



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING**

BERKELEY CITY COUNCIL SPECIAL MEETING

MONDAY, JULY 1, 2019

2:30 P.M.

2180 Milvia Street, 6th Floor – Redwood Room

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

AGENDA

Roll Call

Public Comment

Review of Agendas

1. **Approval of Minutes: June 24, 2019**
2. **Review and Approve Draft Agendas:**
 - a. 7/16/19 – 6:00 p.m. Regular City Council Meeting
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
4. **Adjournments In Memory Of**

Scheduling

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

Referred Items for Review

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

8. Discussion and Direction Regarding Revisions to the City Council Rules of Procedure and Order

From: City Manager

Contact: Mark Numainville, City Clerk

Items for Future Agendas

- **Discussion of items to be added to future agendas**

Adjournment – Next Meeting Monday, July 8, 2019

~~~~~

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

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

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

*The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

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

*This is a meeting of the Berkeley City Council Agenda Committee. Since a quorum of the Berkeley City Council may actually be present to discuss matters with the Council Agenda Committee, this meeting is being noticed as a special meeting of the Berkeley City Council as well as a Council Agenda Committee meeting.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting. After the deadline for submission, residents must provide 10 copies of written communications to the City Clerk at the time of the meeting.*

*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, 981-6900.*



**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 27, 2019.

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

Mark Numainville, City Clerk

**Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*



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

**BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES**

**MONDAY, JUNE 24, 2019**

**2:30 P.M.**

2180 Milvia Street, 6<sup>th</sup> Floor – Redwood Room

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

**Roll Call:** 2:34 p.m. All present.

**Public Comment:** 3 speakers.

**Review of Agendas**

**1. Approval of Minutes: June 10, 2019**

**Action:** M/S/C (Wengraf/Harrison) to approve the minutes of 6/10/19.

**Vote:** All Ayes.

**2. Review and Approve Draft Agendas:**

a. 7/9/19 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Wengraf/Harrison) to approve the 7/9/19 agenda with the changes noted below.

**Vote:** All Ayes.

- *Item Added – City Sponsored Protest (Kesarwani) – Councilmember Harrison added as a co-sponsor*
- *Item 9 1281 University Avenue (HAC) – Scheduled for September 10, 2019*
- *Item 10 Support AB 392 (Davila) – Councilmember Harrison and Mayor Arreguin added as co-sponsors*
- *Item 11 Local Construction (Bartlett) – Councilmembers Harrison and Davila added as co-sponsors*
- *Item 12 Support SB 347 (Harrison) – Mayor Arreguin and Councilmembers Bartlett and Davila added as co-sponsors*
- *Item 13 Oppose SB 386 (Robinson) – Councilmember Harrison added as a co-sponsor*
- *Item 14 Support SB 14 (Robinson) – Councilmember Bartlett added as a co-sponsor*

Policy Committee Track Items

- Item 19 Affordable Housing Framework (Arreguin) – revised item submitted; scheduled for July 9 Action Calendar
- Item 20 Cannabis Event (Bartlett) – referred to the Health, Life Enrichment, Equity & Community Committee

Order of the Action Calendar

- Item 15 Equal Pay
- Item 16 Restraint Devices
- Item 17 Responsible Investment
- Item 20 Affordable Housing Framework
- Item 18 Natural Gas Infrastructure

- 3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
  - Selected Item 19 Affordable Housing Framework
- 4. **Adjournments In Memory Of**
  - Diane Woolley-Bauer, Former Berkeley Councilmember

**Scheduling**

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

**Referred Items for Review**

- None

**Items for Future Agendas**

- Rules of Procedure Update

**Adjournment**

**Action:** M/S/C (Harrison/Wengraf) to adjourn the meeting.  
**Vote:** All Ayes.

Adjourned at 3:07 p.m.

**Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on June 24, 2019.

---

Mark Numainville, City Clerk

**DRAFT AGENDA****BERKELEY CITY COUNCIL MEETING****Tuesday, July 16, 2019****6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

*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, 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. 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 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.*

## 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.” 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: Berkeley Municipal Code Revision Related to the Use of Gender Neutral Language**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance revising the Berkeley Municipal Code to include gender-neutral pronouns by eliminating any gender preference language within the Berkeley Municipal Code and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.  
**Financial Implications:** General Fund - \$600  
Contact: Mark Numainville, City Clerk, 981-6900
- 2. Contract: Gehl Studio for Civic Center Vision and Implementation Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$376,430, and any amendments thereto, with Gehl Studio Inc. for the Civic Center Vision and Implementation Plan (Specification No. 19-11286-C).  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, 981-7530



## Consent Calendar

- 3. Contract Amendment and Purchase Order No. 21902736 with Bellingham Inc. to Replace Additional Finger Docks at the Berkeley Marina**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend a contract and purchase order No. 21902736 with Bellingham Inc. to replace additional finger docks at the Berkeley Marina by increasing the construction contract amount by \$100,000 for a not-to-exceed amount of \$209,000, and increasing the purchase order amount by \$100,000 for a not-to-exceed amount of \$200,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 4. Lease Amendment: Police Department Substation, 841 Folger Street/3000 Seventh Street**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to the lease agreement with Sasha Shamszad for real property located at 841 Folger Street/3000 Seventh Street for the purpose of leasing office and parking space to the Berkeley Police Department Traffic and Parking Enforcement Units for the six months following approval of this amendment by the Berkeley City Council. A holding over clause in the amendment will also allow the City to continue to lease the property on a month to month basis if needed after the expiration of the six month extension.  
**Financial Implications:** See report  
Contact: Andrew Greenwood, Police, 981-5900
- 5. Updated Sewer System Management Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the update of the Sewer System Management Plan, as mandated by the State Water Resources Control Board.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
- 6. Approval and Levy of 2018 Clean Stormwater Fee in FY 2020**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2020.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300

## Council Consent Items

- 7. Letter of Support for Bernie Sanders' Proposal to Eliminate Student Debt**  
**From: Councilmember Bartlett**  
**Recommendation:** That the Mayor and Berkeley City Councilmembers support Senate Bill 806 (S.806) otherwise known as the College for All Act of 2017 and write a letter of support to Rep. Bernard Sanders and cosponsors of the bill. Senate Bill 806 would forgive over \$1.6 trillion of student loan debts, thereby releasing over 45 million Americans from student debt.  
**Financial Implications:** None  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
- 8. Support for AB 302 (Parking for Homeless Community College Students)**  
**From: Councilmembers Robinson and Kesarwani**  
**Recommendation:** Send a letter to Senator Skinner, Assemblymember Wicks, and Assemblymember Marc Berman supporting AB 302, which would include in the Education Code a requirement that community colleges provide overnight parking access to any enrolled homeless student, and request expansion of the bill to cover UCs and CSUs.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170
- 9. Support for AB 1076 (Ting) - Automatic Relief of Criminal Records**  
**From: Councilmember Robinson**  
**Recommendation:** Send a letter to Assemblymember Ting supporting AB 1076, which would make the withholding of disclosure of criminal records for certain eligible arrests and convictions automatic, instead of requiring the individual to petition the court.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

## 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 line up at the podium 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 – New Business

### 10. Annual Housing Pipeline Report

**From:** City Manager

**Recommendation:** Review and provide input on the data included in the Housing Pipeline Report.

**Financial Implications:** None

Contact: Timothy Burroughs, Planning and Development, 981-7400

## Council Action Items

### 11. Basic Criteria for Two-Week RV Permitting Process *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

**From:** Councilmembers Hahn, Bartlett, and Kesarwani

**Recommendation:** Refer to the City Manager to develop a two-week permit and system for recreational vehicle (RV) parking based on recommendations from the Health, Life Enrichment, Equity & Community Committee.

**Financial Implications:** Staff time

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

## Action Calendar – Policy Committee Track Items

### 12. Opportunity Zone Project Guidelines for the City Manager

**From:** Councilmembers Bartlett and Harrison

**Recommendation:** That the City Council direct the City Manager to include development guidelines in any negotiations, discussions, or promotions regarding Berkeley's Opportunity Zones. Guidelines include, but are not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities. The City Manager should further incorporate these guidelines into any relevant formal document relating to projects in Opportunity Zones.

**Financial Implications:** See report

Contact: Ben Bartlett, Councilmember, District 3, 981-7130

### 13. Making Berkeley City Hall a Voting Center

**From:** Councilmember Robinson and Mayor Arreguin

**Recommendation:** Refer to the City Manager to make Berkeley City Hall a voting center for 2020 under the California Voter's Choice Act.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

## Action Calendar – Policy Committee Track Items

14. **Decriminalizing Entheogenic Plants**  
**From: Councilmembers Robinson and Davila**  
**Recommendation:** Adopt a Resolution decriminalizing Entheogenic Plants and Fungi such as mushrooms, cacti, iboga containing plants, and/or extracted combinations of plants similar to Ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines, by restricting any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of Entheogenic Plants by adults age 21 and over.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, 981-7170

## Information Reports

15. **Referral Response Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures**  
**From: City Manager**  
Contact: David Brannigan, Fire, 981-3473
16. **Community Environmental Advisory Commission 2019 Work Plan**  
**From: Community Environmental Advisory Commission**  
Contact: Viviana Garcia, Commission Secretary, 981-7460
17. **Public Works Commission Year Fiscal Year 2020 Work Plan**  
**From: Public Works Commission**  
Contact: Nisha Patel, Commission Secretary, 981-6300

## Public Comment – Items Not Listed on the Agenda

## Adjournment

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

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 or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

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

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

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

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

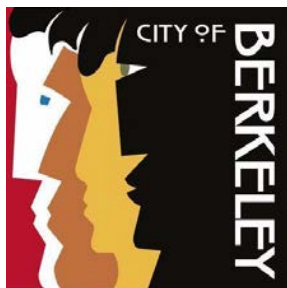
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

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



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

~~~~~

Councilmember Ben Bartlett

City of Berkeley, District
 2180 Milvia Street, 5th Floor
 Berkeley, CA 94704
 PHONE: 510-981-7130
 EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR
 July 16, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Ben Bartlett
 Subject: Letter of Support for Bernie Sanders' Proposal to Eliminate Student Debt

RECOMMENDATION

That the Mayor and Berkeley City Councilmembers support Senate Bill 806 (S.806) otherwise known as the College for All Act of 2017 and write a letter of support to Rep. Bernard Sanders and cosponsors of the bill. Senate Bill 806 would forgive over \$1.6 trillion of student loan debts, thereby releasing over 45 million Americans from student debt.

CURRENT SITUATION

The purpose of this Act is to forgive student debt that is held by 45 million Americans, including not just college debt but also private university and graduate school debt. It would be paid for by a tax on Wall Street transactions, ultimately raising over \$2 trillion over a period of 10 years. Rep. Sanders' plan would also make all four-year public universities and community colleges completely free, including tuition and fees, for everyone, no matter their income level. Rep. Sanders also proposes that the interest rates on federal student loans should be lower and that the federal government should not be making a profit on student loans.

BACKGROUND

In the 1990s student debt skyrocketed. The average student loan debt for a bachelor's degree was around \$9,000 by 1993. Just five years later in 1998 it was up to \$15,000. By 2003 it jumped to \$17,500.¹ Today the average student loan debt is about \$30,000. Over the last 20 years the total student loan debt of the country has jumped by 200%. As of 2012, this number was past \$1 trillion. There are many reasons why student debt

¹ <http://www.yourcommonwealth.org/uncategorized/a-brief-history-of-student-debt-in-the-united-states/>

has jumped in recent years, including rising tuition costs, state spending decreasing, and a generally more relaxed attitude towards lending and borrowing.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Currently there are no existing policies regarding student loan debt. In 2017 there was a proposal made by Rep. Bernard Sanders which he is re-proposing now in 2019 after it was previously shot down.

ACTIONS/ALTERNATIVES CONSIDERED

No other alternative actions considered.

RATIONALE FOR RECOMMENDATION

Students nationwide undertake thousands of dollars of debt every year in order to attain degrees to propel their lives forward. However, with the cost of college tuition rising— student loan debt has also risen exponentially. By supporting Senate Bill 806 (S.806), the Mayor and Berkeley City Councilmembers would support forgiving over \$1.6 trillion dollars of student loan debt, bolstering the economy and opening new opportunities for all.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

With the Mayor and City Council's approval, an official letter of support will be sent to Rep. Bernard Sanders and co-sponsors of Senate Bill 806.

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

OUTCOMES AND EVALUATION

By showing that the public is in support of this Senate bill, there will be a greater chance that the bill will pass, helping millions of Americans out of their debt. This will be a major step towards supporting higher education for all Americans.

CONTACT PERSON

Councilmember Ben Bartlett	510-981-7130
Nathaniel Wall	510-981-7131
James Chang	jchang@cityofberkeley.info
Fallon Funseth	510-981-7131

ATTACHMENTS

1. Letter to Rep. Bernard Sanders

Attachment 1:
June XX, 2019

The Honorable Bernard Sanders
U.S. Senate
332 Dirksen Building
Washington, D.C. 20510

Re: S. 806 (Sanders)

Dear Senator Sanders:

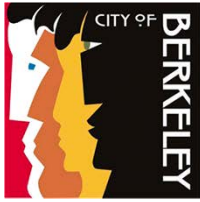
The Honorable Mayor and Members of the Berkeley City Council are pleased to support Senate Bill 806 (S. 806). S. 806 aims to rid Americans of student debt, in turn making higher education accessible and affordable for all Americans.

It is vital that the United States government eliminate student debt for all Americans. For this reason, we strongly support S. 806.

Respectfully,
The Honorable Mayor and Members of the Berkeley City Council

Jesse Arreguin
Mayor, City of Berkeley

Members of the Berkeley City Council



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 July 16, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Rigel Robinson and Rashi Kesarwani
 Subject: Support for AB 302 (Parking for Homeless Community College Students)

RECOMMENDATION

Send a letter to Senator Skinner, Assemblymember Wicks, and Assemblymember Marc Berman supporting AB 302, which would include in the Education Code a requirement that community colleges provide overnight parking access to any enrolled homeless student, and request expansion of the bill to cover UCs and CSUs.

BACKGROUND

Under the existing Education Code, if a community college has shower facilities for student use, the governing board of the community college district must grant eligible homeless students access to these facilities. Eligible homeless students must be enrolled in coursework, have paid enrollment fees, and be in good standing with the community college district.

This bill adds overnight parking access as another campus facility available for homeless students. Because it imposes additional taxes on community college districts, the state would be required to reimburse local agencies and school districts for the state-mandated costs.

In an overview of basic needs insecurity in California's public higher education system, it was found that housing takes up 43% of a community college student's budget and 30% of those students are solely responsible for their housing costs.¹ In the last year alone, 19% of community college students reported experiencing homelessness.² At Berkeley City College, 32.4% of students reported homelessness.³

To cope with this housing problem, many students are forced to live in their vehicles. This is an issue for the students seeking stability and safety as well as for neighborhood street parking and perceptions of safety. Finally, safe parking lots make it easier to

¹https://www.ccleague.org/sites/default/files/images/college-ready-hungry-and-homeless_assembly_office_of_research.pdf

²<https://hope4college.com/wp-content/uploads/2019/03/RealCollege-CCCCO-Report.pdf>

³https://www.ccleague.org/sites/default/files/images/college-ready-hungry-and-homeless_assembly_office_of_research.pdf

connect homeless students to services and housing, offering them the opportunity to move out of vehicles and into apartments.⁴

While the long-term solution is to build more housing, AB 302 is a step to ensure that right now homeless students have a safe place to sleep at night. We are also requesting that the bill be amended to extend its provisions to CSU and UC Schools as well, given that housing insecurity is a shared experience among students in higher education.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
David Lin, Intern

Attachments:

- 1: Letter of support to Senator Skinner
- 2: Letter of support to Assemblymember Wicks
- 3: Letter of support to Assemblymember Marc Berman
- 4: Bill Text - AB 302

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3

⁴ <https://www.latimes.com/local/california/la-me-lopez-safe-parking-20171224-story.html>

July 16, 2019

The Honorable Marc Berman
Member of the Assembly
State Capitol, Room 4126
Sacramento, CA 95814

Re: AB 302 (Berman) – Parking for Homeless Community College Students

Dear Assembly Member Berman:

The Berkeley City Council would like to convey its full support for AB 302.

In an overview of basic needs insecurity in California's public higher education system, it was found that housing takes up 43% of a community college student's budget and 30% of those students are solely responsible for their housing costs. In the last year alone, 19% of community college students reported experiencing homelessness. At Berkeley City College, 32.4% of students reported homelessness.

To cope with this housing problem, many students are forced to live in their vehicles. This is an issue for the students seeking stability and safety as well as for neighborhood street parking and perceptions of safety. Finally, safe parking lots make it easier to connect homeless students to services and housing, offering them the opportunity to move out of vehicles and into apartments.

While all higher education institutions in the state need to work to provide more student housing, AB 302 is a step to ensure that right now homeless students have a safe place to sleep at night. Housing insecurity is a challenge facing across all forms of higher education, not just in the Community College System. Given this critical need, we would request that the amendment for the bill to include students experiencing similar situations at California State and University institutions. Thank you for introducing this important piece of legislation.

Sincerely,

The Berkeley City Council
CC: Senator Nancy Skinner
Assemblymember Buffy Wicks



CONSENT CALENDAR
July 16, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Rigel Robinson
Subject: Support for AB 1076 (Ting) - Automatic Relief of Criminal Records

RECOMMENDATION

Send a letter to Assemblymember Ting supporting AB 1076, which would make the withholding of disclosure of criminal records for certain eligible arrests and convictions automatic, instead of requiring the individual to petition the court.

BACKGROUND

Introduced on February 21, 2019 by Assemblymember Ting, AB 1076 proposes an addition to the California Penal Code that requires the Department of Justice to automatically grant relief from criminal records to certain persons who would qualify for relief if they filed a petition or motion with a court. Given that California law already lays out the conditions under which individuals are eligible for relief, including having completed certain diversion programs, having been arrested but not charged for some crimes, or having completed time served for certain infractions, the only fundamental change that this legislation introduces is the automatic nature of the approval.

Given that the current system for filing these relief petitions can often take considerable time, cost money to pursue, and that the process can be difficult to understand and navigate, changing the process to be automatic takes the burden off individuals that are already struggling under the justice system and streamlines it into an official process. This bill would affect “380,000 people currently incarcerated for crimes or awaiting trial and the millions more eligible going back in time,” and would help to reduce socioeconomic and racial discrimination by combatting prejudice in housing and hiring policy, since arrest and incarceration rates are disproportionately higher among the African American and Hispanic communities. The bill would support the rehabilitation of numerous past offenders by removing barriers that prevent them from productively contributing to society.

Arrest and incarceration records would still be available to law enforcement and considered when applying for some public service jobs such as police work, but would not be available through background checks to other employers, landlords, or colleges. As a safeguard, the bill would require the DOJ to notify the presiding court of the automatic relief, at which point the prosecuting attorney would be allowed to file a motion blocking it and requiring the individual to go through existing petition procedures for relief instead.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Courtney Baldwin, Intern

Attachments:

1: Bill Text - AB 1076

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1076

July 24, 2019

The Honorable Phil Ting
California State Assembly
State Capital
P.O. Box 942849
Sacramento, CA 94249

RE: AB 1076, Automatic Relief of Criminal Records by Assemblymember Ting
Support from the Berkeley City Council

Dear Assemblymember Ting:

The Council of the City of Berkeley officially expresses our support on AB 1076, automatic relief of criminal records. The Council recognizes that this bill is an important step in allowing successful rehabilitation of past offenders, and in combatting racial and socioeconomic discrimination in hiring and housing decisions.

As SF D.A. Gascon recently said, “When you remove the ability for people to participate fully in their community — employment, housing, education, other activities — you marginalize them until they’re left with no hope.” The City of Berkeley agrees with this sentiment and stands by AB 1076 as a vehicle for restoring hope to California citizens and communities still facing the repercussions of past arrests that were never prosecuted, or convictions for which they have already served time.

Making criminal record relief an automatic process takes the burden off individuals that are already struggling under the justice system and streamlines it into an official process, allowing for a kinder and more equitable framework for these citizens.

The Council thanks you and your office for your leadership on this important policy topic.

Sincerely,

Berkeley City Council
CC: Senator Nancy Skinner
Assembly Member Buffy Wicks



**Health, Life Enrichment,
Equity & Community Committee**

ACTION CALENDAR

July 16, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Hahn, Bartlett, and Kesarwani
 Subject: Basic Criteria for Two-Week RV Permitting Process

RECOMMENDATION

Refer to the City Manager to develop a two-week permit and system for recreational vehicle (RV) parking based on recommendations from the Health, Life Enrichment, Equity & Community Committee.

POLICY COMMITTEE RECOMMENDATION

On June 24, 2019, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Kesarwani/Bartlett) to send basic criteria for a two-week RV permitting process to the full Council with a Positive Recommendation. Vote: All Ayes.

BACKGROUND

On March 26, 2019, the City Council referred an item to the Health, Life Enrichment, Equity & Community Committee:

To establish basic criteria for a "permanent" standard two-week permitting process.

The standard two-week permit should consider the following:

- *A limited number of permits to be issued by the City per month (or other increment).*
- *Locations to be geographically dispersed among all Council districts.*
- *A reasonable fee to cover City costs associated with the permit.*

FINANCIAL IMPLICATIONS

Staff Time

ENVIRONMENTAL SUSTAINABILITY

This recommendation supports the City of Berkeley's environmental sustainability goals.

CONTACT PERSON

Sophie Hahn, Chair (Councilmember, District 5)	510-981-7150
Ben Bartlett (Councilmember, District 3)	510-981-7130
Rashi Kesarwani (Councilmember, District 1)	510-981-7110

Attachments:

1: Proposed Basic Criteria for Two-Week RV Permitting Process, as referred on June 24, 2019, by the Health, Life Enrichment, Equity & Community Committee to the City Council

PROPOSED BASIC CRITERIA FOR 2-WEEK PERMITTING PROCESS

On March 26, the City Council referred to the Health, Life Enrichment, Equity & Community Committee to establish “basic criteria” for a “permanent” standard two-week permitting process for RV parking in the City. Following are possible recommendations for “basic criteria.”

The permit would be put forward as an exception to Section 14.49.120, which prohibits parking of “recreational vehicles” and campers between the hours of two and five am. It would not address “habitation” as the permit would be for parking the vehicle:

14.40.120 No parking between two a.m. and five a.m.

1. A. It is unlawful for any person to park any oversize or heavy duty commercial vehicle on any street between the hours of two a.m. and five a.m. for a greater length of time than one hour, except that recreational vehicles (RVs) and campers no wider than ___ feet or longer than ___ feet may park between the hours of two a.m. and five a.m., for a period of up to two weeks, subject to a permit and fee as determined by the City of Berkeley.
2. B. For the purpose of this section, oversize or heavy duty commercial vehicle shall mean a single vehicle or combination of vehicles having more than two axles, a single vehicle or combination of vehicles 20 feet or more in length, or a 1000 single vehicle or combination of vehicles six feet six inches or more in width, and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, recreational vehicles (RVs), campers. (Ord. 7643-NS § 1, 2019; Ord. 3262-NS § 10.9, 1952)

Staff would then create a permit and system for people to apply, to include the following criteria:

1. A RV or camper could park on a City of Berkeley street between two a.m. and five a.m. for one (1) period of up to two (2) weeks in every calendar year with a permit issued by the City of Berkeley to the vehicle owner.
2. The fee for such a permit would be the same as the 14-day Residential Preferential Parking (RPP) Visitor Permit (currently \$34.00).
3. The maximum number of permits issued by the City of Berkeley in any month would be 20 (total of 240 per year).
4. The RV or camper could park only in a specific RV Parking Zone, as designated by the City, geographically dispersed among areas roughly approximate to Council Districts or police “areas,” but with easy to identify borders.

5. Narrow streets (under 20 feet) and any other streets not appropriate for wide or large vehicles shall be excluded (per Fire Chief and Public Works); off-limits streets and locations should be clearly marked on a map provided to the permit holder, and on an online map.
6. The 2-week permit will be operable in RPP zones, but does not supersede other parking limitations (20 minute, 2 hour, etc.) or the need to pay for parking, when and where required. Can park in all zones – C, M and R – but only in legal spaces/areas during allowed times.
7. All RVs must not be inoperable as defined at BMC Section 12.98.010.
8. Vehicle owners must pump-out only at designated pump-out stations.
9. Vehicle owners must refrain from placing objects on sidewalks or streets (except in transit) and must dispose of any refuse at the City transfer station or 20 (per Public Works).
10. Noise will be limited to levels allowed in each Zone; no loud generators or equipment.
11. The vehicle for which the visitor permit is being obtained must not have any outstanding Berkeley parking violations older than 21 days.
12. Staff shall add enforcement provisions, as needed.
13. Upon issuance of permit, vehicle owner should receive a suite of informational materials, including city maps, events, amenities, and homeless services.



Councilmember Ben Bartlett

City of Berkeley, District
 2180 Milvia Street, 5th Floor
 Berkeley, CA 94704
 PHONE: 510-981-7130
 EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR
 July 16, 2019

To: The Honorable Mayor & Members of the City Council
 From: Councilmember Ben Bartlett and Kate Harrison
 Subject: Opportunity Zone Project Guidelines for the City Manager

RECOMMENDATION

That the City Council direct the City Manager to include development guidelines in any negotiations, discussions, or promotions regarding Berkeley's Opportunity Zones. Guidelines include, but are not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities. The City Manager should further incorporate these guidelines into any relevant formal document relating to projects in Opportunity Zones.

CURRENT SITUATION

Created by the Investing in Opportunity Act in 2017, Opportunity Zones cover census tracts in Downtown Berkeley, South Berkeley, and West Berkeley. These Opportunity Zones provide powerful investment incentives, especially before the end of 2019, while requiring no community benefit to current community members. This item therefore seeks to direct the City Manager to include guidelines which benefit community members in any discussion, negotiation, or promotion of Berkeley's Opportunity Zones.

BACKGROUND

Opportunity Funds and Opportunity Zones

The Investing in Opportunity Act of 2017 created a vehicle for individuals to invest in their communities while realizing tax savings. When an individual or corporation sells an investment which generates capital gains, that person can invest any portion of those gains into an Opportunity Fund within 180 days. Any capital gains reinvested into an Opportunity Fund will be deferred until the date the investment in the Opportunity Fund is sold, or on December 31, 2026, whichever comes first. Investments in Opportunity Funds held longer than 5 years allow taxpayers to exclude 10% of the deferred gain, those held longer than 7 years allow taxpayers to exclude a total of 15% of the deferred gain, and those held longer than 10 years allow the taxpayer to exclude the post-acquisition gain on the investment in the Funds. Opportunity Funds must invest in property, either directly or indirectly, in distressed communities designated as Opportunity Zones by the IRS¹.

Gentrification and Displacement in Opportunity Zones

¹ <https://www.congress.gov/bill/115th-congress/house-bill/1>

Opportunity Zones in Berkeley include Alameda County tract numbers 4232, 4235, 4239.01, and 4525. These areas include several blocks surrounding Shattuck Avenue from University Avenue to Ashby Avenue, several streets surrounding Adeline Street until 52nd Street (often referred to as the “Adeline Corridor”), and a rectangular area of land between south of University Avenue and Dwight Way, and 6th Street and San Pablo Avenue².

Berkeley’s Opportunity Zones, specifically in the Adeline Corridor and West Berkeley, are in areas vulnerable to, or currently undergoing, gentrification. The National Community Reinvestment Coalition (NCRC) compared Census data from 2010 with 2000 to determine Census tracts vulnerable to gentrification, including those currently gentrifying. Census tract 4240.01, the neighborhood between Sacramento Street, Ashby Avenue, Adeline Street, and Alcatraz Street in South Berkeley, was deemed gentrifying. Between 2000 and 2010 the African American population decreased by roughly one third, from 1,821 to 1,264. In Census tract 4232 in West Berkeley, the African American population nearly halved, from 1,025 in 2000 to 687 in 2010. Both Census tracts contain Opportunity Zones. Furthermore, the neighborhoods surrounding these Opportunity Zones share similar demographic shifts. African American population in Census tract 4234, north of the Opportunity Zone in the Adeline Corridor, declined almost a third from 2000 to 2010. Census tract 4005, to the East, experienced the same phenomenon over the same period. This pattern applies to almost every neighborhood surrounding the Opportunity Zone in West Berkeley³, which the UC Berkeley’s Urban Displacement Project has similarly captured as well. It currently lists tracts 4240.01 and 4234, the Opportunity Zone in the Adeline Corridor and neighborhood to its north, as experiencing “ongoing gentrification/displacement.” The Urban Displacement Project does not have sufficient data for the census tract containing the Opportunity Zone in West Berkeley⁴.

Factoring in median home value in these areas completes the story of gentrification and displacement in South Berkeley. For tract 4240.01, the NCRC listed median home value at \$365,432 in 2000 and 587,900 in 2010. For tract 4232 median home value was listed at \$342,176 in 2000 and \$588,000 in 2010⁵. More broadly, Zillow’s home value index listed the median Berkeley home at \$674,000 in June 2010; in 2018 the median was over \$1.2 million⁶. Comparing Census data from 2000 and 2010 clearly shows that areas where Opportunity Zones have been placed have experienced a flight of African American community members as property values increased dramatically. The addition of Opportunity Zones to these areas only makes them more vulnerable to continued gentrification and displacement.

Already vulnerable neighborhoods and community members have been made more so by Opportunity Zones’ powerful incentives for wealthy investors and corporations. At the

² <https://opzones.ca.gov/oz-map/>

³ <http://maps.ncrc.org/gentrificationreport/index.html>

⁴ <https://www.urbandisplacement.org/map/sf>

⁵ <http://maps.ncrc.org/gentrificationreport/index.html>

⁶ <https://www.zillow.com/berkeley-ca/home-values/>

same time, Opportunity Zones do not require any community benefit or planning into how projects impact the surrounding communities. What's more, the potential scale of Opportunity Zone investment is immense. In late 2017, the Economic Innovation Group conservatively estimated that total U.S. unrealized capital gains could exceed \$6 trillion⁷.

It is therefore imperative for City Council to direct the City Manager to include development guidelines which confer real benefits and protections to current community members in any discussion, negotiations, and promotions of Berkeley's Opportunity Zones.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Passed by the U.S. Congress, the Investing in Opportunity Act created Opportunity Funds and Opportunity Zones. Opportunity Funds invest in Opportunity Zones, which are specially-designated Census tracts that provide several tax breaks for investments made in tract properties.

When an individual sells an investment and generates capital gains, that person can invest any portion of those gains into an Opportunity Fund within 180 days. The deferred capital gains will be taxed on the date the investment in the Opportunity Fund is sold, or on December 31, 2026, whichever comes first. Opportunity Funds must invest in property in communities designated as Opportunity Zones by the IRS⁸. Investments in qualified Opportunity Funds held longer than 5 years allow taxpayers to exclude 10% of the deferred gain, those held longer than 7 years allow taxpayers to exclude a total of 15% of the deferred gain, and those held longer than 10 years allow the taxpayer to exclude the post-acquisition gain on the investment in the Funds⁹.

Such zones in Berkeley that have been qualified as Opportunity Zones by the California Department of Finance include the Alameda County tract numbers 4232, 4235, 4239.01, and 4525. These areas include several blocks surrounding Shattuck Avenue from University Avenue to Ashby Avenue, several streets surrounding Adeline Street until 52nd Street (often referred to as the "Adeline Corridor"), and a rectangular area of land between south of University Avenue and Dwight Way, and 6th Street and San Pablo Avenue¹⁰.

Of note is that the Investing in Opportunity Act makes no mention of community benefits to be gained from Opportunity Zone investments. While the tax incentives to reinvest capital gains in Opportunity Zones are quite powerful, the legislation does not mention whether resultant projects must actually benefit the community in which the project is located. This item therefore proposes that the City Council directs the City Manager to include specific guidelines for community benefit in any negotiations, discussions, and

⁷ <https://eig.org/news/opportunity-zones-tapping-6-trillion-market>

⁸ <https://www.congress.gov/bill/115th-congress/house-bill/1>

⁹ <https://fundrise.com/education/blog-posts/what-are-opportunity-zones-and-how-do-they-work>

¹⁰ <https://opzones.ca.gov/oz-map/>

promotions regarding Berkeley's Opportunity Zones to complement the Investing in Opportunity Act's oversight.

ACTIONS/ALTERNATIVES CONSIDERED

Councilmember Bartlett has also proposed a zoning overlay to cover Berkeley's Opportunity Zones which could enforce the community benefits listed in this item. Unfortunately, such an overlay must be developed by the Planning Commission and would require the Commission's time and attention. Because the most powerful investment incentives that the Opportunity Zones provide require projects to begin by the end of 2019 (to qualify for the 10-year property holding which triggers tax abatement on appreciation of the property), a zoning overlay will not be implemented before the most favorable investment conditions have expired. Therefore, this will not yield the greatest effect in protecting Berkeley community members from potential gentrification and displacement.

Councilmember Bartlett is also in the process of distributing a letter to Berkeley community members in Opportunity Zones informing them on the Investing in Opportunity Act and its implications for their properties. This item would complement those efforts by ensuring that the City Manager include community benefit guidelines when discussing or promoting Berkeley's Opportunity Zones to investors.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Community members and neighborhood groups such as the Friends of Adeline have been consulted regarding Berkeley's stance toward Opportunity Zones. These individuals and organizations will be directly affected by the Opportunity Zones, specifically around the Adeline Corridor and Ashby BART station. These external stakeholders have frequently expressed their concerns about displacement from external, top-down investment into Berkeley, as well as their desire to see community benefits from any projects that are approved by the City.

Furthermore, the development of the Adeline Corridor Specific Plan, which covers an area containing a majority of Berkeley's Opportunity Zones, engaged rigorous community outreach. Community members mentioned specific community benefits including affordable housing, supportive social services, green features, and open space to name a few. This item furthers that community input by directing the City Manager to include these community benefits in development guidelines with potential investors in Berkeley's Opportunity Zones.

RATIONALE FOR RECOMMENDATION

By directing the City Manager to include community benefit development guidelines in any negotiations and promotions regarding Berkeley's Opportunity Zones, this item attempts to complement an incomplete policy forced on the City of Berkeley by the federal government. This item does not affect how Opportunity Zones or Opportunity Funds function, where they are located, and what tax incentives they offer. Instead, it requires the City Manager to include community benefits listed above in any guidelines provided to investors in negotiations or promotions of Berkeley's Opportunity Zones.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This item directs the City Manager to incorporate project guidelines which confer community benefit into any discussion, negotiation, or promotion of Berkeley's Opportunity Zones.

ENVIRONMENTAL SUSTAINABILITY

By requiring community benefits guidelines, which include green features, in any negotiations the City Manager enters into with investors, this item ensures that resultant projects will be more environmentally friendly and sustainable. By adding these guidelines, the Opportunity Zone could yield positive environmental effects. In effect, the City of Berkeley is enhancing the possibility for Opportunity Zones to be environmentally sustainable.

FISCAL IMPACTS

The cost and staff time to require the City Manager to include community benefit development guidelines is minimal. As these guidelines have been previously established, and in line with community values, they do not affect projects already underway. Councilmember Bartlett's office understands that Opportunity Zones are an important topic to the community, and finds it necessary that the City include guidelines in any discussions, negotiations, and promotions regarding Opportunity Zones.

OUTCOMES AND EVALUATION

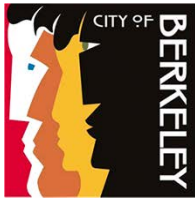
It is expected that all negotiations and discussions from the City Manager regarding Opportunity Zones include the above guidelines.

CONTACT PERSON

Councilmember Ben Bartlett:
James Chang
Matthew Napoli

510-981-7130
jchang@cityofberkeley.info
mnapoli@cityofberkeley.info

ATTACHMENTS AND MATERIALS



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 July 16, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson & Mayor Jesse Arreguin
 Subject: Making Berkeley City Hall a Voting Center

RECOMMENDATION

Refer to the City Manager to make Berkeley City Hall a voting center for 2020 under the California Voter's Choice Act.

BACKGROUND

Passed in 2016, the California Voter's Choice Act gives counties the ability to conduct elections under a new model with greater flexibility and convenience for voters. This new model centers on automatically mailing every voter a ballot, extending early in-person voting, and giving every voter the opportunity to vote at any vote center in their county. Instead of the old restrictions of neighborhood polling places, counties would have voting centers that offer all voting services at the same location. Voters would be able to register to vote on the spot, vote early in person, drop off their ballots, pick up replacement ballots, or use language assistance at this center.

While only certain counties were authorized to implement this model for 2018, beginning in January 1, 2020 all counties (except for the County of Los Angeles under certain conditions) will be authorized to implement this new election system. With its large population of university students, the City of Berkeley presents an exceptional opportunity for this new voter-centric model to let people pick what works best for them.

Implementing several dozen voting centers rather than a few hundred polling places is significantly more resource efficient in terms of employees and costs. In Sacramento County, 78 vote centers replaced 550 neighborhood polling places and saved them almost 2000 poll workers. The biggest savings came from having to maintain and update less polling equipment.

Berkeley can similarly take advantage of these savings and modernize its voting process by making Berkeley City Hall its first voting center.

FINANCIAL IMPLICATIONS

Potential savings from maintaining less voting locations and employees. Potential staff time in running the City Hall voting center.

ENVIRONMENTAL SUSTAINABILITY

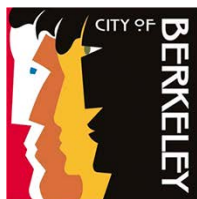
No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
David Lin, Intern

Attachments:

1: The California Voter's Choice Act (<https://elections.cdn.sos.ca.gov/vca/sb450-chaptered-legislation.pdf>)



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

ACTION CALENDAR
 July 16, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Rigel Robinson and Cheryl Davila
 Subject: Decriminalizing Entheogenic Plants

RECOMMENDATION

Adopt a Resolution decriminalizing Entheogenic Plants and Fungi such as mushrooms, cacti, iboga containing plants, and/or extracted combinations of plants similar to Ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines, by restricting any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of Entheogenic Plants by adults age 21 and over.

BACKGROUND

Currently, Psilocybe mushrooms, peyote, and other hallucinogens are classified as schedule 1 drugs in the United States. This categorization indicates that there is “no currently accepted medical use [for them] and a high potential for abuse.” However, the federal drug schedule does not align with current medical research or scientific consensus. In recent years numerous studies have provided promising evidence for the usefulness of Entheogenic Plants in treating addiction, depression, recidivism, trauma, post-traumatic stress symptoms, chronic depression, severe anxiety, end-of-life anxiety, grief, diabetes, cluster headaches, and other conditions.

Restrictions on natural psychedelics are not internationally consistent. The official position of the United Nations is that “No plants are currently controlled under the Conventions. Preparations made from plants containing those active ingredients are also not under international control... Examples of such plants or plant material include ayahuasca, a preparation made from plants indigenous to the Amazon basin of South America, mainly a jungle vine (*Banisteriopsis caapi*) and another tryptamine-rich plant (*Psychotria viridis*) containing a number of psychoactive alkaloids, including DMT; the peyote cactus (*Lophophora williamsii*), containing mescaline; *Psilocybe* mushrooms, which contain psilocybin and psilocin; and iboga (*Tabernanthe iboga*), a plant that contains ibogaine and is native to the western part of Central Africa.” Additionally, different Entheogenic plants are decriminalized or legalized in various countries, such as Brazil, Jamaica, Portugal, Gabon, New Zealand, South Africa, Mexico, Costa Rica, and the Netherlands. In particular, Portugal’s decriminalization of all drugs in 2001 decreased addiction and drug-related deaths without leading to a significant increase in drug usage, and can be used as an informative model for how to effectively treat drug issues in society (Felix, Sonia et. al).

In the U.S., Denver voters recently passed Initiative 301 decriminalizing Psilocybin-containing mushrooms, and Oakland recently passed a resolution similar to this proposal decriminalizing involvement with and usage of Entheogenic Plants. In New Mexico, the cultivation of mushrooms is not prohibited by law as a result of the 2005 court case *State v. Pratt*. Certain groups also have explicit permission to use Entheogenic Plants for ceremonial and sacramental use under the Religious Freedom Restoration Act of 1993 and various court decisions, including O Centro Espírita Beneficente União do Vegetal (ayahuasca), the Church of the Holy Light of the Queen (ayahuasca), and the Native American Church (peyote).

In October of 2018, the FDA granted breakthrough therapy designation to psilocybin, acknowledging that it shows promise for treating resistant conditions such as depression and allowing more involved study. Similarly, New York, Vermont, and Iowa have all proposed bills in the past four years allowing further research on Ibogaine as an addiction treatment, demonstrating that attitudes towards psychedelics as therapeutic medicines are evolving nationwide.

Though currently illegal in the U.S., Entheogenic Plants are increasingly showing promise in clinical research for treating myriad serious conditions. Recent research on Psilocybin for depression shows that it significantly reduces symptoms, and has promise for treating alcohol and drug addiction as well as general and end of life anxiety. Mushrooms have also historically been used to facilitate beneficial personal and spiritual growth: a John Hopkins study on neurotypical participants revealed that over 75% of the respondents considered their psilocybin experience to be among the top five most meaningful experiences of their lives. Mushrooms are also fairly low risk, with no noted addictive properties and direct overdose practically impossible, and a 2000 study by the Center for Assessment and Monitoring of New Drugs concluded that the risk to public order, individual health, and public health was low.

Other Entheogens are also showing promise for the treatment of various health issues. Ibogaine, the active ingredient in Iboga, is already used with medical supervision in countries like Mexico as an opioid addiction treatment, and a 2016 study (Brown, Thomas Kingsley and Alper, Kenneth) found that withdrawal symptoms and opioid use were significantly lessened in addicts that underwent ibogaine therapy. Ayahuasca can have profound impacts on mental outlook and hopefulness, and a 2013 study (Thomas, Gerald et. al) showed that usage significantly reduced tobacco, alcohol, and cocaine dependence as well. Peyote has been used without harm in Native American religious ceremonies for decades, and research (Halpern, John H. et. al) has shown that such usage did not result in neurophysiological impairment. Anecdotally, peyote use is associated with reduced rates of alcoholism in Native American populations, providing a promising avenue for further research into the use of peyote in treating alcohol abuse. Other promising directions for Entheogenic Plants as medicinal aids include the treatment and amelioration of cluster headaches, recidivism and intimate partner violence, diabetes, grief, and PTSD.

Unfortunately, laboratory produced compounds based on Entheogens are not yet a viable treatment for those suffering from physical and mental conditions. Furthermore, if

and when they do become available they are likely to be prohibitively expensive--synthetic psilocybin can range from \$7,000-10,000 per gram--raising concerns about access and equity for low income and uninsured populations. Decriminalizing the use, possession, cultivation, distribution, and transportation of Entheogens allows individuals rather than the pharmaceutical establishment to control their interaction with these powerful psychedelics, empowering and bonding communities as a result.

In this process, the organization Decriminalize Nature (decriminalizenature.org) has worked with Oakland, and now Berkeley, to further the movement to decriminalize natural Entheogens. Their mission is to enable every person to decide on their own how to engage with traditional Entheogenic Plants, and help restore the connection between nature, individuals, and communities in the process. It is intended that this resolution empowers Berkeley residents to be able to grow their own entheogens, share them with their community, and choose the appropriate setting for their intentions instead of having to rely exclusively on the medical establishment, which is slow to adapt and difficult to navigate for many. As this national conversation on entheogens grows, is essential to influence the debate and take a stand now for disenfranchised communities who may be left out of the dominant model by opening a way for individual and community access.

FINANCIAL IMPLICATIONS

Adoption of the resolution may slightly reduce ongoing City expenditures associated with the enforcement of criminal penalties relating to Entheogenic Plant usage by adults. Some staff time to implement the resolution.

ENVIRONMENTAL SUSTAINABILITY

Small to none, although allowing personal cultivation of peyote specifically could help to counteract its current classification as a vulnerable endangered plant, contributing to long-term ecological sustainability.

CONTACT PERSON

Councilmember Robinson, Council District 7, 510-981-7170

Courtney Baldwin, Intern for District 7, cbaldwin@cityofberkeley.info

Attachments:

1: Resolution

2: References

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

RESOLUTION SUPPORTING ENTHEOGENIC PLANT PRACTICES AND
DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS
INVOLVED WITH THE ADULT USE OF ENTHEOGENIC PLANTS ON THE FEDERAL
SCHEDULE 1 LIST BE AMONGST THE LOWEST PRIORITY FOR THE CITY OF
BERKELEY

WHEREAS, Entheogenic Plants, based on the term "entheogen", originally conceived by Ott, Ruck, and other colleagues from a working group of anthropologists and ethnobotanists in 1979; and defined herein as the full spectrum of plants, fungi, and natural materials deserving reverence and respect from the perspective of the individual and the collective, that can inspire personal and spiritual well-being¹, can benefit psychological² and physical³ wellness, and can reestablish human's inalienable and direct relationship to nature; and

WHEREAS, substance abuse⁴, addiction, recidivism⁵, trauma, post-traumatic stress symptoms, chronic depression, severe anxiety⁶, end-of-life anxiety, grief⁷, diabetes⁸, cluster headaches⁹, and other conditions are plaguing our community and that the use of Entheogenic Plants has been shown to be beneficial to the health and well-being of individuals and communities in addressing these afflictions via scientific and clinical studies and within continuing traditional practices, which can catalyze profound experiences of personal and spiritual growth; and

WHEREAS, practices with Entheogenic Plants have long existed and have been considered to be sacred to human cultures and human interrelationships with nature for thousands of years¹⁰, and continue to be enhanced and improved to this day by religious and spiritual leaders, practicing professionals, mentors, and healers throughout the world, many of whom have been forced underground; and

WHEREAS, those seeking to improve their health and well-being through the use of Entheogenic Plants use them in fear of arrest and prosecution; and

WHEREAS, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the doctrine of religious freedom -- the Native American

¹ See [Entheogens for Personal and Spiritual Growth](#)

² See [Entheogens and Psychological Wellness](#)

³ See [Entheogens and Physical Wellness](#)

⁴ See [Entheogens and Substance Abuse](#)

⁵ See [Entheogens and Recidivism](#)

⁶ See [Entheogens and Anxiety](#)

⁷ See [Entheogens and Grief](#)

⁸ See [Ayahuasca and Diabetes](#)

⁹ See [Entheogens and Cluster Headaches](#)

¹⁰ See [Historical Use of Entheogens](#)

Church's use of peyote and the use of ayahuasca by two other churches, a Santo Daime congregation and the Uniao do Vegetal; and

WHEREAS, The United Nations considers Entheogenic Plant material used for ritual purposes as excluded from Schedule 1 substances; and

WHEREAS, Entheogenic plants containing ibogaine, for example, have been shown to alleviate treatment resistant cases of opiate and methamphetamine addiction even when other treatments have been ineffective¹¹. In addition, ibogaine is reported to be beneficial for addiction therapy related to specific work-related PTSD encountered by first responders such as EMT, police, and firefighters, as well as military veterans; and

WHEREAS, Entheogenic Plants or combinations of plants such as ayahuasca that contain forms of DMT, a naturally occurring compound in the human body that is listed as a Schedule 1 substance, can lead to experiences that are reported as mystical or experientially similar to near death experiences¹² and that can be demonstrably beneficial in treating addiction¹³, depression¹⁴, PTSD¹⁵, and in catalyzing profound experiences of personal¹⁶ and spiritual¹⁷ growth; and

WHEREAS, Entheogenic cacti that contain phenethylamine compounds such as mescaline can be beneficial in healing drug and alcohol addiction¹⁸ and for individual spiritual growth¹⁹, and have been utilized in sacred initiation and community healing by diverse religious and cultural traditions for millennia and continuing use as religious sacraments in modern times; and

WHEREAS, psilocybin, naturally occurring in Entheogenic mushrooms, can alleviate end-of-life anxiety for hospice and terminal cancer patients²⁰, can reduce prison recidivism²¹, and can effectively treat substance abuse, depression²², cluster headaches²³; and

WHEREAS, a Johns Hopkins University study on "healthy-normals" found that psilocybin can occasion mystical-type experiences, which were considered one of the

¹¹ See [Iboga/Ibogaine for Addiction Therapy](#)

¹² See [Ayahuasca Experience Similar to Near-Death Experience](#)

¹³ See [Ayahuasca for Addiction Therapy](#)

¹⁴ See [Ayahuasca and Depression](#)

¹⁵ See [Ayahuasca and PTSD](#)

¹⁶ See [Ayahuasca and Personal Growth](#)

¹⁷ See [Ayahuasca and Spiritual Growth](#)

¹⁸ See [Peyote for treatment of alcohol and drug dependence](#)

¹⁹ See [Peyote](#)

²⁰ See [Psilocybin for End-of-Life Anxiety](#)

²¹ See [Entheogens and Reduced Recidivism](#)

²² See [Psilocybin and Treatment-Resistant Depression](#)

²³ See [Psilocybin and Cluster Headaches](#)

top five most meaningful experiences in a subject's life for over 75% of their subjects within the first year after the study, and found continuing positive life-style changes after a 14-month follow-up; and

WHEREAS, the following principles, when adhered to, help to ensure safe and responsible use of entheogenic plants:

1. **Entheogens are not for everyone.** Knowledgeable clinicians caution that some people should not take entheogenic plants or fungi, including people with a personal or family history of schizophrenia or bipolar disorder or who are taking certain medications or using other recreational drugs. See <https://adf.org.au/drug-facts/psychedelics/> for more information.
2. **Always conduct thorough research before using entheogens or other drugs.** Side effects, interactions, and long term consequences are possible with any drug, including but not limited to permanent brain and personality changes.
3. **If someone has a serious condition like major depression or PTSD, they would do well to get serious, professional help before using an entheogen** and to ask that caregiver's advice. Some counselors and therapists are glad to work with a client before and after an entheogenic journey.
4. **Unless you have expert guidance, it's best to start with small amounts,** using more only after you become familiar with the material and the terrain.
5. **Don't go solo.** Have at least one trusted friend (called sitter, guide, or facilitator) be with you, sober during the entire journey, and commit in advance to honor that person's instructions if he or she tells you not to do something. Entheogens can amplify the whole range of human emotions, including anxiety, which can sometimes lead to panic. Having a sitter gives you a certain comfort and mental freedom, and can help keep things safe.
6. **Reverence reduces risks and can help lead to positive outcomes.** In cultures that have long used entheogenic substances beneficially, that use is approached with great respect, not haphazardly, and for life-enhancing purposes.

; and

WHEREAS, the City of Berkeley wishes to declare its desire not to expend City resources in any investigation, detention, arrest, or prosecution arising out of alleged violations of state and federal law regarding the use of Entheogenic Plants.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Mayor and City Council hereby declare that it shall be the policy of the City of Berkeley that no department, agency, board, commission, officer or employee of the city, including without limitation, Berkeley Police Department personnel, shall use any city funds or

resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of Entheogenic Plants by adults of at least 21 years of age. For the purposes of this resolution, Entheogenic Plants are defined as plants and natural sources such as mushrooms, cacti, iboga containing plants and/or extracted combinations of plants similar to ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines.

BE IT FURTHER RESOLVED that this resolution does not authorize or enable any of the following activities: commercial sales or manufacturing of these plants and fungi, possessing or distributing these materials in schools, driving under the influence of these materials; or public disturbance.

BE IT FURTHER RESOLVED that the City Council directs the City Manager to work with the City's lobbyists to support the decriminalization of all Entheogenic Plants and plant-based compounds that are listed on the Federal Controlled Substances Schedule 1.

BE IT FURTHER RESOLVED that the City Council hereby declare that it shall be the policy of the City of Berkeley that the investigation and arrest of adult persons for planting, cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing Entheogenic Plants or plant compounds on the Federal Schedule 1 list shall be amongst the lowest law enforcement priority for the City of Berkeley.

BE IT FURTHER RESOLVED that the City Council call upon the Alameda County District Attorney to cease prosecution of persons involved in the use of Entheogenic Plants or plant-based compounds on the Federal Schedule 1 List.

BE IT FURTHER RESOLVED that the City Council directs the City Manager to return to Council and present an assessment of community impacts and benefits within a year of passage of this resolution.

BE IT FURTHER RESOLVED that if any provision of this resolution is declared by a court of competent jurisdiction to be contrary to any statute regulation or judicial decision or its applicability to any agency person or circumstances is held invalid the validity of the remainder of this resolution and its applicability to any other agency person or circumstance shall not be affected.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to Alameda County Supervisor Keith Carson, Assemblymember Buffy Wicks, State Senator Nancy Skinner, Congresswoman Barbara Lee, Senator Dianne Feinstein, and Senator Kamala Harris, and that the Berkeley City Council formally requests that they take action to decriminalize Entheogenic plants through their respective legislative bodies.

References

Brown, Thomas Kingsley and Alper, Kenneth. "Treatment of Opioid Use Disorder with Ibogaine: Detoxification and Drug Use Outcomes." *Taylor & Francis*, www.tandfonline.com/doi/full/10.1080/00952990.2017.1320802.

Felix, Sonia, et al. *Going after the Addiction, Not the Addicted: The Impact of Drug Decriminalization in Portugal*. IZA Institute of Labor Economics, July 2017, ftp.iza.org/dp10895.pdf.

Halpern, John H, et al. "Psychological and Cognitive Effects of Long-Term Peyote Use among Native Americans." *Biological Psychiatry*, U.S. National Library of Medicine, 15 Oct. 2005, www.ncbi.nlm.nih.gov/pubmed/16271313.

Thomas, Gerald, et al. "Ayahuasca-Assisted Therapy for Addiction: Results from a Preliminary Observational Study in Canada." *Maps.org*, 2013, maps.org/research-archive/ayahuasca/Thomas_et_al_CDAR.pdf.

Entheogens for Personal and Spiritual Growth

Frecska, E., et al. (2012). Enhancement of Creative Expression and Entoptic Phenomena as After-Effects of Repeated Ayahuasca Ceremonies. *Journal of Psychoactive Drugs* 44(3), pp. 191-199.

Hartogsohn, I. (2018). The Meaning-Enhancing Properties of Psychedelics and Their Mediator Role in Psychedelic Therapy, Spirituality, and Creativity. *Frontiers in Neuroscience*, 12 (129). doi:10.3389/fnins.2018.00129

MacLean, K., et al. (2011). Mystical experiences occasioned by the hallucinogen psilocybin lead to increases in the personality domain of openness. *Journal of Psychopharmacology*, 25(11) 1453–1461.

Móro, L., et al. (2011) Voice of the Psychonauts: Coping, Life Purpose, and Spirituality in Psychedelic Drug Users. *Journal of Psychoactive Drugs*, 43 (3), pp. 188-198.

DOI: 10.1080/02791072.2011.605661

Nour, M., et al. (2017): Psychedelics, Personality and Political Perspectives. *Journal of Psychoactive Drugs*. DOI:10.1080/02791072.2017.1312643

Sweat, N., et al. (2016). The Associations of Naturalistic Classic Psychedelic Use, Mystical Experience, and Creative Problem Solving. *Journal of Psychoactive Drugs*, 48 (5), pp. 344-350, DOI: 10.1080/02791072.2016.1234090

Entheogens and Psychological Wellness

Frecska E., et al., (2016). The Therapeutic Potentials of Ayahuasca: Possible Effects against Various Diseases of Civilization. *Frontiers in Pharmacology*, 7(35).

doi:10.3389/fphar.2016.00035

McKenna, D. (2004). Clinical investigations of the therapeutic potential of ayahuasca: rationale and regulatory challenges. *Pharmacology & Therapeutics* 102(2), pp. 111-129.

dos Santos, R. et al. (2017). Effects of the Natural β -Carboline Alkaloid Harmine, a Main Constituent of Ayahuasca, in Memory and in the Hippocampus: A Systematic Literature Review of Preclinical Studies. *Journal of Psychoactive Drugs*, 49 (1), pp. 1-10, DOI: 10.1080/02791072.2016.1260189

Wilcox, J. (2014). Psilocybin and Obsessive-Compulsive Disorder. *Journal of Psychoactive Drugs*, 46 (5), pp. 393-395. DOI: 10.1080/02791072.2014.963754

Entheogens and Physical Wellness

Djamshidian, A., et al. (2015). "Banisteriopsis caapi, a Forgotten Potential Therapy for Parkinson's Disease?" *Movement Disorders Clinical Practice*: n/a-n/a.

Liu, X., et al., (2017) Harmine is an inflammatory inhibitor through the suppression of NF- κ B signaling. *Biochemical and Biophysical Research Communications*, <http://dx.doi.org/10.1016/j.bbrc.2017.05.126>

Ly et al. (2018). Psychedelics Promote Structural and Functional Neural Plasticity. *Cell Reports* 23, pp. 3170–3182.

McCleary, J., et al., (1960). Antibiotic activity of an extract of peyote (*Lophophora Williamsii*). *Economic Botany*, 14(3), pp. 247-249.

dos Santos, R. (2014) Immunological Effects of Ayahuasca in Humans. *Journal of Psychoactive Drugs*, 46 (5), pp. 383-388.

Samoylenkoa, V., et al. (2010). Banisteriopsis caapi, a unique combination of MAO inhibitory and antioxidative constituents for the activities relevant to neurodegenerative disorders and Parkinson's disease. *Journal of Ethnopharmacology*, 127 (2), pp. 357–367. doi:10.1016/j.jep.2009.10.030.

Entheogens and Substance Abuse

Bogenschutz, M., et al. (2015). Psilocybin-assisted treatment for alcohol dependence: A proof-of-concept study. *Journal of Psychopharmacology* 29(3), pp. 289-299.

Bogenschutz, M., and Forcehimes, A. (2017). Development of a Psychotherapeutic Model for Psilocybin-Assisted Treatment of Alcoholism. *Journal of Humanistic Psychology*, 57(4), pp. 389–414.

Johnson, M. et al. (2017). An online survey of tobacco smoking cessation associated with naturalistic psychedelic use. *Journal of Psychopharmacology* 31 (7), pp. 841-850.

de Veen, B. (2017) Psilocybin for treating substance use disorders? *Expert Review of Neurotherapeutics*, 17 (2), pp. 203-212. DOI: 10.1080/14737175.2016.1220834

Entheogens and Recidivism

Romero, S. (March 28, 2015). In Brazil, some inmates get therapy with hallucinogenic tea. *The New York Times*.

Entheogens and Anxiety

Sarris, J., et al. (2013). "Plant-based medicines for anxiety disorders, part 2: a review of clinical studies with supporting preclinical evidence." *CNS Drugs* 27(4), pp. 301-319.

Entheogens and Grief

González, D., et al. (2017). Potential Use of Ayahuasca in Grief Therapy. *OMEGA—Journal of Death and Dying*, pp. 1-26.

Ayahuasca and Diabetes

Wang, P. et al., (2015). A high-throughput chemical screen reveals that harmine-mediated inhibition of DYRK1A increases human pancreatic beta cell replication. *Nature Medicine* 21, pp. 383–388.

Entheogens and Cluster Headaches

Schindler, E., et al. (2015) Indoleamine Hallucinogens in Cluster Headache: Results of the Clusterbusters Medication Use Survey, *Journal of Psychoactive Drugs*, 47:5, 372-381, DOI: 10.1080/02791072.2015.1107664

Historical Use of Entheogens

El-Seedi, H., et al. (2005). Prehistoric peyote use: Alkaloid analysis and radiocarbon dating of archaeological specimens of *Lophophora* from Texas. *Journal of Ethnopharmacology* 101(1), pp. 238-242.

Guzmán, G. (2008). Hallucinogenic Mushrooms in Mexico: An Overview. *Economic Botany*, 62(3), pp. 404-412.

Miller, L. et al., (2019). Chemical evidence for the use of multiple psychotropic plants in a 1,000-year-old ritual bundle from South America. *Proceedings of the National Academy of Sciences*. DOI:10.1073/pnas.190217411

Samorini, G. (1992). The Oldest Representations Of Hallucinogenic Mushrooms In The World (Sahara Desert, 9000 – 7000 B.P.). *Integration, Journal of Mind-moving Plants and Culture* 2/3.

Iboga/Ibogaine for Addiction Therapy

Alper, K., et al. (1999). Treatment of acute opioid withdrawal with ibogaine. *American*

- Journal of Addictions*, 8(3), 234–242. doi:10.1080/105504999305848
- Brown, T. K. (2013). Ibogaine in the treatment of substance dependence. *Current Drug Abuse Reviews*, 6(1), 3–16. doi:10.2174/15672050113109990001
- Brown, T. and Alper, K. (2017): Treatment of opioid use disorder with ibogaine: detoxification and drug use outcomes. *The American Journal of Drug and Alcohol Abuse*. DOI: 10.1080/00952990.2017.1320802
- Luciano, D. (1998). Observations on treatment with ibogaine. *American Journal of Addictions*, 7(1), pp. 89–89. doi:10.1111/j.1521-0391.1998.tb00472.x
- Mash, D., et al. (2001). Ibogaine in the treatment of heroin withdrawal. In K. Alper, & G. A. Cordell (Eds.), *The alkaloids: Chemistry and biology* (1st ed., Vol. 56, pp. 155–171). London: Academic Press/Elsevier.
- Mash, D., et al., (2018) Ibogaine Detoxification Transitions Opioid and Cocaine Abusers Between Dependence and Abstinence: Clinical Observations and Treatment Outcomes. *Frontiers in Pharmacology*. 9:529. doi: 10.3389/fphar.2018.00529
- Sheppard, S. G. (1994). A preliminary investigation of ibogaine: Case reports and recommendations for further study. *Journal of Substance Abuse Treatment*, 11(4), 379–385. doi:10.1016/0740-5472(94)90049-3

Ayahwasca Experience Similar to Near-Death Experience

- Liester, M. B. (2013). Near-death experiences and ayahuasca-induced experiences – two unique pathways to a phenomenologically similar state of consciousness. *Journal of Transpersonal Psychology* 45(1), p. 24.

Ayahwasca for Addiction Therapy

- Barbosa, P. et al. (2018) Assessment of Alcohol and Tobacco Use Disorders Among Religious Users of Ayahuasca. *Frontiers in Psychiatry*, 9 (136). doi:10.3389/fpsy.2018.00136
- Brierley, D., and Davidson, C. (2012). Developments in harmine pharmacology – Implications for ayahuasca use and drug-dependence treatment. *Progress in Neuro-psychopharmacology & Biology* 39(2), pp. 263-272.
- Liester, M. and Prickett, J. (2012) Hypotheses Regarding the Mechanisms of Ayahuasca in the Treatment of Addictions. *Journal of Psychoactive Drugs*, 44 (3), pp. 200-208. DOI: 10.1080/02791072.2012.704590
- Loizaga-Velder, A. and R. Verres (2014). Therapeutic effects of ritual ayahuasca use in the treatment of substance dependence--qualitative results. *Journal of Psychoactive Drugs* 46(1), pp. 63-72.
- Mabit, J., et al. (1996). Takiwasi: The Use of Amazonian Shamanism to Rehabilitate Drug Addicts. *Yearbook of Cross-Cultural Medicine and Psychotherapy*. W. Andritzky. Berlin, International Institute of Cross-Cultural Therapy Research.
- Talina, P., and Sanabriab, E. (2017). Ayahuasca's entwined efficacy: An ethnographic study of ritual healing from addiction. *International Journal of Drug Policy* 44, pp. 23–30.

Thomas, G., et al. (2013). Ayahuasca-assisted therapy for addiction: results from a preliminary observational study in Canada. *Current Drug Abuse Review* 6(1), pp. 30-42.

Ayahuasca and Depression

Anderson, B. (2012). Ayahuasca as Antidepressant? Psychedelics and Styles of Reasoning in Psychiatry. *Anthropology of Consciousness*, 23 (1), pp. 44–59.

de L. Osório, F., et al. (2015). Antidepressant effects of a single dose of ayahuasca in patients with recurrent depression: a preliminary report. *Revista Brasileira de Psiquiatria* 37(1), pp. 13-20.

Palhano-Fontes, F., et al. (2014). The Therapeutic Potentials of Ayahuasca in the Treatment of Depression. *The Therapeutic Use of Ayahuasca*. B. C. Labate and C. Cavnar, Springer: Berlin, Heidelberg, pp. 23-39.

dos Santos, R., et al. (2016). Anti-depressive, anxiolytic, and anti-addictive effects of ayahuasca, psilocybin and lysergic acid diethylamide (LSD): A systematic review of clinical trials published in the last 25 years. *Therapeutic Advances in Psychopharmacology*, 6(3), pp. 193–213. doi:10.1177/2045125316638008

Ayahuasca and PTSD

Nielson, J. and Megler, J. (2014). Ayahuasca as a Candidate Therapy for PTSD. *The Therapeutic Use of Ayahuasca*. B. C. Labate and C. Cavnar, Springer: Berlin, Heidelberg, pp. 41-58.

Ayahuasca and Personal Growth

Bouso, J. C., et al. (2012). "Personality, Psychopathology, Life Attitudes and Neuropsychological Performance among Ritual Users of Ayahuasca: A Longitudinal Study. *PLoS ONE* 7(8).

Kuypers, K., et al. (2016). Ayahuasca enhances creative divergent thinking while decreasing conventional convergent thinking. *Psychopharmacology*. DOI 10.1007/s00213-016-4377-8

Soler J., et al. (2018). Four Weekly Ayahuasca Sessions Lead to Increases in "Acceptance" Capacities: A Comparison Study With a Standard 8-Week Mindfulness Training Program. *Frontiers in Pharmacology*, 9 (224). doi: 10.3389/fphar.2018.00224

Ayahuasca and Spiritual Growth

Harris, R., and Gurel, L. (2012). A Study of Ayahuasca Use in North America. *Journal of Psychoactive Drugs* 44(3): 209-215.

Trichter, S., et al. (2009). Changes in spirituality among ayahuasca ceremony novice participants. *Journal of Psychoactive Drugs* 41(2), pp. 121-134.

Tupper, K. (2010). Entheogenic healing: The spiritual effects and therapeutic potential of ceremonial ayahuasca use. *The healing power of spirituality: How faith helps humans thrive, Volume 3*. J. H. Ellens. Santa Barbara, Praeger: pp. 269-282.

Tupper, K. W. (2002). Entheogens and Existential Intelligence: The Use of Plant Teachers as Cognitive Tools. *Canadian Journal of Education* 27(4), pp. 499-516.

Peyote for treatment of alcohol and drug dependence

Winkelman, M. (2014). Psychedelics as Medicines for Substance Abuse Rehabilitation: Evaluating Treatments with LSD, Peyote, Ibogaine and Ayahuasca. *Current Drug Abuse Reviews* 7, pp. 101-116.

Peyote

Calabrese, J. (2007). The Therapeutic Use of Peyote in the Native American Church Chapter 3 in Vol. 1 of *Psychedelic Medicine: New Evidence for Hallucinogens as Treatments*. Michael J. Winkelman and Thomas B. Roberts (editors). Westport, CT: Praeger/Greenwood.

Feeney, K. (2007). The Legal Basis for Religious Peyote Use. Chapter 13 in Vol 1 of *Psychedelic Medicine: New Evidence for Hallucinogens as Treatments*. Michael J. Winkelman and Thomas B. Roberts (editors). Westport, CT: Praeger/Greenwood.

Psilocybin for End-of-Life Anxiety

Blinderman, C. (2016). Psycho-existential distress in cancer patients: A return to entheogens. *Journal of Psychopharmacology* 30 (12), pp. 1205-1206.

Kelmendi, B., et al. (2016). The role of psychedelics in palliative care reconsidered: A case for psilocybin. *Journal of Psychopharmacology* 30(12), pp. 1212-1214.

Ross, S., et al. (2016). Rapid and sustained symptom reduction following psilocybin treatment for anxiety and depression in patients with life-threatening cancer: a randomized controlled trial. *Journal of Psychopharmacology*, 30(12), pp. 1165-1180.

Entheogens and Reduced Recidivism

Hendricks, P., et al. (2014). Hallucinogen use predicts reduced recidivism among substance-involved offenders under community corrections supervision. *Journal of Psychopharmacology* 28(1), pp. 62-66.

Walsh, Z. , et al. (2016). Hallucinogen use and intimate partner violence: Prospective evidence consistent with protective effects among men with histories of problematic substance use. *Journal of Psychopharmacology*, pp. 1-7.
DOI:10.1177/0269881116642538.

Psilocybin and Treatment-Resistant Depression

Hendricks, P., et al. (2015). Psilocybin, psychological distress, and suicidality. *Journal of Psychopharmacology*, 29(9), pp. 1041–1043.

Lyons, T. and Carhart-Harris, R. (2018). Increased nature relatedness and decreased authoritarian political views after psilocybin for treatment-resistant depression. *Journal of Psychopharmacology*, 32(7), pp. 811–819.

Psilocybin and Cluster Headaches

Schindler, E. et al., (2015) Indoleamine Hallucinogens in Cluster Headache: Results of the Clusterbusters Medication Use Survey, *Journal of Psychoactive Drugs*, 47(5), pp. 372-381. DOI:10.1080/02791072.2015.1107664



Community Environmental Advisory Commission

INFORMATION CALENDAR

July 16, 2019

To: Honorable Mayor and Members of the City Council
 From: Community Environmental Advisory Commission (CEAC)
 Submitted by: Ben Gould, Chairperson, CEAC
 Subject: Community Environmental Advisory Commission 2019 Work Plan

INTRODUCTION

The Community Environmental Advisory Commission (CEAC) is responsible for developing a plan, prioritizing strategies, and making recommendations for environmental protection, hazardous materials and reduction, with outreach to and education of the public, small businesses and industry.

The members of CEAC also consider climate adaptation and environmental justice to fall under the scope of the commission.

CEAC has historically worked on a wide range of topics. Past projects include a proposed ordinance requiring CO₂ warning labels on gas station pumps, a cigarette butt recycling receptacle pilot program in Downtown Berkeley, a community pamphlet on gardening and lead-safe practices, recommendations on mitigating stormwater and lead paint hazards, policies to address indoor air quality hazards, and more.

CEAC commissioners bring a wide range of expertise in federal, state, and local government, as well as academia, nonprofit, and private sector environmental work. These backgrounds inform CEAC's work and help it to consider diverse and equitable approaches to addressing the City's environmental challenges.

This work plan is intended to provide a guide to the work CEAC plans to take on in 2019. As additional items or issues arise, or are referred to the Commission from Council, CEAC will adjust this plan accordingly.

At its May 21, 2019 meeting, the Commission approved the 2019 Work Plan. M/S/C (Ticconi/Hetzel). Ayes: Simmons, Ticconi, Hetzel, Goldhaber, Gould. Noes: None. Absent: Varnhagen, De Leon, Gonzales. Abstained: None.

CURRENT SITUATION AND ITS EFFECTS

Currently, there are numerous City commissions dealing with a range of environmental issues. Because of the specialized expertise available on those commissions, and the

broad scope of its mission of “environmental protection”, CEAC frequently serves as a catch-all for environmental issues.

As a result, CEAC has identified the following projects as goals for 2019:

Project	Goal	Outputs	Target Date	Lead
Cigarette Butt Receptacles	Evaluate pilot program and provide recommendations	Commission report and recommendation to Council	July 2019	Varnhagen
Gas Station CO ₂ Labeling	Request Council elevate priority of item	Letter to Council	July 2019	Goldhaber
Green Stormwater Infrastructure	Work with Council and Staff to improve recommendations on GSI	Recommendation to Council	September 2019	Hetzel
Community Reporting of Pollutants	Develop a booklet on community reporting of pollutants	Booklet for distribution	June 2019	Gonzales
Vegetation & Fire Safety	Develop a booklet on fire-safe vegetation and plant management approaches	Booklet for distribution	September 2019	Simmons
Environmental Legislation Literacy	Develop strategies and guidance for enhancing community understanding of environmental legislation	TBD	December 2019	Simmons
Electric Vehicles	Request hotels and Airbnb to provide information on EV charging availability at time of booking	Draft letter for Council to send to hotels and Airbnb	June 2019	Gould

Green Open Space	Provide recommendations to Council on strategies to increase and enhance green open space in Berkeley	Recommendation to Council	December 2019	Gould
Lead Paint	Support Council and Staff in developing a robust lead paint education and enforcement program	Staff produce an interim report	December 2019	Goldhaber
Bee City	Provide recommendations to Council on strategies for supporting bee habitats in Berkeley	Recommendation to Council	July 2019	Ticconi
Bird Safety	Provide draft ordinance for Council to adopt to require bird safety practices for new construction	Recommendation to Council	May 2019	Goldhaber
Sustainable Built Environment	Provide recommendations to Council on strategies to enhance sustainability and reduce carbon footprints in the built environment	Recommendation to Council	December 2019	Gould
Departmental Coordination for Environmental Protection	Analyze City interdepartmental environmental coordination efforts, e.g. managing firefighting foam runoff, and provide an analysis and recommendations	Report for Council, the City Auditor, and the City Manager	December 2019	Hetzel

BACKGROUND

Cigarette Butt Receptacles: CEAC is evaluating the Downtown Berkeley pilot project and providing recommendations on expanding, including to other parts of Berkeley.

Gas Station CO₂ Labeling: In 2015 a referral was passed to require gas stations to label pumps with a CO₂ warning.

Green Stormwater Infrastructure: A recommendation was sent to Council in 2018. Council referred discussion to subcommittee. Staff are developing stormwater management plan.

Community Reporting of Pollutants: Creating a booklet to assist community members in reporting pollutants.

Vegetation & Fire Safety: Developing recommendations around vegetation management and fire safety.

Environmental Legislation Literacy: Developing strategies to enhance community awareness and understanding of environmental legislation.

Electric Vehicles: Researching and recommending strategies to drive EV uptake in Berkeley.

Green Open Space: Working to identify and recommend strategies to increase and enhance green open space in Berkeley, ensure it is healthy and safe to use, and provide habitat and nourishment for desirable flora and fauna.

Lead Paint: A recommendation was sent to Council in 2018. Council adopted city manager's recommendations.

Bee City: CEAC is supporting and coordinating with CalPERS students.

Bird Safety: CEAC is drafting an ordinance for Council.

Sustainable Built Environment: Researching and recommending strategies to ensure a sustainable built environment.

Departmental Coordination for Environmental Protection: CEAC is concerned that environmental protection may not be effectively trained across City departments, after firefighting foams made their way into Cordonices Creek during firefighting operations. CEAC is going to request information from City staff on existing policies, practices, and procedures and provide a report on findings regarding opportunities to ensure a culture of environmental protection exists throughout City departments.

ENVIRONMENTAL SUSTAINABILITY

The projects which CEAC is working on will improve environmental sustainability through a wide variety of methods.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Future action items that CEAC may send to City Council could require staff time to develop, finalize, and/or implement. CEAC strives to ensure proposals provide

significant net triple bottom line benefits to the City when evaluating total costs and benefits across environmental, equity, and economic impacts.

CONTACT PERSON

Ben Gould, Chair, Community Environmental Advisory Commission, 510-725-9176



Office of the City Manager

INFORMATION CALENDAR

July 16, 2019

To: Honorable Mayor and Members of the City Council

From: Public Works Commission

Submitted by: Ray Yep, Chairperson, Public Works Commission

Subject: Public Works Commission Year Fiscal Year 2020 Work Plan

INTRODUCTION

The Public Works Commission is submitting the FY (Fiscal Year) 2020 Work Plan which was adopted by the Commission on May 2, 2019.

CURRENT SITUATION AND ITS EFFECTS

In 2016, the City Council created a requirement for the submission of annual work plans by City Commissions. The Public Works Commission typically develops its Work Plan at its Special Meeting in December and has it approved in the following January or February. This year the Commission approved its Work Plan on May 2, 2019. The Commission voted to adopt the Work Plan. [Vote: 9/0/0; Ayes: Dominguez, McGrath, Krpata, Constantine, Schueler, Hitchen, Erbe, Freiberg, and Yep. Noes: None. Abstain: None. Absent: none. Motion/ Second: McGrath/ Constantine]

BACKGROUND

The Public Works Commission has used the same format for its work planning for at least the past six years. It is based on the Plan-Do-Check-Act principles, developed by Edwards Deming, to achieve continuous improvement. The Commission has also created subcommittees and selected members to work on their objectives. The subcommittees include: 1.) Street Paving, 2.) T1 Implementation, 2.) Utility Undergrounding, 3.) Watershed Management and Sanitary Sewers, and 5.) Sidewalks, Street Lighting, and Street Sweeping. The Commission Work Plan, including the subcommittees working towards the objectives, is provided as Attachment 1. The Commission works in coordination with staff to achieve the outcome objectives.

The Public Works Commission Work Plan addresses is Strategic Plan Priorities by advancing the City's goals to: 1.) provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; 2.) create a resilient, safe, connected, and prepared city; and 3.) be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

ENVIRONMENTAL SUSTAINABILITY

The Public Works Commission strives to attain sustainability and resiliency in all its work. For example, with street paving, we are working to use durable technologies and to achieve multiple benefits with our projects. In utility undergrounding, we are working to improve the City's safety during a potential urban wildland fire. With the Measure T1 program, we are working to restore our infrastructure to new efficiencies. With our watersheds, we are working to provide flood mitigation and to protect lower Codornices Creek.

POSSIBLE FUTURE ACTION

When appropriate, the Commission will send subcommittee recommendations to the City Council for action.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Staff support and attendance to the subcommittee meetings incurs an expense to the City. Providing some of the program recommendation delivery and desired analysis, such as the Phase 3 Undergrounding Report recommendation delivery, street pavement life cycle cost analysis, and long term pavement plan development will require staff to hire a consultant to assist with the work.

CONTACT PERSON

Ray Yep, Chairperson, Public Works Commission (510) 318-4894

Nisha Patel, Commission Secretary, Public Works Commission (510) 981-6406

Attachments:

1: Public Works Commission Work Plan

Berkeley Public Works Commission – FY 2020 Work Plan

Mission: The PWC advises the Council on maintenance, repair, and capital improvements of streets, sidewalks, sanitary sewers, storm drains, City buildings, communications systems, vehicles, and undergrounding of utilities.

Activity	Resources	Outputs	Outcome objective	Goals	Schedule	Subcommittee
Street Paving	Staff time to update 5-year paving plan, prepare final Measure M report, work on LCCA, and support long term paving plan development.	<ol style="list-style-type: none"> 1. Updated 5 year paving plan 2. Consult with the Transportation Commission on the Plan 3. Provide lifecycle analysis and the Bike Plan overlay analysis 4. Consider two-year bid process 5. Annual report to Council on Measure M projects 6. Report to Council on the funding sources for scheduled and completed paving projects 7. Criteria for selecting permeable pavement demo project(s) 8. Approach to preparing a long term paving plan 9. Update paving policy 	Better understanding of long lasting technologies, the applicability of LCCA to select technologies, and the funding needed to bring Berkeley's street to an average "good" level (PCI 70 – 79).	Bring Berkeley's streets to an average "good" level	Prepare an annual schedule with staff to prepare the outputs. Target to present the 5-year paving plan to Council in the fall.	Co-chairs – Ray Yep, John Hitchen Matt Freiberg, Jackie Erbe, Alt. - Sachu Constantine
T-1 Bond Program Implementation	Hold quarterly meetings with the T1 team.	<ol style="list-style-type: none"> 1. Review semi-annual reports to Council 2. Provide Phase 1 oversight 3. Plan the approach to Phase 2 project identification 	Transparency and accountability of the Phase 1 work and build community support for Phase 2.	Improved city infrastructure	12 months	Chair – Jim McGrath Ray Yep, Shane Krpata, Matt Freiberg, Alt – Margo Schueler
Utility Undergrounding	\$200k for consultant services for Phase 3 work.	<ol style="list-style-type: none"> 1. Delivery of Phase 3 recommendations 	Selection of major evacuation routes to be undergrounded and development of a financing plan.	Improved public safety and power reliability; building a more resilient city.	12 months	Co-chairs – Ray Yep, Sachu Constantine Nic Dominguez, Shane Krpata

Activity	Resources	Outputs	Outcome objective	Goals	Schedule	Subcommittee
Watershed Management and Sanitary Sewers	Staff updates	<ol style="list-style-type: none"> 1. Provide oversight to sanitary sewer progress 2. Provide comments on the maintenance of Codornices Creek 3. Provide comments on the use of foam near creeks, and the protection of fish in City creeks 	Provide oversight of the progress of sanitary sewer projects and programs required under the EPA Consent Decree.	Improved water quality to the Bay and condition of the City sanitary sewer system.	12 months	Chair – Nic Dominguez Jim McGrath, John Hitchen, Margo Schueler
Sidewalks, Street Lighting, and Street Sweeping	Staff updates	<ol style="list-style-type: none"> 1. Review staff’s update of the sidewalk program 2. Monitor street lighting needs 3. Develop a process for neighborhoods to op in/out of street sweeping 	Coordinate and update the programs on sidewalks, street lighting, and street sweeping.	Improved public engagement	TBD	Chair- Matt Freiberg Margo Schueler, and Shane Krpata

Upcoming Workshops – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
Sept. 17	<ol style="list-style-type: none"> 1. Arts and Culture Plan 2. Zero Waste Rate Review 3. Adeline Corridor Plan
Oct. 22	<ol style="list-style-type: none"> 1. Berkeley's 2020 Vision Update 2. Census 2020 Update 3. Short Term Rentals
Nov. 5	<ol style="list-style-type: none"> 1. Transfer Station Feasibility Study 2. Vision Zero Action Plan

Unscheduled Workshops
<ol style="list-style-type: none"> 1. Cannabis Health Considerations

Unscheduled Presentations
<ol style="list-style-type: none"> 1. Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council

	City Council Referrals to the Agenda Committee and Unfinished Business for Scheduling
1.	<p>61a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley <i>(Referred from the July 24, 2018 agenda)</i> From: Housing Advisory Commission Recommendation: That the City Council not use U1 funds to backfill the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley. Financial Implications: See report Contact: Amy Davidson, Commission Secretary, 981-5400</p> <p>61b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley <i>(Referred from the July 24, 2018 agenda)</i> From: City Manager Recommendation: Accept staff's recommendation to use \$4,730,815 of Measure U1 revenue over a 5 year period (\$946,163 annually) to repay the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley. Financial Implications: See report Contact: Dee Williams-Ridley, City Manager, 981-7000</p>
2.	<p>68. Revisions to Ordinance No. 7,521--N.S. in the Berkeley Municipal Code to increase compliance with the city's short-term rental ordinance <i>(Referred from the July 24, 2018 agenda. Agenda Committee to revisit in April 2019.)</i> March 18, 2019 Action: <i>Item to be agendized at future Agenda and Rules Committee Meeting pending scheduling confirmation from City Manager.</i> From: Councilmember Worthington Recommendation: Refer the City Manager to look into adopting revisions to Ordinance No. 7,521--N.S by modeling after the Home-Sharing Ordinance of the City of Santa Monica and the Residential Unit Conversion Ordinance of the City of San Francisco in order to increase compliance with city regulations on short-term rentals of unlicensed properties. Financial Implications: Minimal Contact: Kriss Worthington, Councilmember, District 7, 981-7170</p>
3.	<p>4. Disposition of City-Owned, Former Redevelopment Agency Properties at 1631 Fifth Street and 1654 Fifth Street <i>(Referred from the September 25, 2018 agenda)</i> From: City Manager Recommendation: 1. Adopt first reading of an Ordinance authorizing the sale of two City-owned, former Redevelopment Agency properties at 1631 Fifth Street and 1654 Fifth Street at market rate and deposit the proceeds in the City's Housing Trust Fund (HTF). 2. Direct the City Manager to issue a Request for Proposals to select a real estate broker to manage the sale. Financial Implications: See report Contact: Kelly Wallace, Housing and Community Services, 981-5400 Note: <i>At the June 11, 2019 meeting, Council approved a recommendation directing the City Manager to issue a Request for Proposals to select a qualified organization to purchase the single family home at 1654 Fifth Street to operate as housing for the homeless.</i></p>

<p>4.</p>	<p>17. Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley <i>(Referred from the April 2, 2019 agenda.)</i> From: Councilmember Davila Recommendation: Create a comprehensive program to support those living in their vehicles, including but not limited to RVs, to stay in Berkeley without fear of being criminalized, harassed, displaced, fined or having their vehicles confiscated, and with the support needed to have minimal impact on the neighborhoods in which they reside. The program could include: -Issuing 3-6 month permits for vehicles in running order with an option to renew if no validated complaints have been filed. -Creating a registration process that identifies any additional support needed. -Specifying a consistent, clear and transparent process for investigating complaints to determine validity and issuing warnings. -Distributing permits equally across all parking permit districts and identifying any restrictions on parking (i.e. near schools given bus access, etc.). -Creating an affordable sliding scale permit structure based on size of vehicle, weight, number of wheels, etc. -Providing pump-out services, waste disposal and social services as needed. -Creating a pump-out station for use by RVs within the City of Berkeley. -Creating a program for up to \$3,000 per a vehicle for mechanical and sanitation repairs as well as registration and offering a grace period to get vehicles into compliance for a permit. -Piloting a Safe Parking program modeled after Oakland’s pilot: 4-8 sites with 6-10 vehicles parked at business, school, community or faith-based site parking lots, including support and sanitation services. Vehicles with permits are exempt from Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120. Financial Implications: See report Contact: Cheryl Davila, Councilmember, District 2, 981-7120</p>
<p>5.</p>	<p>50. Referral Response: Tenant Opportunity to Purchase Act (TOPA) Ordinance <i>(Referred from the June 11, 2019 agenda.)</i> From: City Manager Contact: Kelly Wallace, Housing and Community Services, 981-5400</p>

CITY CLERK DEPARTMENT				
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL				
Address	Board/ Commission	Appeal Period Ends	Determination on Appeal Submitted	Public Hearing
NOD – Notices of Decision				
1111 Allston Way (single-family dwelling)	ZAB	7/8/2019		
2198 San Pablo Ave (new mixed-use development)	ZAB	7/8/2019		
Public Hearings Scheduled				
2325 Sixth St (single-family residence)	ZAB			TBD
Remanded to ZAB or LPC				
1155-73 Hearst Ave (develop two parcels)	ZAB			
90-Day Deadline: May 19, 2019				
2701 Shattuck Ave (construct 5-story mixed-use building)	ZAB			
90-Day Deadline: June 30, 2019				
Notes				

Last Updated: 6/24/19



City Clerk Department

July 1, 2019

To: Agenda and Rules Committee

From: Mark Numainville, City Clerk

Subject: Amendments to the City Council Rules of Procedure and Order

The attached document contains significant amendments to City Council Rules of Procedure and Order. The amendments are needed to update the Rules of Procedure (ROP) to incorporate the regulations adopted to govern City Council Policy Committees in Resolution 68,726-N.S. adopted on December 11, 2018. In addition, with three months of policy committee meetings completed, the need for amendments to the original policy committee regulations have surfaced. The amendments related to policy committees have ripples throughout the document and require changes to the sections for the Agenda Committee and the legislative process.

Some of the amendments related to policy committees are related to the participation of councilmembers. These amendments are being proposed due to a re-evaluation of the Brown Act's applicability to the policy committee process. After thorough review by the City Attorney's Office, the City Clerk Department, and the Chair of the League of California Cities Brown Act Committee, staff has concluded that new rules limiting participation by councilmembers are required. These changes are located on pages 20-21 of the attachment.

With the significant amendments needed to incorporate policy committees, staff recommends using this update to make other amendments related to the items below.

- Revised and Supplemental materials per the Open Government Ordinance
- Outdated language and agenda headings
- Clarification regarding public comment on appeals
- Parliamentary clarifications to adhere to Roberts Rules of Order
- Updates to reflect the move to BUSD Board Room
- Other minor modifications and technical corrections

A fully annotated version of the revised document with all amendments in track changes is attached.

The Rules of Procedure and Order are adopted by Resolution. Staff is seeking comments and suggestions from the Committee on the proposed changes and will submit the amendments to the full Council after the committee has taken action on the amendments.

* * *

The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. 68,753–N.S.
Effective
January 29, 2019

Table of Contents

I.	DUTIES	444
A.	Duties of Mayor	444
B.	Duties of Councilmembers	444
C.	Motions to be Stated by Chair	444
D.	Decorum by Councilmembers.....	444
E.	Voting Disqualification.....	444
F.	Requests for Technical Assistance and/or Reports	555
G.	City Council Policy for Naming and Renaming Public Facilities	555
II.	MEETINGS	666
A.	Call to Order - Presiding Officer.....	666
B.	Roll Call	666
C.	Quorum Call	666
D.	Council Meeting Schedule	666
E.	Adjournment	777
G.	City Council Recess Periods.....	777
H.	Pledge of Allegiance to the Flag	888
I.	Ad Hoc Subcommittees.....	888
III.	AGENDA	10109
A.	Declaration of Policy.....	10109
B.	Definitions	10109
C.	Procedure for Bringing Matters Before City Council	121210
D.	Packet Preparation and Posting	161614
E.	Agenda Sequence and Order of Business	171715
F.	Closed Session Documents	181816
G.	Regulations Governing City Council Policy Committees	
IV.	CONDUCT OF MEETING	252517
A.	Comments from the Public.....	252517
B.	Consent Calendar	272719
C.	Information Reports Called Up for Discussion	282820
D.	Communications.....	282820
E.	Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters	282820
F.	Work Sessions.....	292921
G.	Public Discussions	292921
H.	Protocol.....	303024
V.	PROCEDURAL MATTERS	313123
A.	Persons Authorized to Sit at Tables	313123
B.	Decorum	313123
C.	Enforcement of Decorum	313123
D.	Precedence of Motions	313123
E.	Roberts Rules of Order	323224
F.	Rules of Debate.....	323224
G.	Debate Limited	343425
H.	Motion to Lay on Table.....	343425
I.	Division of Question	343425
J.	Addressing the Council	343425
K.	Addressing the Council After Motion Made	353526

VI.	FACILITIES	<u>363627</u>
A.	Council Chamber Capacity	<u>363627</u>
B.	Alternate Facilities for Council Meetings	<u>363627</u>
C.	Signs, Objects, and Symbolic Materials	<u>363627</u>
D.	Fire Safety	<u>363627</u>
E.	Overcrowding	<u>363627</u>
APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES .		<u>373728</u>
APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS.....		<u>404034</u>

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.

Commented [NML1]: Standard current practice per City Charter

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 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 ~~absent~~ ~~recuse~~ themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

Commented [NML2]: Correct terminology

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.

G. City Council Policy for Naming and Renaming Public Facilities

The City Council Policy for Naming and Renaming Public Facilities adopted on January 31, 2012, and all its successors, is incorporated by reference into the City Council Rules of Procedure and included as Appendix A to this document.

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 at the conclusion of the business presently before the Council. In the absence of the two officers specified in this section, the ~~Councilmember~~council member present with the longest period of Council service shall preside.

Commented [NML3]: Amended to standardize use throughout the document

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 ~~Schedule~~Conduct of Business

~~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.~~

Commented [NML4]: Moved to more appropriate location below

~~Regular meetings of the City Council shall be held generally two to three Tuesdays of each month; 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.~~

The agenda for the regular business meetings shall include the following: Ceremonial; Comments from the City Manager; Comments from the City Auditor; 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. ~~Items removed from the Consent Calendar will be moved to the Action Calendar.~~ The Chair will determine the order in which the item(s) will be heard with the consent of Council.

Commented [NML5]: Items removed from Consent may have many other actions taken and listing this single action is misleading.

Upon request by any ~~Councilmember~~council member, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by any ~~Councilmember~~council member, a ~~Councilmember~~council member 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 Committee~~ 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.

Commented [NML6]: Amended to standardize use throughout the document

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 Committee~~ 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

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; 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. ~~Ceremonial~~ items may be taken up as special items noticed to be heard in advance of the scheduled start time of the regular meeting.

Commented [NML7]: Allows for possibility of starting earlier for ceremonial items

A recess period is defined as a period of time longer than 21 days without a regular ~~or special~~ meeting of the Council.

Commented [NML8]: Special meetings are as needed and are not factored in to the annual schedule that is adopted, which includes the recess periods.

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

II. MEETINGS

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 Committee~~ Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend ~~through~~ up to the deadline for submission of staff reports for date of the first meeting after the Council recess.

Commented [NML9]: The existing definition left a significant gap that did not allow City Manager action on administratively urgent items

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 ~~program~~ 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 Council ~~members~~ may ~~become~~ be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from ~~the~~ residents, related commissions, and other groups. 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 public and in accessible locations that are open to the public. 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.

II. MEETINGS

-City staff may attend and participate in subcommittee meetings. Depending on the desires of the subcommittee members, City staff may participate the same as members of the public, or may be called upon to offer insights or provide information during discussion.

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.

Certain requirements listed above may not apply to ad hoc subcommittees seeking legal advice and assistance from the City Attorney or meeting with the City Manager or his/her designees for purposes of real estate or labor negotiations.

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 ~~carried over~~ continued from a previous meeting and published on a revised agenda.

Commented [NML10]: Additional clarification

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 any ~~Councilmember~~ council member, 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 a ~~Councilmember~~ council member 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 three Co-Authors. Co-Authors to a Council agenda item must be designated and included on the agenda item when it is originally submitted to the City Clerk. Co-Authors may not be added after the item is initially submitted to the City Clerk.

Commented [NML11]: Must have certainty at the time of submission and throughout the process to properly monitor participation in policy committee meetings per the Brown Act. Limiting to three allows for more flexibility for compliance in the legislative process.

Agenda items shall contain all relevant documentation, including the information listed below and the recommended points of analysis in the Council Report Guidelines in Appendix B. following as applicable:

Commented [NML12]: Adding reference to the new guidelines.

- 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~~ report author that describes the action to be taken on the item, 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;

Commented [NML13]: Required by the Brown Act for all agenda items.

- 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.

~~j) If the 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.~~

Commented [NML14]: Outdated. We publish all materials except for the full administrative record of ZAB appeal.

2. "Co-Author" means the primary author of a council agenda item and other Councilmembers designated by the primary author to be co-authors of the council agenda item.

3. "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.

4. "Packet" means the agenda plus all its corresponding duplicated agenda items.

5. "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.

6. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier, ~~as uncompleted items.~~

7. "Old Business" Items carried over from a prior agenda of a meeting ~~as uncompleted items occurring~~ occurring more than 11 days earlier.

Commented [NML15]: Per Open Government Ordinance

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 any ~~Councilmember~~council member, the City Manager, the Auditor, or any board/commission/committee created by the City Council. All items, other than board and commission items shall be subject to review by ~~an the Agenda Committee~~Agenda & Rules Committee, which shall be a standing committee of the City Council. ~~The Agenda Committee shall consist of the Mayor and two councilmembers, nominated by the Mayor and approved by the Council. A third council member, nominated by the Mayor and approved by the Council, will serve as an alternate on the Committee in the event that an Agenda Committee member cannot attend a meeting.~~

Commented [NML16]: Superseded by policy committee section below

The ~~Agenda Committee~~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 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day.~~ The ~~Agenda Committee~~Agenda & Rules Committee packet, including a draft agenda and Councilmember, Auditor, and Commission reports shall be distributed by 5:00 p.m. 4 days before the ~~Agenda Committee~~Agenda & Rules Committee meeting.

Commented [NML17]: Clarification

The ~~Agenda Committee~~Agenda & Rules Committee shall have the powers set forth below.

- a) **Items Authored by a Councilmember or the Auditor.** As to items authored by the Mayor, a Councilmember, or the Auditor, the ~~Agenda Committee~~Agenda & Rules Committee shall review the item and may recommend that the matter be referred to a commission, to the City Manager, a policy committee, or back to the author for adherence to required form or for 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.

The author of a "referred" item must inform the City Clerk within 24 hours of the adjournment of the ~~Agenda Committee~~Agenda & Rules Committee meeting whether ~~he or she~~they prefers to: 1) hold the item for a future meeting pending modifications as suggested by the Committee; 2) have the item appear on the Council agenda under consideration as originally submitted; 3) pull the item completely; or 4) re-submit the item with revisions as requested by the ~~Agenda Committee~~Agenda & Rules Committee ~~within~~ 24 hours of the adjournment of the ~~Agenda Committee~~Agenda & Rules Committee meeting for the Council agenda under consideration. ~~Option 2 is not available for items eligible to be referred to a policy committee.~~

Commented [NML18]: Current practice

Commented [NML19]: Per policy committee regulations

In the event that the City Clerk does not receive guidance from the author of the referred item within 24 hours of the ~~Agenda Committee~~Agenda & Rules Committee's adjournment, the recommendation of the ~~Agenda Committee~~Agenda & Rules Committee will take effect.

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. ~~If changes made to the item extend beyond the scope of the Agenda Committee referral recommendations, the item must be re-submitted as a new Council item.~~

Commented [NML20]: Unnecessary. If the item is being submitted for a future meeting, it is a "new" item.

~~For authors of referred items that select option 2) above, the referred item will automatically be placed at the end of the Action Calendar under the heading "Referred Items". The Agenda Committee shall specify the reason for the referral from the categories listed below. This reason shall be printed with the item on the agenda.~~

Commented [NML21]: No longer needed with the policy committee system.

~~Reason 1 — Significant Lack of Background or Supporting Information
Reason 2 — Significant Grammatical or Readability Issues~~

- b) **Items Authored by the City Manager.** The ~~Agenda Committee~~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 Committee~~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 ~~referral recommendation of the Agenda Committee~~Agenda & Rules Committee or ~~revised items that have not been resubmitted to the Agenda Committee~~ will automatically be placed on the Action Calendar.

Commented [NML22]: Inconsistent with current practices. Staff reports are still in review and are not printed in the Agenda & Rules Committee packet.

- 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 Committee~~Agenda & Rules Committee.
- i) For a commission item that does not require a companion report from the City ~~Manager~~Manager, the ~~Agenda Committee~~Agenda & Rules Committee may act on an agendaized commission report 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. Allow the item to proceed as submitted.

ii) For any commission report that requires a companion report, the ~~Agenda Committee~~ [Agenda & Rules Committee](#) will schedule the item on a Council agenda 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 Committee~~ [Agenda & Rules Committee](#). A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph c.i. above.

d) The ~~Agenda Committee~~ [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 ~~of the Rules of Procedures and Order~~.

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 ~~Council member~~ [council member](#) is received by the City Clerk after established deadlines and is not included on the ~~Agenda Committee~~ [Agenda & Rules Committee](#)'s published agenda.

The author of the report shall bring any reports submitted as Time Critical to the meeting of the ~~Agenda Committee~~ [Agenda & Rules Committee](#). Time Critical items must be accompanied by complete reports and statements of financial implications. If the ~~Agenda Committee~~ [Agenda & Rules Committee](#) finds the matter to meet the definition of Time Critical, the ~~Agenda Committee~~ [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 Committee~~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 Council-member 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 Councilmember evaluation.

Commented [NML23]: Per Open Government Ordinance

~~a)~~

- b)c) After ~~5~~12:00 p.m. ~~seven~~one calendar days 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 Council member 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. 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.~~

Commented [NML24]: Reflects current practice, which is much less formal than deleted text.

~~Any request for a presentation to the Council will be submitted as an agenda item and follow the time lines for submittal of agenda reports. The agenda item should include general information regarding the purpose and content of the presentation; information on the presenters; contact information; and the length of the presentation. The request may state a preference for a date before the Council. The Agenda Committee will review the request and recommend a presentation date and allotted time based on the Council's schedule.~~

~~The City Clerk will notify the presenters of the date and time of the presentation and will coordinate use of any presentation equipment and receipt of additional written material.~~

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 duplicated 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. ~~Reports carried over, as Continued Business or Old Business need not be reproduced again.~~

Commented [NML25]: Inconsistent with OGO

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.5.
 - 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

Commented [NML26]: Edits to reflect current order

~~f) — Referred Items~~

4. Information Reports

~~4-5. Non-Agenda Public Comment~~

~~5-6. Adjournment Communications~~

~~6-7. Communications Adjournment~~

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

The ~~Agenda Committee~~ Agenda & Rules Committee shall have the authority to reorder 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

1A. Legislative Item Process

All agenda items begin with submission to the Agenda Committee~~Agenda & Rules Committee~~.

Full Council Track

Items under this category are exempt from Agenda Committee~~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 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
- ~~k.l. Committee and Regional Body Appointments~~

Commented [NML27]: Regulations from the Policy Committee resolution are inserted in red text; changes to the resolution language are in track changes

Commented [NML28]: Clarification

Commented [NML29]: Standard administrative item

Notwithstanding the exemption stated above, the Agenda Committee~~Agenda & Rules Committee~~, at its discretion, may route a Full Council Track item submitted by a Councilmember to a policy committee if the item has 1) a significant lack of background or supporting information, or 2) significant grammatical or readability issues.

The Agenda Committee~~Agenda & Rules Committee~~ has discretion to determine if an item 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 Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda Committee~~Agenda & Rules Committee~~ on a draft City Council agenda ~~(on a list)~~.

Commented [NML30]: Clarification

The Agenda Committee~~Agenda & Rules Committee~~ must refer an item to a policy committee at the first meeting that the item appears before the Agenda Committee~~Agenda & Rules Committee~~.

III. AGENDA

& Rules Committee. The ~~Agenda Committee~~ Agenda & Rules Committee may only assign the item to a single policy committee.

For a Policy Committee Track item, the ~~Agenda Committee~~ 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 ~~Council member~~ council member is received by the City Clerk after established deadlines and is not included on the ~~Agenda Committee~~ Agenda & Rules Committee's published agenda.

The ~~Agenda Committee~~ 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 will 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 Committee~~ Agenda & Rules Committee may go directly on a council agenda if determined to be time critical.

B2. 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 within the committee's subject matter jurisdiction outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a policy committee may co-author an item provided that one of the authors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or and action on the item. For purposes of the item, the appointed alternate will serve as a committee member in place of the non-participating co-author.

Commented [NML31]: New requirements due to re-evaluation of Brown Act applicability to policy committees

- d. All three members of a policy committee may not be co-authors of an item that will be heard by the committee.
- e. Only one co-author 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 is present to participate in the discussion of their item, no other councilmembers may attend as observers.
- g. An item may be considered by only one policy committee before it goes to the full Council.

C4. 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.
- f.g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- g.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.
- h.j. No final action may be taken on an item for which revised or supplemental materials were submitted at the meeting. Per Brown Act regulations, any such materials must

Commented [NML32]: Clarification of authority; reflects Charter

Commented [NML33]: Added for transparency and to avoid violations arising from submission of materials only tangentially related to the agendized items

III. AGENDA

be direct revisions or supplements to the item that was published in the agenda packet.

Items referred to a policy committee from the Agenda Committee 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 author's request that the item remain in committee until a date certain (more than one extension may be requested by the author); or (2) send the item to the Agenda Committee 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 will include their recommendation will be included in a new 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.

Commented [NML34]: Clarification of authority. Commissions are advisory to the Full Council

The original Council 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 agenda process by the members of the committee.

Commented [NML35]: Clarification of responsibility for shepherding items through process

A policy committee may refer an item to another policy committee for review. The total time for review by all policy committees is limited to the initial 120-day deadline.

Commented [NML36]: Inconsistent with Brown Act – review by two committees would result in an illegal serial meeting

If a policy committee does not take final action by the 120-day deadline, the item is returned to the Agenda Committee Agenda & Rules Committee and appears on the next available Council agenda. The Agenda Committee 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

Commented [NML37]: Closes "endless loop" loophole

referred to a policy committee and must remain on the full Council agenda for consideration.

Non-legislative or discussion items may be added to the Policy Committee agenda by members of the Committee with the concurrence of a quorum of the Committee. These items are not subject to the 120-day deadline for action.

Commented [NML38]: Clarification

Once the item is voted out of a policy committee, the final item will be resubmitted to the agenda process by the author, and it will return to the Agenda Committee~~Agenda & Rules Committee~~ on the next available agenda. ~~The Agenda Committee~~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.

Commented [NML39]: Clarification

The lead 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 item first appeared on the committee agenda.

5D. Number and Make-up of Committees

Six committees are authorized, each comprised of three ~~Ce~~councilmembers with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The committees are as follows:

Commented [NML40]: This will allow two members of a policy committee to co-author an item. The Alternate will substitute for one of the co-authors while the item is heard by the policy committee.

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 Committee~~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.

Commented [NML41]: Clarification

6E. 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

III. AGENDA

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 stand and 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, 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 and public comment and action on consent items, 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.](#)

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.

Commented [NML42]: Reflects existing due process standards

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.

~~According to the current Rules and Procedures 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 Committee~~ 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, ~~C~~ouncilmembers, 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.

IV. CONDUCT OF MEETING

It is the policy of the Council that ~~C~~eouncilmembers 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 any ~~Councilmember~~council member shall be added to the appropriate section of ~~the Reports for 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 any ~~Councilmember~~council member a Report for Information may be acted upon by the Council.

D. Communications

Letters 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. A ~~Councilmember~~council member may refer a communication to ~~staff~~ 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.

Commented [NML43]: Clarification per OGO

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.

Commented [NML44]: Same as above

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.

Commented [NML45]: Current practice. Matches existing language for appeals above.

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. Public Discussions

Commented [NML46]: Unnecessary. A "public discussion" must still occur at a noticed meeting which is regulated by the Brown Act, OGO, and this document.

IV. CONDUCT OF MEETING

~~The City Council may, from time to time, schedule a matter for public discussion and may limit the amount of time to be devoted to said discussions. At the time the public discussion is scheduled, the City Council may seek comment from others if they so determine.~~

H. 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~~council member 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. ~~message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.~~

Commented [NML47]: Clarification that Clerk forwards written communications only, not verbal messages

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 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 ~~adjourn~~, amend, or substitute, shall be put to a vote without debate.

Commented [NML48]: Motion to adjourn is not debatable pursuant to Roberts Rules

E. Roberts Rules of Order

Roberts 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 ~~supercede~~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 ~~Councilmember~~council member 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 ~~Councilmember~~council member 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 on the day 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 ~~and seconded~~ by a member one of the prevailing sides, 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.

Commented [NML49]: Must happen at the same meeting, not just the same day.

Commented [NML50]: Inconsistent with Roberts Rules. Requiring a seconder to be on the prevailing side could infringe on a single member's right to reconsider their vote.

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. ~~Except as provided in Section V.F.b hereof, e~~ 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 ~~Good of the City 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, the previous question, which, if passed, shall require an immediate vote on pending motions.
2. The time limit set forth in subparagraph ~~a-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~~ council member 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~~ council member 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 ~~subparagraph Section a-4D~~ 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

~~Any person desiring to address the Council shall first secure the permission of the presiding officer to do so.~~ Under the following headings of business, unless the presiding officer rules otherwise, any ~~qualified and~~ 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.

Commented [NML51]: Exactly restated later in same paragraph

Commented [NML52]: Not sure what could be meant by "qualified"

Interested parties or their authorized representatives may address the Council ~~by 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.~~

~~Communications pertaining to an item on the agenda which are received by the City Clerk after the deadline for inclusion in the Council Agenda packet and through 5:00 p.m. seven calendar days prior to the meeting shall be compiled into a supplemental communications packet. The supplemental communications packet shall be made available to the City Council, public and members of the press no later than five days prior to the meeting.~~

~~Communications received by the City Clerk after the aforementioned deadline and by noon on the day of a Council meeting shall be duplicated by the City Clerk and submitted to the City Council at the meeting if related to an item which is on the agenda for that meeting. Communications submitted at the Council meeting will be included in the public viewing binder and in the Clerk Department the day following the meeting.~~

Commented [NML53]: Described elsewhere and unnecessary here.

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 a ~~Councilmember~~~~council member~~ shall address the Council without first securing the permission of the presiding officer or Council to do so.

VI. FACILITIES

A. Council Chamber Capacity

~~Council Chamber~~ Attendance at council meetings shall be limited to the posted seating capacity of the meeting location~~thereof~~. Entrance to the ~~City Hall~~ meeting location will be appropriately regulated by the City Manager on occasions when ~~the Council Chamber~~ capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the ~~Council Chamber~~ meeting room except to address the Council, and sitting on the floor shall not be permitted. ~~The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers.~~

Commented [NML54]: Updated to reflect new locations of meetings and to not be as specific with regards to meeting locations

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 ~~City Council Chambers~~ 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 ~~City Council Chambers~~ 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 ~~City Council Chambers~~ 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 ~~Council Chamber~~ 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 ~~Council Chambers~~ meeting location has ~~have~~ 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.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

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 Committee](#) ~~Agenda & Rules Committee~~ to request that the 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 author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
 2. Consent/Action/Information Calendar
 3. Recommendation
 4. Summary Statement/Current situation and its effects
 5. Background
 6. Review of Existing Plans, Programs, Policies and Laws
 7. Actions/Alternatives Considered
 8. Consultation/Outreach Overview and Results
 9. Rationale for Recommendation
 10. Implementation, Administration and Enforcement
 11. Environmental Sustainability
 12. Fiscal Impacts
 13. Outcomes and Evaluation
 14. Contact Information
 15. Attachments/Supporting Materials
-

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement/ “Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials