & Community Development (HCD): 2017 Veterans Housing and Homelessness Prevention (VHHP) Program

Deadline: February 21, 2017

Amount: The maximum loan per project is \$10 million.

Financing Terms:

Eligibility: The Eligible Project Sponsor is the borrowing entity that HCD relies upon for experience and capacity, and which controls the project during development and occupancy.

<http://www.hcd.ca.gov/financial-assistance/veterans-housing-and-homelessness-prevention-program/>

The purpose of the VHHP program is to provide funding for acquisition, construction, rehabilitation and preservation of affordable multifamily housing for veterans and their families to allow veterans to access and maintain housing stability. Funds must be used to serve veterans and their families. VHHP funds will be provided as post-construction permanent loans. All Program funds shall be used for the development costs in CCR Section 7304 (a) and (b) and to refinance loans used to cover such costs. Program assistance shall have an initial term of fifty-five years or longer to match the period of affordability restrictions under the Low Income Housing Tax Credit Program. "Veteran" means any person who served in the active military, naval or air service of the United States or as a member of the National guard who was called to and released from active duty or active services for a period of not less than 90 consecutive days or was discharged from service due to a service related disability. This includes veterans with other-than-honorable discharges. At least 50 percent of the funds awarded shall serve veteran households with extremely low-incomes. Of those units targeted to extremely low-income veteran housing, 60 percent shall be supportive housing units.

Burlington Northern Santa Fe Railway Foundation

Deadline: Continuous

Amount: \$100 - \$500,000

Match: None

Eligibility: Nonprofit organizations, local government agencies, and educational institutions in communities served by the Burlington Northern Santa Fe Railway

<http://www.bnsffoundation.org/>

The Burlington Northern Santa Fe Railway Foundation provides support in communities in the company's area of operations. The Foundation considers requests falling in the following categories:

- Civic Services: This area includes organizations which are concerned with the environment and local community issues, such as crime prevention, parks and recreation, diversity and community development.
- Cultural Organizations: This area includes performing arts, visual arts, fine arts, and museums and other related activities that offer opportunities for underserved children to experience cultural learning events.
- Educational Institutions: This area includes both public and private education, primarily at the college level. (Grants of an exceptional nature may be made to vocational and non-college schools. Preferably, contributions will be directed toward the improvement of the quality of education.)
- Health and Human Service Organizations: This area includes hospitals, medical programs, and programs that address chemical dependency treatment and prevention, spouse and child abuse, women's and children's aid, and transitional shelters.
- Youth Organizations: This area includes Boys & Girls Clubs, Camp Fire, Scouts, Junior Achievement, and similar groups.

Federated organizations such as United Way and American Red Cross are also supported.

To be considered for a grant, requests should meet at least two of the following criteria:

The organization or project has significant Burlington Northern Santa Fe (BNSF) employee participation; the organization or the services provided are in close proximity to a BNSF main

line or BNSF is the only railroad or major corporation in the applicant's area of the state; the request is related to the railroad industry; or, the request is for direct programming or project support.

California Statewide Communities Development Authority: Taxable Bonds Program

Deadline: Continuous

Amount: Varies. Financing is for low interest, tax-exempt bonds.

Eligibility: Public and private entities

<http://cscda.org/Apply-Online/Taxable-Bonds>

This program offers public and private entities taxable bonds for projects that provide public benefit and economic development. Longer term taxable bonds can often provide cost savings and other efficiencies.

Note: This funding opportunity is being listed on the Municipal Grant List so that cities can offer it to eligible organizations within their community.

Economic Development Administration (EDA): FY2016 Public Works and Economic Adjustment Assistance Grant Programs

Deadline: Continuous until new solicitation published

Amount: \$100,000 - \$3,000,000

Match: 50% of project cost

Eligibility: Cities; Counties; 501(c)(3) nonprofits; Public and State controlled institutions of higher education; Native American tribal governments; Private institutions of higher education; Special district governments

<http://www.eda.gov/funding-opportunities/>

Under this FFO, EDA solicits applications from applicants in rural and urban areas to provide investments that support construction, non-construction, technical assistance, and revolving loan fund projects under EDA's Public Works and EAA programs. Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities. EDA provides strategic investments on a competitive- merit-basis to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States.

Union Pacific Foundation Community-Based Grant Program

Deadline: Preliminary applications: August 14, annually; Final applications: August 15, annually

Amount: \$10,000

Match: None

Eligibility: Nonprofit organizations and local municipalities in communities served by the Union Pacific Railroad

<http://www.up.com/found/index.shtml>

The Union Pacific Foundation's mission is to improve the quality of life in the communities served by Union Pacific, primarily in the Midwestern and western United States. (A map of Union Pacific's service area is available on the [UP website](#).) The Foundation's Community-Based Grant Program provides support in the following areas:

- Community and Civic: The goal is to assist community-based organizations and related activities that improve and enrich the general quality of life. This category includes organizations such as aquariums, botanical gardens, children's museums, history/science museums, public libraries, public television and radio, and zoos.
- Health and Human Services: The goal is to assist organizations dedicated to improving the level of healthcare and providing human services in the community. Local affiliates of national health organizations may apply for local programs only, but not for general operating support.

The Foundation has a strong interest in promoting organizational effectiveness among nonprofits. To that end, the Foundation will dedicate the majority of these grants to help nonprofit organizations build their capacity, increase their impact, and operate more efficiently and effectively.

Wells Fargo Charitable Contributions Program

Deadline: January 3 - September 30, annually

Amount: Varies; typically around \$50,000

Match: None

Eligibility: Nonprofit organizations

<http://www.wellsfargo.com/about/charitable/index.jhtml>

The Wells Fargo Charitable Contributions Program supports nonprofit organizations that address vital community needs and issues in the communities served by the bank.

Guidelines for charitable contributions vary from state to state. However, Wells Fargo generally supports the following areas of interest:

- community development, including affordable housing and homebuyer education, workforce development, financial literacy, and economic development;
- education, including higher education and K-12 education;
- human services, including childcare, healthcare, and basic needs;
- the environment, including green economy and clean technologies, natural resources, and endangered species; and,
- arts and culture, including performing arts and museums; and,
- civic engagement.

Wells Fargo prefers to fund outcome-driven programs versus unrestricted sponsorships and events for nonprofits.

LAW ENFORCEMENT FUNDING

US Department of Justice: Body-Worn Camera Policy and Implementation Program FY 2017 Competitive Grants

Deadline: February 16, 2016

Amount: Varies by grant type (see description below)

Match: 50% or more of the total project costs

Eligibility: public agencies of state government, units of local government, and federally recognized Indian tribal governments that perform law enforcement functions

<https://www.bja.gov/funding/BWCPIP17.pdf>

The FY 2017 BWC PIP will support the implementation of body-worn camera programs in law enforcement agencies across the country. The intent of the program is to help agencies develop, implement, and evaluate a BWC program as one tool in a law enforcement agency's comprehensive problem-solving approach to enhance officer interactions with the public and build community trust. Successful applicants will develop and implement policies and practices required for effective program adoption, and will address program factors including the purchase, deployment, and maintenance of camera systems and equipment; data storage and access; and privacy considerations. BJA expects the BWC programs to make a positive impact on the quality of policing in these jurisdictions and to inform national efforts to improve the use of BWCs more broadly. While BWC equipment may be purchased under this program, successful applicants must demonstrate a commitment and adherence to a strong BWC policy framework, including comprehensive policy adoption and requisite training. There are 4 applicant categories with specific award amounts as shown below:

- 1) **CATEGORY 1: Implementation or Expansion of BWC Programs for SMALL AGENCIES** (25 or fewer sworn officers) Award Amount: Minimum request of \$10,000; up to 40 awards nationwide
- 2) **CATEGORY 2: Implementation or Expansion of BWC Programs for MID-SIZED AGENCIES** (26-250 sworn officers) Award Amount: Maximum of \$400,000; up to 10 awards nationwide
- 3) **CATEGORY 3: Implementation or Expansion of BWC Programs for LARGE AGENCIES** (251-1000 sworn officers) Award Amount: Maximum of \$750,000; up to 8 awards nationwide
- 4) **CATEGORY 4: Implementation or Expansion of BWC Programs for EXTRA-LARGE AGENCIES** (More than 1000 sworn officers) Award Amount: Maximum of \$1 Million; up to 5 awards nationwide

California Board of State & Community Corrections (BSCC): Proposition 47 Grant Program

Deadline: February 21, 2017

Amount: \$1 Million to \$6 Million

Match: No match required, however, public agency applicants must demonstrate how they will leverage other federal, state, and local funds or other social investments.

Eligibility: Public Agencies (incl. counties, cities, tribes, school districts)

http://www.bscc.ca.gov/s_bsccprop47.php

Proposition 47, which reduced to misdemeanors penalties for some low-level crimes, requires the Board of State and Community Corrections (BSCC) to administer grant programs for mental

health and substance abuse treatment using a portion of the annual state savings. Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof. In addition to these required services and programs, applicants are encouraged to provide supplemental housing-related services and other community-based supportive services, such as job skills training, case management, and civil legal services.

Open Society Foundations: Police Associations Leading 21st Century Policing

Deadline: February 24, 2017

Amount: \$25,000 to \$200,000

Match: None

Eligibility: Local fraternal and sororal police associations in the United States

https://www.opensocietyfoundations.org/grants/police-associations-leading-21st-century-policing-20170112?utm_source=Open+Society+Foundations&utm_campaign=5174b68b7f-Grants_RSS_email&utm_medium=email&utm_term=0_d16374add2-5174b68b7f-49765169

The Open Society Foundations recognize that recent events have generated new urgency to seek new solutions and create lasting collaborative relationships between local police and the public. Through the Police Associations Leading 21st Century Policing initiative, the Foundations invite local fraternal and sororal police associations in the United States to submit proposals for projects they wish to work on to increase trust between law enforcement officers and the communities they serve. The aim is to make grants to local police associations to help them to implement projects that relate to the recommendations of the President's Taskforce on 21st Century Policing. Visit the Foundations' website to download the request for proposals.

**US Department of Justice: Adult Drug Court Discretionary Grant Program FY 2017
Competitive Grant**

Deadline: February 28, 2017

Amounts: Grant Amounts vary by program as follows

- CATEGORY 1: Implementation Grant maximum: \$400,000
- CATEGORY 2: Enhancement Grant maximum: \$400,000

Match: Minimum of 25% matching funds from non-federal sources for each category

Eligibility: states, state and local courts, counties, units of local government, and federally recognized Indian tribal governments for Categories 1 & 2; State agencies only for Category 3 grants

<https://www.bja.gov/funding/DrugCourts17.pdf>

The purpose of the Adult Drug Court Discretionary Grant Program is to provide financial and technical assistance to eligible entities to develop and implement drug courts that effectively integrate evidence-based substance use disorder treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over substance-misusers. BJA is accepting applications for FY 2017 grants to either establish new drug courts or enhance existing drug court programs using evidence-based principles and practices. Local governments are eligible to apply for two funding categories under this solicitation, including:

1. **CATEGORY 1: IMPLEMENTATION** -- Implementation grants are available to eligible jurisdictions that have completed a substantial amount of planning and are ready

to implement an evidence-based adult drug court. Applicants may propose to use funding for court operations and services; participant supervision, management, and services; provision and coordination of recovery support services including education, civil legal assistance, job training and placement, housing placement assistance, primary and behavioral health care, and childcare and other supportive services.

2. **CATEGORY 2: ENHANCEMENT** -- Enhancement grants are available to eligible jurisdictions with a fully operational adult drug court (to be eligible, the court must have been operating for at least 1 year as of September 30, 2017). Applicants are encouraged to include in their proposals funding to incorporate the evidence-based program principles included in the NADCP Adult Drug Court Best Practice Standards, and to specify which Standard(s) is/are addressed in the application and include in the program design details on how the Standard(s) will be implemented.

US Department of Justice: National Sexual Assault Kit Initiative (SAKI) FY 2017 Competitive Grant

Deadline: March 2, 2017

Amounts: Grant Amounts vary by program as follows

- Purpose Area 1 -- 10 awards of up to \$3 million each
- Purpose Area 2 -- 10 awards of up to \$500,000 each
- Purpose Area 3 -- 5 awards of up to \$1 million each

Match: None required, but voluntary contributions are encouraged

Eligibility: law enforcement agencies of states, units of local government, federally recognized Indian tribal governments. Specific grants have different eligibility requirements (see Purpose Area descriptions below).

<https://www.bja.gov/funding/SAKI17.pdf>

The National Sexual Assault Kit Initiative (SAKI), administered by the Bureau of Justice Assistance (BJA), provides funding through a competitive grant program to support multidisciplinary community response teams engaged in the comprehensive reform of jurisdictions' approaches to sexual assault cases resulting from evidence found in previously un-submitted sexual assault kits (SAKs). The focus of this solicitation is on those "un-submitted kits" which are defined as SAKs that have not been submitted to a forensic laboratory for testing with CODIS-eligible DNA methodologies. There are three different solicitations available under the SAKI grant program:

1. **PURPOSE AREA 1: Comprehensive Approach to Un-submitted Sexual Assault Kits** -- Applications are solicited from eligible agencies who can demonstrate their ability and commitment to implementing the comprehensive BJA model to address the issues that underlie the problem of un-submitted SAKs
2. **PURPOSE AREA 2: SAKI for Small Agencies** -- Applications are solicited from eligible entities to support targeted activities associated with un-submitted SAKs. Sites may apply for funding of up to \$500,000 to address any SAKI-related activity listed under Purpose Area 1 (see pages 10-13). These must be consistent with the BJA Model with modifications based on need, existing capacity and resources and local challenges. Eligible applicants under Purpose Area 2 are Small Law Enforcement Agencies that have less than 250 sworn officers OR Consortia of Small Agencies.
3. **PURPOSE AREA 3: Collection of Lawfully Owed DNA from Convicted Offenders to Assist with Sexual Assault Investigations and Prosecutions** -- This funding is

intended as enhancement funds for applicants who can clearly demonstrate that their jurisdiction has previously addressed, or is currently effectively addressing, the major issues associated with un-submitted SAKs. The goal of this purpose area is to enable the appropriate law enforcement and correctional authorities to plan and implement coordinated DNA collections of lawfully owed samples, testing, and CODIS uploads in accordance with applicable state law and for resolving sexual assault cases associated with previously un-submitted SAKs.

US Department of Justice: Second Chance Act Reentry Program for Adults with Co-Occurring Substance Use and Mental Disorders FY 2017 Competitive Grant

Deadline: March 14, 2017

Amount: Eight awards of up to \$650,000

Match: This solicitation does not require a match.

Eligibility: states, units of local government, and federally recognized Indian tribal governments
<https://www.bja.gov/Funding/SCACOD.pdf>

Under this solicitation, BJA is seeking applications to implement or expand treatment programs for adults with co-occurring substance use and mental disorders who are returning to their communities following incarceration. Programs should expand and improve the screening and assessment for co-occurring disorders that takes place in jails and prisons, in-reach by community-based providers, and the reentry and community reintegration process. Proposed programs should improve the provision of treatment for adults (18 years and over) being treated for co-occurring substance use and mental disorders, focusing on pre- and post-release programming for every program participant.

US Department of Justice: Smart Reentry - Focus on Evidence-based Strategies for Successful Reentry from Incarceration to Community FY 2017 Competitive Grant

Deadline: March 14, 2017

Amount: Up to five awards of up to \$1,000,000 each

Match: 50% of the total project cost and may be in the form of cash or in-kind services.

Eligibility: State and local government agencies and federally recognized Indian tribal governments

<https://www.bja.gov/funding/SmartReentry.pdf>

The Second Chance Act of 2007 helps to address the significant challenges of reentry of incarcerated individuals into society by providing comprehensive responses to incarcerated adults who are returning to communities from prison, jail, and juvenile residential facilities. Programs funded under the Second Chance Act help to promote public safety by ensuring that the transition individuals make from prison and jail to the community is successful. The goal of the Smart Reentry Program is to support jurisdictions to develop and implement comprehensive and collaborative strategies that address the challenges posed by reentry to increase public safety and reduce recidivism for individuals reentering communities from incarceration who are at medium to high risk for recidivating. This process should provide the individual with appropriate evidence-based services—including reentry planning that addresses individual criminogenic needs identified through information obtained from an empirically validated risk/needs assessment that also reflects the risk of recidivism for each individual. The reentry plan should reflect both specific and ongoing pre-release and post-release needs, and a strategy for ensuring that these needs are met throughout the duration of the reentry process.

US Department of Justice: Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods) FY 2017 Competitive Grant

Deadline: March 28, 2017

Amount: 12 awards of up to \$200,000-\$500,000 each

Match: This solicitation does not require a match.

Eligibility: PSN team fiscal agents for the United States Attorney Office districts and federally recognized Indian tribal governments. All fiscal agents must be certified by the relevant U.S. Attorney's Office (USAO). Eligible USAO-certified fiscal agents include states, units of local government, educational institutions, faith-based and other community organizations, private nonprofit organizations, and federally recognized Indian tribal governments.

<https://www.bja.gov/funding/PSN17.pdf>

BJA's "Smart Suite" of programs invests in the development of practitioner-researcher partnerships that use data, evidence, and innovation to create strategies and interventions that are effective and economical. This data-driven approach enables jurisdictions to understand the full nature and extent of the crime challenges they are facing and to direct resources to the highest priorities. The Smart Suite of programs, which includes Project Safe Neighborhoods (PSN), represents a strategic approach that brings more "science" into criminal justice operations by leveraging innovative applications of analysis, technology, and evidence-based practices with the goal of improving performance and effectiveness while containing costs. PSN is designed to create safer neighborhoods through a sustained reduction in gang violence and gun crime. The program's effectiveness is based on the cooperation and partnerships of local, state, and federal agencies engaged in a unified approach led by the U.S. Attorney (USA) in each district. The USA is responsible for establishing a collaborative PSN team of federal, state, and local law enforcement and other community members to implement gang violence and gun crime enforcement, intervention, outreach, and prevention initiatives within the district. Through the PSN team, the USA will implement the five design features of PSN—partnerships, strategic planning, training, outreach, and accountability—to address specific gun crime and gang violence, in the most violent neighborhoods. Details on the five design features (also referred to as core elements) can be found on pages 5-7.

US Department of Justice: FY 2017 National Initiatives: Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative

Deadline: March 7, 2017

Amount: One award of \$500,000 for Category 1 grants; One award of \$2,500,000 for Category 2 grants; One award of \$2,500,000 for Category 3 grants

Match: None required

Eligibility: Not-for-profit and for-profit organizations; state and local governments; federally recognized Indian tribal governments; and institutions of higher education

<https://www.bja.gov/funding/VALOR17.pdf>

The Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative is an overarching program that addresses officer safety, wellness, resilience, and survival through multifaceted training, technical assistance, and specialized programs. USDOJ/BJA is seeking applications under three distinct categories for the FY 2017 Initiative:

1. *Law Enforcement and Community: Crisis Intervention Training Model* – A national training and technical assistance (TTA) provider to further develop and enrich BJA’s justice and mental health portfolio specific to law enforcement’s response and interaction with individuals with mental illness.
2. *Law Enforcement Agency and Officer Resilience Training Program* – A national TTA organization to identify, develop, implement, and analyze the effectiveness of resiliency concepts and skills within a law enforcement agency; serving as the foundation of a nationally delivered resiliency training.
3. *Specialized Officer Safety and Wellness Topics* – Training and Technical Assistance National Provider – A national TTA provider to develop and deliver specialized one-day and half-day state, local, and tribal law enforcement trainings across the nation specifically related to officer safety, wellness, and preparedness.

VALOR is critical to educating and providing resources to law enforcement professionals on officer safety- and wellness-related issues, techniques, and considerations so that they can be better prepared to serve the communities that rely on them.

US Department of Justice: Law Enforcement National Initiatives: Improving Responses to Criminal Justice Issues FY 2017 Competitive Grant

Deadline: March 7, 2017

Amount: One award of \$600,000 for Category 1 grants; One award of \$800,000 for Category 2 grants; One award of \$1,300,000 for Category 3 grants

Match: None required

Eligibility: for-profit (commercial) organizations, nonprofit organizations, and institutions of higher education

<https://www.bja.gov/funding/NationalInitiativesLE17.pdf>

The FY 2017 Law Enforcement National Initiatives: Improving Responses to Criminal Justice Issues Competitive Grant Announcement focuses on national initiatives to improve the functioning of the criminal justice system, specifically by (1) providing training to selected law enforcement to develop effective communication strategies; (2) continuing the National Center for Campus Public Safety, which was established in FY 2013; and (3) providing training and technical assistance (TTA) to law enforcement on performance management to improve trust and accountability with communities through the CompStat process.

US Department of Justice: Swift, Certain, and Fair (SCF) Supervision Program – Including Project HOPE FY 2017 Competitive Grant

Deadline: March 20, 2017

Amount: Five awards of up to \$600,000 each

Match: None required

Eligibility: States, units of local government, territories, and federally recognized Indian tribal governments

<https://www.bja.gov/funding/SCF17.pdf>

The Swift, Certain, and Fair (SCF) Supervision Program, is a strategic approach that brings more “science” into criminal justice operations by leveraging innovative applications of analysis, technology, and evidence-based practices with the goal of improving performance and effectiveness while containing costs. The SCF principles are intended to: (a) improve supervision strategies that reduce recidivism; (b) promote and increase collaboration among

agencies and officials who work in community corrections and related fields to enhance swift and certain supervision; (c) enhance the supervised persons' perception that the supervision decisions are fair, consistently applied, and consequences are transparent; and (d) improve the outcomes of individuals participating in these initiatives. Through this FY 2017 grant announcement, BJA will select multiple applicants to develop, implement, or enhance an SCF model. Applicants selected under this announcement will work with BJA and its SCF training and technical assistance (TTA) partner to implement the model with fidelity. BJA is supporting this effort to enhance public safety, foster collaboration, and improve the outcomes of individuals under the supervision of community corrections.

US Department of Justice: Justice and Mental Health Collaboration Program FY 2017 Competitive Grant

Deadline: April 4, 2017

Amount: 78 awards ranging from \$75,000 - \$300,000

Match: 20% of the project costs from non-federal funds

Eligibility: States, units of local government, territories, and federally recognized Indian tribal governments

<https://www.bja.gov/funding/JMHCP17.pdf>

The Justice and Mental Health Collaboration Program (JMHCPC) supports innovative cross-system collaboration to improve responses and outcomes for individuals with mental illnesses or co-occurring mental health and substance abuse disorders who come into contact with the justice system. BJA is seeking applications that demonstrate a collaborative project between criminal justice and mental health partners from eligible applicants to plan and implement justice and mental health strategies collectively designed between justice and mental health. This solicitation specifically seeks to increase early identification and front-end diversion of people with mental health and co-occurring substance use disorders identified at early intercept points within the justice system. This program seeks to increase the number of justice, mental health, and community partnerships; increase evidence-based practices and treatment responses to people with behavioral health disorders in the justice system; and increase the collection of health and justice data to accurately respond to the prevalence of justice-involved people with mental health and co-occurring substance use disorders.

FIRE DEPARTMENT FUNDING

FEMA: FY 2016 Staffing for Adequate Fire & Emergency Response (SAFER) Grant

Deadline: February 10, 2017

Amount: Varies; \$340,000,000 allocated to entire program

Match: None

Eligibility: Eligibility: Volunteer Fire Departments; Career Fire Departments; Combination Fire Departments; Municipalities, Tribal Organizations

<https://www.fema.gov/staffing-adequate-fire-emergency-response-grants>

The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to

help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA (NFPA 1710 and/or NFPA 1720). The SAFER grant program is composed of two activities:

- *Hiring of Firefighters:* Career, combination, and volunteer fire departments are eligible to apply to hire firefighters for a 36-month period.
- *Recruitment and Retention of Volunteer Firefighters:* Combination fire departments; volunteer fire departments; and national, state, local, or tribal organizations that represent the interests of volunteer firefighters are eligible to apply for a 12 to 48-month period.

FM Global Fire Prevention Grant Program

Deadline: April 1; August 1; and December 1 annually

Award amount: \$2500-\$5000

Match: None

Eligibility: Fire departments and brigades, as well as national, state, regional, local, and community organizations

<http://www.fmglobal.com/page.aspx?id=01060200>

The FM Global Fire Prevention Grant Program supports a wide array of fire prevention, preparedness, and control efforts throughout the U.S. and internationally. Funded projects include pre-fire planning for commercial, industrial, and institutional facilities; fire and arson prevention and investigation; and fire prevention education and training programs.

Firefighters Charitable Foundation

Deadline: Continuous

Amount: Varies

Match: None

<http://www.ffcf.org/>

Assists fire and disaster victims; and supports Volunteer Fire Departments. Grants offered for the following needs/programs: AED (Automatic External Defibrillator); Fire Department Equipment Program; Community Smoke Detector Program; and the Juvenile Fire-setter Prevention and Intervention Program.

Fire Fighters Support Foundation, Inc.

Deadline: Quarterly

Amount: \$5-10,000

Match: None

<http://www.fffoundation.org/assistance.html>

The Firefighters Support Foundation pro-actively makes contributions to funds established for the children of fallen firefighters. This financial support may be applied for by downloading, completing, and mailing an application on the foundation's website.

Fireman's Fund Heritage Program

Deadline: Continuous

Amount: Varies

Match: None

https://www.firemansfund.com/home/policyholders/about_us/supporting_firefighters/index.html

Fireman's Fund awards grants to fire departments and fire & burn prevention organizations to support firefighters for safer communities. These grants can be used to purchase needed equipment, firefighter training, and community education programs.

MISCELLANEOUS FUNDING

USCM and USA Funds: National Education Pathways with a Purpose Initiative

Deadline: March 31, 2017

Amount: \$25,000 - \$100,000

Match: None

Eligibility: United States Conference of Mayors (USCM) Member Cities

<http://www.usmayors.org/pathwayswithapurpose/>

The National Education Pathways with a Purpose Initiative, a collaboration between the United States Conference of Mayors (USCM) and USA Funds, awards competitive grants to expand creative initiatives that mayors have developed in their cities to advance both college and career readiness and college completion. Cities are recognized for developing strong collaborations between K-12 and higher education systems and employers to address college preparation and long-term career success. Eligible programs must apply innovative approaches to achieve the following two goals: enhance student persistence in and completion of post-secondary education or training programs, and enhance employment of graduates of post-secondary education or training programs in high-value occupations. USCM Member Cities are eligible to apply for a total of \$200,000 in grants: \$100,000 to one large city with a population greater than 500,000; \$75,000 to a medium-sized city with a population between 200,000 and 500,000; and \$25,000 to a small city of under 200,000. The application deadline is March 31, 2017. Visit the USCM website to access the application guidelines booklet.

International Paper Foundation: Environmental Education & Literacy Grants

Deadline: Quarterly (February 1, April 1, August 1, and October 1, annually)

Amount: \$100 - \$100,000

Match: None

Eligibility: Nonprofit organizations, government entities, and school districts

<http://www.internationalpaper.com/company/regions/north-america/ip-foundation-usa/apply-for-a-grant>

The foundation's primary focus areas include the following:

1. Environmental Education: The Foundation supports programs that help both younger and older generations understand a sustainable approach balancing environmental, social, and economic needs. Examples of supported programs include:
 - science-based programs targeting children;
 - outdoor classrooms at schools or in communities;
 - outdoor science programs tied to forestry, air, or water; and,
 - education-based programs that promote recycling, tree planting, and composting initiatives.
2. Literacy: The Foundation addresses literacy through support of programs that:
 - enhance availability of reading materials at school and community libraries;
 - enhance reading skills of children and adults; and,

- teach English as a Second Language (ESL).

The Foundation provides limited consideration for funding to new critical needs in company communities. Consideration is given to one-time, non-recurring needs which benefit the community at large. The Foundation considers providing “seed” money on a one-time basis for requests that identify a community-wide need and provide details of sustaining the initiative within the community beyond International Paper funding. The Foundation generally does not fund capital, economic development, or multi-year projects. Average grant awards are around \$100.

Sierra Pacific Foundation Grant

Deadline: Annually on February 28

Amount: \$100 - \$50,000

Match: None

Eligibility: Nonprofit organizations

http://www.spi-ind.com/spf_contributions.aspx

The Sierra Pacific Foundation supports a wide range of organizations that serve communities where Sierra Pacific Industries operates facilities, primarily in Northern California and Washington. Funding is provided for academic and community programs, particularly those that benefit children. Specific areas of interest include:

- K-12 and higher education;
- libraries;
- museums;
- civic affairs;
- arts and culture;
- parks and recreation;
- youth sports;
- health and social services; and,
- public safety, including drug and alcohol prevention.

Types of support include general operating and project support. Educational scholarships are also given to dependent children of company employees. Contribution request forms may be obtained from the nearest Sierra Pacific Industries office or by contacting the Foundation.

Stuart Foundation Grant Funding

Deadline: Continuous (LOIs may be submitted at any time)

Amount: Varies. The amount requested from the Foundation should be proportionate to your organizational budget, project budget, and expected income from other sources

Match: None

Eligibility: school districts, universities, and government entities such as city or county agencies in California

<http://www.stuartfoundation.org/BecomeOurPartner>

The Stuart Foundation is dedicated to transforming the public education and child welfare systems in California and Washington so that all youth can learn and achieve in school and life. The Foundation supports nonprofit organizations that address the following priorities: The Education Systems category invests in coordinated programs, partnerships, and research and

policy analysis that help students to learn and achieve in school by developing effective education systems. The Vulnerable Youth in Child Welfare category partners with child welfare agencies to help children and youth in foster care to realize positive outcomes in the following focus areas: safety, permanency, well-being, education opportunities, and youth, family, and community engagement. Letters of inquiry may be submitted at any time; the Foundation will take up to 60 days to respond to an LOI.

The Kresge Foundation: Human Services Program

Deadline: Continuous

Amount: Varies.

Match: None

Eligibility: government agencies and 501(c)(3) nonprofit organizations

<http://kresge.org/programs/human-services/advancing-effectiveness-human-serving-organizations>

The Kresge Foundation works to improve the life circumstances of poor and low-income children and adults and those living in underserved communities. Through the Human Services Program, the Foundation seeks to expand access and opportunity for individuals and families who are vulnerable and low-income by strengthening human services organizations and promoting new responses to challenges in the sector. One of the program's focus areas, "Advancing the effectiveness of human-serving organizations," provides grants to enhance the ability of high-performing organizations to innovate and effectively support individuals and families on the path to self-sufficient, self-determined lives. Preference is given to nonprofit organizations and government entities that employ integrated, innovative, culturally responsive approaches to change the circumstances of people outside the economic mainstream. Preliminary inquiries may be submitted throughout the year. Visit the Foundation's website for more information.

Whole Foods Market Community Giving Program

Deadline: Continuous

Amount: Varies.

Match: None

Eligibility: Nonprofits and educational organizations in communities with company stores.

<http://www.wholefoodsmarket.com/mission-values/caring-communities/community-giving>

The Whole Foods Market Community Giving Program supports local nonprofit and educational organizations that are important to each community in the U.S. where stores are located.

Several times each year, Whole Foods Market stores hold community giving days (otherwise known as "5% Days") where five percent of that day's net sales are donated to a local nonprofit or educational organization. The groups that benefit from these 5% Days are as varied as the communities themselves. Each year Whole Foods Market gives a minimum of 5% of its net profits to nonprofit and educational organizations in the locations where the company has stores.

Examples of the types of organizations supported include:

- Education: school support organizations, after-school organizations, etc.;
- Community and culture: arts organizations, museums, parks, etc.;
- Human interest: elder care, children and youth, homeless assistance, etc.; and,
- Environmental issues: organic food and farming, natural wildlife protection, green living, etc.

Along with cash donations, Whole Foods Market donates food and other products to area food banks and shelters. Organizations interested in applying for support should contact the Marketing Director at their local store or complete the donation request form available on the company's website.

UPCOMING FUNDING (ALL CATEGORIES)

California Natural Resources Agency: Urban Greening Grant Program

Release: TBD (Likely late 2016. Draft Guidance currently available for review)

Deadline: TBD (Likely early 2017)

Amount: TBD

Match: None

Eligibility: Cities, counties, special districts, nonprofit organizations or joint powers authorities.

<http://resources.ca.gov/grants/urban-greening/>

The Urban Greening Program, funded by the Greenhouse Gas Reduction Fund, will fund projects that transform the built environment into places that are more sustainable, enjoyable, and effective in creating healthy and vibrant communities by establishing and enhancing parks and open space, using natural solutions to improving air and water quality and reducing energy consumption, and creating more walkable and bike-able trails. Grants will be awarded on a competitive basis. This program emphasizes, and gives priority to, projects that are proposed by and benefit the State's disadvantaged communities.

California Natural Resources Agency: 2017 Museum Grant Program

Release: TBD (Spring 2017)

Deadline: TBD (September 2017)

Amount: Up to \$50,000

Match: Dollar for dollar

Eligibility: Public agency (federal, state, city, county, district, association of governments, joint powers or Federally Recognized Indian Tribe); Nonprofit organizations

<http://resources.ca.gov/grants/california-museum/>

The program is a competitive grant program to support small capital asset projects in museums. For purposes of this program "capital asset" means tangible physical property with an expected useful life of 15 years or more. A capital asset project may be either of the following:

1. Acquisition of real property, that is, tangible physical property, including easements; or
2. Development of real (tangible physical) property. "Development" includes but is not limited to, improvement, rehabilitation, restoration, enhancement, preservation and protection.

For purposes of this program, "museum" means a public or private nonprofit institution that is organized on a permanent basis for essentially educational or aesthetic purposes and that owns or uses tangible objects, cares for those objects, and exhibits them to the public on a regular basis.

A public agency, nonprofit entity or Federally Recognized Tribe responsible for the operation of a museum may apply on behalf of the museum; or, a museum located within a parent organization (i.e., a municipality, university, historical society or cultural center) may apply on its own if it independently fulfills all the eligibility requirements.

Proposition 1 Funding Schedule

Proposition 1 authorized \$7.545 billion in general obligation bonds for water projects including surface and groundwater storage, ecosystem and watershed protection and restoration, and drinking water protection. The State Water Resources Control Board (State Water Board), Department of Water Resources, and other state agencies will administer Proposition 1 funds. Below is a listing of Proposition 1 funding opportunities that are currently available and upcoming.

Agency / Funding Program	Description	Funding Amount	Match	Eligibility	Deadline	Link
SWRCB: Prop 1 Drinking Water State Revolving Fund	<p>Chapter 5, Section 79724(a) of Proposition 1 allocates \$260 million for drinking water grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards ensure affordable drinking water, or both. These funds will be administered consistent with the DWSRF Intended Use Plan (DWSRF IUP) and the DWSRF Policy.</p> <p>The purpose of the DWSRF is to provide financial assistance for the planning/design and construction of drinking water infrastructure projects that are needed to achieve or maintain compliance with federal and state drinking water statutes and regulations. Funding for the DWSRF comes from federal grants, state sources, and loan repayment. Applications are offered for the following two categories:</p> <ul style="list-style-type: none"> - Construction Financing - These funds are for applicants with complete final plans, specifications, and environmental documentation. - Planning/Design Financing - These funds are for applicants who do not have final plans, specifications, and environmental documentation. 	<p>\$260 Million in program</p> <p>No maximum disbursement limit.</p>	<p>Interest rates average 2-3% and 20 year loan. Public water systems that serve small, disadvantaged communities may be eligible for 0% and 30 year loan.</p>	<p>Community water systems and non-profit, non-community water systems</p>	<p>Continuous</p>	<p>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/dwsrf/scoping_workshops.shtml</p>

<p>SWRCB: Small Community Wastewater Program</p>	<p>Section 79723 of Prop 1 allocates \$260 million to the Clean Water State Revolving Fund (CWSRF) Small Community Grant (SCG) Fund. The State Water Board has an annual SCG appropriation of \$8 million dollars, which is administered consistent with the CWSRF Intended Use Plan (IUP), and the CWSRF Policy. The Prop 1 funds will supplement existing SCG authority. Administering these funds as a part of the CWSRF Program allows grant funds to be easily leveraged with low-interest financing available through the CWSRF Program. Eligible projects include, but are not limited to: Construction of publicly-owned treatment facilities; Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment</p>	<p>\$260 million in program No maximum funding or disbursement limits.</p>	<p>Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate.</p>	<p>Most cities, towns, districts, or other public bodies created under state law, including state agencies</p>	<p>Continuous</p>	<p>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/projects.shtml</p>
<p>SWRCB: Water Recycling Fund</p>	<p>The purpose of the WREP is to promote water recycling by providing technical and financial assistance to local agencies and other stakeholders in support of water recycling projects and research. Grant programs include: – Planning Grants: The purpose of the planning grant is to assist agencies or regions with completing feasibility studies for water recycling projects using treated municipal wastewater and/or treated groundwater from sources contaminated by human activities. Only local public agencies are eligible to apply for planning grants. – Construction Grants: The Water Recycling Funding Program provides grants and financing to eligible applicants for the construction of water recycling facilities. Construction projects may be funded with</p>	<p>\$75,000 (Planning Grants) \$15-\$20 Million (Construction Grants)</p>	<p>50% (Planning Grants) 35% (Construction Grants)</p>	<p>local public agencies</p>	<p>Continuous to December 2030</p>	<p>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/index.shtml</p>

				<p>grants and low interest financing from a state bond, a CWSRF financing agreement, or combinations of funding sources. Eligible applicants are local public agencies, nonprofit organizations, public utilities, state & federal recognized Indian tribes, and mutual water companies.</p>	
Upcoming Solicitations					
<p>SWRCB: Prop 1 Groundwater Sustainability Program</p>	<p>The State Water Board will administer \$800 million to prevent and cleanup contamination of groundwater that serves (or has served) as a source of drinking water. The funds can be provided as grants or loans. Program priorities are:</p> <ul style="list-style-type: none"> - Threat posed by groundwater contamination to drinking water supply - Potential for groundwater contamination to spread/impair - Potential of project to enhance local water supply reliability - Potential of project to recharge vulnerable, high-use basins - Projects with no viable responsible party(ies) 	<p>\$800 million for total program</p> <p>Funding mechanisms are grants and loans</p>	<p>Match amount TBD</p>	<p>Public Agencies, Tribes, Public Utilities, Non-Profits, Mutual Water Companies</p>	<p>First Round Solicitation/ Review – Fall 2016/17</p> <p>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/gw_funding/</p>



Office of the City Manager

INFORMATION CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council

INTRODUCTION

This report responds to the referral sponsored by Councilmembers Hahn, Harrison, Davila and Bartlett to issue a Request for Information to explore grant writing services from specialized municipal grant-writing firms, and report back to Council that originally appeared on the agenda of the October 3, 2017 Council meeting.

SUMMARY

Request for Information (RFI), Specification No. 18-11201, Grant Writing and Related Services (Attachment 1), was released to the public in the spring of 2018 with the intent to identify qualified firms or individuals with expertise researching, identifying, applying for and obtaining grants on behalf of municipal entities.

The key points of the RFI were to: 1) communicate to grant writing firms that the City is seeking to expand its ability to initiate and deliver innovative programs by seeking out public and private grant funding; 2) use contracted services to augment existing internal grant application activities; and 3) leverage the resources and successes of firms that have developed specific competencies in providing grant sourcing and proposal development services to municipal clients.

Respondents were asked to provide information to demonstrate their ability to provide the following services:

Funding Needs Analysis
Grant Funding Research
On-Call Grant Research
Grant Proposal Development

Legislative Advocacy
Presentations and Meeting Attendance
Monthly Reporting

The RFI requested each respondent to submit standard and preferred fee structures to provide the City with insight into compensation options available in the market.

CURRENT SITUATION AND ITS EFFECTS

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time consuming for staff. For Berkeley to maximize its potential to gain resources from every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increased revenue obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion, and demonstrate to Berkeley residents the City's commitment to seeking public and private funding that may be available.

Planning for the release of the RFI began with City staff contacting 14 firms with presence in California and a focus on serving municipal clients, as indicated on websites, in other published materials, or by direct conversation. The 14 firms were made aware of the release of RFI #18-11201 and invited to participate. The RFI was posted on the City's website and at the kiosk in front of Old City Hall. Twelve of the 14 firms submitted responses to the RFI. The response pool represented a broad mix, from national corporations to niche players, for example having an environmental focus. Less than half of the responses provided all the information requested in the RFI.

Three of the 12 responses were comprehensive and provided information useful in assessing both the availability of grant-writing firms with a depth of experience and significant track-record (see Attachment 2 for a representative listing of grants secured by the 3 firms – California Consulting, Grant Management Associates and Glen Price Group) obtaining grant dollars in California for a wide variety of city, county and state projects, as well as service delivery methods and typical fee structures.

Fee Structures varied by respondent with 11 out of 12 falling into at least one of the following categories:

- Hourly rate per hour for all work performed by each resource
- Monthly, flat fee retainer with additional work at hourly rate per hour
- Fixed monthly fee when working on a particular grant proposal

Only one response included a Fee Structure that was based on a percentage of dollars awarded.

BACKGROUND

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time

consuming for Staff. For Berkeley to maximize its potential to gain resources from every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increasing revenues obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion and demonstrate to Berkeley residents the City's commitment to seeking public and private funding that may be available.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

POSSIBLE FUTURE ACTION

Information contained in the responses to RFI #18-11201 may be used to inform the scope of work, evaluation criteria and pricing arrangement, as well as outreach efforts for a future request for proposals for comprehensive grant research services issued by the City.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Increased revenue obtained through successful grant applications.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 981-7326

Attachments:

- 1: Request for Information #18-110201 – Grant Writing and Related Services
- 2: Representative Listing of Grants Awarded
- 3: Original Referral Report from October 3, 2017

Attachment 1

Request for Information #18-11201
Grant Writing and Related Services

(document to follow this page)



Finance Department
General Services Division

REQUEST FOR INFORMATION (RFI)
Specification No. 18-11201
GRANT WRITING AND RELATED SERVICES
RESPONSES WILL NOT BE OPENED AND READ PUBLICLY

Dear Interested Party:

The City of Berkeley is issuing this request for information (RFI) to qualified firms or individuals with expertise researching, identifying, applying for and obtaining grants on behalf of municipal entities. This is an RFI, not an invitation to bid. As such, there will be no public opening of information packages and no contract award made pursuant to this process. Potential respondents should review this RFI document in its entirety to gain an understanding of the City's intent, applicable processes and how submitted information will be used.

Information packages must be received no later than 2:00 pm, on Thursday, March 1, 2018. As part of the City's commitment to sustainable purchasing, information submission **via email is preferred**. Information packages submitted in hard copy format must be in a sealed envelope and have "**GRANT WRITING AND RELATED SERVICES**" and **Specification No.18-11201** clearly marked on the **outer most mailing envelope**. Submit **one (1) unbound original and five (5) unbound copies** of the proposal as follows:

Mail or Hand Deliver To:
City of Berkeley
Finance Department/General Services Division
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

Issuance of this RFI does not obligate the City to award a contract, nor is the City liable for any costs incurred by respondents in the preparation and submittal of information packages. Through this RFI process the City desires to gain knowledge of the capability of firms interested in providing the desired services and to assess the feasibility and utility of contracting for such services. This is a REQUEST FOR INFORMATION only and should not be construed as intent, commitment or promise to acquire the goods or services presented by respondents. The City of Berkeley is not obligated to any respondent as a result of this RFI.

For questions concerning this RFI and its requirements, **contact Shari Hamilton, Project Manager**, via email at shamilton@cityofberkeley.info no later than 3PM on Friday, February 16, 2018. Answers to questions will **not** be provided by telephone or email. Rather, answers to all questions or any addenda to this RFI will be **posted** on the City of Berkeley's website at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=7128>. It is the respondent's responsibility to check this site for information updates, additions or changes. For general questions concerning the submittal process, contact Purchasing at 510-981-7320.

We look forward to receiving and reviewing your response.

Sincerely,
Shari Hamilton
General Services Manager

I. SUMMARY

Berkeley is an innovative city, pursuing ambitious programs and initiatives with the vigor and vision of a much larger city. Implementing innovative initiatives requires a significant investment of City resources and staff time. To support these efforts and increase revenue, the City currently applies for private, federal, state, and county grants.

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time consuming for staff. For Berkeley to maximize its potential to gain resources for every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increased revenue obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion, and demonstrate to Berkeley residents the City’s commitment to seeking public and private funding that may be available.

This RFI is issued to explore opportunities to obtain grant writing services from one or more grant-writing firms specializing in service to municipal customers. The City expects to obtain an understanding of this segment of the grant-writing market including, but not limited to available expertise, services, and pricing models. The City may issue a request for proposals (RFP) for grant writing services if it is determined, as a result of this RFI process and other due diligence efforts, that the use of grant writing services will significantly increase its ability to secure grant based resources. All respondents to this RFI process may respond to the RFP, and responses to the RFP will not be limited to respondents to this RFI.

The City requests that all respondents to this RFI submit information packages that are short, concise and complete. It is not necessary to submit a marketing document. Information packages must be limited to a maximum of 15 pages. All information packages will become part of the public record and respondents shall not include confidential or proprietary information.

II. OVERVIEW OF SERVICES REQUIRED

The City is requesting information from qualified individuals and firms capable of providing the following services:

1. *Funding Needs Analysis* – Work with City staff to facilitate meetings with City departments to assess the validity of current funding priority areas, identify changes in funding priority areas, and identify new priority areas for possible funding;

2. *Grant Funding Research* – Conduct research to identify grant resources including, but not limited to, private, Federal, State, foundation, agencies and organizations that support the City’s funding needs and priorities (emphasizing grants which require no “matching” funds), including, but not limited to:
 - a) Infrastructure development and maintenance
 - b) Affordable housing and housing support services
 - c) Public safety, including emergency preparedness
 - d) Community and economic development
 - e) Energy efficiency and environmental sustainability
 - f) Workforce development and retention
 - g) Technology, including digital inclusion
 - h) Social services, including services to the unhoused

3. *On-Call Grant Research* – In addition to the areas defined above, other areas may also be identified through the funding needs analysis process and throughout the duration of the contract. The Scope of Work may also include researching grant opportunities identified by the City.
4. *Grant Proposal Development* – Provide general grant proposal writing services associated with the completion of grant applications on behalf of the City, including the preparation of funding abstracts and production, and submittal of applications to funding sources. A copy of each grant application package submitted for funding, in its entirety, shall be provided to the City.
5. *Legislative Advocacy* – Provide legislative advocacy services on behalf of City by contacting legislators and legislative staff to promote City message and needs.
6. *Presentations and Meeting Attendance* – The successful consultant may be required to make presentations to and attend meetings with City staff, the City Council, commissions and the public to explain grant opportunities, programs targeted for support by grant funds, the City’s competitive position, and other related topics.
7. *Monthly Reports* – The successful consultant shall submit monthly reports to the City summarizing the amount of time expended, describe activities undertaken during the previous month, and status of those activities.

III. SUBMISSION REQUIREMENTS

All information packages shall include the following information, organized as separate sections of the response. The response should be short, concise and to the point.

1. Respondent Identification:
Provide the company name, principal place of business, tax identification number and website address (if applicable). Include the name, email address and telephone number of the company representative who will serve a contact for this RFI.

2. Service Offerings:
Provide a short description of the types of services offered, including any areas of specialization. State the percentage of the entire book of business each service type represents.

3. Previous Experience:
Provide a short explanation of company’s recent (past five (5) years) experience working with and securing grant funding for municipal clients. Include areas in which company has been particularly successful, as well as any competitive differentiators.

4. Staffing:
Submit résumés for the staff members company would propose and assign as the management and operational contacts for an engagement with the City. The commitment of key staff is critical to the City of Berkeley. It is expected that assigned staff will remain throughout the term of any awarded contract.

5. Sub-consultants/Partners:
List any sub-consultants or partner entities company would use to complete the work described herein. Provide at least two (2) recent examples of engagements where respondent has worked with sub-consultant/partner.

6. Fee Structure/Options:
Include a summary of company’s standard and preferred fee structures. Any creative or alternative compensation structures should be supported with clear explanatory notes and potential benefits to the City.

7. Other Pertinent Information:
Submit any pertinent information the City should consider, including topics not identified or requested herein.

Information packages must be limited to a maximum of 15 pages. All information packages will become part of the public record and respondents shall not include confidential or proprietary information.

IV. SCHEDULE (dates are subject to change)

- Issue RFI to public: 02/05/2018
- Respondent questions due to City by 3PM PT: 02/16/2018
- Issue Addendum/Q&A via City website/posting: 02/21/2018
- RFI due to City by 2PM PT: 03/01/2018

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your information package.

Attachment 2

Representative Listing of Grants Awarded in California

FIRM	GRANT TITLE	CLIENT	AWARD
California Consulting	USDOJ COPS Hiring Recovery Program (CHRP)	City of Salinas	\$3,837,546
	FEMA Staffing for Adequate Fire & Emergency Response (SAFER)	Consumnes CSD Fire Department	\$1,947,191
	CalTran Active Transportation Program (ATP) Cycle 2	City of Rosemead	\$702,000
	HCD Housing Related Parks Program (HCD)	City of Lynwood	\$516,150
	DBW Non-Motorized Boat Launching Grant	City of Waterford	\$470,290
	OTS Pedestrian/Bicycle Safety Grant	City of Lompoc	\$25,000
Grant Management Associates	Beneficial Reuse of Carbon (Phase 2)	Department of Energy - Industrial Capture	\$25,000,000
	Affordable Housing and Sustainable Communities Program	City of Redding/Shasta Transportation Authority	\$20,000,000
	Alternative and Renewable Fuel Infrastructure	California Energy Commission	\$15,700,000
	Prop 84 Stormwater Grant Program (Round 2)	California EPA	\$648,284
	Bicycle and Pedestrian Project, Tribal Transportation Safety	Karuk Tribe - Bureau of Indian Affairs	\$872,000
	HRSA Mobile Dental Health Grant	El Dorado County	\$600,000
Glen Price Group	CalWorks Stage 1 Child Care Program	Child Care Links	\$36,460,960
	Whole Person Care Pilots	Sonoma County, Health Services Department, Behavioral Health Div.	\$16,704,136

	Home and Community-Based Alternatives (HCBA) Waiver	Sonoma County, Human Services Department	\$2,500,000 (estimated over 57 months)
	Improving Reentry for Adults with Co-Occurring Substance Abuse and Mental Illness	Sonoma County Probation Department	\$750,000
	Community Oriented Policing Services (COPS) Hiring Program	City of Richmond	\$600,000
	Chancellor's Community Partnership Fund	Berkeley Unified School District	\$15,000

SOPHIE HAHN

Berkeley City Council, District 5

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

Phone: (510) 981-7150

Email: shahn@cityofberkeley.infoCONSENT CALENDAR

October 3, 2017

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn, Kate Harrison, Cheryl Davila, and Ben Bartlett

Subject: Request for Information Regarding Grant Writing Services from Specialized Grant Writing Firms

RECOMMENDATION

Refer to the City Manager to issue a request for information to explore grant writing services from specialized municipal grant-writing firms, and report back to Council.

FINANCIAL IMPLICATIONS

Staff time to issue the request, review responses, and report to Council.

BACKGROUND

Berkeley is an innovative City, pursuing ambitious programs and initiatives with the vigor and vision of a much larger City. Implementing innovative initiatives requires a significant investment of City resources and staff time. To support these efforts and increase revenues, the City currently applies for private, federal, state, and county grants.

Currently, grant writing and application responsibilities are distributed across departments, which independently seek new grant opportunities and submit applications. While the City does receive awards, the application process can be time consuming for Staff. For Berkeley to maximize its potential to gain resources from every possible source, it is imperative that the City apply for as many funding opportunities as possible. Increased revenue obtained through successful grant applications would allow the City to pilot new ideas, serve the community in a more robust fashion, and demonstrate to Berkeley residents the City's commitment to seeking public and private funding that may be available.

To help accomplish this goal, this item recommends that the City Manager issue a Request for Information to explore opportunities to obtain grant writing services from a grant-writing firm specializing in municipal grants. A number of specialized firms exist that consolidate information about grant opportunities and can support the writing of grants. An example is included as Attachment 1. Engaging a firm focused on identifying and applying for grant opportunities may yield a higher success rate than the City currently obtains. The purpose of this request for information would be to explore many different firms and gain information about expertise, services, pricing, and other details,

allowing the City Manager and Council to assess the feasibility and utility of contracting for such services.

ENVIRONMENTAL SUSTAINABILITY

This recommendation supports Berkeley's environmental sustainability goals.

CONTACT PERSON

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

ATTACHMENTS

1. Collection of Municipal Grant information, Winter 2017

MUNICIPAL GRANTS (Current as of January 27, 2017)

Please note that this document contains a selection of federal, state, and private grant and loan funding opportunities organized by funding topic. Funding topic sections are listed in the order as follows:

- Infrastructure Funding
- Water & Energy Funding
- Transportation Funding
- Parks & Recreation Funding
- Housing & Community Development Funding
- Law Enforcement Funding
- Fire Department Funding
- Health & Wellness Funding
- Miscellaneous Funding
- Upcoming Funding (for all categories)

Within each topic section, grants are listed in order by those with hard deadlines, quarterly deadlines, and those which are due continuously. If there are no current opportunities for a given category, it will be indicated. Some funding opportunities are only available in certain geographic regions and these are indicated in their respective sections.

INFRASTRUCTURE FUNDING

California Infrastructure and Economic Development Bank (IBank): Infrastructure State Revolving Fund (ISRF) Program

Deadline: Continuous

Amount: \$50,000 to \$25 million or more (with IBank Board approval)

Financing Terms:

The interest rate benchmark is Thompson's Municipal Market Data Index. Staff may adjust the interest rate based upon factors that include: Unemployment, Medium Household Income, Environmental, and Other special circumstances. The IBank Board has final approval of the interest rate. Maximum 30 year term Open application process

Eligibility: Any subdivision of a local or state government. Applicant may also be a company, corporation, association, partnership, firm, or other entity or group of entities organized as a public benefit not-for-profit entity engaged in business or operations within the state

http://ibank.ca.gov/infrastructure_loans.htm

The ISRF Program provides financing for public infrastructure projects such as: environmental mitigation; port facilities; power and communications transmission or distribution facilities; public transit; solid waste collection and disposal; defense conversion; as well as military infrastructure. A project must promote economic development and attracts, creates, and sustains long-term employment opportunities. Eligible uses include, but are not limited to, construction or modification of the following:

- educational, cultural, and social facilities;

- public infrastructure, purchase and install pollution control or noise abatement equipment;
- parks and recreation facilities;
- docks, harbors, piers, marinas;
- facilities for and/or transmission or distribution of electrical energy, natural gas, and telecommunication;
- air and rail transport of goods, including parking facilities;
- transfer stations, recycling centers, sanitary landfills, waste conversion and recycling facilities;
- facilities for successfully converting military bases;
- facilities on or near a military installation that enhance military operations acquire land in conjunction with such project

California Statewide Communities Development Authority: Statewide Community Infrastructure Program (SCIP)

Deadline: Continuous

Amount: Varies. Financing is for low interest, tax-exempt bonds.

Eligibility: Public agencies

<http://cscda.org/Apply-Online/Statewide-Community-Infrastructure-Program>

In response to the increasing local agency staff time and budget pressures caused by new commercial, industrial or residential development, CSCDA offers the Statewide Community Infrastructure Program (“SCIP”).

USDA Rural Development: Community Facilities Grants & Loans

Deadline: Continuous

Amount: Varies by population & income (typically no larger than \$30,000)

Match: Varies by population & income (60% - 80%)

<http://www.rurdev.usda.gov/CA-CFPrograms.html>

Community Facilities Programs provides grants to assist in the development of essential community facilities in rural areas and towns of up to 20,000 in population. Grants are authorized on a graduated scale. Applicants located in small communities with low populations and low incomes will receive a higher percentage of grants. Grants are available to public entities such as municipalities, counties, parishes, boroughs, and special-purpose districts, as well as non-profit corporations and tribal governments.

WATER & ENERGY FUNDING

DWR/CFDA: Agricultural Water Use Efficiency & State Efficiency and Enhancement Program

Deadline: April 21, 2017

Amount: \$200,000 maximum award

Match: 50% match of the total project cost

Eligibility: Public agencies, public utilities, federally recognized or state Indian tribes, nonprofit organizations, mutual water companies, and investor-owned utilities regulated by the California PUC.

<http://www.water.ca.gov/wuegrants/AgWUEPilot.cfm>

Through this competitive grant program, DWR and CDFA intend to demonstrate the potential multiple benefits of conveyance enhancements combined with on-farm agricultural water use efficiency improvements and greenhouse gas reductions. The grant funding provided in this joint program is intended to address multiple goals including: 1) water use efficiency, conservation and reduction, 2) greenhouse gas emission reductions, 3) groundwater protection, and 4) sustainability of agricultural operations and food production. It is also anticipated that there will be benefits to water and air quality, groundwater security, surface water conservation, and improved nutrient management and crop health through this program. Excellent proposals will demonstrate the specific regional needs and benefits of their proposals.

US Bureau of Reclamation: 2017 WaterSMART - Small Scale Water Efficiency Projects Grant

Deadline: April 27, 2017

Amount: Up to \$75,000. Applicants will be limited to a \$150,000 cap on project cost.

Match: 50% of the project costs up to \$75,000.

Eligibility: States, Indian tribes, irrigation districts, water districts, or other organizations with water or power delivery authority (may include municipalities)

<http://www.usbr.gov/watersmart/weeg/index.html>

The WaterSMART - Small Scale Water Efficiency Projects Grant is a new program intended to support specific small-scale water efficiency projects that have been prioritized through planning efforts led by the applicant. Larger projects or those with multiple project components, such as a renewable energy component, should be submitted under WaterSMART Water and Energy Efficiency Grants.

California Department of Housing and Community Development (HCD): Community Development Block Grant (CDBG) 2016 Drought Lateral Grant

Deadline: May 31, 2017

Amount: \$150,000 - \$2 Million

Match: None.

Eligibility: Non-entitlement CDBG jurisdictions in California only. See Appendix A - Non-Entitlement CDBG Jurisdictions List by following the link below.

<http://www.hcd.ca.gov/financial-assistance/community-development-block-grant-program/currentnofas.html>

The Department of Housing and Community Development (Department) is pleased to announce the availability of approximately \$5,000,000 in federal Community Development Block Grant

(CDBG) funding for direct relief and mitigation of the effects of the 2014 California Drought Disaster, as declared by Governor Brown. This NOFA applies only to the installation of CDBG-eligible water lateral connections to new or existing public water systems for single- and multi-family residential structures that have no running water as a result of having a dry or contaminated well. Also included are water meters, system connection fees and the abatement of existing dry wells. The CDBG-eligible activity is Housing Rehabilitation.

State Water Resources Control Board: Water Recycling Funding Program (WFRP)

Deadline: December 2030 (currently accepting applications via FAAST system)

Amount: \$75,000 (for Planning Grants); \$15-\$20 Million (for Construction Grants)

Match: 50% (for Planning Grants); 35% (for Construction Grants)

Financing: For Construction applications Interest at 1/2 General Obligation Bond Rate; 30 year term; Allowance following the CWSRF Policy

Eligibility: local public agencies

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/proposition_1_funding.shtml

The State Water Resources Control Board (State Water Board) provides funding for the planning, design, and construction of water recycling projects that offset or augment state fresh water supplies. There are two programs within this fund:

- **Planning Grants:** The purpose of the planning grant is to assist agencies or regions with completing feasibility studies for water recycling projects using treated municipal wastewater and/or treated groundwater from sources contaminated by human activities. Only local public agencies are eligible to apply for planning grants.
- **Construction Grants:** The Water Recycling Funding Program provides grants and financing to eligible applicants for the construction of water recycling facilities. Construction projects may be funded with grants and low interest financing from a state bond, a CWSRF financing agreement, or combinations of funding sources. Eligible applicants are local public agencies, nonprofit organizations, public utilities, state & federal recognized Indian tribes, and mutual water companies.

California Energy Commission (CEC): Interest Rate 1% Loan Financing For Energy Efficiency & Energy Generation Projects

Deadline: Applications are funded on a first-come, first-served basis until funding is exhausted

Amount: Maximum loan amount of \$3 million per applicant

Financing Terms: Loans must be repaid from energy cost savings or other legally available funds within a maximum term of 20 years (including principal and interest).

Eligibility: Cities, Counties, Specials Districts, Public Colleges or Universities

<http://www.energy.ca.gov/efficiency/financing/>

The CEC is offering loans financing for energy efficiency and energy generation projects for Public Agencies. Projects with proven energy and/or demand cost savings are eligible, provided they meet the ECAA eligibility requirements. Projects already funded with an existing loan or already installed are ineligible. Examples of Qualified Projects include the following:

- Lighting systems
- Heating, ventilation and air conditioning equipment
- Streetlights and LED traffic signals
- Energy management systems and equipment controls

- Pumps and motors
- Building envelope and insulation
- Energy generation including renewable energy and combined heat and power projects
- Water and waste water treatment equipment
- Load shifting projects, such as thermal energy storage

California Energy Commission: The Energy Partnership Program

Deadline: Continuous

Amount: \$20,000 of a consultant's costs

Match: Any amount in excess of the \$20,000 provided by CEC

<http://www.energy.ca.gov/efficiency/partnership/index.html>

The Energy Partnership Program can conduct an energy audit of existing facilities identify energy saving projects, including: Conduct energy audits and prepare feasibility studies; Review existing proposals and designs; Develop equipment performance specifications; Review equipment bid specifications; Assist with contractor selection; and Review commissioning plans. The Energy partnership also provides technical assistance early in the design phase of new facility construction, including: Provide design review consultation; Identify cost-effective, energy-saving measures; Compare different technologies; Review schematics and construction plans; Provide equipment specification consultation; Develop computer simulation models of your planned project; Help select experienced professionals with energy efficiency expertise; and Assist with system commissioning.

State Water Resources Control Board: Clean Water State Revolving Fund (CWSRF) Program

Deadline: Continuous

Amount/Financing: No maximum funding or disbursement limits. Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate at time of funding approval.

Eligibility: Any city, town, district, or other public body created under state law, including state agencies

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/

The Clean Water State Revolving Fund (CWSRF) program offers low cost financing for a wide variety of water quality projects. The program has significant financial assets, and is capable of financing projects from <\$1 million to >\$100 million. Eligible projects include, but are not limited to:

1. Construction of publicly-owned treatment facilities: Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment
2. Implementation of nonpoint source (NPS) projects to address pollution associated with: Agriculture; Forestry; Urban Areas; Marinas; Hydromodification; Wetlands
3. Development and implementation of estuary comprehensive conservation and management plans for: San Francisco Bay; Morro Bay; Santa Monica Bay

State Water Resources Control Board: Clean Water State Revolving Fund (CWSRF) Green Project Reserve Program

Deadline: Applications accepted on a continuous basis

Amount: \$2.5 Million maximum; \$30 million allocated to entire program

Match: None

Eligibility: Municipalities

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/

Effective with the Clean Water State Revolving Fund's (CWSRF) 2015 Capitalization Grant from U.S. EPA, the State Water Resources Control Board has \$30 million available to provide CWSRF loan (principal) forgiveness to projects that address water or energy efficiency, mitigate storm water runoff, or encourage sustainable project planning, design, and construction. There are four categories of green projects: green infrastructure, water efficiency, energy efficiency, and environmentally innovative activities.

State Water Resources Control Board: Drinking Water State Revolving Fund (DWSRF) Program

Deadline: Continuous

Amount/Financing: No maximum disbursement limit. Interest rates average 2-3% and 20 year loan. Public water systems that serve small, disadvantaged communities may be eligible for 0% and 30 year loan.

Eligibility: Community water systems and non-profit, non-community water systems.

http://www.waterboards.ca.gov/drinking_water/services/funding/SRF.shtml

On October 21, 2014, the State Water Resources Control Board (State Water Board) adopted the *Policy for Implementing the Drinking Water State Revolving Fund (DWSRF Policy)* effective January 1, 2015. The purpose of the DWSRF is to provide financial assistance for the planning/design and construction of drinking water infrastructure projects that are needed to achieve or maintain compliance with federal and state drinking water statutes and regulations.

Funding for the DWSRF comes from federal grants, state sources, and loan repayment.

Applications are offered for the following two categories:

1. Construction Financing - These funds are for applicants with complete final plans, specifications, and environmental documentation.
2. Planning/Design Financing - These funds are for applicants who do not have final plans, specifications, and environmental documentation.

State Water Resources Control Board: Proposition 1 Small Community Wastewater Program

Deadline: Continuous

Amount/Financing: \$260 Million allocated to program. Like CWSRF (see above) there is no maximum funding or disbursement limits. Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate at time of funding approval.

Eligibility: Most cities, towns, districts, or other public bodies created under state law, including state agencies

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/projects.shtml

Section 79723 of Prop 1 allocates \$260 million to the Clean Water State Revolving Fund (CWSRF) Small Community Grant (SCG) Fund. The State Water Board has an annual SCG appropriation of \$8 million dollars, which is administered consistent with the CWSRF Intended Use Plan (IUP), and the CWSRF Policy. The Prop 1 funds will supplement existing SCG

authority. Eligible projects are similar to the CWSRF program and include, but are not limited to:

1. Construction of publicly-owned treatment facilities: Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment
2. Implementation of nonpoint source (NPS) projects to address pollution associated with: Agriculture; Forestry; Urban Areas; Marinas; Hydromodification; Wetlands

State Water Resources Control Board: Safe Drinking Water State Revolving Fund (SDWSRF)

Deadline: Pre-application, requires annual invitation

Amount: \$ 500,000-\$5,000,000

Match: 20% of eligible project costs

http://www.waterboards.ca.gov/drinking_water/services/funding/SRF.shtml

This program provides support to engage in the demonstration of innovative technologies, methods, practices, and techniques in three areas: operational safety, infrastructure or equipment resiliency, and all-hazards emergency response and recovery methods.

State Water Resources Control Board: Water and/or Energy Audits Program

Deadline: Continuous

Amount: Up to \$35,000

Match: None

Eligibility: Any municipality, inter-municipal, interstate or state agency with facilities or activities eligible for Clean Water State Revolving Fund (CWSRF) financing may apply.

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/

This program is for CWSRF-eligible agencies that need financial assistance to find out if they can improve water and energy efficiency. The State Water Resource Control Board will provide funding to conduct a Water and/or Energy Audit to assess an agency's current practices and identify potentially inefficient water and/or energy use. The State Water Resources Control Board can fund 100% of audit costs, up to a maximum of \$35,000. Applications are submitted online by submitting a Water or Energy Audit Financial Assistance Application with attachments through FFAST (Financial Assistance Application Submittal Tool).

USDA Rural Development: Water & Waste Disposal Grant/Loan Program

Deadline: Continuous

Amount/Financing: Grant amount varies. Loan has up to 40-year payback period, on a fixed interest rate of 3.125% or lower.

Eligibility: state and local government entities, private nonprofits, federally-recognized tribes in rural areas with fewer than 10,000 people.

<http://www.rd.usda.gov/programs-services/water-waste-disposal-loan-grant-program/ca>

This program provides long-term low interest loans for clean and reliable drinking water systems, sanitary sewage disposal, sanitary solid waste disposal, and storm water drainage to households and businesses in eligible rural areas. Funds may be used to finance the acquisition,

construction or improvement of: Drinking water sourcing, treatment, storage and distribution; Sewer collection, transmission, treatment and disposal; Solid waste collection, disposal and closure; and Storm water collection, transmission and disposal. In some cases, funding may also be available for related activities such as: Legal and engineering fees; Land acquisition, water and land rights, permits and equipment; Start-up operations and maintenance; Interest incurred during construction; Purchase of existing facilities to improve service or prevent loss of service; and Other costs determined to be necessary for completion of the project.

ENVIRONMENT & CONSERVATION FUNDING

California Farmland Conservancy Program

Deadline: Continuous

Amount: Varies

Match: 5% of grant total

http://www.consrv.ca.gov/dlrp/cfcp/funding/Pages/request_grant_app.aspx

The Department of Conservation's California Farmland Conservancy Program provides grants to local governments and qualified nonprofit organizations for:

- voluntary acquisition of conservation easements on agricultural lands that are under pressure of being converted to non-agricultural uses;
- temporary purchase of agricultural lands that are under pressure of being converted to non-agricultural uses, as a phase in the process of placing an agricultural conservation easement;
- agricultural land conservation planning and policy projects; and,
- restoration of and improvements to agricultural land already under easement

TRANSPORTATION FUNDING

California Statewide Communities Development Authority: Total Road Improvement Program (TRIP)

Deadline: Continuous

Amount: Varies. Local governments leverage their State Motor Vehicle Fuel Tax to finance road improvement projects.

Eligibility: Local public agencies (cities and counties)

[http://cscda.org/Public-Agency-Programs/Total-Road-Improvement-Programs-\(TRIP\)](http://cscda.org/Public-Agency-Programs/Total-Road-Improvement-Programs-(TRIP))

CSCDA offers a pooled securitization program to assist local agencies in bonding against future payments to obtain funding for more projects today. As a pooled public offering, program participants will benefit from reduced issuance costs and better interest rates as compared to stand alone issues. The program does not require a pledge of the local agency's General Fund. The Gas Tax Accelerated Street Improvement Program will allow local governments to leverage their State Motor Vehicle Fuel Tax (the "Gas Excise Tax") to finance road improvement projects. The use of proceeds from the Gas Excise Tax, an 18-cent State excise tax collected on fuel sales, is restricted to the maintenance and construction of public streets and highways. The

obligations will be secured solely by a pledge of Gas Excise Tax revenues of the participating agencies.

PARKS & RECREATION FUNDING

US Soccer Foundation: 2017 Innovative & Non-Traditional Soccer Program Grants

(formerly Program Grants)

Deadline: February 10, 2016

Amount: \$30,000 - \$90,000 (dispersed over three years)

Match: None

Eligibility: Organizations with IRS approved tax-exempt status at the time of application that offer soccer-specific programming.

<https://ussoccerfoundation.org/grants/innovative-and-non-traditional-soccer-program-grants>

The U.S. Soccer Foundation recently announced changes to Program Grants. Moving forward, the Foundation will focus on one specific category or theme each year. In 2017, the Foundation, will begin accepting applications from organizations that are implementing innovative and/or non-traditional soccer programs in their communities. Awardees will receive up to a three year-grant of \$10,000-\$30,000 a year. These grants can be used to purchase soccer equipment and/or cover operating expenses. Awardees will be required to send one person to the U.S. Soccer Foundation's Urban Soccer Symposium, held in Washington D.C. The Foundation will cover expenses associated with attending the event.

US Soccer Foundation: 2017 Safe Places to Play Grants

Deadlines:

- Spring Grants Cycle: LOIs due February 3, 2017; Application due February 10, 2017
- Summer Grants Cycle: LOIs due May 26, 2017; Application due June 2, 2017
- Fall Grants Cycle: LOIs due September 29, 2017; Application due October 6, 2017

Amount: \$4,000 - \$50,000 or a percentage of total project amount in form of vendor credit (see details below)

Match: None required officially; applicants must contribute additional funds not covered by the grant award

Eligibility: Tax-exempt organizations including: 501(c)(3) nonprofits, churches, individual schools or school districts, cities or municipalities.

<https://ussoccerfoundation.org/grants/application-process/>

Safe Places to Play grants are available in four categories: Synthetic Turf, Lighting, Irrigation, and Sport Court. Multi-sport field projects are eligible for funding, but such fields must be used most the time for soccer. Multi-field projects are also eligible. All Safe Places to Play grants (except for Irrigation) can be awarded for either indoor or outdoor field projects. Grants are disbursed as in-kind credit with their respective vendor:

- Synthetic Turf Grant Amount: up to 10% of the Hellas project quote.
- Lighting Grant Amount: Typically in the range of 15%-30% of project total, with a maximum of \$25,000 per grant for single fields and \$50,000 for multi-field projects.

- Irrigation Grant Amount: Typically in the range of \$4,000 - \$15,000, with a maximum of \$15,000 per grant.
- Sport Court Grant Amount: Typically in the range of 15% - 50% of project total, with a maximum of \$30,000 per grant.

No cash is disbursed as part of this grant. Grantees must use the specific vendor as the supplier for their field project. Applicants are required to submit an LOI describing basics of the project prior to being approved to submit a full application for funding.

California Department of Housing & Community Development (HCD): Housing-Related Parks Program

Deadline: February 23, 2017

Amount: Minimum grant amount: \$75,000; no set maximum award

Match: None

Eligibility: Cities and counties that, by the date set forth in the applicable NOFA, have adopted housing elements

<http://www.hcd.ca.gov/housing-policy-development/housing-related-parks-program/>

The HRP Program is designed to encourage cities and counties to develop new residential housing by rewarding those jurisdictions that approve housing affordable to lower-income households with grant funds for the costs of Park and Recreation Facility creation, development, or rehabilitation, including, but not limited to, the acquisition of land for the purposes of those activities as well as major maintenance, reconstruction, or demolition for purposes of reconstruction of facilities, and retrofitting work. The grant provides funding on a per-bedroom basis for each residential unit affordable to very low- and low-income households permitted during the Designated Program Year (DPY). Awards will be distributed on the following basis:

- \$500 per bedroom for each unit affordable to Low-Income Households
- \$750 per bedroom for each unit affordable to Very Low-Income Households
- The minimum grant amount based on funding for these units must be \$75,000

Major League Baseball Foundation: Baseball Tomorrow Fund

Deadline: Quarterly (January 1, April 1, July 1, & October 1)

Amount: \$40,000 average award size

Match: 50% or more of total project cost

Eligibility: Tax exempt organizations including municipalities, school districts, and 501(c)(3) nonprofits

http://web.mlbcommunity.org/index.jsp?content=programs&program=baseball_tomorrow_fund

The Baseball Tomorrow Fund is a joint initiative between Major League Baseball and the Major League Baseball Players Association designed to promote and enhance the growth of youth participation in baseball and softball around the world by funding programs, fields, coaches' training, uniforms, and equipment. Grants are intended to finance a new program, expand or improve an existing program, undertake a new collaborative effort, or obtain facilities or equipment necessary for youth baseball or softball programs. The Baseball Tomorrow Fund supports projects that meet the following evaluation criteria: increase the number of youth participating in baseball and softball programs; improve the quality of youth baseball and softball programs.

HOUSING & COMMUNITY DEVELOPMENT FUNDING

ArtPlace America: National Creative Placemaking Fund

Deadline: February 14, 2017 (registration deadline); February 22, 2017 (application deadline)

Amount: Varies. \$9.5 million available for entire program

Match: None

Eligibility: Nonprofit organizations, local governing bodies, individual artists/designers, and for-profit organizations

<http://www.artplaceamerica.org/our-work/national-creative-placemaking-fund/introduction>

ArtPlace America is a collaboration of leading national and regional foundations that is working to position art and culture as a core sector of community planning and development. ArtPlace's National Creative Placemaking Fund has \$9.5 million available for projects that work with artists and arts organizations to build stronger, healthier communities anywhere in the United States. The Fund gives some emphasis to applications from selected localities; however, applications are welcome from all rural and urban regions all across the country, including the U.S. Territories. Visit the ArtPlace website to learn more about the Fund.

Kessler Foundation: Signature Employment Grants

Deadline: Online grant concepts are due March 17, 2017; invited proposals must be submitted by July 10, 2017

Amount: \$100,000 to \$250,000

Match: None

Eligibility: Nonprofit organizations, public or private schools, and public institutions, such as universities and government agencies based in the United States or any of its territories are eligible to apply.

<http://kesslerfoundation.org/grantprograms/signatureemploymentgrants.php>

The Kessler Foundation's Signature Employment Grants provide support for non-traditional solutions that increase employment outcomes for individuals with disabilities. Grants ranging from \$100,000 to \$250,000 per year for up to two years are awarded nationally to fund pilot initiatives, demonstration projects, or social ventures that lead to the generation of new ideas to solve the high unemployment and underemployment of individuals with disabilities. Preference is given to interventions that overcome specific employment barriers related to long-term dependence on public assistance or advance competitive employment in a cost-effective manner. Although proposals can be submitted from any state, this year the Foundation has prioritized serving Americans with disabilities that live in rural states and other areas with more limited service delivery. Visit the Kessler Foundation's website to review the Signature Employment Grants guidelines.

California Department of Housing & Community Development (HCD): 2017 Veterans Housing and Homelessness Prevention (VHHP) Program

Deadline: February 21, 2017

Amount: The maximum loan per project is \$10 million.

Financing Terms:

Eligibility: The Eligible Project Sponsor is the borrowing entity that HCD relies upon for experience and capacity, and which controls the project during development and occupancy.

<http://www.hcd.ca.gov/financial-assistance/veterans-housing-and-homelessness-prevention-program/>

The purpose of the VHHP program is to provide funding for acquisition, construction, rehabilitation and preservation of affordable multifamily housing for veterans and their families to allow veterans to access and maintain housing stability. Funds must be used to serve veterans and their families. VHHP funds will be provided as post-construction permanent loans. All Program funds shall be used for the development costs in CCR Section 7304 (a) and (b) and to refinance loans used to cover such costs. Program assistance shall have an initial term of fifty-five years or longer to match the period of affordability restrictions under the Low Income Housing Tax Credit Program. "Veteran" means any person who served in the active military, naval or air service of the United States or as a member of the National guard who was called to and released from active duty or active services for a period of not less than 90 consecutive days or was discharged from service due to a service related disability. This includes veterans with other-than-honorable discharges. At least 50 percent of the funds awarded shall serve veteran households with extremely low-incomes. Of those units targeted to extremely low-income veteran housing, 60 percent shall be supportive housing units.

Burlington Northern Santa Fe Railway Foundation

Deadline: Continuous

Amount: \$100 - \$500,000

Match: None

Eligibility: Nonprofit organizations, local government agencies, and educational institutions in communities served by the Burlington Northern Santa Fe Railway

<http://www.bnsffoundation.org/>

The Burlington Northern Santa Fe Railway Foundation provides support in communities in the company's area of operations. The Foundation considers requests falling in the following categories:

- **Civic Services:** This area includes organizations which are concerned with the environment and local community issues, such as crime prevention, parks and recreation, diversity and community development.
- **Cultural Organizations:** This area includes performing arts, visual arts, fine arts, and museums and other related activities that offer opportunities for underserved children to experience cultural learning events.
- **Educational Institutions:** This area includes both public and private education, primarily at the college level. (Grants of an exceptional nature may be made to vocational and non-college schools. Preferably, contributions will be directed toward the improvement of the quality of education.)
- **Health and Human Service Organizations:** This area includes hospitals, medical programs, and programs that address chemical dependency treatment and prevention, spouse and child abuse, women's and children's aid, and transitional shelters.
- **Youth Organizations:** This area includes Boys & Girls Clubs, Camp Fire, Scouts, Junior Achievement, and similar groups.

Federated organizations such as United Way and American Red Cross are also supported.

To be considered for a grant, requests should meet at least two of the following criteria:

The organization or project has significant Burlington Northern Santa Fe (BNSF) employee participation; the organization or the services provided are in close proximity to a BNSF main

line or BNSF is the only railroad or major corporation in the applicant's area of the state; the request is related to the railroad industry; or, the request is for direct programming or project support.

California Statewide Communities Development Authority: Taxable Bonds Program

Deadline: Continuous

Amount: Varies. Financing is for low interest, tax-exempt bonds.

Eligibility: Public and private entities

<http://cscda.org/Apply-Online/Taxable-Bonds>

This program offers public and private entities taxable bonds for projects that provide public benefit and economic development. Longer term taxable bonds can often provide cost savings and other efficiencies.

Note: This funding opportunity is being listed on the Municipal Grant List so that cities can offer it to eligible organizations within their community.

Economic Development Administration (EDA): FY2016 Public Works and Economic Adjustment Assistance Grant Programs

Deadline: Continuous until new solicitation published

Amount: \$100,000 - \$3,000,000

Match: 50% of project cost

Eligibility: Cities; Counties; 501(c)(3) nonprofits; Public and State controlled institutions of higher education; Native American tribal governments; Private institutions of higher education; Special district governments

<http://www.eda.gov/funding-opportunities/>

Under this FFO, EDA solicits applications from applicants in rural and urban areas to provide investments that support construction, non-construction, technical assistance, and revolving loan fund projects under EDA's Public Works and EAA programs. Grants and cooperative agreements made under these programs are designed to leverage existing regional assets and support the implementation of economic development strategies that advance new ideas and creative approaches to advance economic prosperity in distressed communities. EDA provides strategic investments on a competitive- merit-basis to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States.

Union Pacific Foundation Community-Based Grant Program

Deadline: Preliminary applications: August 14, annually; Final applications: August 15, annually

Amount: \$10,000

Match: None

Eligibility: Nonprofit organizations and local municipalities in communities served by the Union Pacific Railroad

<http://www.up.com/found/index.shtml>

The Union Pacific Foundation's mission is to improve the quality of life in the communities served by Union Pacific, primarily in the Midwestern and western United States. (A map of Union Pacific's service area is available on the [UP website](#).) The Foundation's Community-Based Grant Program provides support in the following areas:

- Community and Civic: The goal is to assist community-based organizations and related activities that improve and enrich the general quality of life. This category includes organizations such as aquariums, botanical gardens, children's museums, history/science museums, public libraries, public television and radio, and zoos.
- Health and Human Services: The goal is to assist organizations dedicated to improving the level of healthcare and providing human services in the community. Local affiliates of national health organizations may apply for local programs only, but not for general operating support.

The Foundation has a strong interest in promoting organizational effectiveness among nonprofits. To that end, the Foundation will dedicate the majority of these grants to help nonprofit organizations build their capacity, increase their impact, and operate more efficiently and effectively.

Wells Fargo Charitable Contributions Program

Deadline: January 3 - September 30, annually

Amount: Varies; typically around \$50,000

Match: None

Eligibility: Nonprofit organizations

<http://www.wellsfargo.com/about/charitable/index.jhtml>

The Wells Fargo Charitable Contributions Program supports nonprofit organizations that address vital community needs and issues in the communities served by the bank.

Guidelines for charitable contributions vary from state to state. However, Wells Fargo generally supports the following areas of interest:

- community development, including affordable housing and homebuyer education, workforce development, financial literacy, and economic development;
- education, including higher education and K-12 education;
- human services, including childcare, healthcare, and basic needs;
- the environment, including green economy and clean technologies, natural resources, and endangered species; and,
- arts and culture, including performing arts and museums; and,
- civic engagement.

Wells Fargo prefers to fund outcome-driven programs versus unrestricted sponsorships and events for nonprofits.

LAW ENFORCEMENT FUNDING

US Department of Justice: Body-Worn Camera Policy and Implementation Program FY 2017 Competitive Grants

Deadline: February 16, 2016

Amount: Varies by grant type (see description below)

Match: 50% or more of the total project costs

Eligibility: public agencies of state government, units of local government, and federally recognized Indian tribal governments that perform law enforcement functions

<https://www.bja.gov/funding/BWCPIP17.pdf>

The FY 2017 BWC PIP will support the implementation of body-worn camera programs in law enforcement agencies across the country. The intent of the program is to help agencies develop, implement, and evaluate a BWC program as one tool in a law enforcement agency's comprehensive problem-solving approach to enhance officer interactions with the public and build community trust. Successful applicants will develop and implement policies and practices required for effective program adoption, and will address program factors including the purchase, deployment, and maintenance of camera systems and equipment; data storage and access; and privacy considerations. BJA expects the BWC programs to make a positive impact on the quality of policing in these jurisdictions and to inform national efforts to improve the use of BWCs more broadly. While BWC equipment may be purchased under this program, successful applicants must demonstrate a commitment and adherence to a strong BWC policy framework, including comprehensive policy adoption and requisite training. There are 4 applicant categories with specific award amounts as shown below:

- 1) **CATEGORY 1: Implementation or Expansion of BWC Programs for SMALL AGENCIES** (25 or fewer sworn officers) Award Amount: Minimum request of \$10,000; up to 40 awards nationwide
- 2) **CATEGORY 2: Implementation or Expansion of BWC Programs for MID-SIZED AGENCIES** (26-250 sworn officers) Award Amount: Maximum of \$400,000; up to 10 awards nationwide
- 3) **CATEGORY 3: Implementation or Expansion of BWC Programs for LARGE AGENCIES** (251-1000 sworn officers) Award Amount: Maximum of \$750,000; up to 8 awards nationwide
- 4) **CATEGORY 4: Implementation or Expansion of BWC Programs for EXTRA-LARGE AGENCIES** (More than 1000 sworn officers) Award Amount: Maximum of \$1 Million; up to 5 awards nationwide

California Board of State & Community Corrections (BSCC): Proposition 47 Grant Program

Deadline: February 21, 2017

Amount: \$1 Million to \$6 Million

Match: No match required, however, public agency applicants must demonstrate how they will leverage other federal, state, and local funds or other social investments.

Eligibility: Public Agencies (incl. counties, cities, tribes, school districts)

http://www.bscc.ca.gov/s_bsccprop47.php

Proposition 47, which reduced to misdemeanors penalties for some low-level crimes, requires the Board of State and Community Corrections (BSCC) to administer grant programs for mental

health and substance abuse treatment using a portion of the annual state savings. Proposition 47 grant funds must be used for mental health services, substance use disorder treatment, diversion programs, or some combination thereof. In addition to these required services and programs, applicants are encouraged to provide supplemental housing-related services and other community-based supportive services, such as job skills training, case management, and civil legal services.

Open Society Foundations: Police Associations Leading 21st Century Policing

Deadline: February 24, 2017

Amount: \$25,000 to \$200,000

Match: None

Eligibility: Local fraternal and sororal police associations in the United States

https://www.opensocietyfoundations.org/grants/police-associations-leading-21st-century-policing-20170112?utm_source=Open+Society+Foundations&utm_campaign=5174b68b7f-Grants_RSS_email&utm_medium=email&utm_term=0_d16374add2-5174b68b7f-49765169

The Open Society Foundations recognize that recent events have generated new urgency to seek new solutions and create lasting collaborative relationships between local police and the public. Through the Police Associations Leading 21st Century Policing initiative, the Foundations invite local fraternal and sororal police associations in the United States to submit proposals for projects they wish to work on to increase trust between law enforcement officers and the communities they serve. The aim is to make grants to local police associations to help them to implement projects that relate to the recommendations of the President's Taskforce on 21st Century Policing. Visit the Foundations' website to download the request for proposals.

**US Department of Justice: Adult Drug Court Discretionary Grant Program FY 2017
Competitive Grant**

Deadline: February 28, 2017

Amounts: Grant Amounts vary by program as follows

- CATEGORY 1: Implementation Grant maximum: \$400,000
- CATEGORY 2: Enhancement Grant maximum: \$400,000

Match: Minimum of 25% matching funds from non-federal sources for each category

Eligibility: states, state and local courts, counties, units of local government, and federally recognized Indian tribal governments for Categories 1 & 2; State agencies only for Category 3 grants

<https://www.bja.gov/funding/DrugCourts17.pdf>

The purpose of the Adult Drug Court Discretionary Grant Program is to provide financial and technical assistance to eligible entities to develop and implement drug courts that effectively integrate evidence-based substance use disorder treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over substance-misusers. BJA is accepting applications for FY 2017 grants to either establish new drug courts or enhance existing drug court programs using evidence-based principles and practices. Local governments are eligible to apply for two funding categories under this solicitation, including:

1. **CATEGORY 1: IMPLEMENTATION** -- Implementation grants are available to eligible jurisdictions that have completed a substantial amount of planning and are ready

to implement an evidence-based adult drug court. Applicants may propose to use funding for court operations and services; participant supervision, management, and services; provision and coordination of recovery support services including education, civil legal assistance, job training and placement, housing placement assistance, primary and behavioral health care, and childcare and other supportive services.

2. **CATEGORY 2: ENHANCEMENT** -- Enhancement grants are available to eligible jurisdictions with a fully operational adult drug court (to be eligible, the court must have been operating for at least 1 year as of September 30, 2017). Applicants are encouraged to include in their proposals funding to incorporate the evidence-based program principles included in the NADCP Adult Drug Court Best Practice Standards, and to specify which Standard(s) is/are addressed in the application and include in the program design details on how the Standard(s) will be implemented.

US Department of Justice: National Sexual Assault Kit Initiative (SAKI) FY 2017 Competitive Grant

Deadline: March 2, 2017

Amounts: Grant Amounts vary by program as follows

- Purpose Area 1 -- 10 awards of up to \$3 million each
- Purpose Area 2 -- 10 awards of up to \$500,000 each
- Purpose Area 3 -- 5 awards of up to \$1 million each

Match: None required, but voluntary contributions are encouraged

Eligibility: law enforcement agencies of states, units of local government, federally recognized Indian tribal governments. Specific grants have different eligibility requirements (see Purpose Area descriptions below).

<https://www.bja.gov/funding/SAKI17.pdf>

The National Sexual Assault Kit Initiative (SAKI), administered by the Bureau of Justice Assistance (BJA), provides funding through a competitive grant program to support multidisciplinary community response teams engaged in the comprehensive reform of jurisdictions' approaches to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits (SAKs). The focus of this solicitation is on those "un-submitted kits" which are defined as SAKs that have not been submitted to a forensic laboratory for testing with CODIS-eligible DNA methodologies. There are three different solicitations available under the SAKI grant program:

1. **PURPOSE AREA 1: Comprehensive Approach to Un-submitted Sexual Assault Kits** -- Applications are solicited from eligible agencies who can demonstrate their ability and commitment to implementing the comprehensive BJA model to address the issues that underlie the problem of un-submitted SAKs
2. **PURPOSE AREA 2: SAKI for Small Agencies** -- Applications are solicited from eligible entities to support targeted activities associated with un-submitted SAKs. Sites may apply for funding of up to \$500,000 to address any SAKI-related activity listed under Purpose Area 1 (see pages 10-13). These must be consistent with the BJA Model with modifications based on need, existing capacity and resources and local challenges. Eligible applicants under Purpose Area 2 are Small Law Enforcement Agencies that have less than 250 sworn officers OR Consortia of Small Agencies.
3. **PURPOSE AREA 3: Collection of Lawfully Owed DNA from Convicted Offenders to Assist with Sexual Assault Investigations and Prosecutions** -- This funding is

intended as enhancement funds for applicants who can clearly demonstrate that their jurisdiction has previously addressed, or is currently effectively addressing, the major issues associated with un-submitted SAKs. The goal of this purpose area is to enable the appropriate law enforcement and correctional authorities to plan and implement coordinated DNA collections of lawfully owed samples, testing, and CODIS uploads in accordance with applicable state law and for resolving sexual assault cases associated with previously un-submitted SAKs.

US Department of Justice: Second Chance Act Reentry Program for Adults with Co-Occurring Substance Use and Mental Disorders FY 2017 Competitive Grant

Deadline: March 14, 2017

Amount: Eight awards of up to \$650,000

Match: This solicitation does not require a match.

Eligibility: states, units of local government, and federally recognized Indian tribal governments
<https://www.bja.gov/Funding/SCACOD.pdf>

Under this solicitation, BJA is seeking applications to implement or expand treatment programs for adults with co-occurring substance use and mental disorders who are returning to their communities following incarceration. Programs should expand and improve the screening and assessment for co-occurring disorders that takes place in jails and prisons, in-reach by community-based providers, and the reentry and community reintegration process. Proposed programs should improve the provision of treatment for adults (18 years and over) being treated for co-occurring substance use and mental disorders, focusing on pre- and post-release programming for every program participant.

US Department of Justice: Smart Reentry - Focus on Evidence-based Strategies for Successful Reentry from Incarceration to Community FY 2017 Competitive Grant

Deadline: March 14, 2017

Amount: Up to five awards of up to \$1,000,000 each

Match: 50% of the total project cost and may be in the form of cash or in-kind services.

Eligibility: State and local government agencies and federally recognized Indian tribal governments

<https://www.bja.gov/funding/SmartReentry.pdf>

The Second Chance Act of 2007 helps to address the significant challenges of reentry of incarcerated individuals into society by providing comprehensive responses to incarcerated adults who are returning to communities from prison, jail, and juvenile residential facilities. Programs funded under the Second Chance Act help to promote public safety by ensuring that the transition individuals make from prison and jail to the community is successful. The goal of the Smart Reentry Program is to support jurisdictions to develop and implement comprehensive and collaborative strategies that address the challenges posed by reentry to increase public safety and reduce recidivism for individuals reentering communities from incarceration who are at medium to high risk for recidivating. This process should provide the individual with appropriate evidence-based services—including reentry planning that addresses individual criminogenic needs identified through information obtained from an empirically validated risk/needs assessment that also reflects the risk of recidivism for each individual. The reentry plan should reflect both specific and ongoing pre-release and post-release needs, and a strategy for ensuring that these needs are met throughout the duration of the reentry process.

US Department of Justice: Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods) FY 2017 Competitive Grant

Deadline: March 28, 2017

Amount: 12 awards of up to \$200,000-\$500,000 each

Match: This solicitation does not require a match.

Eligibility: PSN team fiscal agents for the United States Attorney Office districts and federally recognized Indian tribal governments. All fiscal agents must be certified by the relevant U.S. Attorney's Office (USAO). Eligible USAO-certified fiscal agents include states, units of local government, educational institutions, faith-based and other community organizations, private nonprofit organizations, and federally recognized Indian tribal governments.

<https://www.bja.gov/funding/PSN17.pdf>

BJA's "Smart Suite" of programs invests in the development of practitioner-researcher partnerships that use data, evidence, and innovation to create strategies and interventions that are effective and economical. This data-driven approach enables jurisdictions to understand the full nature and extent of the crime challenges they are facing and to direct resources to the highest priorities. The Smart Suite of programs, which includes Project Safe Neighborhoods (PSN), represents a strategic approach that brings more "science" into criminal justice operations by leveraging innovative applications of analysis, technology, and evidence-based practices with the goal of improving performance and effectiveness while containing costs. PSN is designed to create safer neighborhoods through a sustained reduction in gang violence and gun crime. The program's effectiveness is based on the cooperation and partnerships of local, state, and federal agencies engaged in a unified approach led by the U.S. Attorney (USA) in each district. The USA is responsible for establishing a collaborative PSN team of federal, state, and local law enforcement and other community members to implement gang violence and gun crime enforcement, intervention, outreach, and prevention initiatives within the district. Through the PSN team, the USA will implement the five design features of PSN—partnerships, strategic planning, training, outreach, and accountability—to address specific gun crime and gang violence, in the most violent neighborhoods. Details on the five design features (also referred to as core elements) can be found on pages 5-7.

US Department of Justice: FY 2017 National Initiatives: Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative

Deadline: March 7, 2017

Amount: One award of \$500,000 for Category 1 grants; One award of \$2,500,000 for Category 2 grants; One award of \$2,500,000 for Category 3 grants

Match: None required

Eligibility: Not-for-profit and for-profit organizations; state and local governments; federally recognized Indian tribal governments; and institutions of higher education

<https://www.bja.gov/funding/VALOR17.pdf>

The Preventing Violence Against Law Enforcement Officers and Ensuring Officer Resilience and Survivability (VALOR) Initiative is an overarching program that addresses officer safety, wellness, resilience, and survival through multifaceted training, technical assistance, and specialized programs. USDOJ/BJA is seeking applications under three distinct categories for the FY 2017 Initiative:

1. *Law Enforcement and Community: Crisis Intervention Training Model* – A national training and technical assistance (TTA) provider to further develop and enrich BJA’s justice and mental health portfolio specific to law enforcement’s response and interaction with individuals with mental illness.
2. *Law Enforcement Agency and Officer Resilience Training Program* – A national TTA organization to identify, develop, implement, and analyze the effectiveness of resiliency concepts and skills within a law enforcement agency; serving as the foundation of a nationally delivered resiliency training.
3. *Specialized Officer Safety and Wellness Topics* – Training and Technical Assistance National Provider – A national TTA provider to develop and deliver specialized one-day and half-day state, local, and tribal law enforcement trainings across the nation specifically related to officer safety, wellness, and preparedness.

VALOR is critical to educating and providing resources to law enforcement professionals on officer safety- and wellness-related issues, techniques, and considerations so that they can be better prepared to serve the communities that rely on them.

US Department of Justice: Law Enforcement National Initiatives: Improving Responses to Criminal Justice Issues FY 2017 Competitive Grant

Deadline: March 7, 2017

Amount: One award of \$600,000 for Category 1 grants; One award of \$800,000 for Category 2 grants; One award of \$1,300,000 for Category 3 grants

Match: None required

Eligibility: for-profit (commercial) organizations, nonprofit organizations, and institutions of higher education

<https://www.bja.gov/funding/NationalInitiativesLE17.pdf>

The FY 2017 Law Enforcement National Initiatives: Improving Responses to Criminal Justice Issues Competitive Grant Announcement focuses on national initiatives to improve the functioning of the criminal justice system, specifically by (1) providing training to selected law enforcement to develop effective communication strategies; (2) continuing the National Center for Campus Public Safety, which was established in FY 2013; and (3) providing training and technical assistance (TTA) to law enforcement on performance management to improve trust and accountability with communities through the CompStat process.

US Department of Justice: Swift, Certain, and Fair (SCF) Supervision Program – Including Project HOPE FY 2017 Competitive Grant

Deadline: March 20, 2017

Amount: Five awards of up to \$600,000 each

Match: None required

Eligibility: States, units of local government, territories, and federally recognized Indian tribal governments

<https://www.bja.gov/funding/SCF17.pdf>

The Swift, Certain, and Fair (SCF) Supervision Program, is a strategic approach that brings more “science” into criminal justice operations by leveraging innovative applications of analysis, technology, and evidence-based practices with the goal of improving performance and effectiveness while containing costs. The SCF principles are intended to: (a) improve supervision strategies that reduce recidivism; (b) promote and increase collaboration among

agencies and officials who work in community corrections and related fields to enhance swift and certain supervision; (c) enhance the supervised persons' perception that the supervision decisions are fair, consistently applied, and consequences are transparent; and (d) improve the outcomes of individuals participating in these initiatives. Through this FY 2017 grant announcement, BJA will select multiple applicants to develop, implement, or enhance an SCF model. Applicants selected under this announcement will work with BJA and its SCF training and technical assistance (TTA) partner to implement the model with fidelity. BJA is supporting this effort to enhance public safety, foster collaboration, and improve the outcomes of individuals under the supervision of community corrections.

US Department of Justice: Justice and Mental Health Collaboration Program FY 2017 Competitive Grant

Deadline: April 4, 2017

Amount: 78 awards ranging from \$75,000 - \$300,000

Match: 20% of the project costs from non-federal funds

Eligibility: States, units of local government, territories, and federally recognized Indian tribal governments

<https://www.bja.gov/funding/JMHCP17.pdf>

The Justice and Mental Health Collaboration Program (JMHCPC) supports innovative cross-system collaboration to improve responses and outcomes for individuals with mental illnesses or co-occurring mental health and substance abuse disorders who come into contact with the justice system. BJA is seeking applications that demonstrate a collaborative project between criminal justice and mental health partners from eligible applicants to plan and implement justice and mental health strategies collectively designed between justice and mental health. This solicitation specifically seeks to increase early identification and front-end diversion of people with mental health and co-occurring substance use disorders identified at early intercept points within the justice system. This program seeks to increase the number of justice, mental health, and community partnerships; increase evidence-based practices and treatment responses to people with behavioral health disorders in the justice system; and increase the collection of health and justice data to accurately respond to the prevalence of justice-involved people with mental health and co-occurring substance use disorders.

FIRE DEPARTMENT FUNDING

FEMA: FY 2016 Staffing for Adequate Fire & Emergency Response (SAFER) Grant

Deadline: February 10, 2017

Amount: Varies; \$340,000,000 allocated to entire program

Match: None

Eligibility: Eligibility: Volunteer Fire Departments; Career Fire Departments; Combination Fire Departments; Municipalities, Tribal Organizations

<https://www.fema.gov/staffing-adequate-fire-emergency-response-grants>

The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to

help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA (NFPA 1710 and/or NFPA 1720). The SAFER grant program is composed of two activities:

- *Hiring of Firefighters:* Career, combination, and volunteer fire departments are eligible to apply to hire firefighters for a 36-month period.
- *Recruitment and Retention of Volunteer Firefighters:* Combination fire departments; volunteer fire departments; and national, state, local, or tribal organizations that represent the interests of volunteer firefighters are eligible to apply for a 12 to 48-month period.

FM Global Fire Prevention Grant Program

Deadline: April 1; August 1; and December 1 annually

Award amount: \$2500-\$5000

Match: None

Eligibility: Fire departments and brigades, as well as national, state, regional, local, and community organizations

<http://www.fmglobal.com/page.aspx?id=01060200>

The FM Global Fire Prevention Grant Program supports a wide array of fire prevention, preparedness, and control efforts throughout the U.S. and internationally. Funded projects include pre-fire planning for commercial, industrial, and institutional facilities; fire and arson prevention and investigation; and fire prevention education and training programs.

Firefighters Charitable Foundation

Deadline: Continuous

Amount: Varies

Match: None

<http://www.ffcf.org/>

Assists fire and disaster victims; and supports Volunteer Fire Departments. Grants offered for the following needs/programs: AED (Automatic External Defibrillator); Fire Department Equipment Program; Community Smoke Detector Program; and the Juvenile Fire-setter Prevention and Intervention Program.

Fire Fighters Support Foundation, Inc.

Deadline: Quarterly

Amount: \$5-10,000

Match: None

<http://www.fffoundation.org/assistance.html>

The Firefighters Support Foundation pro-actively makes contributions to funds established for the children of fallen firefighters. This financial support may be applied for by downloading, completing, and mailing an application on the foundation's website.

Fireman's Fund Heritage Program

Deadline: Continuous

Amount: Varies

Match: None

https://www.firemansfund.com/home/policyholders/about_us/supporting_firefighters/index.html

Fireman's Fund awards grants to fire departments and fire & burn prevention organizations to support firefighters for safer communities. These grants can be used to purchase needed equipment, firefighter training, and community education programs.

MISCELLANEOUS FUNDING

USCM and USA Funds: National Education Pathways with a Purpose Initiative

Deadline: March 31, 2017

Amount: \$25,000 - \$100,000

Match: None

Eligibility: United States Conference of Mayors (USCM) Member Cities

<http://www.usmayors.org/pathwayswithapurpose/>

The National Education Pathways with a Purpose Initiative, a collaboration between the United States Conference of Mayors (USCM) and USA Funds, awards competitive grants to expand creative initiatives that mayors have developed in their cities to advance both college and career readiness and college completion. Cities are recognized for developing strong collaborations between K-12 and higher education systems and employers to address college preparation and long-term career success. Eligible programs must apply innovative approaches to achieve the following two goals: enhance student persistence in and completion of post-secondary education or training programs, and enhance employment of graduates of post-secondary education or training programs in high-value occupations. USCM Member Cities are eligible to apply for a total of \$200,000 in grants: \$100,000 to one large city with a population greater than 500,000; \$75,000 to a medium-sized city with a population between 200,000 and 500,000; and \$25,000 to a small city of under 200,000. The application deadline is March 31, 2017. Visit the USCM website to access the application guidelines booklet.

International Paper Foundation: Environmental Education & Literacy Grants

Deadline: Quarterly (February 1, April 1, August 1, and October 1, annually)

Amount: \$100 - \$100,000

Match: None

Eligibility: Nonprofit organizations, government entities, and school districts

<http://www.internationalpaper.com/company/regions/north-america/ip-foundation-usa/apply-for-a-grant>

The foundation's primary focus areas include the following:

1. Environmental Education: The Foundation supports programs that help both younger and older generations understand a sustainable approach balancing environmental, social, and economic needs. Examples of supported programs include:
 - science-based programs targeting children;
 - outdoor classrooms at schools or in communities;
 - outdoor science programs tied to forestry, air, or water; and,
 - education-based programs that promote recycling, tree planting, and composting initiatives.
2. Literacy: The Foundation addresses literacy through support of programs that:
 - enhance availability of reading materials at school and community libraries;
 - enhance reading skills of children and adults; and,

- teach English as a Second Language (ESL).

The Foundation provides limited consideration for funding to new critical needs in company communities. Consideration is given to one-time, non-recurring needs which benefit the community at large. The Foundation considers providing “seed” money on a one-time basis for requests that identify a community-wide need and provide details of sustaining the initiative within the community beyond International Paper funding. The Foundation generally does not fund capital, economic development, or multi-year projects. Average grant awards are around \$100.

Sierra Pacific Foundation Grant

Deadline: Annually on February 28

Amount: \$100 - \$50,000

Match: None

Eligibility: Nonprofit organizations

http://www.spi-ind.com/spf_contributions.aspx

The Sierra Pacific Foundation supports a wide range of organizations that serve communities where Sierra Pacific Industries operates facilities, primarily in Northern California and Washington. Funding is provided for academic and community programs, particularly those that benefit children. Specific areas of interest include:

- K-12 and higher education;
- libraries;
- museums;
- civic affairs;
- arts and culture;
- parks and recreation;
- youth sports;
- health and social services; and,
- public safety, including drug and alcohol prevention.

Types of support include general operating and project support. Educational scholarships are also given to dependent children of company employees. Contribution request forms may be obtained from the nearest Sierra Pacific Industries office or by contacting the Foundation.

Stuart Foundation Grant Funding

Deadline: Continuous (LOIs may be submitted at any time)

Amount: Varies. The amount requested from the Foundation should be proportionate to your organizational budget, project budget, and expected income from other sources

Match: None

Eligibility: school districts, universities, and government entities such as city or county agencies in California

<http://www.stuartfoundation.org/BecomeOurPartner>

The Stuart Foundation is dedicated to transforming the public education and child welfare systems in California and Washington so that all youth can learn and achieve in school and life. The Foundation supports nonprofit organizations that address the following priorities: The Education Systems category invests in coordinated programs, partnerships, and research and

policy analysis that help students to learn and achieve in school by developing effective education systems. The Vulnerable Youth in Child Welfare category partners with child welfare agencies to help children and youth in foster care to realize positive outcomes in the following focus areas: safety, permanency, well-being, education opportunities, and youth, family, and community engagement. Letters of inquiry may be submitted at any time; the Foundation will take up to 60 days to respond to an LOI.

The Kresge Foundation: Human Services Program

Deadline: Continuous

Amount: Varies.

Match: None

Eligibility: government agencies and 501(c)(3) nonprofit organizations

<http://kresge.org/programs/human-services/advancing-effectiveness-human-serving-organizations>

The Kresge Foundation works to improve the life circumstances of poor and low-income children and adults and those living in underserved communities. Through the Human Services Program, the Foundation seeks to expand access and opportunity for individuals and families who are vulnerable and low-income by strengthening human services organizations and promoting new responses to challenges in the sector. One of the program's focus areas, "Advancing the effectiveness of human-serving organizations," provides grants to enhance the ability of high-performing organizations to innovate and effectively support individuals and families on the path to self-sufficient, self-determined lives. Preference is given to nonprofit organizations and government entities that employ integrated, innovative, culturally responsive approaches to change the circumstances of people outside the economic mainstream. Preliminary inquiries may be submitted throughout the year. Visit the Foundation's website for more information.

Whole Foods Market Community Giving Program

Deadline: Continuous

Amount: Varies.

Match: None

Eligibility: Nonprofits and educational organizations in communities with company stores.

<http://www.wholefoodsmarket.com/mission-values/caring-communities/community-giving>

The Whole Foods Market Community Giving Program supports local nonprofit and educational organizations that are important to each community in the U.S. where stores are located.

Several times each year, Whole Foods Market stores hold community giving days (otherwise known as "5% Days") where five percent of that day's net sales are donated to a local nonprofit or educational organization. The groups that benefit from these 5% Days are as varied as the communities themselves. Each year Whole Foods Market gives a minimum of 5% of its net profits to nonprofit and educational organizations in the locations where the company has stores.

Examples of the types of organizations supported include:

- Education: school support organizations, after-school organizations, etc.;
- Community and culture: arts organizations, museums, parks, etc.;
- Human interest: elder care, children and youth, homeless assistance, etc.; and,
- Environmental issues: organic food and farming, natural wildlife protection, green living, etc.

Along with cash donations, Whole Foods Market donates food and other products to area food banks and shelters. Organizations interested in applying for support should contact the Marketing Director at their local store or complete the donation request form available on the company's website.

UPCOMING FUNDING (ALL CATEGORIES)

California Natural Resources Agency: Urban Greening Grant Program

Release: TBD (Likely late 2016. Draft Guidance currently available for review)

Deadline: TBD (Likely early 2017)

Amount: TBD

Match: None

Eligibility: Cities, counties, special districts, nonprofit organizations or joint powers authorities.

<http://resources.ca.gov/grants/urban-greening/>

The Urban Greening Program, funded by the Greenhouse Gas Reduction Fund, will fund projects that transform the built environment into places that are more sustainable, enjoyable, and effective in creating healthy and vibrant communities by establishing and enhancing parks and open space, using natural solutions to improving air and water quality and reducing energy consumption, and creating more walkable and bike-able trails. Grants will be awarded on a competitive basis. This program emphasizes, and gives priority to, projects that are proposed by and benefit the State's disadvantaged communities.

California Natural Resources Agency: 2017 Museum Grant Program

Release: TBD (Spring 2017)

Deadline: TBD (September 2017)

Amount: Up to \$50,000

Match: Dollar for dollar

Eligibility: Public agency (federal, state, city, county, district, association of governments, joint powers or Federally Recognized Indian Tribe); Nonprofit organizations

<http://resources.ca.gov/grants/california-museum/>

The program is a competitive grant program to support small capital asset projects in museums. For purposes of this program "capital asset" means tangible physical property with an expected useful life of 15 years or more. A capital asset project may be either of the following:

1. Acquisition of real property, that is, tangible physical property, including easements; or
2. Development of real (tangible physical) property. "Development" includes but is not limited to, improvement, rehabilitation, restoration, enhancement, preservation and protection.

For purposes of this program, "museum" means a public or private nonprofit institution that is organized on a permanent basis for essentially educational or aesthetic purposes and that owns or uses tangible objects, cares for those objects, and exhibits them to the public on a regular basis.

A public agency, nonprofit entity or Federally Recognized Tribe responsible for the operation of a museum may apply on behalf of the museum; or, a museum located within a parent organization (i.e., a municipality, university, historical society or cultural center) may apply on its own if it independently fulfills all the eligibility requirements.

Proposition 1 Funding Schedule

Proposition 1 authorized \$7.545 billion in general obligation bonds for water projects including surface and groundwater storage, ecosystem and watershed protection and restoration, and drinking water protection. The State Water Resources Control Board (State Water Board), Department of Water Resources, and other state agencies will administer Proposition 1 funds. Below is a listing of Proposition 1 funding opportunities that are currently available and upcoming.

Agency / Funding Program	Description	Funding Amount	Match	Eligibility	Deadline	Link
<p>SWRCB: Prop 1 Drinking Water State Revolving Fund</p>	<p>Chapter 5, Section 79724(a) of Proposition 1 allocates \$260 million for drinking water grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards ensure affordable drinking water, or both. These funds will be administered consistent with the DWSRF Intended Use Plan (DWSRF IUP) and the DWSRF Policy.</p> <p>The purpose of the DWSRF is to provide financial assistance for the planning/design and construction of drinking water infrastructure projects that are needed to achieve or maintain compliance with federal and state drinking water statutes and regulations. Funding for the DWSRF comes from federal grants, state sources, and loan repayment. Applications are offered for the following two categories:</p> <ul style="list-style-type: none"> - Construction Financing - These funds are for applicants with complete final plans, specifications, and environmental documentation. - Planning/Design Financing - These funds are for applicants who do not have final plans, specifications, and environmental documentation. 	<p>\$260 Million in program</p> <p>No maximum disbursement limit.</p>	<p>Interest rates average 2-3% and 20 year loan. Public water systems that serve small, disadvantaged communities may be eligible for 0% and 30 year loan.</p>	<p>Community water systems and non-profit, non-community water systems</p>	<p>Continuous</p>	<p>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/dwsrf/scoping_workshops.shtml</p>

<p>SWRCB: Small Community Wastewater Program</p>	<p>Section 79723 of Prop 1 allocates \$260 million to the Clean Water State Revolving Fund (CWSRF) Small Community Grant (SCG) Fund. The State Water Board has an annual SCG appropriation of \$8 million dollars, which is administered consistent with the CWSRF Intended Use Plan (IUP), and the CWSRF Policy. The Prop 1 funds will supplement existing SCG authority. Administering these funds as a part of the CWSRF Program allows grant funds to be easily leveraged with low-interest financing available through the CWSRF Program. Eligible projects include, but are not limited to: Construction of publicly-owned treatment facilities; Wastewater treatment; Local sewers; Sewer interceptors; Water reclamation and distribution; Stormwater treatment; Combined sewers; Landfill leachate treatment</p>	<p>\$260 million in program No maximum funding or disbursement limits.</p>	<p>Financing Term up to 30 years or the useful life of the project. Interest Rate is ½ the most recent General Obligation (GO) Bond Rate.</p>	<p>Most cities, towns, districts, or other public bodies created under state law, including state agencies</p>	<p>Continuous</p>	<p>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/small_community_wastewater_grant/projects.shtml</p>
<p>SWRCB: Water Recycling Fund</p>	<p>The purpose of the WREP is to promote water recycling by providing technical and financial assistance to local agencies and other stakeholders in support of water recycling projects and research. Grant programs include: – Planning Grants: The purpose of the planning grant is to assist agencies or regions with completing feasibility studies for water recycling projects using treated municipal wastewater and/or treated groundwater from sources contaminated by human activities. Only local public agencies are eligible to apply for planning grants. – Construction Grants: The Water Recycling Funding Program provides grants and financing to eligible applicants for the construction of water recycling facilities. Construction projects may be funded with</p>	<p>\$75,000 (Planning Grants) \$15-\$20 Million (Construction Grants)</p>	<p>50% (Planning Grants) 35% (Construction Grants)</p>	<p>local public agencies</p>	<p>Continuous to December 2030</p>	<p>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/index.shtml</p>

	<p>grants and low interest financing from a state bond, a CWSRF financing agreement, or combinations of funding sources. Eligible applicants are local public agencies, nonprofit organizations, public utilities, state & federal recognized Indian tribes, and mutual water companies.</p>					
Upcoming Solicitations						
<p>SWRCB: Prop 1 Groundwater Sustainability Program</p>	<p>The State Water Board will administer \$800 million to prevent and cleanup contamination of groundwater that serves (or has served) as a source of drinking water. The funds can be provided as grants or loans. Program priorities are:</p> <ul style="list-style-type: none"> - Threat posed by groundwater contamination to drinking water supply - Potential for groundwater contamination to spread/impair - Potential of project to enhance local water supply reliability - Potential of project to recharge vulnerable, high-use basins - Projects with no viable responsible party(ies) 	<p>\$800 million for total program</p> <p>Funding mechanisms are grants and loans</p>	<p>Match amount TBD</p>	<p>Public Agencies, Tribes, Public Utilities, Non-Profits, Mutual Water Companies</p>	<p>First Round Solicitation/ Review – Fall 2016/17</p>	<p>http://www.waterboards.ca.gov/water_issues/programs/grants_loans/gw_funding/</p>



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
 From: Councilmember Wengraf (Author) and Councilmember Hahn (Co-Sponsor)
 Subject: Calling on the U.S. Government to Negotiate the Elimination of Nuclear Weapons

RECOMMENDATION

Adopt a resolution calling on the government of the United States to implement its obligations under international law to negotiate the elimination of nuclear weapons. Send a copy of the resolution to President Biden, Congressmember Barbara Lee, and Senators Dianne Feinstein and Alex Padilla.

FINANCIAL IMPLICATIONS

None

BACKGROUND

The very first United Nations General Assembly resolution, adopted by consensus on January 24, 1946, established a commission of the UN Security Council to ensure “the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction.”

The City of Berkeley has been a Nuclear Free Zone since passage of “The Nuclear Free Berkeley Act” (Ord.5784-NS Section 1, 1986), Berkeley Municipal Code (BMC) 12.90, which states: “The people of Berkeley find that: The nuclear arms race poses an intolerable threat to humanity.”

The City of Berkeley welcomes the June 21, 2021 Joint Statement by President Biden and Russian President Putin in which they “reaffirm the principle that a nuclear war cannot be won and must never be fought,” and calls on the Biden Administration to reduce nuclear tensions through intensive diplomatic efforts with Russia, China, North Korea, and Iran, and to work with Russia to dramatically reduce U.S. and Russian nuclear stockpiles leading to comprehensive disarmament negotiations with the other nuclear-armed state.

Additionally, the City of Berkeley calls on the President and Congress to redirect funds currently allocated to nuclear weapons and unwarranted military spending to address decades of inaction on infrastructure, poverty, the growing climate crisis, and rising inequality.

ENVIRONMENTAL SUSTAINABILITY

Weapons of mass destruction would be devastating to the environment.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Resolution

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

CALLING ON THE U.S. TO NEGOTIATE ELIMINATION OF NUCLEAR WEAPONS

WHEREAS, in 1995, then-Hiroshima Mayor Takashi Hiraoka testified before the International Court of Justice (ICJ): “History is written by the victors. Thus, the heinous massacre that was Hiroshima has been handed down to us as a perfectly justified act of war.... It is clear that the use of nuclear weapons, which cause indiscriminate mass murder that leaves survivors to suffer for decades, is a violation of international law”; and

WHEREAS, July 8, 2021, marked the 25th anniversary of the ICJ’s Advisory Opinion on the legal status of nuclear weapons, in which the Court found unanimously: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”; and

WHEREAS, the very first United Nations General Assembly resolution, adopted by consensus on January 24, 1946, established a commission of the UN Security Council to ensure “the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction”; and

WHEREAS, the 1961 landmark “Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons,” adopted by more than two thirds of the United National General Assembly, but opposed by the United States, stated that the use of nuclear weaponry “would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity”; and

WHEREAS, the 1970 Nuclear Nonproliferation Treaty (NPT) includes a legal obligation of nuclear disarmament binding on the five-original nuclear-armed States, the United States, the United Kingdom, Russia, France, and China, stating: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament....”; and

WHEREAS, the NPT’s disarmament obligations have been reiterated and reinforced by agreements made in connection with the 1995 NPT Extension Decision and the 2000 and 2010 NPT Review Conferences, and by the ICJ’s 1996 Advisory Opinion; and

WHEREAS, the use and threat of use of nuclear weapons is incompatible with multiple rights, including the right to life, enshrined in the International Covenant on Civil and Political Rights ICCPR), to which the United States is a party; and

WHEREAS, in 2018, the United Nations Human Rights Committee found that, “The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to a crime under international law,” and, citing the 1996 Advisory Opinion of the ICJ, that states parties to the ICPPR must “respect their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control”; and

WHEREAS, the Treaty on the Prohibition of Nuclear Weapons (TPNW) entered into force on January 22, 2021, prohibiting the development, acquisition, possession, use or threat of use of nuclear weapons for those countries that have ratified it; and

WHEREAS, while the TPNW represents the total repudiation of nuclear weapons by most of the states that do not possess them, the United States, the eight other nuclear-armed states and almost all of the countries under the U.S. nuclear umbrella boycotted the negotiations, and in a joint statement following the July 7, 2017 vote to adopt the Treaty, the U.S., France, and the United Kingdom declared: “We do not intend to sign, ratify or ever become party to [the Treaty]”; and

WHEREAS, the pursuit of nuclear arms control and disarmament has diminished as a federal government priority in recent decades; and

WHEREAS, on January 27, 2021, the Bulletin of the Atomic Scientists announced it is keeping the hands of its Doomsday Clock at 100 seconds to midnight, the closest we’ve ever been to global oblivion, stating: “By our estimation, the potential for the world to stumble into nuclear war—an ever-present danger over the last 75 years—increased in 2020.... increasing the likelihood of catastrophe”; and

WHEREAS, tensions between the United States and Russia and the United States and China have increased dangerously, with flashpoints in the Ukraine and Taiwan that could potentially spawn nuclear confrontations; and

WHEREAS, the Biden Administration’s budget request for FY2022 increases military expenditures by some \$11 billion from the Trump years, and extends funding for all nuclear warhead and delivery system upgrades in the Trump budget as well as a massive investment in the nuclear weapons infrastructure, intended to project nuclear weapons research, development, production, and deployment well into the 21st century; and

WHEREAS, the City of Berkeley has been a Nuclear Free Zone since passage of “The Nuclear Free Berkeley Act” (Ord.5784-NS Section 1, 1986), Berkeley Municipal Code (BMC) 12.90, which states: “The people of Berkeley find that: A. The nuclear arms race poses an intolerable threat to humanity”.

Now therefore be it resolved, that that the City of Berkeley welcomes the June 21, 2021 Joint Statement by President Biden and Russian President Putin in which they “reaffirm the principle that a nuclear war cannot be won and must never be fought,” and calls on the Biden Administration to reduce nuclear tensions through intensive diplomatic efforts with Russia, China, North Korea, and Iran, and to work with Russia to dramatically reduce U.S. and Russian nuclear stockpiles leading to comprehensive disarmament negotiations with the other nuclear-armed states; and

Be it further resolved, that the City of Berkeley calls on the Biden Administration to fully incorporate United States disarmament obligations under international law into its forthcoming Nuclear Posture Review; and

Be it further resolved, that the City of Berkeley calls on the President and Congress to redirect funds currently allocated to nuclear weapons and unwarranted military spending to address decades of inaction on infrastructure, poverty, the growing climate crisis, and rising inequality; and

Be it further resolved, that the City of Berkeley calls on the President and Congress to elevate arms control and disarmament as a federal priority and to provide adequate resources; and

Be it further resolved, that the City of Berkeley calls on the United States government to reverse its opposition to the 2021 TPNW and to welcome the Treaty as a positive step towards negotiation of a comprehensive agreement on the achievement and permanent maintenance of a world free of nuclear weapons, in conformity with requirements of international law preceding the TPNW by decades; and

Be it further resolved, that a copy of this resolution be sent to President Biden, Congressman Barbara Lee, and Senators Dianne Feinstein and Alex Padilla.



Office of the City Manager

PUBLIC HEARING
July 27, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Updated Fees for the Home Occupations Ordinance

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S., the Planning Department Fee Schedule, to establish fees for new Home Occupation permit categories.

SUMMARY

Home Occupations (HOs) are small-scale businesses conducted on residential properties as incidental land uses. They are regulated by Berkeley Municipal Code (BMC) Chapter 23C.16 [Home Occupations], which was amended on February 23, 2021, in response to a City Council referral. Those updates to the HO Ordinance require revisions to portions of the Planning Department Fee Schedule.

FISCAL IMPACTS OF RECOMMENDATION

Adopting the Resolution will allow HO applicants to be charged fees for land use permits consistent with similar uses. Fees will cover the cost of staff time to process these permits. All fees are deposited into the Permit Service Center Fund.

CURRENT SITUATION AND ITS EFFECTS

Amendments to the HO Ordinance replaced Low-Impact, Teaching-Related, and Moderate-Impact HO categories with Class I, Class II and Class III HO categories. The current Fee Schedule reflects the previous nomenclature and regulations; the new categories require that the fee schedule be updated. **Table 1** summarizes the current Fee Schedule.

Table 1: Current Fees

Category	Permit ¹	Current Fee
Low-Impact	ZC	\$60
Teaching-Related	AUP	\$200
Moderate Impact	UP(PH)	\$4,800

Table 2 shows the new HO categories – Class I, Class II and Class III – with permits required and proposed fees. Revisions to the ordinance reflect a desire for increased flexibility for customer visits, on-site employees, and shipping, which increase with each step in the series and is reflected in levels of discretion, permit cost and associated permit processing time.

Table 2: Proposed Fees

Category	Permit	Proposed Fee
Class I	ZC	\$200
Class II	AUP (Tier 3)	\$800
Class III	UP(PH) (Tier 1)	\$4,800

This report recommends the following amendments to the Fee Schedule:

1. Apply the Zoning Certificate Fee to Class I HOs.

Previously named Low-Impact and Teaching-Related Home Occupations are analogous to the new Class I HO, which is permitted with a Zoning Certificate (ZC). Proposed amendments to the Fee Schedule establish an application fee of \$200 for Class I HOs, based on the general fee schedule for a ZC. This differs from the previous \$60 fee for a Low-Impact HO ZC and \$200 fee for a Teaching-Related HO Administrative Use Permit (AUP), but more appropriately reflects staff time required to process a Class I HO permit.

2. Apply the Administrative Use Permit (Tier 3) Fee to Class II HOs.

Class II HOs are a new category of home-based businesses. They allow for ten customer visits per day (Class I allows four) and require an AUP, which involves public notice of the application, consideration of context-specific concerns, and a notice of decision (NOD), which could lead to an appeal to the Zoning Adjustments

¹ ZC – Zoning Certificate | AUP – Administrative Use Permit | UP(PH) – Use Permit (Public Hearing)

Board. Proposed amendments to the Fee Schedule establish an application fee of \$800 for Class II HOs, utilizing the general fee structure for a Tier 3 AUP.

3. Apply the Use Permit Fee (Tier 1) to Class III HOs.

Class III HOs are a new category of home-based businesses offering the most flexibility in the HO series. Class III HOs are only permitted in Commercial zoning districts, and require a Use Permit, which involves community engagement, preparation of a staff report, written findings and conditions of approval, and a public hearing by the Zoning Adjustments Board, which can lead to an appeal to the City Council. Proposed amendments to the Fee Schedule establish an application fee of \$4,800 for Class III HOs, based on the general fee structure for a Tier 1 Use Permit with a Public Hearing (UP(PH)).

As with all AUP and UP(PH) applications, such projects are also subject to the required \$50 records management fee, and a Community Planning fee equal to 15% of the base permit fee. This will make the total fee for Class II HOs \$970, and Class III HOs \$5,215.

BACKGROUND

Recent Zoning Ordinance amendments related to Home Occupations created three new categories that do not readily align with previous categories and the associated permit application fee structure. The following discussion explains how the previous categories will be adjusted to the new classifications and fees.

Moderate-Impact HO Fee History

The previous HO Ordinance permitted Moderate-Impact HOs with a Tier 1 UP(PH) and a total fee of \$5,215. Moderate-Impact HOs are no longer a category and so no fee is proposed.

Teaching-Related HO Fee History

In 2006, City Council amended the Zoning Ordinance to require an AUP for Teaching-Related HOs and reduced the application fee for this permit to \$100. The reduced AUP fee was intended to reduce financial barriers for teachers whose businesses required visitors. The fee was subsequently increased to \$200 to align with other administrative permits that involve about one hour of staff time. With the new regulations, teachers can operate under the Class I HO category, which requires a ZC and has a fee of \$200.

Low-Impact HO Fee History

In 2012, City Council amended the Fee Schedule to introduce a reduced fee of \$50 for ZCs issued for Low-Impact HOs (HO-ZC). This was subsequently increased to \$60. The HO-ZC fee was set to reduce the cost for HOs that relocated to a new address, but then was broadly applied to all HO-ZCs. Low-Impact HOs are no longer a HO Category, but are analogous to the new Class I category which requires a ZC and has an application fee of \$200.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

HOs enable individuals to establish legal businesses, work from home, and serve customers within their neighborhoods. Working from home can reduce commute time, contributes to quality of life, and may allow for more sustainable transportation choices (e.g., walking, biking) when obtaining neighborhood-based products and services. On average the City of Berkeley processes two hundred Home Occupation applications per year and most require a HO-ZC.

RATIONALE FOR RECOMMENDATION

Recent Zoning Ordinance amendments reclassified Home Occupations such that the existing fee structure does not directly apply. The proposed application fees would better align with the modified regulations and fees for comparable projects.

ALTERNATIVE ACTIONS CONSIDERED

The revised Class I and Class II requirements offer applicants expanded flexibility for customer visits and on-site employees, potentially resulting in increased revenues and requiring increased staff time to evaluate the proposals. The City could impose reduced fees, but this would require the processing cost to be covered by the General Fund

CONTACT PERSON

Paola Boylan, Assistant Planner, Land Use Planning Division, (510) 981-7418
Alene Pearson, Principal Planner, Land Use Planning Division, (510) 981-7489

Attachments:

1: Resolution

Exhibit A: Excerpt of existing Planning Fee Schedule with changes noted

2: Public Hearing Notice

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

HOME OCCUPATION LAND USE PERMIT APPLICATION FEES; AMENDING
RESOLUTION NO. 67,985-N.S.

WHEREAS, in order to better meet the needs of home-based businesses, City Council adopted comprehensive amendments to the Home Occupation (HO) Ordinance on February 23, 2021; and

WHEREAS, in order to recoup the direct costs of administering the HO permit process, land use permit application fees shall be set to accurately reflect the approximate average level of effort to process those permits; and

WHEREAS, the current HO categories listed in the Land Use section of the Planning Department Fee Schedule are not directly comparable with new HO categories provided in the Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Council hereby amends Resolution No. 67,985-N.S. to adopt an updated fee schedule that includes fees for HOs as set forth below and in Exhibit A.

HO Category	Permit	Proposed Fee
Class I	ZC	\$200
Class II	AUP (Tier 3)	\$800
Class III	UP(PH) (Tier 1)	\$4,800

Exhibits

A: Land Use section of the Planning Department Fee Schedule

EXHIBIT A,
excerpt of Planning Fee Schedule

CHAPTER B- LAND USE PLANNING		
FEE TYPE / DESCRIPTION	FEE	REMARKS
I. Administrative Use Permits		
1. Tier 1 - Most complex projects, in or adjacent to a Residential district.	\$ 2,800.00	
2. Tier 2 - Intermediately complex projects in or adjacent to a Residential District	\$ 1,800.00	
3. Tier 3 - Least complex projects in or adjacent to a Residential district, including Class II Home Occupation permits	\$ 800.00	
4. Tier 4 - Other activities (residential or commercial) NOT in or adjacent to a Residential District.	\$ 1,600.00	
5. Teaching-related Home Occupation (Moderate-Impact)	\$ 200.00	
II. Use Permits (UP) with public hearing		
1. Level 1 - Use Permit (all other projects)	\$ 3,600.00	
2. Level 2 - Include the following:	\$ 4,800.00	Base fee (24 hours), plus
a. Non-residential projects in a Residential district	\$ 200.00	per hour for staff time in
b. Mixed-use buildings creating more than 20,000 gross sq. feet		excess of that covered by the
c. New construction or "major" renovation of a Landmarked building or site or Structure of Merit		base fee
d. Any new main building		
e. Master Use Permit or Development Permit required by a Specific Plan		
f. Class III Home Occupation Permits		
III. Variances		
1. Tier 1 - Yard or Height, Useable Open Space, Lot Coverage, Parking	\$ 1,000.00	
2. Tier 2 - Inadvertent Demolition of Residential Structure	\$ 4,000.00	
3. Tier 3 - All others not in Tier 1 or 2	\$ 7,241.00	
D. Each Additional AUP, UP or Variance in addition to primary	\$ 400.00	
E. ZAB Public Hearing (per project in addition to permit fees)	\$ 1,025.00	
IV. Zoning Certificates (ministerial permits)		
A. All projects except as noted below	\$ 200.00	
1. Home Occupation (Low-Impact)	\$ 60.00	
1. 2. Business License review - continuation of lawful existing use	\$ 60.00	
2. 3. Additional staff time (work performed beyond the time covered by the fees above)	\$ 200.00	per hour of staff time
B. Building Permit review		
1. Projects with Administrative Use Permits	\$ 200.00	
2. Projects with Use Permit and/or Variance	\$ 400.00	
3. In-kind repair/replacement work (e.g. window replacement, dry rot repair, etc.)	\$ 60.00	
4. Fourth and subsequent plan check submittal	\$ 200.00	per hour of staff time
V. Modifications and Transfers		
1. Administrative Use Permit Modification	\$ 400.00	
2. Use Permit Modification (ZAB Review - No Public Hearing)	\$ 1,200.00	
3. Use Permit Modification (ZAB Review - Public Hearing Required)	\$ 3,600.00	
4. Transfer of existing Use Permit	\$ 200.00	
VI. Environmental Review		
A. California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA)		
1. Initial Study resulting in a Negative Declaration or Mitigated Negative Declaration	\$ 2,897.00	
OR , at the discretion of the City, the cost of a CEQA/NEPA consultant contract, plus staff time at the current hourly rate for project and contract management services.		
2. Environmental Impact Report (EIR)	\$ 5,068.00	
OR , at the discretion of the City, the cost of a CEQA consultant contract, plus staff time at the current hourly rate for project and contract management		

EXHIBIT A,
excerpt of Planning Fee Schedule

FEE TYPE / DESCRIPTION		FEE	REMARKS
B	Mitigation Monitoring	\$ 200.00	Per hour of staff time

EXHIBIT A,
excerpt of Planning Fee Schedule

FEE TYPE / DESCRIPTION		FEE	REMARKS
VII.	Design Review		
	A. Administratively Approved		
	1. Project valued at or under \$50,000	\$ 1,158.00	
	2. Project valued between \$50,001 and 1,999,999	\$ 1,883.00	
	3. Project valued at \$2,000,000 or more	\$ 2,400.00	base fee for 12 hours plus \$200 hourly charge for staff time in excess of that covered by the base fee
	Signs/Awnings	\$ 532.00	
	B. Design Review with the DRC		
	1. Project valued under \$50,000	\$ 1,738.00	
	2. Project valued between \$50,001 and 1,999,999	\$ 2,608.00	
	3. Project valued at \$2,000,000 or more	\$ 5,000.00	base fee for 25 hours plus \$200 hourly charge for staff time in excess of that covered by the base fee
	Additional Preview	\$ 456.00	
	C. Final Review with the DRC		
	1. Project valued under \$50,000	\$ 1,103.00	
	2. Project valued at or between \$50,001-\$149,999	\$ 1,286.00	
	3. Project valued at \$150,000 or more	\$ 3,684.00	
	Modifications - DRC Projects	\$ 547.00	
VIII.	Landmarks Preservation Commission Review		
	A. Initiation		
	1. Structure	\$ 50.00	as set by the Landmarks Preservation Ordinance
	2. District	\$ 50.00	as set by the Landmarks Preservation Ordinance
	B. Design Review - Structural Alteration (non-residential only)		
	1. Project valued under \$50,000	\$ 1,738.00	
	2. Project valued between \$50,001 and 1,999,999	\$ 2,608.00	
	3. Project valued at \$2,000,000 or more	\$ 5,000.00	base fee for 25 hours plus \$200 hourly charge for staff time in excess of that covered by the base fee
	C. Design Review - Signs and Awnings	\$ 818.00	
	D. Demolition Review (non-residential structures 40 or more years old as required under Section 23C.08.050C of the Zoning Ordinance)	\$ 1,055.00	
	E. Mills Act Historical Contract Processing - payable upon application (one-time payment)	\$ 4,000.00	
	F. Mills Act Historical Contract Monitoring		
	1. Payable upon application to cover 5 contract years	\$ 2,160.00	
	2. Assessed at the beginning of each subsequent 5 years	\$ 2,160.00	

EXHIBIT A,
excerpt of Planning Fee Schedule

FEE TYPE / DESCRIPTION		FEE	REMARKS
IX.	Appeals of Zoning & Landmarks Discretionary Actions		
A.	Non-applicant appeals to Zoning Adjustments Board	\$ 200.00	
B.	Non-applicant appeals to Zoning Adjustments Board: Fee reduced if signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less	\$ 75.00	
C.	Non-applicant appeals of ZAB or LPC decision to City Council	\$ 500.00	
	Non-applicant appeals of ZAB or LPC decision to City Council: Fee reduced if appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less	\$ 100.00	
D.	Appeal of AUP filed by Applicants	\$ 2,500.00	
E.	Appeal of ZAB or LPC decision to City Council by Applicants	\$ 2,500.00	
F.	Appeal of DRSL or DRC by non-applicant	\$ 95.00	
G.	Appeal of DRSL or DRC by applicant	\$ 1,734.00	
D.	Non-applicant appeals of all affordable housing projects (defined as projects which provide 50% or more affordable units for households at 80% or less of Area Median Income)	\$ 500.00	
E.	To address processing error by staff	Fee Waived	
X.	Plan Amendments, Reclassification Requests, and Waterfront Master Development Plan permits*		
	NOTE: The minimum deposits listed are intended to reflect typical project costs. Progress billings will be made during review of a project if charges exceed the deposit: prompt payment of bills will assure continued project review. Failure to remit a progress payment within the appropriate time frame as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal. All fees are required to be paid prior to scheduling the item for Council consideration.		
A.	General Plan Amendments	\$ 200.00	per hour of staff time; minimum \$2,500 deposit upon submittal
B.	Specific Plan Amendments	\$ 200.00	per hour of staff time; minimum \$10,900 deposit upon submittal
C.	Re-zoning/ Reclassification Requests	\$ 200.00	per hour of staff time; minimum \$2,500 deposit required
D.	Waterfront Master Development Plan permit	\$ 200.00	per hour of staff time; minimum \$10,900 deposit upon submittal
	NOTE: Any citizen may ask the Planning Commission or the Council to initiate amendments as an alternative		

EXHIBIT A,
excerpt of Planning Fee Schedule

FEE TYPE / DESCRIPTION		FEE	REMARKS
XI.	Miscellaneous Fees		
A.	Penalty for Late Filing (When Zoning Permit, Use Permit or Variance is required)	100%	of applicable fee
B.	Zoning Complaint Re-inspection		
	1. First Re-inspection	\$ 200.00	
	2. Second Re-inspection	\$ 300.00	
	3. Third Re-inspection and all inspections thereafter	\$ 400.00	
C.	Agenda Subscriptions and Mailing Fees	Amount specified per A. R. 3.8	
D.	Publications and Duplication of Records	Amount specified per A. R. 3.8	
E.	Maps- large, color	\$ 36.00	
F.	Cassette Tape Duplication of Zoning Adjustments Board, Landmarks Preservation Commission, and Design Review Commission meetings	Amount specified per A. R. 3.8	
G.	Microfilm Duplication Fee	Amount specified per A.R. 3.8	
H.	Records Management fee	\$ 50.00	per application
I.	Zoning Burn Letters Regarding Nonconforming Properties	\$ 200.00	per hour, 1 hour min.
J.	Housing Density Bonus Analysis	\$ 200.00	per hour of staff time
K.	Zoning Research	\$ 200.00	per hour, 1 hour min.
L.	Oak Tree Review	\$ 200.00	per hour, 1 hour min.
M.	Use Permit Monitoring	\$ 200.00	per hour of staff time
N.	Pre-application Reviews		
	1. Staff level review	\$ 750.00	
	2. Zoning Adjustments Board/Planning Commission Review (at staff discretion in consultation with the applicant)	\$ 3,000.00	
O.	Dedicated Project Review: In addition to all required fees, applicants may request (or the City may require) dedicated project review in which the applicant pays the City for staff overtime or to contract with a consulting firm with particular relevant expertise to review the application.		
	In such instances, the applicant shall remit a deposit equal to the total amount of the contract, based on the bids received by the City pursuant to its purchasing procedures. Progress billings will be made if charges are expected to exceed deposit; prompt payment of bills will assure continued project review. Failure to remit a progress payment within an appropriate time frame, as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal.		
P.	Community planning fee for General Plan and Zoning Ordinance Maintenance	15%	Surcharge on, AUPs, UPs, Modifications and Variances.
XII.	CONDOMINIUM		
A.	Rent Board Review	\$ 120.00	per unit
B.	Application Fee for a Notice of Local Law Compliance	\$ 2,978.00	
C.	Application Fee for Conversion to Condominiums - <u>one to four units</u>	\$ 6,748.00	
D.	Application Fee for Conversion to Condominiums - <u>five or more units</u>	\$ 10,121.00	
E.	Fee for appeal of an administrative determination on conversion of a TIC to the Planning Commission by an applicant	\$ 842.00	
F.	Fee for appeal of Planning Commission determination on conversion to the City Council by an applicant	\$ 842.00	
G.	Fee for appeal of Planning Commission determination on conversion to the City Council by a non-applicant	\$ 102.00	

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

**UPDATE TO THE LAND USE PLANNING APPLICATION FEE
SCHEDULE TO PROVIDE FOR NEW CATEGORIES OF HOME
OCCUPATIONS**

The Planning and Development Department is proposing to amend the land use permit application fee schedule by removing fees for obsolete Home Occupation land use categories and assigning fees similar to other established fees for Zoning Certificates and Use Permits for each of the newly-adopted Home Occupation land use categories.

Current Fees

Category	Permit¹	Current Fee
Low-Impact	ZC	\$60
Teaching-Related	AUP	\$280
Moderate-Impact	UP(PH)	\$4,800

Proposed Fees

Category	Permit	Proposed Fee
Class I	ZC	\$200
Class II	AUP (Tier 3)	\$800
Class III	UP(PH) (Tier 1)	\$4,800

1ZC – Zoning Certificate; AUP – Administrative Use Permit; UP(PH) – Use Permit (Public Hearing)

The hearing will be held on July 27, 2021 at 6:00 p.m. The hearing will be held via videoconference pursuant to Governor’s Executive Order N-29-20.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **July 15, 2021**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Paola Boylan, Assistant Planner, Land Use Planning Division at (510) 981-7418

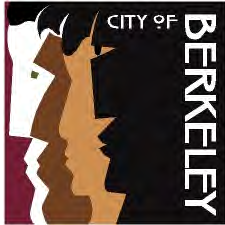
Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: July 16 and 23, 2021 - The Berkeley Voice Per Government Code 6062A

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on July 15, 2021.

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



Office of the City Manager

## SUPPLEMENTAL AGENDA MATERIAL

**Meeting Date:** March 23, 2021

**Item Number:** 17

**Item Description:** Objective Standard Recommendations for Density, Design and Shadows

**Supplemental/Revision Submitted By:** Alene Pearson, Secretary, Joint Subcommittee for the Implementation of State Housing Laws (JSISHL)

**“Good of the City” Analysis:**

*The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.*

JSISHL’s recommendation for objective design standards references a set of proposed standards for review by other City Commissions. This supplemental communication provides the matrix of proposed objective design standards, for benefit of Council and public while discussing this item.

*[from page two of the staff report]*

*To aid JSISHL in making a recommendation, staff created a matrix of design guidelines to identify design goals, introduced objective language to reflect desired design outcomes, and test-fit approved projects to double-check objective language. **JSISHL recommended the proposed objective design standards be reviewed by the Design Review Committee and further refined by Planning Commission.***

***Consideration of supplemental or revised agenda material is subject to approval by a two-thirds roll call vote of the City Council. (BMC 2.06.070)***

A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.

| Objective Standards for Design Guidelines |                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                  | Row # |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Section                                   | Subsection                                                                                                                                            | Proposed Objective Design Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Definitions                                                                                                                                                                                                                                                                                      |       |
| 1. Neighborhood Context                   | <p><b>Massing</b></p> <p>Goal: Promote harmony in scale and massing.</p>                                                                              | <p>Differentiate the base. A base shall visually carry the weight of the building. A base <i>is defined as a plane or material change between the ground floor and the upper floors</i> and can be made by thickening the walls or a change in material and color and <i>shall extend</i> at least 75% of <i>each individual</i> building facade.</p> <p>Buildings over three stories tall shall have major massing breaks at least every 100 feet <i>along every building frontage</i> through the use of varying setbacks, building entries, and recesses, courtyards or structural bays. Major breaks shall be a minimum of 5 feet deep and 10 feet wide and shall extend at least two-thirds of the height of the building.</p> | Base - a plane or material change between the ground floor and the upper floors                                                                                                                                                                                                                  | 1     |
|                                           | <p><b>Materials</b></p> <p>Goal: Provide texture and visual interest while minimizing glare.</p>                                                      | <p>At least two materials shall be used on any building face visible from the street or adjacent parcel in addition to glazing and railings. Any one material must comprise at least 20% of <i>street facing building facade</i>.</p> <p>Materials shall not cause glare on the public right of way or adjacent parcels.</p>                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                  | 2     |
| 2. Building Design                        | <p><b>Rooflines</b></p> <p>Goal: Vertically break up building mass at the roofline.</p>                                                               | Rooflines shall be <i>articulated at least every 50 feet along the street frontage, through the use of architectural elements such as cornices, clerestory windows, canopies, or varying roof height and/or form.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Roofline - Top termination of the massing.                                                                                                                                                                                                                                                       | 3     |
|                                           | <p><b>Façade Design</b></p> <p>Goal: Give depth to the building façade.</p>                                                                           | <p>Provide balconies or upper facade projections or recesses every 25 to 30 feet.</p> <p>Blank walls on side and rear facades shall not exceed 30 ft in length.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Upper façade projection or recess - Any balcony, window box, window articulation that either creates a recess in or projects out from the building face.</p> <p>Blank wall - A length of uninterrupted wall space that does not include a window, door, material change, or plane change.</p> | 4     |
|                                           | <p><b>Windows</b></p> <p>Goal: Give depth to the building façade.</p>                                                                                 | <p>Windows <i>shall not exceed 75% of upper facades</i>.</p> <p>Windows set in wall surfaces shall be recessed a minimum of 2 inches <i>unless in a contiguous vertical bay, in which case the recess may be substituted with a vertical fin or projection.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                  | 5     |
| 3. Ground Floor Design                    | <p><b>Residential Lobbies</b></p> <p>Goal: Create a focal point for residents and pedestrians.</p>                                                    | <p>A primary building entrance shall be visible from the street. Direct pedestrian access shall be provided between the public sidewalk and such primary entrance.</p> <p><i>A primary building entrance</i> must have a roofed projection <i>in the form of either a canopy or the extension of a vertical bay</i>, or recess with a minimum depth of 5 feet and a minimum area of 60 sq. feet. <i>Entrances to upper floors shall be distinguished with either plane changes, material transitions, or building signage.</i></p>                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                  | 6     |
|                                           | <p><b>Ground Floor Height</b></p> <p>Goal: Enhance ground floor experience.</p>                                                                       | Ground floor <i>commercial spaces</i> shall have a minimum interior height of <i>13 feet</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                  | 7     |
|                                           | <p><b>Storefronts</b></p> <p>Goal: Enhance pedestrian experience and provide visual cues that distinguish between retail and residential entries.</p> | <p>Retail spaces shall be accessed directly from the sidewalk, rather than through lobbies or other internal spaces. Clear glass shall comprise at least 60% of the street facing façade where it is between 3 feet and 8 feet above elevation of adjacent sidewalk.</p> <p>Maintain the typical rhythm of 15-30 foot storefronts at ground level. Provide at least one of the following architectural features to protect pedestrians from inclement weather:</p> <p>A) awnings<br/>B) canopies<br/>C) recessed entries</p> <p>Except for recessed entries, a majority of storefront glazing shall be at the property line.</p>                                                                                                    |                                                                                                                                                                                                                                                                                                  | 8     |



| Objective Standards for Design Guidelines |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |             | Row # |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------|
| Section                                   | Subsection                                                                                                                 | Proposed Objective Design Standards                                                                                                                                                                                                                                                                                                                                                                                                                     | Definitions |       |
| 3. Ground Floor Design                    | <p><b>Public Service Street Frontages</b></p> <p>Goal: Activate the public street.</p>                                     | <p>At least one publicly-accessible street-level entrance shall be provided for every 40 feet along a streetfacing property line. Any remainder exceeding 30 feet shall also have a publicly-accessible street-level entrance. No two entrances shall be separated by more than 50 feet.</p> <p>~ <i>Downtown only</i></p> <p><i>*reference Figure 43: Public Serving Frontages on page 61 of the Downtown Design Guidelines for applicability.</i></p> |             | 9     |
| 4. Parking Lots, Garages and Driveways    | <p><b>General Guidelines</b></p> <p>Goal: Reduce visual impact of parking on the street frontage.</p>                      | Locate parking structures underground or behind buildings or provide either landscape or architectural elements to screen view of parking from the street.                                                                                                                                                                                                                                                                                              |             | 10    |
|                                           | <p><b>Surface Lots</b></p> <p>Goal: Screen surface lots from view of the street while providing shade and landscaping.</p> | Perimeter landscaping shall include trees and shrubs. In addition to required screening, parking area shall have trees which achieve a canopy coverage of at least 50% within seven years.                                                                                                                                                                                                                                                              |             | 11    |
|                                           | <p><b>Garage Lighting and Ventilation</b></p> <p>Goal: Reduce impact of garages on neighboring parcels.</p>                | All parking garage lighting shall be shielded so that light does not shine through vents at night and headlights are not visible from the street and adjacent parcels. If forced venting is required for the garage, air shall not vent directly onto the sidewalk or podium courtyards.                                                                                                                                                                |             | 12    |
| 5. Building Accessories                   | <p><b>Lighting</b></p> <p>Goal: Prevent glare on public right of way.</p>                                                  | All lighting shall be downcast and not cause glare on the public right of way or neighboring parcels.                                                                                                                                                                                                                                                                                                                                                   |             | 13    |
|                                           | <p><b>Security and Fences</b></p> <p>Goal: Reduce visual impact.</p>                                                       | <p>Security devices and grillwork visible from the street shall be integrated into the overall building design.</p> <p>Perimeter fencing utilized along public street shall be constructed of decorative iron, pre-painted welded steel, or wood picket material.</p>                                                                                                                                                                                   |             | 14    |
|                                           | <p><b>Trash Service, Mechanical and Utilities</b></p> <p>Goal: Reduce visual impact.</p>                                   | Garbage receptacles, utility meters and mechanical and electrical equipment at rooftop and ground shall be screened from the view of pedestrians.                                                                                                                                                                                                                                                                                                       |             | 15    |
| 6. Street Trees                           | <p>Goal: Preserve and/or add street trees.</p>                                                                             | Existing street trees shall be retained and protected <i>if determined to be healthy by the Urban Forester</i> . Work with Berkeley's Urban Forestry Department and Public Works to determine preferred locations for new street trees.                                                                                                                                                                                                                 |             | 16    |
| 7. Signs and Awnings                      | <p>Goal: Cohesive sign program that is in keeping with the building design</p>                                             | <p>Coordinate the design and alignment of signs and awnings on buildings with multiple storefronts in order to achieve a cohesive appearance to the base of the building.</p> <p>Signs and awnings shall not obscure architectural elements such as clerestory windows or columns.</p> <p>All front faces shall be opaque.</p>                                                                                                                          |             | 17    |



Joint Subcommittee for the Implementation of State Housing Laws

ACTION CALENDAR  
July 27, 2021  
(Continued from March 23,  
2021)

To: Honorable Mayor and Members of the City Council

From: Joint Subcommittee for the Implementation of State Housing Laws  
(JSISHL)

Submitted by: Igor Tregub, Chairperson

Subject: Objective Standards Recommendations for Density, Design and Shadows

#### RECOMMENDATION

Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.

#### FISCAL IMPACTS OF RECOMMENDATION

This project will involve staff and consultant time that will total approximately \$200,000. Budget for the consultant time was previously allocated from the General Fund in the 2021-2022 fiscal year budget (\$115,000). Additional staff time amounting to \$100,000 would have to be covered by re-arranging staff priorities within existing resources to support the effort.

#### CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Zoning Ordinance and permitting process for residential and mixed use projects relies heavily on discretion and subjective development standards. State laws, such as Senate Bill (SB) 35, limit interpretation of zoning regulations and require a streamlined permit approval process for many housing projects. JSISHL was tasked with reviewing approaches to objective standards for density, design, shadows and views. Between April 2018 and July 2020 JSISHL, including representatives of the Planning Commission, Zoning Adjustments Board, and Housing Advisory Commission, met eleven times to discuss these topics and ultimately prepared the recommendations summarized below.

#### Objective Standards for Density (Building Intensity)

The referral specifically requested that JSISHL consider dwelling units per acre as an objective measurement of density. JSISHL also considered a form-based code method and floor area ratio (FAR) as approaches to objectively regulate lot buildout and development proportions. No unanimous agreement could be reached as to the best

path forward. In the end, a recommendation was made using FAR as the primary density standard in residential and commercial districts and form-based code<sup>1</sup>, which emphasizes standards with predictable physical outcome such as build-to lines and frontage and setback requirements, as a secondary approach. There was also an interest in a units/acre approach that assumed average unit sizes and bedroom counts; however, this approach was not adopted. See Attachment 1 (July 22, 2020 Final Minutes) for the text of these options. **JSISHL recommended developing an objective standard for density using FAR and potentially form-based code.**

#### Objective Standards for Design

Berkeley's design review process relies heavily on four sets of design guidelines:

1. Design Review Guidelines (applied citywide);
2. Downtown Design Guidelines;
3. Southside Strategic Plan Design Guidelines; and
4. University Strategic Plan Design Guidelines.

This process heavily relies on the discretion of staff and the Design Review Committee; however, recent State laws require that cities develop objective standards for streamlined and ministerial approval processes for qualified projects. To aid JSISHL in making a recommendation, staff created a matrix of design guidelines to identify design goals, introduced objective language to reflect desired design outcomes, and test-fit approved projects to double-check objective language. **JSISHL recommended the proposed objective design standards be reviewed by the Design Review Committee and further refined by Planning Commission.**

#### Objective Standards for Shadows

The Berkeley Municipal Code (BMC) addresses shadows as follows:

- Section 23E.36.070(C)(1)(a): Projects on the north side of University Avenue within the University Avenue Strategic Plan Overlay area must meet a Solar Rear Yard Setback (subject to override by Density Bonus waivers). Required daylight plane analysis is incorporated directly into the development standards: “...*shall not cast a shadow at noon more than 20 feet onto any lot in a residential zone as calculated when the sun is at a 29 degree angle above the horizon (winter solstice).*”
- Section 23B.34.070(C): Green Pathway Projects<sup>2</sup> within the Downtown Mixed-Use District (C-DMU) that are between 60 and 75 feet tall. Shadow analysis for these projects must show that:

<sup>1</sup> <https://formbasedcodes.org/standards-of-practice/>

<sup>2</sup> As defined in in Chapter 23B.34 of the municipal code, the “Green Pathway” is a streamlined permit process for buildings that exceed the Green Building requirements applicable to the C-DMU district and confer extraordinary public benefits.

1. *The extent of shading on public sidewalks and open spaces within a radius of 75 feet of the closest building wall that would be cast at two (2) hours after sunrise, 12 p.m., and two (2) hours before sunset, on March 21, June 21, December 21, and September 21, by a building 60 feet in height that complies with all applicable setback requirements; and*
2. *Features incorporated into the building design, including, but not limited to, additional upper floor setbacks that will reduce the extent of shadowing of the proposed building to no more than 75 percent of the shadowing projected in paragraph 1 above.*

Otherwise, shading impacts are evaluated on a discretionary basis during Use Permit review and are permissible provided they are not “unreasonable” or provided they will not result in a “significant reduction in sunlight.” Although the review of shadow studies is somewhat objective – administrative guidelines establish methods for analyzing impacts by time of day and time of year on living area windows and yards - the ultimate finding is subjective. Therefore, while shadow studies provide accurate information on shading due to proposed projects, the amount of shading from new development that is deemed “reasonable” depends on the context.

JSISHL discussed many aspects of shadow impacts, including shading of solar panels and roofs, windows, yards and gardens. The recommendation is fairly detailed, including five applicability considerations and four methods of measuring shadow impacts that depend on project elements. **JSISHL recommended that the proposal for objective shadow standards be reviewed and further refined by staff and the Planning Commission.**

#### BACKGROUND

On July 17, 2017, the City Council adopted a referral to address the State Housing Accountability Act (Government Code Section 65589.5) and to preserve local land use discretion (see Attachment 2). The referral requested research into a set of objective zoning standards for new development projects in the following four topic areas:

- Density and/or building intensity;
- Public health and safety standards;
- Design review standards; and
- Views, shadows, and other impacts that often underlie detriment findings.

In the time since the referral was adopted by City Council in 2017, the State adopted several bills to streamline the approval process for housing developments. Legislation facilitates housing production for projects that comply with a jurisdiction’s objective standards and prohibits localities from adopting standards what would reduce the number of residential units allowed (i.e. downzones a property or area). As a result of



these legislative actions, jurisdictions benefit from adopting objective planning standards that can guide the development process and reflect goals of the local community.

JSISHL's first few meetings in 2018 were focused on understanding and analyzing 2017 State housing laws and associated City Council referrals. At its fourth meeting, in January 2019, JSISHL adopted a work plan (see Attachment 3) to direct efforts towards researching approaches to objective standards for density, design, shadows and views. In March and May of 2019, JSISHL examined existing conditions at the City of Berkeley and implementation of the Zoning Ordinance and of State law (i.e. Density Bonus, SB-35, the Housing Accountability Act). Since September 2019, JSISHL has evaluated objective standards for density, design and shadows in order to develop a recommendation to City Council. At its final meeting on July 22, 2020, JSISHL recommended approaches to objective standards for design, density and shadows to City Council for consideration. JSISHL was not able to address objective standards for views.

#### ENVIRONMENTAL SUSTAINABILITY

Adoption of objective standards will streamline the permitting process for housing projects, encouraging infill development and density, creating opportunities to live and work within close proximity and reduce reliance on private vehicle use and/or vehicles miles traveled.

#### RATIONALE FOR RECOMMENDATION

State law requires that jurisdictions adopt objective standards in order to ministerially approved projects.

#### ALTERNATIVE ACTIONS CONSIDERED

The city can choose to not adopt objective standards, in which case projects will be ministerially approved without meeting certain standards.

#### CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

#### CONTACT PERSON

Alene Pearson, Subcommittee Secretary, Planning and Development Department, 510-981-7489

#### Attachments:

- 1: Meeting Minutes (July 22, 2020)
- 2: City Council Referral (July 17, 2017)
- 3: Work Plan (January 17, 2019)



Planning Commission

**DRAFT MINUTES OF THE REGULAR MEETING OF THE JSISHL  
(JOINT SUBCOMMITTEE FOR IMPLEMENTATION OF STATE HOUSING LAWS)**

**July 22, 2020**

The meeting was called to order at 7:02 p.m.

**Location: N/A** (This meeting was conducted exclusively through videoconference and teleconference)

**Commissioners Present:** Teresa Clarke, Dohee Kim, Thomas Lord, Shoshana O'Keefe, Igor Tregub, Alfred Twu, Jeff Vincent, Marian Wolfe (left at 9:29), Rob Wrenn

**Commissioners Absent:** None

**Staff Present:** Alene Pearson, Nilu Karimzadegan, Anne Burns and Desiree Dougherty

**ORDER OF AGENDA:** No Change

**CONSENT CALENDAR:** N/A

**PUBLIC COMMENT:** 1 speaker

**PLANNING STAFF REPORT:** Staff announced that three supplemental communications were sent out via email prior to the meeting and are posted on the online agenda. Communications received "At the Meeting" will be posted by the end of Friday.

**COMMUNICATIONS IN PACKET:**

- Email from Cantor Lois on 10/24/19 re: BART apartments
- Email from Vicki Sommer on 10/24/19 re: Objective Standards for Sunlight Detriment
- Email from Alene Pearson on 11/15/19 to JSISHL re: JSISHL October follow up and December supplemental material request
- Letter from Toni Mester on 12/2/19 re: density and solar recommendation
- Letter from David Ushijima on 12/2/19 re: Objective Standards for Shadow and Sunlight
- Email from Commissioner Wolfe on 12/2/19 re: JSISHL October follow up and December supplemental material request

**COMMISSIONER ATTACHMENTS IN PACKET:**

- Email from Alene Pearson to JSISHL on June 26, 2020 re: JSISHL Meeting scheduled for July 22
- Email from Alene Pearson to JSISHL on May 15, 2020 re: JSISHL Meeting via Zoom

- Email from Timothy Burroughs, Planning Director on April 23, 2020 re: Update on status of board and commission meetings
- Email from Commissioner Lord on April 13, 2020 re: “The Constitution.....”
- Email from Commissioner Lord on March 30, 2020 re: Objectifying and Modernizing Study Standards
- Email from Commissioner Kim on March 30, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Commissioner Wolfe on March 28, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Commissioner Wright on March 12, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Alene Pearson to JSISHL on March 6, 2020 re: Follow Up to February 26 JSISHL Meeting

**LATE COMMUNICATIONS** (Received after the Packet deadline):

- Supplemental Communication 1
- Supplemental Communication 2
- Supplemental Communication 3

**LATE COMMUNICATIONS** (Received and distributed at the meeting):

- Supplemental Communication 4

**CHAIR REPORT:** None

**COMMITTEE REPORT:** None

**7. APPROVAL OF MINUTES:**

Motion/Second/Carried (Wolfe/Clarke) to approve the JSISHL Meeting Minutes from February 26, 2020. Ayes: Clarke, Kim, Lord, Tregub, Vincent, Wolfe, Wrenn. Noes: None. Abstain: O’Keefe, Twu. Absent: None (7-0-2-0)

**8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None

**AGENDA ITEMS**

**9. Action: Objective Standards for Density**

**PUBLIC COMMENT:** 4 speakers

Primary Motion/Second/No Action Taken (O’Keefe/Wrenn) to recommend that the City Council refer to staff and Planning Commission development of a dwelling units per acre standard in all commercial districts and in the MULI and MUR districts with consideration of a cap on average number of bedrooms. Take into consideration size of parcel and develop an average bedroom/unit (to be determined) for multi-unit buildings. Develop Floor Area Ratios (FARs) for residentially zoned (“R” prefix) districts such as R-2, R-2A, and R-3, to help clarify and make more objective what is permitted in these districts.

Substitute Motion/Second/Carried (Kim/Clarke) to recommend using FAR as a density standard with a secondary form-based approach in Residential and Commercial districts. Ayes: Clarke, Kim, Wolfe, Twu, Vincent. Noes: Lord, O’Keefe, Tregub, Wrenn. Abstain: None  
Absent: None  
(5-4-0-0)

**10. Action: Objective Standards for Design**

**PUBLIC COMMENT:** 1 speakers

Primary Motion/Second/Carried (Wolfe/Clarke) to recommend to City Council the proposed design standards be reviewed and further developed by the Design Review Committee and Planning Commission. These standards were included in JSISHL’s July 22, 2020 packet. Ayes: Clarke, Kim, O’Keefe, Tregub, Vincent, Wolfe, Wrenn. Noes: None. Abstain: Lord, Twu. Absent: None  
(7-0-2-0)

Substitute Motion/Second/Not Carried (Twu/O’Keefe) to recommend to City Council the proposed design standards -- minus the first four design standards (massing, material, rooflines, facades) -- be reviewed and further developed by the Design Review Committee and Planning Commission. These standards were included in JSISHL’s July 22, 2020 packet. Ayes: O’Keefe, Twu. Noes: Clarke, Kim, Lord, Tregub, Vincent, Wolfe, Wrenn. Abstain: None. Absent: None  
(2-7-0-0)

**11. Action: Objective Standards for Shadows**

**PUBLIC COMMENT:** 2 speakers

Motion/Second/Not Carried (Wrenn/Tregub) to recommend to City Council the following:

In developing draft objective standards, staff should start with existing daylight plane standards, including the standards for San Pablo Avenue in El Cerrito, and with the City’s own standard in effect for University Avenue.

Shadowing standards would only apply if the proposed project was asking for a Use Permit, AUP, waiver or density bonus to exceed the “base” residential and commercial zoning district development standards that are in effect as of 7/1/20.

Where there is a lot coverage limit, adjustments to the location and orientation of the massing can be required in order to minimize shadowing impacts.

In the development of shadowing standards, impacts on light and air and existing windows and door openings of the applicable adjacent buildings will be taken into consideration.

JSISHL should recommend that the City Council direct staff to go forward with drafting of an objective standard to protect existing rooftop solar panels from shadowing by new development on adjacent and nearby parcels.

JSISHL should recommend that the City Council direct staff to go forward with drafting objective shadowing standards to limit shadowing of residential buildings by new development on adjacent or nearby parcels.

Standards should apply in residentially zoned (“R” prefix) districts and to properties in commercially zoned (“C” prefix) districts that are adjacent to residential properties, where new development could cause shadowing impacts on residential properties. Staff could present to Council a range of options with draft language for each.

JSISHL should recommend that the City Council direct staff to work on standards to protect open, currently unshadowed areas of public parks, and open currently unshadowed areas of school grounds that are used for student recreation.

Ayes: O’Keefe, Tregub, Vincent, Wrenn. Noes: Lord, Abstain: Clarke, Kim, Twu. Absent: Wolfe (4-1-3-1)

Motion/Second/Carried (Clarke/Vincent) to recommend to City Council the following proposed shadow standards be reviewed and further developed by the staff and Planning Commission.

1. Applicability of Shadow Impacts:
  - a. Shadow impacts would not be considered when a proposed new building or new construction meets all base development standards.
  - b. Shadow impacts on an adjacent property would only be considered when a side or rear yard setback reduction or an increase in height is requested by use permit or by state density bonus over the allowable standard. Shadow impacts for Front or Street yard setback reductions would not be included or considered.
  - c. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
  - d. Adjustments would seek to limit reductions in overall building envelope and could compensate with increases in height in another portion of the building, or reduced setback in another portion of the site, or some other mutually agreed adjustment to a development standard or mitigation. Adjustments may require, if no other solution can be proposed to mitigate the impact, a reduction in the overall total building envelope proposed. However, for state density bonus projects, adjustments to a proposed new residential construction shall not require a reduction in the overall total building envelope, habitable area, or cause the number of bedrooms or units to be reduced.
  - e. If the adjacent building being affected has a reduced building setback on the adjacent side or rear yard, a light and air impact would not be applicable, except in those cases where the building has a historic designation or was built prior to the implementation of the zoning code.

2. Elements of consideration for Shadow Impact:

- a. Light & Air for Building Openings of Applicable adjacent buildings: The light and air shadow impact shall consider impact to light and air access only of the existing windows and door openings of the applicable adjacent buildings. The new construction would be required to adjust its setback such that a minimum 3 foot perpendicular distance was achieved and a 6 foot width, with minimum 1 foot on either side of the window or door for 2 stories (min. 6 foot for courts with openings on both sides) and 1 foot additional setback for each additional story up to 14 stories, or a total maximum setback of 15 feet from the adjacent building. For instance if the building is 3 feet away from the property line, a 12 foot maximum from the property line for the new building.
- b. Minimum Required Open Space of Adjacent properties: An increase in shadow impact caused by the additional height or reduced setback on the minimum required open space of the adjacent impacted property shall not be more than a 50% increase in direct shade averaged over the entire year. If the affected property has more than the required open space, the calculation would be made on the open space that is least impacted by the shadow. The setback or height shall be adjusted to result in a net shadow increase of no more than 50% (or suggest alternate per staff research) as limited in Section 1 above. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
- c. Solar Access: An increase for the additional impact only of more than 50% of direct shading on existing solar panels averaged over the entire year and over the entire area of solar array would require that an adjustment to the requested height or setback be made, or other mutually agreed adjustment to a development standard or mitigation be made. If a mitigation such as moving the solar panels or re-orienting the solar panels has been mutually agreed upon in lieu of a development standard adjustment, this mitigation should be completed prior to building permit issuance, if possible.

The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.

Ayes: Clarke, Kim, O’Keefe, Twu, Vincent. Noes: Lord, Wrenn. Abstain: Tregub. Absent: Wolfe. (5-2-1-1)

**The meeting was adjourned at 11: 01 p.m.**

**Commissioners in attendance: 9 of 9**

**Members in the public in attendance: 7**

**Public Speakers: 7**

**Length of the meeting: 2 hours and 59 minutes**

**APPROVED:**

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Alene Pearson

Page 6 of 6

Secretary to the JSISHL

DRAFT

RESOLUTION NO. 69,159-N.S.

EXTENSION OF THE JOINT SUBCOMMITTEE FOR THE IMPLEMENTATION OF  
STATE HOUSING LAWS

WHEREAS, the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) was established under Resolution No. 68,308-N.S. in January 2018; and

WHEREAS, the mission of JSISHL is to advise Council regarding issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining to attain compliance with state law and take advantage of new opportunities for the development of affordable housing; and

WHEREAS, under its enabling legislation, JSISHL is tasked with completing its work by January 2020, reporting to Council by March 2020; and

WHEREAS, in order to fulfill its mission an extension is needed to provide adequate time to review recently passed State housing laws, and to provide adequate feedback on recommendations on units per acre density standards, Floor to Area Ratios (FARs) and daylight plane shadowing standards, along with anything else such as an objective definition of detriment.


NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby extends the timeline for the Joint Subcommittee for the Implementation of State Housing Laws to complete its work by July 2020, with the recommendations being brought to the City Council for consideration by the end of September 2020.

The foregoing Resolution was adopted by the Berkeley City Council on October 29, 2019 by the following vote:

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk



RESOLUTION NO. 68,308–N.S.

ESTABLISHING A JOINT SUBCOMMITTEE FOR THE IMPLEMENTATION OF STATE HOUSING LAWS.

WHEREAS, Berkeley and California is facing an unprecedented housing affordability crisis; and

WHEREAS, rents for a two bedroom apartment in Berkeley have risen by 62.5% over the past five years; and

WHEREAS, Berkeley has so far achieved 48% of its housing allocation goals for 2014-2022 set out by the Association of Bay Area Governments, including 0% for extremely low income and moderate income; and

WHEREAS, many residential developments that have received zoning approval have yet to receive a building permit; and

WHEREAS, to address the rising crisis of housing in the State of California, 15 state bills were signed into law, with many dealing with how local municipalities respond to the development of new units; and

WHEREAS, issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining need to be addressed by the City to be compliant with state law and to take advantage of new opportunities for the development of affordable housing; and

WHEREAS, because the Zoning Adjustments Board, Housing Advisory Commission, and Planning Commission have policy and quasi-judicial powers around housing, it would be beneficial for representatives of these commissions to meet jointly to develop policies for consideration by the Planning Commission and City Council; and

WHEREAS, community input is of vital importance in the review and implementation of these housing policies, and such input can be encouraged by regular publicly-noticed meetings of the Task Force; and

WHEREAS, the Joint Subcommittee should be comprised of nine voting members, with representatives from each commission.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley does hereby establish a Joint Subcommittee composed of members from the Zoning Adjustments Board, Housing Advisory Commission, and Planning Commission.

BE IT FURTHER RESOLVED that the Joint Subcommittee members shall be appointed from the membership of the Zoning Adjustments Board, Planning Commission or Housing Advisory Commission. Any Commissioner on any of those commissions is eligible for appointment to the Joint Subcommittee, as long as there is representation from each commission on the Joint Subcommittee.


BE IT FUTHER RESOLVED that the Joint Subcommittee shall complete its work by January 2020. Staff shall forward the Joint Subcommittee's recommendations to each parent Commission for comment, and bring the Joint Subcommittee's recommendations to the City Council for consideration by the end of March 2020, along with comments by any parent commissions.

The foregoing Resolution was adopted by the Berkeley City Council on January 23, 2018 by the following vote:

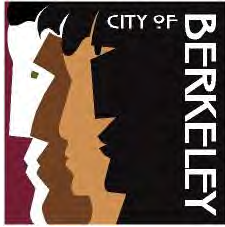
Ayes: Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: Bartlett.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk



Mayor Jesse Arreguin  
Councilmember Sophie Hahn, District 5

## **SUPPLEMENTAL AGENDA MATERIAL**

**Meeting Date:** June 13, 2017

**Item Number:** # 59

**Item Description:** Housing Accountability Act

**Submitted by:** Mayor Jesse Arreguin and Councilmember Sophie Hahn

The revision removes the idea that staff and the Planning Commission consider as one of several options downzoning and then upzoning by increasing development standards on a discretionary basis.

These ideas largely reflect those originally proposed by the City Attorney and Planning staff.

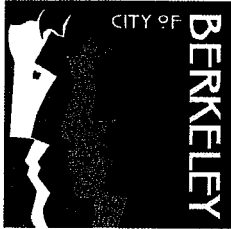


Mayor Jesse Arreguin  
Councilmember Sophie Hahn, District 5

### **Motion, Item # 59: Housing Accountability Act**

Refer to the City Manager and Planning Commission to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

- Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
- Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
- Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
- ~~Downzone & increase the number and amount of additional height, setback, and other elements available on a discretionary basis.~~
- Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.



Office of the Mayor

RECEIVED AT  
COUNCIL MEETING OF:

MAY 30 2017

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

**Motion, Item # 46: Housing Accountability Act**

Refer to the City Manager and Planning Commission to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

- Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
- Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
- Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
- Downzone & increase the number and amount of additional height, setback, and other elements available on a discretionary basis.
- Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.

Meeting Date: January 17, 2019

To: Joint Subcommittee for the Implementation of State Housing Law (JSISHL)

From: Chris Schildt, Chairperson

Subject: JSISHL background, mission, objectives, and developing 2019 Workplan

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## Background

JSISHL held three meetings last year in April, May, and July, and had two meetings cancelled in September and November. Due to the long gap since our last meeting, I thought it'd be helpful to revisit the mission and objectives of this subcommittee, as background to a discussion of our workplan for the coming year.

At our April 17, 2018 meeting, we reviewed the mission and objectives of this subcommittee (from April 17, 2018 staff presentation to JSISHL):

**Mission:** Assist the City of Berkeley to effectively implement new State housing laws and advance City Council priorities that are designed to increase affordable housing.

### Objectives:

- Learn about the new State housing law package and its implications for our community
- Assist the City to incorporate new practices designed to enable implementation of new State housing laws
- Based on City Council priorities and referrals, assist with development of new policies for consideration by parent commissions and City Council.

At our subsequent meetings, we heard information about and discussed new state housing laws and a range of related issues, including developing objective standards, streamlining affordable housing, density bonus, and inclusionary zoning.

## Developing a 2019 Workplan

While we heard information and had a lot of discussion last year, my aim for this coming year is for this body to move forward on a finite number of items that will best position the City to implement State housing laws. To that aim, I recommend we develop a workplan with agreed upon priorities that we will work on in the coming year. This would not preclude commissioners from submitting agenda items on other topics for JSISHL to consider, but would help to align our efforts and focus.

The workplan should build off of our existing work and discussion. In last year's meetings, we discussed the following areas that relate to implementation of new State housing laws:

- Developing objective standards
- Streamlining affordable housing
- Density bonus
- Inclusionary housing

**Proposal:**

Numerous state laws, including the Housing Accountability Act, SB 35, and other potential future state legislation (e.g. SB 50) have made it difficult to implement our local laws, which were developed to be flexible with local discretion. The City has recently undertaken a review of the applicable standards that can be enforced under these laws in the light of three recent projects that have applied for approval under SB 35. For an example of how the City applied objective standards for one of the projects, 1601 Oxford Street, see:

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_ZAB/2018-12-21\\_Attachment%20C\\_SB35\\_Objective%20Standards\\_1601%20Oxford.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2018-12-21_Attachment%20C_SB35_Objective%20Standards_1601%20Oxford.pdf)

One outcome of the recent reviews has been the clear identification of those areas where the City does not have objective standards, including design review and use permit findings, which are by necessity discretionary and flexible to address unique circumstances. Developing objective standards in areas such as view, sunlight, density, and detriment could help to ensure local needs and goals are included in the development review process for all projects. These objective standards would also help address some of the other topics that have come up on this commission, such as facilitating streamlined review of affordable housing projects and improving the density bonus process.

As a proposed workplan, we could decide as a commission to use each of the next several meetings to do research and discussion on a separate topic within objective standards, and develop a set of recommendations for the City Council and/or our parent commissions. For each topic, commissioners and members of the public would be encouraged to submit information and research to this commission related to the topic to inform discussion. Attached is an example of research provided by a member of public, David Ushijima, on providing objective standards for sunlight detriment.

For example, we could dedicate one of each of these topics for each upcoming meeting:

- Daylight.
- Views.
- Density standards (Note: The city has hired a consultant, Opticos Design, to develop density standards this year. They will be presenting to this commission in 2019, date TBD).
- Detriments to health, comfort, and general welfare.

We could also agendaize for a future meeting to review the City's existing objective standards table.

At the end of the year, we can compile our research and discussion and develop a set of recommendations to send to the City Council and/or our parent bodies.

**Questions for discussion:**

- Do the members of the commission agree to develop a workplan for 2019?
- If yes, what should our priorities be for 2019?



Planning Commission

1                   **DRAFT MINUTES OF THE REGULAR MEETING OF THE JSISHL**  
2                   **(JOINT SUBCOMMITTEE FOR IMPLEMENTATION OF STATE HOUSING LAWS)**

3  
4                   **January 17, 2019**

5                   The meeting was called to order at 7:05 p.m.

6                   **Location:** 2180 Milvia Street 1st Floor, Cypress Conference Room

7                   **Commissioners Present:** Thomas Lord, Shoshana O’Keefe (arrived at 7:16), Christine Schildt  
8                   Igor Tregub, Marian Wolfe, Rob Wrenn.

9                   **Commissioners Absent:** None

10                  **Staff Present:** Alene Pearson, Nilu Karimzadegan and Beth Greene

11                  **ORDER OF AGENDA:** Order of Agenda was changed to:

12                  Discussion Item 9 (Adopt 2019 JSISHL Work Plan ), Discussion Item 10 (Renewing  
13                  Democratized Planning in Berkeley), Action Item 11 (Approve 2019 JSISHL Meetings Calendar)  
14                  and Action Item 12 (Elections: Elect 2019 JSISHL Chair and Vice Chair).

15                  Motion/Second/Carried (Lord/ Tregub) to move Agenda Item 12 to Agenda Item 10 and vote  
16                  on the 2019 JSISHL Work Plan after Agenda Item 10. Ayes: Lord, O’Keefe, Schildt, Tregub,  
17                  Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None (6-0-0-0)

18  
19                  **CONSENT CALENDAR:** N/A.

20                  **PUBLIC COMMENT:** 1 speaker

21                  **PLANNING STAFF REPORT:**

22                  Staff announced that 2019 meeting dates will be decided tonight with Agenda Item 11 and future  
23                  meeting location will depend upon room availability.

24                  **COMMUNICATIONS IN PACKET:**

- 25                  • White Paper on Sunlight Impacts by David Ushijima (October 15, 2018).  
26                  • 2019-01-08\_Communication\_BNC\_Support of White Paper by Dean Metzger (January 8,  
27                  2019)

28  
29                  **LATE COMMUNICATIONS** (Received after the Packet deadline): None

30



31 **LATE COMMUNICATIONS** (Received and distributed at the meeting): None

32 **CHAIR REPORT:** None

33 **COMMITTEE REPORT:** None

34 **7. APPROVAL OF MINUTES:**

35 Motion/Second/Carried (Tregub/Wrenn) to approve the JSISHL Meeting Minutes from July 17,  
36 2018. Ayes: Lord, O’Keefe, Schildt, Tregub, Wrenn. Noes: None. Abstain: Wolfe. Absent:  
37 None (5-0-1-0)

38  
39 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None.

40 **AGENDA ITEMS**

41 **9. Discussion:** Adopt 2019 JSISHL Work Plan:

42 The Commission discussed a work plan for 2019 and developed a proposed schedule with  
43 meeting dates and topics that focus on objective standards for the implementation of State  
44 Housing Law. Below is a summary of that discussion:

45 January 17: Work Plan Development

46 March 27: Existing Objective Standard Framework

47 May 22: Density Standards and Density Bonus

48 September 25: Daylight, shadowing, and solar access

49 October 23: Views and other objective standards

50 December 12: Report out.

51 The Commissioners and the members of the public were encouraged to submit information and  
52 research related to future meeting topics. This work plan will result in a set of recommendations  
53 to parent commissions and/or City Council.

54 **PUBLIC COMMENT:** 1 speaker

55 **10. Discussion:** Renewing Democratized Planning in Berkeley

56 Commissioner Lord explained his memo and suggested modifications to the work plan  
57 developed during discussion of Agenda Item 9. The Commission added the topic of local  
58 overlay zones to the September and October meetings.

59 **PUBLIC COMMENT:** 1 speaker

60 Motion/Second/Carried (O’Keefe/Wolfe) to adopt the proposed 2019 workplan. Ayes: O’Keefe,  
61 Schildt, Tregub, Wolfe, Wrenn. Noes: Lord. Abstain: None. Absent: None (5-1-0-0)

62

63 **11. Action:** Approve 2019 JSISHL Meetings Calendar:

64 The Commission discussed their availability and agreed on the following 2019 calendar:

65 January 17, 2019 (Wednesday)

66 March 27, 2019 (Wednesday)

67 May 22, 2019 (Wednesday)

68 September 25, 2019 (Wednesday)

69 October 23, 2019 (Wednesday)

70 December 12, 2019 (Thursday)

71 Motion/Second/Carried (O’Keefe/Tregub) to adopt the proposed 2019 calendar. Ayes: Lord,  
72 O’Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None  
73 (6-0-0-0)

74

75 **12. Elections:** Elect 2019 JSISHL Chair and Vice Chair:

76 Motion/Second/Carried (Wolfe/O’Keefe) to Elect Chris Schildt as Chair and Igor Tregub as  
77 Vice Chair for 2019 JSISHL. Ayes: Lord, O’Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None.  
78 Abstain: None. Absent: None (6-0-0-0)

79

80 **The meeting was adjourned at 9: 03 p.m.**

81 **Commissioners in attendance: 6 of 6**

82 **Members in the public in attendance: 2**

83 **Public Speakers: 2**

84 **Length of the meeting: 1 hour and 58 minutes**

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## **APPENDIX D. TEMPORARY RULES REGARDING POLICY COMMITTEES AND LEGISLATIVE WORKFLOW DURING THE COVID-19 LOCAL EMERGENCY**

To support staff, councilmembers, and members of the public in their focused work to address the COVID-19 pandemic; manage health, mental health, and economic impacts; and navigate the complexities of reopening after more than a year of shelter-in-place, these temporary rules limiting Policy Committee and City Council consideration of new significant legislation are hereby adopted.

- 1) Except as provided below, “new significant legislation” is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.
- 2) New significant legislation originating from the Council, Commissions, or Staff related to the City’s COVID-19 response, including but not limited to health and economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.
- 3) New significant legislation not related to the City’s COVID-19 response may be submitted to the Agenda process to be referred to the appropriate Policy Committee but will be placed on the committee’s unscheduled items list, and timelines will be tolled for the duration of these temporary rules.
- 4) Councilmembers, Commission Chairs/representatives, and Staff may request reconsideration of Agenda Committee determinations regarding significance/impacts, time sensitivity and/or relevance to factors listed in (2), above.
- 5) Policy Committees may take up items referred previous to adoption of these temporary rules or may place them on the unscheduled list where timelines will be tolled. Reconsideration of a determination to place an item on the unscheduled calendar may be requested by the author on the same basis as a reconsideration by the Agenda Committee. Policy Committees are asked to prioritize pending items related to categories listed in (2), above. When a Policy Committee has no active items the Committee will not meet.
- 6) The Agenda & Rules and Budget & Finance Policy Committees will continue to meet to carry out their essential agenda setting and budget policy making roles; other legislation before these committees may be placed on the unscheduled calendar where timelines will be automatically tolled for the duration that this policy is in place.
- 7) Any outstanding items voted out of Policy Committee should include staffing and budgetary needs and a budget referral. Implementation of new ordinances, programs or policies may be deferred for the duration of these temporary rules and/or if resources are not identified and allocated.

- 8) These temporary measures will automatically expire on July 28, 2021 unless the term is shortened or extended by a vote of the City Council.
  
- 9) When Policy Committees are reopened by the full City Council, items pending before the Committee will be prioritized by vote of the members of each Committee, based on a proposal by the Chair, in an order that takes into account and balances, among other things, (i) the amount of time items have been pending before the Committee, (ii) the time sensitivity of the issues/topics raised by the legislation, (iii) a fair distribution of items from all Councilmembers within the queue, and (iv) a fair distribution of topic areas.



Office of the City Manager

ACTION CALENDAR  
April 20, 2021

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted By: Mark Numainville, City Clerk  
Subject: City Council Rules of Procedure and Order Revisions

RECOMMENDATION

Adopt a Resolution revising the City Council Rules of Procedure and Order to add temporary rules for the legislative process during the COVID-19 declared emergency; sunset the temporary process to read written comments at meetings; and rescinding any preceding amendatory resolutions.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The proposed new appendix is a response to the direction of the Agenda & Rules Committee on March 22, 2021. The Committee requested an amendment to the Rules of Procedure to modify the legislative process for “significant new legislation” that is introduced by the Mayor and Council, Commissions, and the City Manager. The purpose of the new rules is to support staff, councilmembers, and members of the public in their focused work to address the COVID-19 pandemic; manage health, mental health, and economic impacts; and navigate the complexities of reopening services and the economy after more than a year of shelter-in-place. The new Appendix D is provided in Attachment 1.

The second proposed change sunsets the temporary rule in Appendix C, adopted in May of 2020, regarding the practice of reading written comments submitted during a Council meeting into the record. Over the past year, the use of videoconference has become widespread and the community has adapted well to the new technology, thus reducing the need to provide for the temporary forum of reading written comments. All written comments received are part of the official record and are distributed to the Mayor and Council. In addition, any member of the public may send written comments directly to the Mayor and all Councilmembers in real time by using the [council@cityofberkeley.info](mailto:council@cityofberkeley.info) e-mail address (this e-mail address also automatically sends a copy to the City Clerk for the official record).

BACKGROUND

The City Council Rules of Procedure and Order governs the duties of the Council, the conduct of meetings, the agenda, procedural matters and facilities. The rules have been amended as necessary over time to improve the function of the Agenda Committee and the conduct of City Council meetings.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The changes to the legislative processes are a response to the direction of the Agenda & Rules Committee on March 22, 2021.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1: Proposed Appendix D

2: Resolution

Exhibit A: City Council Rules of Procedure and Order

## **APPENDIX D. TEMPORARY RULES REGARDING POLICY COMMITTEES AND LEGISLATIVE WORKFLOW DURING THE COVID-19 LOCAL EMERGENCY**

To support staff, councilmembers, and members of the public in their focused work to address the COVID-19 pandemic; manage health, mental health, and economic impacts; and navigate the complexities of reopening after more than a year of shelter-in-place, these temporary rules limiting Policy Committee and City Council consideration of new significant legislation are hereby adopted.

- 1) Except as provided below, “new significant legislation” is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.
- 2) New significant legislation originating from the Council, Commissions, or Staff and relating to the City’s COVID-19 response, including but not limited to health and economic impacts of the pandemic or recovery, the City Budget process or other essential City processes or business will be allowed to move forward, as well as smaller, less impactful and time sensitive items.
- 3) New significant legislation not related to the City’s COVID-19 response may be submitted to the Agenda process to be referred to the appropriate Policy Committee but will be placed on the unscheduled items list, and timelines will be tolled for the duration of these temporary rules.
- 4) Councilmembers, Commission Chairs/representatives, and Staff may request reconsideration of Agenda Committee determinations regarding significance/impacts, time sensitivity and/or relevance to COVID-19 response and recovery of proposed legislation.
- 5) Policy Committees may take up items referred previous to adoption of these temporary rules or may place them on the unscheduled list where timelines will be tolled. Reconsideration of a determination to place an item on the unscheduled calendar may be requested by the author on the same basis as a reconsideration by the Agenda Committee. Policy Committees are asked to prioritize pending items related to the city’s COVID-19 response and recovery, the City budget process or other essential or time sensitive business. When a Policy Committee has no active items the Committee will not meet.
- 6) The Agenda & Rules and Budget & Finance Policy Committees will continue to meet to carry out their essential agenda setting and budget policy making roles; other legislation before these committees may be placed on the unscheduled calendar where timelines will be automatically tolled for the duration that this policy is in place.
- 7) Any outstanding items voted out of Policy Committee should include staffing and budgetary needs and a budget referral. Implementation of new ordinances, programs or policies may be deferred for the duration of these temporary rules and/or if resources are not identified and allocated.

- 8) These temporary measures will expire at the end of the declared local COVID-19 state of emergency or at an earlier date as determined by the City Council.
  
- 9) When Policy Committees are reopened by the full City Council, items pending before the Committee will be prioritized by vote of the members of each Committee, in an order that takes into account and balances (i) the amount of time items have been pending before the Committee, (ii) the time sensitivity of the issues/topics raised by the legislation, and (iii) a fair distribution of items from all Councilmembers within the queue.



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

RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE AND ORDER

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council Rules of Procedure and Order attached hereto as Exhibit A shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, except as provided for by the adopted Rules of Procedure.

BE IT FURTHER RESOLVED that all preceding amendatory resolutions are hereby rescinded.

Exhibit A: City Council Rules of Procedure and Order

# The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. XX,XXX–N.S.

Effective April 20, 2021

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## I. DUTIES

### A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

### B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

### C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

### D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

### E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

**F. Requests for Technical Assistance and/or Reports**

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

## II. MEETINGS

### A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

### B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

### C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

### D. Council Meeting Conduct of Business

The agenda for the regular business meetings shall include the following: Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) will be heard with the consent of Council.

Upon request by the Mayor or any Councilmember, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by the Mayor or any Councilmember, the Council may also move an item from the Action Calendar to the Consent Calendar.

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

**E. Adjournment**

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.
2. Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

**F. Unfinished Business**

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council agenda. The 60 day period is tolled during a Council recess.

**G. City Council Schedule and Recess Periods**

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.



**H. Pledge of Allegiance to the Flag**

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

**I. Ad Hoc Subcommittees**

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Subcommittees shall conduct their meetings in locations that are open to the public and meet accessibility requirements under the Americans with Disabilities Act. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

Ad hoc subcommittees may convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.

### III. AGENDA

#### A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section III.D.2. Exceptions to this rule are limited to circumstances listed in Section III.D.4.b and items continued from a previous meeting and published on a revised agenda.

#### B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, the City Manager, the Auditor, or any board/commission/committee created by the City Council, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter. Council agenda items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added in the following manner:

- In the original item as submitted by the Primary Author
  - In a revised item submitted by the Primary Author at the Agenda & Rules Committee
  - By verbal request of the Primary Author at the Agenda & Rules Committee
  - In a revised item submitted by the Primary Author in Supplemental Reports and Communications Packet #1 or #2
  - By verbal or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full Council at which the item is considered
2. Agenda items shall contain all relevant documentation, including the information listed below:
    - a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
    - b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

- c) Recommendation of the report's Primary Author that describes the action to be taken on the item, if applicable;
  - d) Fiscal impacts of the recommendation;
  - e) A description of the current situation and its effects;
  - f) Background information as needed;
  - g) Rationale for recommendation;
  - h) Alternative actions considered;
  - i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);
  - j) Person or persons to contact for further information, with telephone number;
  - k) Additional information and analysis as required. It is recommended that reports include the points of analysis in Appendix B - Guidelines for Developing and Writing Council Agenda Items.
3. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.
4. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.
5. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be co-sponsors of the council agenda item.
6. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.E hereof.
7. "Packet" means the agenda plus all its corresponding agenda items.
8. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:
- a) A work stoppage or other activity which severely impairs public health, safety, or both;
  - b) A crippling disaster, which severely impairs public health, safety or both. Notice of the Council's proposed consideration of any such emergency

matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

9. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier.
10. "Old Business" Items carried over from a prior agenda of a meeting occurring more than 11 days earlier.

**C. Procedure for Bringing Matters Before City Council**

**1. Persons Who Can Place Matters on the Agenda.**

Matters may be placed on the agenda by the Mayor or any Councilmember, the City Manager, the Auditor, or any board/commission/committee created by the City Council. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15<sup>th</sup> day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee packet, including a draft agenda and Councilmember, Auditor, and Commission reports shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

**a) Items Authored by the Mayor, a Councilmember, or the Auditor.**

As to items authored by the Mayor, a Councilmember, or the Auditor, the Agenda & Rules Committee shall review the item and may take the following actions:

- i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).
- ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).
- iii. Refer the item back to the Primary Author for adherence to required form or for additional analysis as required in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).
- iv. Refer the item to a Policy Committee.
- v. Schedule the item for the agenda under consideration or one of the next three full Council agendas.

For referrals under Chapter III.C.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

- 1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or
- 2) pull the item completely; or
- 3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council agenda under consideration; or
- 4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.C.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft agenda for consideration by the Agenda & Rules Committee.

Items held for a future meeting to allow for modifications will be placed on the next available Council meeting agenda at the time that the revised version is submitted to the City Clerk.

- b) **Items Authored by the City Manager.** The Agenda & Rules Committee shall review agenda descriptions of items authored by the City Manager. The Committee can recommend that the matter be referred to a commission or back to the City Manager for adherence to required form, additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the City Manager determines that the matter should proceed notwithstanding the Agenda & Rules Committee's action, it will be placed on the agenda as directed by the Manager. All City Manager items placed on the Council agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

- c) **Items Authored by Boards and Commissions.** Council items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.
  - i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agenda item in the following manner:
    1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.
    2. Re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.
    3. Refer the item to a Policy Committee for review.
    4. Allow the item to proceed as submitted.
  - ii) For any commission report that requires a companion report, the Agenda & Rules Committee may schedule the item on a Council agenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph c.i. above.
- d) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section E.

**2. Scheduling Public Hearings Mandated by State, Federal, or Local Statute.**

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

**3. Submission of Agenda Items.**

- a) **City Manager Items.** Except for Continued Business and Old Business, as a condition to placing an item on the agenda, agenda items from departments, including agenda items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

- b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and City Council is 5:00 p.m. on Monday, 22 days before each Council meeting.
- c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published agenda.

The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

- d) The City Clerk may not accept any agenda item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring less than 11 days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

#### **4. Submission of Supplemental and Revised Agenda Material.**

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an agenda item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

- a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation.

- b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Council evaluation.
- c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 42 copies of the supplemental/revised material to the City Clerk for distribution at the meeting. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the agenda item in order for the material to be considered.

#### **5. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)**

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the agenda by the City Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the agenda as a Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the author to list the facts which support consideration of the item for addition to the agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.



Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

**6. Scheduling a Presentation.**

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

**D. Packet Preparation and Posting**

**1. Preparation of the Packet.**

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding agenda items. No item shall be considered if not included in the packet, except as provided for in Section III.C.4 and Section III.D.4.

**2. Distribution and Posting of Agenda.**

- a) The City Clerk shall post each agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.
- b) The City Clerk shall also post agendas and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
- c) No later than 11 days prior to a regular meeting, copies of the agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

**3. Distribution of the Agenda Packet.**

The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than 11 days prior to a regular meeting, the City Clerk shall:

- a) distribute the Agenda Packet to each member of the City Council;
- b) post the Agenda Packet to the City's website;
- c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and
- d) make the Agenda Packet available to members of the press.

**4. Failure to Meet Deadlines.**

- a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
- b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
  - A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.8.
  - Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.
- c) Matters listed on the printed agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the agenda packet, shall not be discussed or acted upon.

**E. Agenda Sequence and Order of Business**

The Council agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Comments from the City Manager, Comments from the City Auditor, Non-Agenda Public Comment)
2. Consent Calendar
3. Action Calendar
  - a) Appeals
  - b) Public Hearings
  - c) Continued Business
  - d) Old Business
  - e) New Business

4. Information Reports
5. Non-Agenda Public Comment
6. Adjournment
7. Communications

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

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

**F. Closed Session Documents**

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.
2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.
3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

## **G. Regulations Governing City Council Policy Committees**

### **1. Legislative Item Process**

All agenda items begin with submission to the Agenda & Rules Committee.

#### Full Council Track

Items under this category are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Full Council Track items are listed below.

- a. Items submitted by the City Manager and City Auditor
- b. Items submitted by Boards and Commissions
- c. Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
- d. Position Letters and/or Resolutions of Support/Opposition
- e. Donations from the Mayor and Councilmember District Office Budgets
- f. Referrals to the Budget Process
- g. Proclamations
- h. Sponsorship of Events
- i. Information Reports
- j. Presentations from Outside Agencies and Organizations
- k. Ceremonial Items
- l. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember falls under a Full Council Track exception or if it will be processed as a Policy Committee Track item.

#### Policy Committee Track

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council agenda.

The Agenda & Rules Committee must refer an item to a Policy Committee at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee.

For a Policy Committee Track item, the Agenda & Rules Committee, at its discretion, may either route item directly to 1) the agenda currently under consideration, 2) one of the next three full Council Agendas (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a Policy Committee.

### Time Critical Track

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

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

- a) Time Critical items submitted on the Full Council Track deadlines, that would otherwise be assigned to the Policy Committee Track, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.
- b) Time Critical items on the Full Council Track or Policy Committee Track that are submitted at a meeting of the Agenda & Rules Committee may go directly on a council agenda if determined to be time critical.

## **2. Council Referrals to Committees**

The full Council may refer any agenda item to a Policy Committee by majority vote.

## **3. Participation Rules for Policy Committees Pursuant to the Brown Act**

- a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.
- b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or action on the item. For purposes of the item, the appointed alternate, who also can not be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.
- d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.
- e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

- f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.
- g. An item may be considered by only one Policy Committee before it goes to the full Council.

#### **4. Functions of the Committees**

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
- e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
- f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
- g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- h. Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
- i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
- j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the agenda packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, the committee must vote to either (1) accept the Primary Author's request that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a city board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate city staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council agenda. The Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the next Council agenda. Items appearing on a City Council agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available agenda. The Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the following Council agenda. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

### **5. Number and Make-up of Committees**

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered “legislative bodies” under the Brown Act and must conduct all business in accordance with the Brown Act.

### **6. Role of City Staff at Committee Meetings**

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.



## IV. CONDUCT OF MEETING

### A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- Public comment on the Consent and Information Calendars.
- Public comment on action items, appeals and/or public hearings as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry.

#### 1. Public Comment on Consent Calendar and Information Items.

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent."

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. No additional items can be moved onto the Consent Calendar once public comment has commenced.

At any time during, or immediately after, public comment on Information and Consent items, the Mayor or any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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

**2. Public Comment on Action Items.**

After the initial ten minutes of public comment on non-agenda items, public comment on consent and information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the agenda for action as the item is taken up.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.

**3. Appeals Appearing on Action Calendar.**

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of proposed special assessment lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side

shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council agenda.

#### **4. Public Comment on Non Agenda Matters.**

Immediately following Ceremonial Matters and the City Manager Comments and prior to the Consent Calendar, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.

Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.

#### **5. Ralph M. Brown Act Pertaining to Public Comments.**

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the agenda. However, the Council may refer a matter to the City Manager.

#### **B. Consent Calendar**

There shall be a Consent Calendar on all regular meeting agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry

will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.

**C. Information Reports Called Up for Discussion**

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of Mayor or any Councilmember a Report for Information may be acted upon by the Council.

**D. Written Communications**

Written communications from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

Communications related to an item on the agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.C.4.

**E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters**

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date,

place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

#### **F. Work Sessions**

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent agenda under the Action portion of the Council agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

**G. Protocol**

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

## V. PROCEDURAL MATTERS

### A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

### B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

### C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

### D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

**E. Robert's Rules of Order**

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

**F. Rules of Debate****1. Presiding Officer May Debate.**

The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

**2. Getting the Floor - Improper References to be avoided.**

Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate.

**3. Interruptions.**

A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

**4. Privilege of Closing Debate.**

The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

**5. Motion to Reconsider.**

A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

**6. Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**

Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.



**G. Debate Limited**

1. Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Information Reports; provided that either of the following two not debatable motions shall be in order:
  - a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or
  - b) If there are one or more motions on the floor, a motion for the previous question, which, if passed by a 2/3 vote, shall require an immediate vote on pending motions.
2. The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.
3. In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in Section D hereof is made and is passed.

**H. Motion to Lay on Table**

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

**I. Division of Question**

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

**J. Addressing the Council**

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

**1. Written Communications.**

Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by

submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.C.4.

**2. Public Hearings.**

Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

**3. Public Comment.**

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

**K. Addressing the Council After Motion Made**

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

**L. Use of Cellular Phones and Electronic Devices**

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and our of support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

## VI. FACILITIES

### A. Meeting Location Capacity

Attendance at council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

### B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

### C. Signs, Objects, and Symbolic Materials

Objects and symbolic materials such as signs which do not have sticks or poles attached or otherwise create any fire or safety hazards will be allowed within the meeting location during Council meetings.

### D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

### E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

## APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

### Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

### Objective

- A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

### Section 1 – Lead Commission

The City Council designates the following commissions as the ‘Lead Commissions’ in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

#### Board of Library Trustees

Parks and Recreation Commission –Parks, recreation centers, camps, plazas and public open spaces

Public Works Commission –Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Waterfront Commission –Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

### Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

### Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

#### Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

#### Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
  - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
  - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
  - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination
- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.

1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
  - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
  - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
  - d. Fiscal impacts of the recommendation;
  - e. A description of the current situation and its effects;
  - f. Background information as needed;
  - g. Rationale for recommendation;
  - h. Alternative actions considered;
  - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
  - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Impacts
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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**1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action



**4. Summary Statement/ “Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

**5. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

**6. Review of Existing Plans, Programs, Policies and Laws**

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## 7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## 8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

## 9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

**10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

**11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

**12. Fiscal Impacts**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

**14. Contact Information**

**15. Attachments/Supporting Materials**

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## **APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY**

### **Mayor and Councilmember Speaking Time on Agenda Items**

At the outset of the meeting, each Councilmember will have one minute to offer words of support, encouragement or appreciation to the public and City staff.

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have two minutes each to make initial comments on an agenda item, except for the author of an agenda item who will have five minutes to initially present the item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions before the meeting.

### **Procedure for Pulling Items from Consent or Information Calendar**

Three (3) members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent three members concurring, the item will stay on Consent or Information Calendar and, with respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar.

### **Public Comment Speaking Time**

With the exception of prescribed times in the Rules of Procedure for public hearings, the amount of time for each speaker during public comment is limited to two minutes maximum and that speakers can only address an agenda item once. Yielding of time to other speakers is not permitted for regular meetings of the City Council.

Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the meeting adjourns. Each speaker shall have two minutes. The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.

**APPENDIX D. TEMPORARY RULES REGARDING POLICY COMMITTEES AND LEGISLATIVE WORKFLOW DURING THE COVID-19 LOCAL EMERGENCY**

To support staff, councilmembers, and members of the public in their focused work to address the COVID-19 pandemic; manage health, mental health, and economic impacts; and navigate the complexities of reopening after more than a year of shelter-in-place, these temporary rules limiting Policy Committee and City Council consideration of new significant legislation are hereby adopted.

- 1) Except as provided below, “new significant legislation” is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.
- 2) New significant legislation originating from the Council, Commissions, or Staff and relating to the City’s COVID-19 response, including but not limited to health and economic impacts of the pandemic or recovery, the City Budget process or other essential City processes or business will be allowed to move forward, as well as smaller, less impactful and time sensitive items.
- 3) New significant legislation not related to the City’s COVID-19 response may be submitted to the Agenda process to be referred to the appropriate Policy Committee but will be placed on the unscheduled items list, and timelines will be tolled for the duration of these temporary rules.
- 4) Councilmembers, Commission Chairs/representatives, and Staff may request reconsideration of Agenda Committee determinations regarding significance/impacts, time sensitivity and/or relevance to COVID-19 response and recovery of proposed legislation.
- 5) Policy Committees may take up items referred previous to adoption of these temporary rules or may place them on the unscheduled list where timelines will be tolled. Reconsideration of a determination to place an item on the unscheduled calendar may be requested by the author on the same basis as a reconsideration by the Agenda Committee. Policy Committees are asked to prioritize pending items related to the city’s COVID-19 response and recovery, the City budget process or other essential or time sensitive business. When a Policy Committee has no active items the Committee will not meet.
- 6) The Agenda & Rules and Budget & Finance Policy Committees will continue to meet to carry out their essential agenda setting and budget policy making roles; other legislation before these committees may be placed on the unscheduled calendar where timelines will be automatically tolled for the duration that this policy is in place.
- 7) Any outstanding items voted out of Policy Committee should include staffing and budgetary needs and a budget referral. Implementation of new ordinances, programs or policies may be deferred for the duration of these temporary rules and/or if resources are not identified and allocated.

- 8) These temporary measures will expire at the end of the declared local COVID-19 state of emergency or at an earlier date as determined by the City Council.
- 9) When Policy Committees are reopened by the full City Council, items pending before the Committee will be prioritized by vote of the members of each Committee, in an order that takes into account and balances (i) the amount of time items have been pending before the Committee, (ii) the time sensitivity of the issues/topics raised by the legislation, and (iii) a fair distribution of items from all Councilmembers within the queue.



Office of the City Manager

## INFORMATION CALENDAR

July 27, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Referral Response: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing

### INTRODUCTION

The City of Berkeley continues to support the Berkeley Unified School District's (BUSD) efforts to develop affordable and workforce housing for its educators and employees. This report provides an overview of actions taken thus far as well as future actions scheduled for Council's consideration.

### CURRENT SITUATION AND ITS EFFECTS

This report responds to referral #PRJ0013215 that originally appeared on the agenda of the September 27, 2016 Council meeting and was sponsored by Councilmembers Kriss Worthington and Darryl Moore (Attachment 1).

On November 13, 2018, Staff submitted a separate referral response to investigate the feasibility of developing workforce housing, in conjunction with BUSD, for teachers and employees. This report was supported by a study from the UC Berkeley Center of Cities and Schools on the feasibility of school district employee housing for BUSD.

On February 26, 2019, Superintendent Donald Evans and School Board Director Julie Sinai sent a letter to the City Council requesting a \$150,000 planning grant, an amendment to the Housing Trust Fund Guidelines to accommodate 120% Area Median Income (AMI) households, and a pledge to identify future financial resources for a BUSD-sponsored housing development (Attachment 2). The BUSD proposed to partner with the City on this development to create 100 units or more units of affordable educator workforce housing by Spring 2022.

On April 30, 2019, Council authorized \$150,000 of Measure U1 revenue for a planning and pre-development grant for BUSD teacher/workforce housing. BUSD executed a contract to draw these funds in April 2021. BUSD staff submitted all materials needed to satisfy conditions for the release of funds and, at the time of the writing of this report in May 2021, are scheduled to receive the full \$150,000 request by June 2021.

In December 2019, City Council reserved \$15.432 million of the second tranche of Measure O bond funds for Maudelle Miller Shirek Community (2001 Ashby) and established a priority for a BUSD-sponsored educator housing project for the remaining funds in that issuance. Council authorized releasing a Notice of Funding Availability (NOFA) dedicated to BUSD-sponsored educator housing in April 2021.

On May 25, 2021, the City released a NOFA to fund affordable educator housing developments that are sponsored by BUSD and meet certain criteria in the City's HTF Guidelines. Staff estimate approximately \$24.5 million will be available through this NOFA. Educator housing will serve school district employees including classified staff, certificated teachers, and other administrative support staff.

City Council voted to allow proposals serving households earning up to 120% AMI for this NOFA. BUSD is encouraged to propose deeper affordability, if feasible.

Facilitating the local implementation of SB 1413 and expediting the development of educator and school district employee housing is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members.

#### BACKGROUND

SB 1413 allows school districts to establish and implement programs that address the housing needs of teachers and school district employees who face challenges in securing affordable housing. To the extent feasible, school districts may establish and implement programs that do the following:

- a) Leverage federal, state, and local public, private, and nonprofit programs and fiscal resources available to housing developers.
- b) Promote public and private partnerships.
- c) Foster innovative financing opportunities.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Providing infill affordable and/or workforce housing is generally considered a more sustainable type of development. At a minimum, staff will ensure a new housing development will include all-electric equipment, systems, and appliances (in accordance with the Natural Gas Prohibition) and maximize energy-efficient design elements. Enabling BUSD employees to live closer to the schools they serve will mitigate greenhouse gas emissions from driving commuters.

#### POSSIBLE FUTURE ACTION

Council may consider authorizing any projects proposed by BUSD and their selected development partners in response to the May 2021 NOFA. Council may consider coordinating with BUSD to support them in future bond initiatives for educator housing as allowed by SB 1413.



FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Reserving Measure O funds for a BUSD project would enable financing for new construction affordable housing consistent with bond requirements. Units dedicated to incomes above 60% AMI do not typically qualify for Low Income Housing Tax Credits (LIHTC), the primary funding source for the majority of HTF-funded affordable housing developments. Serving these income levels may require a greater financial commitment by the City comparatively to other HTF projects.

CONTACT PERSON

Mike Uberti, Community Development Project Coordinator, HHCS, (510) 981-5114

Attachments:

- 1: Original Referral Report from September 27, 2016
- 2: February 2019 Request from the Berkeley Unified School District



# Kriss Worthington

Councilmember, City of Berkeley, District 7  
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kworthington@ci.berkeley.ca.us

CONSENT CALENDAR  
September 27, 2016

To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington  
Councilmember Darryl Moore

Subject: City Manager Referral: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing

RECOMMENDATION:

Refer to the City Manager to work with the Planning Department to facilitate the local implementation of Senate Bill 1413 in an effort to expedite the development of housing for teacher and school employees in Berkeley.

BACKGROUND:

SB 1413 by California State Senator Mark Leno is legislation intended to help public school employees afford to live and work in cities, like Berkeley, that have high rents. SB 1413 recently passed both house of the California Legislature and is expected to be signed in to law by Governor Jerry Brown.

Developing new affordable housing that is specific to teacher and public school employees is an innovative measure that is designed to help stabilize housing for public school employees.

According to SB 1413, "A growing trend driving teacher turnover is the steadily increasing cost of housing in certain markets. In addition to the negative emotional and developmental impacts teacher turnover has on students, the costs borne by school districts to recruit, hire, and train new teachers each summer is immense. In San Francisco alone, during the summer of 2015, the school district had to recruit, hire, and train 700 new teachers. Many cited housing costs as the reason why the teacher was leaving the school district."

Facilitating a process for a speedy implementation of the law will assist teachers and other school employees with the opportunity to live in our City. We want to encourage partnership that expedite the development of housing as a result of SB 1413

For more information:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1413](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1413)

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington      510-981-7170



2020 Bonar Street, Berkeley, CA 94702  
 (510) 644-6206 Fax: (510) 540-5358  
 donaldevans@berkeley.net  
 Donald Evans, Ed. D.  
 Superintendent

February 26, 2019

*Dear Mayor Arreguín and Honorable Members of the Berkeley City Council:*

*On behalf of the Berkeley Unified School District (“BUSD”), with more than 1,200 employees, and almost 10,000 students, the Berkeley School Board would like to thank you for your unanimous decision to place Measure O on the November 2018 ballot. That measure—which passed with over 77% of the vote—enables the City “to issue \$135 million in bonds to create and preserve affordable housing for low-income households, working families, and individuals including teachers.”*

*The success of Measure O was due in no small part to its explicit inclusion of funding affordable housing for teachers. The explicit support of housing for teachers was in part why the Berkeley School Board unanimously supported Measure O, and it was why the Berkeley Federation of Teachers supported and actively campaigned for Measure O.*

*To address this housing crisis, the Board held its third Work Session on February 6<sup>th</sup>, which focused on Educator Workforce Housing on District property. I am pleased to report to you that the Berkeley School Board unanimously voted to move forward. We specifically decided the following:*

- Designate Director Julie Sinai and Superintendent Evans (or designee) to establish communication with the City, and to investigate sites, financing models and timelines and report back to the Board at its April 10, 2019 meeting.*
- Submit a letter to the Mayor and Council requesting Measure O support for educator workforce housing, as articulated in the measure, by expanding income eligibility to include up to 120% AMI.*
- Design a process to narrow the BUSD opportunity sites.*
- Engage the City in exploring a partnership to develop workforce housing for district staff - including but not limited to, financing from Measure O, timelines, and planning for site selection.*

*With the above direction, we respectfully recommend the Berkeley City Council consider the following:*

- 1. Amend the Housing Trust Fund and other relevant City of Berkeley housing policies to foster workforce housing for educators by expanding income eligibility to include up to 120% AMI.*
- 2. Support BUSD with an allocation of \$150,000 from Measure U1 or other appropriate sources for a planning and pre-development grant to conduct planning and pre-development work, including site analysis and selection, design and engage in a transparent public process, and to refine a timeline for project development.*
- 3. Work with the District to identify possible financing opportunities for capital development, including but not limited to, U1, Measure O, Developer Fees, and/or County or State sources.*

*Background:*

*The need for teacher housing, as well as housing for our classified employees, is urgent and is well documented. BUSD recently contracted with the Center for City and Schools at UC Berkeley to help conduct a housing survey of all district employees, certificated and classified employees. Over 800 employees responded, which corresponds to over 60% of all district employees. The survey results*

*make clear that the current affordability crisis is creating significant housing security pressures on BUSD employees. In fact, over half of the households for District employees who rent are “cost burdened” (i.e., they spend more than 30% of their family income on rent) and 20% are “severely cost burdened” (i.e., they spend more than 50% of their family income on rent). Additionally, 78% of District employees who are not homeowners experience financial pressures due to high housing costs, which impacts their ability to stay with BUSD long-term. Combined with the financial burden, the survey showed social and physical health issues related to a significant number of BUSD employees driving long distances to get to Berkeley. These long commutes are resulting in increased health and wellness burdens, and reduced student and community engagement. One of the key statistics that the School Board and District Administration are grappling with is the fact that of District employees who don’t own their own homes, 78% indicated that housing insecurity is impacting their ability to stay with BUSD long-term. Not surprisingly, then, there is significant interest among District employees in workforce housing.*

*Income Eligibility:*

*We recognize that for Measure O to fund housing for teachers, as described in the Measure, it must expand income-eligibility from household income of 60% of AMI or below to up to 120% of AMI for Workforce Housing. The income level for the vast majority of District teachers is higher than 60% of AMI; yet, as the results from the survey show, they still cannot afford to live in or near the community in which they teach.*

*The Berkeley School Board respectfully requests that the City Council explicitly allow the use of Measure O funds to finance affordable housing for District educators (teachers and classified staff) through income-eligible units at up to 120% AMI.*

*Financing:*

*At our work session, we discussed the financial building blocks needed to actualize educator workforce housing. With the contribution of land by BUSD, the ability to attract tax credits due to favorable State of California Laws (the Leno Law), and the fact that educators are working middle class and can pay rent, the core elements of financing are in sight. However, there will be a missing funding gap that must be filled in order to ensure that our educator housing is available to all levels of BUSD educators today and into the future.*

*Site Selection:*

*In 2016-2017, the District commissioned a study to identify District owned opportunity sites that could accommodate housing. While the initial study identified four potential sites, it was only a preliminary inquiry and did not provide the Board with the information needed to narrow the sites. To conduct the necessary planning and public input process, the District needs Planning and Pre-development funds as soon as possible.*

*Timing:*

*At this time, the District’s capital budget does not include housing development as an allowable use of funds, and the Board is in the process of making \$2 million in reductions of our General Fund due to inadequate State funding for public education and increasing costs. Once we get the planning stage compete, the Board can narrow the sites and select a transparent process to move forward with design and financing strategies.*

*We are seeking a partnership with the City. With the possibility of District land combined with feasible financing, together, we have the opportunity to provide 100 or more units of affordable educator workforce housing. We hope that the Council will seek avenues to secure funding in the first phase of Measure O bonds and/or other appropriate funding source such as U1, to support planning, predevelopment and development of educator housing.*

*Once the Board approves the site selection, we intend to move quickly to prepare a proposal for funding with the intention of completing a meaningfully educator (teachers and staff) workforce housing development by Spring 2022. Given the scale of our intended project, and the funding that can be secured outside of the City, providing the "gap" funding will allow the City to leverage the public financing tool available while meeting the ballot commitment in an efficient way. We look forward to partnering with you to make this a reality.*

Sincerely,



Donald Evans, Ed.D  
Superintendent



Julie Sinai  
School Board Director

CC: Dee Williams, City Manager



Landmarks Preservation Commission

## INFORMATION CALENDAR

July 27, 2021

To: Honorable Mayor and Members of the City Council  
 From: Landmarks Preservation Commission (LPC)  
 Submitted by: Christopher Adams, LPC Chairperson  
 Subject: Annual Report on Landmarks Preservation Commission Actions

### INTRODUCTION

LPC has prepared a report on its activities during the period June 2020 through May 2021; see Attachment 1, "Annual Report on Landmarks Preservation Commission Actions." Reports on the Commission's activities are required on an annual basis, in accordance with Berkeley Municipal Code Chapter 3.24.090 - *Annual Report Required*.

### CURRENT SITUATION AND ITS EFFECTS

On June 3, 2021, the Commission voted to adopt the attached report and to forward it to City Council; Vote: 7-0-1-0 (one vacancy); Yes: Adams, Enchill, Johnson, Crandall, Montgomery, Schwartz, Twu; No: none; Abstain: Finacom; Absent: none.

### BACKGROUND

Staff prepared a draft report summarizing LPC's action and then presented it for the Commission's consideration at their meeting on June 3, 2021. The Commission received the report favorably and voted to adopt it and to forward it to City Council in accordance with the BMC requirement.

The Commission held a total of 11 meetings during this reporting period, all occurred via video conferencing in compliance with City's measures to socially distance in order to curtail the spread of the COVID-19 virus. Commissioners adapted quickly to the remote meeting format and LPC successfully carried on with their responsibilities.

Among numerous accomplishments, the Commission:

- Designated three properties as City Landmarks.
- Granted ten Structural Alteration Permits for existing properties on the City's register of historic properties.
- Studied and then recommended City Council approval of Mills Act contracts for repair and rehabilitation of two City Landmark residences.
- Considered 12 demolition referrals from the Zoning Adjustments Board.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Historic preservation practices encourage the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The LPC will continue to submit an annual report on its activities in accordance with the BMC requirement.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no fiscal impacts associated with this reporting activity.

CONTACT PERSON

Fatema Crane, LPC Secretary, 510-981-7413

Attachments:

1: Annual Report of Landmarks Preservation Commission (LPC) Activities





L A N D M A R K S  
 P R E S E R V A T I O N  
 C O M M I S S I O N

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R E P O R T T O C I T Y C O U N C I L

**Annual Report on  
 Landmarks Preservation Commission (LPC)  
 Actions**

Reporting Period: June 2020 through May 2021  
 Due Date: June 30, 2021

Presented to City Council  
 By the LPC Secretary  
 On behalf of the LPC Chairperson and the Commission  
 In accordance with Berkeley Municipal Code Section 3.24.090

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| Part 4:                  | Discussions Held                                               |
| Part 5:                  | Presentations Received                                         |

**Part 1: Introduction**

In accordance with Berkeley Municipal Code Section 3.24.090, the LPC shall report its actions to City Council on an annual basis. The report must arrive not later than June 30 of each year.

Herein City Council will find summaries of all LPC activities for the current reporting period. The summary lists are arranged in categories reflecting LPC’s compulsory duties, such as public meetings and quasi-judicial reviews, as well as other efforts that further cultural resource preservation in Berkeley.

**Part 2: LPC Meetings Held – via video conferencing only**

| Meeting Body                                                                                    | Date                                            |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Landmarks Preservation Commission (LPC)                                                         | June 4, 2020                                    |
|                                                                                                 | July 2, 2020                                    |
|                                                                                                 | August 6, 2020                                  |
|                                                                                                 | September 3, 2020                               |
|                                                                                                 | October 1, 2020                                 |
|                                                                                                 | November 5, 2020                                |
|                                                                                                 | December 3, 2020                                |
|                                                                                                 | January 7, 2021                                 |
|                                                                                                 | <del>February 4, 2021</del><br><i>Cancelled</i> |
|                                                                                                 | March 4, 2021                                   |
|                                                                                                 | April 1, 2021                                   |
| May 6, 2021                                                                                     |                                                 |
| LPC Ad Hoc Subcommittee:<br>2019 Blake Street Demolition Advisory                               | August 21, 2020                                 |
| LPC Ad Hoc Subcommittee:<br>Acheson Commons Development Project<br>Structural Alteration Permit | April 6-9, 2021                                 |

**Part 3: LPC Regulatory Actions**

| Activity                                                                                         | Property Address              | Application Number | Action Date       |
|--------------------------------------------------------------------------------------------------|-------------------------------|--------------------|-------------------|
| Landmark & Structure of Merit Designations<br>BMC Section 3.24.150                               | 2328 Channing Way             | #LMIN2020-0001     | July 2, 2020      |
|                                                                                                  | 1915 Berryman Street (denied) | #LMIN2020-0003     | August 6, 2020    |
|                                                                                                  | 2136-2154 San Pablo Avenue    | #LMIN2020-0004     | October 1, 2020   |
|                                                                                                  | 1 Orchard Lane                | #LMIN2020-0006     | December 3, 2020  |
| Landmark or Structure of Merit Designation --initiated and still pending<br>BMC Section 3.24.120 | 2300 Ellsworth Street         | #LMIN2020-0002     | June 4, 2020      |
|                                                                                                  | 2939 Dwight Way               | #LMIN2020-0007     | October 1, 2020   |
|                                                                                                  | 2601 Derby Street             | #LMIN2020-0005     | November 5, 2020  |
|                                                                                                  | 1325 Arch Street              | #LMIN2020-0008     | December 3, 2020  |
| Structural Alteration Permits<br>BMC Section 3.24.240                                            | 1120 Second Street            | #LMSAP2019-0007    | June 4, 2020      |
|                                                                                                  | 1120 Second Street            | #LMSAP2019-0008    | June 4, 2020      |
|                                                                                                  | 41 San Diego Road\Hinkel Park | #LMSAP2020-0002    | June 4, 2020      |
|                                                                                                  | 2277 Shattuck Avenue          | #LMSAP2020-0001    | September 3, 2020 |
|                                                                                                  | 2470 Telegraph Avenue         | #LMSAP2019-0003    | December 3, 2020  |
| Use Permit Demolition Referrals<br>BMC 23C.08.050                                                | 1212 San Pablo Avenue         | #ZP2019-0192       | July 2, 2020      |
|                                                                                                  | 1214 San Pablo Avenue         |                    |                   |
|                                                                                                  | 2015 Blake Street             | #ZP2020-0072       | August 6, 2020    |
|                                                                                                  | 2019 Blake Street             |                    |                   |
|                                                                                                  | 1207 Tenth Street             | #ZP2020-0046       | August 6, 2020    |
|                                                                                                  | 2136-2154 San Pablo Avenue    | #ZP2019-0179       | October 1, 2020   |
|                                                                                                  | 2210 Harold Way               | #ZP2020-0011       | October 1, 2020   |
|                                                                                                  | 3031 Telegraph Avenue         | #ZP2020-0069       | November 5, 2020  |
|                                                                                                  | 2317 Channing Way             | #ZP2020-0090       | November 5, 2020  |
|                                                                                                  | 2000 University Avenue        | #ZP2020-0134       | March 4, 2021     |
|                                                                                                  | 2001 Milvia Street            |                    |                   |
| 1634 San Pablo Avenue                                                                            | #ZP2021-0008                  | March 4, 2021      |                   |
| Mill Act Contract Applications<br>City Council Resolution 59,355                                 | 1 Orchard Lane                | #LMMA2020-0001     | December 3, 2020  |
|                                                                                                  | 1581 Le Roy Avenue            | #LMMA2019-0004     | December 3, 2020  |
| Section 106 Referrals<br>National Preservation Act                                               | 1740 San Pablo Avenue         | -                  | August 6, 2020    |
|                                                                                                  | 2001 Ashby Avenue             | -                  | January 7, 2021   |
|                                                                                                  | 2527 San Pablo Avenue         | -                  | March 4, 2021     |
| Design Review Referrals<br>BMC 23E.12.020.B                                                      | 2246 Fifth Street             | #DRSL2021-0001     | April 1, 2021     |

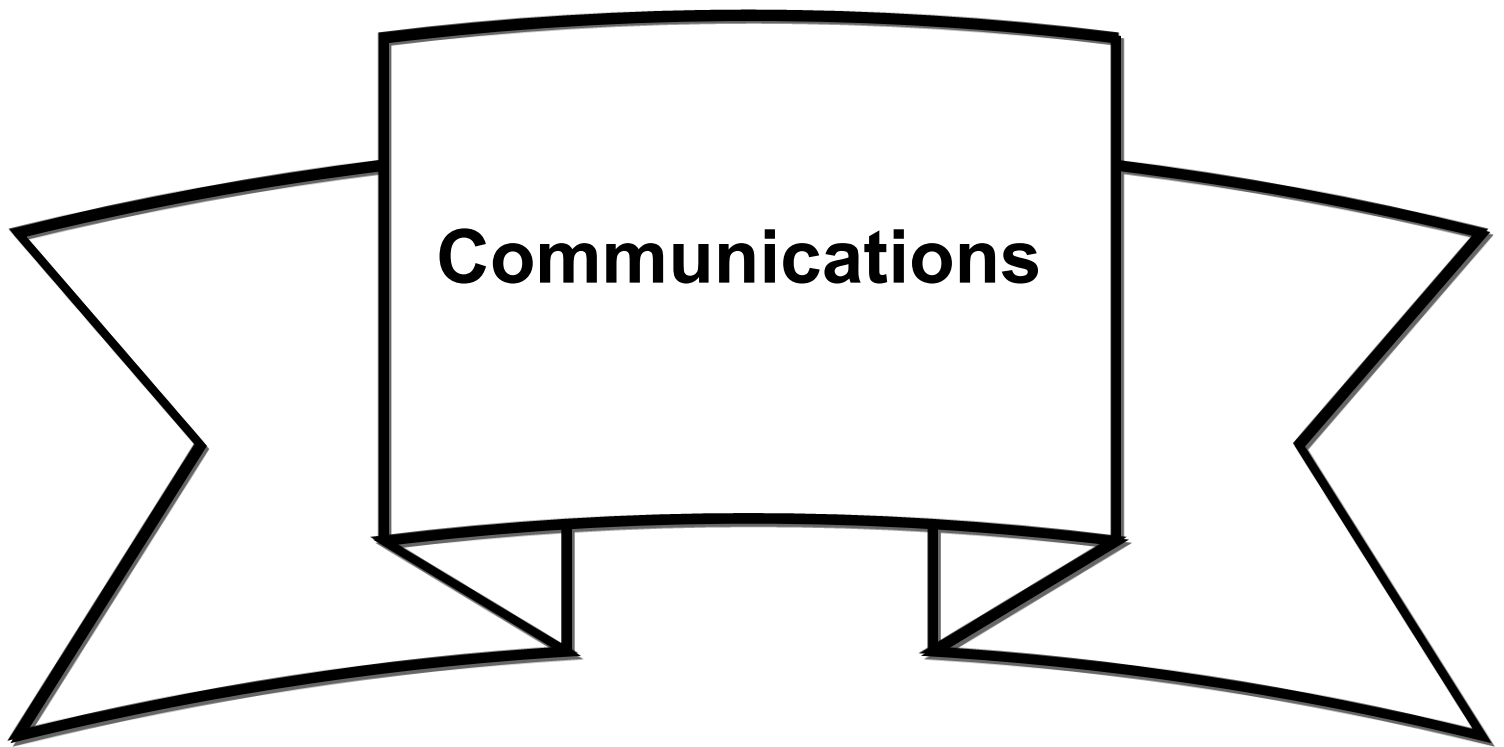
**Part 4: LPC Agenda Discussions Held**

| <b>Topic</b>                                                                                                | <b>Discussion</b>                                                                                                                            | <b>Outcome</b>                                   | <b>Date(s)</b>                      |
|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------|
| Notice of Preparation of Draft Environmental Impact Report (DEIR) for Southside Zoning Ordinance Amendments | Received presentation from City staff.                                                                                                       | Submitted comments for the City's consideration. | August 6, 2020<br>September 3, 2020 |
| Archaeological Resources and Native Cultural Heritage in Berkeley Discussion                                | Received a Commissioner memorandum and discussed possible future action(s).                                                                  | Awaiting further information.                    | December 3, 2020<br>January 7, 2021 |
| UC Long Range Development Plan and DEIR                                                                     | Discussed UC LRDP and Draft EIR and authorized Chair to draft a letter to UC on behalf of the Commission.                                    | Submitted comments for the UC's consideration.   | April 1, 2021                       |
| Certified Local Government (CLG) Annual Report to the State Historic Preservation Office                    | Reviewed draft report and provided advisory comments as part of the City's CLG reporting requirements.                                       | Submitted requisite report.                      | April 1, 2021                       |
| City Council Resolution 69,737 to End Exclusionary Zoning in Berkeley                                       | Discussed City Council Resolution declaring the intention to allow multifamily zoning in neighborhoods throughout Berkeley by December 2022. | Awaiting further discussion.                     | April 1, 2021<br>May 6, 2021        |
| Pending Revisions to Landmarks Preservation Ordinance BMC Section 3.24.110                                  | Considered and advised staff on possible technical revisions to the text of BMC Section 3.24.110.A.1.a-b.                                    | Provided comments for staff's consideration.     | May 6, 2021                         |

**Part 5: LPC Agenda Presentations Received**

| Topic                                                                    | Presenter                                                                                                                                 | Date             |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Berkeley's Civic Center Vision and Implementation Plan                   | City's Office of Economic Development staff presented information on the status of the plan and public process.                           | October 1, 2020  |
| Measure T-1 Infrastructure Program Phase 2 Information Report            | City's Parks, Recreation & Waterfront Director provided an update on progress of Measure T1 Program.                                      | November 5, 2020 |
| University California Long Range Development Plan (UC LRDP) Presentation | UC staff presented the draft LRDP, including information about two proposed housing projects on City Landmark properties.                 | November 5, 2020 |
|                                                                          | Berkeley Architectural Heritage Association made a presentation regarding the UC LRDP and its anticipated impacts to City Landmark sites. |                  |





All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF